TOWNSHIP OF SOUTH FRONTENAC
COMMITTEE OF ADJUSTMENT MEETING
AGENDA

TIME: 7:00 PM,
DATE: Thursday, December 10, 2020
PLACE: Virtual via Zoom.

1. *Call to Order*

a) Resolution

2. *Virtual Meeting Information*

a) The meeting will be live streamed at the following link: http://www.facebook.com/SouthFrontenacTwp/

Please visit the Virtual Committee of Adjustment Meetings page on the Township website for the link to register to be a participant in this meeting: https://www.southfrontenac.net/en/open-for-business/virtual-committee-of-adjustment-meetings.aspx

Instructions about participating via Computer, Laptop, Smartphone, Tablet and Telephone can be found at the above noted link as well.

b) During the Committee of Adjustment meeting staff will be following a PowerPoint Presentation, this presentation will be live-streamed on Facebook at the above noted link, but can also be viewed in the attached document. 4 - 86

3. *Adoption of Agenda*

a) Resolution

4. *Declaration of pecuniary interest*

5. *Approval of Minutes – November 12, 2020*

a) Resolution

6. *Previous Minor Variance Applications*

a) MV-39-20-L (Strickland) 87 - 103
Location: Part of Lot 22 and 23, Concession 12, being Parts 8 – 10 on Plan 13R14860, District of Loughborough, Township of South Frontenac, municipally known as 92B Kismet Lane, Buck Lake.
Purpose of Application: To vary sections 7.3.2 and 5.8.2 a) and b) of the Zoning By-law to permit an accessory building (shed) with a minimum 10 metre (33 foot) front yard setback and setback from the high water mark of Buck Lake, whereas the Zoning By-law requires a 30 metre (98.4 feet) from the high water mark and a to also vary the minimum 15 metre (49.2 feet) horizontal of the top of bank of any embankment.

b) MV-40-20-L (Vanderhaar) 104 - 130
Location: Part of Lot 23, Concession 13, District of Loughborough, Township of South Frontenac, 1229 Twin Island Lane, Buck Lake
Purpose of Application: To vary section 10.3.1 of the Zoning By-law to permit a seasonal dwelling with an attached deck and screened porch with a minimum 7.5 metre (24.6 foot) rear yard depth, and to allow a maximum 6.6% lot coverage for the principal

building.

c) MV-41-20-L (McLachlan) 131 - 151
Location: Part of Lots 10 and 11, Concession 6, District of Loughborough, Township of South Frontenac, being Parts 1, 2 and 3 on Plan 13R20492, Kennedy Island, Sydenham Lake
Purpose of Application: To vary sections 5.8.2 a) and 11.3.1 of the Zoning By-law to permit a seasonal dwelling with a minimum 27 metre (88.6 foot) front yard depth and setback from the high water mark of Sydenham Lake, measured to the western shoreline. Also, to vary section 11.3.1 to permit the same seasonal dwelling with a minimum 19.4 metre (63.6 foot) setback from the floodline of Sydenham Lake, measured to the east.

7. *New Minor Variance Applications:*

a) MV-45-20-L (Kelsey) 152 - 171
Location: Lot 7, Concession 5, District of Loughborough, Township of South Frontenac, being Part 1 on Plan 13R4354 and Part 1 and 3 on Plan 13R5712, municipally known as 1073 Carslake Lane, Sydenham Lake.
Purpose of Application: To vary section 10.3.1 and 5.8.2a) of the Zoning By-law to permit the construction of an addition to the rear of an existing dwelling with the addition being located 23.5 metres (77 feet) from the front yard and the high water mark of Sydenham Lake.

b) MV-46-20-S (Robinson) (Caldas) 172 - 189
Location: Lot 21 Concession 5 being on Plan FVLCP 76 Level 1 Unit 15, District of Storrington, Township of South Frontenac, municipally known as 1096 Applewood Lane, Loughborough lake.
Purpose of Application: To vary section 5.24.2 of the Township of South Frontenac Comprehensive Zoning By-Law to permit an accessory building, being a detached garage in the projected front yard of a property located in the RLSW-101 Special Limited Service Residential Waterfront zone.

c) MV-47-20-B (Orr) 190 - 206
Location: Lot 6, Concession 3, District of Bedford, Township of South Frontenac, being Part 1, 2 and 3 on Plan 13R8565, municipally known as 111 Second Heaven Lane, Thirty Island Lake.
Purpose of Application: To vary section 10.3.1 and 5.8.2a) of the Zoning By-law to permit the construction of a seasonal dwelling with attached screen porch and deck located 16.8 metres (55 feet) and 14.3 metres (47 feet) respectively from the front yard and the high water mark of Thirty Island Lake.

8. *Other Business*

a) Report to Committee of Adjustment - Decisions on Delegated Consents 207 - 210

b) Discussion with respect to the Provincial Government and changing the Conservation Authorities Roll.

9. *Adjournment*

a) Resolution

Township of South Frontenac

Committee of Adjustment Meeting

Thursday, December 10, 2020

7:00 p.m. Council Chambers Virtual Meeting

4432 George Street, Sydenham, ON

South Frontenac

Welcome to Virtual Meeting for the Committee of Adjustment

This is a hearing of the Committee of Adjustment for the Township of South Frontenac. All members of the public are muted on our end and your cameras will not be turned on.

Committee Members

- Alan Revill (Chair of the Committee)
- Norm Roberts
- Mike Nolan
- Ray Leonard
- Mike Howe
- Tom Bruce
- Ken Gee
- Randy Ruttan

Township Staff

- Anna Geladi (Planner)
- Claire Dodds (Director)
- Christine Woods (Senior Planner)
- Michelle Hannah (Planning Assistant & Secretary Treasurer)

Format for the Meeting

1. The Chair will introduce the file
2. The Planner will provide an overview of the application
3. Comments from:
    1) Committee Members
    2) Applicant / Agent
    3) Members of the Public
4. The Committee will then deliberate and vote on the application
5. The Chair will state whether the vote was carried

Appeal Rights

- If a person or public body does not make oral submissions at the meeting or make written submissions to the Township of South Frontenac before a decision is made, the person or public body is not entitled to appeal the decision.
- The applicant, the Minister, or any other person or public body who has an interest in the matter may within 20 days of making the decision or date of notice appeal to the Local Planning Appeal Tribunal against the decision of the committee by filing with the Secretary-Treasurer of the Committee a notice of appeal.
- Township staff will be in contact with the applicant following the meeting. Where a decision has been made, the decision will be forwarded to the applicant and anyone who has requested to be notified within 15 days of this meeting.
- If you have any questions after the meeting, please reach out to staff.

How to Speak to an Application

- The Chair of the meeting will open the floor to public comments
- Click “Raise Hand” button to request to speak or dial *9 (star nine) when calling in by telephone
- The Chair will recognize a member of the public, and the Meeting Host will unmute the member of the public
- Once the member of the public is done speaking or the Committee has no further questions, the Meeting Host will mute their microphone

In Case of Technical Difficulties

- If a Committee member disconnects from the meeting, the meeting will proceed if quorum is met and the Committee member will attempt to reconnect.
- Should all members of the Committee disconnect, members will be asked to reconnect.
- If the meeting cannot be restored within 15 minutes, the meeting will be postponed.
- Staff will be in touch with applicants.
- A notice will also be posted on the Township's social media letting you know.

Agenda

- Call to Order
- Adoption of Agenda
- Declaration of Pecuniary Interests
- Approval of Minutes of Previous Meeting
- Previously Deferred Minor Variance Applications
- New Minor Variance Applications
- Other Business
- Adjournment

Previously Deferred Minor Variance Applications

MV-39-20-L
Strickland

Recommendation: Approval

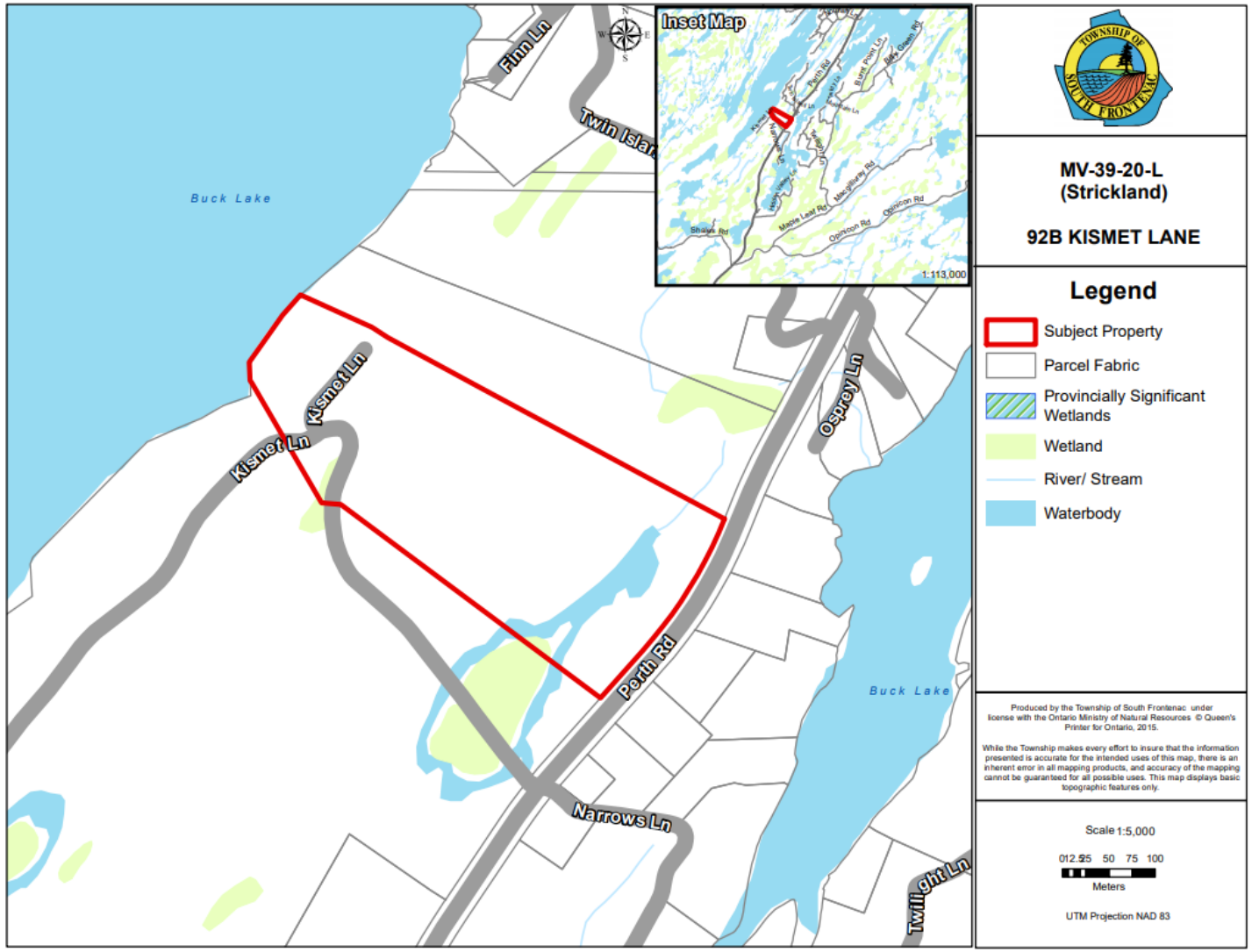
- pending comments received from the public
- subject to conditions

Applicant: Peter Strickland

Location of Property: 92B Kismet Lane, Buck Lake, Loughborough District

OP Designation: Rural

Zoning: Rural

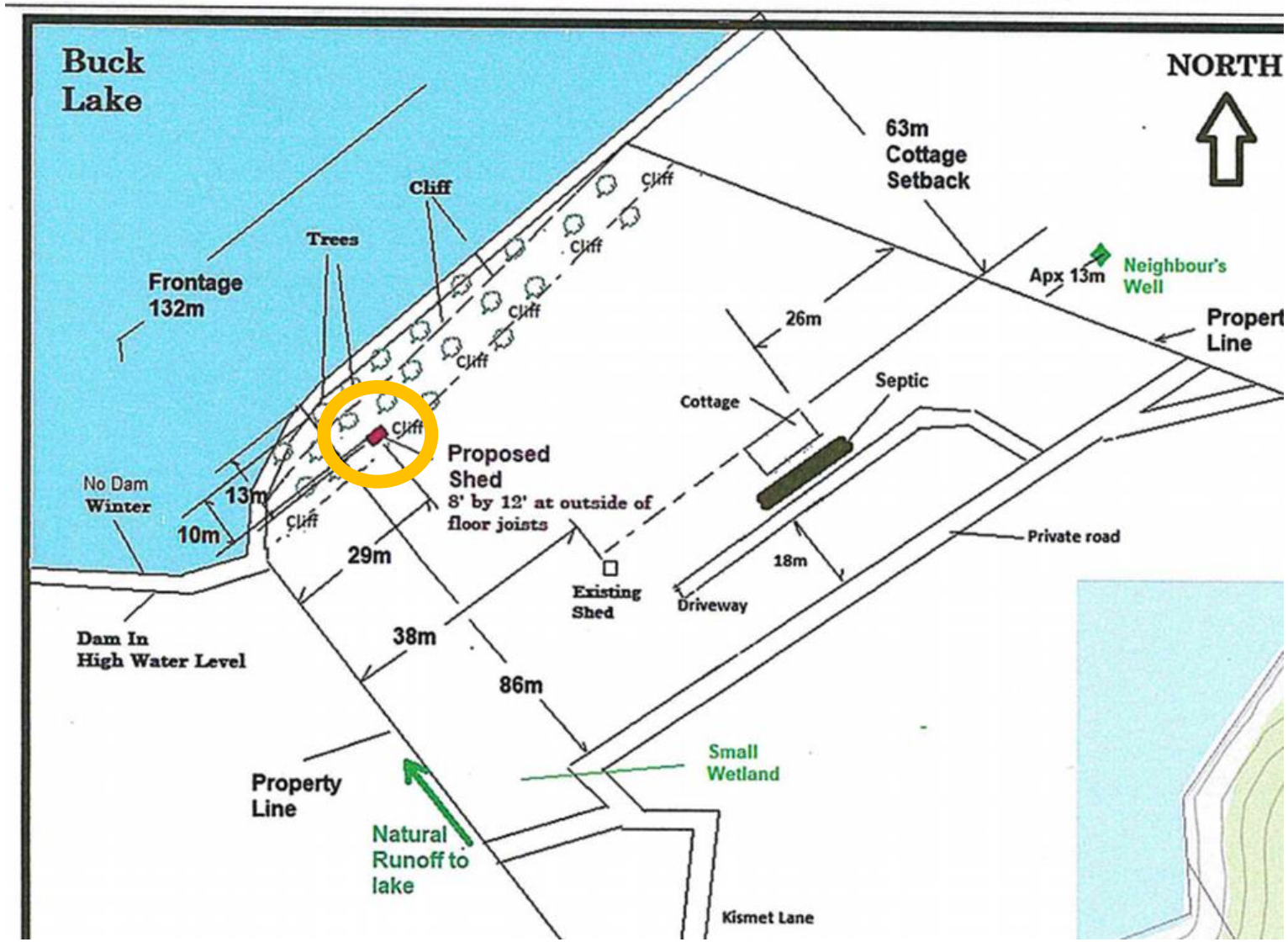


Proposal

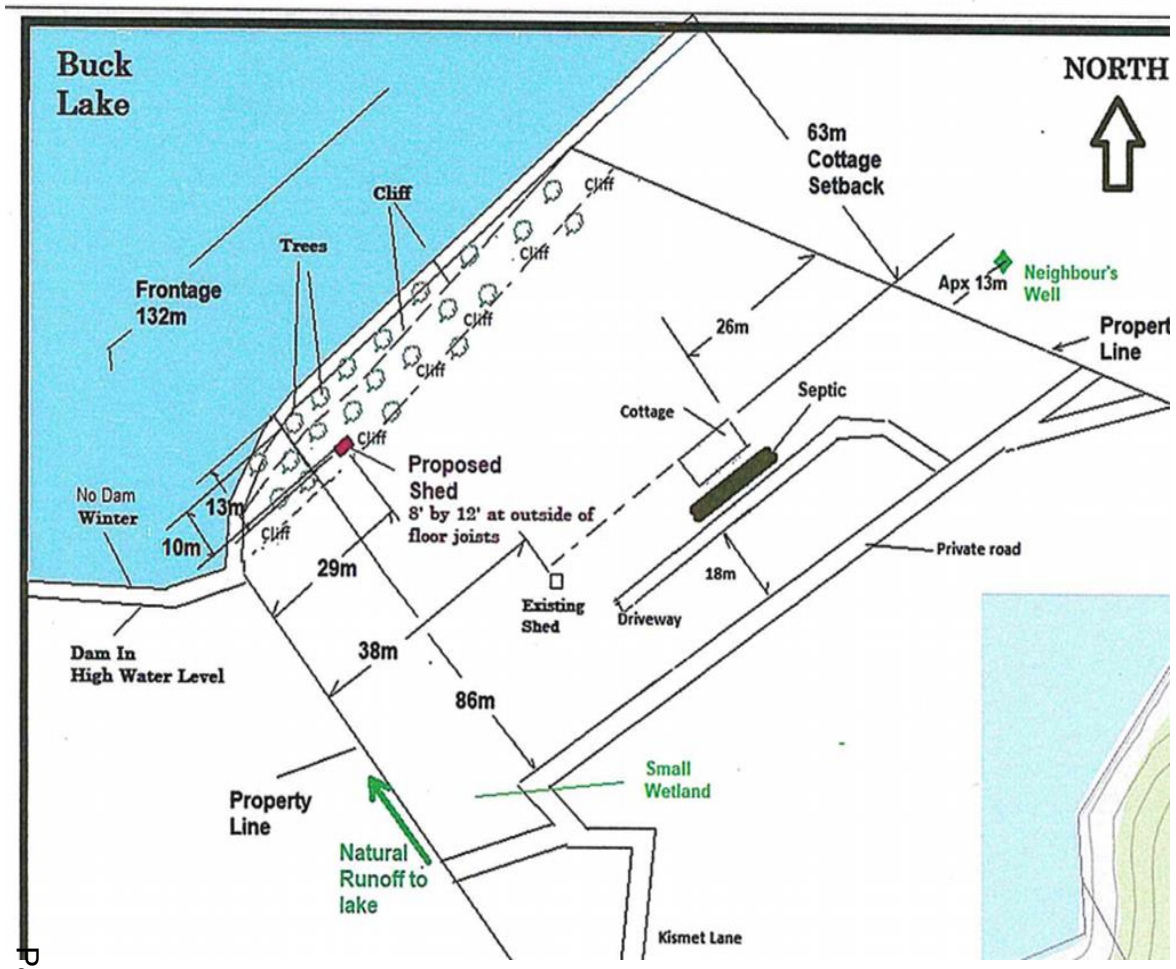
- Permit an accessory building (shed) 10 metres from the highwater mark and 10 metres from top of bank

Relief Requested

- Highwater mark setback
- Top of bank setback



File: MV-39-20-L







Proposed location of shed

Department, Agency and Public Comments

Public Services Department – Not circulated due to the nature of the application.

KFL&A Public Health – Not circulated due to the nature of the application.

Cataraqui Conservation – No objection to the approval of the minor variance.

- Recommend that roof runoff be directed away from the lake and that the area between the development and the lake be maintained as a vegetated buffer.

Ministry of Environment, Conservation and Parks – Not circulated due to the nature of the application.

Public Comments – No written comments have been received from the public.

The Application meets the Four Tests of a Minor Variance under the *Planning Act*

1. Maintains the general intent and purpose of the Township of South Frontenac Official Plan
2. Maintains the general intent and purpose of the Township of South Frontenac Zoning By-law 2003-75
3. Is desirable for the appropriate development of the lands in question
4. Is minor

Application: MV-39-20-L
Owner: Peter Strickland
Location of Property: 92B Kismet Lane, Buck Lake, Loughborough District

Recommendation

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-39-20-L, subject to conditions.

Proposed Conditions

- The Minor Variance is approved in accordance with plans submitted
- A building permit must be obtained for all demolition and construction
- MV-39-20-L is only applicable to South Frontenac Township Comprehensive Zoning By-Law 2003-75 and not to any subsequent zoning by-laws

Comments & Questions

1. Committee Members
2. Applicant / Agent
3. Members of the Public

If you would like to speak:

- Use “Raise Hand” feature at the bottom of your screen
- If you are calling in by phone, please dial *9 (star nine)

<u>Please wait to speak until you hear your name and your microphone has been unmuted.</u>

Resolution & Voting

Upon the Chair asking if any member of the Committee is opposed to the Resolution, please advise if you are opposed. The chair will call if the vote is carried or is lost.

MV-40-20-L
Vanderhaar

Recommendation: Approval

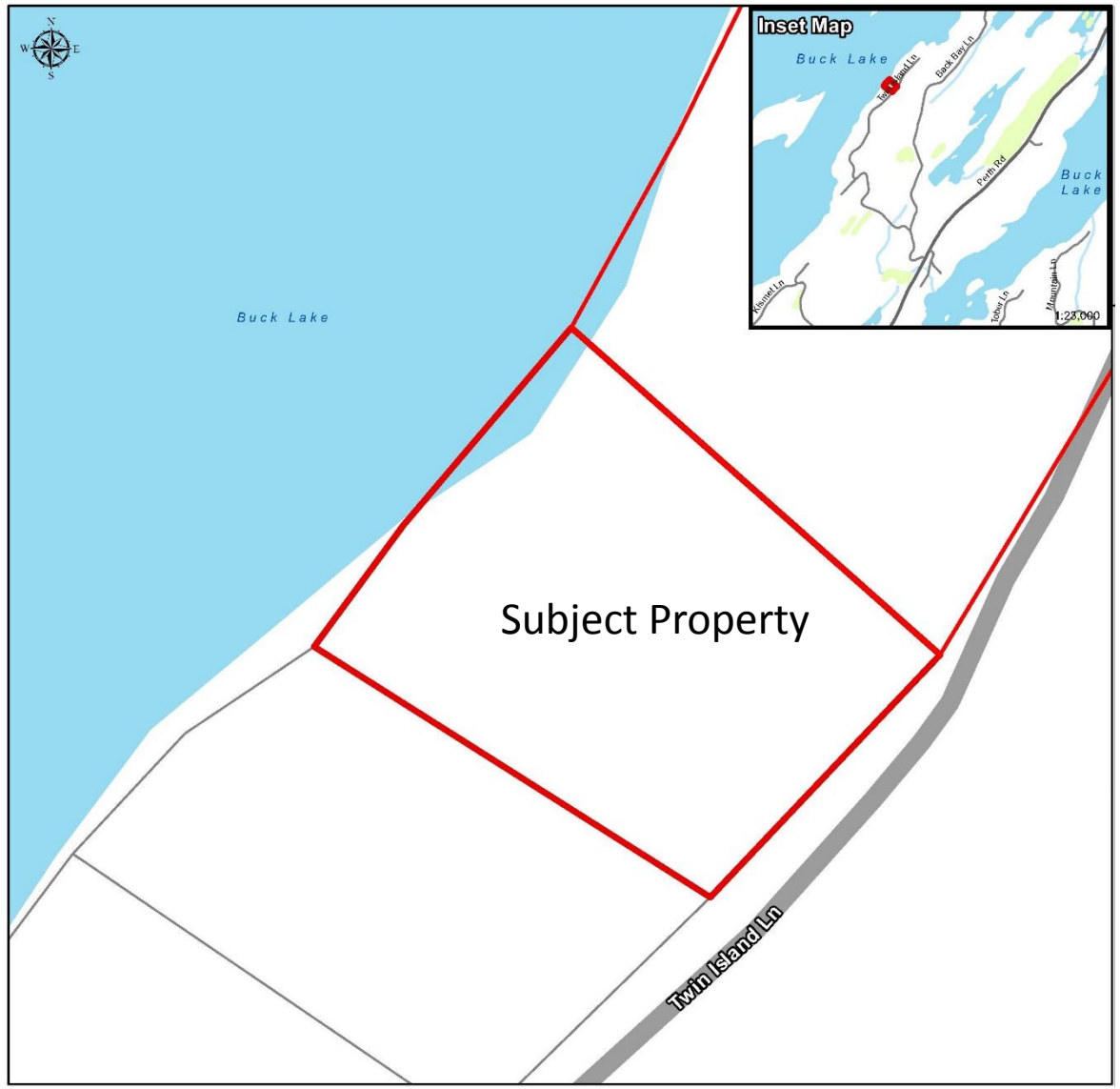
- pending comments received from the public
- subject to conditions

Applicants: Brad and Amanda Vanderhaar

Location of Property: 1229 Twin Island Lane, Buck Lake

OP Designation: Rural

Zoning: Limited Service Residential - Waterfront

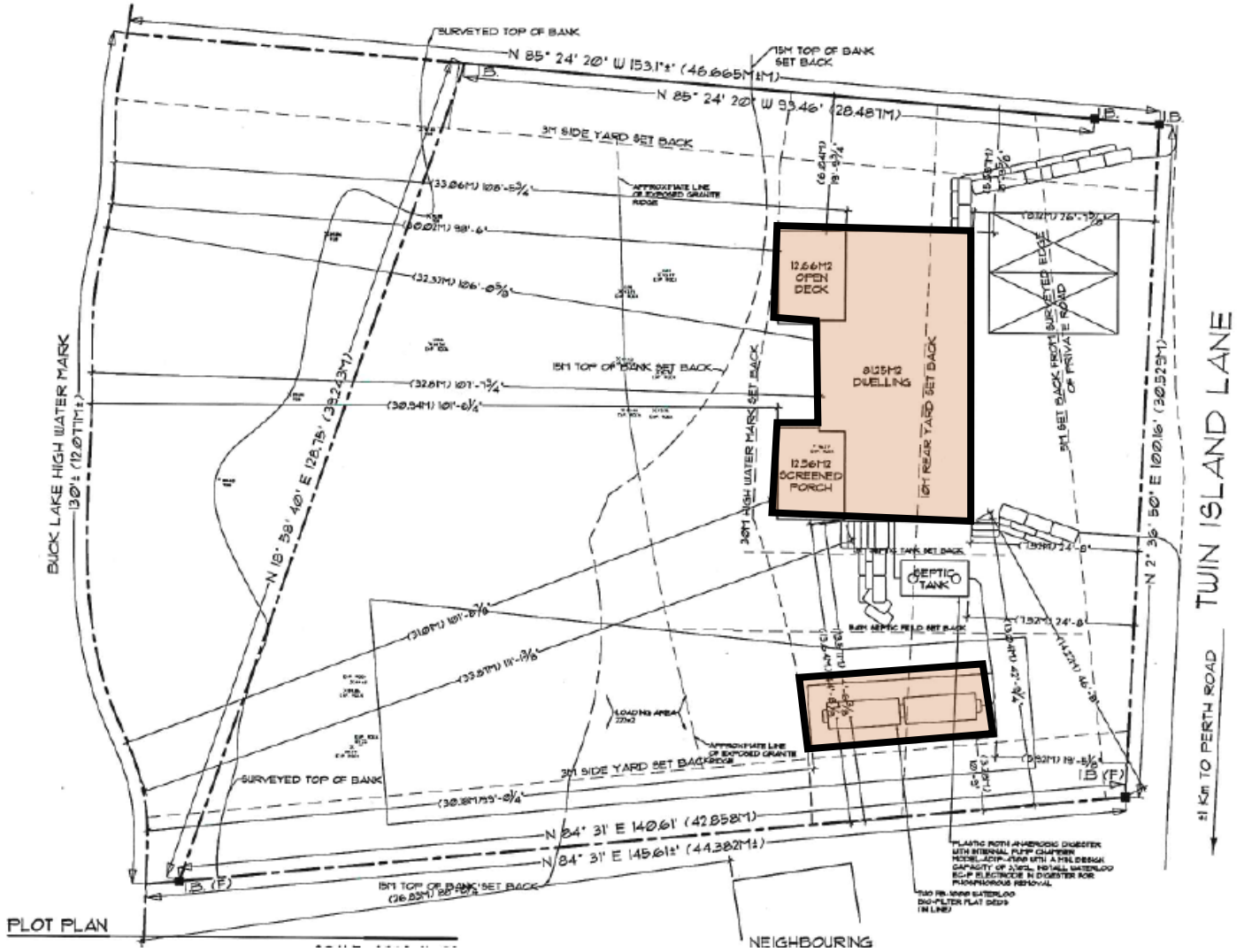


Proposal

- Construct a seasonal dwelling with a walkout basement and an attached deck and screened porch
- Install a sewage system

Relief Requested

- rear yard depth
- lot coverage





Proposed location of dwelling relative to Twin Island Lane

Department, Agency and Public Comments

Public Services Department: Not circulated as the subject property is located on a private lane

Building Department: No objection

KFL&A Public Health: No objection

Cataraqui Conservation: No objection. They were satisfied with the efforts to reduce the building footprint. A permit will be required under O. Reg. 148/06.

Ministry of Environment, Conservation and Parks: No objection. They support efforts to lighten footprint and potential environmental impacts.

Public Comments: No written comments received

The Application meets the Four Tests of a Minor Variance under the *Planning Act*

1. Maintains the general intent and purpose of the Township of South Frontenac Official Plan

2. Maintains the general intent and purpose of the Township of South Frontenac Zoning By-law 2003-75

3. Is desirable for the appropriate development of the lands in question

4. Is minor

Application: MV-40-20-L
Owner: Brad and Amanda Vanderhaar
Location of Property: 1229 Twin Island Lane

Recommendation

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-40-20-L, subject to conditions.

Proposed Conditions

- The Minor Variance is approved in accordance with plans submitted
- A site plan agreement will be required to be registered on title
- A building permit must be obtained for all demolition and construction
- MV-40-20-L is only applicable to South Frontenac Township Comprehensive Zoning By-Law 2003-75 and not to any subsequent zoning by-laws

Comments & Questions

1. Committee Members
2. Applicant / Agent
3. Members of the Public

If you would like to speak:

- Use “Raise Hand” feature at the bottom of your screen
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<u>Please wait to speak until you hear your name and your microphone has been unmuted.</u>

Resolution & Voting

Upon the Chair asking if any member of the Committee is opposed to the Resolution, please advise if you are opposed. The chair will call if the vote is carried or is lost.

MV-41-20-L
McLachlan

Recommendation: Approval

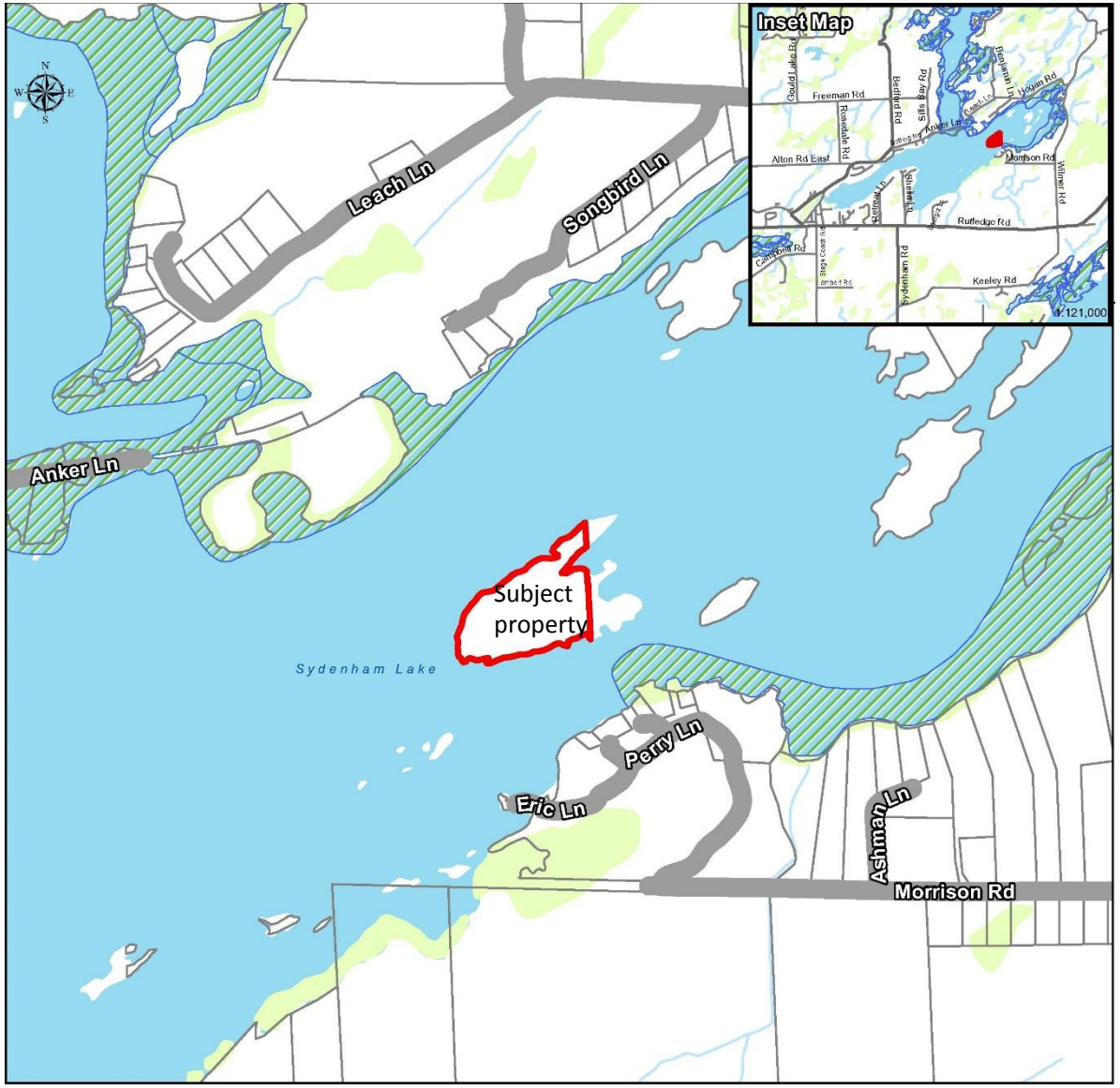
- pending comments received from the public
- subject to conditions

Applicant: Michael McLachlan

Location of Property: Kennedy Island, Sydenham Lake

OP Designation: Rural

Zoning: Limited Service Residential - Island

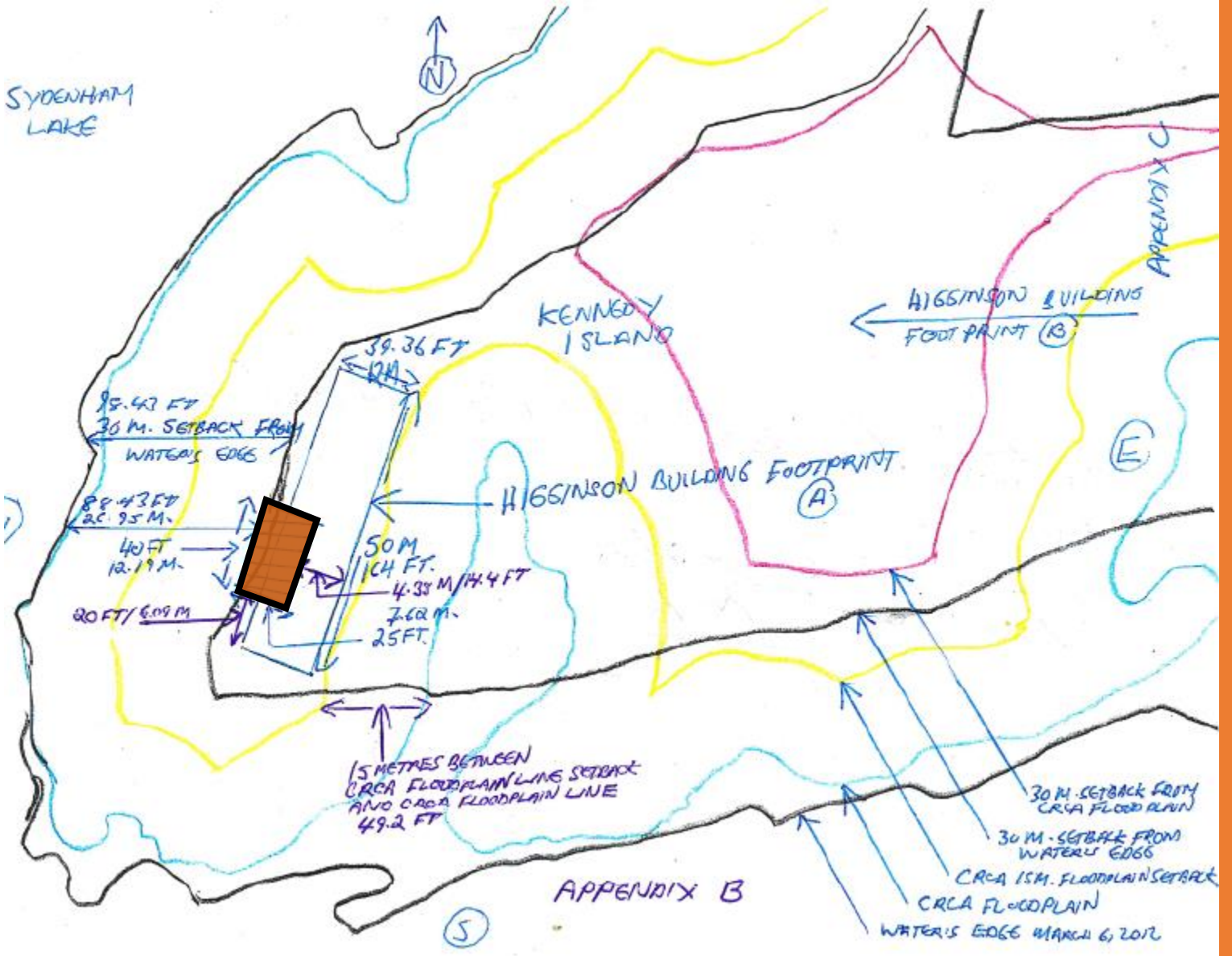


Proposal

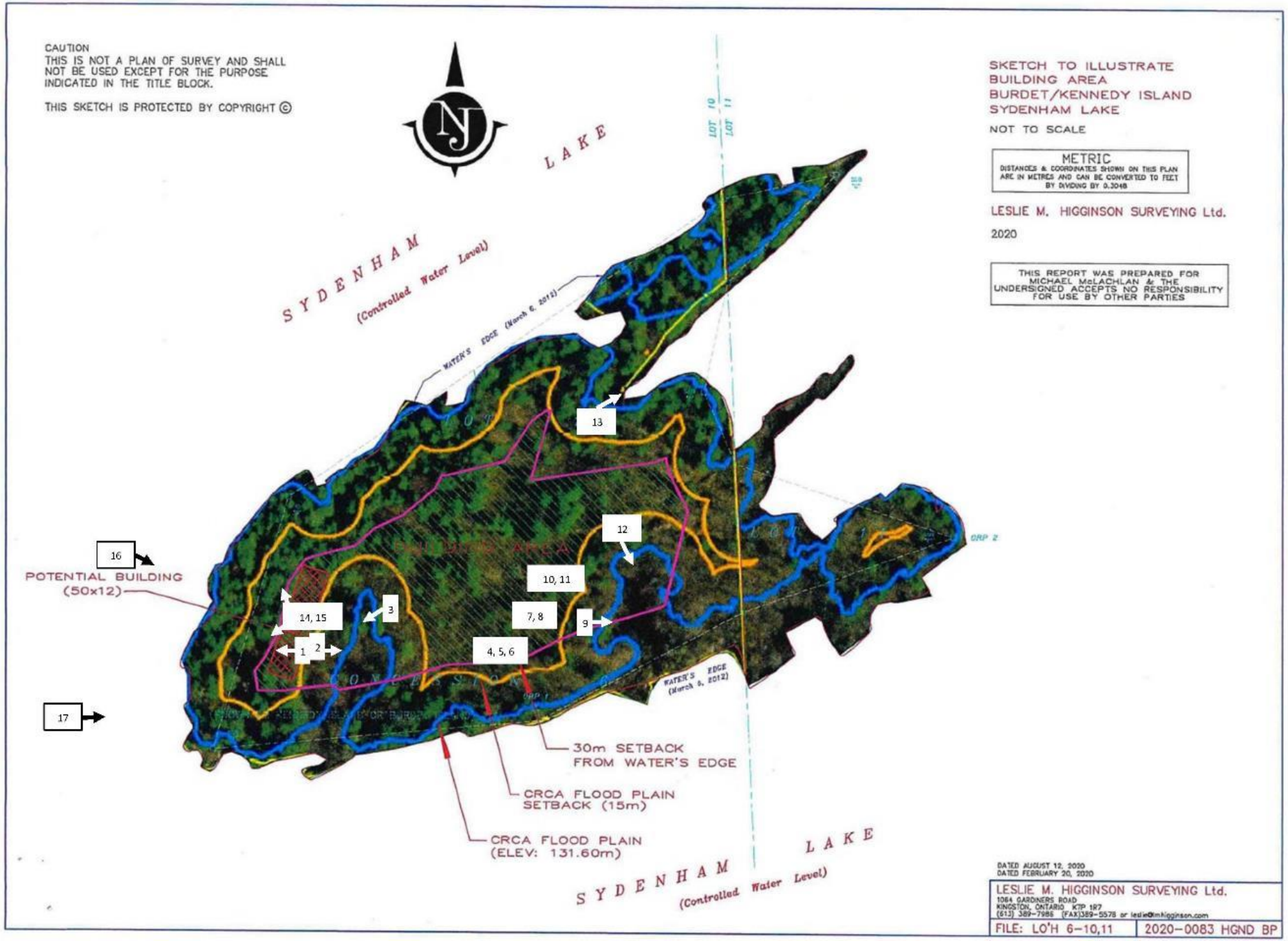
- Construct a seasonal dwelling with no plumbing

Relief Requested

- Front yard depth
- Highwater mark setback
- Floodline setback



File: MV-41-20-L



File: MV-41-20-L



Photo 1 - Standing approximately 15 metres from floodline of inlet looking toward southeast corner of building location



Photo 2 - Standing approximately 15 metres from floodline of inlet looking toward the inlet, east of the building location



Photo 3 - Standing on the east side of the inlet, with the inlet in the middle of the photo between two ridges, and building location in the background. The inlet in this location is a treed swamp.



Photo 5 - Looking towards the shoreline between the two inlets



Photo 6 - Looking inwards from the location of photo 5 to a dense scrubland/successional forest. There is evidence that this area had been cleared of trees at one time.





Photos 7 and 8 - A mica exploration trench



Photo 12 - Looking into the second inlet towards the lake (at the east end of the island)



Photo 13 - Standing at the northeast end of the island looking toward the long, narrow peninsula and an existing houseboat



Photos 14 and 15 - The proposed building location at the southwest corner of the island



Photo 16 - The proposed building location viewed from the water on the west side of the island



Photo 17 - The proposed building location viewed from the water on the west side of the island

Department, Agency and Public Comments

Building Department: No objection

KFL&A Public Health: Not circulated as dwelling does not require a sewage system

Cataraqui Conservation: No objection. They recommended the EIA recommendations be follow through site plan control or a development agreement.

Public Comments: No written comments received

The Application meets the Four Tests of a Minor Variance under the *Planning Act*

1. Maintains the general intent and purpose of the Township of South Frontenac Official Plan

2. Maintains the general intent and purpose of the Township of South Frontenac Zoning By-law 2003-75

3. Is desirable for the appropriate development of the lands in question

4. Is minor

Application: MV-41-20-L
Owner: Michael McLachlan
Location of Property: Kennedy Island, Sydenham Lake

Recommendation

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-41-20-L, subject to conditions.

Proposed Conditions

- The Minor Variance is approved in accordance with plans submitted
- A development agreement will be required to be registered on title
- A building permit must be obtained for all demolition and construction
- MV-41-20-L is only applicable to South Frontenac Township Comprehensive Zoning By-Law 2003-75 and not to any subsequent zoning by-laws

Comments & Questions

1. Committee Members
2. Applicant / Agent
3. Members of the Public

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Resolution & Voting

Upon the Chair asking if any member of the Committee is opposed to the Resolution, please advise if you are opposed. The chair will call if the vote is carried or is lost.

New
Minor Variance Applications

MV-45-20-L
Kelsey

Recommendation: Approval

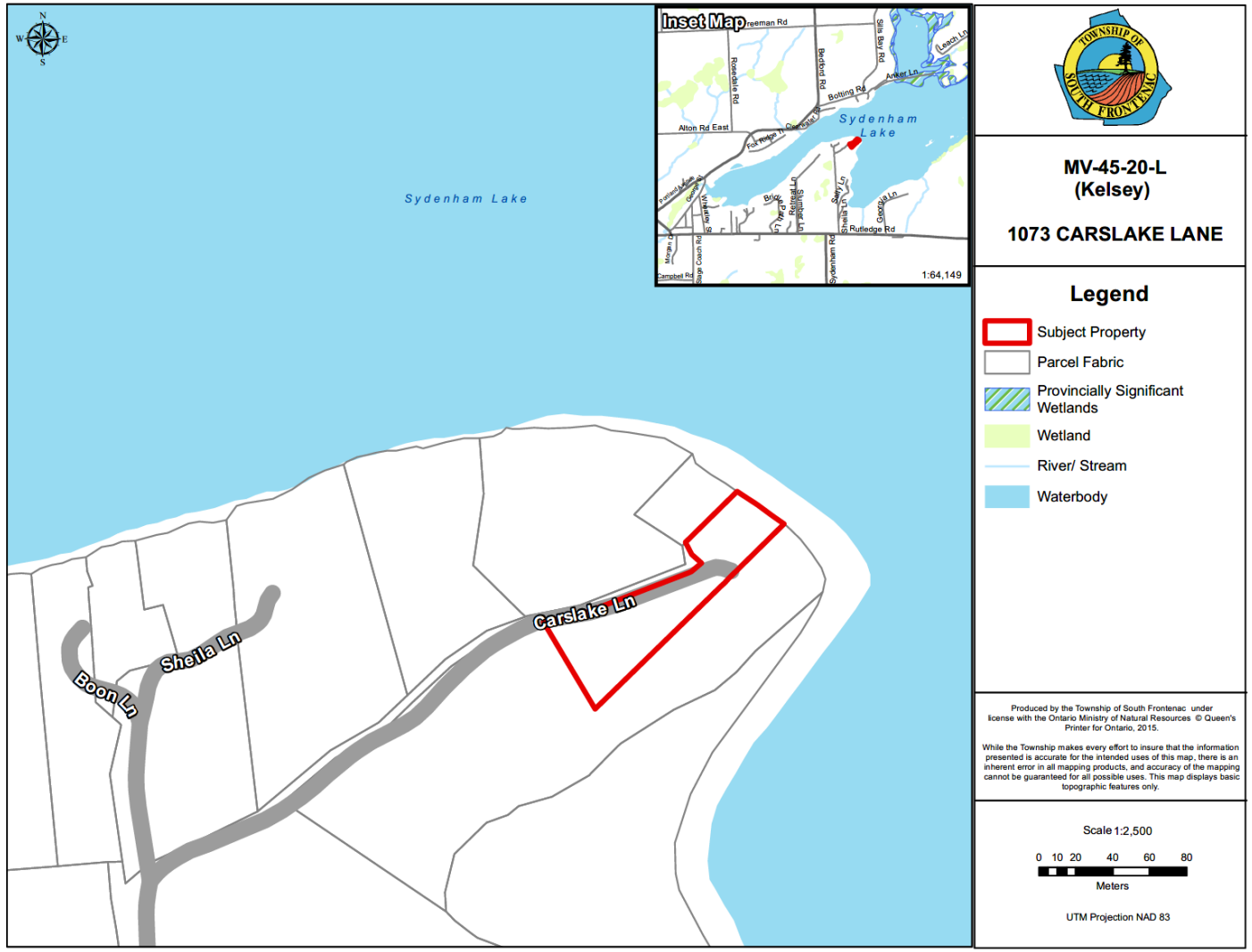
- pending comments received from the public
- subject to conditions

Applicant: Laura Kelsey

Location of Property: 1073 Carslake Lane, Sydenham Lake

OP Designation: Rural

Zoning: Limited Service Residential Waterfront Zone (RLSW)

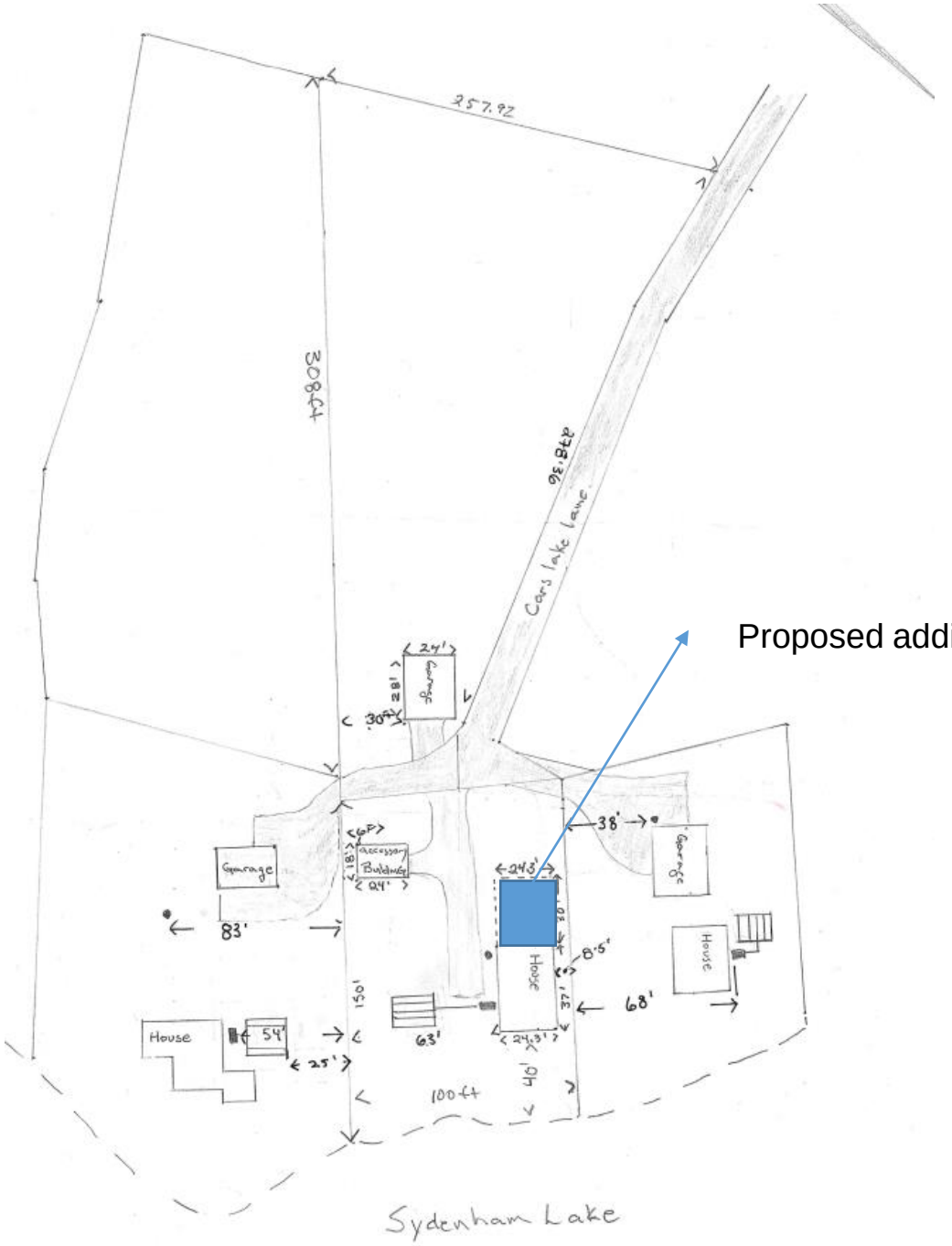


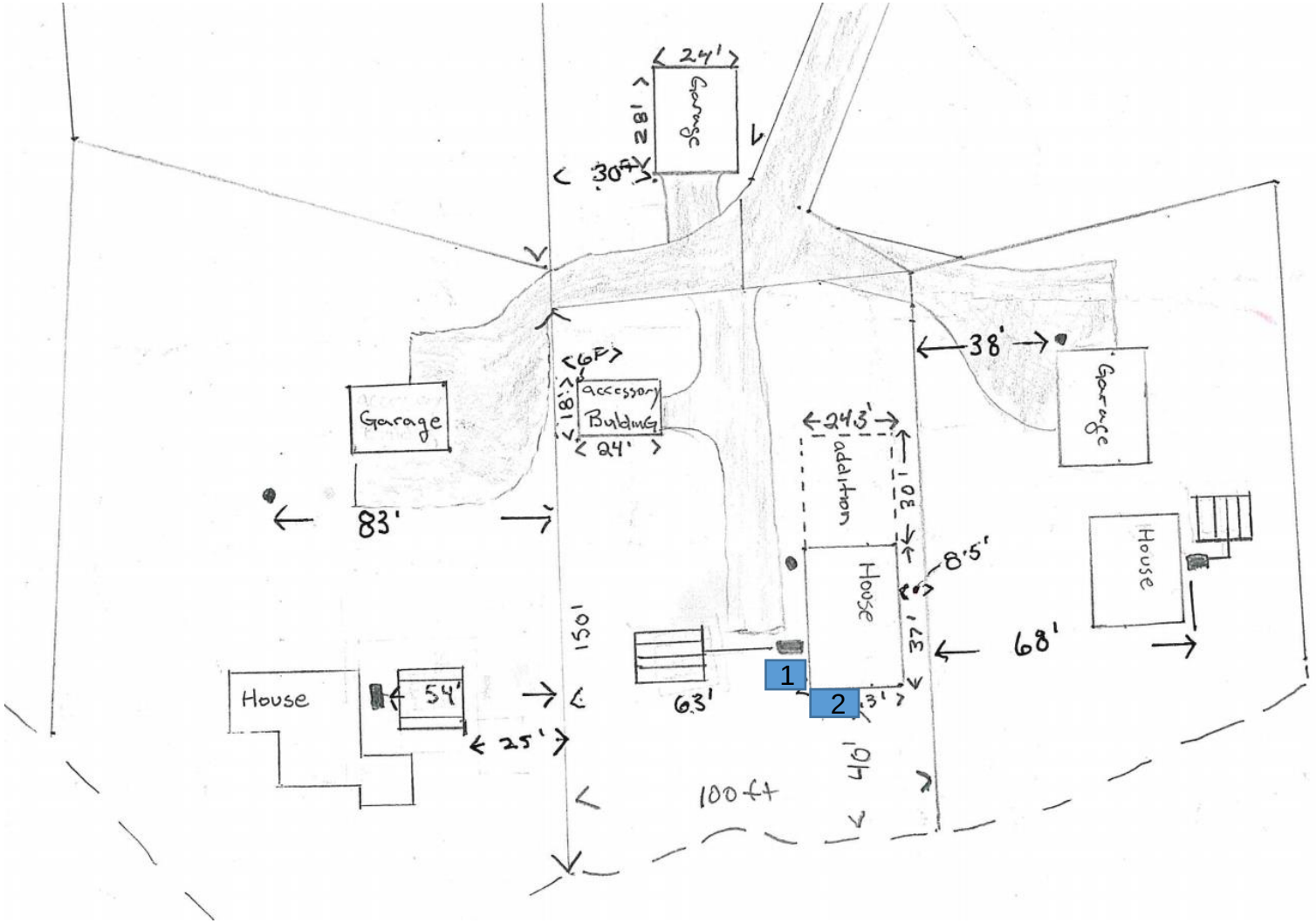
Proposal

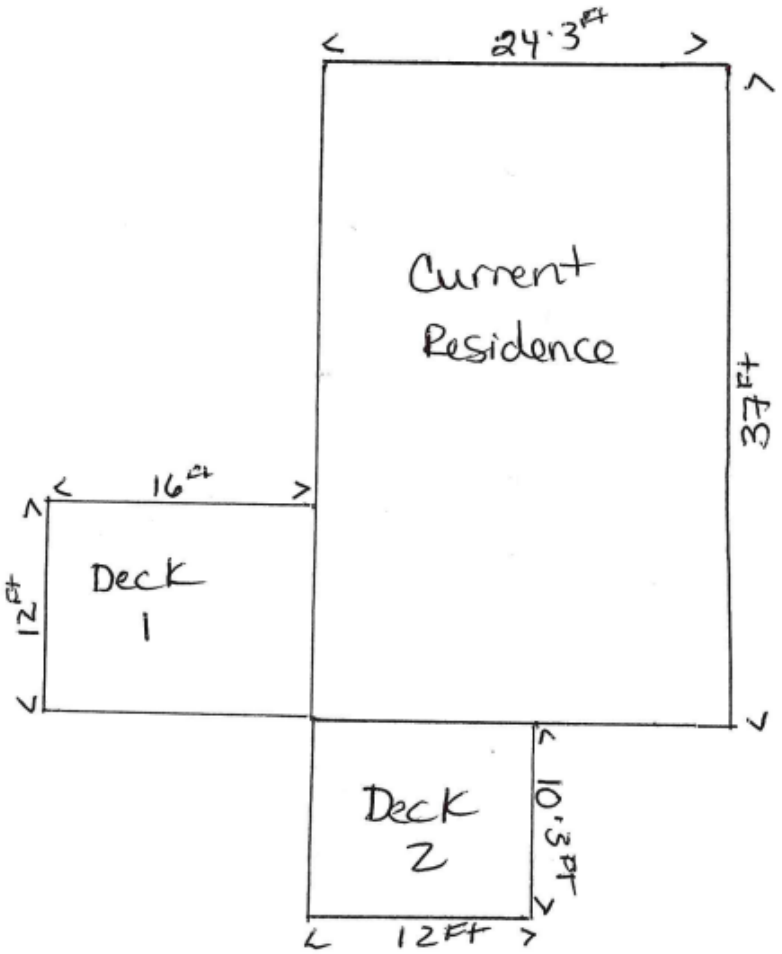
- Permit an addition within the required 30 metre setback from the highwater of Sydenham Lake.

Relief Requested

- Highwater mark setback




24'
Garage
28'
30ft
Garage
accessory Building
18'
6ft
24'
38'
Garage
24.3'
addition
30'
83'
House
8.5'
House
37'
68'
150'
House
54'
63'
1
2
3'
25'
100 ft
40'


24.3Ft
Current Residence
37Ft
16Ft
Deck 1
12Ft
Deck 2
10.3Ft
12Ft



West side – view from front left side of house



East side – view from back right of house

Proposed location of addition

Department, Agency and Public Comments

Public Services Department – Not circulated due to the nature of the application.

Building Department (Sewage System Review) – A performance review of the existing septic system is not necessary as part of the minor variance application. This review will be completed at the building permit stage.

Cataraqui Conservation – No objection to the approval of the minor variance.

- Staff recommended that roof runoff be directed away from the shoreline to prevent erosion and to protect the water quality of Sydenham Lake.

Public Comments – No written comments have been received from the public.

The Application meets the Four Tests of a Minor Variance under the *Planning Act*

1. Maintains the general intent and purpose of the Township of South Frontenac Official Plan
2. Maintains the general intent and purpose of the Township of South Frontenac Zoning By-law 2003-75
3. Is desirable for the appropriate development of the lands in question
4. Is minor

Application: MV-45-20-L
Owner: Laura Kelsey
Location of Property: 1073 Carslake Lane, Sydenham Lake, Loughborough District

Recommendation

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-45-20-L, subject to conditions.

Proposed Conditions

- The Minor Variance is approved in accordance with plans submitted
- A building permit must be obtained for all demolition and construction
- The applicant is required to enter into a Development Agreement
- MV-45-20-L is only applicable to South Frontenac Township Comprehensive Zoning By-Law 2003-75 and not to any subsequent zoning by-laws

Comments & Questions

1. Committee Members
2. Applicant / Agent
3. Members of the Public

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<u>Please wait to speak until you hear your name and your microphone has been unmuted.</u>

Resolution & Voting

Upon the Chair asking if any member of the Committee is opposed to the Resolution, please advise if you are opposed. The chair will call if the vote is carried or is lost.

MV-46-20-S
(Robinson) (Caldas)

Recommendation: Approval

- pending comments received from the public
- subject to conditions

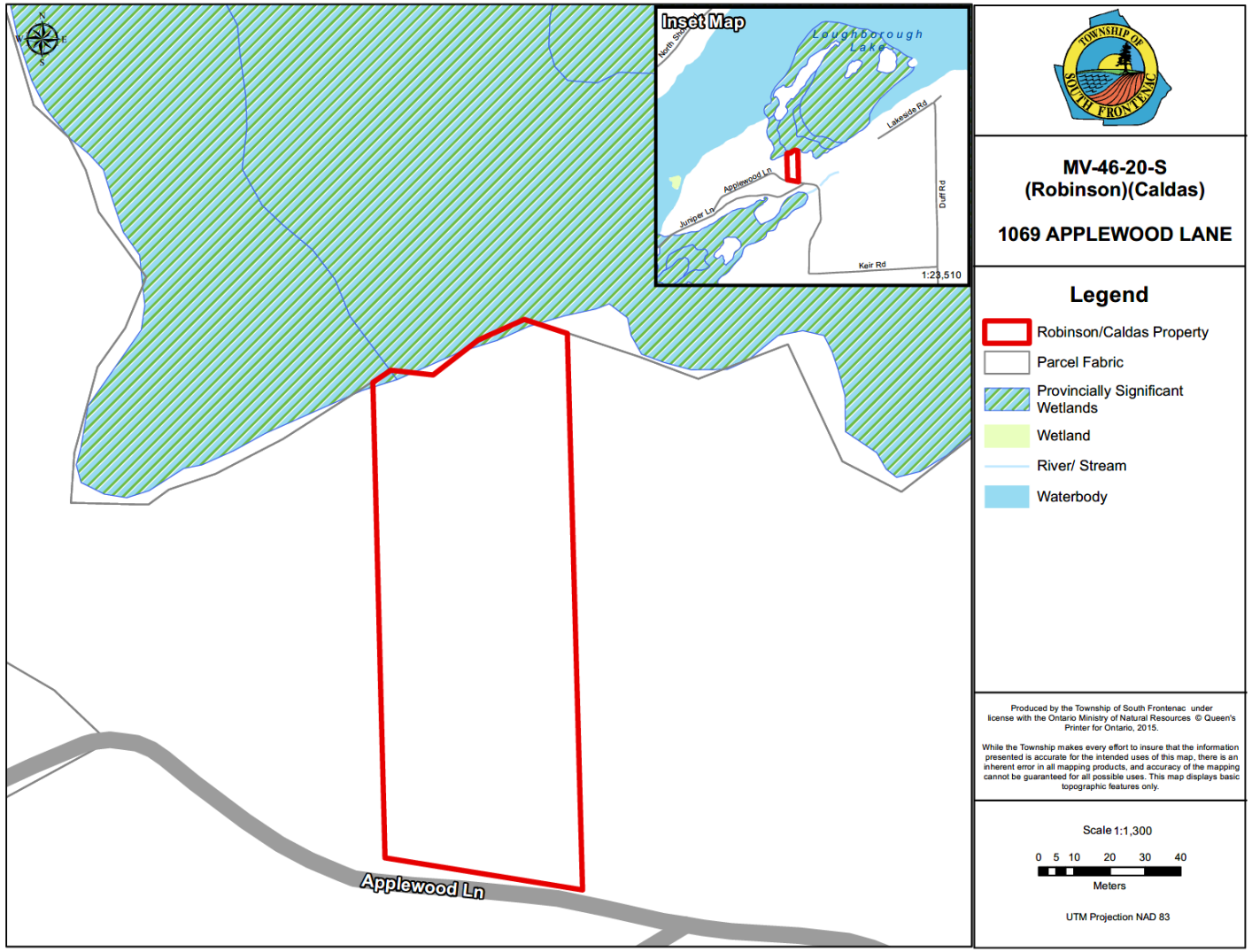
Applicant: Matthew Robinson

Agent: Tiago Cladas

Location of Property: 1096 Applewood Lane, Loughborough Lake

OP Designation: Rural

Zoning: Limited Services Residential Waterfront – Special Provision 101 (RLSW-101)

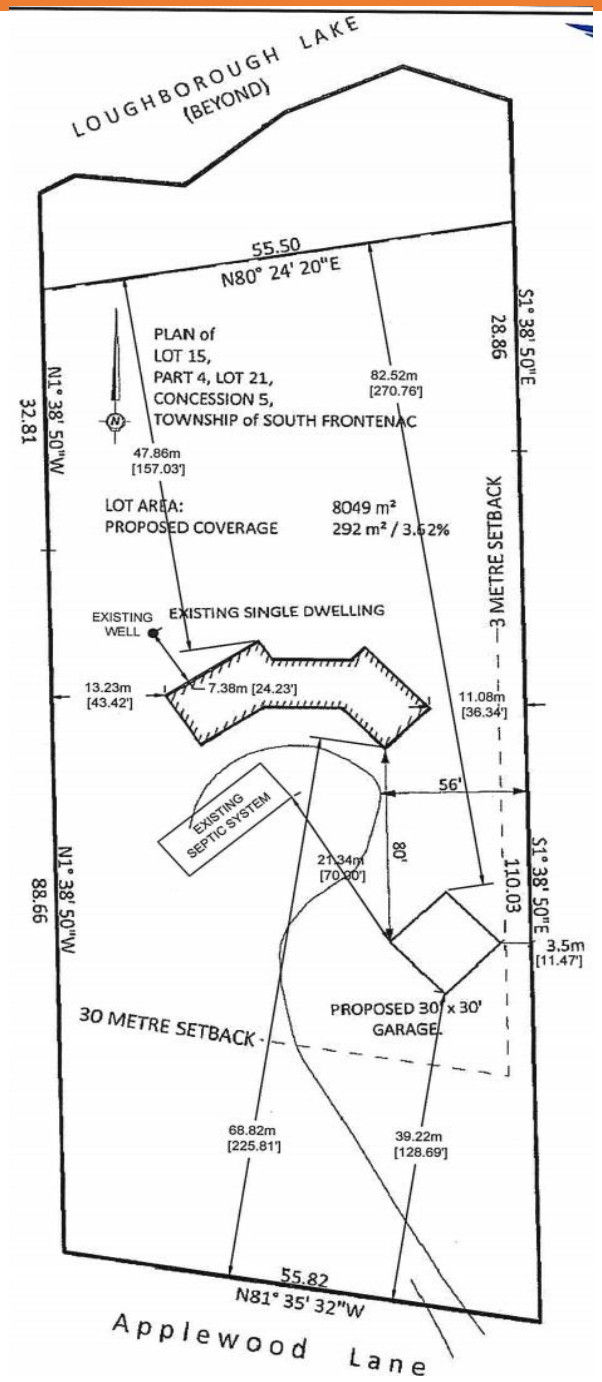


Proposal

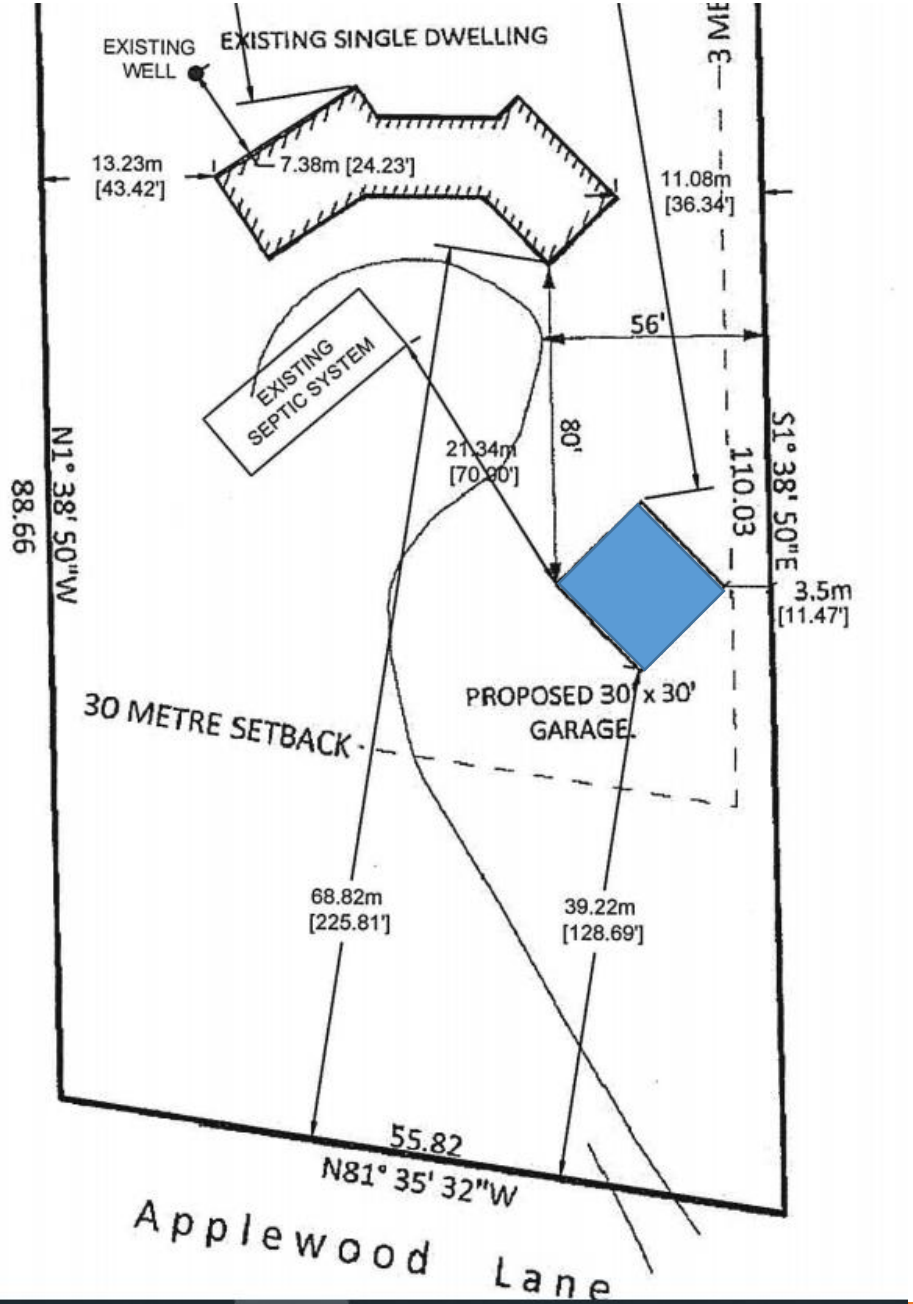
- To permit an accessory building (detached garage) within the projected front yard

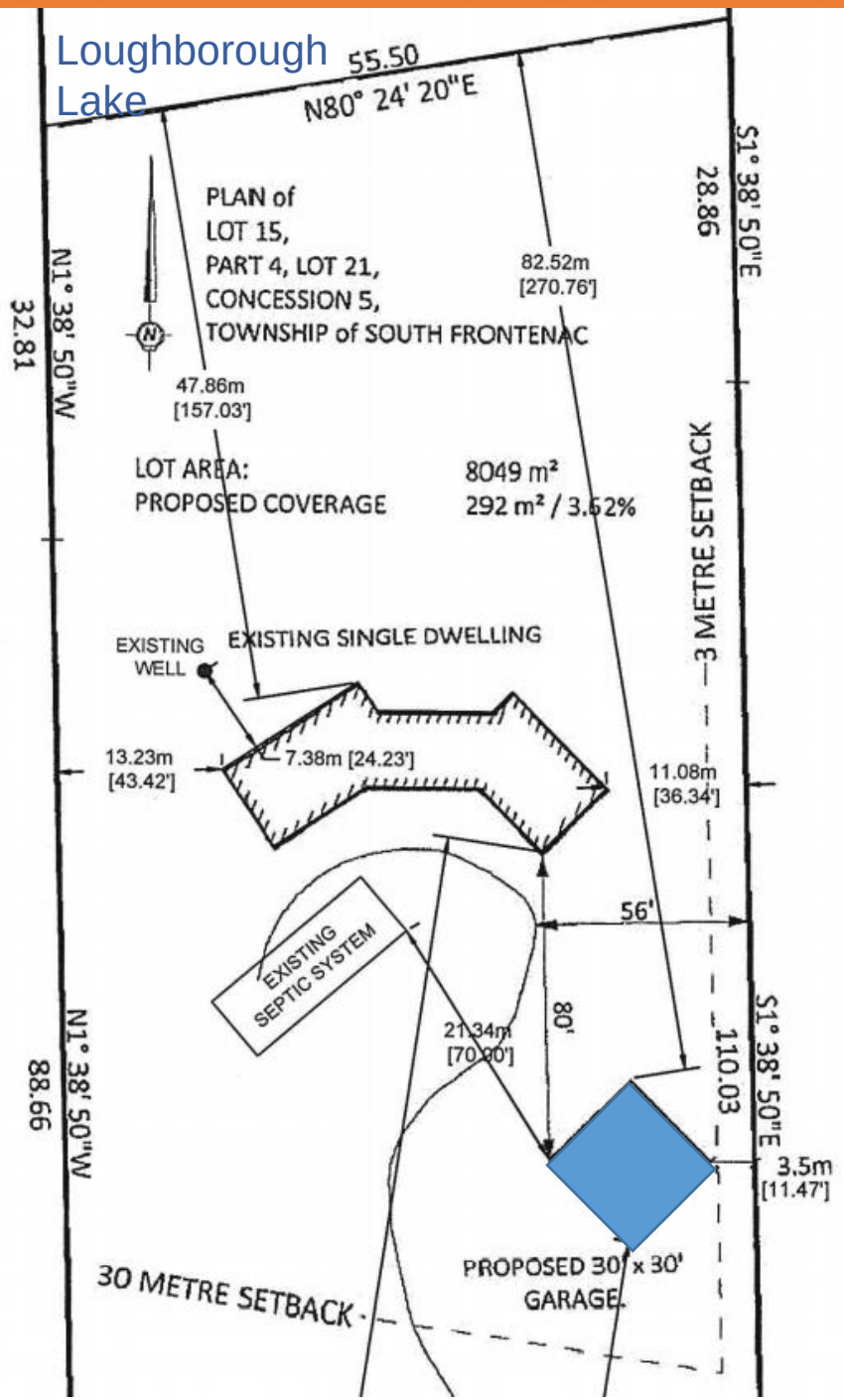
Relief Requested

- Accessory building in the projected front yard

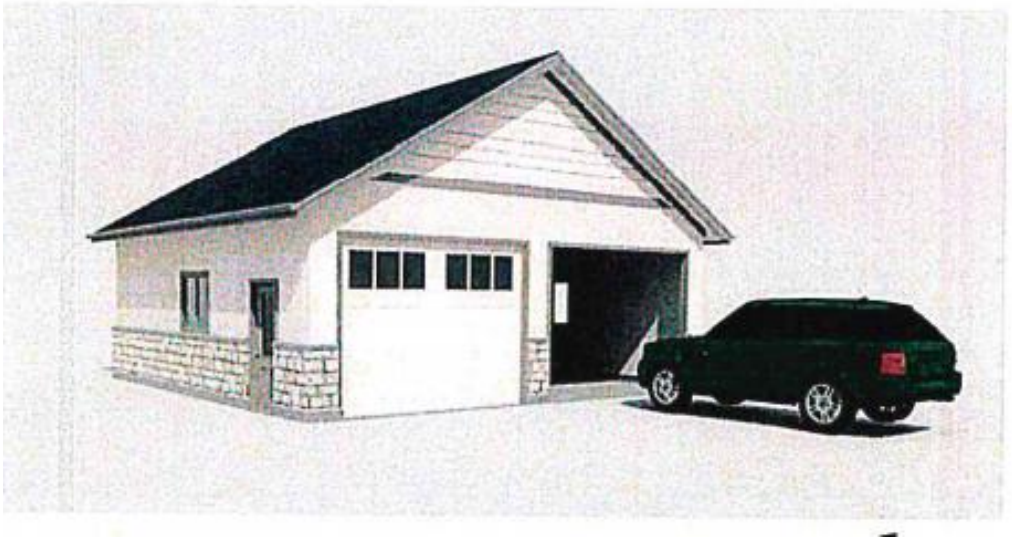


File: MV-46-20-S









Proposed location of garage

Department, Agency and Public Comments

Public Services Department – Not circulated as the subject property is located on a private lane.

Building Department (Sewage System Review) – No objections to the proposed location of the detached garage with respect to clearances from the existing sewage system.

Cataraqui Conservation – Not required to be circulated due to the nature of the application.

- A permit under O. Reg. 148/06 will be required since the garage is located within 120 metres of a wetland.

Public Comments – No comments in writing have been received from the public.

The Application meets the Four Tests of a Minor Variance under the *Planning Act*

1. Maintains the general intent and purpose of the Township of South Frontenac Official Plan
2. Maintains the general intent and purpose of the Township of South Frontenac Zoning By-law 2003-75
3. Is desirable for the appropriate development of the lands in question
4. Is minor

Application: MV-46-20-S
Owner: Matthew Robinson
Agent: Tiago Caldas
Location of Property: 1096 Applewood Lane, Loughborough Lake

Recommendation

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-46-20-S, subject to conditions.

Proposed Conditions of Approval

- The Minor Variance is approved in accordance with plans submitted
- A building permit must be obtained for all demolition and construction
- MV-46-20-S is only applicable to South Frontenac Township Comprehensive Zoning By-Law 2003-75 and not to any subsequent zoning by-laws

Comments & Questions

1. Committee Members
2. Applicant / Agent
3. Members of the Public

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<u>Please wait to speak until you hear your name and your microphone has been unmuted.</u>

Resolution & Voting

Upon the Chair asking if any member of the Committee is opposed to the Resolution, please advise if you are opposed. The chair will call if the vote is carried or is lost.

MV-47-20-B
Orr

Recommendation: Deferral

- Provide additional time for the applicant to survey the 1:100 year floodplain as per Quinte Conservation comments

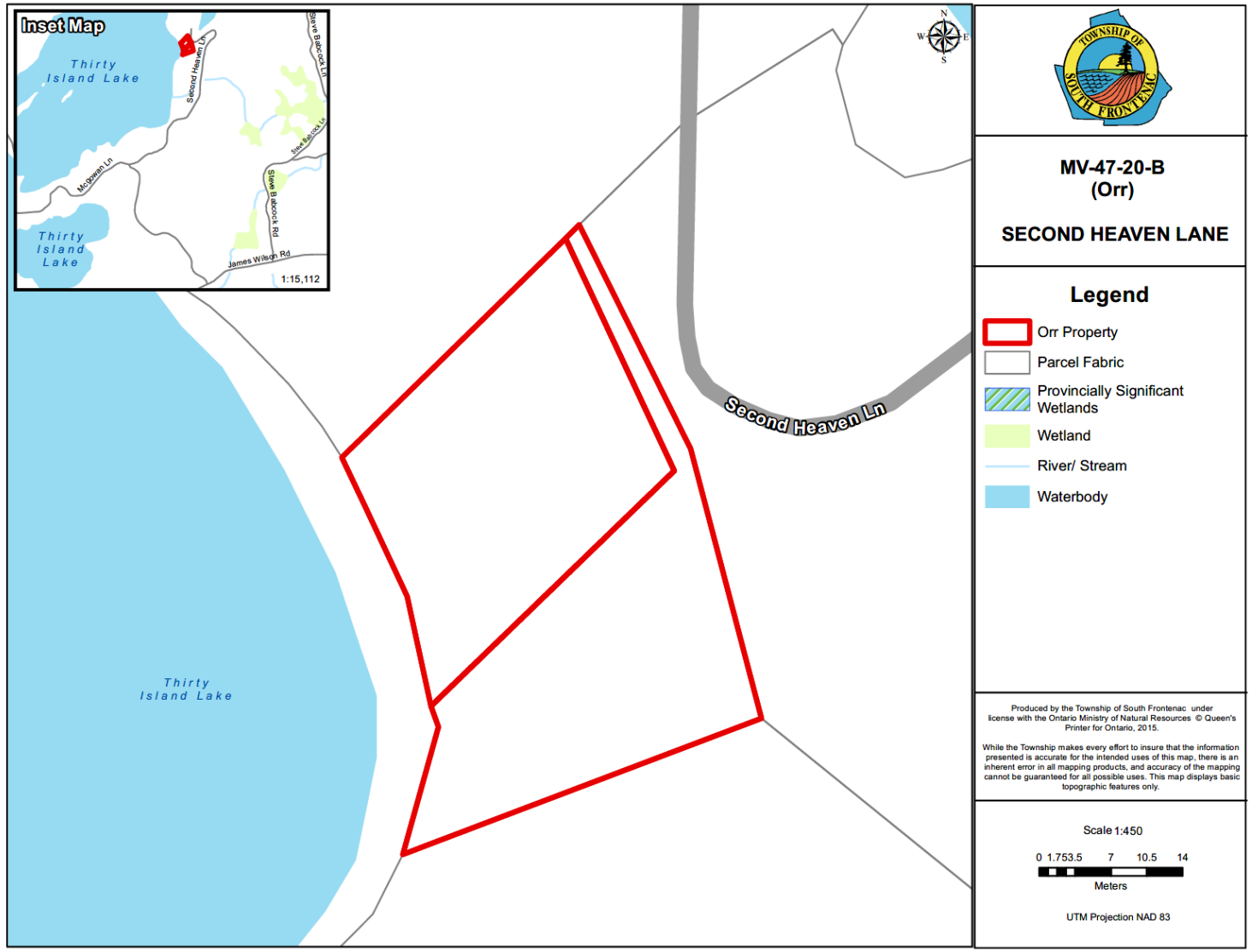
File: MV-47-20-B

Applicant: Ralph Orr

Location of Property: 111 Second Heaven Lane, District of Loughborough, Thirty Island Lake

OP Designation: Rural

Zoning: Limited Service Residential Waterfront (RLSW)

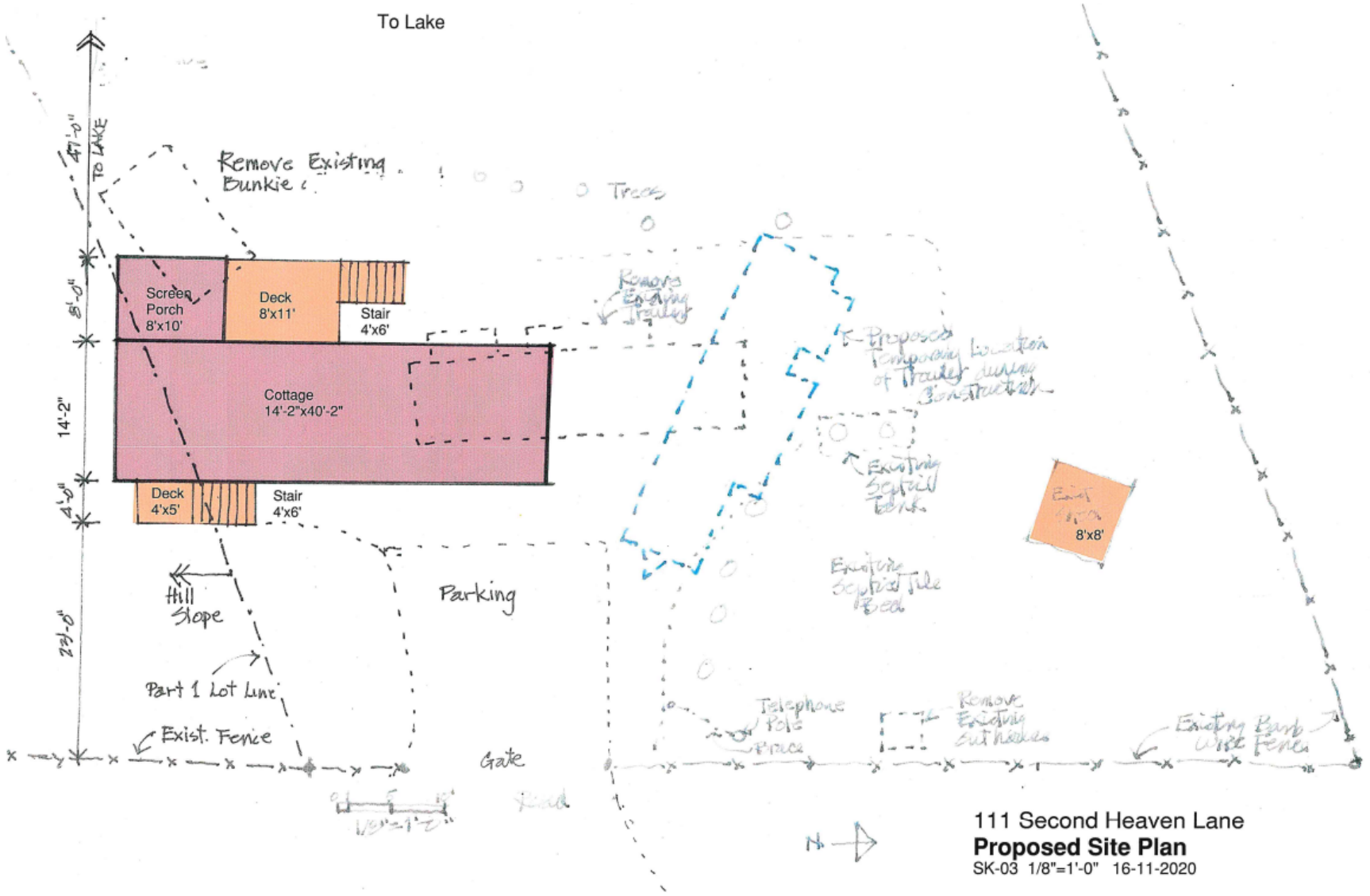


Proposal

- To permit a seasonal dwelling with a waterside deck, screened in porch and a lane side deck within the required 30 metre setback from the highwater mark

Relief Requested

- Highwater mark setback



Department, Agency and Public Comments

Quinte Conservation

Quinte Conservation Staff are requesting a deferral until the 1:100 year floodplain can be surveyed and a new drawing submitted showing the floodplain and that the new proposed development canmeet Quinte Conservation's 15 metre development setback from the floodplain.

Building Department (Sewage System Review)

The Building Department provided comments on November 27th stating that the proposal will not reduce the performance level of the existing sewage system.

Application: MV-47-20-B
Owner: Ralph Orr
Location of Property: 111 Second Heaven Lane, District of Loughborough, Thirty Island Lake

Recommendation

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **defer** making a decision on application MV-47-20-B to provide additional time for the applicant to survey the 1:100 year floodplain as per Quinte Conservation comments.

Resolution & Voting

Upon the Chair asking if any member of the Committee is opposed to the Resolution, please advise if you are opposed. The chair will call if the vote is carried or is lost.

Other Business

1. Consents approved by Consent Granting Authority

- S-22-20-P (Vankoughnett)
- S-23-20-P (Vankoughnett)
- S-24-20-P (Vankoughnett)
- S-25-20-L (McLaren)
- S-31-20-S (Mackay)
- S-32-20-S (Mackay)
- S-33-20-P (Vandenberg)
- S-34-20-P (Vandenberg)
- S-35-20-L (Rice)
- S-36-20-L (Rice)
- S-38-20-P (Groenewegen) (Babcock)

Other Business

2. Discussion with respect to the Provincial Government and changing the Conservation Authorities roll in planning matters.

Township of South Frontenac Committee of Adjustment Meeting

Conclusion/Adjournment

TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE
***Planning Act*, R.S.O. 1990, c. P.13 as amended**

Date Received: _____ File No: MV-39-20-S

1. Name of Owner(s): PETER STRICKLAND

Full Mailing Address of Owner(s): [redacted]

[redacted]

Phone number of Owner(s): [redacted]

Email Address of Owner(s): [redacted]

2. If the applicant is **NOT** the owner of the subject land, the written authorization of the owner that the applicant is authorized to make the application, must accompany the application.

Name of Authorized Agent: N/A

Full Mailing Address of Authorized Agent: _____

_____

Phone number of Authorized Agent: _____

Email Address of Authorized Agent: _____

Agent as named above is hereby authorized to act on behalf of the owners for purposes of processing this application for Minor Variance.

_____
Signature(s) of Owner(s)

3. The description of the subject land:

District: ☐ Bedford ☐ Portland ☑ Loughborough ☐ Storrington

Concession Number: 12 Lot Number: PT LOTS 22, 23

Street Number: 92B Name of Road/Street: KISMET LANE

Reference Plan Number: 13R14860 Part Number(s): 8 TO 10

Roll Number: 040-040-03000-0000

4. The frontage(s), depth and area of the subject land.

Frontage (on water): 132m Frontage (on road/lane): 235m

Depth: 527m Area: 101,106.4 m^2

5. The current zoning of the subject land:

RURAL ZONE

6. The nature and extent of the relief from the Zoning By-law:

Reduced setback of shed from water.
10m rather than 30m from high water mark.

7. The reason why the proposed use cannot comply with the provisions of the Zoning By-law:

Steep cliff makes larger setback impossible.
Cottage is 110' ABOVE the water with extreme grade

8. Does the subject property front on a municipally maintained road? ☑ Yes ☐ No
OR a privately maintained road? ☑ Yes ☐ No

Name of Road/Lane:

Private: Kismet Ln Municipal: Perth Rd

9. **If access to the subject property is by water only**, please indicate the parking and docking facilities used or to be used and the approximate distance of these facilities from the subject land and the nearest public road.

N/A

10. What are the existing uses of the subject land?

Seasonal cottage

11. Please indicate whether there are any **EXISTING** buildings or structures on the subject land. (I.e. residence, garage, shed, etc.)

☑ Yes ☐ No

12. If the answer to item 11 is yes, **for EACH building or structure** indicate:

Type of Structure (E.g. residence)	**(1)** Cottage	**(2)** Shed	**(3)**	**(4)**
Setback from Front Lot Line	464m	464m		
Setback from Rear Lot Line	63m	63m		
Setback from Side Lot Line	26m	38m		
Height of Building **(Also indicate if it is one story or two story)**	3.9m to peak Single Story	3m to peak Single Story		
Dimensions of Floor Area	65m²	9.5m²		
Setback from High Water Mark (If applicable)	63m	63m		

13. The proposed uses of the subject land:

Seasonal cottage

14. Are any building(s) or structure(s), or additions to existing building(s) or structure(s), **PROPOSED** to be built on the subject land?

☐ Yes ☑ No

15. If the answer to item 14 is yes, for each proposed addition, building or structure indicate:

Type of Structure (E.g. residence)	**(1)**	**(2)**	**(3)**	**(4)**
Setback from Front Lot Line				
Setback from Rear Lot Line				
Setback from Side Lot Line				
Height of Building (Also indicate if it is one story or two story)				
Outside Dimensions of Building/Structure				
Setback from High Water Mark (If applicable)				

NOTES: 1) If the subject property is on waterfront, and on a private lane, the setback from the front lot line and the setback from the high water mark will be the same.
2) The dimensions required in this question relate to the **NEW CONSTRUCTION ONLY**, and **NOT** to the total size of the completed building.

16. Do your plans include any **DEMOLITION** of existing structures? ☐ Yes ☑ No

If yes, please provide details:

_____

17. Do your plans include the **RAISING** of an existing structure? ☐ Yes ☑ No

If yes, please provide details:

18. What are the uses of the proposed development?

(a)	Increase in number of bedrooms	☐ Yes	☑ No
(b)	Increase in plumbing fixtures	☐ Yes	☑ No
(c)	Increase in living space	☐ Yes	☑ No
(d)	Will the addition or structure encroach on the existing septic system?	☐ Yes	☑ No

19. The date the subject land was acquired by the current owner:

DEC 18TH, 2013

20. The date the existing buildings and structures were constructed on the subject lands:

2018 (completion)

21. The length of time that the existing uses of the subject land have continued:

7 years (Since purchase)

22. Indicate whether water is provided to the subject land by a publicly owned and operated piped water system, a privately owned and operated individual or communal well, a lake, or other water body, or other means:

Lake water

23. Indicate whether sewage disposal is provided to the subject land by a publicly owned and operated sewage system, a privately owned and operated individual or communal septic system, a privy, or other means:

Septic

24. Is storm drainage provided by sewers, ditches, swales or by other means?

Natural run-off

25. Please indicate whether the subject land is subject of an application under the Planning Act for approval of a Plan of Subdivision or Consent.

☐ Yes ☑ No

26. If the answer to question 25 is yes, please give the file number of the application and the status of the application.

---

27. If known, please indicate whether the subject land has ever been the subject of an application under Section 43 of the Planning Act (Minor Variance).

☐ Yes ☑ No

28. If the answer to item 27 is yes, please give the file number of the application and the status of the application.

---

29. A **SKETCH** must be submitted showing the following:

i) THE SKETCH **MUST** HAVE A NORTH ARROW AT THE TOP OF THE PAGE.

ii) The boundaries and dimensions of the subject land including the location of any existing and proposed buildings.

iii) The location of a reference point……i.e. distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing.

iv) The location of all abutting (neighbours') lands.

v) The approximate location of all natural and artificial features on the subject land and on the land that is adjacent to the subject land. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, barns, wetlands, wooded areas, wells and septic tanks. Show distance of these features from the applicant's property lines.

****Note:** ** The distances to on-site and abutting owners' wells, septic fields and barns, from the property to be varied, **IS REQUIRED** to be shown. The **SKETCH** is of significant importance and should be prepared as carefully, neatly and accurately as possible.

TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE
***Planning Act*, R.S.O. 1990, c. P.13 as amended**

AGREEMENT TO INDEMNIFY

Attached to this application is a cheque payable to the Township of South Frontenac representing payment of the application fee.

The Owner/Applicant/Agent agrees that the information recorded in this Minor Variance Application Form is accurate. The Owner/Applicant/Agent agrees that representatives of the Township, Public Health and, where applicable, the appropriate Conservation Authority, may enter onto the subject property for the purpose of determining the appropriateness of the site for the proposed development.

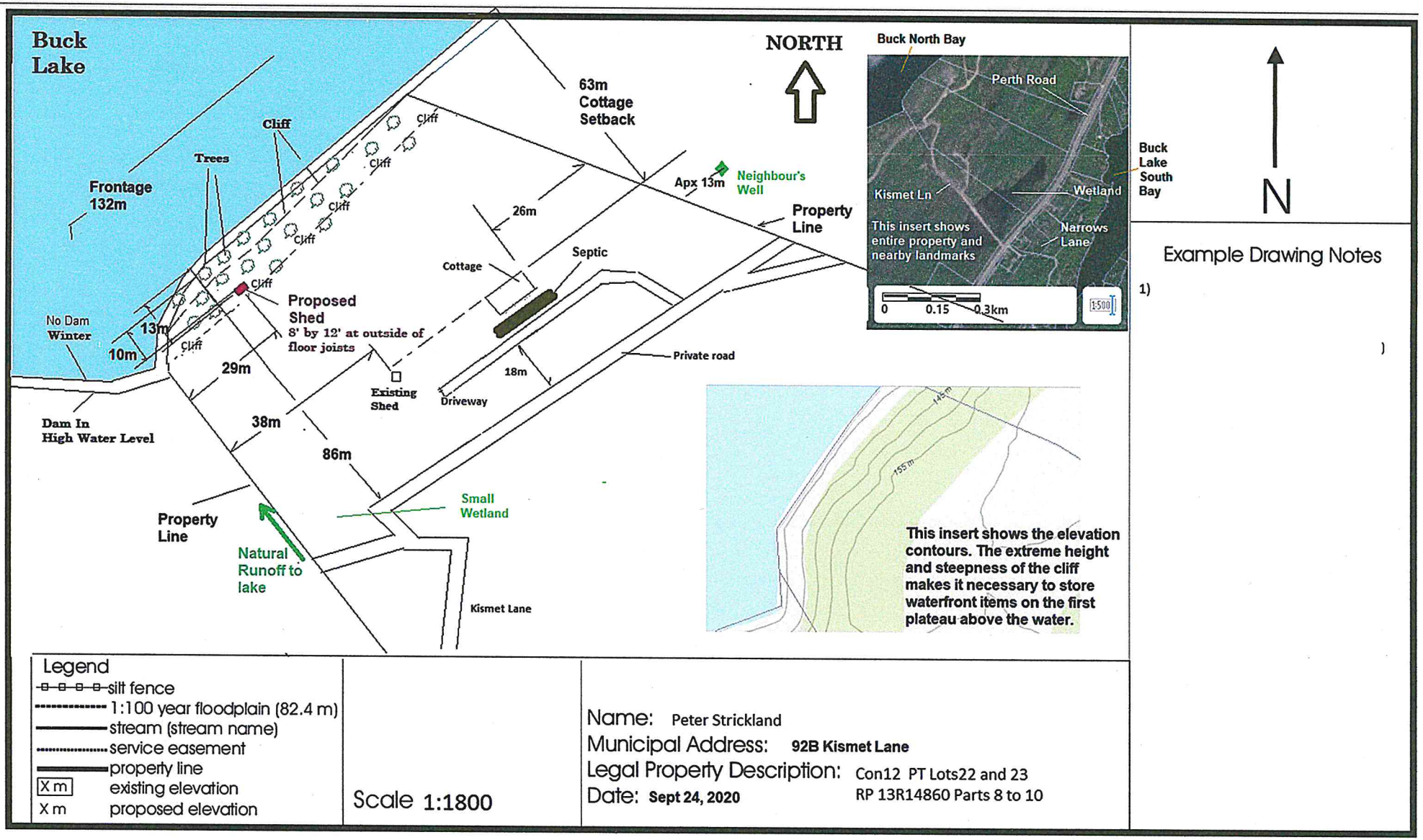
The Owner/Applicant/Agent agrees to reimburse and indemnify the municipality for all fees and expenses incurred by the municipality to process the application, including any fees and expenses attributable to proceedings before the Ontario Municipal Board or any court or other administrative tribunal if necessary to defend Council's decision to support the application.

Without limiting the foregoing, such fees and expenses shall include the fees and expenses of consultants, planners, engineers, lawyers and such other professional and technical advisors as the municipality may, in its absolute discretion acting reasonably, consider necessary or advisable to more properly process and support the application.

The Owner/Applicant/Agent further agrees to provide the municipality, upon request and in cases where an application has been appealed to the Ontario Municipal Board, with a deposit (over and above the normal application fee), from which the municipality may, from time to time charge any fees and expenses incurred by the municipality in order to process the application. If such appeal expenses exceed the deposit, the Owner/Applicant shall pay the difference forthwith upon being billed by the municipality, with interest at the rate of 1.25% per month (15% per annum) on accounts overdue more than 30 days,

The Owner/Applicant/Agent further agrees that, until such requests have been complied with, the municipality will have no continuing obligation to process the application or attend or be represented at the Ontario Municipal Board or any court or other administrative proceeding in connection with the application;

[redacted]



Example Drawing Notes

1)

)

Legend

- silt fence
- 1:100 year floodplain (82.4 m)
- stream (stream name)
- service easement
- property line
- X m existing elevation
- X m proposed elevation

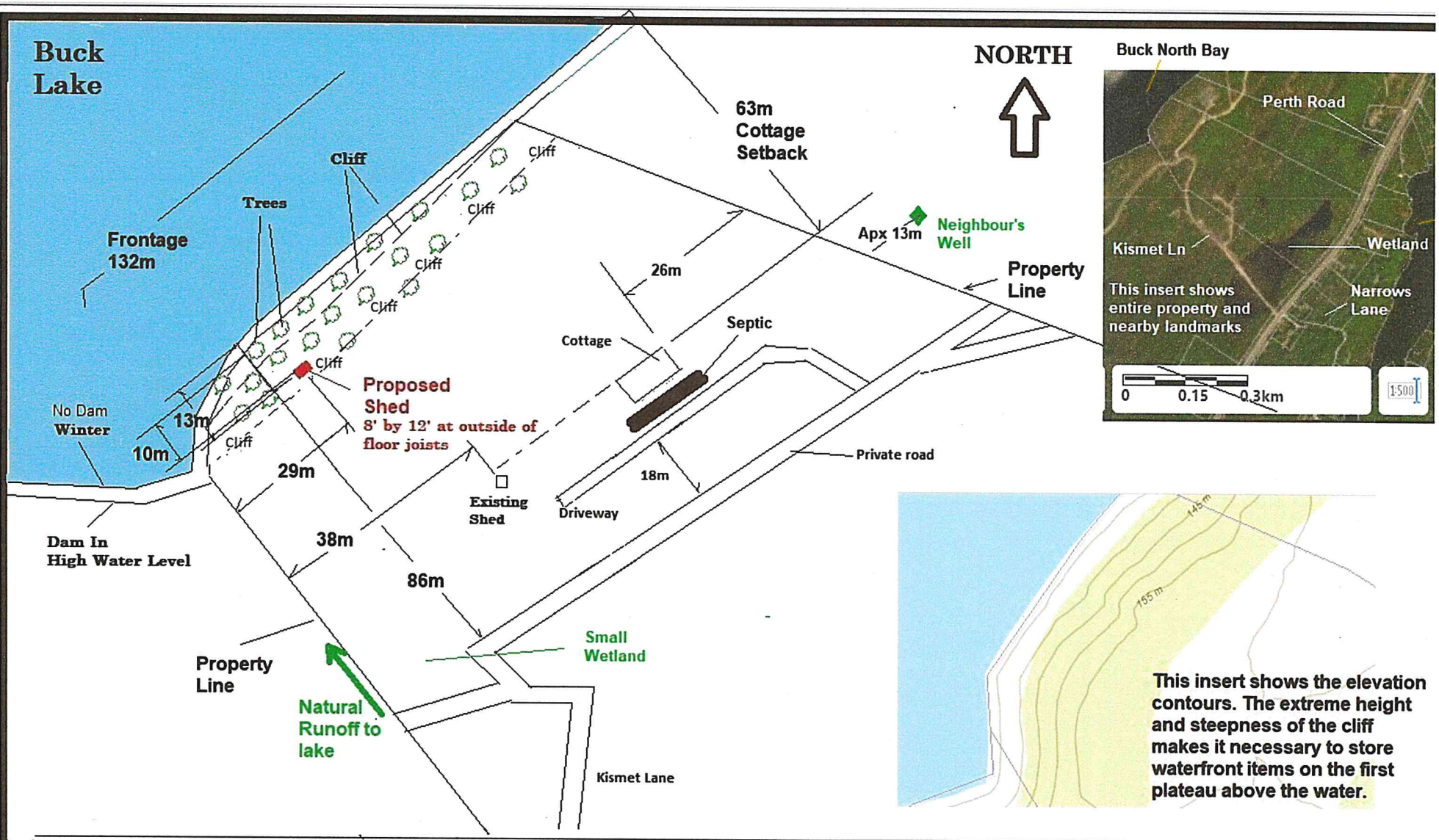
Scale 1:1800

Name: Peter Strickland

Municipal Address: **92B Kismet Lane**

Legal Property Description: Con12 PT Lots22 and 23 RP 13R14860 Parts 8 to 10

Date: **Sept 24, 2020**



Legend

- silt fence
- 1:100 year floodplain (82.4 m)
- stream (stream name)
- service easement
- property line
- X m — existing elevation
- X m — proposed elevation

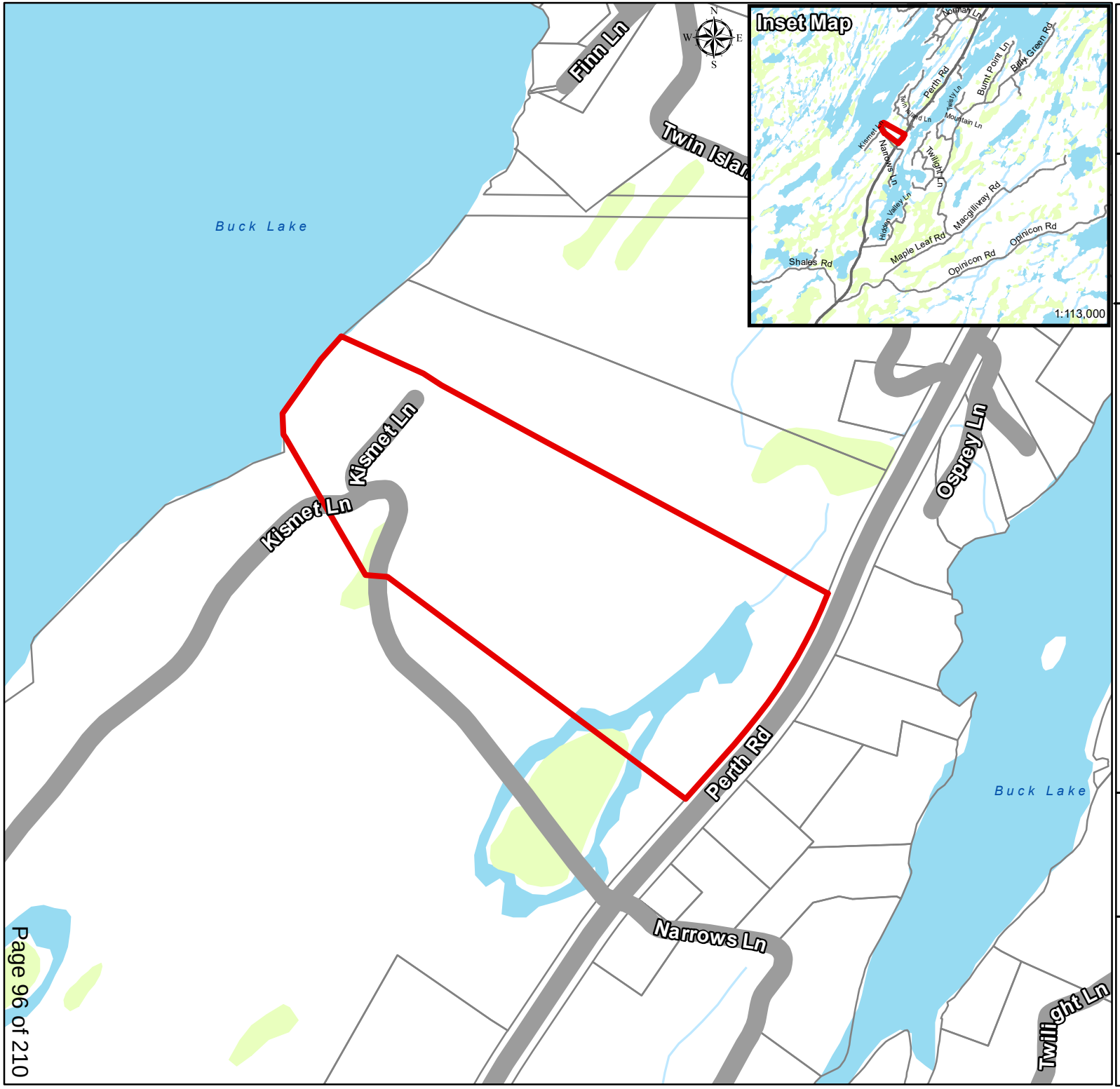
Scale 1:1800

Name: Peter Strickland

Municipal Address: **92B Kismet Lane**

Legal Property Description: Con12 PT Lots22 and 23
RP 13R14860 Parts 8 to 10

Date: **Sept 24, 2020**



MV-39-20-L
(Strickland)

92B KISMET LANE

Legend

- Subject Property
- Parcel Fabric
- Provincially Significant Wetlands
- Wetland
- River/ Stream
- Waterbody

Produced by the Township of South Frontenac under license with the Ontario Ministry of Natural Resources © Queen's Printer for Ontario, 2015.

While the Township makes every effort to insure that the information presented is accurate for the intended uses of this map, there is an inherent error in all mapping products, and accuracy of the mapping cannot be guaranteed for all possible uses. This map displays basic topographic features only.

Scale 1:5,000

0 12.5 25 50 75 100

Meters

UTM Projection NAD 83

November 27, 2020 File: MV/FRS/229/2020

Sent by E-mail

Ms. Anna Geladi, Planner
Township of South Frontenac
P.O. Box 100
Sydenham, Ontario
K0H 2T0

Dear Ms. Geladi:

Re: Application for Minor Variance MV-39-20-S (Strickland)
Part Lots 22, 23, Concession 12; 92B Kismet Lane
Loughborough District, Township of South Frontenac
Waterbody: North Branch, Buck Lake

Cataraqui Conservation staff have reviewed the above-noted application for minor variance and provide the following comments for the Committee of Adjustment's consideration. The property was visited on November 26, 2020.

Summary of Proposal

The proposal involves the construction of a storage shed on the subject property. The variance is requested to:

- Reduce the required setback from the highwater mark from 30 metres, as required by Section 5.8.2.a) of the South Frontenac Zoning By-law, to 10 metres in order to permit the construction of a storage shed.

Site Description

The property is located on the east side of the north branch of Buck Lake. The topography of the site can be characterized as having a 4 metre high rock bank adjacent to the lake with a relatively flat plateau area between the top of bank and the toe of a steep cliff where the shed is proposed to be located.

The property is currently designated 'Rural' in the Official Plan and in the Zoning By-law for South Frontenac Township. Buck Lake has been designated as a highly sensitive Lake Trout Lake in the Official Plan for South Frontenac Township.

Discussion

The main interest of Cataraqui Conservation in this proposal is the protection of the water quality of Buck Lake and the avoidance of natural hazards (e.g. flooding and erosion) associated with the shoreline.

Natural Hazards

Flooding: Cataraqui Conservation does not have floodplain mapping for Buck Lake. The maximum recorded water level for Buck Lake is 133.16 metres geodetic. For Buck Lake, the maximum recorded water level is used in lieu of an engineered flood plain. Cataraqui Conservation's Guidelines for Implementing Ontario Regulation 148/06 (see description below) requires that all development be set back a minimum of 6 metres from the regulatory floodplain of a waterbody. Based upon elevation mapping data, the proposed development will be located outside of the setback from the regulatory flood plain. Therefore, staff have no concerns with the proposal from a flooding hazard perspective.

Erosion: Cataraqui Conservation defines the extent of potential erosion hazards to include an allowance for toe erosion, a stable slope allowance of 1 (vertical):1 (horizontal), plus an erosion access allowance of 6 metres, for a total of 10 metres. Staff note that the proposed development is will be located outside of the erosion hazard allowance. Therefore, staff have no concerns with the proposal from an erosion hazard perspective.

Water Quality

Section 2.2 of the Provincial Policy Statement (PPS) suggests that planning authorities should seek to protect, improve or restore the quality and quantity of water. Accordingly, the Official Plan and Zoning By-law for the Township of South Frontenac provide guidance with respect to how development should occur in consideration of protecting, improving and restoring water quality within the municipality. Similarly, Cataraqui Conservation's Environmental Planning Policy (April 2015) contains provisions that seek to support these objectives.

Also, as noted above, Buck Lake is identified as a highly sensitive Lake Trout Lake, and as such, the waterbody is afforded additional protection to ensure development does not negatively impact the water quality of the lake. Section 5.2.8 of the Official Plan suggests all development or site alterations proposed within 30 metres of the highwater

mark of a designated Lake Trout Lake requires the submission of an Environmental Impact Assessment (EIA) and that a Lake Impact Assessment may also be required.

In the opinion of staff, the development proposal is located in a reasonable location and the scale of the development is very minor in nature (i.e. not requiring a building permit or a Cataraqui Conservation permit under Ontario Regulation 148/06). Therefore, staff are not convinced that an EIA or Lake Impact Assessment are required in this instance. *If approved, staff recommend that roof runoff be directed away from the lake, and that the area between the development and the lake be maintained as a vegetated buffer.*

Recommendation

Staff have no objection to the approval of application MV-39-20-S based on our consideration for natural hazard, natural heritage and water quality policies.

Please notify this office of any decision made by the Committee of Adjustment with regard to this application. If you have any questions, please contact the undersigned at (613) 546-4228 extension 244 or by e-mail at aschmidt@crca.ca.

Yours truly,

Andrew Schmidt

Andrew Schmidt
Supervisor, Development Review

/as
c.c. Michelle Hannah, South Frontenac Township (via e-mail)
Peter Strickland, applicant (via e-mail)

REPORT TO COMMITTEE OF ADJUSTMENT
PLANNING DEPARTMENT

Report Date: December 4, 2020

Application No: MV-39-20-L
Owner: Peter Strickland
Location of Property: Part of Lot 22 and 23, Concession 12, District of Loughborough, Township of South Frontenac, being Parts 8 – 10 on Plan 13R14860, municipally known as 92B Kismet Lane, Buck Lake
Purpose of Application: To vary Sections 5.8.2(a) and 5.8.2(b) of Township of South Frontenac Comprehensive Zoning By-law 2003-75
Date of Hearing: December 10, 2020

Recommendation: That provisional approval be:

✓ granted with conditions (attached)

___ deferred

___ denied

Purpose: ✓ zoning relief for construction of a new structure

___ zoning relief for replacement of an existing structure

___ zoning relief for other

Official Plan Designation: Rural	
Zoning: Rural (RU)	**Zoning Relief Requested:**
Section 5.8.2a) and 5.8.2b): Flooding and Shoreline Erosion Hazards	**Relief:** To permit an accessory building (shed) with a minimum highwater mark setback and top of bank setback of 10 metres (32.8 feet) whereas the By-law requires a 30 metre (98.4 foot) setback from the highwater mark and a 15 metre (49.2 foot setback horizontal of the top of bank for all buildings and structures.

Review:

This application was previously deferred at the November 12, 2020 Committee of Adjustment meeting to provide additional time for Cataraqui Conservation staff to review the proposal and to provide comments.

This application:

- ✓ Is consistent with the Provincial Policy Statement (s. 3(5) *Planning Act*);
- ✓ Maintains the general intent and purpose of the County of Frontenac Official Plan;
- ✓ Maintains the general intent and purpose of the Township of South Frontenac Official Plan;
- ✓ Maintains the general intent and purpose of the Township of South Frontenac Zoning By-law 2003-75;
- ✓ Is desirable for the appropriate development of the lands in question; and
- ✓ Is minor.

Proposal

An application for minor variance was received to permit an accessory building (shed) within the required 30 metre setback from the highwater mark of Buck Lake and within the required 15 metre setback from the top of bank.

The subject property is located on Kismet Lane, off Perth Road, and has water frontage on Buck Lake which is an at-capacity Lake Trout Lake. Based on the Zoning By-law definitions the shed is located in the rear yard for the property. Accessory buildings are permitted in the rear yard. In this situation, the rear yard happens to be the water side as the subject property has frontage on Perth Road.

The subject property contains an existing dwelling and shed, both located 63 metres (207 feet) from the highwater mark. The subject property can be characterized as having a steep cliff and challenging rocky topography.

The proposed shed will be 2.4 x 3.7 metres (8 x 12 feet) being a total of 9 square metres (96 square feet) in size. The shed will be set back 10 metres (32.8 feet) from the highwater mark of Buck Lake and 10 metres (32.8 feet) from the top of bank. The shed will be located on a flat area between the top of bank adjacent to the lake and the bottom of a steep cliff.

The proposed shed is for storage purposes.

Department, Agency and Public Comments

Public Services Department – Public Services was not circulated due to the nature of the application.

Building Department – The Building Department was not circulated as the proposed structure is less than 100 square feet in size and would not require a building permit.

KFL&A Public Health – KFL&A Public Health was not circulated due to the nature of the application.

Cataraqui Conservation – Comments received from Cataraqui Conservation on November 27, 2020 indicate that Cataraqui Conservation staff have no objection to the approval of the minor variance. Staff recommend that roof runoff be directed away from the lake and that the area between the development and the lake be maintained as a vegetated buffer.

> Staff Response: The recommendations would typically be carried out through a development agreement. A development agreement will not be required for this application due to the nature and size of the proposal.

Ministry of Environment, Conservation and Parks – The Ministry of Environment, Conservation and Parks indicated on October 23, 2020 via a telephone conversation that staff did not require to comment due to the nature of the application.

Public Comments – At the time of the writing of this report, no written comments have been received from the public.

Planning Analysis Summary

Under Section 45(1) of the *Planning Act* there are four tests a minor variance must meet. A variance may be authorized from the provisions of the zoning by-law, if, in the opinion of the Committee of Adjustment, the request meets all of the following tests:

1. Does the variance maintain the general intent and purpose of the Official Plan?

Yes, the proposed variance maintains the general intent and purpose of the Official Plan, specifically policies on rural residential development and environmentally sensitive areas, and development within 300 meters of an at-capacity Lake Trout Lake.

- The proposed accessory building (shed) is consistent with the residential use of the property. At-capacity Lake Trout Lake policies for lots of record generally require a 30 metre setback from the highwater mark and the submission of an Environmental Impact Assessment if development is within the 30 metre setback from the at-capacity Lake Trout Lake. Per section 5.2.11, it was determined in consultation with Cataraqui Conservation that an Environmental Impact Assessment was not required for the proposed shed due to its size and topography of the location.

2. Does the variance maintain the general intent and purpose of the Zoning By-law?

Yes, the variance maintains the general intent and purpose of the Zoning By-law as the shed is a permitted accessory use on the subject property. The location of the shed complies with the setback requirements of the Rural zone, with the exception that it is closer to the highwater mark and top of bank than permitted. The proposed building is in a reasonable location for its purpose. The shed will be located on the only flat plateau between the top of bank and the bottom of a steep cliff. The existing single detached dwelling and septic system achieve the 30 metre highwater mark setback.

3. Is the requested variance desirable for the appropriate development of the land, building or structure in question?

Yes. The shed is in a reasonable location for its purpose. The shed will be located on the only plateau between the top of bank and the bottom of a steep cliff. The shed is accessory to the existing single detached dwelling and it is located a suitable distance from the water due to the topography of the property and is located in a generally already disturbed area on the property.

4. Is the variance minor?

Yes, the variance is minor as it maintains the general intent of the Official Plan and Zoning By-law, and is desirable for the appropriate development of the land. The proposed building is in a reasonable location for its purpose. The size of the development is minor as it would not require a building permit. The variance is minor as there will be no negative impact on the lake and on surrounding properties as a result of the proposed shed.

Conclusion

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-39-20-L, subject to conditions.

Recommended Conditions

Conditions are a decision of the Committee of Adjustment, the conditions below are recommended. The final approved conditions will be included in the signed decision.

1. The Minor Variance is for a shed 9 square metres (96 square feet) in size, set back 10 metres (32.8 feet) from the highwater mark of Buck Lake and top of bank, as per the drawings submitted with MV-39-20-L.

2. A building permit is required for ALL construction on the property. There shall be no additional development, or demolition of existing structures, on the property without the approval from the Township of South Frontenac.

3. Minor variance MV-39-20-L is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.

Submitted by: Anna Geladi, Planner

Reviewed by: Christine Woods, MCIP, RPP, Senior Planner

Approved by: Claire Dodds, MCIP, RPP, Director of Development Services

Date of Site Visit: September 10, 2020

RECEIVED
SEP 24 2020
TOWNSHIP OF SOUTH FRONTENAC PLANNING DEPARTMENT

TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE
***Planning Act*, R.S.O. 1990, c. P.13 as amended**

Date Received: _____ File No: MV-40-20-L

1. Name of Owner(s): Brad & Amanda Vanderhaar

Full Mailing Address of Owner(s): [redacted]

Phone number of Owner(s): [redacted]

Email Address of Owner(s): [redacted]

2. If the applicant is **NOT** the owner of the subject land, the written authorization of the owner that the applicant is authorized to make the application, must accompany the application.

Name of Authorized Agent: _____

Full Mailing Address of Authorized Agent: _____

Phone number of Authorized Agent: _____

Email Address of Authorized Agent: _____

Agent as named above is hereby authorized to act on behalf of the owners for purposes of processing this application for Minor Variance.

_____
Signature(s) of Owner(s)

3. The description of the subject land:

District: ☐ Bedford ☐ Portland ☑ Loughborough ☐ Storrington

Concession Number: 13 Lot Number: Part Lot 23

Street Number: _____ Name of Road/Street: Twin Island Lane

Reference Plan Number: FR218427 Part Number(s): _____

Roll Number: 102904004010300

4. The frontage(s), depth and area of the subject land.

Frontage (on water): 38.83m (127.40 ft) Frontage (on road/lane): 31.63m (103.76 ft)

Depth: 46.66m (153.09 ft) Area: 1605.05 M2 (17,276.06 ft²)

5. The current zoning of the subject land:

Limited Services Residential Waterfront (RLSW)

6. The nature and extent of the relief from the Zoning By-law:

Reduction in rear yard set back. Increase in lot coverage for principal building.

7. The reason why the proposed use cannot comply with the provisions of the Zoning By-law:
The property is an existing undersized lot of record. To keep development out of the 30m set back the principal building need to encroach into the rear yard set back

The lot coverage is proposed to be 6.6% which is 1.6% or 25.8m2 (278sq.ft.) over the permitted 5%.

8. Does the subject property front on a municipally maintained road? ☐ Yes ☑ No
OR a privately maintained road? ☑ Yes ☐ No

Name of Road/Lane:

Twin Island Lane

9. **If access to the subject property is by water only**, please indicate the parking and docking facilities used or to be used and the approximate distance of these facilities from the subject land and the nearest public road.

10. What are the existing uses of the subject land?

Vacant waterfront lot served by private road

11. Please indicate whether there are any **EXISTING** buildings or structures on the subject land. (I.e. residence, garage, shed, etc.)

☐ Yes ☑ No

12. If the answer to item 11 is yes, **for EACH building or structure** indicate:

Type of Structure (E.g. residence)	**(1)**	**(2)**	**(3)**	**(4)**
Setback from Front Lot Line				
Setback from Rear Lot Line				
Setback from Side Lot Line				
Height of Building (Also indicate if it is one story or two story)				
Dimensions of Floor Area				
Setback from High Water Mark (If applicable)				

13. The proposed uses of the subject land:

Seasonal Dwelling with class 4 septic system

14. Are any building(s) or structure(s), or additions to existing building(s) or structure(s), **PROPOSED** to be built on the subject land?

☑ Yes ☐ No

15. If the answer to item 14 is yes, for each proposed addition, building or structure indicate:

Type of Structure (E.g. residence)	**(1)** Seasonal Dwelling 81.25M2 = 5.06% Lot coverage	**(2)** Open Deck 12.66M2 = 0.79% Lot coverage	**(3)** Screened Portch 12.56M2 =0.78% Lot coverage	**(4)** Class 4 Septic System
Setback from Front Lot Line	Min = 30.00m Prop = 32.32m Variance = N/A	Min = 30.00m Prop = 30.02m Variance = N/A	Min = 30.00m Prop = 30.94m Variance = N/A	Min = 30.00m Prop = 30.18m Variance = N/A
Setback from Rear Lot Line	Min = 10.00m Prop = 7.52m Variance = 2.48m	Min =10.00m Prop = 13.65m Variance = N/A	Min = 10.00m Prop = 13.24m Variance = N/A	Min = 3.0m Prop = 5.92m Variance = N/A
Setback from Side Lot Line	Min = 3.0m North = 5.59m South = 13.04m Variance = N/A	Min = 3.0m North = 6.04m Variance = N/A	Min = 3.0m South = 13.64m Variance = N/A	Min = 3.0m O.B.C. South = 3.28m Variance = N/A
Height of Building (Also indicate if it is one story or two story)	Max = 11.0m Prop = 7.83m Variance = N/A	Max = 11.0m Prop = 1.75m Variance = N/A	Max = 11.0m Prop = 6.74m Variance = N/A	Max = N/A Variance = N/A
Outside Dimensions of Building/Structure	Width = 13.17m Depth = 6.89m	Width = 4.22m Depth = 3.05m	Width = 4.13m Depth = 3.05m	Distribution Bed Width = 2.87m Length = 8.36m
Setback from High Water Mark (If applicable)	Min = 30.0m Prop = 32.32m Variance = N/A	Min = 30.00m Prop = 30.02m Variance = N/A	Min = 30.00m Prop = 30.94m Variance = N/A	Min = 30.00m Prop = 30.18m Variance = N/A

NOTES: 1) If the subject property is on waterfront, and on a private lane, the setback from the front lot line and the setback from the high water mark will be the same.
2) The dimensions required in this question relate to the **NEW CONSTRUCTION ONLY**, and **NOT** to the total size of the completed building.

16. Do your plans include any **DEMOLITION** of existing structures? ☐ Yes ☑ No

If yes, please provide details:

17. Do your plans include the **RAISING** of an existing structure? ☐ Yes ☑ No

If yes, please provide details:

18. What are the uses of the proposed development?

(a)	Increase in number of bedrooms	☑ Yes	☐ No
(b)	Increase in plumbing fixtures	☑ Yes	☐ No
(c)	Increase in living space	☑ Yes	☐ No
(d)	Will the addition or structure encroach on the existing septic system?	☐ Yes	☑ No

19. The date the subject land was acquired by the current owner:

July 29 2019

20. The date the existing buildings and structures were constructed on the subject lands:

N/A

21. The length of time that the existing uses of the subject land have continued:

N/A, Undeveloped lot of record

22. Indicate whether water is provided to the subject land by a publicly owned and operated piped water system, a privately owned and operated individual or communal well, a lake, or other water body, or other means:

Lake intate

23. Indicate whether sewage disposal is provided to the subject land by a publicly owned and operated sewage system, a privately owned and operated individual or communal septic system, a privy, or other means:

Privately owned and operated individula class 4 septic system (Waterloo with anual inspection contract)

24. Is storm drainage provided by sewers, ditches, swales or by other means?

Existing natural overland down gradiant

25. Please indicate whether the subject land is subject of an application under the Planning Act for approval of a Plan of Subdivision or Consent.

☐ Yes ☑ No

26. If the answer to question 25 is yes, please give the file number of the application and the status of the application.

---

27. If known, please indicate whether the subject land has ever been the subject of an application under Section 43 of the Planning Act (Minor Variance).

☑ Yes ☐ No

28. If the answer to item 27 is yes, please give the file number of the application and the status of the application.

MV-02-20-L. 9.5% Lot coverage, 6.5m Rear yard, Application was Denied at Aug. 13 2020 meeting

29. A **SKETCH** must be submitted showing the following:

i) THE SKETCH **MUST** HAVE A NORTH ARROW AT THE TOP OF THE PAGE.

ii) The boundaries and dimensions of the subject land including the location of any existing and proposed buildings.

iii) The location of a reference point……i.e. distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing.

iv) The location of all abutting (neighbours') lands.

v) The approximate location of all natural and artificial features on the subject land and on the land that is adjacent to the subject land. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, barns, wetlands, wooded areas, wells and septic tanks. Show distance of these features from the applicant's property lines.

****Note:** ** The distances to on-site and abutting owners' wells, septic fields and barns, from the property to be varied, **IS REQUIRED** to be shown. The **SKETCH** is of significant importance and should be prepared as carefully, neatly and accurately as possible.

TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE
***Planning Act*, R.S.O. 1990, c. P.13 as amended**

AGREEMENT TO INDEMNIFY

Attached to this application is a cheque payable to the Township of South Frontenac representing payment of the application fee.

The Owner/Applicant/Agent agrees that the information recorded in this Minor Variance Application Form is accurate. The Owner/Applicant/Agent agrees that representatives of the Township, Public Health and, where applicable, the appropriate Conservation Authority, may enter onto the subject property for the purpose of determining the appropriateness of the site for the proposed development.

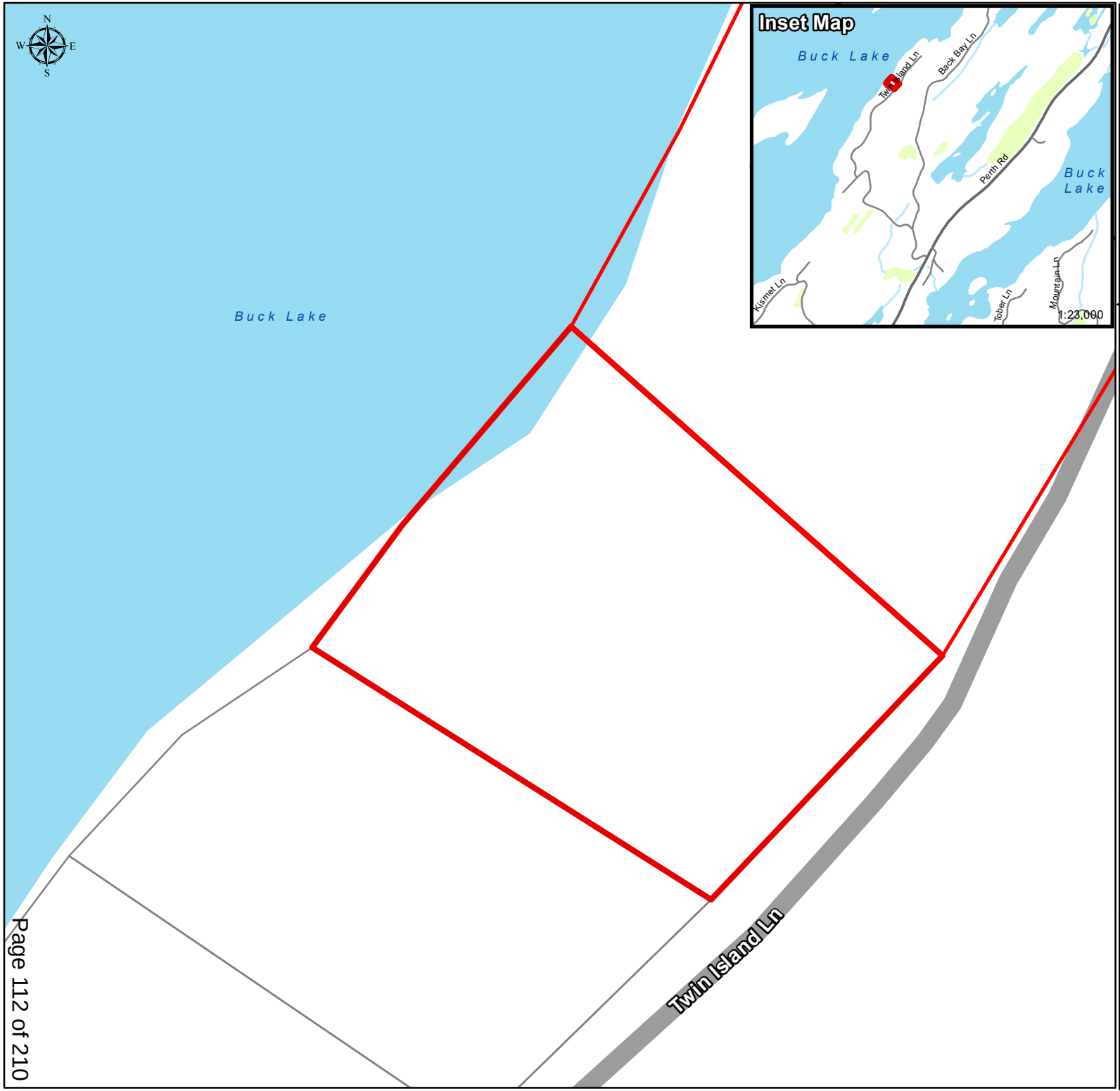
The Owner/Applicant/Agent agrees to reimburse and indemnify the municipality for all fees and expenses incurred by the municipality to process the application, including any fees and expenses attributable to proceedings before the Ontario Municipal Board or any court or other administrative tribunal if necessary to defend Council's decision to support the application.

Without limiting the foregoing, such fees and expenses shall include the fees and expenses of consultants, planners, engineers, lawyers and such other professional and technical advisors as the municipality may, in its absolute discretion acting reasonably, consider necessary or advisable to more properly process and support the application.

The Owner/Applicant/Agent further agrees to provide the municipality, upon request and in cases where an application has been appealed to the Ontario Municipal Board, with a deposit (over and above the normal application fee), from which the municipality may, from time to time charge any fees and expenses incurred by the municipality in order to process the application. If such appeal expenses exceed the deposit, the Owner/Applicant shall pay the difference forthwith upon being billed by the municipality, with interest at the rate of 1.25% per month (15% per annum) on accounts overdue more than 30 days,

The Owner/Applicant/Agent further agrees that, until such requests have been complied with, the municipality will have no continuing obligation to process the application or attend or be represented at the Ontario Municipal Board or any court or other administrative proceeding in connection with the application:

[redacted]



MV-40-20-L (Vanderhaar)

TWIN ISLAND LANE

Legend

- Subject Property
- Parcel Fabric
- Provincially Significant Wetlands
- Wetland
- River/ Stream
- Waterbody

Produced by the Township of South Frontenac under license with the Ontario Ministry of Natural Resources © Queen's Printer for Ontario, 2015.

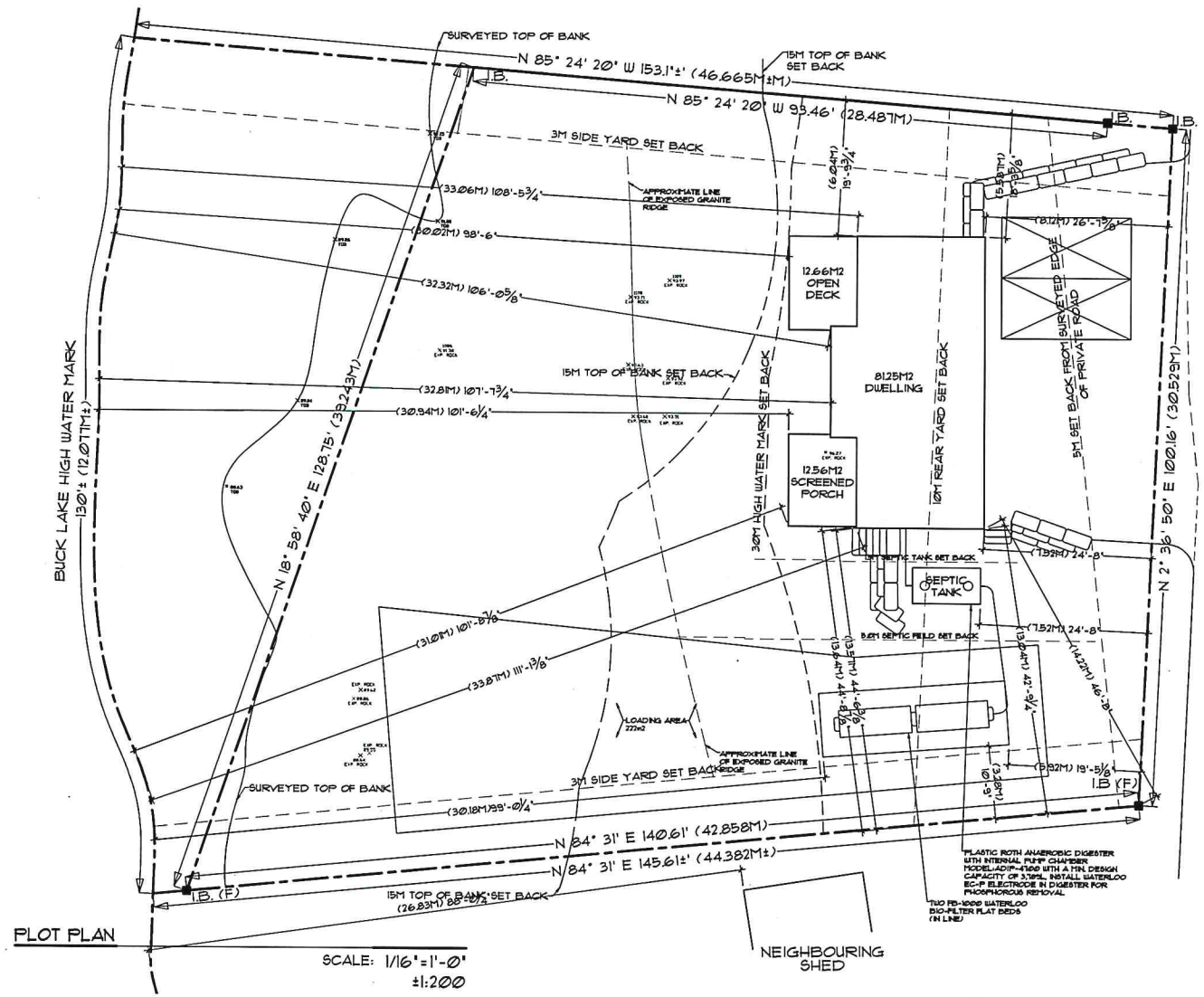
While the Township makes every effort to insure that the information presented is accurate for the intended uses of this map, there is an inherent error in all mapping products, and accuracy of the mapping cannot be guaranteed for all possible uses. This map displays basic topographic features only.

Scale 1:500

0 1.5 3 6 9 12

Meters

UTM Projection NAD 83



PLOT PLAN

SCALE: 1/16"=1'-0"
±1:200

DISCLAIMER:
BV DESIGN & DRAFTING IS NOT RESPONSIBLE FOR ANY MISINTERPRETATION OF THESE PLANS & WILL NOT TAKE RESPONSIBILITY FOR CHANGE(S) MADE BY THE OWNER(S), CONTRACTOR(S) OR ANY OFFICIAL(S) REGARDING THIS PROJECT. PLAN(S) ARE NOT TO BE SCALED. REPORT AND CHANGE(S) OR ERROR(S) TO 'BV DESIGN & DRAFTING PRIOR TO CONSTRUCTION IN ORDER TO RECEIVE REVISED DRAWING(S). THESE PLANS ARE THE PROPERTY OF THE OWNER(S) OR CONTRACTOR(S) MENTIONED BELOW. 'BV DESIGN & DRAFTING' RESERVES THE RIGHT TO REUSE THESE PLANS IN PART OR IN WHOLE. THE OWNER(S) OR CONTRACTOR(S) SHALL NOT REUSE THESE PLANS IN ANY FORM OR SHAPE OTHER THEN FOR THIS PROJECT. THESE PLANS FORM THE BASIS OF CONSTRUCTION & HAVE BEEN DESIGNED TO 2016 OBC.

I, Brad Vanderhaar, declare that I review and take responsibility for the design work on behalf of a firm registered under subsection 3.2.4. of Division C. of the Building Code. I am qualified, and the firm is registered, in the appropriate classes/categories

Registered

Individual BCIN: 32741

Firm BCIN: 37556

BV DESIGN & DRAFTING
Brad Vanderhaar
278 Welborne Ave.
Kingston On.
K7M 4G6
(613) 929-5957
brad@bpedevelopment.com

Description	Date:
Issued for minor variance application	09-24-2020

Revisions

Client
Amanda & Brad Vanderhaar

Project:
Twin Island Lane Cottage

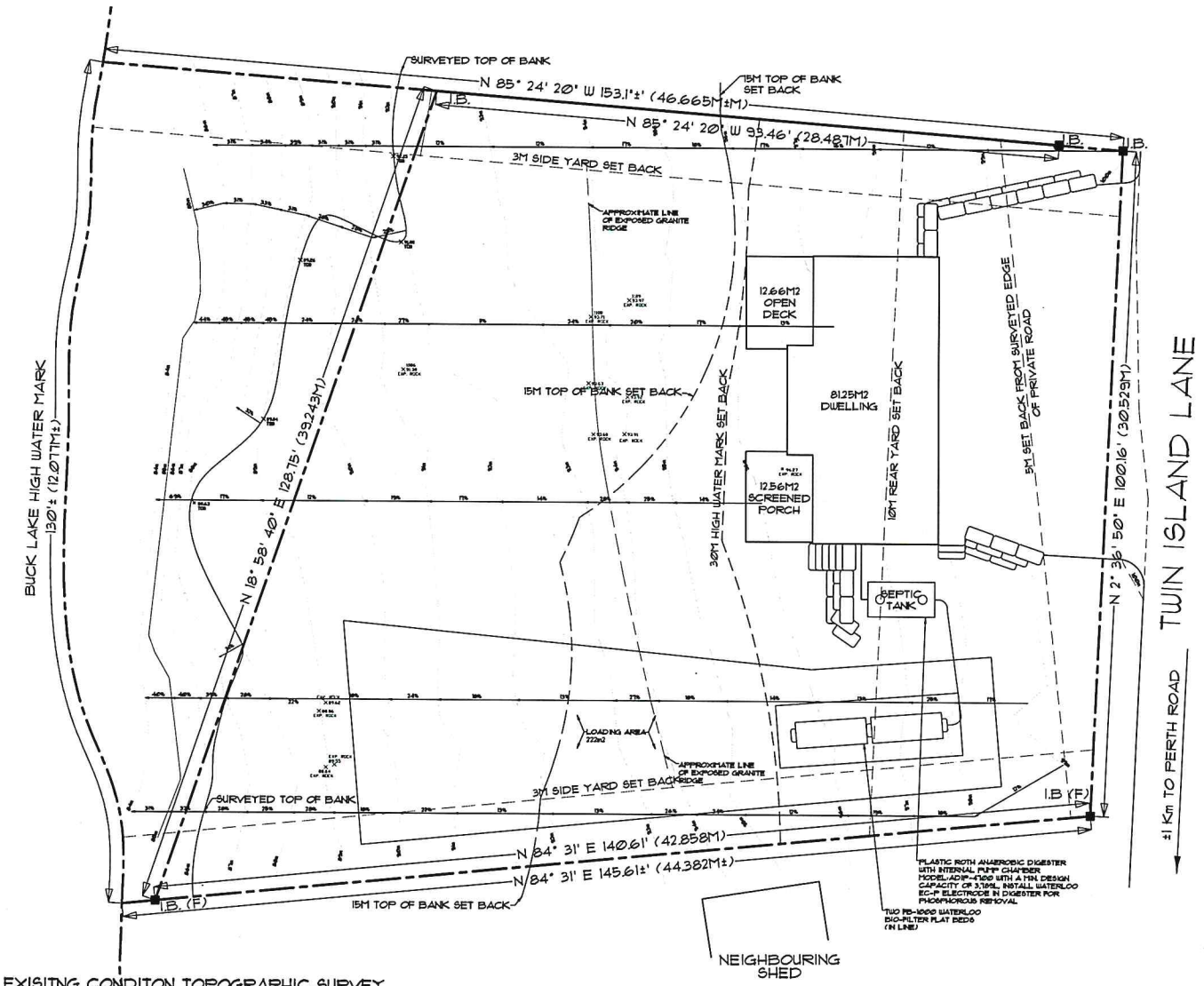
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Plot Plan

Drawn By: B.G.V.

Date: 09-14-2020

Scale: 1/16"=1'-0" 1:200 metric

Page: PL1



EXISITNG CONDITON TOPOGRAPHIC SURVEY

SCALE: 1/16"=1'-0"
±1:200

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(signature)

Individual BCIN: 32784
Firm BCIN: 37956

BV DESIGN & DRAFTING
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278 Welborne Ave.
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K7M 4G6
(613) 929-5957
brad@bpedevelopment.com

Description	Date:
ISSUED FOR MINOR VARIANCE APPLICATION	09-24-2020

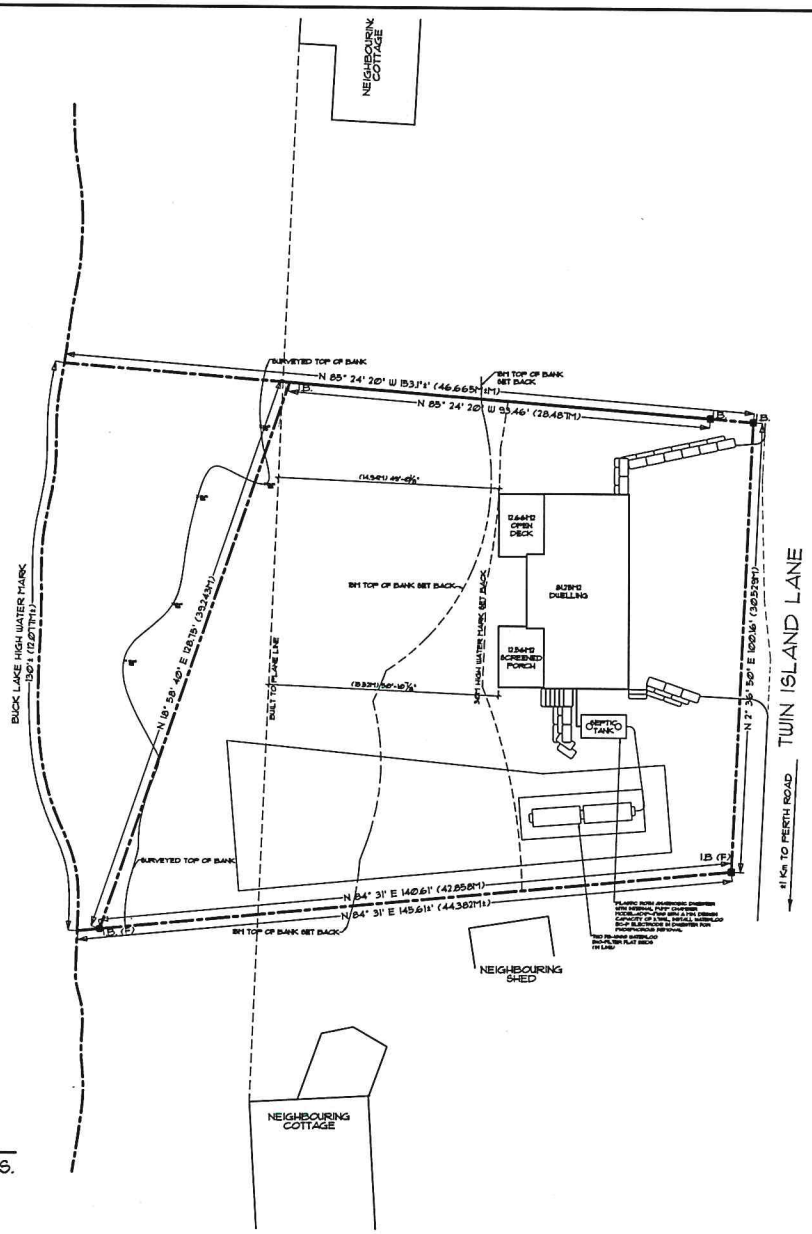
Revisions

Client
AMANDA & BRAD VANDERHAAR

Project:
TWIN ISLAND LANE COTTAGE

Drawing Title:
EXISTING CONDITIONS TOPOGRAPHIC SURVEY

Drawn By: B.B.V.
Page: TS1
Date: 09-14-2020
Scale: 1/16"=1'-0" 1:200 METRIC



BUILT TO PLANE

SCALE: N.T.S.

DISCLAIMER:
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I, Brad Vanderhaar, declaire that I review and take responsibility for the design work on behalf of a firm registered under subsection 3.2.4. of Division C, of the Building Code. I am qualified, and the firm is registered, in the appropriate classes/categories

Signature

Individual BCIN: 32714

Firm BCIN: 37568

BV DESIGN & DRAFTING
Brad Vanderhaar
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(613) 929-5957
brad@bpedevelopment.com

Description	Date:
Issued for minor variance application	09-24-2020

Revisions

Client
Amanda & Brad Vanderhaar

Project:
Twin Island Lane Cottage

Drawing Title:
Built to plane

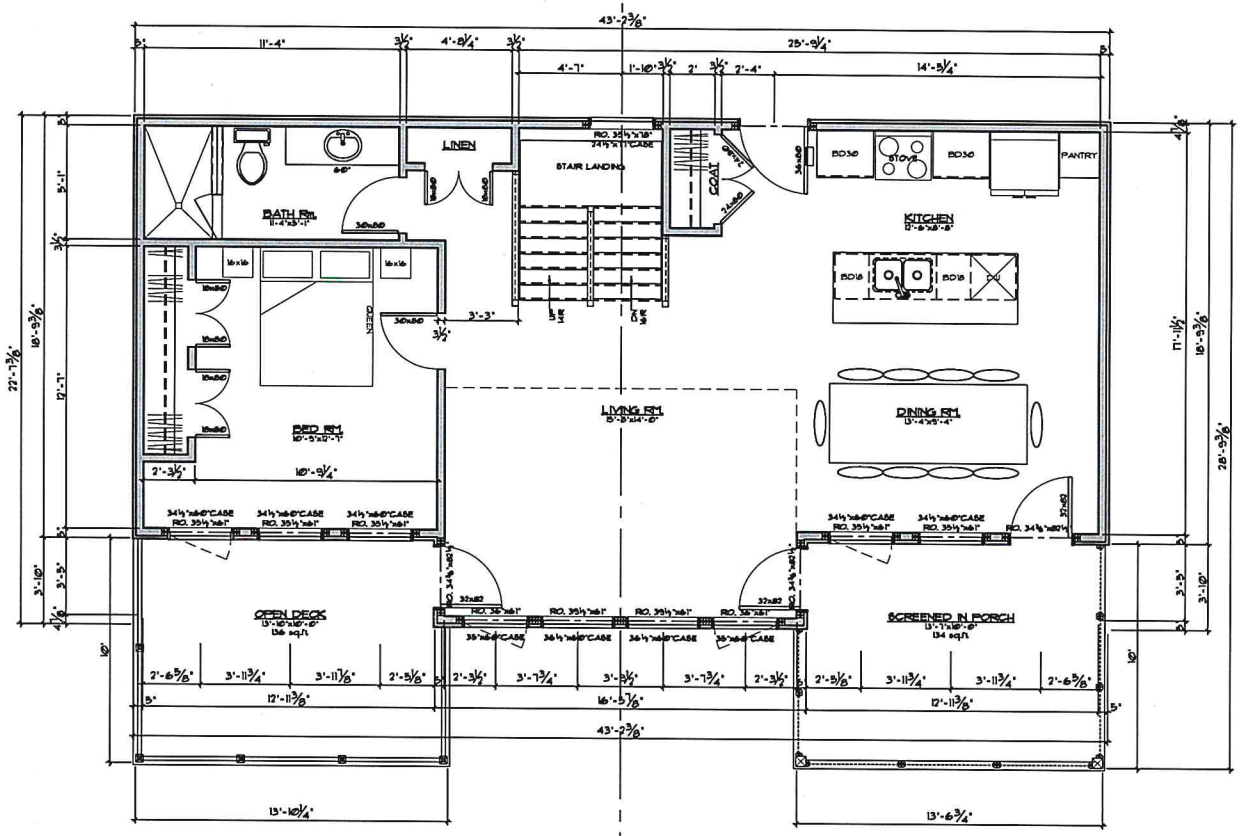
Drawn By: B.B.V.

Page: TS2

Date: 09-14-2020

Scale: Not to scale

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GROUND LEVEL 875 sq.ft.

GROUND FLOOR

SCALE: 3/16"=1'-0"

I, Brad Vanderhaar, declare that I review and take responsibility for the design work on behalf of a firm registered under subsection 3.2.4. of Division C, of the Building Code. I am qualified, and the firm is registered, in the appropriate classes/categories

Individual BCIN: 27114
Firm BCIN: 27558

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K7M 4G6
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brad@bpedevelopment.com

Description	Date:
Issued for minor variance application	09-24-2020

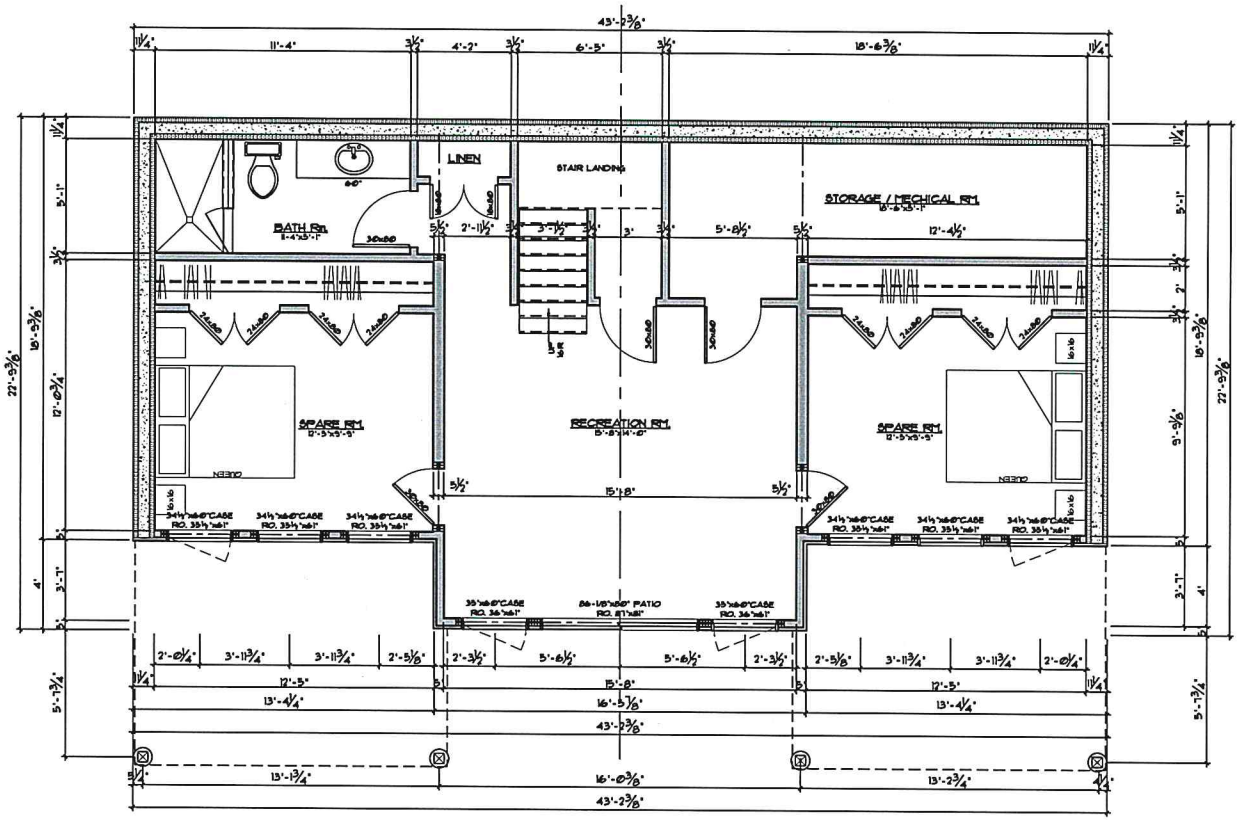
Revisions

Client
AMANDA & BRAD VANDERHAAR

Project:
TWIN ISLAND LAND COTTAGE

Drawing Title:
GROUND FLOOR PLAN

Drawn By: B.G.V.	Page: A1
Date: 09-14-2020	
Scale: 3/16"=1'-0"	



LOWER LEVEL 801 sq.ft.

BASEMENT FLOOR PLAN

SCALE: 3/16"=1'-0"

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I, BRAD VANDERHAAR, DECLAIRE THAT I REVIEW AND TAKE RESPONSIBILITY FOR THE DESIGN WORK ON BEHALF OF A FIRM REGISTERED UNDER SUBSECTION 2.2.4. OF DIVISION C, OF THE BUILDING CODE. I AM QUALIFIED, AND THE FIRM IS REGISTERED, IN THE APPROPRIATE CLASSES/CATEGORIES

Signature

INDIVIDUAL BCIN: 27214

FIRM BCIN: 37868

BV DESIGN & DRAFTING
BRAD VANDERHAAR
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BRAD@BPEDEVELOPMENT.COM

DESCRIPTION	DATE:
ISSUED FOR MINOR VARIANCE APPLICATION	09-24-2020

REVISIONS

CLIENT
AMANDA & BRAD VANDERHAAR

PROJECT:
TWIN ISLAND LAND COTTAGE

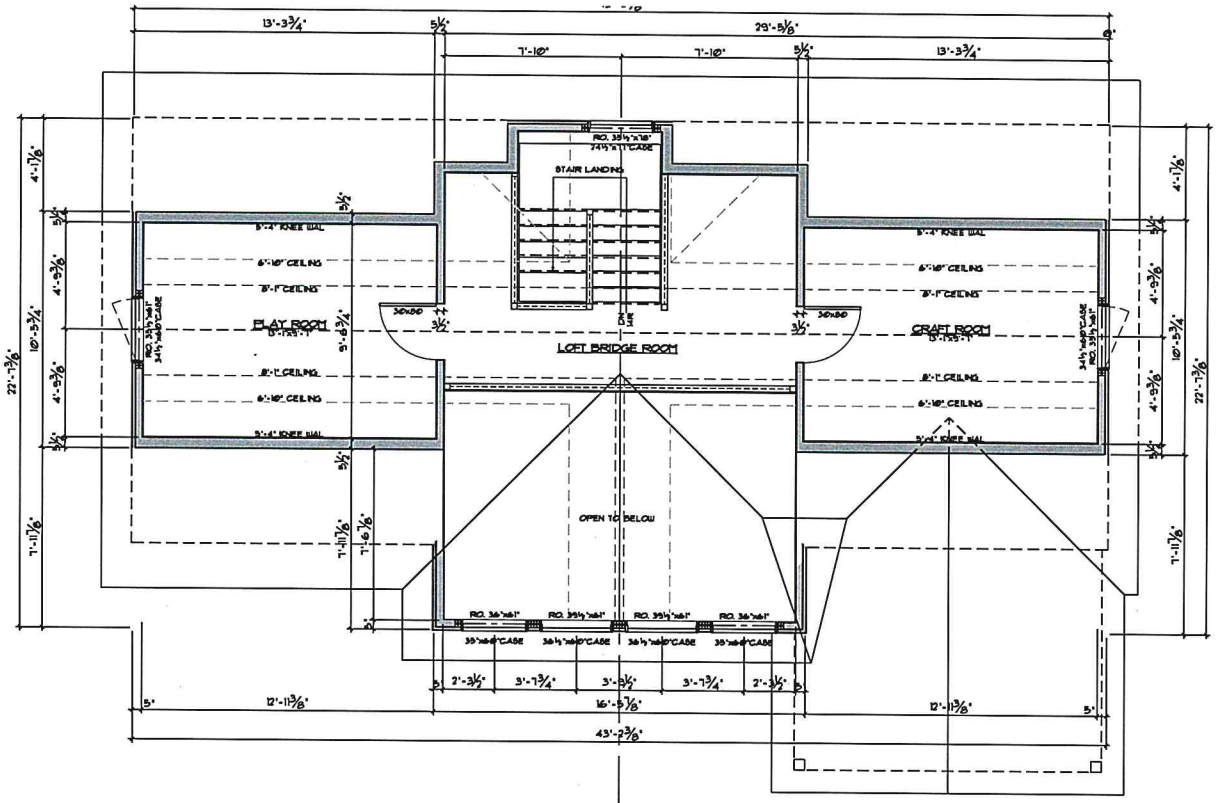
DRAWING TITLE:
BASEMENT FLOOR PLAN

DRAWN BY: B.G.V.

DATE: 09-14-2020

SCALE: 3/16"=1'-0"

PAGE: A2



LOFT LEVEL 463 sq.ft.

BASEMENT FLOOR PLAN

SCALE: 3/16"=1'-0"

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I, Brad Vanderhaar, declaire that I review and take responsibility for the design work on behalf of a firm registered under subsection 3.2.4. of Division C, of the Building Code, I am qualified, and the firm is registered, in the appropriate classes/categories

Individual BCIN: 27214

Firm BCIN: 27568

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Description	Date:
ISSUED FOR MINOR VARIANCE APPLICATION	09-24-2020

Revisions

Client
AMANDA & BRAD VANDERHAAR

Project:
TWIN ISLAND LAND COTTAGE

Drawing Title:
LOFT FLOOR PLAN

Drawn by: B.G.V.

Page: A3

Date: 09-14-2020

Scale: 3/16"=1'-0"



WEST ELEVATION

SCALE: 3/16"=1'-0"

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(signature)

INDIVIDUAL BCIN: 37154

FIRM BCIN: 37568

BV DESIGN & DRAFTING
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BRAD@BPEDEVELOPMENT.COM

DESCRIPTION	DATE:
ISSUED FOR MINOR VARIANCE APPLICATION	09-24-2020

REVISIONS

CLIENT
AMANDA & BRAD VANDERHAAR

PROJECT:
TWIN ISLAND LAND COTTAGE

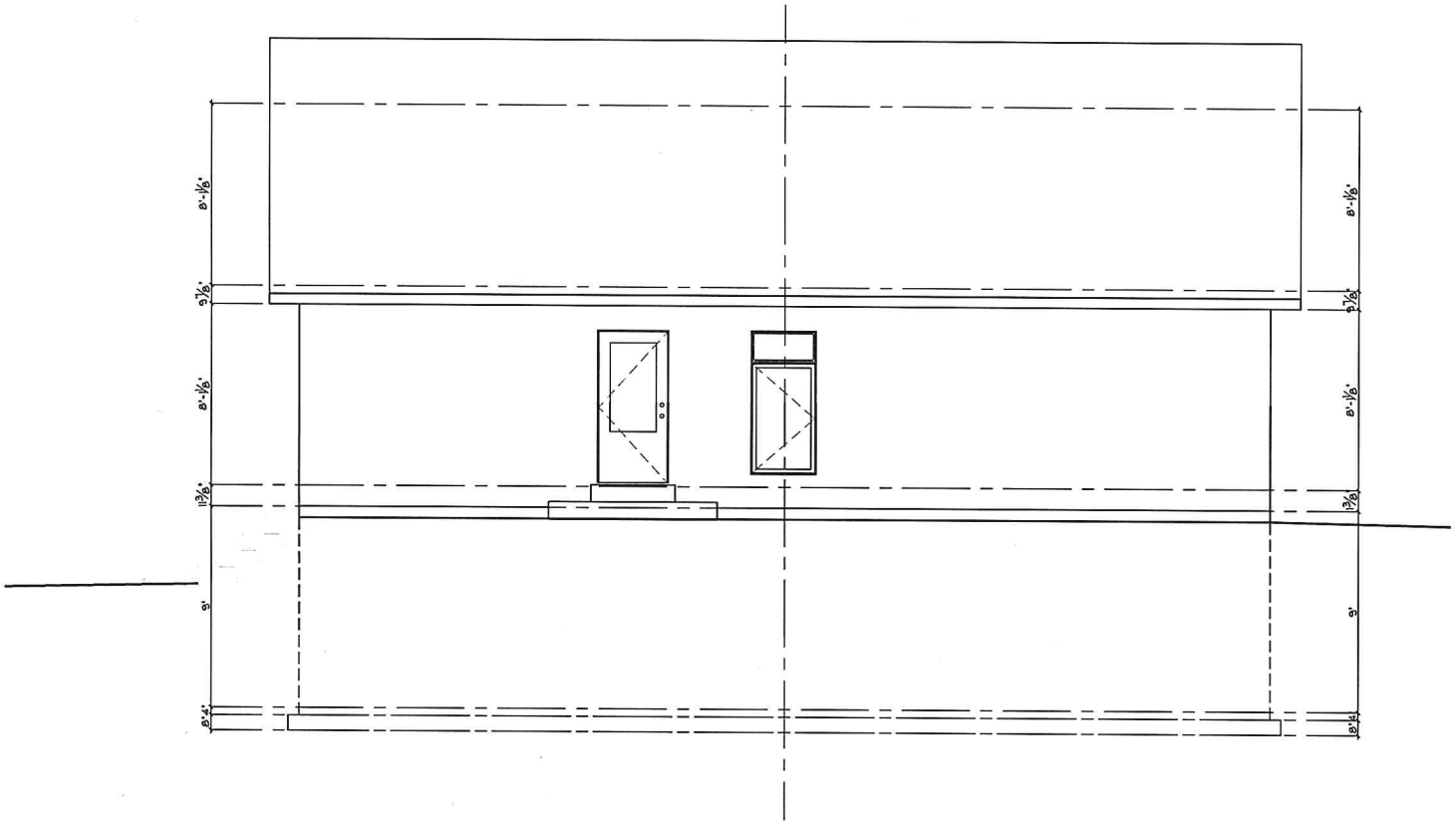
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WEST ELEVATIONS

DRAWN BY: B.G.V.

DATE: 02-06-2020

SCALE: 3/16"=1'-0"

PAGE: A4



EAST ELEVATION

SCALE: 3/16"=1'-0"

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(signature)

INDIVIDUAL BCIN: 32184

FIRM BCIN: 37566

BV DESIGN & DRAFTING
BRAD VANDERHAAR
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(613) 929-5957
BRAD@BPEDEVELOPMENT.COM

DESCRIPTION	DATE:
ISSUED FOR MINOR VARIANCE APPLICATION	09-24-2020

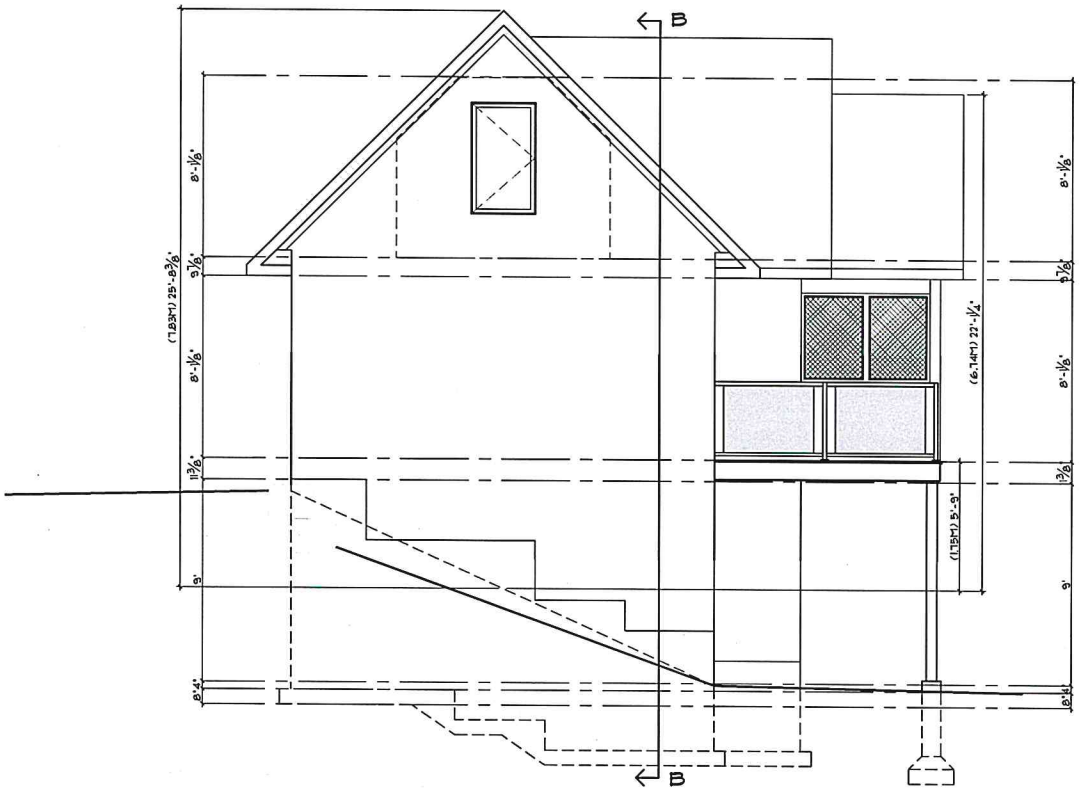
REVISIONS

CLIENT
AMANDA & BRAD VANDERHAAR

PROJECT:
TWIN ISLAND LAND COTTAGE

DRAWING TITLE:
EAST ELEVATION

DRAWN BY: B.G.V.
DATE: 09-14-2020
SCALE: 3/16"=1'-0"
PAGE: A5



NORTH ELEVATION

SCALE: 3/16"=1'-0"

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I, BRAD VANDERHAAR, DECLARE THAT I REVIEW AND TAKE RESPONSIBILITY FOR THE DESIGN WORK ON BEHALF OF A FIRM REGISTERED UNDER SUBSECTION 3.2.4. OF DIVISION C, OF THE BUILDING CODE, I AM QUALIFIED, AND THE FIRM IS REGISTERED, IN THE APPROPRIATE CLASSES/CATEGORIES

(signature)

INDIVIDUAL BCIN: 27761

FIRM BCIN: 37568

BV DESIGN & DRAFTING
BRAD VANDERHAAR
278 WELBORNE AVE.
KINGSTON ONT.
K7M 4G6
(613) 929-5957
BRAD@BPEDEVELOPMENT.COM

DESCRIPTION	DATE:
ISSUED FOR MINOR VARIANCE APPLICATION	09-24-2020

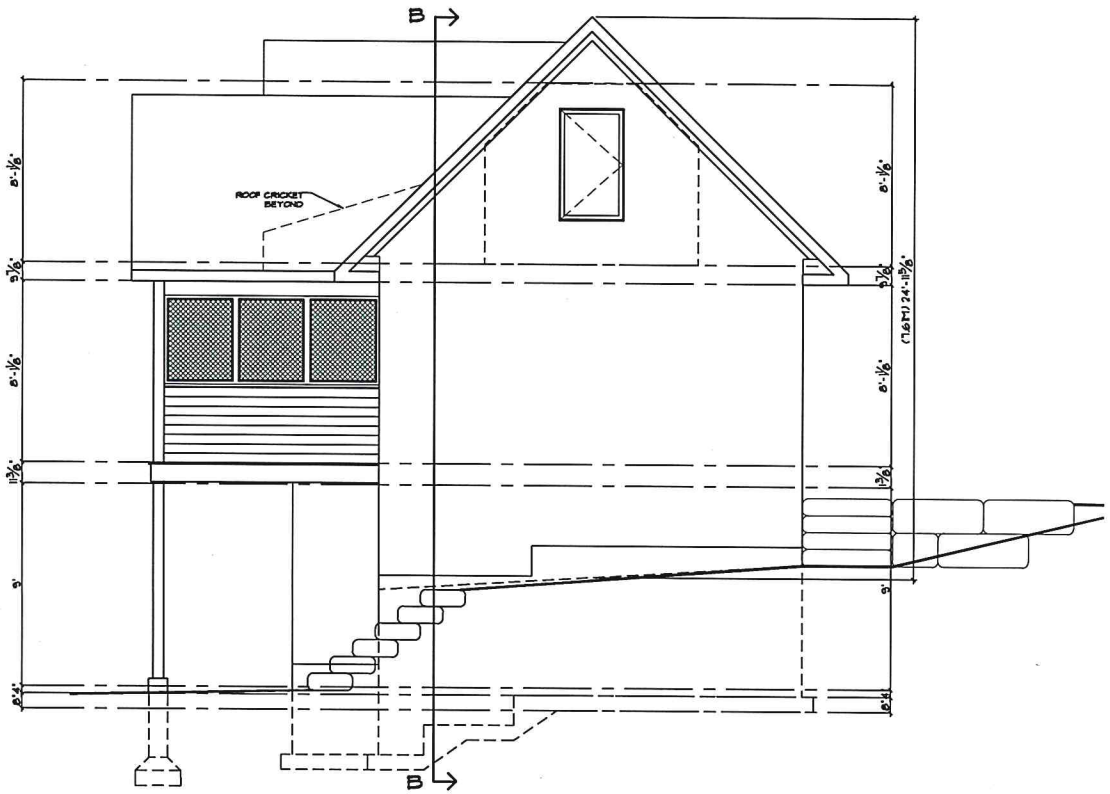
REVISIONS

CLIENT
AMANDA & BRAD VANDERHAAR

PROJECT:
TWIN ISLAND LAND COTTAGE

DRAWING TITLE:
NORTH ELEVATION

DRAWN BY: B.B.V.	PAGE: A6
DATE: 09-14-2020	
SCALE: 3/16"=1'-0"	



EAST ELEVATION

SCALE: 3/16"=1'-0"

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Signature

INDIVIDUAL BCIN: [illegible]

FIRM BCIN: [illegible]

BV DESIGN & DRAFTING
BRAD VANDERHAAR
278 WELLSPRING AVE.
KINGSTON ONT.
K7M 4G6
(613) 929-5957
BRAD@BPEDEVELOPMENT.COM

DESCRIPTION	DATE:
ISSUED FOR MINOR VARIANCE APPLICATION	09-24-2020

REVISIONS

CLIENT
AMANDA & BRAD VANDERHAAR

PROJECT:
TWIN ISLAND LAND
COTTAGE

DRAWING TITLE:
EAST ELEVATION

DRAWN BY: B.G.V.
PAGE: A4
DATE: 09-14-2020
SCALE: 3/16"=1'-0"

REPORT TO COMMITTEE OF ADJUSTMENT
PLANNING DEPARTMENT

Report Date: December 2, 2020

Application No: MV-40-20-L
Owners: Brad & Amanda Vanderhaar
Location of Property: 1229 Twin Island Lane, Buck Lake, Loughborough District
Purpose of Application: To vary Section 10.3.1 of Comprehensive Zoning By-law 2003-75
Date of Hearing: November 12, 2020

Recommendation: That provisional approval be:

✓ granted with conditions (attached)
___ deferred
___ denied

Purpose:
✓ zoning relief for construction of a new building
___ zoning relief for replacement of an existing building
___ zoning relief for other

Official Plan Designation:	**Zoning:**
Rural	Limited Service Residential – Waterfront
Zoning Relief Requested:	
Section 10.3.1: Rear Yard	**Relief:** To permit the construction of a dwelling with a minimum rear yard depth of 7.5 metres (24.6 feet), whereas the Zoning By-law requires a minimum 10 metre (32.8 foot) rear yard for the principal building.
Section 10.3.1: Lot Coverage	**Relief:** To permit the construction of a dwelling resulting in 6.6% lot coverage, whereas the Zoning By-law permits a maximum 5% lot coverage for the principal building.

Review:

This application for a variance:

✓ Is consistent with the Provincial Policy Statement (s. 3(5) *Planning Act*);

✓ Maintains with the general intent and purpose of the County of Frontenac Official Plan;

✓ Maintains with the general intent and purpose of the Township of South Frontenac Official Plan;

✓ Maintains with the general intent and purpose of the Township of South Frontenac Zoning By-law 2003-75;

✓ Is desirable for the appropriate development of the land, building or structure in question; and

✓ Is minor.

Proposal

An application for minor variance was received to allow a seasonal dwelling within the rear yard, and that would exceed the maximum lot coverage for a principal building, permitted in the RLSW zone.

The subject property is 0.16 hectare (0.4 acre) in area and is currently vacant. It has road frontage on Twin Island Lane and water frontage on Buck Lake. The lands have a moderate to steep slope down from the lane to the lake.

The 81.25 square metre seasonal dwelling would have a walkout basement, a 12.56 square metre screened porch and 12.66 square metre deck. The dwelling would be approximately 7.8 metres in height.

The proposed dwelling would have a rear yard setback of 7.5 metres (24.6 feet) instead of 10 metres (32.8 feet). It would require an increase in the allowable lot coverage for the principal building from 5% to 6.6%. The dwelling would be located a minimum of 30 metres from the high water mark of Buck Lake, and more than 15 metres from the top of bank.

A new septic system with Level IV treatment (a “tertiary” system) is proposed to be installed in a location that would comply with zoning requirements, including the minimum 30 metre setback from the highwater mark.

Agency and Public Comments

Public Services Department – Public Services was not circulated the application because the property is on a private lane.

Building Department – The Building Department has no objections to the application as presented and will review the detailed building plans through the Building Permit process, should the application be approved. All approved setbacks will need to be confirmed by an Ontario Land Surveyor.

KFL&A Public Health – KFL&A Public Health was not circulated the application. This agency supported the proposed location of the sewage system through minor variance application MV-02-20-L. Further details regarding the sewage system will be addressed at the permit stage.

Cataraqui Conservation – Cataraqui Conservation staff indicated that they are satisfied with the applicants’ efforts to reduce the footprint of the building to address the concerns over lot coverage raised with application MV-02-20-L. They have no objection to the approval of the application. It was noted that a permit under O. Reg. 148/06 will be required for the proposed development as it is located within a regulated area.

Ministry of the Environment, Conservation and Parks – MECP supports the efforts made by the proponent to lighten the footprint and potential environmental impact of the proposed development on this sensitive lake trout lake on what they view is an undersized and constrained lot. They had no further comments or concerns.

Public Comments – No written comments were received from the public at the time of the writing of this report.

Planning Analysis Summary

Under Section 45(1) of the *Planning Act* there are four tests a minor variance must meet. A variance may be authorized from the provisions of the zoning by-law, if, in the opinion of the Committee of Adjustment, the request meets all of the following tests:

Does the variance maintain the general intent and purpose of the Official Plan?

- The subject lands are designated ‘Rural’ in the Official Plan on Schedule A. The type and amount of development on ‘Rural’ lands must maintain the rural character, natural heritage, and cultural landscape in the Township.

- It is the opinion of Township staff that the proposed development maintains the general intent and purpose of the Official Plan, specifically the policies on limited service residential development, and development within environmentally sensitive areas and adjacent to at-capacity lake trout lakes.

- The subject lands are adjacent to Buck Lake, which is an at-capacity lake trout lake. Section 5.2.8 of the Official Plan requires new development adjacent to a sensitive lake trout lake ("at-capacity") to be developed in accordance with the policies on Environmentally Sensitive Areas, specifically section 5.2.7(b)(i). Section 5.2.7(b)(i) requires development to be setback a minimum of 30 metres from the high water mark, and encourages maintenance of natural vegetation and the soil mantle within the 30 metre setback. The proposed dwelling and septic system would be set back a minimum of 30 metres from the high water mark.

Does the variance maintain the general intent and purpose of the Zoning By-law?

- The variance for a reduced rear yard would maintain the general intent and purpose of the Zoning By-law as the proposed dwelling is a permitted use on the subject property, and the reduced rear yard enables the proposed development to achieve a minimum 30 metre setback from the high water mark.

- The variance for an increase in the allowable lot coverage for the principal building (the seasonal dwelling) from 5% to 6.6% maintains to the general intent and purpose of the Zoning By-law. The proposed increase in lot coverage is considered minor for this lot of record.

Is the requested variance desirable for the appropriate development or use of the land, building or structure in question?

- The variances are desirable for the appropriate development of the land. The requested variances would accommodate the development of this lot of record while achieving a minimum 30 metre setback from the high water mark and the maintenance of natural vegetation and the soil mantle within the 30 metre setback. The applicant has also demonstrated that the reduced rear yard will not reduce the area available for vehicle parking outside the lane.

Is the variance minor?

- The requested variances are minor. The proposed location and size of the seasonal dwelling are reasonable. The proposed dwelling is of a similar size to other dwellings along Twin Island Lane. It would be located farther from the lake and closer to the lane than the other dwellings along the lane. It is anticipated that there will be no negative impact on the lake and on surrounding properties as a result of the development of this property.

Conclusion

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-40-20-L, subject to conditions.

Recommended Conditions

Conditions are a decision of the Committee of Adjustment, the conditions below are recommended. The final approved conditions will be included in the signed decision.

1. The minor variance is for an 81.25 square metre dwelling (approximately 7.8 metre in height) with a 12.56 square metre screened porch and 12.66 square metre deck to be constructed at 30 metres from the highwater mark. MV-40-20-L permits the construction of the dwelling with a minimum 7.5 metre (24.6 foot) rear yard depth, and with a maximum 6.6% lot coverage. All as per the drawings submitted with MV-40-20-L.

2. The applicant is required to submit an application for site plan control and enter into a Site Plan Agreement to be registered on the title of the property to the satisfaction of the Township to address the following matters and environmental standards of the Township prior to the issuance of a building permit:

    a. The use of appropriate erosion control measures (e.g. silt fence, straw bales) during construction and until the site is stable and revegetated.

    b. The removal of any excavated materials from the site so that it is not used as fill downgradient from the building envelope.

    c. Roof runoff will be directed through downspouts into French Drains or onto splash pads.

    d. Identifying the location and means of access to the shoreline.

    e. Entering into a maintenance and service agreement with an authorized representative of the manufacturer of the septic treatment unit, and providing annual proof of maintenance to the Township.

    f. Maintaining natural tree cover and understory in the area downslope from the dwelling, filter bed and contact area in a natural state. The only grassed over area should be over the filter bed and contact area.

3. A building permit is required for ALL construction on the property. There shall be no additional development, or demolition of existing structures, on the property without the approval from the Township of South Frontenac.

4. Minor variance MV-40-20-L is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.

Submitted by: Christine Woods, MCIP RPP, Senior Planner

Approved by: Claire Dodds, MCIP, RPP, Director of Development Services

Date of Site Visits: May 21, 2020 and June 24, 2020

November 23, 2020 File: MV/FRS/230/2020

Sent by E-mail

Ms. Anna Geladi, Planner
Township of South Frontenac
P.O. Box 100
Sydenham, Ontario
K0H 2T0

Dear Ms. Geladi:

Re: Application for Minor Variance MV-40-20-L (Vanderhaar)
Part Lot 23, Concession 13; Twin Island Lane
Loughborough District, Township of South Frontenac
Waterbody: Buck Lake

Cataraqui Conservation staff have reviewed the above-noted application for minor variance and provide the following comments for the Committee of Adjustment's consideration. The property was visited by staff on April 24, 2020.

This letter is further to our previous correspondence of June 26, 2020 in relation to minor variance MV-02-20-L (Vanderhaar). Additional comments to our previous letter are provided in bold italic font for easy reference.

Summary of Proposal

The proposal involves the construction of a seasonal dwelling and a septic system on the subject property. The variance request is to:

- ***Reduce the setback from the rear lot line from 10 metres to 2.48 metres for the seasonal dwelling.***
- ***Increase lot coverage from 5% to 6.6%.***

Site Description

The property is located on the eastern shore of the north bay of Buck Lake. The topography of the site can be characterized as having a steep embankment at the

shoreline, then continuing to rise less steeply toward Twin Island Lane to the east. Presently, the lot is wooded.

The property is currently designated ‘Rural’ in the Official Plan and ‘Limited Service Residential – Waterfront Zone’ (RLSW) in the implementing Zoning By-law for South Frontenac Township. Buck Lake is designated as a highly sensitive Lake Trout lake in the Official Plan for South Frontenac Township.

Discussion

The main interest of Cataraqui Conservation in this proposal is the protection of the water quality of Buck Lake and the avoidance of natural hazards (e.g. flooding and erosion) associated with the shoreline.

Natural Hazards

Flooding: Cataraqui Conservation does not have floodplain mapping for Buck Lake. The maximum recorded water level for Buck Lake is 133.16 metres geodetic. For Buck Lake, the maximum recorded water level is used in lieu of an engineered flood plain. Cataraqui Conservation’s Guidelines for Implementing Ontario Regulation 148/06 (see description below) requires that all development be set back a minimum of 6 metres from the regulatory floodplain of a waterbody. Based upon elevation mapping data, the proposed development will be located outside of the setback from the regulatory flood plain. Therefore, staff have no concerns with the proposal from a flooding hazard perspective.

Erosion: Cataraqui Conservation defines the extent of potential erosion hazards to include an allowance for toe erosion, a stable slope allowance for bedrock shorelines of 1 (vertical):1 (horizontal), plus an erosion access allowance of 6 metres. Based upon observations and measurements taken at the site, staff estimate the total erosion hazard to be approximately 12 metres measured inland from the toe of slope. The proposed development will be located outside of the erosion hazard allowance. Therefore, staff have no concerns with the proposal from an erosion hazard perspective.

Water Quality

Section 2.2 of the Provincial Policy Statement (PPS) suggests that planning authorities should seek to protect, improve or restore the quality and quantity of water. Accordingly, the Official Plan and Zoning By-law for the Township of South Frontenac

provide guidance with respect to how development should occur in consideration of protecting, improving and restoring water quality within the municipality. Similarly, the Cataraqui Conservation's Environmental Planning Policy (April 2015) contains provisions that seek to support these objectives.

Section 5.2.7 b)(i) of the Official Plan for South Frontenac Township suggests that a minimum 30 metre setback from the high water mark is required to be maintained as a buffer in order to protect water quality. Similarly, the Environmental Planning Policy recommends that new development and site alteration, including septic system tile fields and open or enclosed decks/patios attached to the main dwelling, be set back a minimum distance of 30 metres from the highwater mark of a waterbody.

The proposal places both the dwelling and the main components of the sewage system beyond the 30 metre water setback. The septic mantle is the only development proposed within the 30 metre water setback. ***Under a previous submission, staff were concerned with the size of the building footprint as the applicant was seeking relief to double the maximum allowable lot coverage from 5% to 9.5%. The maximum lot coverage provisions in the Zoning By-law are intended to limit intensification on a waterfront lot in support of the water quality provisions of the PPS and the Official Plan, particularly when a property is located on a sensitive Lake Trout lake. This submission effectively reduces the footprint of the development from 151.54 m2 to 106.47 m2, a decrease of 45.07 m2. This reduces the amount of lot coverage relief required from 4.5% to 1.6% (6.6% total) which is a substantial improvement.***

Staff are satisfied with the applicant's efforts to reduce the footprint of the building to address our previous lot coverage concerns.

Recommendation

Staff have no objection to the approval of application MV-40-20-L based upon our consideration for natural hazards, natural heritage and water quality protection policies.

Ontario Regulation 148/06

The CRCA, under Ontario Regulation 148/06: *Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses,* regulates development

(construction, filling, and site alteration) within 15 metres of a valley land. The valley of Buck Lake is considered to extend inland to the top of the slope. It appears that the proposed development is within the 15 metre adjacent lands to the top of valley, and therefore, a Cataraqui Conservation permit will be required for the proposed development. The applicant will be required to contact the undersigned at the building permit stage for more information regarding permitting requirements under Ontario Regulation 148/06.

Please notify this office of any decision made by the Committee of Adjustment with regard to this application. If you have any questions, please contact Andrew Schmidt at (613) 546-4228 extension 244, or by e-mail at aschmidt@crca.ca.

Yours truly,

Andrew Schmidt

Andrew Schmidt
Supervisor, Development Review

/as
c.c. Michelle Hannah, South Frontenac Township (via e-mail)
Brad & Amanda Vanderhaar (via e-mail)
Jon Orpana, Ministry of Environment, Conservation and Parks (via e-mail)

TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE
***Planning Act*, R.S.O. 1990, c. P.13 as amended**

Date Received: October 5, 2020 File No: MV-41-20-6

1. Name of Owner(s): MICHAEL G. MCLACHLAN

Full Mailing Address of Owner(s): [redacted]

Phone number of Owner(s): [redacted]

Email Address of Owner(s): [redacted]

2. If the applicant is **NOT** the owner of the subject land, the written authorization of the owner that the applicant is authorized to make the application, must accompany the application.

Name of Authorized Agent: G. EDWARD LLOYD

Full Mailing Address of Authorized Agent: [redacted]

Phone number of Authorized Agent: [redacted]

Email Address of Authorized Agent: [redacted]

OWNER WILL SELF-REPRESENT UNTIL TOWNSHIP IS OTHERWISE NOTIFIED.

Agent as named above is hereby authorized to act on behalf of the owners for purposes of processing this application for Minor Variance.

TOWNSHIP IS AUTHORIZED TO SHARE ANY INFORMATION ABOUT THIS APPLICATION WITH AGENT.

[redacted]

3. The description of the subject land:

District: ☐ Bedford ☐ Portland ☑ Loughborough ☐ Storrington

Concession Number: 6 Lot Number:

Street Number: KENNEDY ISLAND Name of Road/Street: PARTS OF LOTS 10 & 11

Reference Plan Number: 13R-20492 Part Number(s): PART 1 LAND TITLES PARTS 2+3 REGISTRY

Roll Number: 040-030-13600-0000

TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE
***Planning Act*, R.S.O. 1990, c. P.13 as amended**

4. The frontage(s), depth and area of the subject land.

Frontage (on water): SEE HIGGINSON SURVEY SKETCH ATTACHED
Frontage (on road/lane): _____
Depth: APPENDIX D
Area: 4.35 HECTARES (10.75 ACRES)

5. The current zoning of the subject land:

LIMITED SERVICE RESIDENTIAL - ISLAND ZONE (RLSI)

6. The nature and extent of the relief from the Zoning By-law:

I AM REQUESTING SETBACKS LESS THAN THE 30 METRES REQUIRED FROM THE FRONT YARD, THE HIGH WATER MARK AND THE FLOOD LINE FOR A SEASONAL DWELLING - 26.95 M WEST SETBACK. 19.38 M. EAST SETBACK

7. The reason why the proposed use cannot comply with the provisions of the Zoning By-law:

SEE 7A ATTACHED (PAGE 4A)

8. Does the subject property front on a municipally maintained road? ☐ Yes ☐ No
OR a privately maintained road? ☐ Yes ☐ No

Name of Road/Lane:

9. **If access to the subject property is by water only**, please indicate the parking and docking facilities used or to be used and the approximate distance of these facilities from the subject land and the nearest public road.

RIGHT OF WAY GRANTED BY COMMITEE ATTACHING TO THE ISLAND FROM 4420 SILLS BAY RD. SYDENHAM COMPLIANT WITH S. 5.25.2 TOWNSHIP OF SOUTH FRONTENAC COMPREHENSIVE ZONING BY-LAW

10. What are the existing uses of the subject land?

RECREATIONAL/CAMPING

11. Please indicate whether there are any **EXISTING** buildings or structures on the subject land. (I.e. residence, garage, shed, etc.)

☐ Yes ☑ No

7A: I SEEK A VARIANCE TO ALLOW THE CONSTRUCTION OF A SEASONAL DWELLING CLOSER TO THE HIGHWATER MARK THAN THE COMBINED SETBACK RULES ALLOWED BY THE TOWNSHIP OF SOUTH FRONTENAC AND THE CATARAQUI REGIONAL CONSERVATION AUTHORITY (CRCA) ALLOW. THE SURVEYOR LESLIE HIGGINISON HAS BY SKETCH IDENTIFIED AN AREA ON THE ISLAND'S WEST SIDE THAT IS 50 METRES ON LENGTH NORTH/SOUTH AND 12 METRES IN DEPTH EAST/WEST (APPENDIX A. THE PROPOSED DWELLING WILL OVERLAP BY TEN FEET TO THE WEST THE WESTERLY SIDE OF THE HIGGINSON SKETCH WHICH ITSELF IS NON COMPLIANT WITH THE SETBACK RULES. THE PROPOSED DWELLING IS 'OFF GRID' (NO PLUMBING OR HYDRO ELECTRICITY), AND BY SO LOCATING IT, I WILL GAIN MORE ACCESS TO POSSIBLE ALTERNATIVE ENERGY SOURCES SUCH AS WIND AND SUN. THIS END OF THE ISLAND HAS APPARENTLY BEEN USED HISTORICALLY AS A CAMPSITE BECAUSE OF FLATTER TERRAIN, DEEP WATER AND LATER DAY SUN. THE WIND FROM THE WEST HITS THIS PART OF THE ISLAND FULL FORCE AND IS DISSIPATED BY THE TREELINE AS YOU GO FURTHER INLAND.

SOUTH FRONTENAC TOWNSHIP CALCULATES ITS SETBACKS FROM THE CATARAQUI REGIONAL CONSERVATION AUTHORITY (CRCA) 15 METRE SETBACK BECAUSE IT IS MORE RESTRICTIVE. THIS MAKES THE PROPOSED STRUCTURE ON THE WEST END OF KENNEDY ISLAND NON COMPLIANT, NECESSITATING THIS APPLICATION. AN AREA MORE INLAND HAS BEEN IDENTIFIED AS 'SET BACK COMPLIANT.' SEE APPENDIX A. THIS AREA IS MORE HEAVILY TREED, WITH LESS SUN AND WIND AND CONSIDERABLY FARTHER FROM THE WATER. THE TERRAIN IS ALSO MORE RUGGED AND HAS BEEN SUBJECT TO MICA MINING IN EARLIER TIMES. BUILDING THERE WILL INVOLVE MORE DIFFICULTY TRANSPORTING CONSTRUCTION MATERIALS AND WILL NECESSARILY OCCASION MORE DAMAGE TO THE ECOSYSTEM, BOTH TO PLANT AND OTHER LIFE FORMS. THE ISLAND ITSELF IS GRANITE MAKING THE ROOTBASE OF THE TREES SHALLOW. THE DANGER OF TALL PINE TREES FALLING IS REAL. THERE ARE FEW CONVENIENT ACCESS POINTS TO THE ISLAND. I HAVE A SEASONAL 'WALK IN AND WALK OUT' DOCK {CURRENTLY OUT OF THE WATER) THAT CAN MORE EASILY ACCESS THE WESTERN SITE BECAUSE OF THE WESTERN SITE'S MORE FORGIVING TOPOGRAPHY, BOTH IN GRADE AND FOREST COVER.

ALTHOUGH THE PROPOSED BUILDING SITE AND PROPOSED VARIANCE IS MUCH SMALLER (SEE APPENDIX B/HIGGINSON BUILDING FOOTPRINT A) THE STRUCTURE I WISH TO BUILD WILL FALL WITHIN A 40 FOOT (12.19 M.)BY 25 FOOT (7.62 M) AREA OVERLAPPING BY TEN FEET TO THE WEST THE AREA REFERRED TO AS THE POTENTIAL BUILDING SITE IN APPENDIX A. I HAVE ATTACHED THE FOLLOWING APPENDICES TO THIS APPLICATION:

APPENDIX A: HIGGINSON SKETCH IDENTIFYING TWO POTENTIAL BUILDING SITES (LABELLED HIGGINSON BUILDING FOOTPRINTS A AND B IN APPENDIX C. HIGGINSON BUILDING FOOTPRINT AP IS THE SUBJECT OF THIS APPLICATION.

APPENDIX B: MY DIAGRAM OF A BLOWUP OF THE WEST SIDE OF THE ISLAND WITH THE RELEVANT SETBACKS OF THE PROPOSED STRUCTURE.

APPENDIX C: HIGGINSON'S PLAN OF SURVEY OF PARTS OF LOTS 10 & 11 KNOWN AS KENNEDY ISLAND. (SUBMITTED TO THE TOWNSHIP IN THE EARLIER RIGHT OF WAY APPLICATION).

APPENDIX D: THE RIGHT OF WAY SURVEY ATTACHING TO 4420 SILLS BAY ROAD, SYDENHAM K0H 2T0.

12. If the answer to item 11 is yes, **for EACH building or structure** indicate:

Type of Structure (E.g. residence)	**(1)**	**(2)**	**(3)**	**(4)**
Setback from Front Lot Line				
Setback from Rear Lot Line				
Setback from Side Lot Line				
Height of Building (Also indicate if it is one story or two story)				
Dimensions of Floor Area				
Setback from High Water Mark (If applicable)				

13. The proposed uses of the subject land:

A SEASONAL OFF GRID CABIN FOR RECREATIONAL USE

14. Are any building(s) or structure(s), or additions to existing building(s) or structure(s), **PROPOSED** to be built on the subject land?

☑ Yes ☐ No

15. If the answer to item 14 is yes, for each proposed addition, building or structure indicate:

	(1)	(2)	(3)	(4)
Type of Structure (E.g. residence)	SEASONAL			
Setback from Front Lot Line WEST SIDE	26.95M or 88.43 FT			
Setback from ~~Rear~~ Lot Line EAST	19.38M or 63.58 FT.			
Setback from Side Lot Line	N/A			
Height of Building (Also indicate if it is one story or two story)	ONE STORY 16' APPROX FROM PEEK TO FLOOR			
Outside Dimensions of Building/Structure	40FT BY 25FT			
Setback from High Water Mark (If applicable)	26.95M or 88.43 FT.			

NOTES: 1) If the subject property is on waterfront, and on a private lane, the setback from the front lot line and the setback from the high water mark will be the same.
2) The dimensions required in this question relate to the **NEW CONSTRUCTION ONLY**, and **NOT** to the total size of the completed building.

16. Do your plans include any **DEMOLITION** of existing structures? ☐ Yes ☐ No

If yes, please provide details:

_____

17. Do your plans include the **RAISING** of an existing structure? ☐ Yes ☑ No

If yes, please provide details:

18. What are the uses of the proposed development?
NEW BUILD. THREE BEDROOMS

(a)	Increase in number of bedrooms	☐ Yes	☐ No
(b)	Increase in plumbing fixtures NO PLUMBING	☐ Yes	☐ No
(c)	Increase in living space NO CURRENT LIVING SPACE	☐ Yes	☐ No
(d)	Will the addition or structure encroach on the existing septic system? NO EXISTING SEPTIC SYSTEM	☐ Yes	☐ No

19. The date the subject land was acquired by the current owner:
MAY 16, 2017

20. The date the existing buildings and structures were constructed on the subject lands:
N/A

21. The length of time that the existing uses of the subject land have continued:
N/A

22. Indicate whether water is provided to the subject land by a publicly owned and operated piped water system, a privately owned and operated individual or communal well, a lake, or other water body, or other means:
LAKE WATER

23. Indicate whether sewage disposal is provided to the subject land by a publicly owned and operated sewage system, a privately owned and operated individual or communal septic system, a privy, or other means:
BIODEGRADEABLE TOILET

24. Is storm drainage provided by sewers, ditches, swales or by other means?
N/A

25. Please indicate whether the subject land is subject of an application under the Planning Act for approval of a Plan of Subdivision or Consent.

☐ Yes ☑ No

26. If the answer to question 25 is yes, please give the file number of the application and the status of the application.

---

27. If known, please indicate whether the subject land has ever been the subject of an application under Section 43 of the Planning Act (Minor Variance).

☐ Yes ☑ No

28. If the answer to item 27 is yes, please give the file number of the application and the status of the application.

---

29. A **SKETCH** must be submitted showing the following:

i) THE SKETCH **MUST** HAVE A NORTH ARROW AT THE TOP OF THE PAGE.

ii) The boundaries and dimensions of the subject land including the location of any existing and proposed buildings.

iii) The location of a reference point……i.e. distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing.

iv) The location of all abutting (neighbours') lands.

v) The approximate location of all natural and artificial features on the subject land and on the land that is adjacent to the subject land. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, barns, wetlands, wooded areas, wells and septic tanks. Show distance of these features from the applicant's property lines.

****Note: **** The distances to on-site and abutting owners' wells, septic fields and barns, from the property to be varied, **IS REQUIRED** to be shown. The **SKETCH** is of significant importance and should be prepared as carefully, neatly and accurately as possible.

TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE
***Planning Act*, R.S.O. 1990, c. P.13 as amended**

AGREEMENT TO INDEMNIFY

Attached to this application is a cheque payable to the Township of South Frontenac representing payment of the application fee.

The Owner/Applicant/Agent agrees that the information recorded in this Minor Variance Application Form is accurate. The Owner/Applicant/Agent agrees that representatives of the Township, Public Health and, where applicable, the appropriate Conservation Authority, may enter onto the subject property for the purpose of determining the appropriateness of the site for the proposed development.

The Owner/Applicant/Agent agrees to reimburse and indemnify the municipality for all fees and expenses incurred by the municipality to process the application, including any fees and expenses attributable to proceedings before the Ontario Municipal Board or any court or other administrative tribunal if necessary to defend Council's decision to support the application.

Without limiting the foregoing, such fees and expenses shall include the fees and expenses of consultants, planners, engineers, lawyers and such other professional and technical advisors as the municipality may, in its absolute discretion acting reasonably, consider necessary or advisable to more properly process and support the application.

The Owner/Applicant/Agent further agrees to provide the municipality, upon request and in cases where an application has been appealed to the Ontario Municipal Board, with a deposit (over and above the normal application fee), from which the municipality may, from time to time charge any fees and expenses incurred by the municipality in order to process the application. If such appeal expenses exceed the deposit, the Owner/Applicant shall pay the difference forthwith upon being billed by the municipality, with interest at the rate of 1.25% per month (15% per annum) on accounts overdue more than 30 days,

The Owner/Applicant/Agent further agrees that, until such requests have been complied with, the municipality will have no continuing obligation to process the application or attend or be represented at the Ontario Municipal Board or any court or other administrative proceeding in connection with the application:

[redacted]

CAUTION
THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK.

THIS SKETCH IS PROTECTED BY COPYRIGHT ©

SKETCH TO ILLUSTRATE BUILDING AREA BURDET/KENNEDY ISLAND SYDENHAM LAKE

NOT TO SCALE

METRIC
DISTANCES & COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

LESLIE M. HIGGINSON SURVEYING Ltd.

2020

THIS REPORT WAS PREPARED FOR MICHAEL McLACHLAN & THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY FOR USE BY OTHER PARTIES

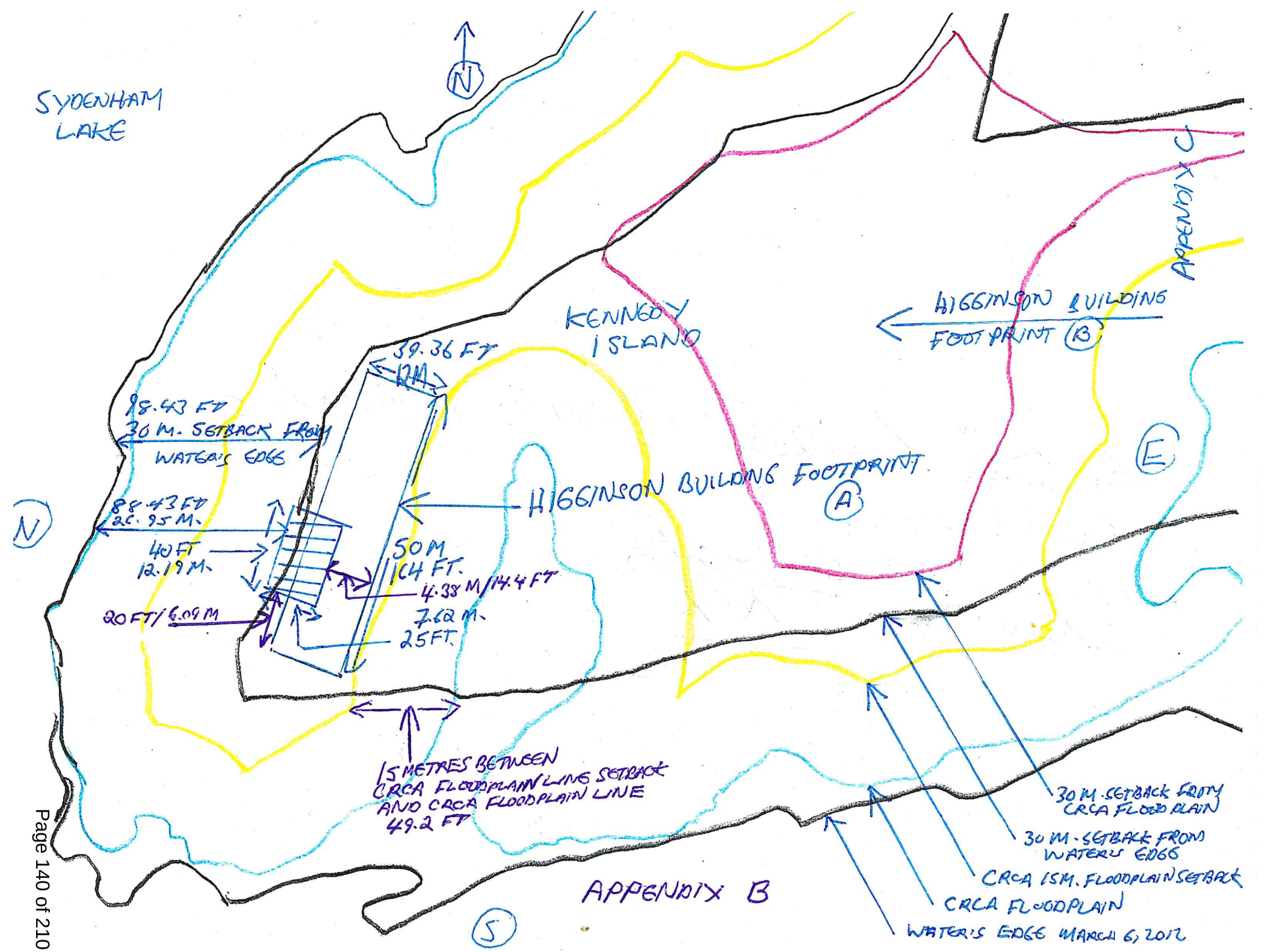


DATED AUGUST 12, 2020
DATED FEBRUARY 20, 2020

LESLIE M. HIGGINSON SURVEYING Ltd.
1064 GARDINERS ROAD
KINGSTON, ONTARIO K7P 1R7
(613) 389-7986 (FAX)389-5578 or leslie@mhigginson.com

FILE: LO'H 6-10,11 | 2020-0083 HGND BP

APPENDIX A


SYDENHAM LAKE
N
KENNEDY ISLAND
HIGGINSON BUILDING FOOTPRINT (B)
APPENDIX C
39.36 FT 12M
98.43 FT 30 M. SETBACK FROM WATER'S EDGE
HIGGINSON BUILDING FOOTPRINT (A)
E
88.43 FT 26.95 M.
40 FT 12.19 M.
50 M 164 FT.
4.38 M/14.4 FT
7.62 M.
25 FT.
20 FT/6.09 M
15 METRES BETWEEN CRCA FLOODPLAIN LINE SETBACK AND CRCA FLOODPLAIN LINE 49.2 FT
30 M. SETBACK FROM CRCA FLOODPLAIN
30 M. SETBACK FROM WATER'S EDGE
CRCA 15M. FLOODPLAIN SETBACK
CRCA FLOODPLAIN
WATER'S EDGE MARCH 6, 2012
APPENDIX B
S

PLAN of SURVEY of
PART of LOTS 10 & 11, CONCESSION 6
Geographic Township of Loughborough
TOWNSHIP of SOUTH FRONTENAC
COUNTY of FRONTENAC

SCALE = 1:1000

25metres 0 25 50 75 100metres

HOPKINS, CORMIER & CHITTY
SURVEYING CONSULTANTS INC.
-2012-

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT AND THE REGISTRY ACT.

DATE: September 6, 2012

E. PETER WRIGHT
ONTARIO LAND SURVEYOR

PLAN 13R-20492
RECEIVED AND DEPOSITED
DATE: September 14, 2012
SIGNATURE
REPRESENTATIVE FOR THE LAND REGISTRAR FOR THE LAND TITLES DIVISION OF FRONTENAC (No. 13)

SCHEDULE (Land Titles)

PART	LOT	CON.	PIN No.
1	Part of 10	6	36279-2284 (LT)

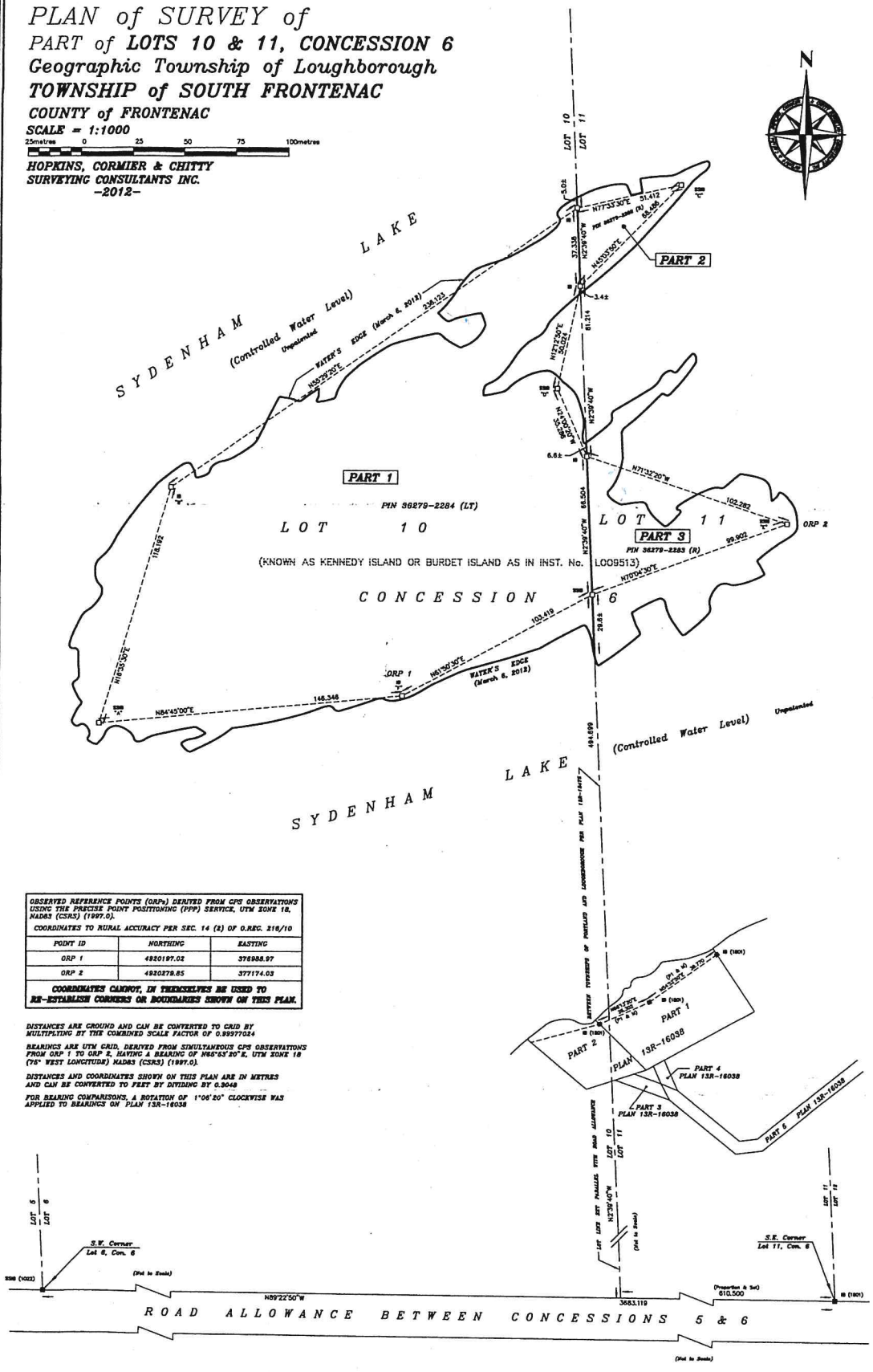
PART 1 COMPRISES ALL OF PIN 36279-2284 (LT)

SCHEDULE (Registry)

PART	LOT	CON.	INST. No.	PIN No.
2	Part of 11	6	SEE NOTE	36279-2283 (R)
3				

PARTS 2 & 3 COMPRISE ALL OF PIN 36279-2283 (R)

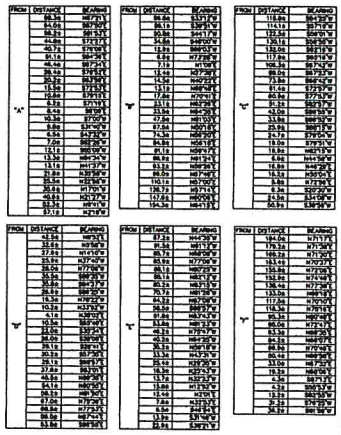
NOTE:
THE DESCRIPTION IN INSTRUMENT No. LO09513 IS PART OF LOT 10, CONCESSION 6. IT ALSO STATES THAT THE SUBJECT LANDS ARE COMMONLY KNOWN AS KENNEDY ISLAND OR BURDET ISLAND. THEREFORE INSTRUMENT No. LO09513 SHOULD HAVE BEEN PART OF LOTS 10 AND 11, CON. 6.



LEGEND:
SSIB'S PLANTED DUE TO INSUFFICIENT OVERBURDEN

-□- denotes	:	Planted Survey Monument
-●-	:	Found Survey Monument
SIB	:	Standard Iron Bar
SSIB	:	Short Standard Iron Bar
IB	:	Iron Bar
IBs	:	Iron Bar (round)
RB	:	Rock Bar
RP	:	Rock Post
RPL	:	Rock Plug
(WIT)	:	Witness
(M)	:	Measured
(R.P.)	:	Registered Plan
(HP)	:	Hydro Pole
ORP	:	Observed Reference Point
(P1)	:	Plan 13R-16038
(1022)	:	N.B. Campbell O.L.S.
(1801)	:	Dan J. Cormier O.L.S.

STADIA TIES TO WATER'S EDGE



OBSERVED REFERENCE POINTS (ORPs) DERIVED FROM CPS OBSERVATIONS USING THE PRECISE POINT POSITIONING (PPP) SERVICE, UTM ZONE 18, NAD83 (CSRS) (1997.0).
COORDINATES TO RURAL ACCURACY PER SEC. 14 (2) OF O.REG. 216/10

POINT ID	NORTHING	EASTING
ORP 1	4920197.02	376988.97
ORP 2	4920279.85	377174.03

COORDINATES CANNOT, IN THEMSELVES BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.99977024

BEARINGS ARE UTM GRID, DERIVED FROM SIMULTANEOUS CPS OBSERVATIONS FROM ORP 1 TO ORP 2, HAVING A BEARING OF N65°53'20"E, UTM ZONE 18 (75° WEST LONGITUDE) NAD83 (CSRS) (1997.0).

DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

FOR BEARING COMPARISONS, A ROTATION OF 1°06'20" CLOCKWISE WAS APPLIED TO BEARINGS ON PLAN 13R-16038

SURVEYOR'S CERTIFICATE:
I CERTIFY THAT:
1. This Survey and Plan are correct and in accordance with the SURVEYS ACT, the SURVEYORS ACT, the REGISTRY ACT and the LAND TITLES ACT and the REGULATIONS made under them.
2. The SURVEY was completed on the 16th day of May 2012

HOPKINS, CORMIER & CHITTY SURVEYING
DATE: September 6, 2012
E. PETER WRIGHT O.L.S.

Party Chief: MC | Instrument: DD | Checked by: EPW | Plan By: EPW

HOPKINS, CORMIER & CHITTY
SURVEYING CONSULTANTS INC.
Ontario & Canada Land Surveyors
www.hopkinscormier.com
634-636 MORRIS COURT
KINGSTON, ONTARIO K7P-2R9
Tel (613) 384-8286
Fax (613) 384-3513

PROJECT No. 2012-032
Lots 10 & 11, Concession 6
Township of Loughborough

APPENDIX C

CAUTION
THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK.

THIS SKETCH IS PROTECTED BY COPYRIGHT ©

SKETCH SHOWING PROPOSED MAINLAND PARKING SPACES AND RIGHT OF WAY FOR ACCESS 4420 SILLS BAY ROAD

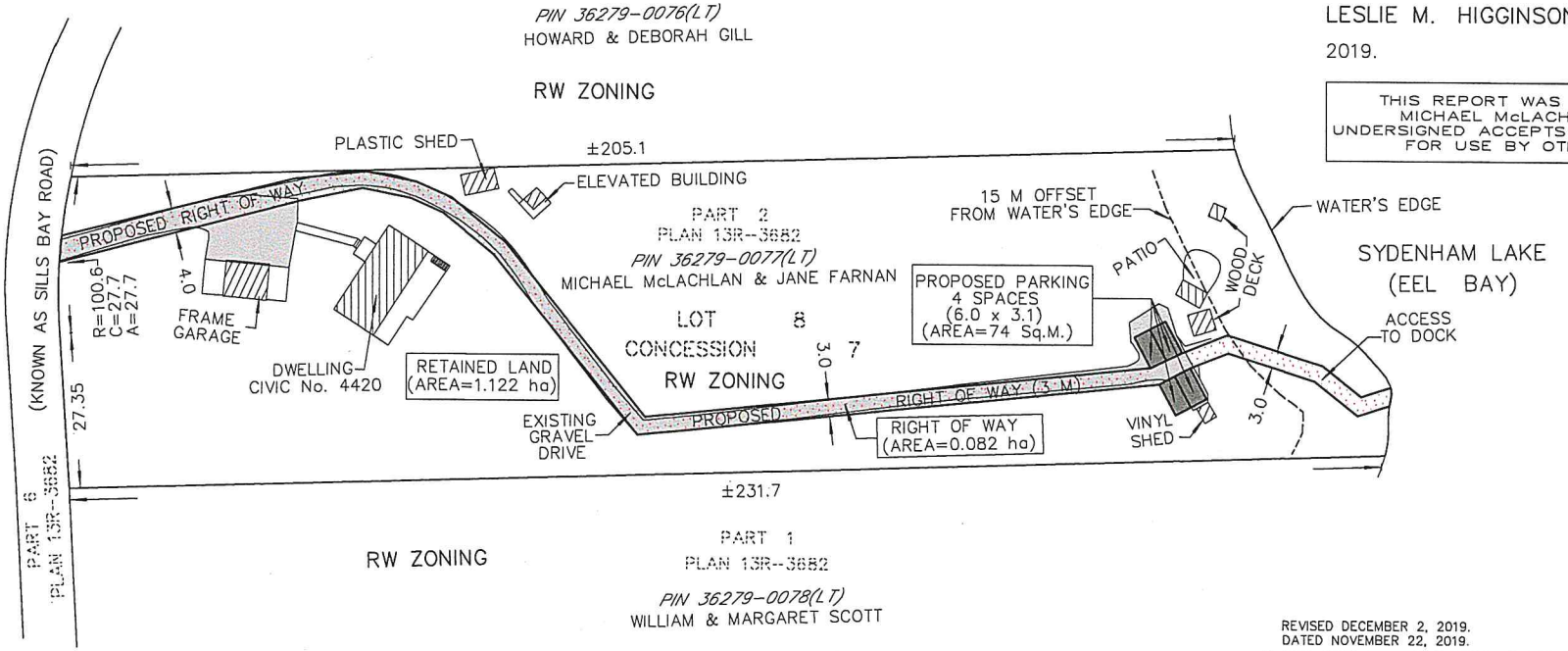
25m 20 15 10 5 0 25 metres

SCALE 1:1000

METRIC
DISTANCES & COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

LESLIE M. HIGGINSON SURVEYING Ltd.
2019.

THIS REPORT WAS PREPARED FOR MICHAEL McLACHLAN & THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY FOR USE BY OTHER PARTIES



REVISED DECEMBER 2, 2019.
DATED NOVEMBER 22, 2019.

LESLIE M. HIGGINSON SURVEYING Ltd.
1064 GARDINERS ROAD
KINGSTON, ONTARIO K7P 1R7
(613) 389-7986 (FAX)389-5578 or leslie@mhigginson.com

FILE: LO'H 7-8 | LMH1683GNDC_SEV

Addendum #1

MICHAEL G. MCLACHLAN
BARRISTER AND SOLICITOR
30 ST. CLAIR AVENUE WEST, SUITE 103
TORONTO, ONTARIO
M4V 3A1

RECEIVED
OCT 05 2020
TOWNSHIP OF
SOUTH FRONTENAC

Michael G. McLachlan, B.A., LLB, LLM

TEL: 416-596-7077
CEL: 416-433-7617
mgmlaw1@gmail.com

September 30, 2020

Committee of Adjustment
Township of South Frontenac
Box 100
Sydenham, ON K0H 2T0

Members of the Committee:

Re Application for Minor Variance Kennedy Island Sydenham Lake Township of South Frontenac:

Please find enclosed my application for a minor variance to permit me to go forward with a building permit application on the western side of Kennedy Island. At the time this application was completed I had met with and visited the island with Ms. Woods, the Senior Township planner, and formulated and completed the application based on this visit and our discussions. I believe Ms. Woods to be supportive of the application which is effectively to designate a building footprint that overlaps the Higginson sketch found in Appendix A to this application. It has since been made known to me that my concerns about the eastern boundary setback of the proposed building footprint were misplaced and that this may weaken my application for variance in regard to moving my proposed structure 3 metres closer to the western highwater mark, giving the structure a 27 metre setback. I had thought that the eastern setback being increased from the eastern highwater mark might help to strengthen the application. It appears I may have been wrong.

I any event I am submitting the application as commissioned because the light and to the proposed structure and water visibility would be enhanced. The proposed variance for the location a future off grid structure, I submit, is of no consequence to the concerns reflected by the setback requirements as reflected in the bylaw. Should you not agree with this position I have asked the surveyor Mr. Higginson to sketch in the proposed footprint as it would fall within the 30 metre setback rule and I am attaching same to this letter for your consideration and approval.

Yours truly,

Michael G. McLachlan

CAUTION
THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK.

THIS SKETCH IS PROTECTED BY COPYRIGHT ©

COMPILED SKETCH TO ILLUSTRATE PROPOSE BUILDING LOCATION
BURDET/KENNEDY ISLAND
SYDENHAM LAKE

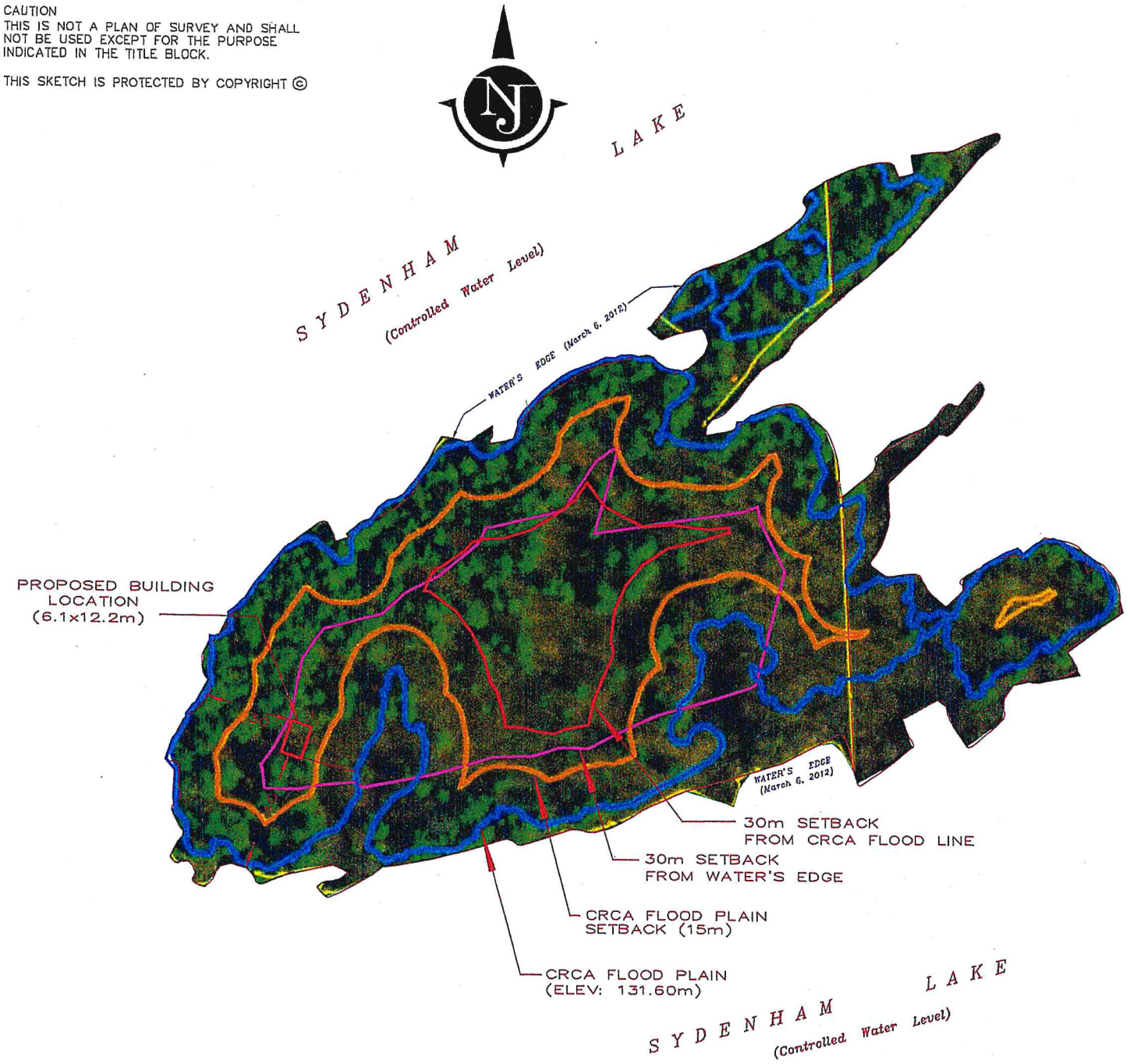
NOT TO SCALE

METRIC
DISTANCES & COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

LESLIE M. HIGGINSON SURVEYING Ltd.

2020

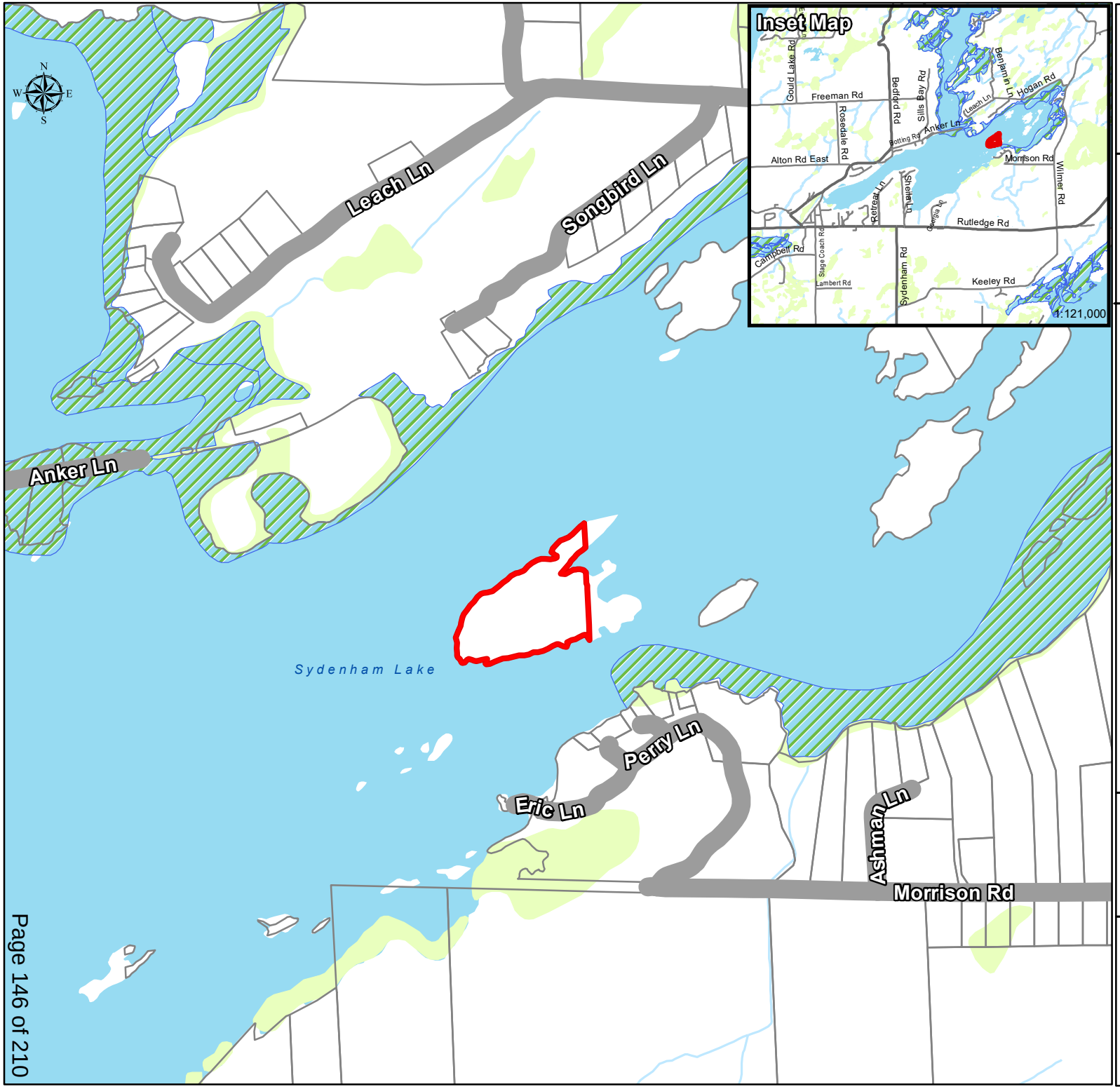
THIS REPORT WAS PREPARED FOR MICHAEL McLACHLAN & THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY FOR USE BY OTHER PARTIES



REVISED SEPTEMBER 30, 2020
REVISED AUGUST 25, 2020
REVISED AUGUST 12, 2020
DATED FEBRUARY 20, 2020

LESLIE M. HIGGINSON SURVEYING Ltd.
1064 GARDINERS ROAD
KINGSTON, ONTARIO K7P 1R7
(613) 389-7988 (FAX)389-5578 or leslie@lmhigginson.com

FILE: LO'H 6-10,11 | 2020-0083 HGND BP



TOWNSHIP OF SOUTH FRONTENAC

MV-41-20-S (McLachlan)

SYDENHAM LAKE

Legend

- Subject Property
- Parcel Fabric
- Provincially Significant Wetlands
- Wetland
- River/ Stream
- Waterbody

Produced by the Township of South Frontenac under license with the Ontario Ministry of Natural Resources © Queen's Printer for Ontario, 2015.

While the Township makes every effort to insure that the information presented is accurate for the intended uses of this map, there is an inherent error in all mapping products, and accuracy of the mapping cannot be guaranteed for all possible uses. This map displays basic topographic features only.

Scale 1:10,000

0 2550 100 150 200

Meters

UTM Projection NAD 83

REPORT TO COMMITTEE OF ADJUSTMENT
PLANNING DEPARTMENT

Report Date: December 4, 2020

Application No: MV-41-20-L
Owner: Michael McLachlan
Location of Property: Kennedy Island, Sydenham Lake, Loughborough District
Purpose of Application: To vary Sections 5.8.2 a) and 11.3.1 of Comprehensive Zoning By-law 2003-75
Date of Hearing: December 10, 2020

Recommendation: That provisional approval be:

✓ granted with conditions (attached)

___ deferred

___ denied

Purpose:

✓ zoning relief for construction of a new building

___ zoning relief for replacement of an existing building

___ zoning relief for other

Official Plan Designation:	**Zoning:**
Rural	Limited Service Residential – Island
Zoning Relief Requested:	
Section 5.8.2 a): High Water Mark	**Relief:** To permit a seasonal dwelling with a 27 metre (88.6 foot) setback from the high water mark of Sydenham Lake, measured to the western shoreline, whereas the Zoning By-law requires a minimum 30 metre (98.4 foot) setback for all buildings and structures.
Section 11.3.1: Front Yard and High Water Mark	To permit a seasonal dwelling with a 27 metre (88.6 foot) front yard depth and setback from the high water mark of Sydenham Lake, measured to the western shoreline, whereas the Zoning By-law requires a minimum 30 metre (98.4 foot) front yard and high water mark setback for the principal building.
Section 11.3.1: Floodline	**Relief:** To permit a seasonal dwelling with a 19.4 metre (63.6 foot) setback from the floodline of Sydenham Lake located east of the building location, whereas the Zoning By-law requires a minimum 30 metre (98.4 foot) setback for the principal building.

Review:

The Committee of Adjustment deferred making a decision on this application on November 12, 2020, to receive comments from Cataraqui Conservation.

This application for a variance:

✓ Is consistent with the Provincial Policy Statement (s. 3(5) *Planning Act*);

✓ Maintains the general intent and purpose of the County of Frontenac Official Plan;

✓ Maintains the general intent and purpose of the Township of South Frontenac Official Plan;

- ✓ Maintains the general intent and purpose of the Township of South Frontenac Zoning By-law 2003-75;
- ✓ Is desirable for the appropriate development of the land, building or structure in question; and
- ✓ Is minor.

Proposal

An application for minor variance was received to permit a 92.9 square metre (1000 square foot) seasonal dwelling with a reduced front yard and within the required setbacks from the high water mark and floodline. The seasonal dwelling would not contain plumbing, and therefore not require a sewage system.

The 4.35 hectare (10.75 acre) island in Sydenham Lake is currently vacant. The owner moors a houseboat at the northeast end of the island.

The west and north end of the island contains a predominantly pine forest. The understorey consists of low vegetation and moss over shallow soils and exposed bedrock. The bedrock shoreline is less than 1.5 metres high. There are two large low-lying, seasonally wet areas on the south end of the island. The east end of the island is also low-lying and marshy. These low-lying areas are within the 1:100 year floodplain of the lake. The centre of the island contains a deciduous forest with predominantly saplings and bushes. The centre of the island also contains several mineral exploration trenches.

The proposed dwelling would be located on the west end of the island, 27 metres from the high water mark, measured to the western shoreline. The dwelling would be more than 30 metres from the high water mark, measured to the southern shoreline. The dwelling would be located 19.4 metres from the floodline of Sydenham Lake located east of the building location. The area within the floodplain is a low-lying, seasonally wet area with swamp characteristics.

The applicant is in the process of establishing deeded mainland parking and docking area on a property on Sills Bay Road.

Agency and Public Comments

Building Department – The Building Department has no objections to the application as presented and will review the detailed building plans through the Building Permit process, should the application be approved.

KFL&A Public Health – KFL&A Public Health was not circulated the application as the seasonal dwelling would not contain plumbing and therefore would not require a sewage system. A seasonal dwelling is not required to have plumbing under the Ontario Building Code.

Cataraqui Conservation – In a letter dated November 23, 2020, Cataraqui Conservation staff recommended deferral of the application. Since the proposal involves development within 30 metres of an environmentally sensitive feature (i.e. the shoreline of Sydenham Lake), they recommended that the applicant be requested to undertake a preliminary Environmental Impact Assessment (EIA) to consider the potential for increased phosphorus loading and make appropriate recommendations to protect the water quality of Sydenham Lake. They did indicate that they have no concerns with the proposal from flooding hazard and erosion hazard perspectives. They will review the preliminary EIA (Ecological Services, December 3, 2020) that was subsequently submitted in support of the application.

Public Comments – No written comments were received from the public at the time of the writing of this report.

Planning Analysis Summary

Under Section 45(1) of the *Planning Act* there are four tests a minor variance must meet. A variance may be authorized from the provisions of the zoning by-law, if, in the opinion of the Committee of Adjustment, the request meets all of the following tests:

Does the variance maintain the general intent and purpose of the Official Plan?

- The subject lands are designated 'Rural' in the Official Plan on Schedule A. The type and amount of development on 'Rural' lands must maintain the rural character, natural heritage, and cultural landscape in the Township.

- It is the opinion of Township staff that the proposed development maintains the general intent and purpose of the Official Plan, specifically the policies on limited service residential development, development within environmentally sensitive areas, and abandoned mine hazards.

    - Limited service residential – The applicant is in the process of establishing deeded mainland parking and docking area on a property on Sills Bay Road. A right-of-way was granted by the Committee of Adjustment for this area in February 2020 (application S-33-19-L).

    - Environmentally sensitive areas

        - The Township Official Plan identifies Kennedy Island as an Environmentally Sensitive Area since it is located in a lake. Vacant islands can be important wildlife habitat. The County Official Plan identifies Kennedy Island as containing woodland/forest, to be part of a wildlife linkage through Sydenham Lake, and to be all or partially within 120 metres of a Provincially significant wetland and fish habitat. A Preliminary Environmental Impact Assessment (EIA) (Ecological Services, December 3, 2020) was submitted in support of the application. The EIA concluded that the proposed seasonal dwelling and its location would have no negative impact on the natural heritage features or their ecological functions. It made recommendations for mitigation. The recommendations are to maintain a "no-cut" zone within the reduced setback area, to direct roof runoff to a location that maximizes its flow path to the lake, and that no woody vegetation be removed during bird roost and bat maternity seasons without specific tree assessments.

        - Section 5.2.7 of the Township Official Plan requires development to be set back a minimum of 30 metres from the high water mark, and encourages maintenance of natural vegetation and the soil mantle within the 30 metre setback. It allows consideration of a reduction to the minimum 30 metre setback on a vacant lot of record only if it is not physically possible to meet the setback anywhere on the parcel. Although Kennedy Island is a large island, there are several natural and human-made features on it that limit where development can occur without impacting the natural features or being impact by the human-made features. Concentrating development on the western end of the island avoids these areas. It would result in the least disturbance to the island related to construction access and long-term access.

    - Abandoned mine hazards – As indicated above, the central part of the island contains several mineral exploration trenches. Each of these trenches are a few metres deep and

wide. Locating development so that it avoids the trenches would maintain the intent of the Township policies on development on or near abandoned mine hazards (section 6.27).

Does the variance maintain the general intent and purpose of the Zoning By-law?

- The proposed variances maintain the general intent and purpose of the Zoning By-law as the seasonal dwelling is a permitted use on the subject property, and complies with all zoning requirements except for the reduced front yard depth, setback from the high water mark and setback from the floodline in one location. The proposed location and orientation of the dwelling is practical given the physical characteristics of the property.

Is the requested variance desirable for the appropriate development or use of the land, building or structure in question?

- The variances are desirable for the appropriate development of the land, as they allow development to avoid the more environmentally sensitive areas of the island and the abandoned mine hazards.

Is the variance minor?

- The requested variances are minor. The proposed location and size of the seasonal dwelling are reasonable. It is anticipated that there will be no negative impact on the remainder of the island and on the lake as a result of the development of this property.

Conclusion

It is recommended that the Committee of Adjustment receive comments from the public and Cataraqui Conservation and, pending comments received, **approve** minor variance application MV-41-20-L, subject to conditions.

Recommended Conditions

Conditions are a decision of the Committee of Adjustment, the conditions below are recommended. The final approved conditions will be included in the signed decision.

1. The minor variance is for a 92.9 square metre (1000 square foot) seasonal dwelling. The dwelling is permitted to establish a minimum of 27 metre front yard, measured to the western shoreline. The dwelling is permitted to be set back a minimum 27 metre setback from the high water mark of Sydenham Lake, measured to the western shoreline. The dwelling is permitted to be set back a minimum 19.4 metre (63.6 foot) from the floodline of Sydenham Lake located east of the building location. All as per the drawings submitted with MV-41-20-L.

2. The applicant is required to enter into a Development Agreement to be registered on the title of the property to the satisfaction of the Township to address the following matters and environmental standards of the Township and recommendations of the Environmental Site Evaluation (Ecological Services, December 3, 2020) prior to the issuance of a building permit:

    a. The use of appropriate erosion control measures (e.g. silt fence, straw bales) during construction and until the site is stable and revegetated.

    b. The removal of any excavated materials from the site so that it is not used as fill within 30 metres of the Sydenham Lake nor in low-lying areas within the floodplain.

c. Roof runoff will be directed away from the shoreline of Sydenham Lake and discharged to natural or constructed leaching pits/areas to maximize infiltration or onto coarse rock rubble splash pads.

d. Identifying the location and means of access to the shoreline.

e. Maintaining natural tree cover and understory in the areas around the dwelling in a natural state.

f. Notification that there shall be no removal of woody vegetation between April 15 and September 15 in order to protect critical life stages of both birds and bats. These dates reflect the roost/maternity season. If active removal is proposed to take place during these dates, a specific tree assessment must be undertaken by a qualified individual. For birds, this can include a specific survey of the targeted tree to ensure no activity by nesting birds. For bats this can include an exit survey and/or acoustic monitoring if the tree contains cavities or is a snag tree. If that effort determines the tree is being used by nesting birds, removal will need to be delayed until after August 30; and if used by species-at-risk bats, then removal will need to be delayed until after September 15.

3. A building permit is required for ALL construction on the property. There shall be no additional development on the property without the approval from the Township of South Frontenac.

4. Minor variance MV-41-20-L is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.

Submitted by: Christine Woods, MCIP RPP, Senior Planner

Approved by: Claire Dodds, MCIP, RPP, Director of Development Services

Date of Site Visit: September 11, 2020

TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE
***Planning Act*, R.S.O. 1990, c. P.13 as amended**

Date Received: Nov. 9/20 File No: MV-45-20-L

1. Name of Owner(s): Laura Kelsey

Full Mailing Address of Owner(s): [redacted]

[redacted]

Phone number of Owner(s): [redacted]

Email Address of Owner(s): [redacted]

2. If the applicant is **NOT** the owner of the subject land, the written authorization of the owner that the applicant is authorized to make the application, must accompany the application.

Name of Authorized Agent: _____

Full Mailing Address of Authorized Agent: _____

_____

Phone number of Authorized Agent: _____

Email Address of Authorized Agent: _____

Agent as named above is hereby authorized to act on behalf of the owners for purposes of processing this application for Minor Variance.

_____
Signature(s) of Owner(s)

3. The description of the subject land:

District: ☐ Bedford ☐ Portland ☑ Loughborough ☐ Storrington

Concession Number: 5 Lot Number: 7 PT

Street Number: 1073 / 1074 Name of Road/Street: Carslake Lane

Reference Plan Number: 13R4354 / 13R5712 Part Number(s): 1 / 1, 3

Roll Number: 040-030-05700-0000

* Please note: I have two 911 signs (1073 and 1074). 1073 is recognized by the township and 1074 is recognized by Canada Post, Hydro One.

TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE
***Planning Act*, R.S.O. 1990, c. P.13 as amended**

4. The frontage(s), depth and area of the subject land.

Frontage (on water): 100 FT Frontage (on road/lane): 278.36 FT

Depth: 479.2 FT Area: 1.07 acres (46,798 sq FT)

5. The current zoning of the subject land:

Limited Service Residential - Waterfront Zone

6. The nature and extent of the relief from the Zoning By-law:

Addition - setback from water

7. The reason why the proposed use cannot comply with the provisions of the Zoning By-law:

Adding on to existing structure that is within 30m of high water mark

8. Does the subject property front on a municipally maintained road? ☐ Yes ☑ No
OR a privately maintained road? ☑ Yes ☐ No

Name of Road/Lane:

Carslake Lane

9. **If access to the subject property is by water only**, please indicate the parking and docking facilities used or to be used and the approximate distance of these facilities from the subject land and the nearest public road.

N/A

10. What are the existing uses of the subject land?

Residential

11. Please indicate whether there are any **EXISTING** buildings or structures on the subject land. (I.e. residence, garage, shed, etc.)

☑ Yes ☐ No

12. If the answer to item 11 is yes, **for EACH building or structure** indicate:

Type of Structure (E.g. residence)	**(1)** Residence	**(2)** Accessory Building	**(3)** Garage	**(4)**
Setback from Front Lot Line	40 Ft	117 Ft	156 Ft	
Setback from Rear Lot Line	402.2 Ft	306.86	280.86	
Setback from Side Lot Line	8.5 Ft / 63'	6 Ft	30 Ft	
Height of Building (Also indicate if it is one story or two story)	15 Ft 1 Story	15 Ft 1 Story	15 Ft 1 Story	
Dimensions of Floor Area	899.1 Sq Ft	432 Sq Ft	672 Sq Ft	
Setback from High Water Mark (If applicable)	40 Ft	117 Ft	156 Ft	

13. The proposed uses of the subject land:

Residence

14. Are any building(s) or structure(s), or additions to existing building(s) or structure(s), **PROPOSED** to be built on the subject land?

☑ Yes ☐ No

15. If the answer to item 14 is yes, for each proposed addition, building or structure indicate:

Type of Structure (E.g. residence)	**(1)** Addition	**(2)**	**(3)**	**(4)**
Setback from Front Lot Line	77 FT			
Setback from Rear Lot Line	372.2			
Setback from Side Lot Line	8.5 FT / 63 FT			
Height of Building (Also indicate if it is one story or two story)	15 FT 1 story			
Outside Dimensions of Building/Structure	24.3 FT X 30 FT			
Setback from High Water Mark (If applicable)	77 FT			

NOTES: 1) If the subject property is on waterfront, and on a private lane, the setback from the front lot line and the setback from the high water mark will be the same.
2) The dimensions required in this question relate to the **NEW CONSTRUCTION ONLY**, and **NOT** to the total size of the completed building.

16. Do your plans include any **DEMOLITION** of existing structures? ☑ Yes ☐ No

If yes, please provide details:

Modifications to existing wall on current residence to accomodate addition

17. Do your plans include the **RAISING** of an existing structure? ☐ Yes ☑ No

If yes, please provide details:

18. What are the uses of the proposed development?

(a)	Increase in number of bedrooms	☐ Yes	☑ No
(b)	Increase in plumbing fixtures	☑ Yes	☐ No
(c)	Increase in living space	☑ Yes	☐ No
(d)	Will the addition or structure encroach on the existing septic system?	☐ Yes	☑ No

19. The date the subject land was acquired by the current owner:

July 8, 2020

20. The date the existing buildings and structures were constructed on the subject lands:

1978 (Residence), 1981 (Accessory Building), 1992 (Garage)

21. The length of time that the existing uses of the subject land have continued:

42 yrs

22. Indicate whether water is provided to the subject land by a publicly owned and operated piped water system, a privately owned and operated individual or communal well, a lake, or other water body, or other means:

Privately owned individual well

23. Indicate whether sewage disposal is provided to the subject land by a publicly owned and operated sewage system, a privately owned and operated individual or communal septic system, a privy, or other means:

Privately owned individual septic system

24. Is storm drainage provided by sewers, ditches, swales or by other means?

Natural drainage

25. Please indicate whether the subject land is subject of an application under the Planning Act for approval of a Plan of Subdivision or Consent.

☐ Yes ☑ No

26. If the answer to question 25 is yes, please give the file number of the application and the status of the application.

---

27. If known, please indicate whether the subject land has ever been the subject of an application under Section 43 of the Planning Act (Minor Variance).

☐ Yes ☑ No

28. If the answer to item 27 is yes, please give the file number of the application and the status of the application.

---

29. A **SKETCH** must be submitted showing the following:

i) THE SKETCH **MUST** HAVE A NORTH ARROW AT THE TOP OF THE PAGE.

ii) The boundaries and dimensions of the subject land including the location of any existing and proposed buildings.

iii) The location of a reference point……i.e. distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing.

iv) The location of all abutting (neighbours') lands.

v) The approximate location of all natural and artificial features on the subject land and on the land that is adjacent to the subject land. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, barns, wetlands, wooded areas, wells and septic tanks. Show distance of these features from the applicant's property lines.

****Note:** ** The distances to on-site and abutting owners' wells, septic fields and barns, from the property to be varied, **IS REQUIRED** to be shown. The **SKETCH** is of significant importance and should be prepared as carefully, neatly and accurately as possible.

TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE
***Planning Act*, R.S.O. 1990, c. P.13 as amended**

AGREEMENT TO INDEMNIFY

Attached to this application is a cheque payable to the Township of South Frontenac representing payment of the application fee.

The Owner/Applicant/Agent agrees that the information recorded in this Minor Variance Application Form is accurate. The Owner/Applicant/Agent agrees that representatives of the Township, Public Health and, where applicable, the appropriate Conservation Authority, may enter onto the subject property for the purpose of determining the appropriateness of the site for the proposed development.

The Owner/Applicant/Agent agrees to reimburse and indemnify the municipality for all fees and expenses incurred by the municipality to process the application, including any fees and expenses attributable to proceedings before the Ontario Municipal Board or any court or other administrative tribunal if necessary to defend Council's decision to support the application.

Without limiting the foregoing, such fees and expenses shall include the fees and expenses of consultants, planners, engineers, lawyers and such other professional and technical advisors as the municipality may, in its absolute discretion acting reasonably, consider necessary or advisable to more properly process and support the application.

The Owner/Applicant/Agent further agrees to provide the municipality, upon request and in cases where an application has been appealed to the Ontario Municipal Board, with a deposit (over and above the normal application fee), from which the municipality may, from time to time charge any fees and expenses incurred by the municipality in order to process the application. If such appeal expenses exceed the deposit, the Owner/Applicant shall pay the difference forthwith upon being billed by the municipality, with interest at the rate of 1.25% per month (15% per annum) on accounts overdue more than 30 days,

The Owner/Applicant/Agent further agrees that, until such requests have been complied with, the municipality will have no continuing obligation to process the application or attend or be represented at the Ontario Municipal Board or any court or other administrative proceeding in connection with the application:

[redacted]

TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE
***Planning Act*, R.S.O. 1990, c. P.13 as amended**

A Guide to Completing the Minor Variance Form

1) The names of **all** owners must appear in this section, even if they live in separate residences, and the address(es) should be the **full mailing address, complete with postal code**.

2) You may wish to appoint someone to act on your behalf during the variance process. If so, that person's name, address and phone number should appear here All owner's must sign the authorization.

3) Description of the Subject Land:
   a. District: The Districts are the same as the former Townships. If you are not sure, check the roll number (the long number beginning with 1029) on your tax bill. If the numbers are 010, 020 or 030, your district is Bedford; if the numbers are 040-050, your district is Loughborough; if the numbers are 060 or 070, your district is Storrington; and if the numbers are 080, your district is Portland.
   b. Concession and Lot Numbers: if you are not sure, check your tax bill
   c. Street Number: Your civic address – if a civic number has not been assigned, leave this space blank.
   d. Name of Road/Street: This question applies whether or not you are on a private lane or a public road.
   e. Reference Plan No: If your property has been surveyed, it will have a plan number, and one or more parts on that plan. If your property has not been surveyed, leave this space blank.
   f. Roll No: This is the number beginning with '1029' which appears on your tax bill. Please take time to look it up before submitting the application.

4) Frontage, depth, area, acres: All parts of this question must be completed.

5) Current zoning: You may not be aware of the zoning on your property and this can be determined when you come in for pre-consultation with planning staff.

6) Nature and Extent of Relief: This question is asking what you are asking to do that requires the variance – for example, it could be that you are asking to be 25 m rather than 30 m from the high water mark, or that you are asking to increase the height of a structure within 30 m of the high water mark, or that you are seeking a variance to construct an accessory building closer to the front lot line than the principal building.

7) Reason why you can't comply: In other words, why can you not meet the required setbacks. It could be, for example, because you are seeking a variance to add on to an existing structure that is already too close to the water, or that developing further from the water would be impossible because of a steep embankment.

8) Roads: Municipally maintained roads are looked after by the Township; private roads are lanes that residents maintain themselves (not private driveways, but lanes that provide access to your property and that are generally shared with others).

9) Parking and Docking: This question is only relevant is you can only access your property by water.

10) Existing Uses: e.g. residential, retail business, vacant recreational land

11) Buildings: If there are **ANY** buildings or structures on the property now, the answer to this question is "yes".

12) Description of buildings and structures: You must complete all sections of this question for each structure on your property. **If there is a deck on your dwelling, please describe it separately from the residence.**

13) Proposed Uses: Generally, the answer to this question will be the same as the answer to #10, but if, for example, the land is currently vacant, and you are planning to construct a dwelling, then the use to be described in section 10 would be "vacant recreational land", and the use described in section 13 would be "residential"

14) Proposed structures: If you are planning to build **ANYTHING** on the property, the answer to this question is "yes" – This includes additions, decks, garages, septic systems.

15) Description of new construction: **ALL** proposed new development must be described here. If you are proposing to construct an addition to a dwelling, and to add a deck, please show this information in separate columns.

16) **Demolition: All demolition requires a permit from the building department.** In some instances, a proposed addition or increase in height cannot be accomplished without the removal of existing walls. If this is not made clear to the Committee at the beginning of the process, you may find that, although you are granted permission to add on to your residence, you can't actually do it because you have not made it clear that there is demolition involved.

17)Raising of Structure: In other words, are you proposing to raise the building in order to construct a basement under it.

18)Uses of Development: Please answer each part of this question. An increase in living space would include anything with walls – e.g. a screened porch would involve an increase in living space.

19)Date land acquired: When did you take possession of the property?

20)Date of existing buildings: If you are not sure, provide your best estimate.

21) Length of existing uses: For example, has the land been used for residential purposes for 30 years, or 18 months?

22) Water supply: in most cases the answer will be private well, but some waterfront properties take their water from a lake.

23) Septic: in most cases the answer will be private sewage system, but there may be some privies.

24) Drainage: Are there specific ditches that have been constructed to deal with drainage; is there natural drainage, etc.?

25) Application for consent: Is there currently an application for consent (severance) being proposed for the property?

26) If yes: If there is a current application for severance or subdivision on the property, please indicate the file number. (Staff can help provide this information)

27) Minor variance: Has there ever been a minor variance granted on the property? If you are long-time owner of the property, you will probably be aware of any other special permission granted for a variance to the zoning by-law. If you are a new owner, the seller will probably have made you aware of this.

28) If yes: If there has been a previous variance granted on the property, please indicate the application number if known, and what the details of the variance were.

29) **SKETCH: We cannot stress enough the importance of a detailed, accurate, and complete sketch. You do not necessarily need to contract with a professional to draw the sketch, but sketches that are not drawn to scale, do not show dimensions and distances, or are not drawn neatly (PLEASE USE A RULER), will not be accepted.**

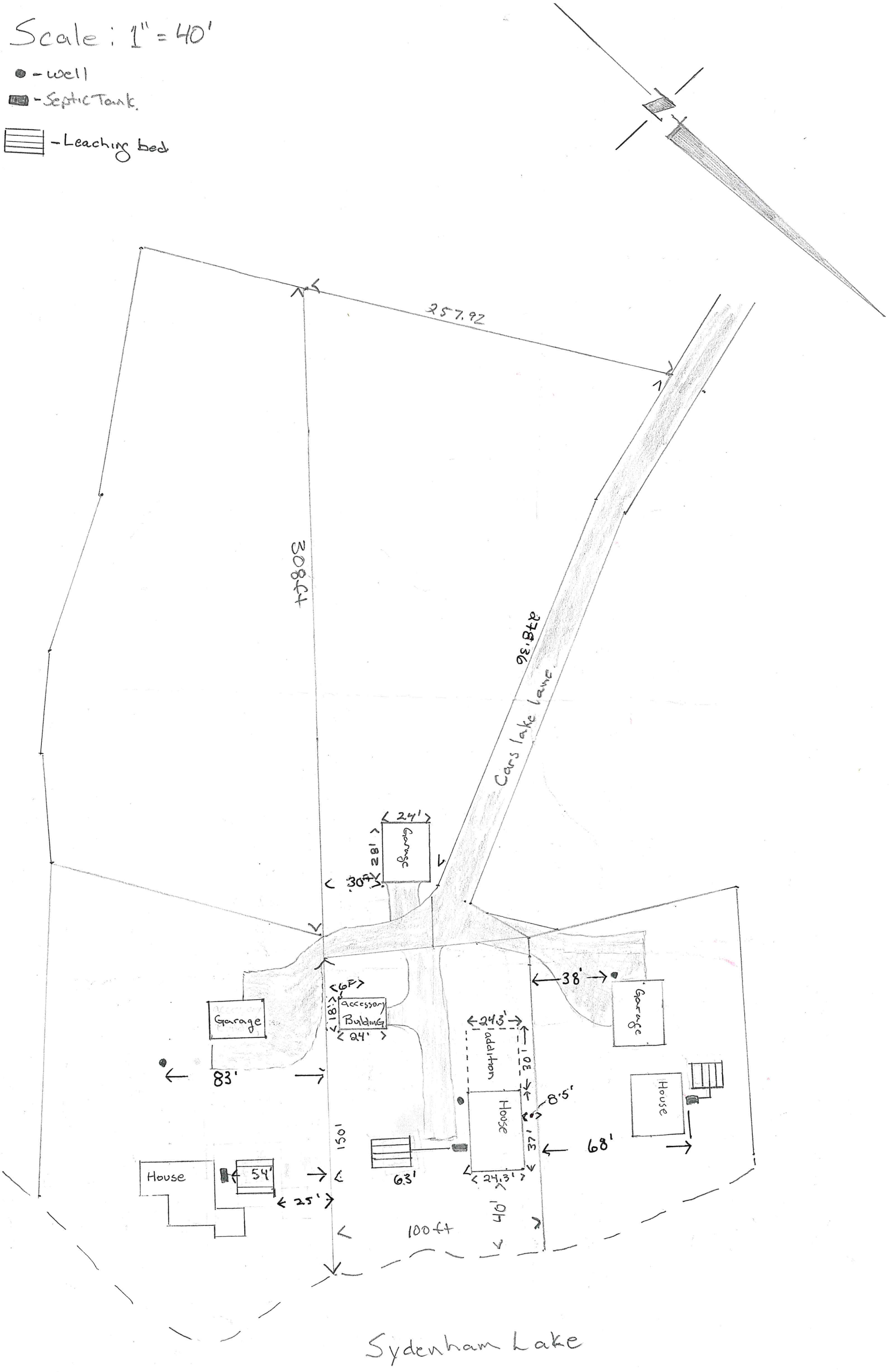
30) **Agreement to Indemnify**: Must be signed in front of a commissioner of oaths – you may have this done before submitting the application, or sign the application in front of staff who can sign as commissioners. All owners must sign the application, or it can be signed by an agent if one has been appointed.

Scale: 1" = 40'

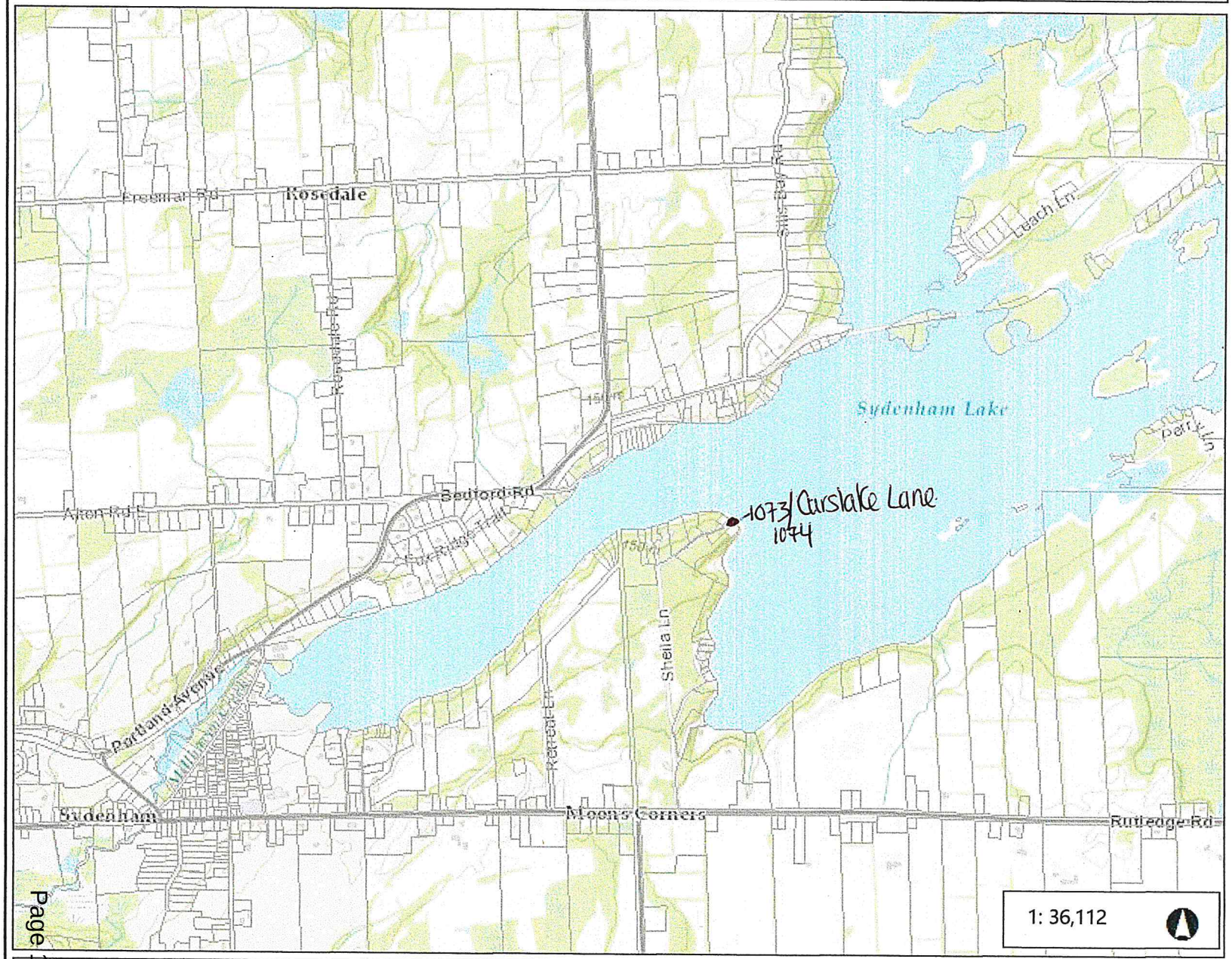
● - well

▭ - Septic Tank.

▤ - Leaching bed



FRONTENAC | Reference Point Map.





Legend

- Parcels
- Citations

Notes

1: 36,112

0 0.92 1.8 Kilometers

WGS_1984_Web_Mercator_Auxiliary_Sphere

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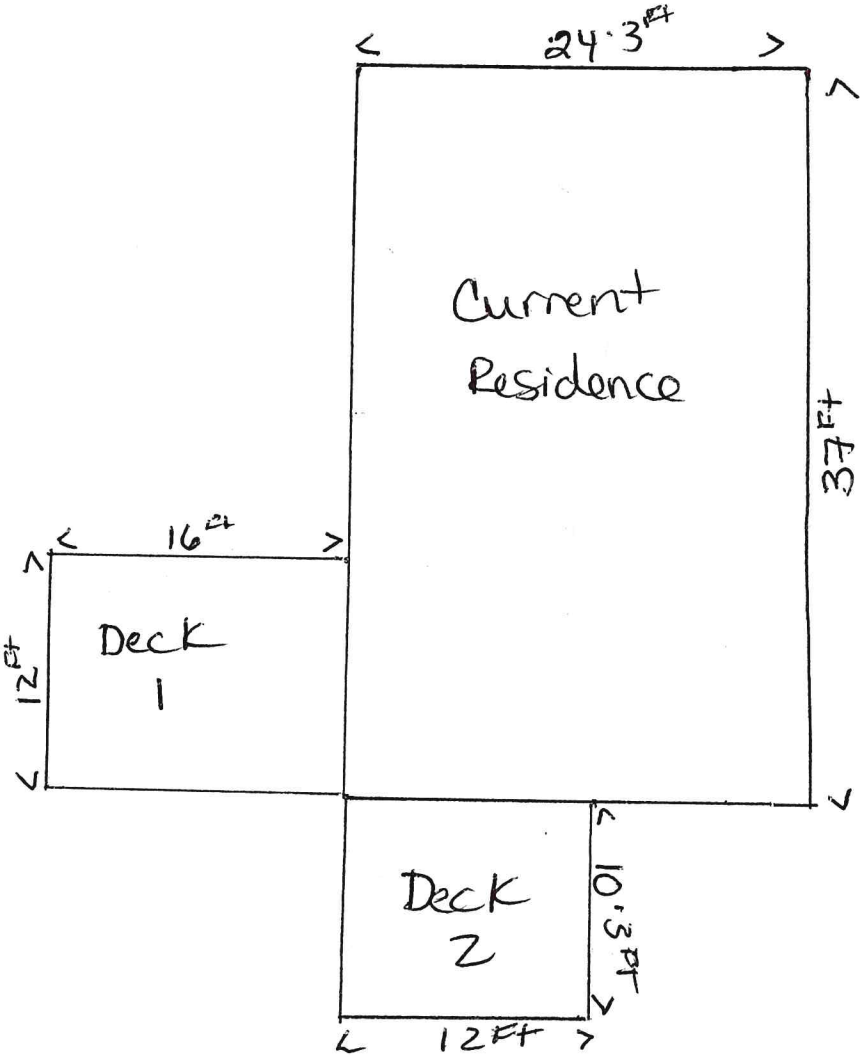
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Current Decks on Property
1073/1074 Carslake Lane

① 12 Ft X 16 Ft Deck attached to upper level of residence (South-East

② 10.3 Ft X 12 Ft Deck attached to lower level of residence (North-East)



Scale: 1" = 10'



MV-45-20-L (Kelsey)

1073 CARSLAKE LANE

Legend

- Subject Property
- Parcel Fabric
- Provincially Significant Wetlands
- Wetland
- River/ Stream
- Waterbody

Produced by the Township of South Frontenac under license with the Ontario Ministry of Natural Resources © Queen's Printer for Ontario, 2015.

While the Township makes every effort to insure that the information presented is accurate for the intended uses of this map, there is an inherent error in all mapping products, and accuracy of the mapping cannot be guaranteed for all possible uses. This map displays basic topographic features only.

Scale 1:2,500

0 10 20 40 60 80

Meters

UTM Projection NAD 83

November 27, 2020 File: MV/FRS/265/2020

Sent by E-mail

Ms. Anna Geladi, Planner
Township of South Frontenac
P.O. Box 100
Sydenham, Ontario
K0H 2T0

Dear Ms. Geladi:

Re: Application for Minor Variance MV-45-20-L (Kelsey)
Lot 7, Concession 5; 1073 / 1074 Carslake Lane
Loughborough District, Township of South Frontenac
Waterbody: Sydenham Lake

Cataraqui Conservation staff have reviewed the above-noted application for minor variance and offer the following comments for the Committee of Adjustment's consideration.

Summary of Proposal

The proposal involves the construction of a 67.7 square metre addition onto an existing dwelling on the subject property. More specifically, the variance is being requested to:

- reduce the required setback from the highwater mark from 30 metres, as required by Section 5.8.2.a) of the South Frontenac Zoning By-law, to 23.5 metres in order to permit the construction of an addition.

Site Description

The subject property is located along the southern shore of Sydenham Lake. The topography of the property can be characterized as rising up quickly from the shoreline, levelling somewhat and then continuing to rise in a westerly direction. Presently, the property contains a single family dwelling, a garage, and an accessory building.

The property is currently designated 'Rural' in the Official Plan and "Limited Service Residential – Waterfront Zone" (RLSW) in the implementing Zoning By-law for South Frontenac Township.

Discussion

The main interests of Cataraqui Conservation with respect to this application are the avoidance of natural hazards associated with the shoreline of Sydenham Lake (e.g. flooding and erosion), and the protection of the lake's water quality.

Natural Hazards

Flooding: For Sydenham Lake, the regulatory flood plain has been established as elevation 131.6 metres geodetic. Section 4.1.3 of Cataraqui Conservation's Environmental Planning Policy recommends a 15 metre horizontal setback from the regulatory flood plain to account for variations in the regulatory flood plain elevation, changes over time in the anticipated extent of the regulatory flood plain, and situations such as debris or ice jams that may affect flood levels. Based upon a review of Lidar elevation data, staff have concluded that the proposed development is outside of the 15 metre setback from the regulatory flood plain.

Erosion: Cataraqui Conservation's Environmental Planning Policy defines the erosion hazard limit as the sum of an allowance for toe erosion, a stable slope allowance of 3(h):1(v) for till shorelines and a minimum erosion access allowance of 6 metres. Staff have concluded that the proposed development will be located outside of the erosion hazard limit.

Water Quality

The Township of South Frontenac Official Plan recognizes the need to minimize lake impacts by reducing phosphorous inputs, preventing erosion and maintaining natural appearances. Accordingly, policies have been included that can vary the setback from the highwater mark from 30 to 90 m depending on the site characteristics such as steepness of slope, vegetation cover soil depth and soil phosphorus retention. Section 5.2.7 (b)(ii)(3) of the Official Plan indicates that a reduction from the setback may only be considered if it is not physically possible or environmentally desirable to meet the 30 metre setback requirement, and that there will be no negative impacts to fish habitat or water quality.

Similar to the Official Plan, Cataraqui Conservation's Environmental Planning Policy considers new development within the 30 metre water setback area only if there are no reasonable alternatives for locating the development outside of the water setback area, the development is no closer to the water than existing buildings or structures on the property, and is set back as far as possible from the water in all directions, complies with the maximum lot coverage provisions of the Zoning By-law, and suitable methods to minimize negative impacts on water quality are incorporated into the development.

In this instance, the addition is located in the most reasonable location possible, the development is set back as far as possible from the water in all directions, is no closer to the water than existing development, and the development complies with the maximum lot coverage provisions of the Zoning By-law. *Staff recommend that roof runoff be directed away from the shoreline to prevent erosion and to protect the water quality of Sydenham Lake.*

Recommendation

Staff have no objection to the approval of application MV-45-20-L based upon our consideration for natural hazards, natural heritage and water quality protection policies.

Please notify this office of any decision made by the Committee of Adjustment with regard to this application. If you have any general questions about these comments, please contact Andrew Schmidt at (613) 546-4228 extension 244 or by email to aschmidt@crca.ca.

Yours truly,

Andrew Schmidt

Andrew Schmidt
Supervisor, Development Review

/as
c.c. Michelle Hannah, South Frontenac Township (via e-mail)
Laura Kelsey, applicant (via e-mail)

REPORT TO COMMITTEE OF ADJUSTMENT
PLANNING DEPARTMENT

Report Date: December 4, 2020

Application No: MV-45-20-L
Owner: Laura Kelsey
Location of Property: Lot 7, Concession 5, District of Loughborough, Township of South Frontenac, being Part 1 on Plan 13R4354 and Part 1 and 3 on Plan 13R5712 municipally known as 1073 Carslake Lane, Sydenham Lake.
Purpose of Application: To vary sections 10.3.1 and 5.8.2(a) of Township of South Frontenac Comprehensive Zoning By-law 2003-75
Date of Hearing: December 10, 2020

Recommendation: That provisional approval be:

✓ granted with conditions (attached)

___ deferred

___ denied

Purpose: ✓ zoning relief for construction of a new structure

___ zoning relief for replacement of an existing structure

___ zoning relief for other

Official Plan Designation: Rural	
Zoning: Limited Service Residential Waterfront Zone (RLSW)	**Zoning Relief Requested:**
Section 10.3.1: RLSW Zone - Principal Building	**Relief:** To permit an addition with a highwater mark setback and front yard of 23 metres (77 feet), whereas the Zoning By-law requires a 30 metre (98.4 feet) setback from the highwater mark and front yard for the principal building.
Section 5.8.2a): Flooding and Shoreline Erosion Hazards	**Relief:** To permit an addition with a highwater mark setback of 23 metres (77 feet), whereas the Zoning By-law requires a 30 metre (98.4 feet) setback from the highwater mark for all buildings and structures.

Review:

This application:

✓ Is consistent with the Provincial Policy Statement (s. 3(5) *Planning Act*);

✓ Maintains the general intent and purpose of the County of Frontenac Official Plan;

✓ Maintains the general intent and purpose of the Township of South Frontenac Official Plan;

✓ Maintains the general intent and purpose of the Township of South Frontenac Zoning By-law 2003-75;

✓ Is desirable for the appropriate development of the lands in question; and

✓ Is minor.

Proposal

An application for minor variance was received to permit an addition within the required 30 metre setback from the highwater mark of Sydenham Lake.

The subject property is known as 1073 Carslake Lane, located off Sheila Lane, off Rutledge Road. The subject property is located on Sydenham Lake and can be described as rising up steeply from the shoreline to a flat plateau and then rising slowly towards the rear of the property.

The subject property contains a single detached dwelling with attached decks, a garage and an accessory building. The single detached dwelling is 83.5 square metres (899 square feet) in size and located 12 metres (40 feet) from the highwater mark of Sydenham Lake. The first deck is attached to the upper level of the dwelling. It is 17.8 square metres (192 square feet) in size and located 12 metres (40 feet) from the highwater mark. The second deck is attached to the lower level of the dwelling. It is 11.5 square metres (123.6 square feet) in size and located 9 metres (30 feet) from the highwater mark. The accessory structure and the garage are located outside of the 30 metre setback from the highwater mark. They are respectively 40 square metres (432 square feet) and 62.4 square metres (672 square feet) in size.

The applicants are proposing to construct a 68 square metre (729 square foot) addition to the rear of the dwelling. The addition will be located 23 metres (77 feet) from the highwater mark.

The applicant provided, with the submission of the application, a signed statement from all three adjacent neighbours stating that the neighbours do not have objections to the proposed addition to the existing single detached dwelling.

Department, Agency and Public Comments

Public Services Department – Public Services was not circulated due to the nature of the application.

Building Department (Buildings) – The Building Department has no objections to the application as presented and will review the detailed building plans through the Building Permit process.

Building Department (Sewage System Review) – The Building Department determined that a performance review of the existing septic system is not necessary as part of the minor variance application. This review will be completed at the building permit stage.

Cataraqui Conservation – Comments received from Cataraqui Conservation on November 27, 2020 indicate that Cataraqui Conservation staff have no objection to the approval of the minor variance. Staff recommended that roof runoff be directed away from the shoreline to prevent erosion and to protect the water quality of Sydenham Lake.

Public Comments – At the time of the writing of this report, no written comments have been received from the public.

Planning Analysis Summary

Under Section 45(1) of the *Planning Act* there are four tests a minor variance must meet. A variance may be authorized from the provisions of the zoning by-law, if, in the opinion of the Committee of Adjustment, the request meets all of the following tests:

1. Does the variance maintain the general intent and purpose of the Official Plan?

Yes, the proposed variance maintains the general intent and purpose of the Official Plan, specifically the policies on limited service residential development and environmentally sensitive areas. The proposed addition to the rear of an existing single detached dwelling is consistent with the permitted residential use of the property and would be located farther from Sydenham Lake.

2. Does the variance maintain the general intent and purpose of the Zoning By-law?

Yes, the variance maintains the general intent and purpose of the Zoning By-law as the addition would be attached to dwelling, which is a permitted use on the subject property. The proposed location and orientation of the addition is practical on the subject property and the addition is not going closer than the existing single detached dwelling and deck to the highwater mark of Sydenham Lake. The existing interior side yard will be maintained and the development complies with the maximum permitted lot coverage.

3. Is the requested variance desirable for the appropriate development of the land, building or structure in question?

Yes, the proposed location, size and orientation of the addition are practical on the subject property. The variance is desirable for the appropriate development of the subject property, as the proposed addition is modest in size and is consistent with the residential use of the property. It is located farthest away from the highwater mark of Sydenham Lake.

4. Is the variance minor?

Yes. The variance is minor as it maintains the general intent of the Official Plan and Zoning By-law, and is desirable for the appropriate development of the land. There will be no negative impact on the lake and the neighbours are agreeable to the proposed addition.

Conclusion

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-45-20-L, subject to conditions.

Recommended Conditions

Conditions are a decision of the Committee of Adjustment, the conditions below are recommended. The final approved conditions will be included in the signed decision.

1. The Minor Variance is for a 68 square metre (729 square foot) addition to the rear of the existing dwelling, set back 23 metres (77 feet) from the highwater mark of Sydenham Lake as per the drawings submitted with MV-45-20-L.

2. The applicant is required to enter into a development agreement to be registered on the title of the property to the satisfaction of the Township to address Township environmental policies and Cataraqui Conservation recommendations, including that roof runoff be directed away from the shoreline to prevent erosion and to protect the water quality of Sydenham Lake.

3. A building permit is required for ALL construction on the property. There shall be no additional development, or demolition of existing structures, on the property without the approval from the Township of South Frontenac.

4. Minor variance MV-45-20-L is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.

Submitted by: Anna Geladi, Planner

Reviewed by: Christine Woods, MCIP, RPP, Senior Planner

Approved by: Claire Dodds, MCIP, RPP, Director of Development Services

Date of Site Visit: November 27, 2020

TOWNSHIP OF SOUTH FRONTENAC
APPLICATION FOR MINOR VARIANCE OR PERMISSION
Updated January, 2020

The Committee of Adjustment is a Committee of eight persons appointed by Township Council. The Committee is formed under Section 45 of the Planning Act R.S.O. 1990, Chapter P.13, to authorize a minor variance from a zoning by-law.

The Committee may vary Zoning By-law provisions provided the Committee is of the opinion that the variance:

- Is desirable for the appropriate development or use of the land, building or structure
- Maintains the general intent and purpose of the Official Plan.
- Maintains the general intent and purpose of the Zoning By-law.
- Is minor in nature

Application Requirements

1. It is required that one (1) copy of this application be filed with the Secretary-Treasurer of the Committee of Adjustment, together with the **SKETCH** referred to in Note 3 (below), accompanied by a **NON-REFUNDABLE FEE in accordance with the chart below** in cash, debit or by cheque made payable to the Township of South Frontenac.

Application Type:	Planning Fee:	Building Admin Fee:	TOTAL:
1-3 Variances	$940.00	$94.00	$1,034.00
4+ Variances	$1,290.00	$94.00	$1,984.00
After building without a permit	$1,970.00	$94.00	$2,064.00

2. It is required that a Fee be provided for the Health Unit and Conservation Authority (where applicable) when submitting an application (Separate **cheques**, payable to KFL&A Public Health and/or applicable Conservation Authority, are to be submitted to the Township with the completed application).
   Please Note: These fees are for consultation on this application only; these agencies may require additional permit applications and fees prior to any construction.

KFL&A Public Health Unit *Minor Variance Only* *Minor Variance WITH Performance Review*	 $450 $700
Cataraqui Region Conservation Authority	$400
Quinte Conservation Authority	$341
Rideau Valley Conservation Authority *Standard (additions & other minor works)* *Major and/or new construction*	 $380 $510

3. **PLEASE READ THIS ITEM CAREFULLY**

Each applicant shall provide a sketch showing the dimensions of the subject land and of all abutting lands as outlined in Question 29 of the application. The sketch should be accurately dimensioned and scaled in either Imperial or Metric measures. This sketch, in conjunction with the Application Form, is the basis for the analysis of the Minor Variance Application by the Committee of Adjustment. It is strongly recommended that the applicant spend the necessary time to carefully and thoroughly assemble the data and transfer the data to the sketch. It is important that the sketch be drawn with accurate dimensions and measurements. Any application which does not include the above required information may not be accepted. In this regard, the applicant may wish to secure the assistance of a person who specializes in the drafting of such sketches. A guide to answering the application questions is attached.

4. **Collection of Personal Information**

Personal information requested herein is required under the Planning Act, 1990 as amended. This information will be used by the Committee of Adjustment/Land Division Committee for the purpose of reviewing the above referenced application, and may be made available to those boards, Commissions, Authorities, Agencies and Persons having an interest in this matter. Any questions regarding the collection of this information should be directed to the Secretary Treasurer of the Committee of Adjustment (P.O. Box 100, Sydenham, Ont., K0H 2T0, Phone 376-3027 ext.2224).

RECEIVED
NOV 18 2020
TOWNSHIP OF SOUTH FRONTENAC PLANNING DEPARTMENT

TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE
***Planning Act*, R.S.O. 1990, c. P.13 as amended**

Date Received: _____ File No: _____

1. Name of Owner(s): Matthew Robinson

Full Mailing Address of Owner(s): [redacted]

Phone number of Owner(s): [redacted]

Email Address of Owner(s): [redacted]

2. If the applicant is **NOT** the owner of the subject land, the written authorization of the owner that the applicant is authorized to make the application, must accompany the application.

Name of Authorized Agent: Tiago Caldas

Full Mailing Address of Authorized Agent: [redacted]

Phone number of Authorized Agent [redacted]

Email Address of Authorized Agent [redacted]

Agent as named above is hereby authorized to act on behalf of the owners for purposes of processing this application for Minor Variance.

[redacted]
Signature(s) of Owner(s)

3. The description of the subject land:

District: ☐ Bedford ☐ Portland ☐ Loughborough ● Storrington

Concession Number: _____ Lot Number: _____

Street Number: 1096 Name of Road/Street: Applewood Lane

Reference Plan Number: _____ Part Number(s): _____

Roll Number: _____

TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE
***Planning Act*, R.S.O. 1990, c. P.13 as amended**

4. The frontage(s), depth and area of the subject land.

   Frontage (on water): 55.50m Frontage (on road/lane): 55.82m

   Depth: 121.47m Area: 8049m²

5. The current zoning of the subject land:

   RLSW - 101

6. The nature and extent of the relief from the Zoning By-law:

   As per Zoning Regulation for RLSW: No accessory building shall be located in any front yard.

   We are seeking relief in order to construct a new 30'x30' Garage in the front yard of the property.

7. The reason why the proposed use cannot comply with the provisions of the Zoning By-law:

   Proposed Accessory Building (Garage) to be located in the front yard.

8. Does the subject property front on a municipally maintained road? ☐ Yes ☐ No
   OR a privately maintained road? ● Yes ☐ No

   Name of Road/Lane:

   Applewood Lane

9. **If access to the subject property is by water only**, please indicate the parking and docking facilities used or to be used and the approximate distance of these facilities from the subject land and the nearest public road.

   N/A

10. What are the existing uses of the subject land?

    Residential

11. Please indicate whether there are any **EXISTING** buildings or structures on the subject land. (I.e. residence, garage, shed, etc.)

    ● Yes ☐ No

12. If the answer to item 11 is yes, **for EACH building or structure** indicate:

Type of Structure (E.g. residence)	**(1)** EXISTING RESIDENCE	**(2)**	**(3)**	**(4)**
Setback from Front Lot Line	68.8m 225.8'			
Setback from Rear Lot Line	47.9m 157.01'			
Setback from Side Lot Line	11.09m 36.38'			
Height of Building (Also indicate if it is one story or two story)	1 Storey (Approx 20')			
Dimensions of Floor Area	241.5m^2 2600sq.ft			
Setback from High Water Mark (If applicable)	N/A			

13. The proposed uses of the subject land:

Residential

14. Are any building(s) or structure(s), or additions to existing building(s) or structure(s), **PROPOSED** to be built on the subject land?

● Yes □ No

TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE
***Planning Act*, R.S.O. 1990, c. P.13 as amended**

15. If the answer to item 14 is yes, for each proposed addition, building or structure indicate:

Type of Structure (E.g. residence)	**(1)** PROPOSED GARAGE	**(2)**	**(3)**	**(4)**
Setback from Front Lot Line	39.2m 128.69'			
Setback from Rear Lot Line	82.5m 270.76'			
Setback from Side Lot Line	3.5m 11.47'			
Height of Building (Also indicate if it is one story or two story)	6.0m 19.69'			
Outside Dimensions of Building/Structure	9.144m x 9.144m 30' x 30'			
Setback from High Water Mark (If applicable)	N/A			

NOTES: 1) If the subject property is on waterfront, and on a private lane, the setback from the front lot line and the setback from the high water mark will be the same.
2) The dimensions required in this question relate to the **NEW CONSTRUCTION ONLY**, and **NOT** to the total size of the completed building**.**

16. Do your plans include any **DEMOLITION** of existing structures? ☐ Yes ● No

If yes, please provide details:

_____

17. Do your plans include the **RAISING** of an existing structure? ☐ Yes ● No

If yes, please provide details:

18. What are the uses of the proposed development?

(a)	Increase in number of bedrooms	☐ Yes	● No
(b)	Increase in plumbing fixtures	☐ Yes	● No
(c)	Increase in living space	☐ Yes	● No
(d)	Will the addition or structure encroach on the existing septic system?	☐ Yes	● No

19. The date the subject land was acquired by the current owner:

May 1st 2020

20. The date the existing buildings and structures were constructed on the subject lands:

Unknown. Was constructed prior to ownership.

21. The length of time that the existing uses of the subject land have continued:

Has been constructed as part of Subdivision.

22. Indicate whether water is provided to the subject land by a publicly owned and operated piped water system, a privately owned and operated individual or communal well, a lake, or other water body, or other means:

Drilled Well: Setback from proposed Garage to existing Well illustrated on drawing SK-01

23. Indicate whether sewage disposal is provided to the subject land by a publicly owned and operated sewage system, a privately owned and operated individual or communal septic system, a privy, or other means:

Septic System: Setback from proposed Garage to existing septic system illustrated on drawing SK-01

24. Is storm drainage provided by sewers, ditches, swales or by other means?

Ditches, Swales

TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE
***Planning Act*, R.S.O. 1990, c. P.13 as amended**

25. Please indicate whether the subject land is subject of an application under the Planning Act for approval of a Plan of Subdivision or Consent.

☐ Yes ● No

26. If the answer to question 25 is yes, please give the file number of the application and the status of the application.

Approval from Subdivision Board has been included as part of this application.

27. If known, please indicate whether the subject land has ever been the subject of an application under Section 43 of the Planning Act (Minor Variance).

☐ Yes ● No

28. If the answer to item 27 is yes, please give the file number of the application and the status of the application.

29. A **SKETCH** must be submitted showing the following:

i) THE SKETCH **MUST** HAVE A NORTH ARROW AT THE TOP OF THE PAGE.

ii) The boundaries and dimensions of the subject land including the location of any existing and proposed buildings.

iii) The location of a reference point……i.e. distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing.

iv) The location of all abutting (neighbours') lands.

v) The approximate location of all natural and artificial features on the subject land and on the land that is adjacent to the subject land. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, barns, wetlands, wooded areas, wells and septic tanks. Show distance of these features from the applicant's property lines.

****Note:** ** The distances to on-site and abutting owners' wells, septic fields and barns, from the property to be varied, **IS REQUIRED** to be shown. The **SKETCH** is of significant importance and should be prepared as carefully, neatly and accurately as possible.

TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE
***Planning Act*, R.S.O. 1990, c. P.13 as amended**

AGREEMENT TO INDEMNIFY

Attached to this application is a cheque payable to the Township of South Frontenac representing payment of the application fee.

The Owner/Applicant/Agent agrees that the information recorded in this Minor Variance Application Form is accurate. The Owner/Applicant/Agent agrees that representatives of the Township, Public Health and, where applicable, the appropriate Conservation Authority, may enter onto the subject property for the purpose of determining the appropriateness of the site for the proposed development.

The Owner/Applicant/Agent agrees to reimburse and indemnify the municipality for all fees and expenses incurred by the municipality to process the application, including any fees and expenses attributable to proceedings before the Ontario Municipal Board or any court or other administrative tribunal if necessary to defend Council's decision to support the application.

Without limiting the foregoing, such fees and expenses shall include the fees and expenses of consultants, planners, engineers, lawyers and such other professional and technical advisors as the municipality may, in its absolute discretion acting reasonably, consider necessary or advisable to more properly process and support the application.

The Owner/Applicant/Agent further agrees to provide the municipality, upon request and in cases where an application has been appealed to the Ontario Municipal Board, with a deposit (over and above the normal application fee), from which the municipality may, from time to time charge any fees and expenses incurred by the municipality in order to process the application. If such appeal expenses exceed the deposit, the Owner/Applicant shall pay the difference forthwith upon being billed by the municipality, with interest at the rate of 1.25% per month (15% per annum) on accounts overdue more than 30 days,

The Owner/Applicant/Agent further agrees that, until such requests have been complied with, the municipality will have no continuing obligation to process the application or attend or be represented at the Ontario Municipal Board or any court or other administrative proceeding in connection with the application:

[redacted]

TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE
***Planning Act*, R.S.O. 1990, c. P.13 as amended**

A Guide to Completing the Minor Variance Form

1) The names of **all** owners must appear in this section, even if they live in separate residences, and the address(es) should be the **full mailing address, complete with postal code**.

2) You may wish to appoint someone to act on your behalf during the variance process. If so, that person's name, address and phone number should appear here All owner's must sign the authorization.

3) Description of the Subject Land:
   a. District: The Districts are the same as the former Townships. If you are not sure, check the roll number (the long number beginning with 1029) on your tax bill. If the numbers are 010, 020 or 030, your district is Bedford; if the numbers are 040-050, your district is Loughborough; if the numbers are 060 or 070, your district is Storrington; and if the numbers are 080, your district is Portland.
   b. Concession and Lot Numbers: if you are not sure, check your tax bill
   c. Street Number: Your civic address – if a civic number has not been assigned, leave this space blank.
   d. Name of Road/Street: This question applies whether or not you are on a private lane or a public road.
   e. Reference Plan No: If your property has been surveyed, it will have a plan number, and one or more parts on that plan. If your property has not been surveyed, leave this space blank.
   f. Roll No: This is the number beginning with '1029' which appears on your tax bill. Please take time to look it up before submitting the application.

4) Frontage, depth, area, acres: All parts of this question must be completed.

5) Current zoning: You may not be aware of the zoning on your property and this can be determined when you come in for pre-consultation with planning staff.

6) Nature and Extent of Relief: This question is asking what you are asking to do that requires the variance – for example, it could be that you are asking to be 25 m rather than 30 m from the high water mark, or that you are asking to increase the height of a structure within 30 m of the high water mark, or that you are seeking a variance to construct an accessory building closer to the front lot line than the principal building.

7) Reason why you can't comply: In other words, why can you not meet the required setbacks. It could be, for example, because you are seeking a variance to add on to an existing structure that is already too close to the water, or that developing further from the water would be impossible because of a steep embankment.

8) Roads: Municipally maintained roads are looked after by the Township; private roads are lanes that residents maintain themselves (not private driveways, but lanes that provide access to your property and that are generally shared with others).

9) Parking and Docking: This question is only relevant is you can only access your property by water.

10) Existing Uses: e.g. residential, retail business, vacant recreational land

11) Buildings: If there are **ANY** buildings or structures on the property now, the answer to this question is "yes".

12) Description of buildings and structures: You must complete all sections of this question for each structure on your property. **If there is a deck on your dwelling, please describe it separately from the residence.**

13) Proposed Uses: Generally, the answer to this question will be the same as the answer to #10, but if, for example, the land is currently vacant, and you are planning to construct a dwelling, then the use to be described in section 10 would be "vacant recreational land", and the use described in section 13 would be "residential"

14) Proposed structures: If you are planning to build **ANYTHING** on the property, the answer to this question is "yes" – This includes additions, decks, garages, septic systems.

15) Description of new construction: **ALL** proposed new development must be described here. If you are proposing to construct an addition to a dwelling, and to add a deck, please show this information in separate columns.

16) **Demolition: All demolition requires a permit from the building department.** In some instances, a proposed addition or increase in height cannot be accomplished without the removal of existing walls. If this is not made clear to the Committee at the beginning of the process, you may find that, although you are granted permission to add on to your residence, you can't actually do it because you have not made it clear that there is demolition involved.

17)Raising of Structure: In other words, are you proposing to raise the building in order to construct a basement under it.

18)Uses of Development: Please answer each part of this question. An increase in living space would include anything with walls – e.g. a screened porch would involve an increase in living space.

19)Date land acquired: When did you take possession of the property?

20)Date of existing buildings: If you are not sure, provide your best estimate.

21) Length of existing uses: For example, has the land been used for residential purposes for 30 years, or 18 months?

22) Water supply: in most cases the answer will be private well, but some waterfront properties take their water from a lake.

23) Septic: in most cases the answer will be private sewage system, but there may be some privies.

24) Drainage: Are there specific ditches that have been constructed to deal with drainage; is there natural drainage, etc.?

25) Application for consent: Is there currently an application for consent (severance) being proposed for the property?

26) If yes: If there is a current application for severance or subdivision on the property, please indicate the file number. (Staff can help provide this information)

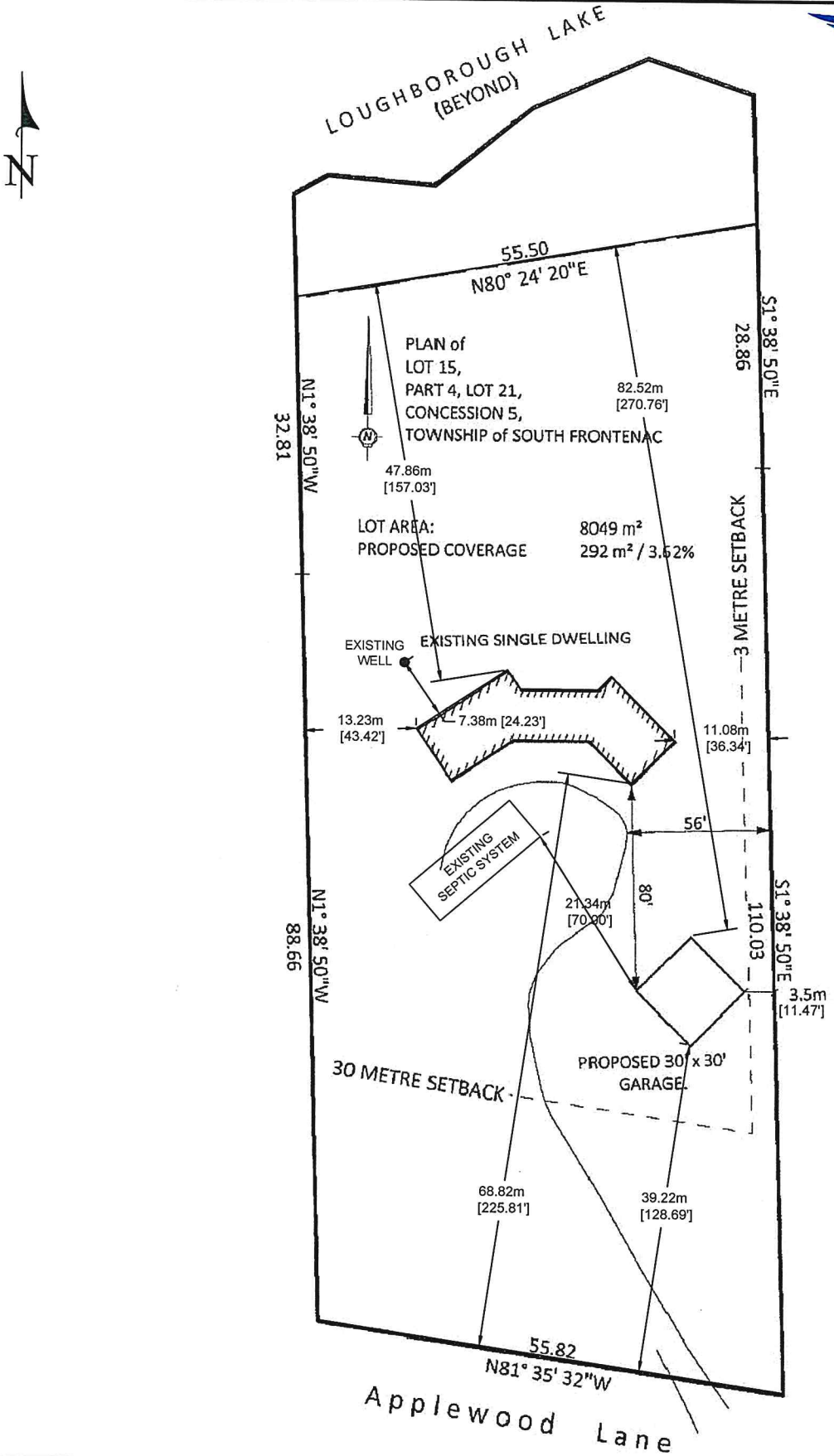
27) Minor variance: Has there ever been a minor variance granted on the property? If you are long-time owner of the property, you will probably be aware of any other special permission granted for a variance to the zoning by-law. If you are a new owner, the seller will probably have made you aware of this.

28) If yes: If there has been a previous variance granted on the property, please indicate the application number if known, and what the details of the variance were.

29) **SKETCH: We cannot stress enough the importance of a detailed, accurate, and complete sketch. You do not necessarily need to contract with a professional to draw the sketch, but sketches that are not drawn to scale, do not show dimensions and distances, or are not drawn neatly (PLEASE USE A RULER), will not be accepted.**

30) **Agreement to Indemnify**: Must be signed in front of a commissioner of oaths – you may have this done before submitting the application, or sign the application in front of staff who can sign as commissioners. All owners must sign the application, or it can be signed by an agent if one has been appointed.

ASTERISK
ENGINEERING CORPORATION
2263 Princess Street
Kingston, ON.
K7M 3G1
(613) 542-2040 fax 1 613 280-1335
www.asteriskengineering.com



* CONTRACTOR TO PROVIDE POSITIVE DRAINAGE.

* MINIMUM GRASSED SLOPE GRADES TO BE 2 %

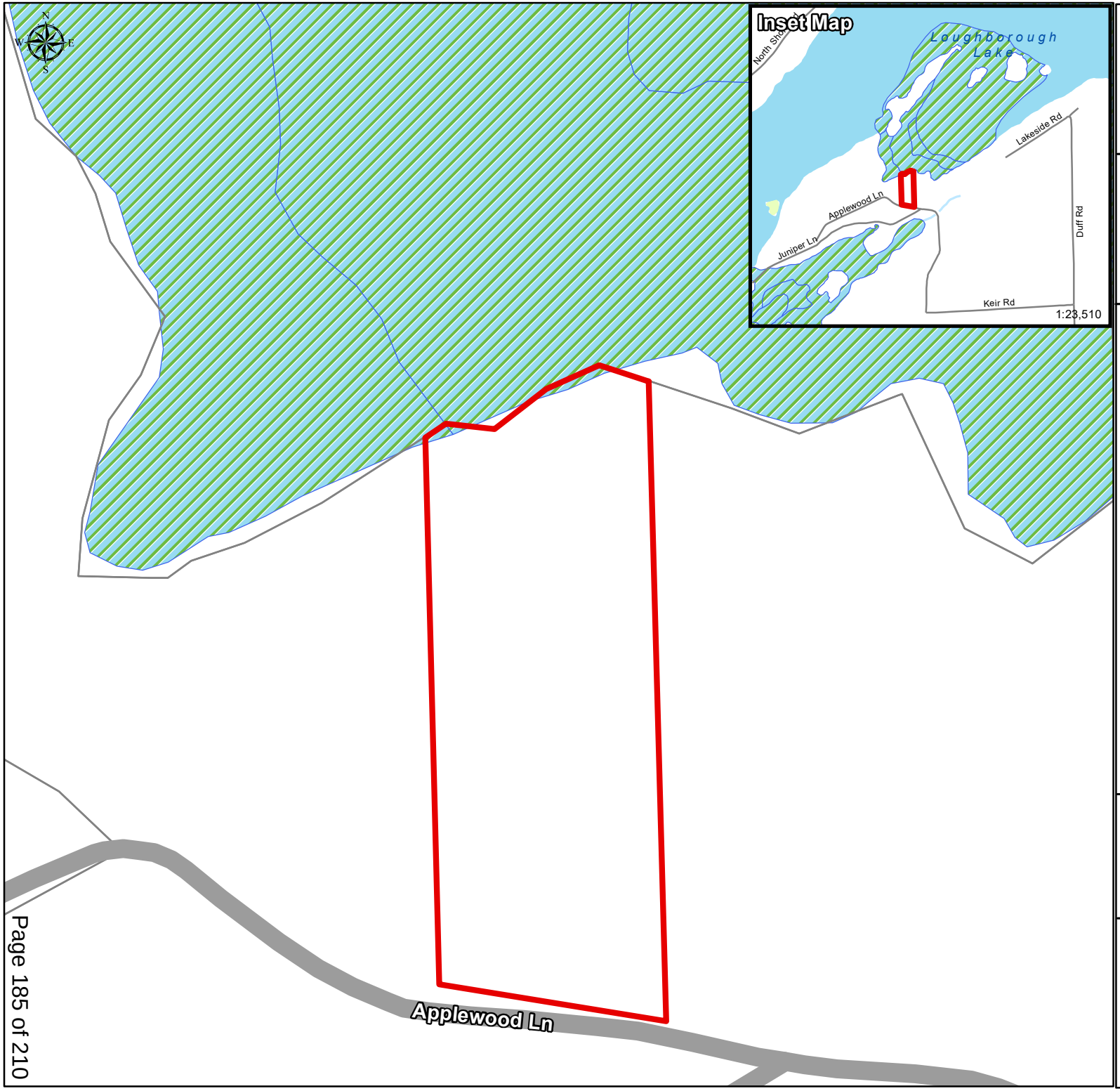
ISSUED FOR	REV	DATE
FOR APPROVAL	0	Nov 17, 2020

PROPOSED 30' x 30' GARAGE
1069 APPLEWOOD LANE

CLIENT:

MATHEW ROBINSON

SCALE:	UNITS:	DATE:
N.T.S	m, UNO	Nov 17, 2020
DESIGN:	CHECKED:	DRAWN:
TC	TC	CR
PROJ NO.:	DWG NO.:	
20-107	SK-01	



MV-46-20-S (Robinson)(Caldas)

1069 APPLEWOOD LANE

Legend

- Robinson/Caldas Property
- Parcel Fabric
- Provincially Significant Wetlands
- Wetland
- River/ Stream
- Waterbody

Produced by the Township of South Frontenac under license with the Ontario Ministry of Natural Resources © Queen's Printer for Ontario, 2015.

While the Township makes every effort to insure that the information presented is accurate for the intended uses of this map, there is an inherent error in all mapping products, and accuracy of the mapping cannot be guaranteed for all possible uses. This map displays basic topographic features only.

Scale 1:1,300

0 5 10 20 30 40

Meters

UTM Projection NAD 83

Township of South Frontenac
Building Department
PO Box 100, 4432 George Street
Sydenham, Ontario, K0H 2T0
613-376-3027

Sewage System Review Comments

To:	Planning Department
Application Number:	MV-46-20-S
Type of Application or Proposal:	Minor Variance
Applicant Name(s):	Matthew Robinson
Location:	1096 Applewood Lane
Planning Department or Agency:	Township of South Frontenac
Comments:	No objections to proposed location of detached garage with respect to clearances from the existing sewage system as indicated on drawing No. SK-01 dated November 17, 2020 from Asterisk Engineering. A minimum 5 metre clearance is required from the leaching chambers of a Type A Dispersal bed.
Building Inspector:	Tom Berriault
Date:	November 27, 2020

REPORT TO COMMITTEE OF ADJUSTMENT
PLANNING DEPARTMENT

MINOR VARIANCE – PLANNING REPORT

Report Date: December 4, 2020

Application No: MV-46-20-S
Owner: Matthew Robinson
Agent: Tiago Caldas
Location of Property: Lot 21 Concession 5 being on Plan FVLCP 76 Level 1 Unit 15, District of Storrington, Township of South Frontenac, municipally known as 1096 Applewood Lane, Loughborough Lake
Purpose of Application: To vary Section 5.24.2 of the Township of South Frontenac Comprehensive Zoning By-law 2003-75
Date of Hearing: December 10, 2020

Recommendation: That provisional approval be:

_✓_ granted with conditions (attached)

___ deferred

___ denied

Purpose: _✓_ zoning relief for construction of a new structure

___ zoning relief for replacement of an existing structure

___ zoning relief for other

Official Plan Designation: Rural & Provincially Significant Wetlands	**Zoning:** Limited Services Residential Waterfront – Special Provision 101 (RLSW-101)
Zoning Relief Requested:	
Section 5.24.2: Accessory Buildings	**Relief:** To permit the construction of an accessory building (detached garage) in the projected front yard, whereas the Zoning By-law requires an accessory building to be erected to the rear of the projected front or exterior side wall of the main building.

Review:

This application:

✓ Is consistent with the Provincial Policy Statement (s. 3(5) *Planning Act*);

✓ Maintains the general intent and purpose of the County of Frontenac Official Plan;

✓ Maintains the general intent and purpose of the Township of South Frontenac Official Plan;

✓ Maintains the general intent and purpose of the Township of South Frontenac Zoning By-law 2003-75;

✓ Is desirable for the appropriate development of the lands in question; and

✓ Is minor.

Proposal

An application for minor variance has been received to permit an accessory building (detached garage) within the projected front yard of the subject property located in the Limited Service Residential Waterfront Zone Special Provisions 101 (RLSW-101).

The subject property is located on the east side of Applewood Lane off Kier Road, and is municipally known as 1096 Applewood Lane. The subject property is part of the Applewood Plan of Vacant Land Condominium. It currently contains a 241.5 square metre (2600 square foot) single detached dwelling.

The proposed detached garage is 9.2 metres x 9.2 metres (30 feet by 30 feet) and approximately 83.6 metres^2 (900 feet^2) in size. The proposed garage is single storey with a height of 6.0 metres (19.7 feet). The garage will be 3.5 metres (11.5 feet) from the side lot line to the east. It complies will all of the required setbacks in the RLSW and RLSW-101 zones.

The Approved Condominium Corporation contracts a Condominium Specialist to manage the Applewood Condominium. The Specialist reviewed the proposal and confirmed the development is approved by the Condominium. It was indicated that the owner will need to provide a copy of the building permit to be kept in the unit file before any work can commence.

Department, Agency and Public Comments

Public Services Department – Public Services was not circulated on the application as the subject property is located on a private lane.

Building Department (Sewage System Review) – The Building Department provided comments on November 27, 2020 indicating that staff have no objections to the proposed location of the detached garage with respect to clearances from the existing sewage system.

Cataraqui Conservation – Cataraqui Conservation indicated on November 26, 2020 that staff are not required to be circulated due to the nature of the application. Cataraqui Conservation note that a permit under O. Reg. 148/06 will be required since the garage is located within 120 metres of a wetland.

Public Comments – At the time of the writing of this report, no comments have been received from the public.

Planning Analysis Summary

Under Section 45(1) of the *Planning Act* there are four tests a minor variance must meet. A variance may be authorized from the provisions of the zoning by-law, if, in the opinion of the Committee of Adjustment, the request meets all of the following tests:

1. Does the variance maintain the general intent and purpose of the Official Plan?

Yes the variance maintains the general intent and purpose of the Official Plan. The subject property is designated Rural in the Official Plan and the proposed garage is consistent with the residential use of the property.

The subject property is adjacent to a Provincially Significant Wetland. The environmental protection policies of the Official Plan were addressed through an Environmental Impact Statement (EIS) when the plan of condominium was approved. An important recommendation of the EIS was that all development must be setback a minimum of 40 metres from the highwater mark of Loughborough Lake and from the Loughborough Lake Provincially Significant Wetland Complex.The proposed development will be located approximately 82.5 meters (270.8 feet) from the highwater mark and the edge of the wetland.

2. Does the variance maintain the general intent and purpose of the Zoning By-law?

Yes, the variance maintains the general intent and purpose of the Zoning By-law as the location of the garage complies with the setback requirements of the RLSW-101 zone. Section 5.24.2 of the Zoning By-law details the permitted location of an accessory building to be erected to the rear yard or interior side yard. For the purposes of the RLSW-101 zone, the lane side of the lot shall be deemed to be the front yard.

The provisions of the special zone requires a minimum front yard setback of 15 metres (50 feet) and a minimum setback from the wetland boundary to be 40 meters (131 feet). The proposed location of the detached garage is adjacent to the existing driveway and is located on the east side of the property and generally follows the natural topography of the site. There is no opportunity to locate the proposed garage within the rear yard of the proposed dwelling, as per the special provision zoning.

The proposed garage does not exceed the maximum lot coverage for accessory structures and complies with the maximum permitted height of 6 metres (19.7 feet).

3. Is the requested variance desirable for the appropriate development or use of the land, building or structure in question?

Yes, the variance is desirable for the appropriate development as a detached garage is a permitted accessory building to the existing dwelling. Locating the garage in the front yard helps to achieve the intent of the site-specific zone to protect the adjacent wetland from potential negative impacts associated with development on the property. It is located a suitable distance from the front property line and located 3.5 meters (11.47 feet) from the interior property line whereas the By-law requires 3 metres (9.8 feet).

4. Is the variance minor?

Yes, the variance is minor as it maintains the general intent of the Official Plan and Zoning By-law, and is desirable for the appropriate development of the land. The variance is minor as it will not cause any negative impacts on the lake, the wetland and surrounding properties as a result of its location within the projected front yard and will be located off an existing driveway.

Conclusion

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-46-20-S, subject to conditions.

Recommended Conditions

Conditions are a decision of the Committee of Adjustment, the conditions below are recommended. The final approved conditions will be included in the decision.

1. The Minor Variance is for a one-storey detached garage 6 metres in height, to be constructed in the projected front yard at a setback to comply with zoning, as per the drawings submitted with MV-46-20-S.

2. A building permit is required for ALL construction on the property. There shall be no additional development, or demolition of existing structures, on the property without the approval from the Township of South Frontenac.

3. Minor variance MV-46-20-S is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.

Submitted by: Anna Geladi, Planner

Reviewed by: Christine Woods, MCIP, RPP, Senior Planner

Approved by: Claire Dodds, MCIP, RPP, Director of Development Services

Date of Site Visit: November 27, 2020

3. PLEASE READ THIS ITEM CAREFULLY

Each applicant shall provide a sketch showing the dimensions of the subject land and of all abutting lands as outlined in Question 29 of the application. The sketch should be accurately dimensioned and scaled in either Imperial or Metric measures. This sketch, in conjunction with the Application Form, is the basis for the analysis of the Minor Variance Application by the Committee of Adjustment. It is strongly recommended that the applicant spend the necessary time to carefully and thoroughly assemble the data and transfer the data to the sketch. It is important that the sketch be drawn with accurate dimensions and measurements. Any application which does not include the above required information may not be accepted. In this regard, the applicant may wish to secure the assistance of a person who specializes in the drafting of such sketches. A guide to answering the application questions is attached.

4. Collection of Personal Information

Personal information requested herein is required under the Planning Act, 1990 as amended. This information will be used by the Committee of Adjustment/Land Division Committee for the purpose of reviewing the above referenced application, and may be made available to those boards, Commissions, Authorities, Agencies and Persons having an interest in this matter. Any questions regarding the collection of this information should be directed to the Secretary Treasurer of the Committee of Adjustment (P.O. Box 100, Sydenham, Ont., K0H 2T0, Phone 376-3027 ext.2224).

TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE
***Planning Act*, R.S.O. 1990, c. P.13 as amended**

Date Received: _____ File No: _____

1. Name of Owner(s): RALPH ORR LYNNE WILSON ORR

Full Mailing Address of Owner(s): [redacted]

Phone number of Owner(s): [redacted]

Email Address of Owner(s): [redacted]

2. If the applicant is **NOT** the owner of the subject land, the written authorization of the owner that the applicant is authorized to make the application, must accompany the application.

Name of Authorized Agent: _____

Full Mailing Address of Authorized Agent: _____

_____

Phone number of Authorized Agent: _____

Email Address of Authorized Agent: _____

Agent as named above is hereby authorized to act on behalf of the owners for purposes of processing this application for Minor Variance.

_____
Signature(s) of Owner(s)

3. The description of the subject land:

District: ☑ Bedford ☐ Portland ☐ Loughborough ☐ Storrington

Concession Number: _____ Lot Number: _____

Street Number: 111 Name of Road/Street: SECOND HEAVEN LANE

Reference Plan Number: INST 353903 Part Number(s): 1, 2 and 3

Roll Number: 020-040-07100-0000
020-040-07110-0000

4. The frontage(s), depth and area of the subject land.

Frontage (on water): 150' Frontage (on road/lane): 184'

Depth: 130' Area: 16,210 sq. ft.

5. The current zoning of the subject land:

Residential Limited Service - Waterfront RLSW

6. The nature and extent of the relief from the Zoning By-law:

Allow a setback of cottage 55' (or 47' to screen porch) vs normal 100' from high water mark of 30 Island Lake and setback of 23' to porch from the road right of way.

7. The reason why the proposed use cannot comply with the provisions of the Zoning By-law:

The existing property depth is only 100' and cannot accommodate the required clearances.

8. Does the subject property front on a municipally maintained road? ☐ Yes ☒ No
OR a privately maintained road? ☑ Yes ☐ No

Name of Road/Lane:

111 SECOND HEAVEN LANE

9. **If access to the subject property is by water only**, please indicate the parking and docking facilities used or to be used and the approximate distance of these facilities from the subject land and the nearest public road.

N/A

10. What are the existing uses of the subject land?

32' Trailer

11. Please indicate whether there are any **EXISTING** buildings or structures on the subject land. (I.e. residence, garage, shed, etc.)

☑ Yes ☐ No

TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE
***Planning Act*, R.S.O. 1990, c. P.13 as amended**

12. If the answer to item 11 is yes, **for EACH building or structure** indicate:

Type of Structure (E.g. residence)	(1) Recreational Trailer	(2) Bunkie	(3) Shed.	(4) Outhouse
Setback from Front Lot Line (Road)	34'	43'	19'	2'
Setback from Rear Lot Line (Water)	59'	41'	70'	94'
Setback from Side Lot Line (North)	45'	82'	12'	38'
Height of Building (Also indicate if it is one story or two story)	10' +/- one storey	10' +/- one storey	9' +/- one storey	8' one storey
Dimensions of Floor Area	8' x 32' with 2 pop outs 315 sf.	8' x 17' 136 sf.	8' x 8' 64 sf.	3'-6" x 4' 14 sf.
Setback from High Water Mark (If applicable)	59'	41'	70'	94'

13. The proposed uses of the subject land:

RESIDENCE

14. Are any building(s) or structure(s), or additions to existing building(s) or structure(s), **PROPOSED** to be built on the subject land?

☑ Yes ☐ No

15. If the answer to item 14 is yes, for each proposed addition, building or structure indicate:

Type of Structure (E.g. residence)	(1) RESIDENCE	(2) Existing SHED Remains	(3) Deck	(4)
Setback from Front Lot Line Road	27' to cottage 23' to porch	19'	23'	
Setback from Rear Lot Line Lake	55' to cottage 47' to porch	70'	47'	
Setback from Side Lot Line North	65'	12'	65'	
Height of Building (Also indicate if it is one story or two story)	36' 2½ stories	9'	5'	
Outside Dimensions of Building/Structure	14' x 40'-2"	8' x 8'	8' x 11' + stairs 4' x 6' + "	West east
Setback from High Water Mark (If applicable)	55'	70'	47'.	

NOTES: 1) If the subject property is on waterfront, and on a private lane, the setback from the front lot line and the setback from the high water mark will be the same.
2) The dimensions required in this question relate to the **NEW CONSTRUCTION ONLY**, and **NOT** to the total size of the completed building.

16. Do your plans include any **DEMOLITION** of existing structures? ☑ Yes ☐ No

If yes, please provide details:

- Remove existing trailer, ~~an~~ bunkie and outhouse

17. Do your plans include the **RAISING** of an existing structure? ☐ Yes ☒ No

If yes, please provide details:

18. What are the uses of the proposed development?

(a)	Increase in number of bedrooms	☐ Yes	☐ No
(b)	Increase in plumbing fixtures	☑ Yes	☐ No
(c)	Increase in living space	☑ Yes	☐ No
(d)	Will the addition or structure encroach on the existing septic system?	☐ Yes	☒ No

19. The date the subject land was acquired by the current owner:

21 August 2020

20. The date the existing buildings and structures were constructed on the subject lands:

TRAILER INSTALLED 2008 (replacing a previous trailer)

21. The length of time that the existing uses of the subject land have continued:

Since 1963

22. Indicate whether water is provided to the subject land by a publicly owned and operated piped water system, a privately owned and operated individual or communal well, a lake, or other water body, or other means:

WATER PUMPED FROM LAKE (BOTTLED DRINKING WATER)

23. Indicate whether sewage disposal is provided to the subject land by a publicly owned and operated sewage system, a privately owned and operated individual or communal septic system, a privy, or other means:

PRIVATE SEPTIC SYSTEM.

24. Is storm drainage provided by sewers, ditches, swales or by other means?

SITE NATURALLY DRAINS TO LAKE & ROAD; RAIN WATER BARREL PROPOSED

25. Please indicate whether the subject land is subject of an application under the Planning Act for approval of a Plan of Subdivision or Consent.

☐ Yes ☒ No

26. If the answer to question 25 is yes, please give the file number of the application and the status of the application.

N/A

27. If known, please indicate whether the subject land has ever been the subject of an application under Section 43 of the Planning Act (Minor Variance).

☑ Yes ☐ No

28. If the answer to item 27 is yes, please give the file number of the application and the status of the application.

A-21-88 setback of 65' approved for cottage + septic system

29. A **SKETCH** must be submitted showing the following:

i) THE SKETCH **MUST** HAVE A NORTH ARROW AT THE TOP OF THE PAGE.

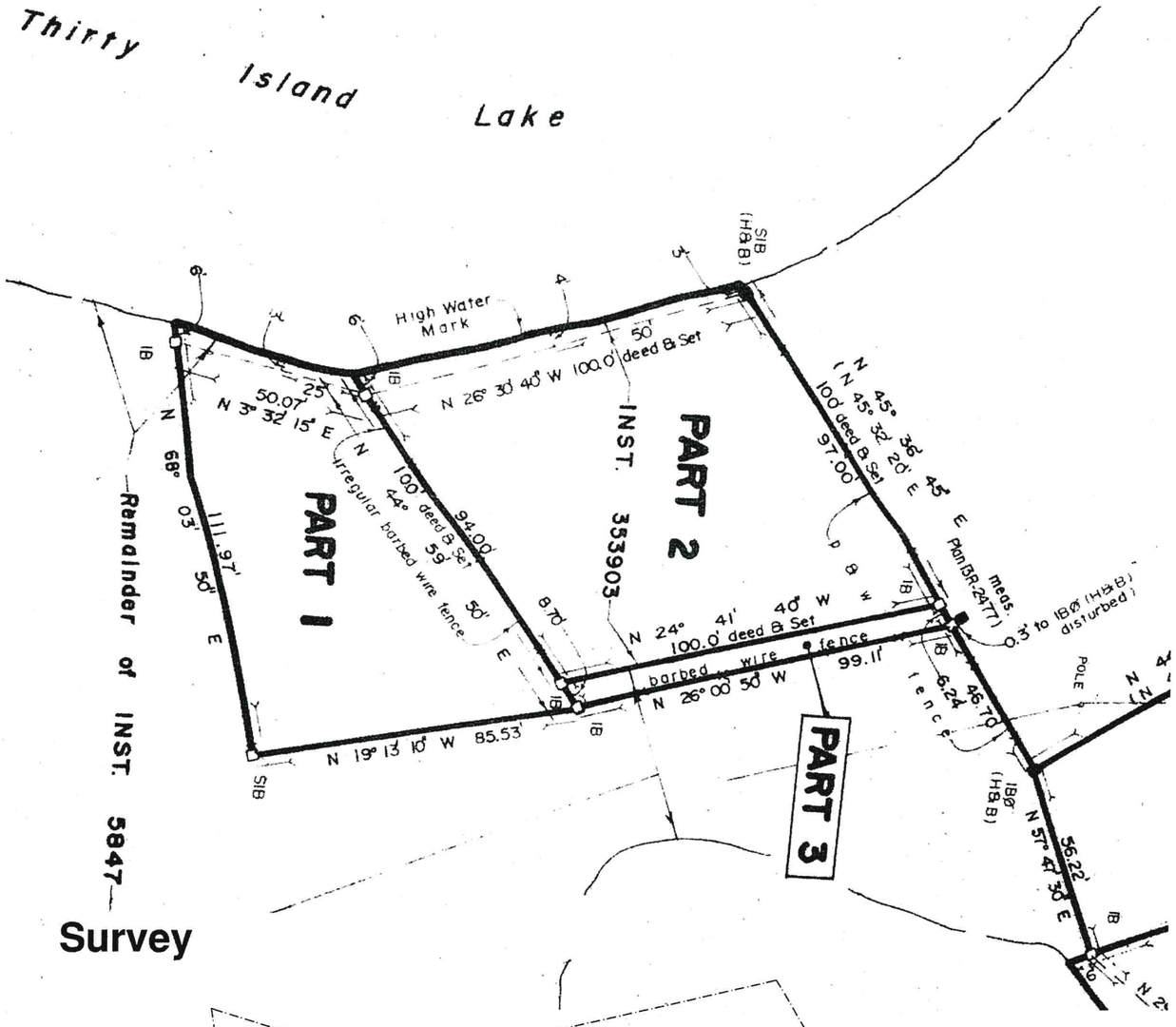
ii) The boundaries and dimensions of the subject land including the location of any existing and proposed buildings.

iii) The location of a reference point……i.e. distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing.

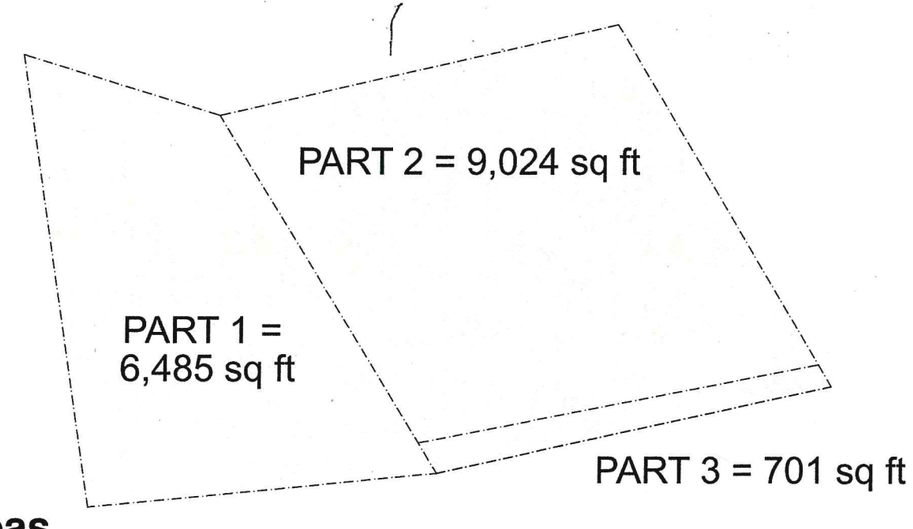
iv) The location of all abutting (neighbours') lands.

v) The approximate location of all natural and artificial features on the subject land and on the land that is adjacent to the subject land. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, barns, wetlands, wooded areas, wells and septic tanks. Show distance of these features from the applicant's property lines.

****Note:** ** The distances to on-site and abutting owners' wells, septic fields and barns, from the property to be varied, **IS REQUIRED** to be shown. The **SKETCH** is of significant importance and should be prepared as carefully, neatly and accurately as possible.



Survey



Site Areas

Total Areas = 16210 sq ft.



Contents

SK-01 Existing Site Plan
SK-02 Overall Site Plan
SK-03 Proposed Site Plan
SK-04 Preliminary Floor Plans & Section

111 Second Heaven Lane

Committee of Adjustment Submission

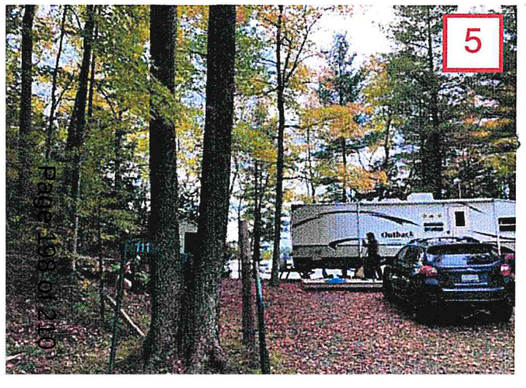
SK-00 NTS 16-11-2020 Ralph Orr 647-299-6776 (m)















To Lake

41'

7

Existing Bunkie

Patio

To Lake

59'

Trees

Approx Extent of Gravel

6' to Lake'

70'

2

Part 1 Lot Line

43'

To East Lot Line

6

Existing Trailer

3

Existing Deck

8'

23'

45'

Existing Septic Tank

Exist. Shed

Existing Septic Tile Bed

12'

3

19'

15'

Telephone Pole

Outhouse

Existing Barb Wire Fence

4

N

111 Second Heaven Lane

Existing Site Plan

SK-01 1/8"=1'-0" 16-11-2020

Site Areas
Part 1: 6,485
Part 2: 9,024
Part 3: 701
Total: 16,210 sq.ft.
5% = 810 sq.ft.

Coverage
Cottage & Porch: 640
Decks/Stairs: 156
Total Coverage: 806 sq.ft.

High Water Mark
Beach
50' deed & Set
N 26° 30' 40" W 100.0'
Forested Flat
Forested Hill
N 45° 32' 20" E 97.00' deed & Set
N 45° 32' 20" E Plan BR-24771 meas.
0.3' to IBF (HBF disturbed
POLE
46.24'
47'-0" +/-
40'-2"
65'-0"
Part 2
Part 1
Part 3
8'-0"
14'-2"
4'-0"
23'-0"
26 N
30'-0"
15'-0"
Existing Septic Tank & Tile Bed
8'x8' Shed
Forested
Steep Slope
N 24° 41' 40" W 100.0' deed & Set
N 25° 00' 30" W 99.1
barbed wire fence
N 19° 13' 10" W 85.53'
N 32° 13' E 50.07'
N 44° E 100.0' deed & Set
irregular barbed wire fence
111.97'
N 53° 00' E 99.0'
IBF (HBF)
IBF (HBF)
N 56° 45'

N

111 Second Heaven Lane
Overall Site Plan
SK-02 1/16"=1'-0" 16-11-2020

To Lake

Remove Existing Bunkie

Trees

Screen Porch 8'x10'

Deck 8'x11'

Stair 4'x6'

Cottage 14'-2"x40'-2"

Deck 4'x5'

Stair 4'x6'

47'-0"

TO LAKE

8'-0"

14'-2"

4'-0"

23'-0"

Hill Slope

Parking

Part 1 Lot Line

Exist. Fence

Gate

Road

1/8"=1'-0"

Remove Existing Trailer

Proposed Temporary location of Trailer during Construction

Existing Septic Tank

Existing Septic Tile Bed

Ext. Shed 8'x8'

Telephone Pole

Brace

Remove Existing Outhouse

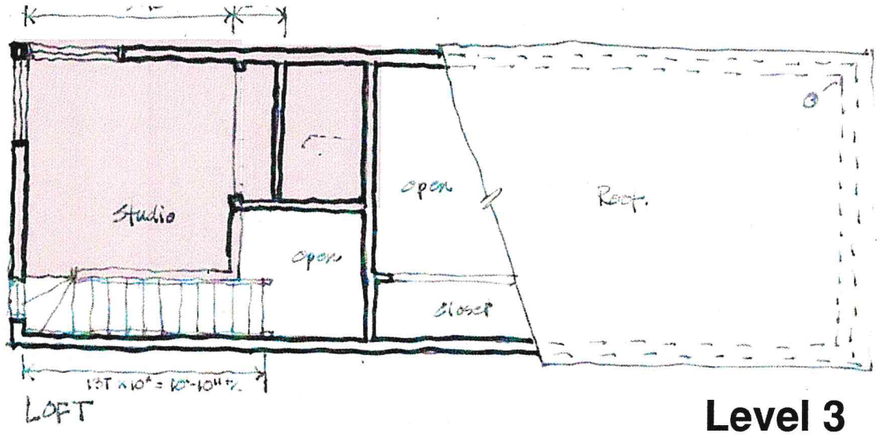
Existing Bank Wire Fence

N

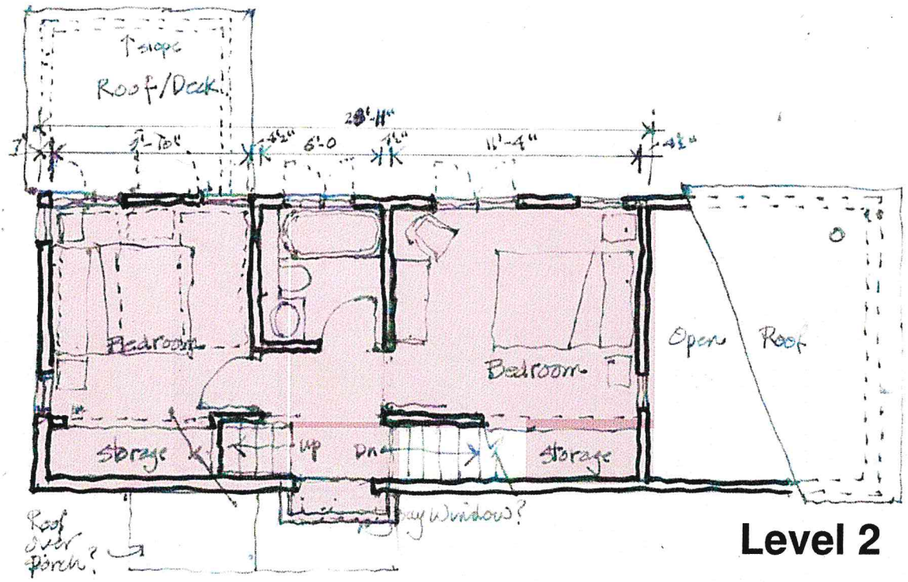
111 Second Heaven Lane

Proposed Site Plan

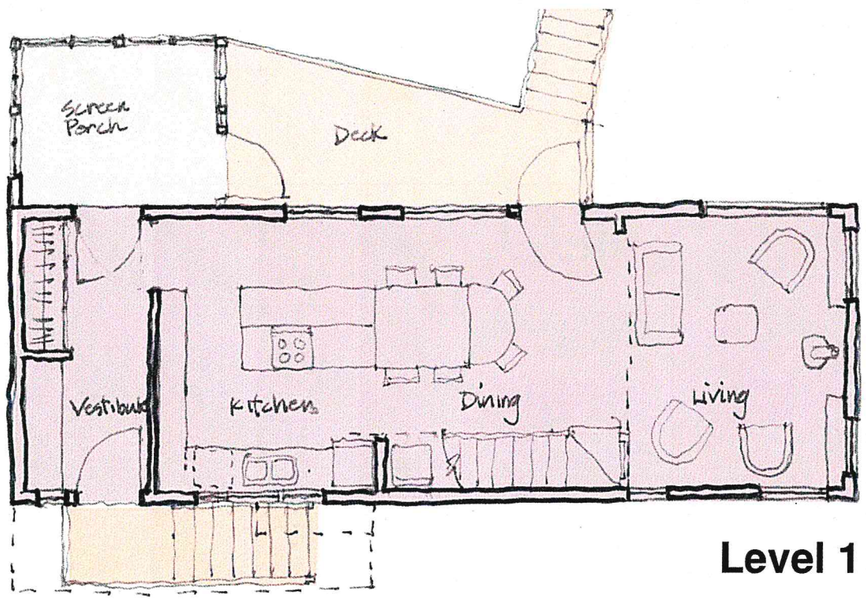
SK-03 1/8"=1'-0" 16-11-2020



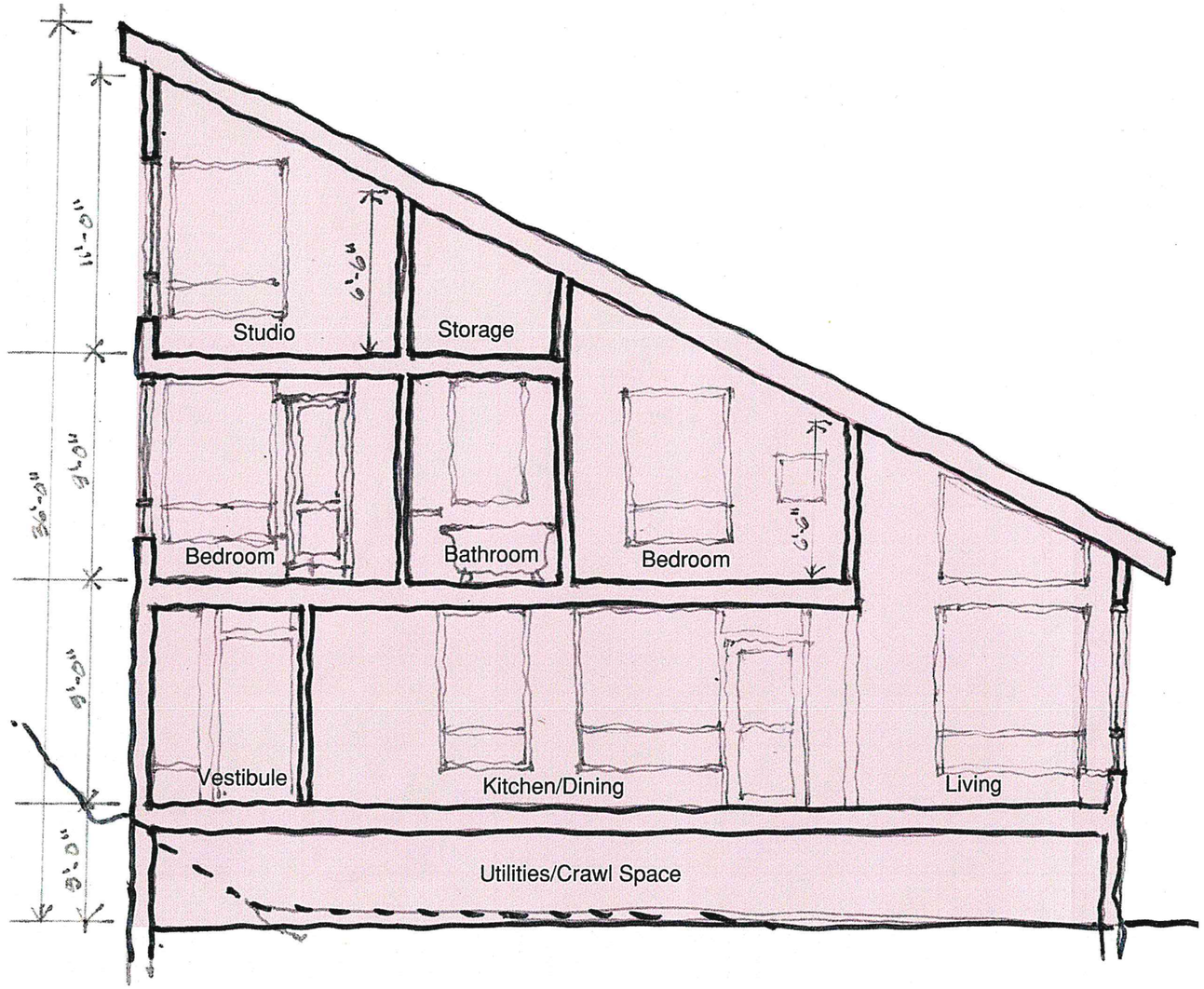
Level 3



Level 2



Level 1

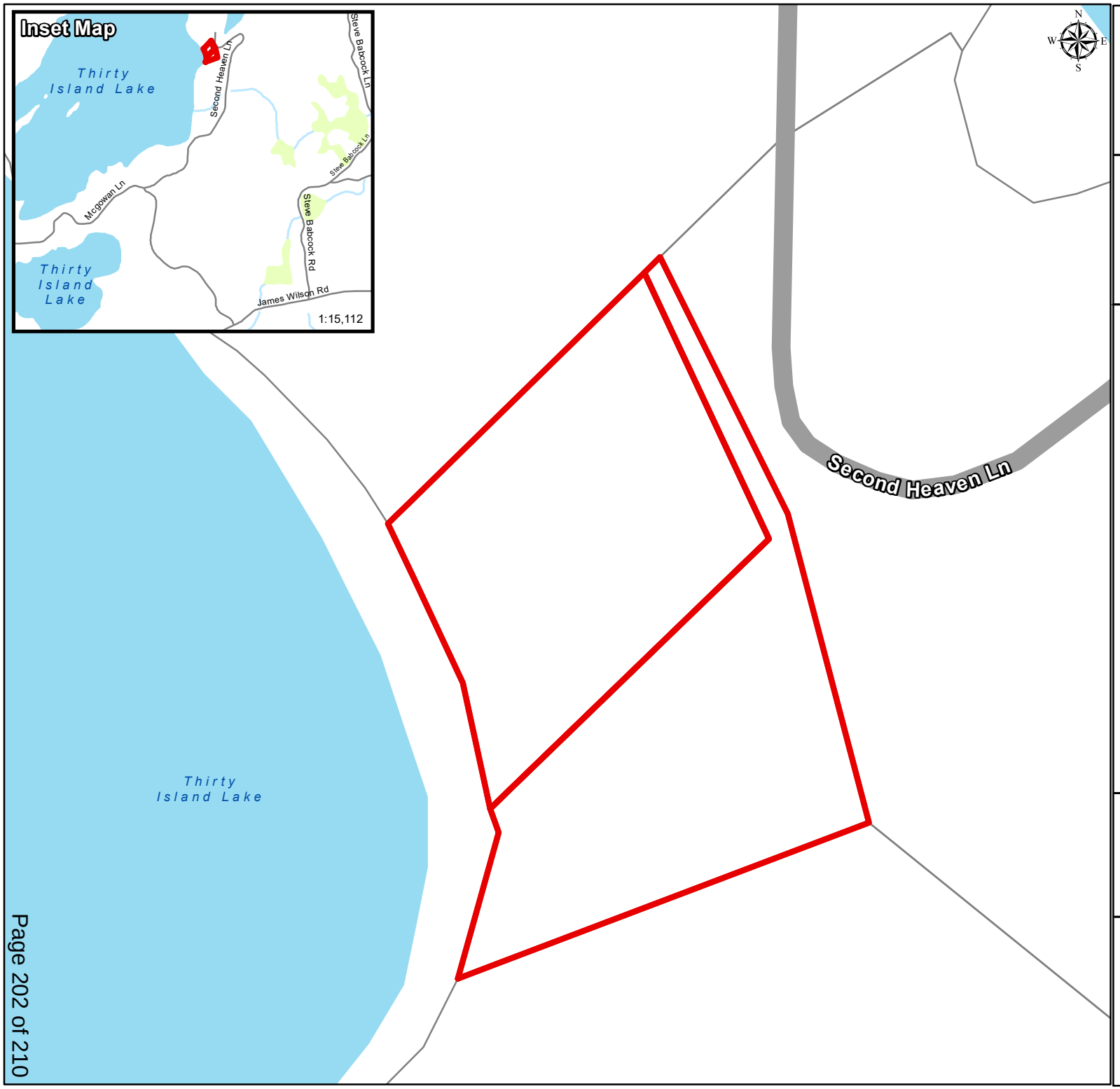


Section

111 Second Heaven Lane

Preliminary Floor Plans & Section

SK-04 NTS 16-11-2020



TOWNSHIP OF SOUTH FRONTENAC

MV-47-20-B (Orr)

SECOND HEAVEN LANE

Legend

- Orr Property
- Parcel Fabric
- Provincially Significant Wetlands
- Wetland
- River/ Stream
- Waterbody

Produced by the Township of South Frontenac under license with the Ontario Ministry of Natural Resources © Queen's Printer for Ontario, 2015.

While the Township makes every effort to insure that the information presented is accurate for the intended uses of this map, there is an inherent error in all mapping products, and accuracy of the mapping cannot be guaranteed for all possible uses. This map displays basic topographic features only.

Scale 1:450

0 1.753.5 7 10.5 14

Meters

UTM Projection NAD 83

Quinte CONSERVATION

2061 OLD HIGHWAY 2, RR#2, BELLEVILLE, ON, K8N 4Z2
PHONE: (613) 968-3434 • **FAX:** (613) 968-8240
www.quinteconservation.ca

QUINTE CONSERVATION - PLANNING ACT REVIEW

QC File No. PL0280-2020

Municipality:	**Township of South Frontenac**		
Owner	**Ralph & Lynne Orr**		
Location:	**111 Second Heaven Lane**	**Lot 6,Concession 3**	**Bedford**
Roll #:	**1029020040071000000**		
Application Description:	**Minor Variance**	**Reduce setback from high water mark from 30meters to 16meters to allow for dwelling and replacement of sewage system**	
Feature:	**Thirty Island Lake**		

Comments:

***Planning Act* - Natural Hazard policies of the Provincial Policy Statement and Quinte Conservation Planning Act Review policy**

Conservation Authorities have Provincially delegated responsibilities to represent Provincial interests regarding natural hazards under section 3.1 of the Provincial Policy Statement (PPS) (2020). Natural hazards include areas subject to flooding, prone to erosion, dynamic beaches and unstable bedrock. Generally the policies of the PPS direct development to areas outside of hazards lands.

Staff are not satisfied that the application as presented is consistent with section 3.1 of the PPS and are requesting a deferral until the floodplain can be surveyed.

Ontario Regulation #319/09 (Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses

The subject lands lie within the regulated area of Thirty Island Lake (by virtue of Ontario Regulation #319/09 – Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses).

Please note that the owners will need to apply to the Conservation Authority for a permit prior to development (construction / filling/ excavation/ site grading) within 45 metres of the 1:100 year floodplain of Thirty Island Lake. This office will enforce a 15meter development setback from the 1:100 year floodplain of Thirty Island Lake. There will be a fee associated with the permit application. The permit fee is separate from the fee required for this planning application.

Quinte Region Source Protection Plan

Quinte Conservation provides Risk Management services as prescribed by the *Clean Water Act*, 2006 on behalf of member municipalities. Part of this is reviewing building and planning applications to ensure no new significant drinking water threats as outlined in the Quinte Region Source Protection Plan are created. Policies for significant threats in the Quinte Region Source Protection Plan are not applicable as the subject property lies outside of an intake protection zone or wellhead protection area for a municipal drinking water system.
As such no Section 59 Clearance Notice is required.

***Planning Act* - Natural Heritage policies of the Provincial Policy Statement**

Section 2.1 of the Natural Heritage policies of the Provincial Policy Statement protects features including (but not limited to); Provincially Significant Wetlands, significant woodlands and significant Areas of Natural and Scientific Interest. The subject lands do not lie within a Provincially Significant Wetland, or within an Area of Natural and Scientific Interest.

Final Comments:	Quinte Conservation requests a deferral until the 1:100 year floodplain has been surveyed by either Quinte Conservation staff or an Ontario Land Surveyor or engineering firm and a new drawing submitted showing the 1:100 year floodplain of Thirty Island Lake and that the new proposed development can meet this office's 15meter development setback from the 1:100 year floodplain of Thirty Island Lake.



November 26, 2020
Date

Elizabeth Lowe
Planning and Regulations Technician



Sharlene Richardson
Regulations Officer

Protecting the places you cherish

REPORT TO COMMITTEE OF ADJUSTMENT
PLANNING DEPARTMENT

Report Date: December 4, 2020

Application No: MV-47-20-B
Owners: Ralph Orr and Lynne Wilson Orr
Location of Property: Part of Lot 6, Concession 3, District of Bedford Township of South Frontenac, being Parts 1 – 3 on Plan 13R8565, municipally known as 111 Second Heaven Lane, Thirty Island Lake
Purpose of Application: To vary Sections 10.3.1 and 5.8.2a) of Township of South Frontenac Comprehensive Zoning By-law 2003-75
Date of Hearing: December 10, 2020

Recommendation

It is recommended that the Committee of Adjustment receive comments from the public and that the Committee of Adjustment **defer** making a decision on application MV-47-20-B to provide additional time for the applicant to survey the 1:100 year floodplain as per Quinte Conservation comments.

Proposal

An application for minor variance was received to permit a seasonal dwelling with a waterside deck, screened in porch and a lane side deck within the required 30 metre setback from the highwater mark of Thirty Island Lake.

The subject property is zoned Limited Service Residential Waterfront (RLSW) in the Zoning By-law. It currently contains a recreational trailer, a sleeping cabin, a shed and an outhouse as well as an existing septic system. The licenced recreational trailer is located 18 metres (59 feet) from the highwater mark of Thirty Island Lake. The sleeping cabin is 12.6 square meters (136 square feet) in size and located 12.5 metres (41 feet) from the highwater mark. The shed is 6 square meters (64 square feet) in size and located 21 metres (70 feet) from the highwater mark. The recreational trailer and sleeping cabin are proposed to be removed from the property.

The proposed development has a total area of 70.6 square metres (759 square feet) in size. The principal dwelling 53 square metres (570.8 square feet) in size. It will be located 16.8 metres (55 feet) from the highwater mark and 8 metres from the private lane. The attached deck and screened in porch will be 8 square metres (88 square feet) in size and 7.4 square meters (80 square feet) in size respectively, both located 14.3 metres (47 feet) from the highwater mark. The landing strip will be 2.2 square metres (24 square feet) in size located 21 metres (69 feet) from the highwater mark and 7 metres (23 feet) from the private lane. The proposed location of the dwelling is on a flat plateau area located at the bottom of a steep cliff. The steep cliff is directly to the west of the proposed dwelling.

The existing septic system is located to the east of the proposed dwelling.

Agency Comments

Quinte Conservation Staff are requesting a deferral until the 1:100 year floodplain can be surveyed and a new drawing submitted showing the floodplain and that the new proposed development can meet Quinte Conservation's 15 metre development setback from the floodplain required by O. Reg. 319/09.

The Township of South Frontenac Building Department provided verbal comments on December 1, 2020 indicating that more information about the septic system is required to complete a performance review of the existing system and to determine whether it is adequate to service the proposed dwelling. Township Staff will follow up with the applicant to advise what information is outstanding to complete the septic review.

REPORT TO COMMITTEE OF ADJUSTMENT
PLANNING DEPARTMENT

Submitted by: Anna Geladi, Planner

Approved by: Christine Woods, MCIP, RPP, Senior Planner

Date of Site Visit: November 27, 2020

REPORT TO COMMITTEE OF ADJUSTMENT

DEVELOPMENT SERVICES DEPARTMENT

AGENDA DATE: December 10, 2020

REPORT DATE: December 08, 2020

SUBJECT: Decisions on Delegated Consents

RECOMMENDATION:

THAT the Committee of Adjustment and Council receive this report for information.

BACKGROUND:

The authority to grant undisputed consents is delegated to the Director of Development Services under By-law 2020-27. This report lists the applications which met the criteria for being considered as an undisputed consent and have received provisional consent approval.

Committee of Adjustment is notified for information.

COMMENTS:

a) **S-22-20-P** (Owner/Applicant) Melbourne & Pauline Vankoughnett

Location: Part Lot 17 and 18, Concession 4, District of Portland, Township of South Frontenac, being Part 2 on Plan 13R3733, municipally known as 4255 Camden-Portland Boundary Road.

This undisputed consent was granted provisional consent on November 23, 2020.

The purpose and effect of this application is for the creation of one new residential lot. The proposed land to be severed is approximately 4.05 hectares (10 acres) of vacant land with approximately 122 metres (400 feet) of frontage along Camden-Portland Boundary Road.

b) **S-23-20-P** (Owner/Applicant) Melbourne & Pauline Vankoughnett

Location: Part Lot 17 and 18, Concession 4, District of Portland, Township of South Frontenac, being Part 2 on Plan 13R3733, municipally known as 4255 Camden-Portland Boundary Road.

This undisputed consent was granted provisional consent on November 20, 2020.

The purpose and effect of this application is for the creation of one new residential lot. The proposed land to be severed is approximately 4.05 hectares (10 acres) of vacant land with approximately 137 metres (450 feet) of frontage along Camden-Portland Boundary Road.

c) **S-24-20-P** (Owner/Applicant) Melbourne & Pauline Vankoughnett

Location: Part Lot 17 and 18, Concession 4, District of Portland, Township of South Frontenac, being Part 2 on Plan 13R3733, municipally known as 4255 Camden-Portland Boundary Road.

This undisputed consent was granted provisional consent on November 20, 2020.

The purpose and effect of this application is for the creation of one new residential lot. The proposed land to be severed is approximately 4.05 hectares (10 acres) of vacant land with approximately 91 metres (300 feet) of frontage along Camden-Portland Boundary Road. The retained lands will be approximately 28 hectares (70 acres) with approximately 198 metres (648 feet) of frontage on Camden-Portland Boundary Road, the retained is based on the retained once all three severances have been completed.

d) **S-25-20-L** (Owner) Muhammad Tasneem (Applicant/Agents) Cory & Stephanie McLaren

Location: Part of Lots 2 to 4, Concession 12, District of Loughborough, Township of South Frontenac, being Parts 1 to 6 on Plan 13R19208, at the corner of Stewart Lane and Holleford Road.

This undisputed consent was granted provisional consent on November 12, 2020.

The purpose and effect of this application is for the creation of a right-of-way for the purpose of access to the back of the property over Stewart Lane. The lands shall be registered as a right-of-way with a maximum width of 6 metres (19.7 feet). Stewart Lane, as described in Reference Plan 13R20270, being parts 1 and 2 will also be added to the legal description as a right-of-way for access to the property. This right-of-way has previously been established.

e) **S-31-20-S** (Owner/Applicant) Derek MacKay

Location: Part Lot 24 Concession 10, District of Storrington, being Parts 1 to 6 on Plan 13R21867, Township of South Frontenac, municipally known as Carrying Place Road.

This undisputed consent was granted provisional consent on November 20, 2020.

The purpose and effect of this application is for the creation of a lot addition to enlarge abutting lands at 1099 Joes Lane. The lot addition shall have an area of approximately 0.57 hectares (1.4 acres).

f) **S-32-20-S** (Owner/Applicant) Derek MacKay

Location: Part Lot 24 Concession 10, District of Storrington, being Parts 1 to 6 on Plan 13R21867, Township of South Frontenac, municipally known as Carrying Place Road.

This undisputed consent was granted provisional consent on November 20, 2020.

The purpose and effect of this application is for the creation of one new residential lot consisting of approximately 5.87 hectares (14.5 acres) with 240 metres (787.4 feet) of road frontage on Carrying Place Road. The retained parcel will be 5.10 hectares (12.6 acres) with 280 metres (918.6 feet on Carrying Place Road following the completion of the lot addition and new lot creation.

g) **S-33-20-P** (Owner/Applicant) Senj Vandenberg

Location: Part Lot 10 & 11 Concession 1, District of Portland, Township of South Frontenac, being Part 1 on Plan 13R13820, municipally known as 3306 Wilton Road.

This undisputed consent was granted provisional consent on November 27, 2020.

The purpose and effect of this application is for the creation of a lot addition to enlarge abutting vacant land located on Cummins Road and to provide access to the back part of the lot. The lot addition shall have an area of approximately 0.3 hectares (0.7 acres).

h) **S-34-20-P** (Owner/Applicant) Senj Vandenberg

Location: Part Lot 10 & 11 Concession 1, District of Portland, Township of South Frontenac, being Part 1 on Plan 13R13820, municipally known as 3306 Wilton Road.

This undisputed consent was granted provisional consent on November 27, 2020.

The purpose and effect of this application is for the creation of one new residential lot consisting of approximately 2.2 hectares (5.5 acres) and 19 metres (63 feet) of frontage on Wilton Road and 94 metres (308 feet) on Cummins Road. The retained parcel will be approximately 1.7 hectares (4.3 acres) with 88 metres (288 feet) of frontage on Wilton Road once the lot addition and new lot have been created.

i) **S-35-20-P** (Owner) Nigel Haynes (Applicant/Agent) Robert Rice

Location: Part of Lots 25 & 26, Concession 13, District of Loughborough, Township of South Frontenac, being Parts 1, 2, 4, 5, 6 and part of Part 3 on Plan 13R21007, municipally known as 6799 Billy Green Road

This undisputed consent was granted provisional consent on November 23, 2020.

The purpose and effect of this application is for the creation of a lot addition to enlarge abutting lands municipally known as 179 Burnt Point Lane. The lot addition will consist of approximately 3.2 hectares (8 acres) with approximately 272 metres (892 feet) of frontage on Burnt Point Lane.

j) **S-36-20-P** (Owner) Nigel Haynes (Applicant/Agent) Robert Rice

Location: Part of Lots 25 & 26, Concession 13, District of Loughborough, Township of South Frontenac, being Parts 1, 2, 4, 5, 6 and part of Part 3 on Plan 13R21007, municipally known as 6799 Billy Green Road

This undisputed consent was granted provisional consent on November 25, 2020.

The purpose and effect of this application is for the creation of one new residential lot consisting of approximately 10.1 hectares (25 acres), having 221 metres (725 feet) of frontage on Billy Green Road and 409 metres (+/-1,342 feet) of frontage on Burnt Point Lane. The retained parcel will be approximately 10.1 hectares (25 acres) with 221 metres (725 feet) of frontage on Wilton Road once the lot addition and new lot have been created.

REPORT TO COMMITTEE OF ADJUSTMENT

DEVELOPMENT SERVICES DEPARTMENT

k) **S-38-20-P** (Owner) David Gronewegen (Agent) David Babcock

Location: Part Lot 10 Concession 1 District of Portland, Township of South Frontenac.

This undisputed consent was granted provisional consent on November 20, 2020.

The purpose and effect of this application is for the creation of a lot addition to enlarge abutting lands municipally known as 4294 Cummins Road. The lot addition will consist of approximately 3.1 hectares (7.8 acres) with approximately 160 metres (525 feet) of frontage on Cummins Road. The retained lands will be approximately 26.3 hectares (65 acres) with 292 metres (958 feet) on Cummins Road and 487 metres (1,598 feet) on Wilton Road.

ATTACHMENTS:

None

Submitted by: Michelle Hannah, Planning Assistant and
Secretary Treasurer of Committee of Adjustment

Approved by: Claire Dodds
Director of Development Services