TOWNSHIP OF SOUTH FRONTENAC
COMMITTEE OF ADJUSTMENT MEETING
AGENDA

TIME: 7:00 PM,
DATE: Thursday, September 10, 2020
PLACE: Council Chambers.

1. *Electronic 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 at the link below: 5 - 165

2. *Call to Order*

a) Resolution

3. *Adoption of Agenda*

a) Resolution

4. *Declaration of pecuniary interest*

5. *Approval of Minutes – August 13, 2020*

a) Resolution

6. *Minor Variance Applications from Previous Meetings:*

a) MV-09-20-L (O'Leary) 166 - 193
Location of Property: Part Lot 16, Concession 3, being Part 1 on Plan 13R3284, , District of Loughborough, Township of South Frontenac, municipally known as 3865 Corkey Road
Purpose of Application: To permit the construction of a deck with a minimum highwater mark setback of 10.36 metres (34 feet), whereas the By-law requires a 30 metre (98.4 feet) setback from the highwater mark for all buildings and structures and to permit an increase in lot coverage for the primary dwelling to 9.4%. To permit the enlargement (height and living space) of a portion of a non-complying structure, in this case a second storey addition to an existing dwelling with a highwater mark setback of 10.36 metres (34 feet).

b) MV-11-20-B (Arbeau & Westlake) 194 - 224
Location of Property: Part Lots 33 & 34, Concession 7, being Part 34 on Plan 13R167, 98 Mill Bay Lane, Bobs Lake, District of Bedford, Township of South Frontenac

Purpose of Application: To permit the construction of an addition and an attached deck with a highwater mark setback of 22 metres and 19 metres respectively, and a top of bank setback of 9 metres and 6 metres respectively and an interior side yard setback of 2.5 metres. And, to permit an increase in allowable lot coverage to 8.3%

7. *New Minor Variance Applications:*

a) MV-07-20-B (Boville) 225 - 235

Location: Part Lot 25, Concession 5, District of Bedford, Township of South Frontenac, municipally known as 757 Burns Lane, Bobs Lake, Green Bay.

Purpose of Application: To vary sections 5.2.8 (a) and 10.3.1 of Comprehensive Zoning By-Law 2003-75 to permit an attached deck to an existing seasonal dwelling that would be setback a minimum 26.2 metres (85.9 feet) from the highwater mark of Bobs Lake instead of the required 30 metres (98.4 feet). Also, to vary sections 5.8.2 (a) and 10.3.2 to permit an accessory building being a sleeping cabin with a minimum 27.5 metre (90 feet) setback from the highwater mark instead of the required 30 metre (98.4 feet). Also, to vary section 10.3.2 to permit an accessory building, being a detached garage with a maximum height of 7 metres (23 feet) instead of the permitted maximum 6 metres (19.7 feet).

b) MV-22-20-B (Semple & Messenger) 236 - 252

Location: Part Lot 4, Concession 11, being Part 3 on Plan 13R4213, District of Bedford, Township of South Frontenac, municipally known as 243 Clear Lake Road, Big Clear Lake.

Purpose of Application: To vary section 5.8.2 (a) of Comprehensive Zoning By-Law 2003-75 to permit a seasonal dwelling with an attached deck to be setback a minimum of 26.2 metres (86 feet) and 22.5 metres (74 feet respectively, from the highwater mark of Big Clear Lake instead of the required 30 metres. Also, to vary section 5.8.2 (b) to permit the dwelling and attached deck to be set back a minimum of 11.7 metres (38.4 feet) and 8.8 metres (28.9 feet) respectively from the defined top of bank. The seasonal dwelling and attached deck would replace the existing seasonal dwelling.

c) MV-24-20-P (Blakely) 253 - 268

Location: Part Lot 15, Concession 4, being Part 1 on Plan 13R16102, District of Portland, Township of South Frontenac, municipally known as 5027 Wallace Road, Harrowsmith.

Purpose of Application: To vary section 7.3.2 of Comprehensive Zoning By-law 2003-75 to recognize the 0.9 metre (3 foot) interior side yard of the existing accessory building (detached garage), whereas 3 metres (9.8 feet) is required.

d) MV-25-20-S (Fitzsimmons) 269 - 285

Location: Part Lot 8, Concession 8, being Part 1 on Plan 13R19266, District of Storrington, Township of South Frontenac, municipally known as 2335 Sands Road, Battersea.

Purpose of Application: To vary section 7.3.2 of the Comprehensive Zoning By-Law to permit an accessory building, being a detached garage with a maximum height of 7.1 metres (23 feet) where the by-law permits 6 metres, (19.7 feet) in the Rural (RU) Zone.

e) MV-26-20-S (Howlett) 286 - 302

Location: Part Lot 7, Concession 8, being Part 1 on Plan 13R21648, District of Storrington, Township of South Frontenac, municipally known as 2472 Sands Road, Battersea.

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 Urban Residential – First Density (UR1) Zone.

f) MV-27-20-L (Wallace) 303 - 320

Location: Part Lot 23, Concession 12, being Parts 4 & 6 on Plan 13R8371, District of Loughborough, Township of South Frontenac, municipally known as 1019 Kingfisher Lane.

Purpose of Application: To vary section 8.3.1 of the Township of South Frontenac Comprehensive Zoning By-Law to permit an increase to the total lot coverage from the allowable 5% to 5.65%,to allow a 936 square foot addition, being an attached garage for a property located in the Waterfront Residential (RW) Zone.

g) MV-28-20-B (Mulrooney) (Gervan) 321 - 337

Location: Part Lot 4, Concession 3, being Parts 1, 2 & 3 on Plan 13R14863, District of Bedford, Township of South Frontenac, municipally known as 33A Swain Lane, Sand Lake.

Purpose of Application: To vary sections 10.3.1 and 5.8.2 of the Township of South Frontenac Comprehensive Zoning By-Law to permit the construction of a one-storey seasonal dwelling located 23.4 metres 76.7 feet) from the highwater mark, whereas the Zoning By-law requires a 30 metre setback and 2.66 metres (8.7 feet) from the rear yard whereas the Zoning By-law requires a setback of 10 metres (32.8 feet). The existing cottage located at 11.64 metres (38 feet) and existing sleeping cabin located at 30.6 metres (100 feet) from the highwater mark will be demolished, the property is located in the Limited Services Residential - Waterfront (RLSW) Zone.

h) MV-29-20-L (Dunn) 338 - 363

Location: Part Lots 9-10, Concession 12, District of Loughborough, Township of South Frontenac, municipally known as 1138A Otter Point Lane, North Otter Lake.

Purpose of Application: To vary sections 10.3.1 and 5.8.2 of the Comprehensive Zoning By-Law 2003-75 to permit the construction of a one-storey seasonal dwelling with an attached deck located 20.5 metres (67.2 feet) from the highwater mark and 17.5 metres (57.4 feet) respectively, whereas the Zoning By-law requires a 30 metre setback from the highwater mark. The existing cottage and deck located at 9.9 metres (32.5 feet) and 8.3 metres (27.2 feet) respectively from the highwater mark will be demolished, the property is located in the Limited Services Residential - Waterfront (RLSW) Zone.

i) MV-30-20-B (Thompson) 364 - 380

Location: Part Lot 22, Concession 2, being parts 5 & 6 on Plan 13R204 District of Bedford, Township of South Frontenac, municipally known as 59 Oak Shores Crescent.

Purpose of Application: To vary section 10.3.2 of the Comprehensive Zoning By-Law 2003-75 to permit the construction of a an accessory building, being a detached garage with a height of 8

metres (26.5 feet), whereas the Zoning By-law allows a maximum height of 6 metres (19.7 feet) on properties located in the Limited Services Residential - Waterfront (RLSW) Zone.

j) MV-31-20-L (Prikker) 381 - 404

Location: Part Lot 7, Concession 6, being parts 1, 2 & 3 on Plan 13R16603 and Parts 4, 5 & 6 on Plan 13R16605 District of Loughborough, Township of South Frontenac, municipally known as 1046 Brawley Lane.

Purpose of Application: To vary sections 8.3.1 and 5.8.2 (a) of the Comprehensive Zoning By-Law 2003-75 to permit the construction of a an attached covered deck and sunroom located 14.6 metres (48 feet) from the highwater mark, whereas the Zoning By-law requires a 30 metre setback from the highwater mark and to vary Section 8.3.1 which allows a maximum 5% lot coverage, to allow 14.7% lot coverage on the property located in the Residential Waterfront (RW) Zone.

8. *Other Business*

Consents approved by Delegated Consent granting authority.

a) 405 - 406

9. *Adjournment*

a) Resolution

Township of South Frontenac

Committee of Adjustment Meeting

Thursday, September 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

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

Format for the Meeting

1. The Chair will introduce the file
2. The planner provides an overview of the application
3. Committee members ask questions
4. Comments from the applicant or their agent
5. Comments or questions from the public
6. The Committee will then deliberate and vote on the application
7. 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 Regarding 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
- Minor Variance Applications – previously deferred
- Minor Variance Applications
- Other Business
- Adjournment

Minor Variance Applications Previously Deferred

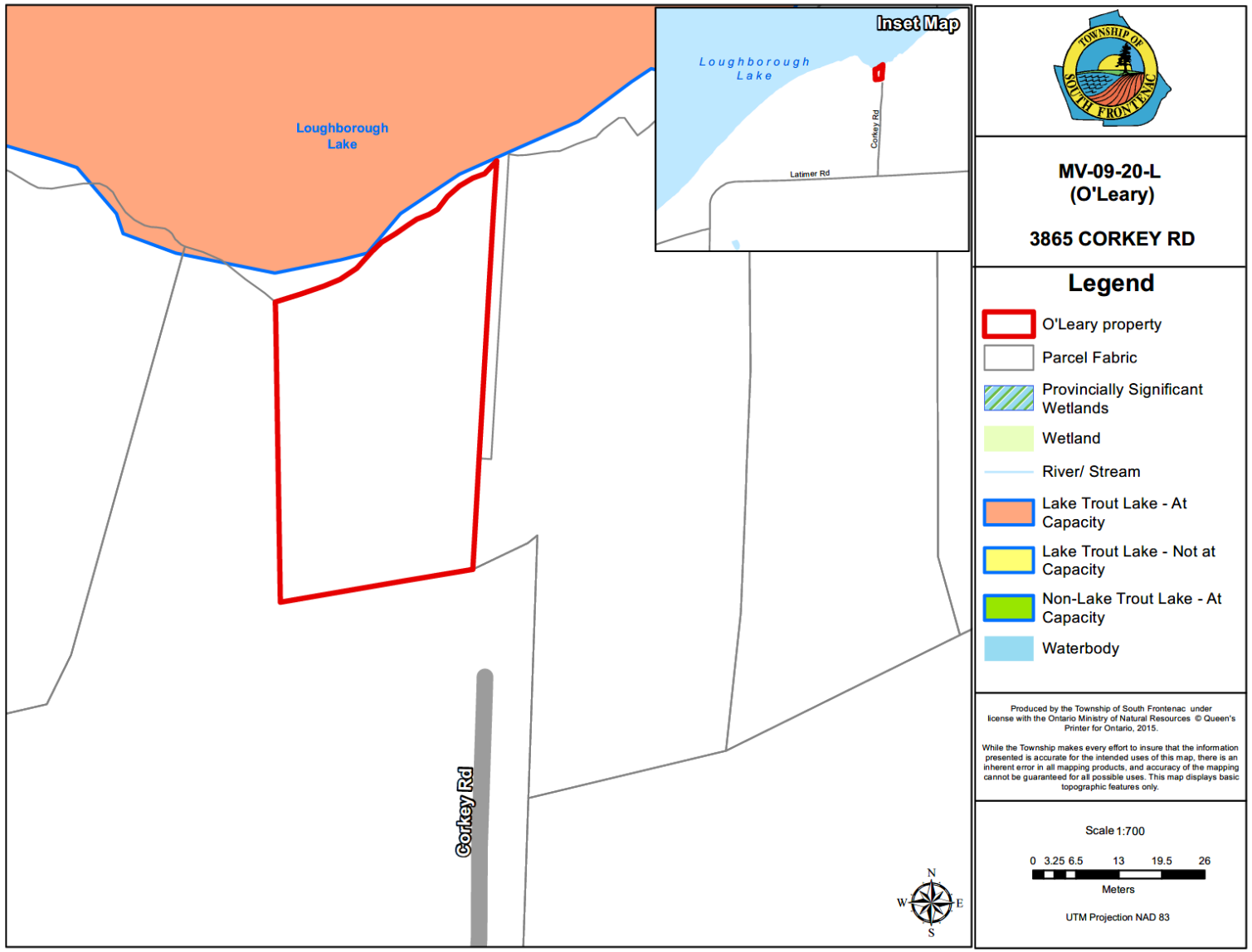
MV-09-20-L
O’Leary

Application: MV-09-20-L
Owner: Bill O'Leary
Location of Property: Part Lot 16, Concession 3, District of Loughborough, Township of South Frontenac, municipally known as 3865 Corkey, West Basin 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-09-20-L, subject to conditions.

Application: MV-09-20-L
Owner: Bill O'Leary



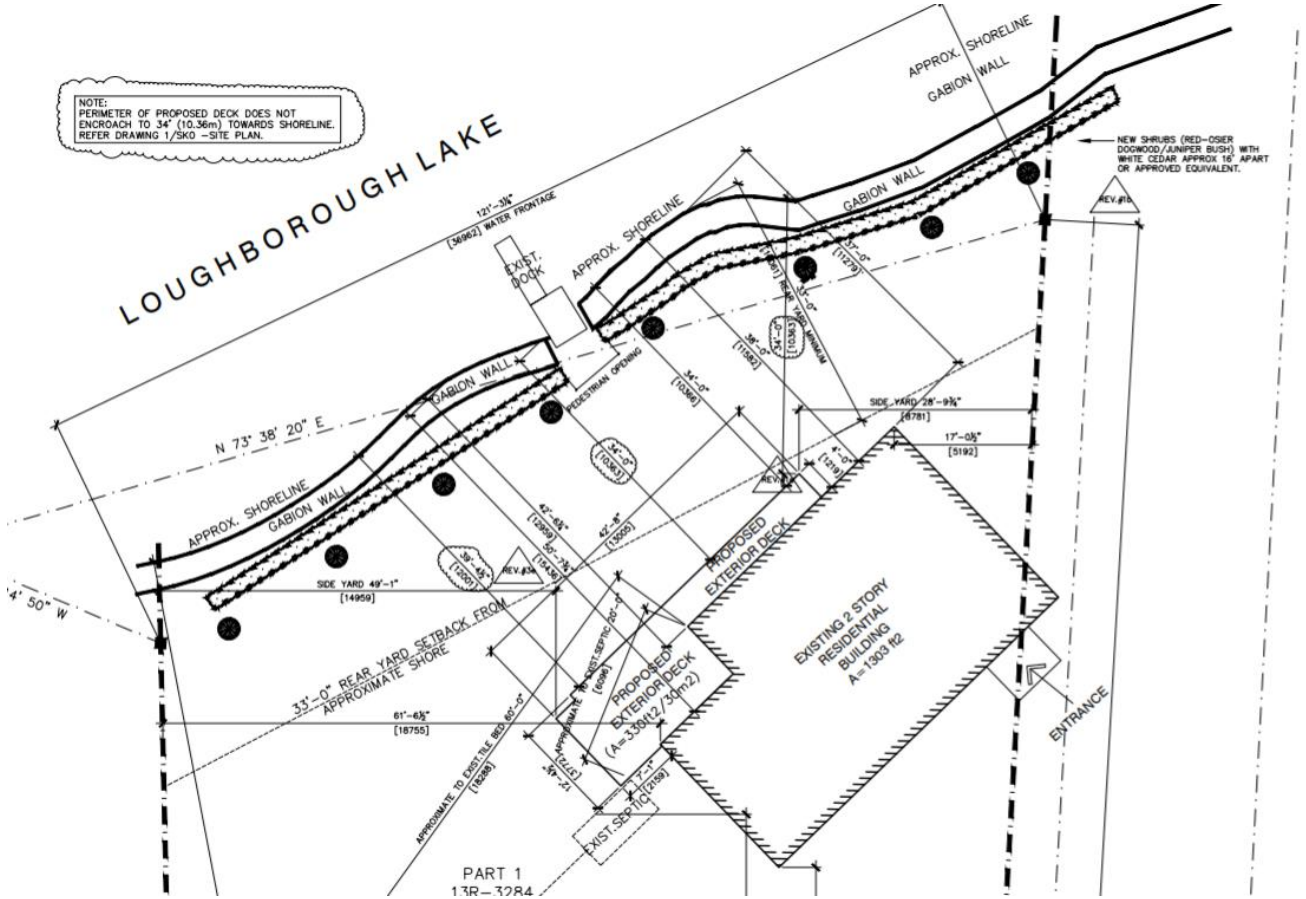
Application: MV-09-20-L
Owner: Bill O'Leary

Proposal

An application for minor variance has been received to reduce the required setback from the highwater mark from 30 metres (98.4 feet) to 10.36 metres (34 feet) for the construction of a deck attached to the principal dwelling.

The applicants are also seeking relief for lot coverage as the attached deck will increase lot coverage from 8.7% to 9.4%.

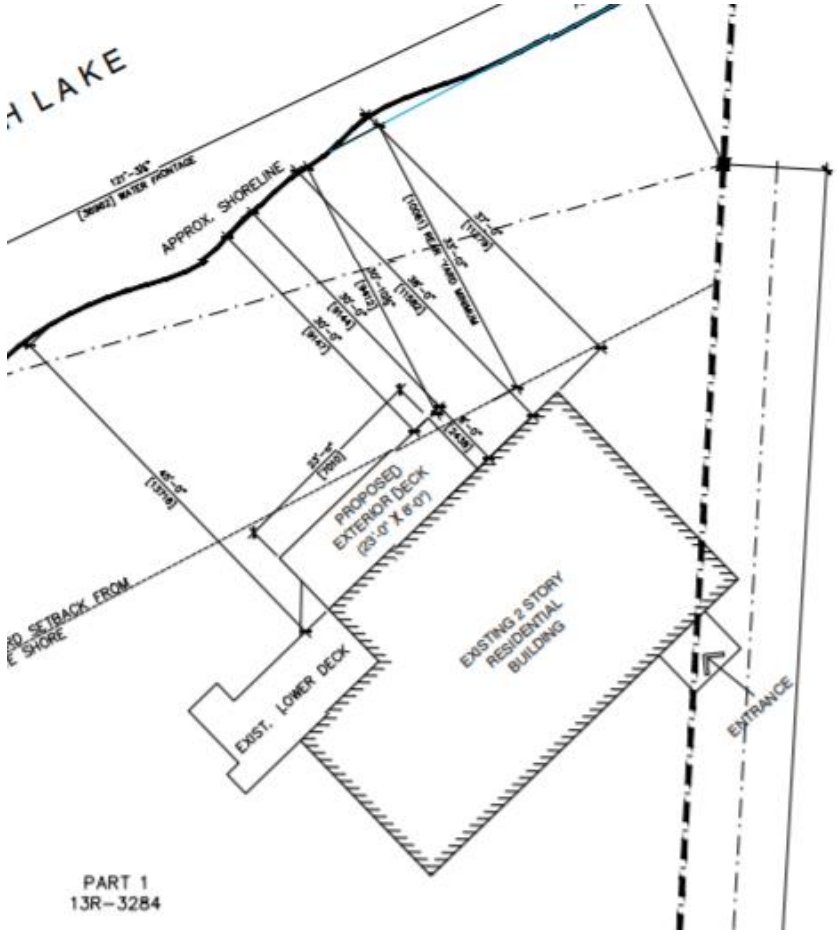
Furthermore, the applicants are seeking relief to permit an addition on the second storey of the existing dwelling increasing both the height and living space of a legal non-complying structure.



Application: MV-09-20-L
Owner: Bill O'Leary

Proposal 1

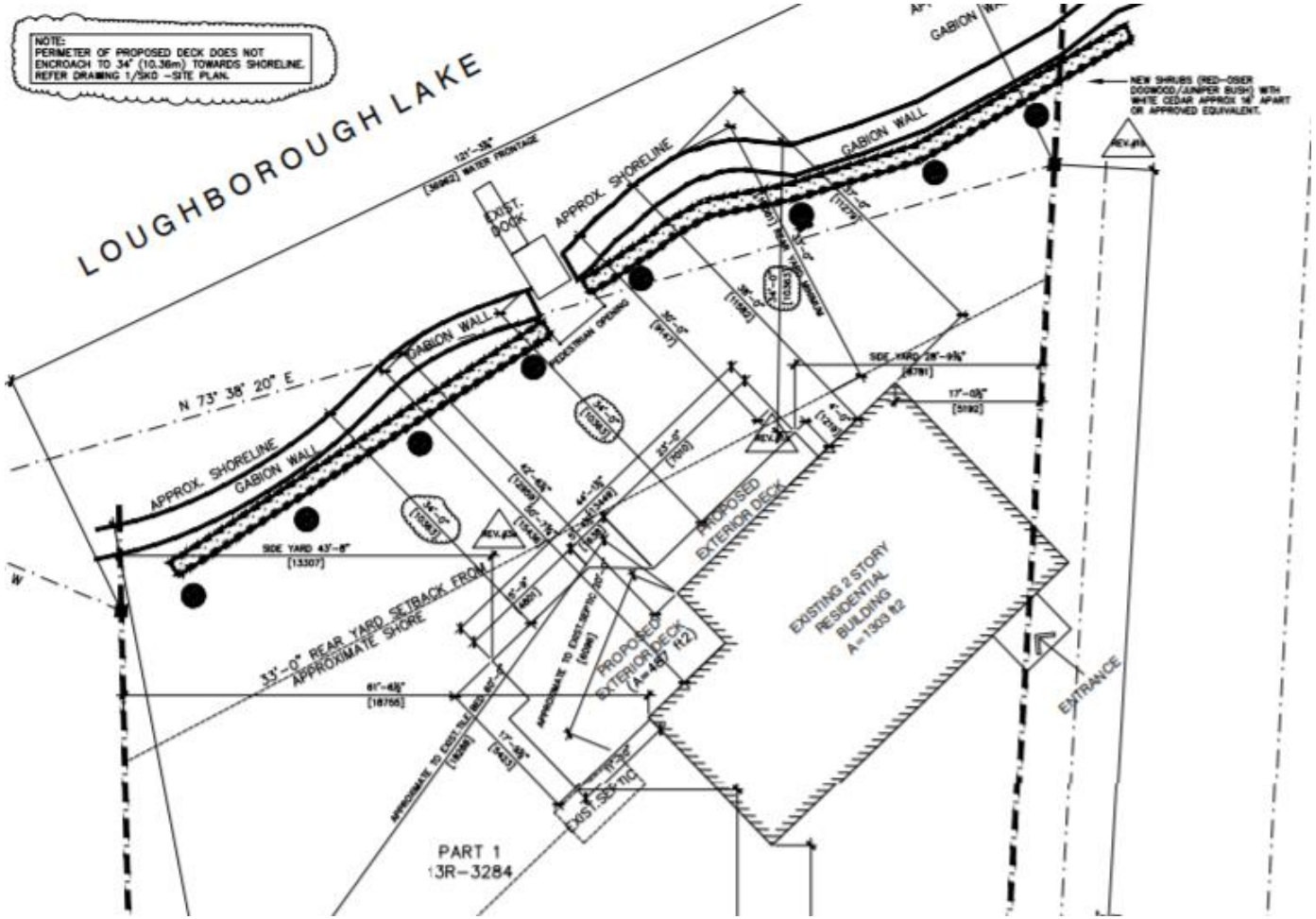
The first application required relief from the highwater mark from 30 meters (98.4 feet) to 9.14 metres (30 feet), an increase in height of a legal non-complying structure due to the second story addition and an increase in lot coverage from 7% to 8%.



Application: MV-09-20-L
Owner: Bill O'Leary

Proposal 2

The second submission proposed a deck that would have resulted in an increase of lot coverage from 8.7% to 10.3%.



Application: MV-09-20-L
Owner: Bill O'Leary

Relief Sought

Official Plan Designation:	**Zoning:**
Rural	Residential Waterfront – RW
Zoning Relief Requested:	
Section 5.8.2 a): Flooding and Shoreline Erosion Hazards	**Relief:** To permit the construction of a deck with a minimum highwater mark setback of 10.36 metres (34 feet), whereas the By-law requires a 30 metre (98.4 feet) setback from the high water mark for all buildings and structures.
Section 5.10.2: Existing Buildings within 30 Metres of a Waterbody	**Relief:** To permit the enlargement (height and living space) of a portion of a non-complying structure, in this case a second storey addition to an existing dwelling, with a highwater mark setback of 10.36 metres (34 feet).
Section 8.3.1: Waterbody Setback and Lot Coverage	**Relief:** To permit the construction of an attached deck with a minimum highwater mark setback of 10.36 metres (34 feet), whereas the By-law requires a 30 metre (98.4 feet) setback from the high water mark for the principal building. **Relief**: To permit a lot coverage of 9.4% for the existing principal dwelling and deck, whereas the By-law permits a maximum of 5%.

The application, as presented, meets the four tests for a minor variance under the *Planning Act*.

Application: MV-09-20-L
Owner: Bill O'Leary



Application: MV-09-20-L
Owner: Bill O'Leary

Comments:

Public Services Department – Given the nature of the application, Public Services was not circulated.

KFL&A Public Health – In consultation with KFL&A Public Health, it was determined that KFL&A Public Health was not required to be circulated as there is less than a 15% increase in living space. KFL&A have indicated that the separation to structure and septic tank would be addressed at the permit stage.

Cataraqui Conservation – Comments received from Cataraqui Conservation on June 29, 2020 recommend denial due to the deck encroachment further into the water setback. Cataraqui Conservation staff have provided further clarification that they have no objections to the second storey addition and converting an existing covered porch into living space.

- Comments were received on September 1st note that the applicant has provided a revised plan so that the proposed deck will not encroach further into the water setback than existing development and has reduced the overall size of the proposed deck by incorporating an existing deck into the footprint of the structure which minimizes the increase to total lot coverage which can now be supported. Cataraqui Conservation Staff have no objection to the application as presented.

Ministry of Environment, Conservation and Parks (MECP) – Comments received on June 29, 2020 from Ministry of Environment, Conservation and Parks (MECP) raised the same concerns as Cataraqui Conservation Staff.

Comments received on September 1st from MECP Staff, indicate that MECP supports the opinion of the Cataraqui Conservation Staff in their policy position on this file.

Public Comments – At the time of the writing of this report, four (4) written comments have been received from the public.

Application: MV-09-20-L
Owner: Bill O'Leary

Recommendation

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-09-20-L, subject to conditions.

Application: MV-09-20-L
Owner: Bill O'Leary

Proposed Conditions of Approval

- The Minor Variance is approved in accordance with plans submitted;
- Enter into a Development Agreement to be registered on the title of the property to the satisfaction of the Township to address the preparation of a shoreline remediation plan;
- A building permit is required for all demolition and construction on the property; and
- MV-09-20-L is only applicable to South Frontenac Township Comprehensive Zoning By-Law 2003-75 and not to any subsequent zoning by-laws.

Questions from Committee Members

Upon the Chair asking if any members would like to speak to the matter, please remember to unmute yourself before you begin to speak.

Comments from the Applicant and/or the Agent

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)

Please wait to speak until you hear your name and your microphone has been unmuted.

Comments & Questions from the Public

If you would like to speak:

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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.

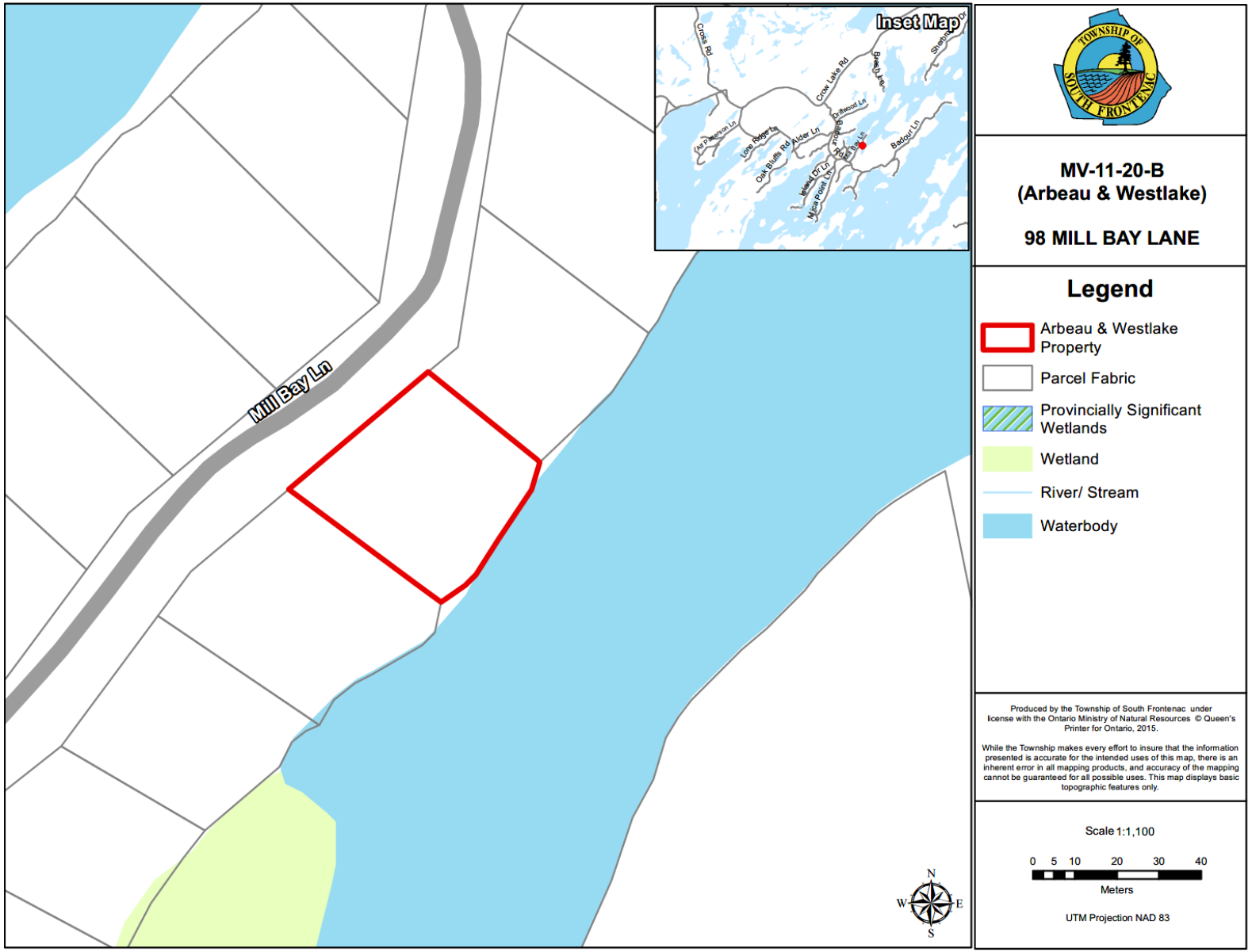
MV-11-20-B
Arbeau & Westlake

Application: MV-11-20-B
Owners: Chris Arbeau & Carolyn Westlake
Location of Property: Part Lots 33 & 34, Concession 7, being Part 34 on Plan 13R167, 98 Mill Bay Lane, Bobs Lake, District of Bedford, Township of South Frontenac

Recommendation:

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-11-20-B, subject to conditions.

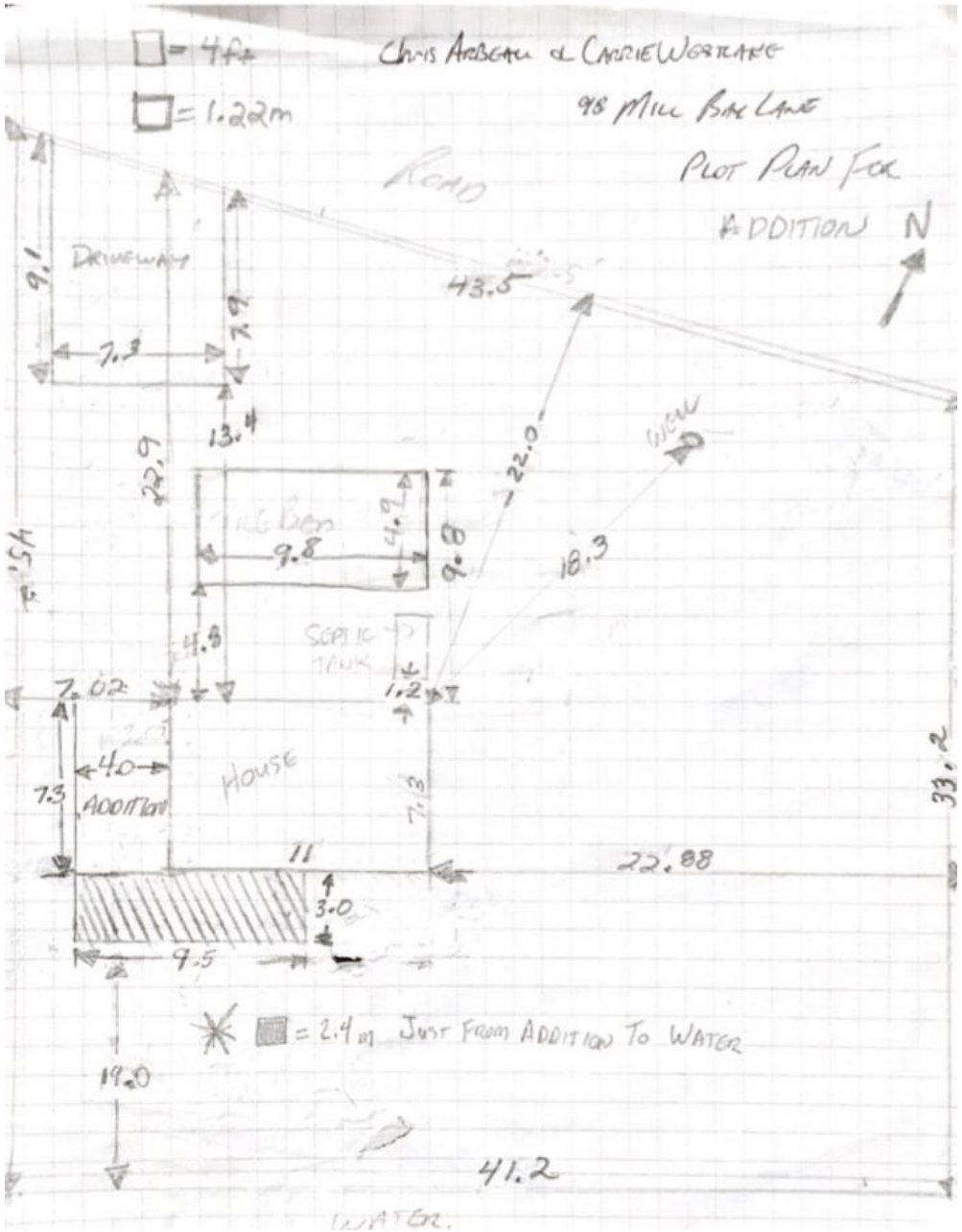
Application: MV-11-20-B
Owners: Chris Arbeau & Carolyn Westlake



Application: MV-11-20-B
Owners: Chris Arbeau & Carolyn Westlake

Proposal:

An application for minor variance has been submitted to permit the construction of an 29.2 square metre (314 square feet) addition and a 28.5 square metre (306 square feet) deck to the principal dwelling. The addition and the deck will increase lot coverage from 5.4% to 8.3%.



Application: MV-11-20-B
Owners: Chris Arbeau & Carolyn Westlake

Relief Sought

Official Plan Designation: Rural	
Zoning: Limited Service Residential Waterfront Zone (RLSW)	**Zoning Relief Requested:**
Section 5.8.2 a & b: Flooding and Shoreline Erosion Hazards	**Relief:** To permit the construction of an addition and a deck with a highwater mark setback of 22 metres (72 feet) and 19 metres (62 feet) respectively, whereas the Zoning By-law requires a 30 metre (98.4 feet) setback from the highwater mark for all buildings and structures. **Relief:** To permit the construction of a an addition and a deck with a top of bank setback of 9 metres (29.5 feet) for the dwelling and 6 metres (19.7 feet) for the deck whereas the By-law requires 15 metres (49.2 feet) horizontal of the top of bank of any embankment.
Section 5.10.2: Existing Buildings within 30 Metres of a Waterbody	**Relief:** To permit the enlargement (footprint) of a non-complying structure, in this case an existing detached dwelling, from 103 metres^2 (1106 feet^2) to 138 metres^2 (1482 feet^2).
Section 10.3.1: RLSW Zone Principal Building	**Relief:** To permit the construction of an addition and a deck with a highwater mark setback of 22 metres (72 feet) and 19 metres (62 feet) respectively, whereas the Zoning By-law requires a 30 metre (98.4 feet) setback from the highwater mark for all buildings and structures. **Relief:** Relief: To permit lot coverage of 8.3%, whereas the Zoning By-Law allows for a maximum of 5% lot coverage for the principal building. **Relief:** To permit an interior side yard setback of 2.5 metres (8.2 feet) for the addition and the deck whereas the Zoning By-law requires a minimum of 3 metres (9.8 feet) for the principal building.

The application, as presented, meets the four tests for a minor variance under the *Planning Act*.

Application: MV-11-20-B
Owner: Chris Arbeau & Carolyn Westlake



Application: MV-11-20-B
Owners: Chris Arbeau & Carolyn Westlake

Comments:

Public Services Department – Given the nature of the application, Public Services was not circulated.

KFL&A Public Health – Subsequent to correspondence dated June 26, 2020 indicating they required more information on the sewage system, in their correspondence dated July 30, 2020, KFL&A Public Health had no objections to the minor variance and the owners have submitted an application under permit number BE-14-20.

Rideau Valley Conservation Authority – In their correspondence dated June 29, 2020, RVCA provided comments recommending the Committee defer the application and recommended that a geotechnical opinion be obtained.

- After receiving a geotechnical report and the new revised proposal, RVCA concurs with the final geotechnical report and states that they will require a lot grading plan to show how runoff from the site will be conveyed safely to the lake. RVCA has no objections to the application as presented.

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

Application: MV-11-20-B
Owners: Chris Arbeau & Carolyn Westlake

Recommendation:

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-11-20-B, subject to conditions.

Application: MV-11-20-B
Owners: Chris Arbeau & Carolyn Westlake

Proposed Conditions of Approval

- The Minor Variance is approved in accordance with plans submitted;
- 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 prior to the issuance of a building permit:
    - A lot grading and drainage plan demonstrating how runoff from the site shall be conveyed safely to the lake.
- A building permit is required for ALL demolition and construction on the property
- MV-11-20-L is only applicable to South Frontenac Township Comprehensive Zoning By-Law 2003-75 and not to any subsequent zoning by-laws.

Questions from Committee Members

Upon the Chair asking if any members would like to speak to the matter, please remember to unmute yourself before you begin to speak.

Comments from the Applicant and/or the Agent

If you would like to speak:

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Comments & Questions from 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

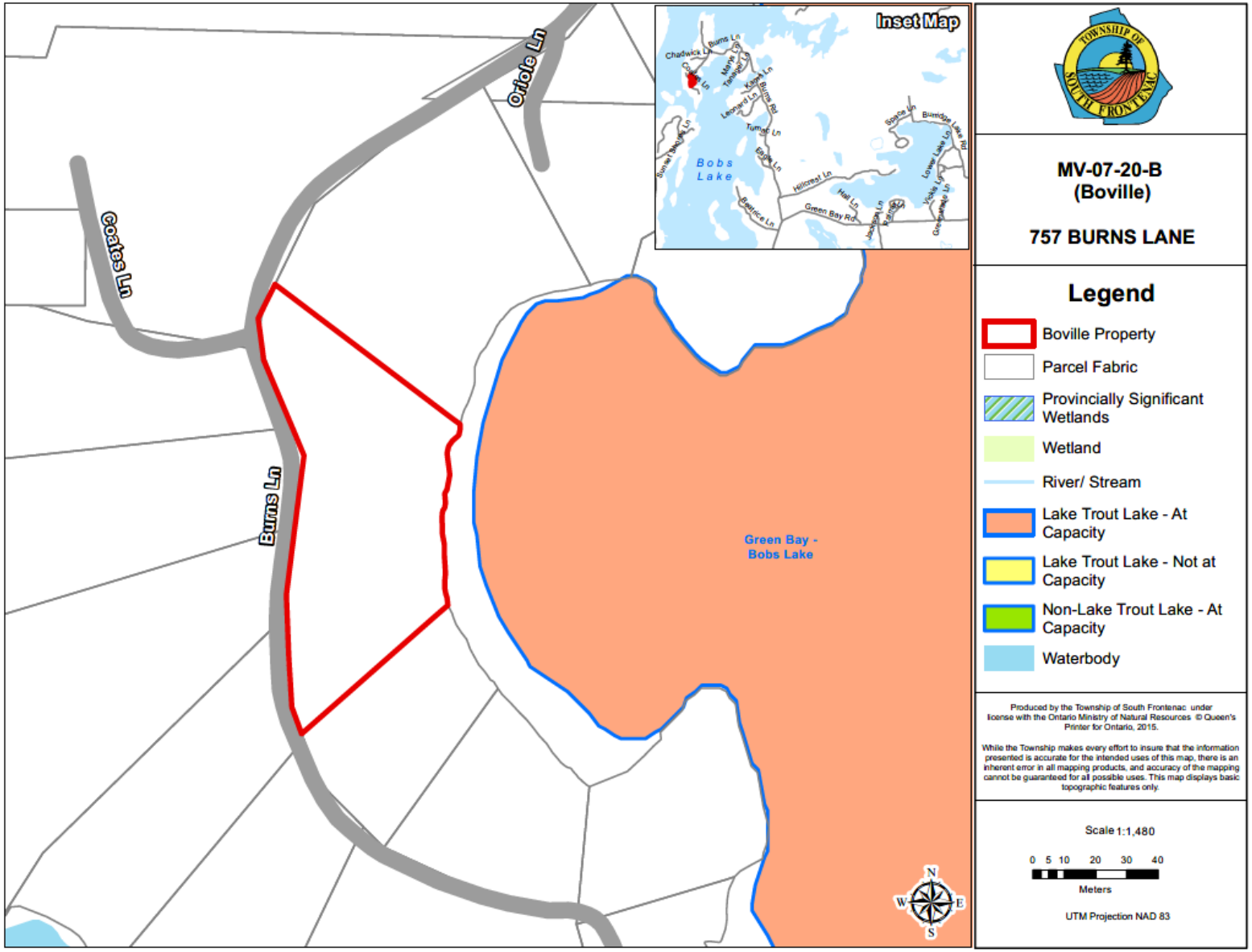
MV-07-20-B
Boville

Application: MV-07-20-B
Owner: Doreen Boville
Location of Property: Part Lot 25, Concession 5, Part 1 on Plan 13R10390, District of Bedford, Township of South Frontenac, municipally known as 757 Burns Lane, Green Bay of Bobs Lake

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-07-20-B to provide additional time for KFL&A Public Health and Rideau Valley Conservation Authority to review the proposal and to provide comment.

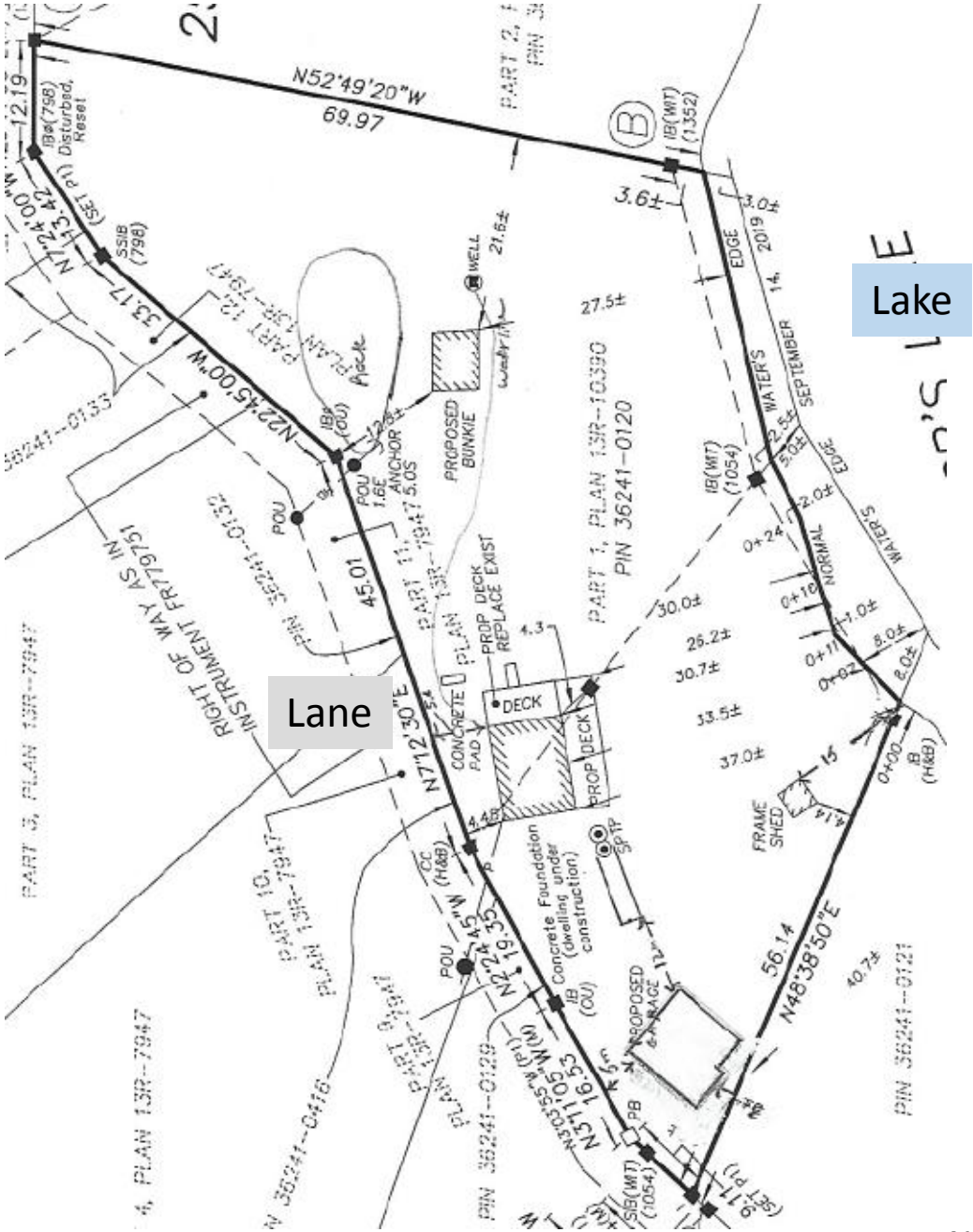
Application: MV-07-20-B
Owner: Doreen Boville



Application: MV-07-20-B
Owner: Doreen Boville

Proposal

- The applicant proposes to construct an attached deck to an existing seasonal dwelling, a sleeping cabin and a detached garage.
- The deck and sleeping cabin would be located within 30 metres of the high water mark of the Green Bay of Bobs Lake.
- The garage would have an increased building height.



Application: MV-07-20-B
Owner: Doreen Boville

Relief Sought

Official Plan Designation:	**Zoning:**
Rural	Limited Services Residential – Waterfront (RLSW)
Zoning Relief Requested:	
Section 5.8.2 a): Flooding and Shoreline Erosion Hazards **Section 10.3.1:** Front Yard and High Water Mark Setback (Deck) **Section 10.3.2:** High Water Mark Setback (Sleeping cabin)	**Relief:** To permit a deck attached to an existing single detached dwelling with a minimum setback of 26.2 metres (85.9 feet), and a sleeping cabin with a minimum setback of 27.5 metres (90 feet), from the high water mark of Bobs Lake, whereas the Zoning By-law requires a minimum 30 metre (98.4 feet) setback from the high water mark for all buildings and structures.
Section 10.3.2: Accessory Building Height (Garage)	To permit an accessory building (garage) with a maximum height of 7 metres (23 feet), whereas the Zoning By-law allows a maximum height of 6 metres (19.7 feet) for accessory buildings and structures.

Application: MV-07-20-B
Owner: Doreen Boville



View of existing cottage and proposed location of deck and garage.

Application: MV-07-20-B
Owner: Doreen Boville



View of proposed location of garage.

Application: MV-07-20-B
Owner: Doreen Boville



View of proposed location of sleeping cabin.

Application: MV-07-20-B
Owner: Doreen Boville

Comments

- **Public Services Department** – The property accessed from a lane and therefore, Public Services was not circulated.

- **KFL&A Public Health** – comments have not yet been received.

- **Rideau Valley Conservation Authority** – comments have not yet been received.

- **Public Comments** – At the time of the writing of the report, no written comments had been received from the public.

Application: MV-07-20-B
Owner: Doreen Boville
Location of Property: Part Lot 25, Concession 5, Part 1 on Plan 13R10390, District of Bedford, Township of South Frontenac, municipally known as 757 Burns Lane, Green Bay of Bobs Lake

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-07-20-B to provide additional time for KFL&A Public Health and Rideau Valley Conservation Authority to review the proposal and to provide comment.

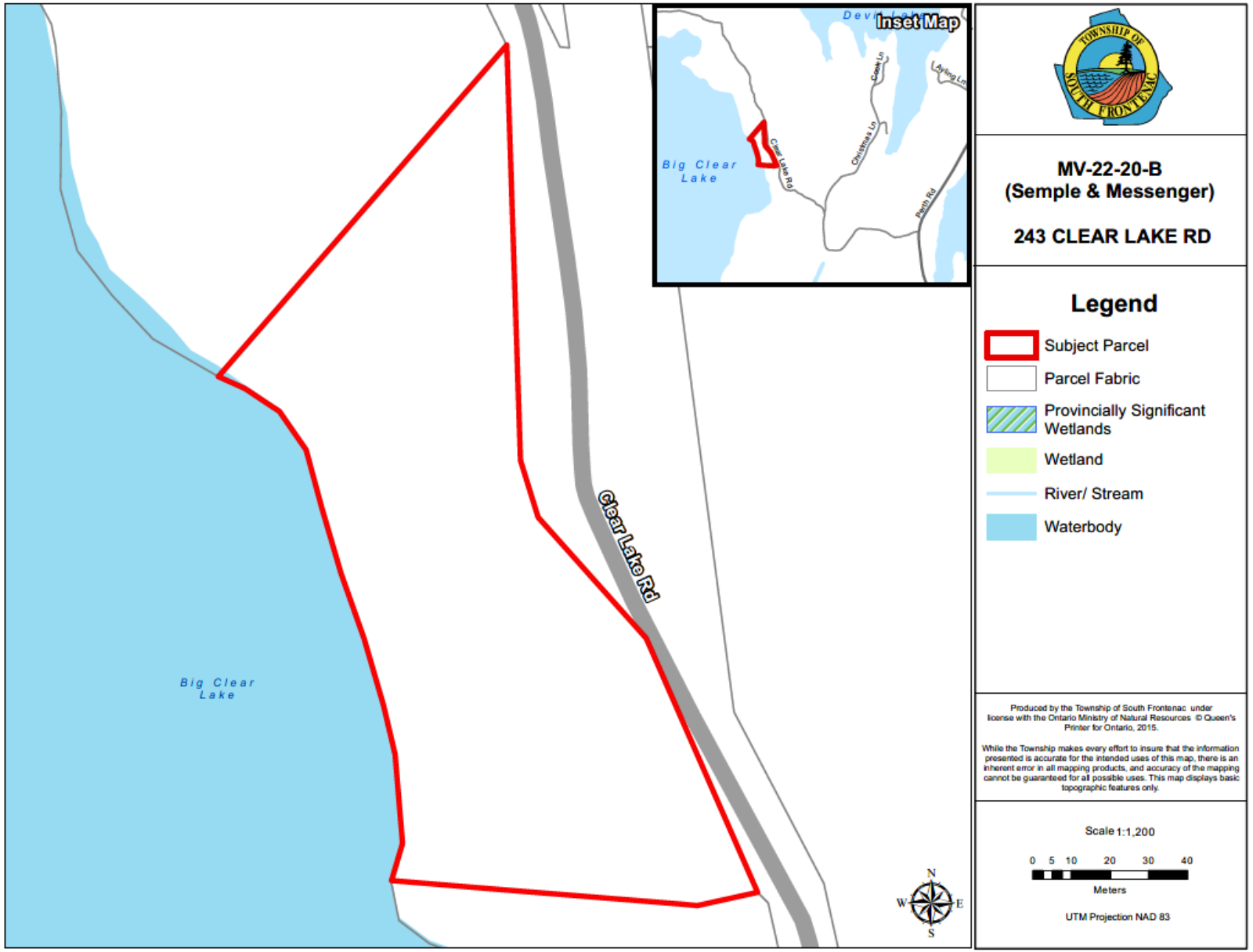
MV-22-20-B
Semple & Messenger

Application: MV-22-20-B
Owners: Ian Semple and David Messenger
Location of Property: Part Lot 4, Concession 11, Part 3 on Plan 13R4213, District of Bedford, Township of South Frontenac, municipally known as 243 Clear Lake Road, Big Clear Lake

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-22-20-B to provide additional time for KFL&A Public Health to review the proposal and to provide comment, and for the applicants to consider an alternative design / location for the proposed deck as requested by Cataraqui Conservation.

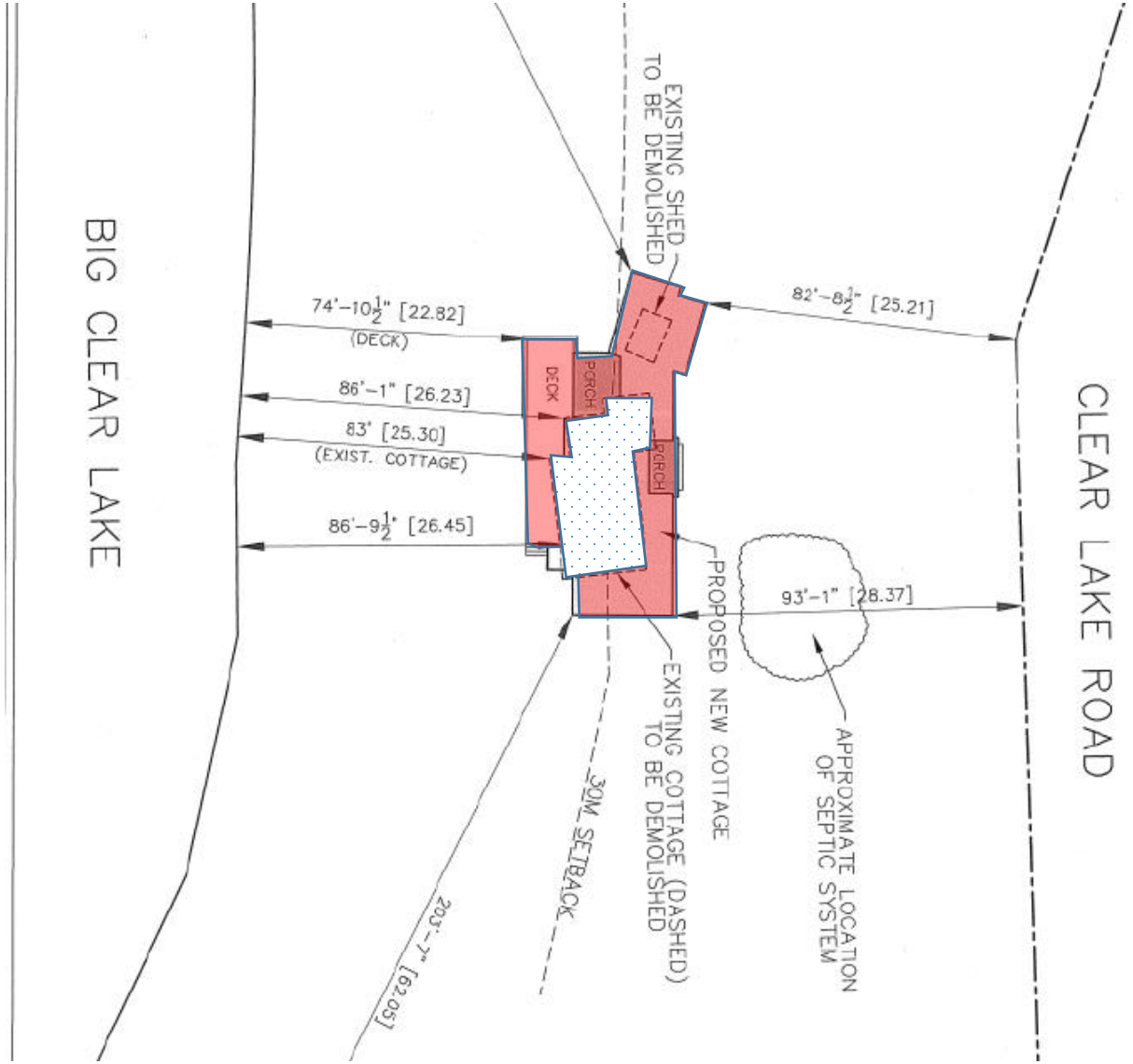
Application: MV-22-20-B
Owners: Ian Semple and David Messenger



Application: MV-22-20-B
Owners: Ian Semple and David Messenger

Proposal

- The applicant proposes to construct an seasonal dwelling with attached deck.
- The dwelling and deck would be located within 30 metres of the high water mark of Big Clear Lake and within 15 metres of the top of bank.
- The seasonal dwelling would replace an existing seasonal dwelling.



Application: MV-22-20-B
Owners: Ian Semple and David Messenger

Relief Sought

Official Plan Designation:	**Zoning:**
Rural	Limited Services Residential – Special Provision (RLS-2)
Zoning Relief Requested:	
Section 5.8.2 a): Flooding and Shoreline Erosion Hazards	**Relief:** To permit a seasonal dwelling with an attached deck with a minimum setback of 26.2 metres (86 feet) and 22.5 metres (74 feet), respectively, from the high water mark of Big Clear Lake, whereas the Zoning By-law requires a minimum 30 metre (98.4 feet) setback from the high water mark for all buildings and structures.
Section 5.8.2 b): Flooding and Shoreline Erosion Hazards	**Relief:** To permit a seasonal dwelling with an attached deck with a minimum setback of 11.7 metres (38.4 feet) and 8.8 metres (28.9 feet), respectively, from the defined top of bank, whereas the Zoning By-law requires a minimum 15 metre (49.2 feet) setback from the top of bank for all buildings and structures.

Application: MV-22-20-B
Owners: Ian Semple and David Messenger



View of shoreline and slope.

Application: MV-22-20-B
Owners: Ian Semple and David Messenger



View of existing cottage and proposed location of new cottage and deck.

Application: MV-22-20-B
Owners: Ian Semple and David Messenger

Comments

- **Public Services Department** – The Director of Public Services indicated that he has no concern with the proposal.

- **KFL&A Public Health** – comments have not yet been received.

- **Cataraqui Conservation** – Cataraqui Conservation staff noted that it does not typically support applications where development is being proposed within the 30 metre water setback that is closer to the water than existing development primarily in support of the water quality objectives of the Provincial Policy Statement and the Township's Official Plan. Therefore, staff recommended deferral to allow the applicants to consider an alternative design / location that will address this issue.

- **Public Comments** – At the time of the writing of the report, no written comments had been received from the public.

Application: MV-22-20-B
Owners: Ian Semple and David Messenger
Location of Property: Part Lot 4, Concession 11, Part 3 on Plan 13R4213, District of Bedford, Township of South Frontenac, municipally known as 243 Clear Lake Road, Big Clear Lake

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-22-20-B to provide additional time for KFL&A Public Health to review the proposal and to provide comment, and for the applicants to consider an alternative design / location for the proposed deck as requested by Cataraqui Conservation.

Questions from Committee Members

Upon the Chair asking if any members would like to speak to the matter, please remember to unmute yourself before you begin to speak.

Comments from the Applicant and/or the Agent

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)

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Comments & Questions from 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.

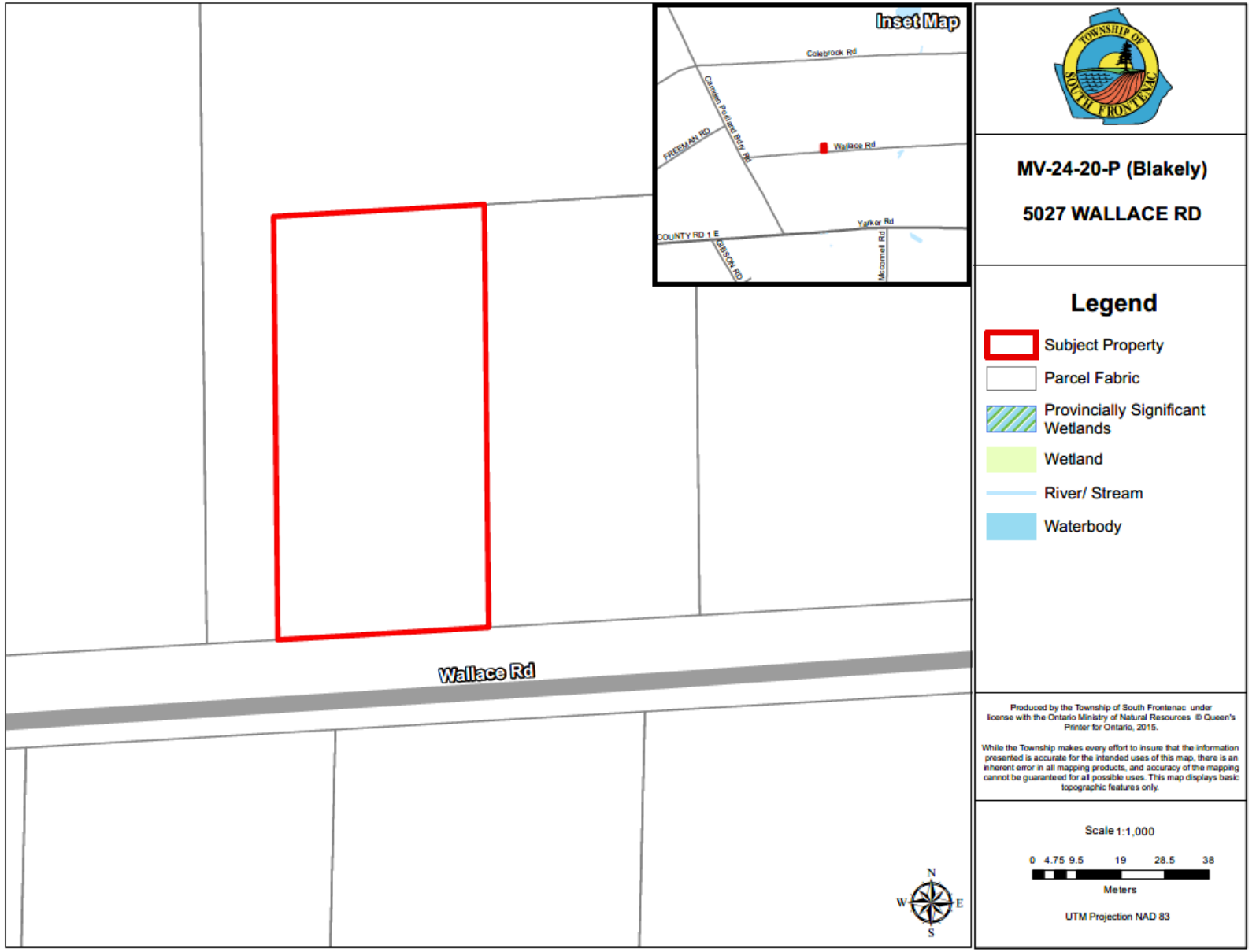
MV-24-20-P
Blakely

Application: MV-24-20-P
Owner: Robert Blakely
Location of Property: Part Lot 15, Concession 4, Part 1 on Plan 13R16102, District of Portland, Township of South Frontenac, municipally known as 5027 Wallace Road

Recommendation:

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-24-20-P, subject to conditions.

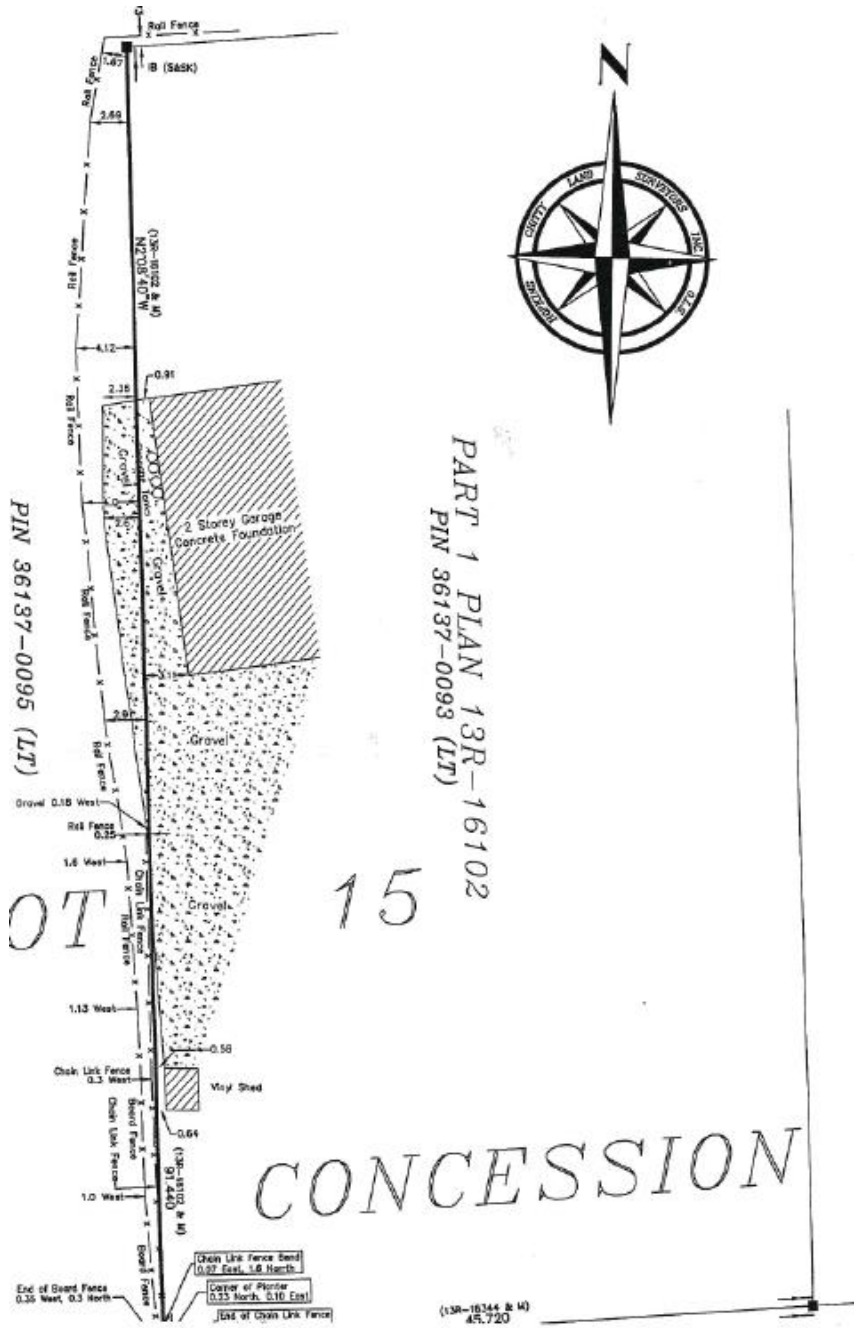
Application: MV-24-20-P
Owner: Robert Blakely



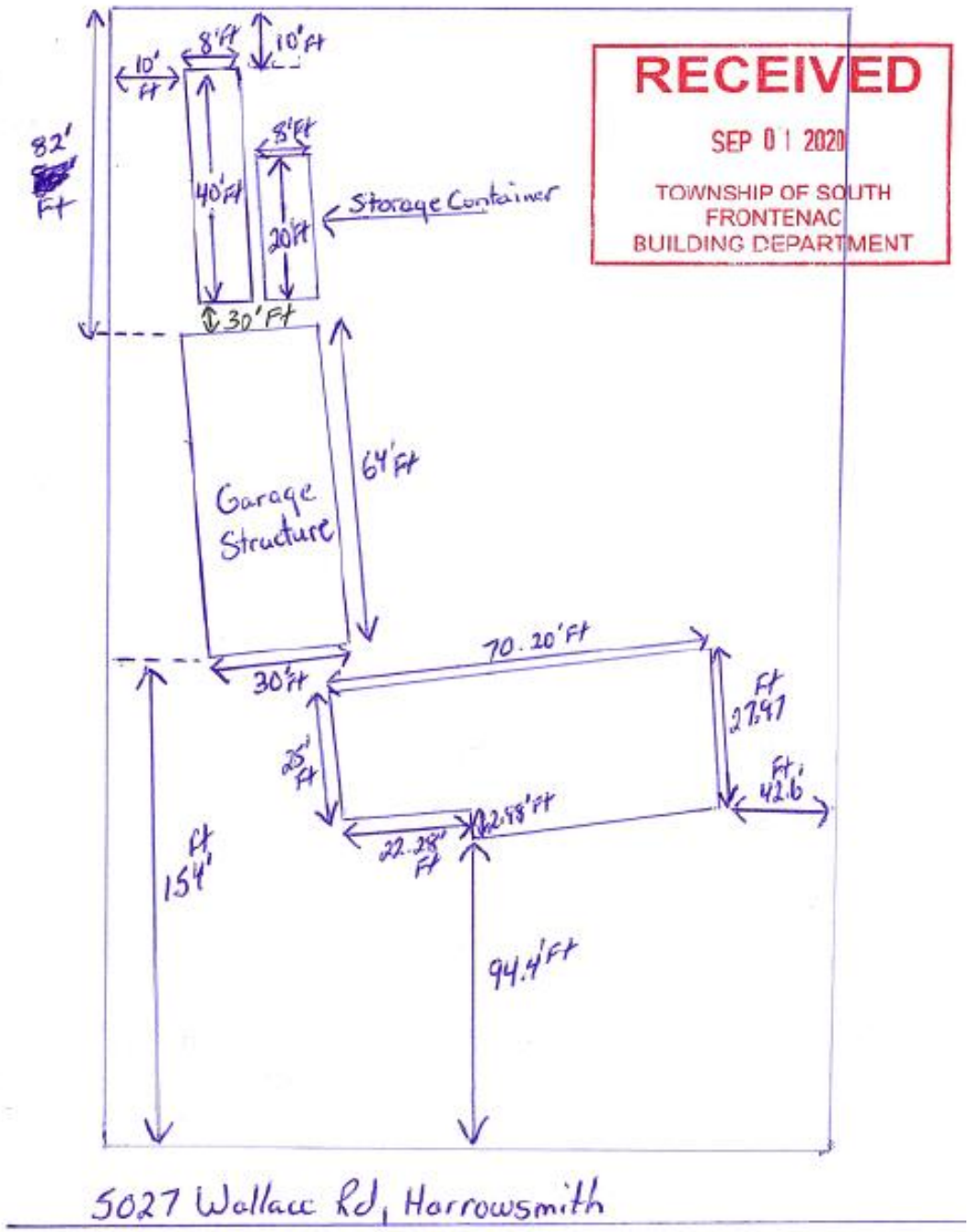
Application: MV-24-20-P
Owner: Robert Blakely

Proposal

- To recognize a detached garage with a reduced interior side yard.
- To move two shipping containers to the rear of the detached garage.
- To permit an increase to lot coverage permitted for accessory buildings.



Application: MV-24-20-P
Owner: Robert Blakely



Application: MV-24-20-P
Owner: Robert Blakely

Relief Sought

Official Plan Designation: Rural	**Zoning:** Rural
Zoning Relief Requested:	
Section 7.3.2 Rural Zone: Interior Side Yard	**Relief:** To permit an accessory building (detached garage) with a minimum 0.9 metre (3 foot) interior side yard, whereas the Zoning By-law requires a minimum 3 metre (9.8 foot) interior side yard for accessory buildings.
Section 5.24.1 Accessory Buildings: Lot Coverage	**Relief:** To exceed the maximum lot coverage permitted for accessory buildings (5.3% instead of 5%) and for lot coverage of accessory buildings to exceed the lot coverage of the existing dwelling by 0.8%.

The application, as presented, meets the four tests for a minor variance under the *Planning Act*.

Application: MV-24-20-P
Owner: Robert Blakely



View of detached garage and shipping containers.

Application: MV-24-20-P
Owner: Robert Blakely

Comments

- **Public Comments** – At the time of the writing of the report, written comments had been received from the one member of the public.
- Philip Emon, of 5029 Wallace Road, has no issue with the variance for distance of the detached garage to the property line. He indicated that the storage container that is on his property needs to be moved from its current location. Mr. Emon raised concerns about the applicant's potential plan to expand the detached garage and to move a boat/engine business onto the property, as he has experienced property access and noise issues from business-related undertakings on the property.

Application: MV-24-20-P
Owner: Robert Blakely
Location of Property: Part Lot 15, Concession 4, Part 1 on Plan 13R16102, District of Portland, Township of South Frontenac, municipally known as 5027 Wallace Road

Recommendation:

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-24-20-P, subject to conditions.

Application: MV-24-20-P
Owner: Robert Blakely

Proposed Conditions of Approval

- The Minor Variance is approved in accordance with plans submitted;
- A building permit is required for the two existing shipping containers. The shipping containers must be relocated on the property so that they meet all zoning setback requirements to the satisfaction of the Chief Building Official by November 1, 2020. There shall be no additional development on the property without approval from the Township of South Frontenac.
- MV-24-20-P is only applicable to South Frontenac Township Comprehensive Zoning By-Law 2003-75 and not to any subsequent zoning by-laws.

Questions from Committee Members

Upon the Chair asking if any members would like to speak to the matter, please remember to unmute yourself before you begin to speak.

Comments from the Applicant and/or the Agent

If you would like to speak:

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Comments & Questions from 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.

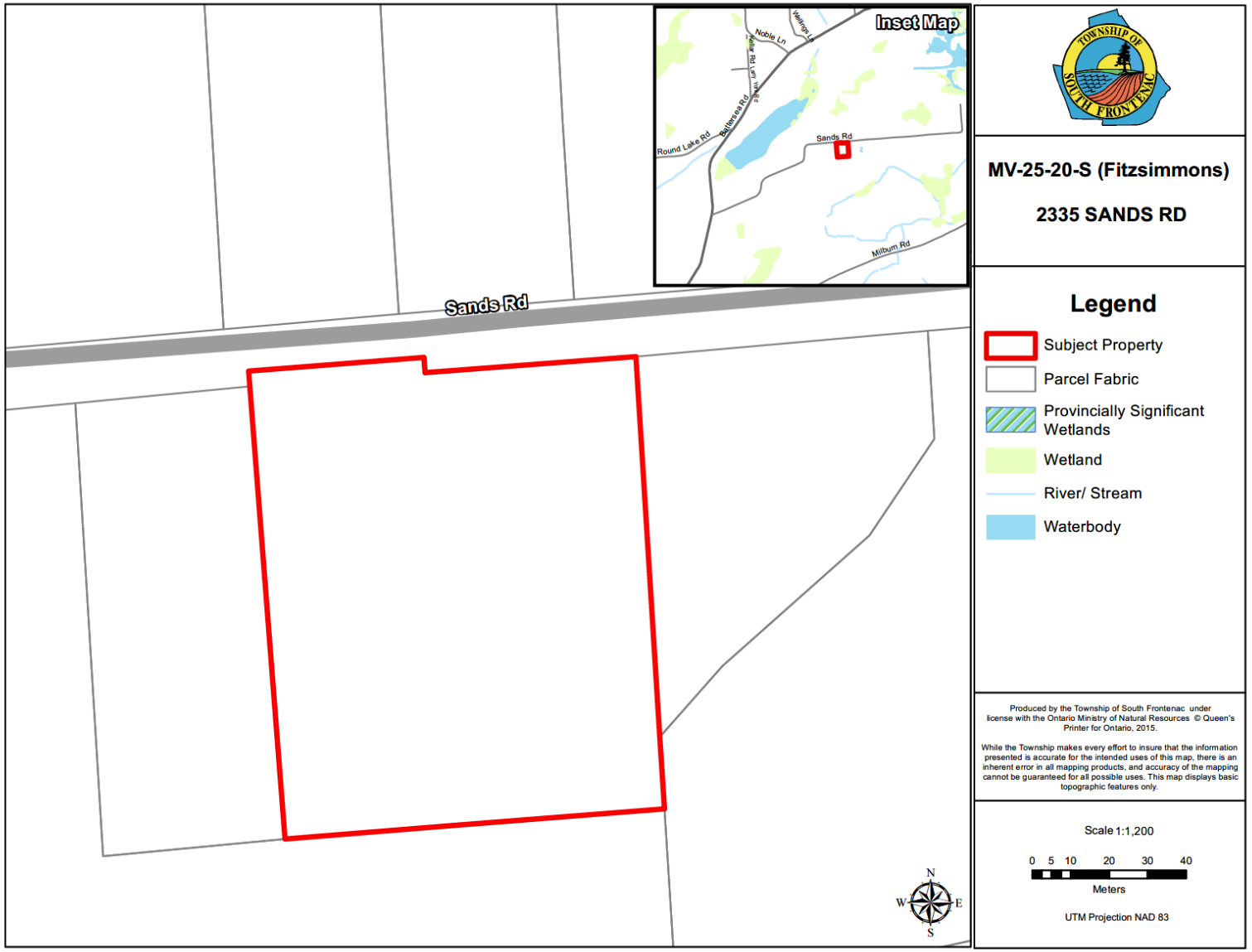
MV-25-20-S
Fitzsimmons

Application: MV-25-20-S
Owner: Michael Fitzsimmons
Location of Property: Part 1 on Plan 13R19266, District of Storrington, Township of South Frontenac, municipally known as 2335 Sands Road

Recommendation:

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-25-20-S, subject to conditions.

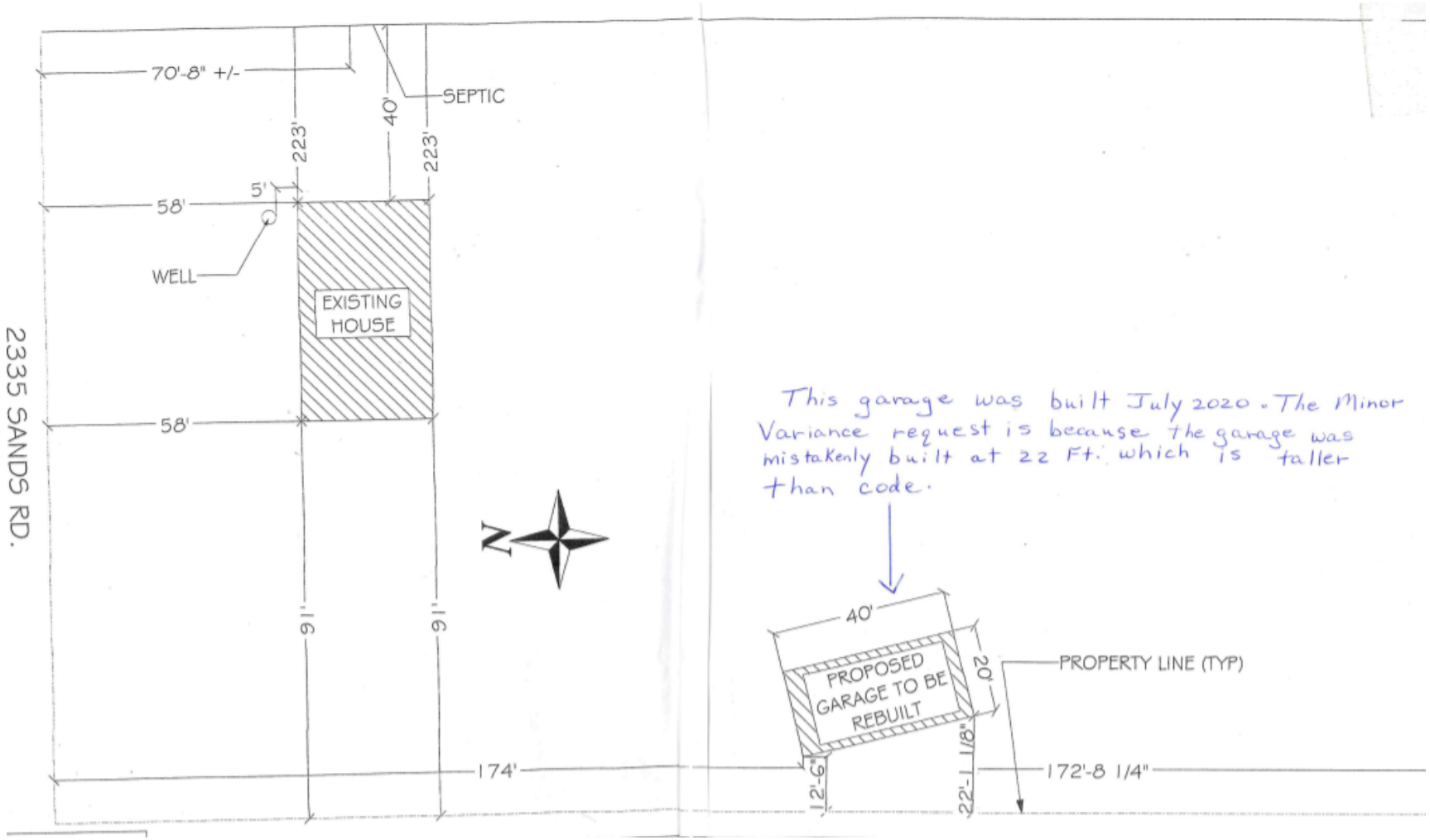
Application: MV-5-20-S
Owner: Michael Fitzsimmons



Application: MV-5-20-S
Owner: Michael Fitzsimmons

Proposal

An application for minor variance has been received, to permit the construction of an accessory building (detached garage), which exceeds the maximum permitted height for an accessory building in the Rural (RU) zone. The garage is two-storeys with a height of 7.1 metres (23 feet).



Application: MV-5-20-S
Owner: Michael Fitzsimmons

Relief Sought

Official Plan Designation: Rural	
Zoning: RU - Rural	**Zoning Relief Requested:**
Section 7.3.2: Rural Zone	**Relief:** To permit the construction of an accessory building (detached garage) with a height of 7.1 metres (23 feet), whereas the Zoning By-law limits the height of an accessory building to be a maximum of 6 metres (19.7 feet).

The application, as presented, meets the four tests for a minor variance under the *Planning Act*.

Application: MV-5-20-S
Owner: Michael Fitzsimmons



View of Garage

Application: MV-5-20-S
Owner: Michael Fitzsimmons

Comments

- **Public Services Department** – Public Services was not circulated the application due to its nature.

- **KFL&A Public Health** – No development is proposed in proximity to the septic system, therefore KFL&A Public Health was not circulated.

- **Cataraqui Region Conservation Authority** – Given the location and scope of the proposed development, CRCA was not circulated.

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

Application: MV-25-20-S
Owner: Michael Fitzsimmons
Location of Property: Part 1 on Plan 13R19266, District of Storrington, Township of South Frontenac, municipally known as 2335 Sands Road

Recommendation:

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-25-20-S, subject to conditions.

Application: MV-5-20-S
Owner: Michael Fitzsimmons

Proposed Conditions of Approval

- The Minor Variance is approved in accordance with plans submitted;
- A building permit is required for ALL construction on the property.
- MV-25-20-S is only applicable to South Frontenac Township Comprehensive Zoning By-Law 2003-75 and not to any subsequent zoning by-laws.

Questions from Committee Members

Upon the Chair asking if any members would like to speak to the matter, please remember to unmute yourself before you begin to speak.

Comments from the Applicant and/or the Agent

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Comments & Questions from the Public

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Resolution & Voting

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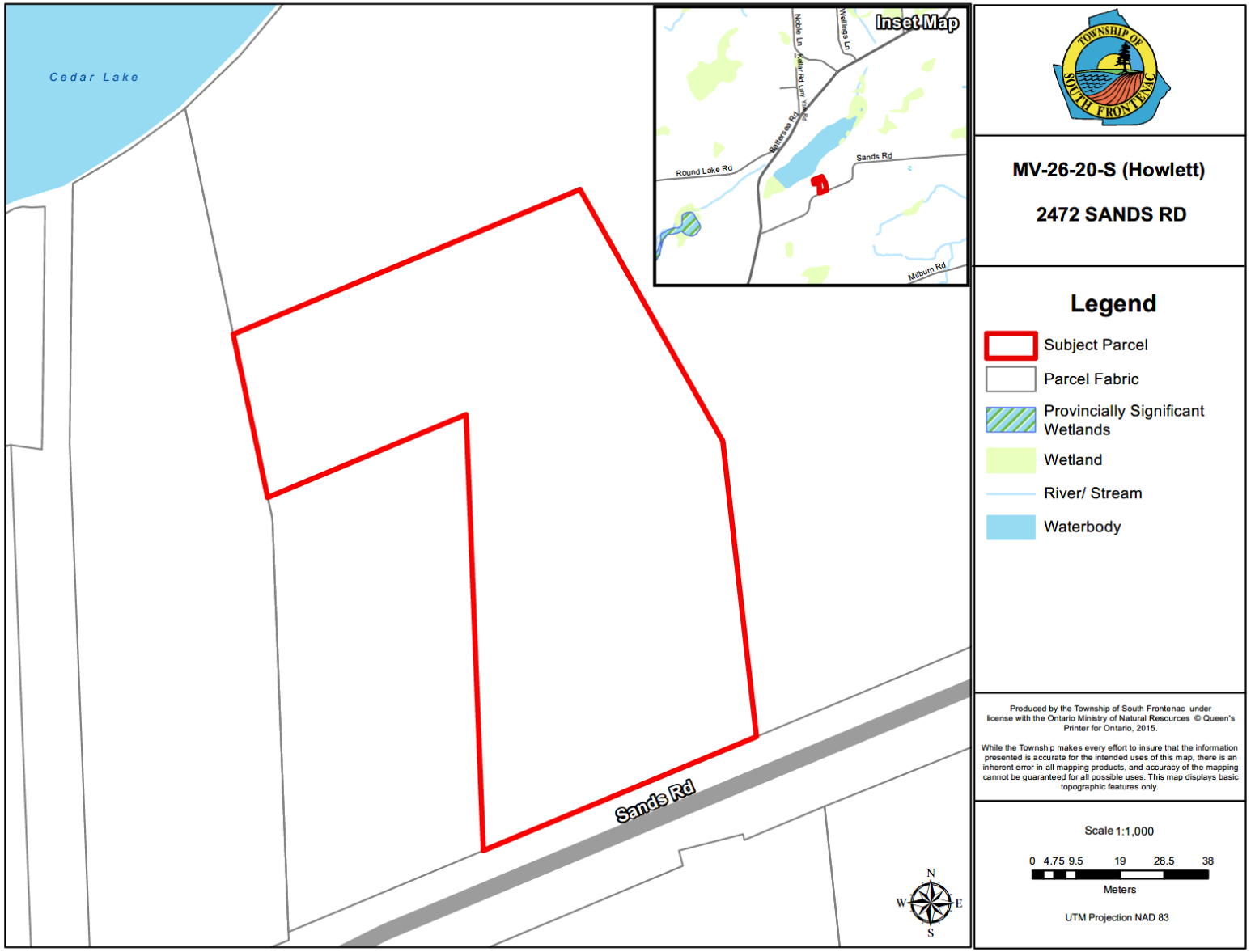
MV-26-20-S
Howlett

Application: MV-26-20-S
Owner: Barry and Donna Howlett
Location of Property: Part 1 on Plan 13R21648, District of Storrington, Township of South Frontenac, municipally known as 2472 Sands Road

Recommendation:

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-26-20-S, subject to conditions.

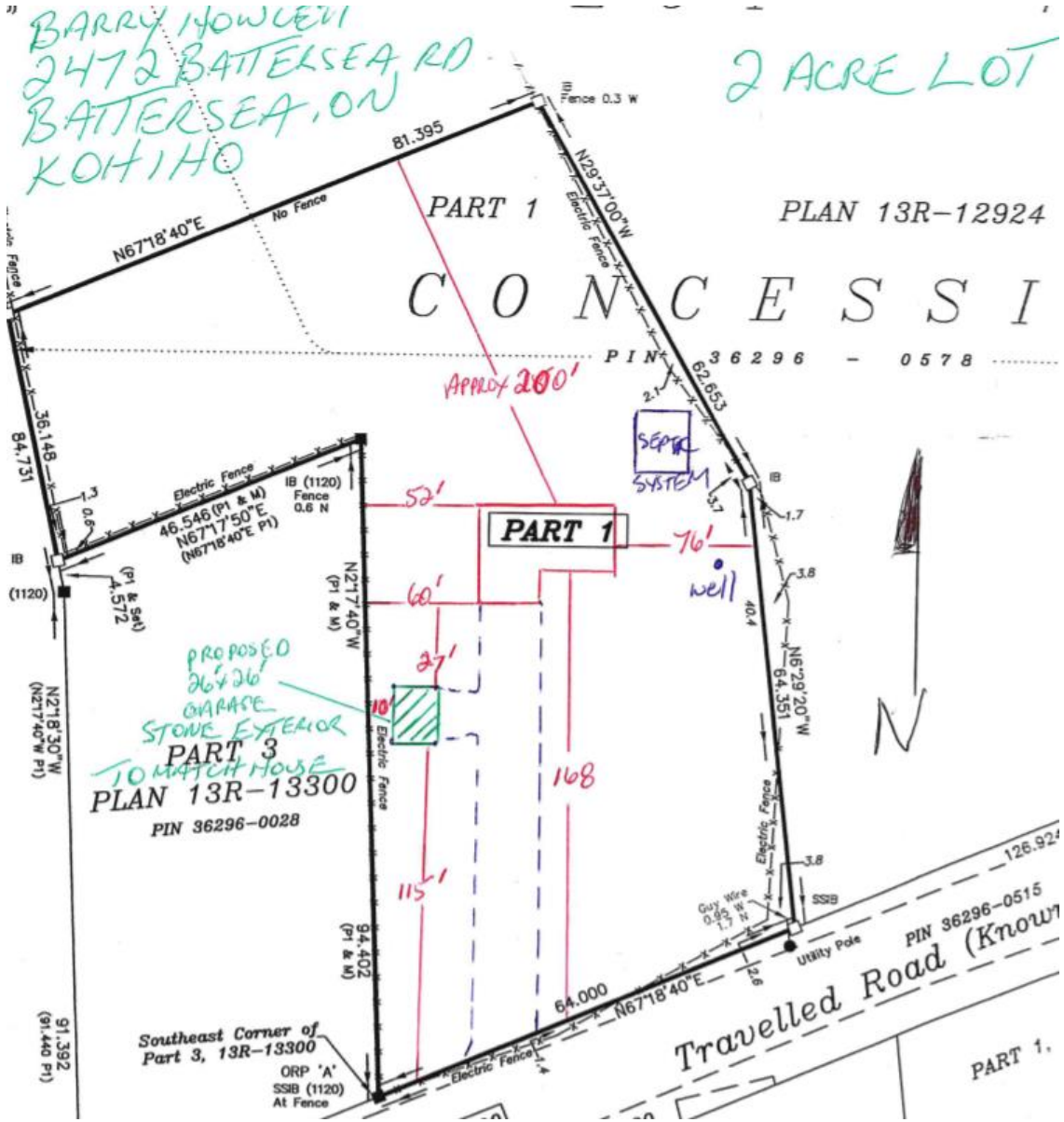
Application: MV-26-20-S
Owner: Barry and Donna Howlett



Application: MV-26-20-S
Owner: Barry and Donna Howlett

Proposal

- An application for minor variance has been received to permit the construction of an accessory building (detached garage) within the projected front yard of the subject property located in the Urban Residential First Density Zone – Special Provision zone 18 (UR1-18).



Application: MV-26-20-S
Owner: Barry and Donna Howlett

Relief Sought

Official Plan Designation: Settlement Area	**Zoning:** Special Provision 18 - Urban Residential First Density Zone (UR1-18)
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.

The application, as presented, meets the four tests for a minor variance under the *Planning Act*.

Application: MV-26-20-S
Owner: Barry and Donna Howlett





View of the location for the garage.

Application: MV-26-20-S
Owner: Barry and Donna Howlett

Comments

- **Public Services Department –** Public Services has no concerns regarding the application.

- **KFL&A Public Health –** No development is proposed in proximity to the septic system therefore KFL&A Public Health was not circulated.

- **Cataraqui Region Conservation Authority –** Given the location and scope of the proposed development, CRCA confirmed that circulation was not required.

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

Application: MV-26-20-S
Owner: Barry and Donna Howlett
Location of Property: Part 1 on Plan 13R21648, District of Storrington, Township of South Frontenac, municipally known as 2472 Sands Road

Recommendation:

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-26-20-S, subject to conditions.

Application: MV-26-20-S
Owner: Barry and Donna Howlett

Proposed Conditions of Approval

- The Minor Variance is approved in accordance with plans submitted;
- A building permit is required for ALL construction on the property;
- MV-26-20-S is only applicable to South Frontenac Township Comprehensive Zoning By-Law 2003-75 and not to any subsequent zoning by-laws.

Questions from Committee Members

Upon the Chair asking if any members would like to speak to the matter, please remember to unmute yourself before you begin to speak.

Comments from the Applicant and/or the Agent

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Comments & Questions from the Public

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Resolution & Voting

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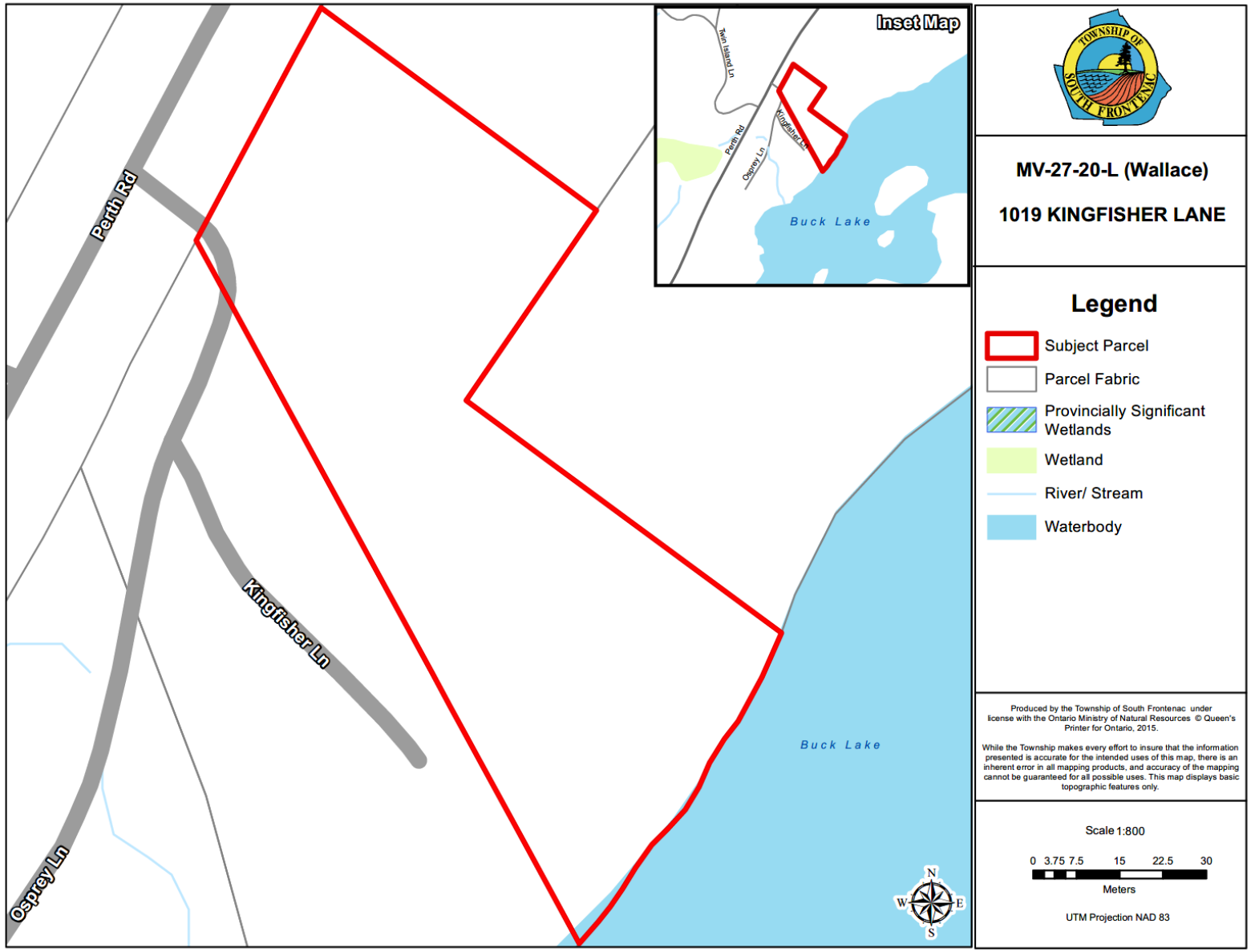
MV-27-20-L
Wallace

Application: MV-27-20-L
Owner: Timothy Wallace
Location of Property: Parts 4 & 6 on Plan 13R8371, District of Loughborough, Township of South Frontenac, municipally known as 1019 Kingfisher Lane.

Recommendation:

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-27-20-L, subject to conditions.

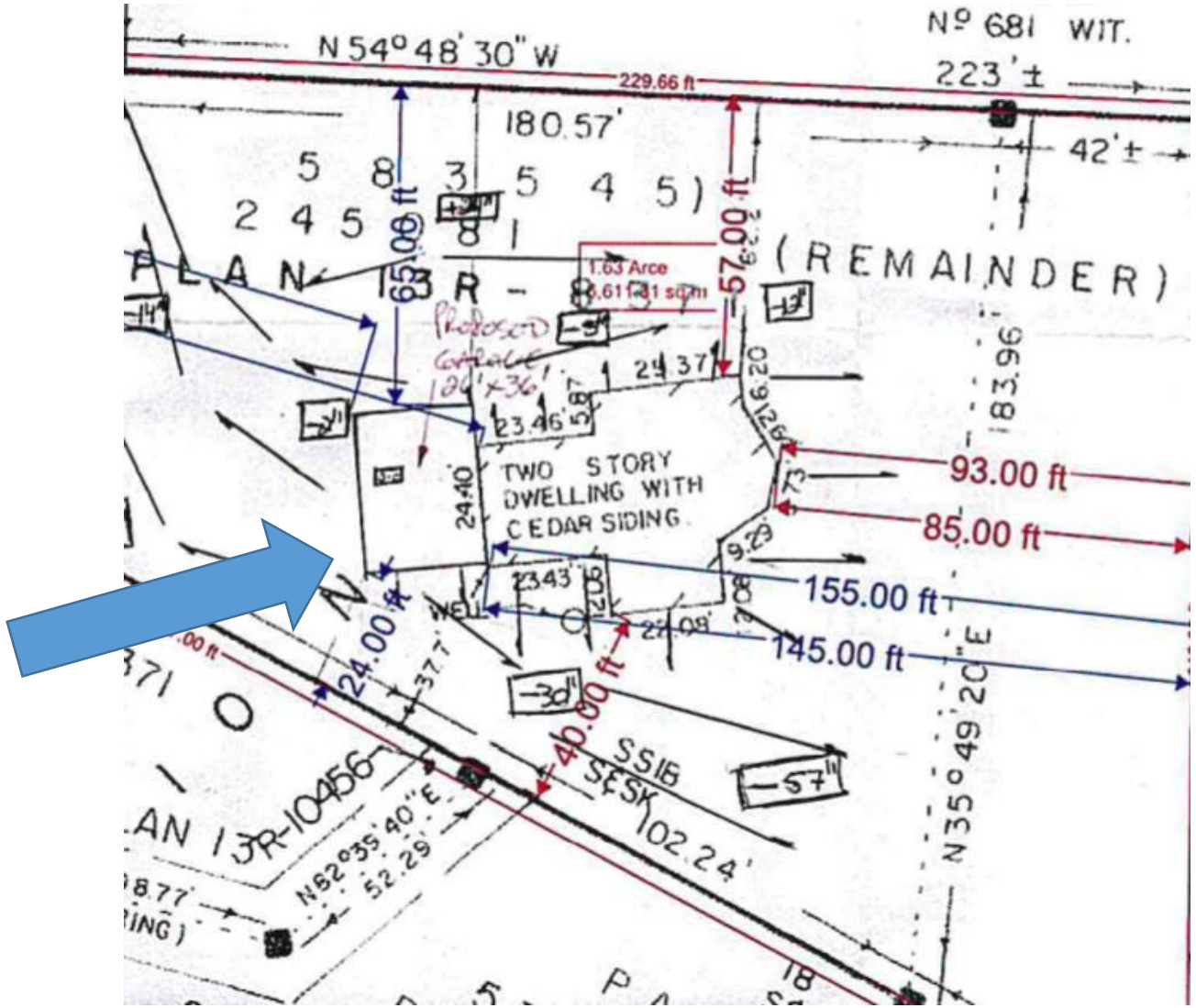
Application: MV-27-20-L
Owner: Timothy Wallace



Application: MV-27-20-L
Owner: Timothy Wallace

Proposal

An application for minor variance has been received, to permit an increase to the total lot coverage from the allowable 5% to 5.65%,to allow a 936 square foot addition, being an attached garage to an existing principal dwelling in the Waterfront Residential (RW) zone.



Application: MV-27-20-L
Owner: Timothy Wallace

Relief Sought

Official Plan Designation: Rural	
Zoning: RW - Waterfront Residential	**Zoning Relief Requested:**
Section 8.3.1: Waterfront Residential Zone	**Relief:** To permit a lot coverage of 5.65% to allow a 936 square foot addition, being an attached garage to the existing principal dwelling whereas the Zoning By-law limits permits a maximum of 5%.

The application, as presented, meets the four tests for a minor variance under the *Planning Act*.

Application: MV-27-20-L
Owner: Timothy Wallace



View of location for addition to the garage.

Application: MV-27-20-L
Owner: Timothy Wallace

Comments

- **Public Services Department** – Public Services was not circulated the application due to its nature.

- **KFL&A Public Health** – The applicant had previously applied for an Application Review of Performance from KFL&A which indicated that KFL&A had no objections to issuance of a building permit for the proposal and therefore, KFL&A Public Health was not circulated.

- **Ministry of Environment, Conservation and Parks** – Given the location and scope of the proposed development, MECP was not circulated.

- **Cataraqui Region Conservation Authority** – Given the location and scope of the proposed development, CRCA was not circulated. In consultation with the Conservation Authoirty, it was determined that an EIA was not required to the nature of the proposed development and the distance of the proposed addition from the lake.

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

Application: MV-27-20-L
Owner: Timothy Wallace
Location of Property: Parts 4 & 6 on Plan 13R8371, District of Loughborough, Township of South Frontenac, municipally known as 1019 Kingfisher Lane.

Recommendation:

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-27-20-L, subject to conditions.

Application: MV-27-20-L
Owner: Timothy Wallace

Proposed Conditions of Approval

- The Minor Variance is approved in accordance with plans submitted;
- A building permit is required for ALL construction on the property;
- MV-27-20-L is only applicable to South Frontenac Township Comprehensive Zoning By-Law 2003-75 and not to any subsequent zoning by-laws.

Questions from Committee Members

Upon the Chair asking if any members would like to speak to the matter, please remember to unmute yourself before you begin to speak.

Comments from the Applicant and/or the Agent

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Comments & Questions from the Public

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Resolution & Voting

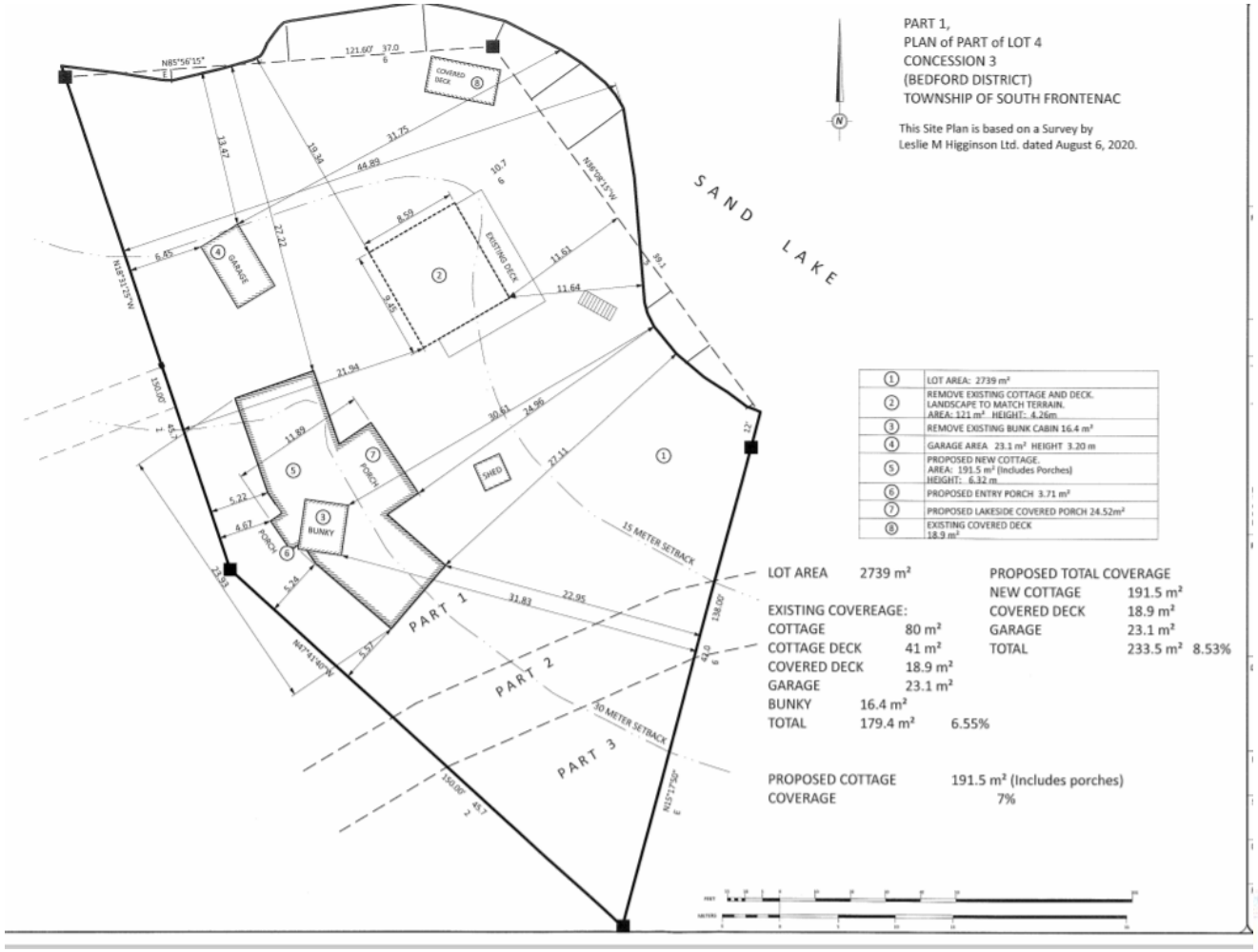
Upon the Chair asking if any member of the Committee is opposed to the Resolution, please advise if you are opposed. The chair will call if the vote is carried or is lost.

MV-28-20-B
(Mulrooney) (Gervan)

Application: MV-28-20-B
Owner: Daniel & Debra Mulrooney
Location of Property: Part Lot 4, Concession 3, being Parts 1, 2 & 3 on Plan 13R14863, District of Bedford, Township of South Frontenac, municipally known as 33A Swain Lane, Sand Lake.

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-28-20-B to allow the applicant to provide KFL&A with more information and to allow the Conservation Authority to seek clarification with regards to lot coverage and provide updated comments on the new drawings submitted.



Questions from Committee Members

Upon the Chair asking if any members would like to speak to the matter, please remember to unmute yourself before you begin to speak.

Comments from the Applicant and/or the Agent

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Comments & Questions from the Public

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Resolution & Voting

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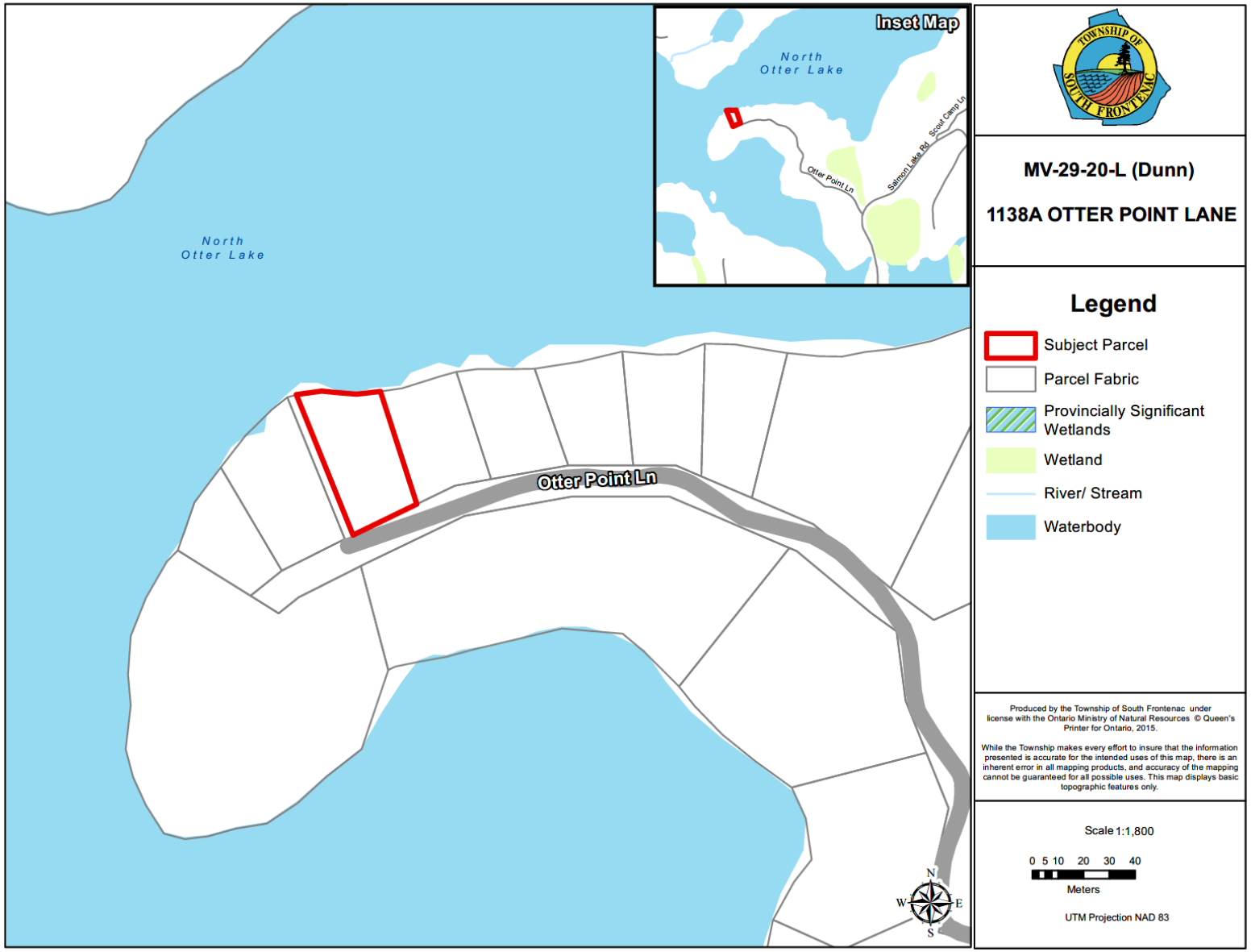
MV-29-20-L
Dunn

Application: MV-29-20-L
Owner: Anita Austin Dunn & Keith Dunn
Location of Property: Part Lots 9-10, Concession 12, District of Loughborough, Township of South Frontenac, municipally known as 1138A Otter Point Lane, North Otter Lake

Recommendation:

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **defer** minor variance application MV-29-20-L to allow Conservation Authority to comment on lot coverage.

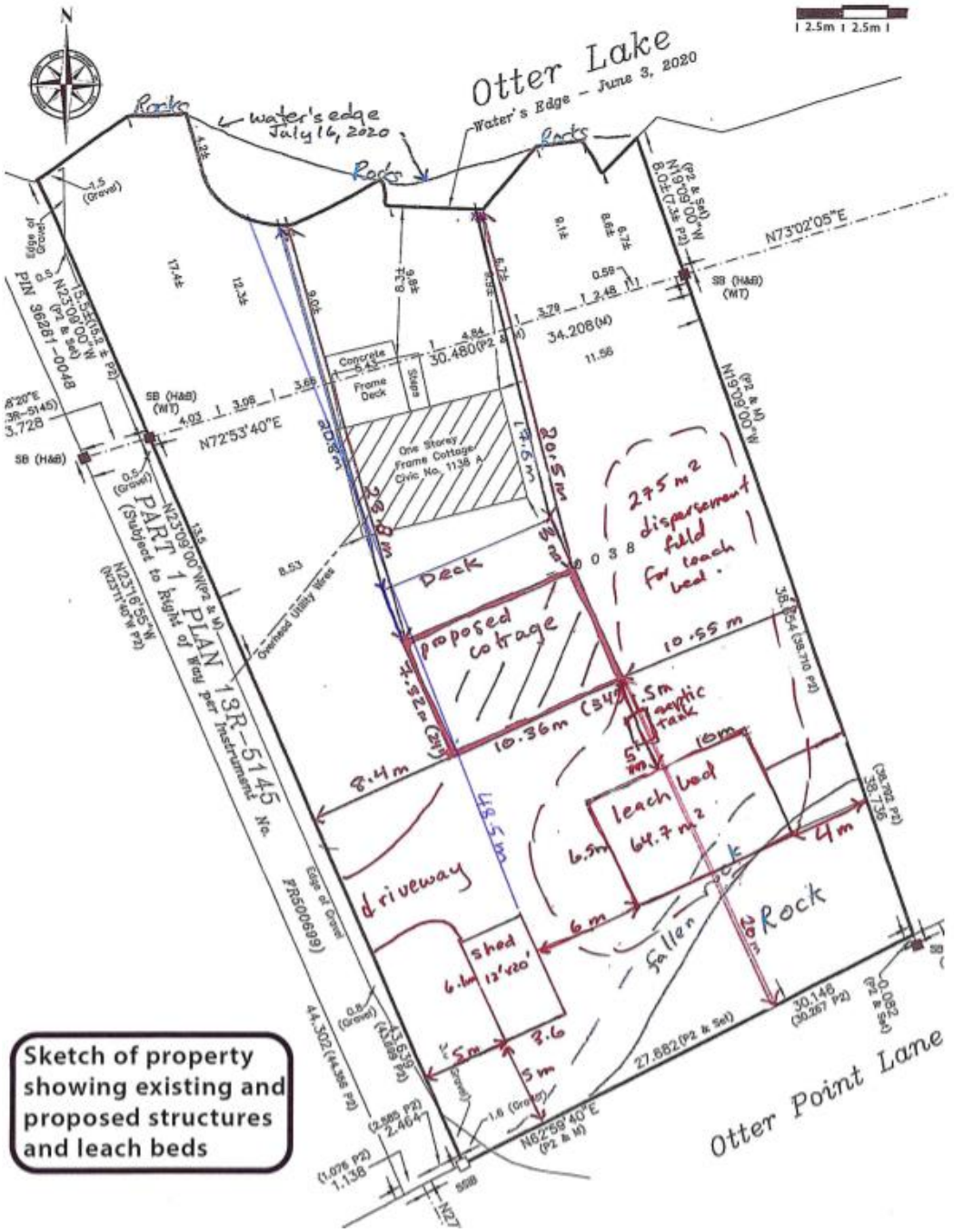
Application: MV-29-20-L
Owner: Anita Austin Dunn & Keith Dunn



Application: MV-29-20-L
Owner: Anita Austin Dunn & Keith Dunn

Proposal

An application for minor variance has been received, to permit the construction of a one-storey seasonal dwelling with an attached deck located 20.5 metres (67.2 feet) and 17.5 metres (57.4 feet) from the highwater mark of Otter Lake respectively in the RLSW – Limited Services Residential Waterfront – zone.



Application: MV-29-20-L
Owner: Anita Austin Dunn & Keith Dunn

Relief Sought

Official Plan Designation: Rural	
Zoning: Limited Service Residential –Waterfront (RLSW)	**Zoning Relief Requested:**
Section 5.8.2 a): Flooding and Shoreline Erosion Hazards **Section 10.3.1:** Waterbody Setback	**Relief:** To permit the construction of a one-storey seasonal dwelling with an attached deck located 20.5 metres (67.2 feet) from the highwater mark and 17.5 metres (57.4 feet) respectively, whereas the By-law requires a 30 metre (98.4 feet) setback from the highwater mark for all buildings and structures. **Relief:** To permit the construction of a one-storey seasonal dwelling with an attached deck located 20.5 metres (67.2 feet) from the highwater mark and 17.5 metres (57.4 feet) respectively, whereas the By-law requires a 30 metre (98.4 feet) setback from the highwater mark for the principal building.

The application, as presented, meets the four tests for a minor variance under the *Planning Act*.

Application: MV-29-20-L
Owner: Anita Austin Dunn & Keith Dunn



View of Dunn Property and location of cottage.

Application: MV-29-20-L
Owner: Anita Austin Dunn & Keith Dunn

Comments

- **Public Services –** The property is on a private lane and therefore, Public Services was not circulated.

- **KFL&A Public Health –** Comments received from KFL&A on September 9, 2020 indicate that KFL&A have no objections to the proposed minor variance.

- **Cataraqui Conservation –** Comments dated August 31, 2020 were received Cataraqui Conservation and staff has no objection to the approval of application MV-29-20-L based on our consideration for natural hazard, natural heritage and water quality policies.

- **Public Comments –** At the time of the writing of this report, two written comments have been received from the public.

Application: MV-29-20-L
Owner: Anita Austin Dunn & Keith Dunn

Comments

- **Public Services –** The property is on a private lane and therefore, Public Services was not circulated.

- **KFL&A Public Health –** Comments received from KFL&A on September 9, 2020 indicate that KFL&A have no objections to the proposed minor variance.

- **Cataraqui Conservation –** Comments dated August 31, 2020 were received Cataraqui Conservation and staff has no objection to the approval of application MV-29-20-L based on our consideration for natural hazard, natural heritage and water quality policies.

- **Public Comments –** At the time of the writing of this report, two written comments have been received from the public.

Application: MV-29-20-L
Owner: Anita Austin Dunn & Keith Dunn
Location of Property: Part Lots 9-10, Concession 12, District of Loughborough, Township of South Frontenac, municipally known as 1138A Otter Point Lane, North Otter Lake

Recommendation:

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **defer** minor variance application MV-29-20-L to allow Conservation Authority to comment on lot coverage.

Application: MV-29-20-L
Owner: Anita Austin Dunn & Keith Dunn

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;
- The applicant is required to enter into a Development Agreement;
- MV-29-20-L is only applicable to South Frontenac Township Comprehensive Zoning By-Law 2003-75 and not to any subsequent zoning by-laws.

Questions from Committee Members

Upon the Chair asking if any members would like to speak to the matter, please remember to unmute yourself before you begin to speak.

Comments from the Applicant and/or the Agent

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)

Please wait to speak until you hear your name and your microphone has been unmuted.

Comments & Questions from 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.

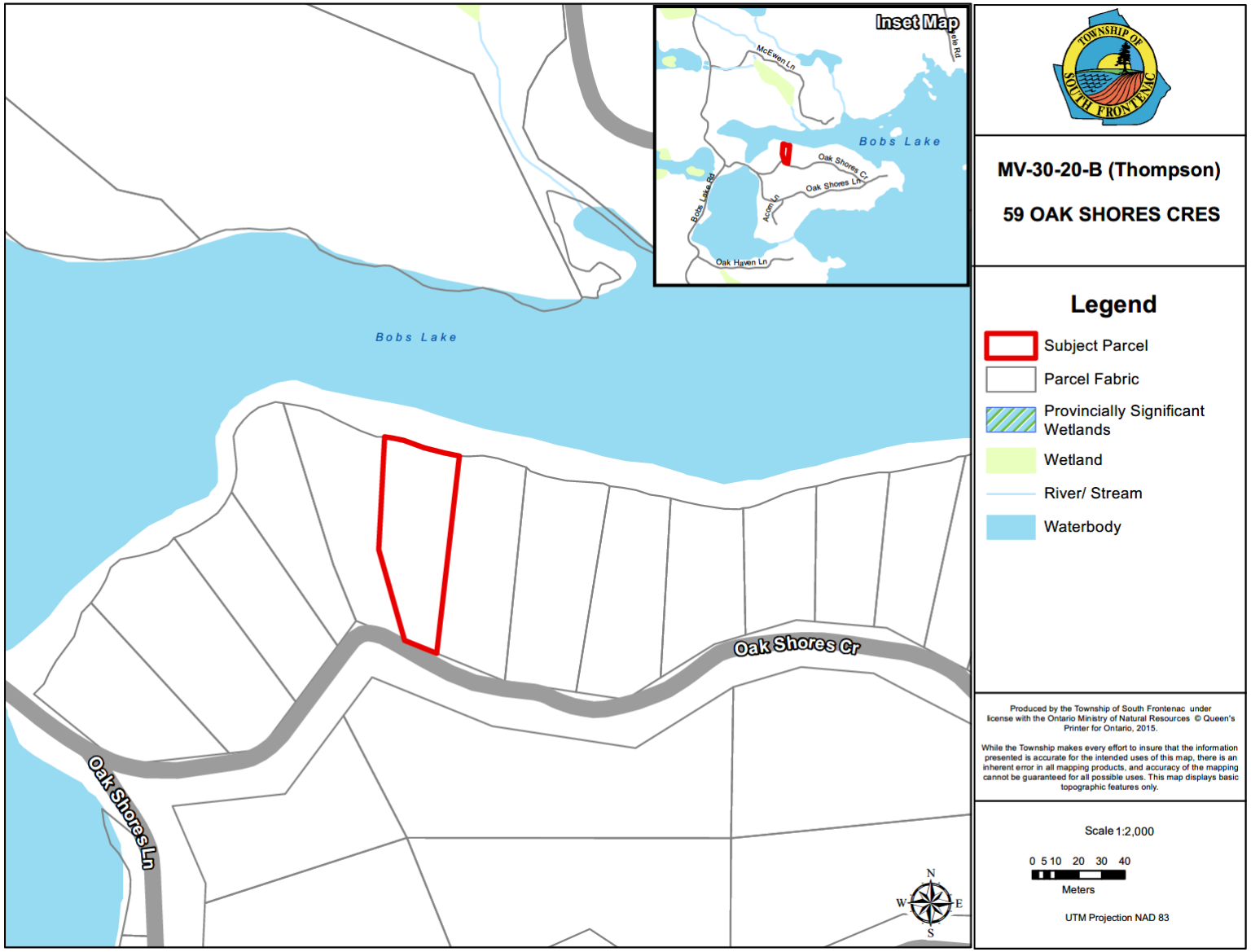
MV-30-20-B
Thompson

Application: MV-30-20-B
Owner: Gordon Thompson
Location of Property: Part Lot 22, Concession 2, being parts 5 & 6 on Plan 13R204 District of Bedford, Township of South Frontenac, municipally known as 59 Oak Shores Crescent.

Recommendation:

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-30-20-P, subject to conditions.

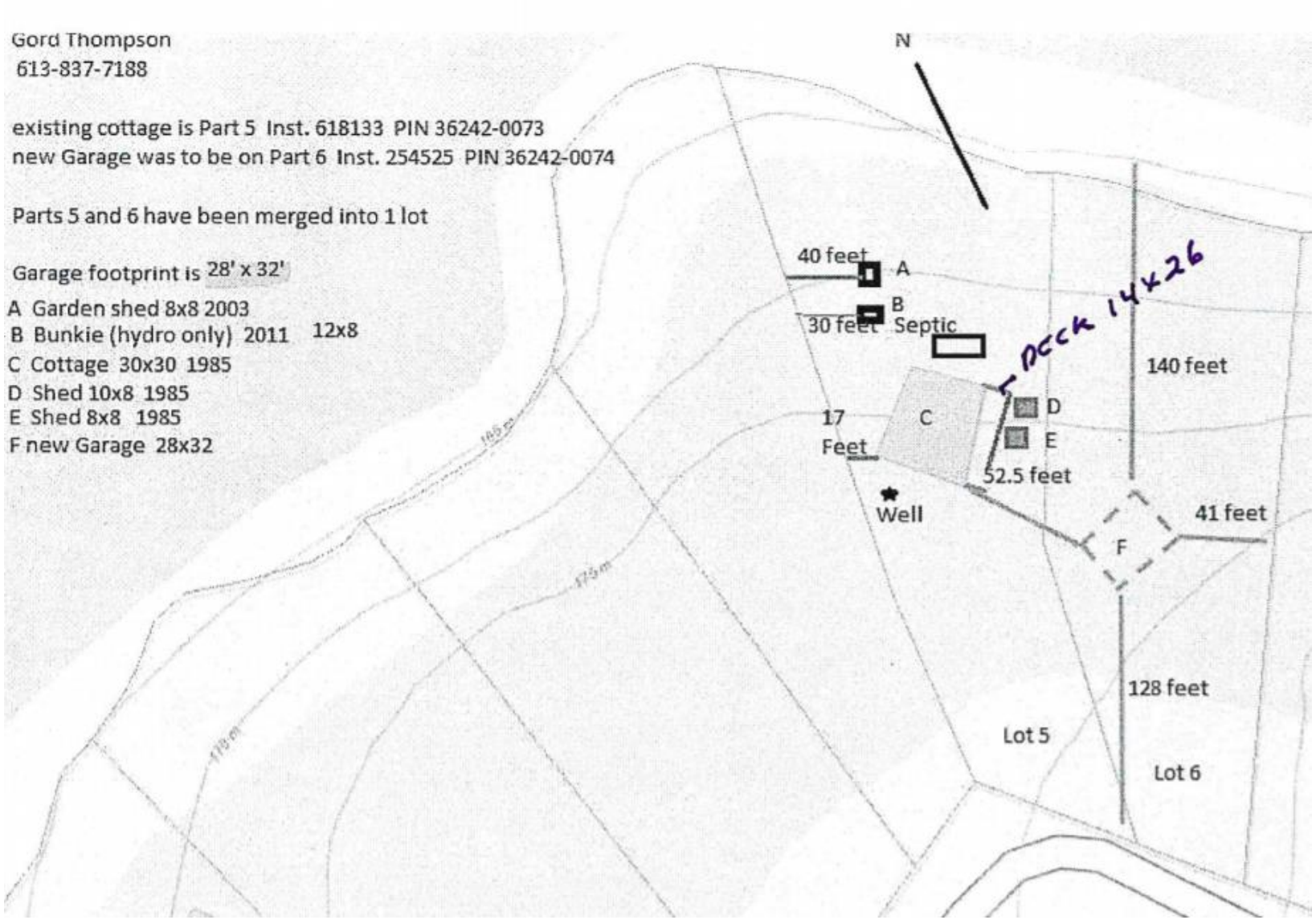
Application: MV-30-20-B
Owner: Gordon Thompson



Application: MV-30-20-B
Owner: Gordon Thompson

Proposal

An application for minor variance has been received to permit the construction of an accessory building, being a detached garage with a height of 8 metres (26.5 feet), whereas the Zoning By-law allows a maximum height of 6 metres (19.7 feet) on properties located in the Limited Services Residential - Waterfront (RLSW) Zone.



Application: MV-30-20-B
Owner: Gordon Thompson

Relief Sought

Official Plan Designation: Rural	**Zoning:** RLSW – Limited Services Residential – Waterfront
Zoning Relief Requested:	
Section 10.3.2 Accessory Buildings	**Relief:** To permit the construction of an accessory building (detached garage) with a height of 8 metres (26.5 feet), whereas the Zoning By-law allows a maximum height of 6 metres (19.7 feet).

The application, as presented, meets the four tests for a minor variance under the *Planning Act*.

Application: MV-30-20-B
Owner: Gordon Thompson





View of location of garage

Application: MV-30-20-B
Owner: Gordon Thompson

Comments

- **Public Services Department –** The property is located on a lane and therefore, Public Services was not circulated.

- **KFL&A Public Health –** Comments received from KFL&A on September 8th note that KFL&A have no objection to the application as presented.

- **Rideau Valley Conservation Authority (RVCA) –** Given the location and nature of the proposed development, RVCA was not circulated.

- **Public Comments –** At the time of the writing of this report, one written comment has been received from the public.

Application: MV-30-20-B
Owner: Gordon Thompson
Location of Property: Part Lot 22, Concession 2, being parts 5 & 6 on Plan 13R204 District of Bedford, Township of South Frontenac, municipally known as 59 Oak Shores Crescent.

Recommendation:

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-30-20-P, subject to conditions.

Application: MV-30-20-B
Owner: Gordon Thompson

Proposed Conditions of Approval

- The Minor Variance is approved in accordance with plans submitted;
- A building permit is required for ALL construction on the property;
- MV-30-20-B is only applicable to South Frontenac Township Comprehensive Zoning By-Law 2003-75 and not to any subsequent zoning by-laws.

Questions from Committee Members

Upon the Chair asking if any members would like to speak to the matter, please remember to unmute yourself before you begin to speak.

Comments from the Applicant and/or the Agent

If you would like to speak:

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Please wait to speak until you hear your name and your microphone has been unmuted.

Comments & Questions from 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.

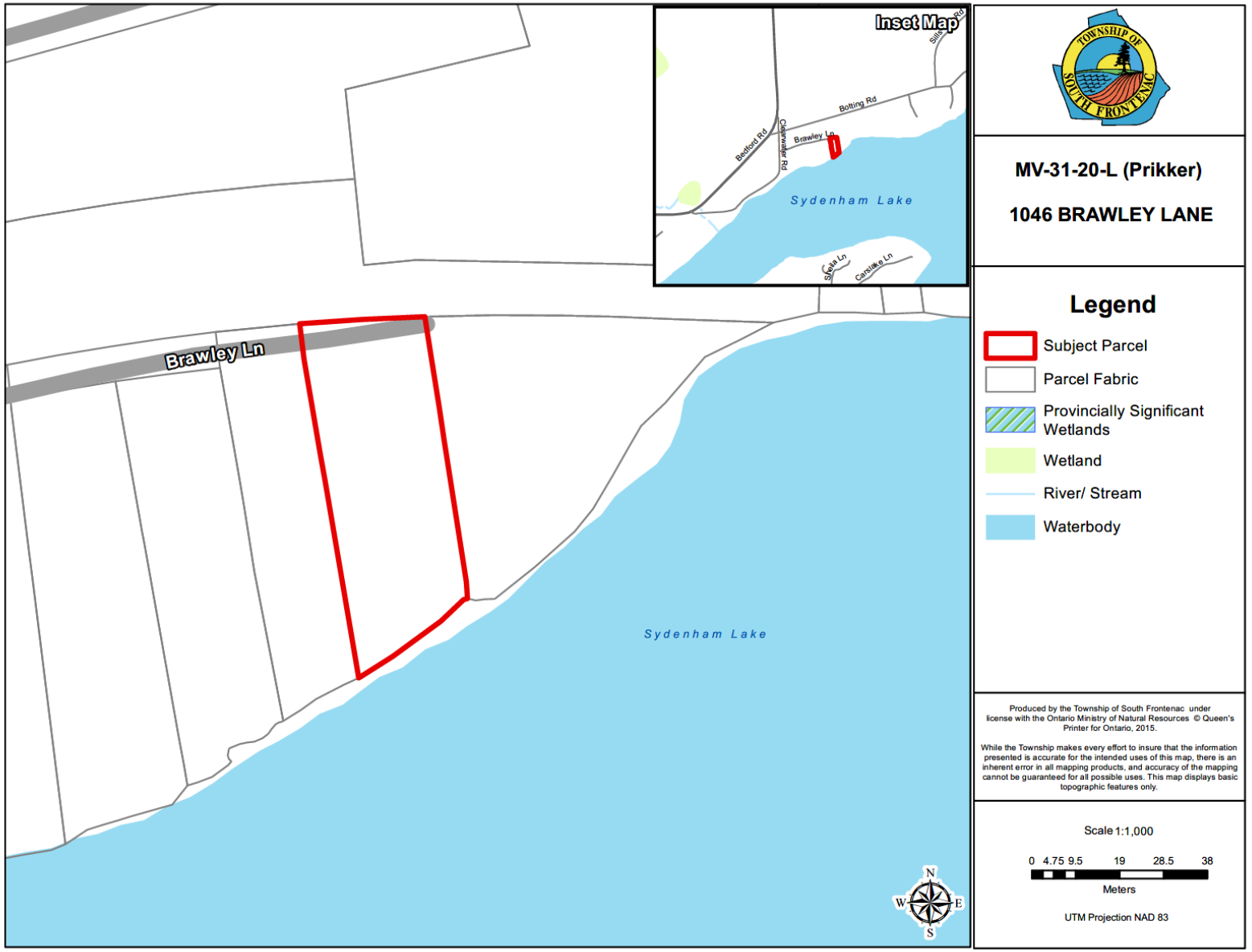
MV-31-20-L
Prikker

Application: MV-31-20-L
Owner: Brett & Meredith Prikker
Location of Property: Part Lot 7, Concession 6, being parts 1, 2 & 3 on Plan 13R16603 and Parts 4, 5 & 6 on Plan 13R16605 District of Loughborough, Township of South Frontenac, municipally known as 1046 Brawley Lane.

Recommendation:

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-31-20-L, subject to conditions.

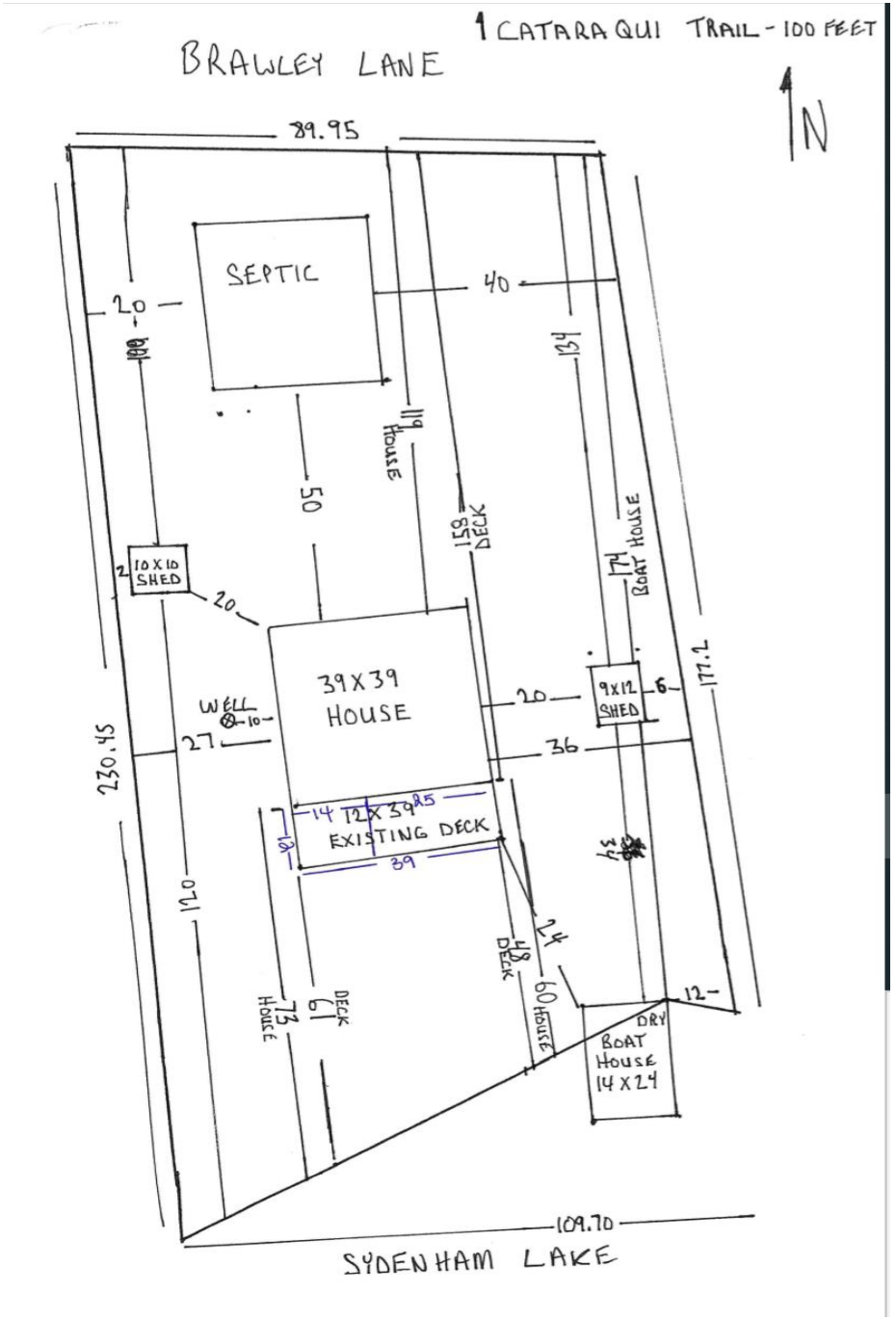
Application: MV-31-20-L
Owner: Brett & Meredith Prikker



Application: MV-31-20-L
Owner: Brett & Meredith Prikker

Proposal

An application for minor variance has been received to permit the construction of an 15.6 metre2 (168 feet2) attached covered deck and 28 metres2 (300 feet2) attached sunroom located 14.6 metres (48 feet) from the highwater mark of Sydenham Lake. The subject property also require a variance for lot coverage of 14.6%.



Application: MV-31-20-L
Owner: Brett & Meredith Prikker

Relief Sought

Official Plan Designation: Rural	**Zoning:** RW – Waterfront Residential zone
Zoning Relief Requested:	
Section 5.8.2 a): Flooding and Shoreline Erosion Hazards	**Relief:** To permit the construction of a an attached covered deck and sunroom located 14.6 metres (48 feet) from the highwater mark, whereas the Zoning By-law requires a 30 metre setback from the highwater mark for all buildings and structures..
Section 8.3.1: Lot Coverage and High Water Mark Setback	**Relief: T**o allow 14.7% lot coverage on the property, whereas the Zoning By-Law allows a maximum of 5%. **Relief:** To permit the construction of an attached covered deck and sunroom located 14.6 metres (48 feet) from the highwater mark, whereas the Zoning By-law requires a 30 metre setback from the highwater mark.

The application, as presented, meets the four tests for a minor variance under the *Planning Act*.

Application: MV-31-20-L
Owner: Brett & Meredith Prikker



View of deck and proposed sunroom location.

Application: MV-31-20-L
Owner: Brett & Meredith Prikker

Comments

- **Public Services Department –** Public Services was not circulated the application as the property is located 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.

- **KFL&A Public Health –** Comments received from KFL&A on September 9, 2020 indicate that staff have no objection to the minor variances as presented.

- **Cataraqui Conservation –** Comments received from Cataraqui Conservation Staff on September 1, 2020 staff note that there is already existing development within the 30 metre setback and the footprint is not being increased. Staff recommend that roof runoff be directed away from the shoreline to allow for a greater filtration buffer area. Cataraqui Conservation Staff have no objection to approval of application MV-31-20-L based on their consideration for natural hazards, natural heritage and water quality protection policies.

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

Application: MV-31-20-L
Owner: Brett & Meredith Prikker
Location of Property: Part Lot 7, Concession 6, being parts 1, 2 & 3 on Plan 13R16603 and Parts 4, 5 & 6 on Plan 13R16605 District of Loughborough, Township of South Frontenac, municipally known as 1046 Brawley Lane.

Recommendation:

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-31-20-L, subject to conditions.

Application: MV-31-20-L
Owner: Brett & Meredith Prikker

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;
- The Plans submitted to obtain a building permit must demonstrate that roof runoff will be directed away from the shoreline to allow for a greater filtration buffer area
- MV-31-20-L is only applicable to South Frontenac Township Comprehensive Zoning By-Law 2003-75 and not to any subsequent zoning by-laws.

Questions from Committee Members

Upon the Chair asking if any members would like to speak to the matter, please remember to unmute yourself before you begin to speak.

Comments from the Applicant and/or the Agent

If you would like to speak:

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Comments & Questions from 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.

Other Business

Consents approved by Consent Granting Authority

- S-04-20-S (Harrison)
- S-21-20-P (McCullough) (Tolles & Hughes)

Township of South Frontenac Committee of Adjustment Meeting

Conclusion/Adjournment

REPORT TO COMMITTEE OF ADJUSTMENT
PLANNING DEPARTMENT

MINOR VARIANCE – PLANNING REPORT

Report Date: September 3, 2020

Application No: MV-09-20-L
Owner: Bill O'Leary
Location of Property: Part Lot 16, Concession 3, being Part 1 on Plan 13R3284, , District of Loughborough, Township of South Frontenac, municipally known as 3865 Corkey Road
Purpose of Application: To vary 5.8.2a, 5.10.2 and 8.3.1 of the Township of South Frontenac Zoning By-law
Date of Hearing: September 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 to an existing structure

___ zoning relief for other

Official Plan Designation: Rural	**Zoning:** Residential Waterfront – RW
Zoning Relief Requested:	
Section 5.8.2 a): Flooding and Shoreline Erosion Hazards	**Relief:** To permit the construction of a deck with a minimum highwater mark setback of 10.36 metres (34 feet), whereas the By-law requires a 30 metre (98.4 feet) setback from the high water mark for all buildings and structures.
Section 5.10.2: Existing Buildings within 30 Metres of a Waterbody	**Relief:** To permit the enlargement (height and living space) of a portion of a non-complying structure, in this case a second storey addition to an existing dwelling, with a highwater mark setback of 10.36 metres (34 feet).
Section 8.3.1: Waterbody Setback and Lot Coverage	**Relief:** To permit the construction of an attached deck with a minimum highwater mark setback of 10.36 metres (34 feet), whereas the By-law requires a 30 metre (98.4 feet) setback from the high water mark for the principal building. **Relief**: To permit a lot coverage of 9.4% for the existing principal dwelling and deck, whereas the By-law permits a maximum of 5%.

Review:

This application:

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

Proposal

An application for minor variance has been received to reduce the required setback from the highwater mark from 30 metres (98.4 feet) to 10.36 metres (34 feet) for the construction of a deck attached to the principal dwelling. The applicants are also seeking relief for lot coverage as the attached deck will increase lot coverage from 8.7% to 9.4%. The lot coverage increase is for the principal dwelling and does not include accessory buildings. Furthermore, the applicants are seeking relief to permit an addition on the second storey of the existing dwelling increasing both the height and living space of a legal non-complying structure.

The subject property, is municipally known as 3865 Corkey Road and is approximately 0.4 acres (0.16 hectares) in area, located near the end of Corkey Road. The property contains an existing single detached dwelling with attached deck and a detached garage. The dwelling is setback of 10.36 metres (34 feet) from the high water mark of Loughborough Lake.

The current 20.16 metre^2 (217 feet^2) attached deck is proposed to be removed and replaced with the new proposed deck. The proposed deck is a second storey deck that will be constructed on posts. The proposed deck will be 30 metre^2 (330 feet^2) and setback 10.36 metres (34 feet) from the high water mark of Loughborough Lake. The proposed deck is L shaped with a 1.2 metre (4 feet) wide section of deck along the front of the dwelling extending towards the west, going no closer than the principal dwelling to the high water mark (see attached drawing). The shoreline extends further out on the west side of the property which creates some additional space outside of the 10.36 metres (34 foot) setback and allows for a wider deck at the west end of the house. The addition of the deck will increase the lot coverage from 8.7% to 9.4%.

Relief is also required for the enclosing of a sun room and an addition on the second floor which will increase the volume of living space and height for a non-complying structure. The dwelling currently has a screened-in porch facing the lake which will be completely enclosed and converted to living space. The floor area of the portion of the dwelling to be enclosed as living space is 23.96 metre^2 (258 feet^2). The second story addition to the dwelling is not getting closer to the highwater mark, is it not going higher than the existing height of the existing roof line of the other part of the dwelling and will not increase footprint of the dwelling or lot coverage.

The applicant has indicated that they will lose their outdoor space by converting their screened-in porch. The terrain on which their property sits slopes down to the water and the applicants prefer the safety of a deck. The property gently slopes down towards the lake. The applicants wish to have a deck that can be enclosed with railings to keep small children away from the lake. The applicants are proposing to re-naturalize the shoreline as per a recommendation from the EIA with Red Bush Dogwood/ Juniper Bush with white cedar.

<u>Original Proposal</u>

The application was modified twice by the applicant, in response to comments from Township Staff and Staff at the Conservation Authority. The first application required relief from the highwater mark from 30 meters (98.4 feet) to 9.14 metres (30 feet), an increase in height of a legal non-complying structure due to the second story addition and an increase in lot coverage from 7% to 8%.

The application was deferred at the July 9, 2020 hearing as Cataraqui Conservation and the Ministry of Environment, Conservation and Parks had concerns due to the deck encroachment further, than the existing deck into the water setback.

The applicant worked together with Township Staff and Cataraqui Conservation Staff to address consideration for natural hazards and water quality protection policies, the "at capacity" status of the West Basin of Loughborough Lake, and the nature of its sensitivity to ongoing nutrient loading and encroachment pressures resulting in cumulative impacts to the water quality of the lake. The applicant revised their application and made a second submission which included a proposed deck of 45 metre^2 (487 feet^2) which would go no closer to the lake than existing principal dwelling. The second submission proposed a deck that would have resulted in an increase of lot coverage from 8.7% to 10.3%. Staff asked applicant to revise the size of their deck. In response the applicant made a third submission which is the current proposal.

Agency Comments

Public Services – The property has an existing entrance on a private lane and therefore, Public Services was not circulated.

KFL&A Public Health – In consultation with KFL&A Public Health, it was determined that KFL&A Public Health was not required to be circulated as there is less than a 15% increase in living space. KFL&A have indicated that the separation to structure and septic tank would be addressed at the permit stage.

Cataraqui Conservation – Comments received on June 29, 2020 from Cataraqui Staff recommended denial of application MV-09-20-L based upon their consideration for natural hazards and water quality protection policies, the "at capacity" status of the West Basin of Loughborough Lake, and the nature of its sensitivity to ongoing nutrient loading and encroachment pressures resulting in cumulative impacts to the water quality of the lake. Cataraqui Conservation staff provided further clarification that they have no objections to the second storey addition and converting an existing covered porch into living space. Cataraqui Conservation did not support the initial application as the deck was proposed to further encroach into the water setback.

Comments were received on September 1st from Cataraqui Conservation on the current proposal and Conservation Authority Staff have no objection to the approval of application MV-09-20-L based upon their consideration for natural hazards and water quality protection policies. Staff note that the applicant has provided a revised plan so that the proposed deck will not encroach further into the water setback than existing development. The applicant has also reduced the overall size of the proposed deck by incorporating an existing deck into the footprint of the structure. This minimizes the increase to total lot coverage which can now be supported.

Ministry of Environment, Conservation and Parks – Comments received on June 29, 2020 from Ministry of Environment, Conservation and Parks (MECP) raised the same concerns as Cataraqui Conservation Staff.

Comments received on September 1st from MECP Staff, indicate that MECP supports the opinion of the Cataraqui Conservation Staff in their policy position on this file. In addition MECP Staff recognize the changes the applicant has made to ensure the deck sets no close to the highwater mark than the existing structure.

Public Comments – At the time of the writing of this report, four (4) written comments have been received from the public.

1) Comments were received from Thomas Murphy on July 13, 2020, who lives directly besides the O'Leary's on the west side. It is their opinion that the application will have a positive impact on the Bay and comments indicated support for the application.
2) Comments were received from Joel Laflamme on July 13, 2020 who lives at 3872 Corkey Road. Comments expressed that the construction will positively enhance the property and the neighbourhood.
3) Comments were received from James and Bertha Staddon on July 13, 2020 which indicated that they have no objections to the application and support it 100%.

4) Comments were received from Suzanne Billing on July 7, 2020 indicating that they have no objection to the variance has however requested more information about the minor variance process, and how decisions are made.

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 application conform to the general intent and purpose of the Official Plan?

a) The subject property is designated Rural in the Official Plan. As per Section 5.7, lands designated Rural are characterized by a rural landscape which reinforces the historical relationship between Settlement Areas and the surrounding farm, rural and seasonal residential communities to which the Settlement Areas provide basic services. The amount and type of development in the Rural area shall be consistent with maintaining its rural, natural heritage and cultural landscape.

- The proposed minor variance conforms to the general intent and purpose of the Official Plan as the proposed development (construction of deck and second story addition) is consistent with the permitted residential use of the property.

b) Section 5.2.7 b)(i) Policies for Development and Site Alterations Adjacent to Lakes and Rivers speaks to all lands within 90 metres (295 feet) of the high water mark of all lakes and rivers which are not designated Environmental Protection are included as Environmentally Sensitive Areas. Where development and site alterations are proposed in Environmentally Sensitive Areas, a minimum setback of 30 metres (98.4 feet) from the high water mark shall apply for all buildings and structures. Furthermore, Section 5.2.7 b)(ii) 3) Policies for Development and Site Alterations Adjacent to Lakes and Rivers requires that proposals to construct additions to existing dwellings that are already within the 30 metre setback may be permitted but will be evaluated on the merits of the proposal based on the following:

a) The ultimate gross floor area, building footprint and lot coverage being proposed;
b) The closeness of the existing dwelling to the high water; and
c) The capacity of the lot to accommodate new development at a greater setback from the high watermark.

In no case shall an already encroaching structure be permitted to encroach further on the setback from the highwater mark.

- The existing dwelling has a setback of 10.5 metres (34 feet) from the closest point of the dwelling to the high water mark of Loughborough Lake. The enclosing of the sunroom, and the second storey addition will not will not reduce the highwater mark setback any further nor will it increase lot coverage. The deck will not reduce the highwater mark setback any further. Due to the angle of the house, the shoreline extends further on the west side of the property which affords some more space outside of the 34 foot setback for a wider deck at the west end of the house. The proposed deck will increase lot coverage from 8.7% to 9.4% for the principal dwelling, a minimal increase to allow entrance on to a 4 foot portion of deck that extends the width of the sunroom and connects to the main deck. The subject property is quite constrained and there is limited opportunity for all development to meet the 30 metre setback required by the Official Plan.

c) Section 5.2.8 Lake Trout Lakes identifies Loughborough Lake as a Highly Sensitive Lake Trout Lake. All development or site alterations proposed within 30 metres (98.4 feet) of the high water mark require the submission of an Environmental Impact Assessment prepared in accordance with Section 5.2.11. This policy is consistent with Section 5.2.8 (a)(iv) Highly Sensitive Lake Trout Lakes which requires that minor variance applications be accompanied by an Environmental Impact Assessment in accordance with Section 5.2.11.

- The applicant provided a Preliminary Environmental Impact Assessment (EIA) (Ontario Lake Assessments, 07, January, 2020) in support of the original proposed deck and addition to the existing dwelling. The EIA recommends remediation measures to re-naturalize the area between the lake and the proposed residence with native trees and shrubs. The report concludes that the proposed development inclusive of remediation recommendations will not cause any measurable environmental impact on Loughborough Lake and is considered minor. The recommended remediation efforts are incorporated as conditions of the minor variance.

2. Does the application conform to the general intent and purpose of the Zoning By-law?

a) Consistent with Official Plan policy, Section 5.8.2 a) of Zoning By-law 2003-75 prohibits development within 30 metres (98.4 feet) of the high water mark of a waterbody. Section 5.10.2 further describes that where a building is located within the 30 metre setback from the highwater mark, it may be renovated or repaired provided that there is no enlargement of the structure, both in terms of floor area and height. Section 8.3.1 of the Zoning By-law details the permitted uses and zone regulations for the residential waterfront zone including lot coverage.

- The intent of these zoning provisions is to maintain a shoreline buffer of 30 metres in an effort to preserve water quality and character of the Township's waterbodies and waterways. The application conforms to the general intent of the Zoning By-law as the applicant is largely replacing an existing deck with a slightly larger deck going no closer to the lake than the existing non-complying setback of the existing dwelling with the exception of increase in lot coverage, as the proposed deck. The enclosure of the sunroom and the second story addition are located no closer to the highwater mark than the existing dwelling and the second story addition is not going higher than the current height of the existing dwelling. The proposed deck will increase lot coverage of the principal dwelling from 8.7% to 9.4%, a minimal increase to allow safe entrance to the deck from the sunroom.

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

- The variances are desirable for the appropriate development of the land, as the proposed single detached dwelling is consistent with the intended residential use of the property and the proposed deck is located no closer to the highwater mark than the existing dwelling. The applicants are also agreeable to implementing a shoreline remediation plan.

4. Is the application minor?

- The variances are minor, as there will be no negative impact on surrounding properties as a result of constructing a deck and second storey addition at the proposed location on the property. The proposed deck is in a reasonable in size and location for its purpose.

Conclusion

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-09-20-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 decision

1. The Minor variance is for the construction of be 30 metre^2 (330 feet^2) attached deck no closer than 10.36 metres (34 feet) from the highwater mark of Loughborough Lake and an second storey addition of 23.96 metres^2 (258 feet^2) and to permit the enclosure of the sunroom as per the drawings submitted with MV-09-20-L, attached to the Decision as Schedule "A".

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 prior to the issuance of a building permit:

    a. Preparation of a shoreline remediation plan in general conformity with site plan submitted on August 11, 2020. The purpose of the plan is to create and re-natrualize the area between the lake and the proposed residence (the buffer strip) with native trees and shrubs. The plan shall be reviewed by the Township prior to the issuance of an occupancy permit under the Ontario Building Code. The plan shall be implemented within 6 months of an occupancy permit being issued for the construction approved through application MV-09-20-L.

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-09-20-L is applicable only to Township of South Frontenac Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.

Submitted by: Anna Geladi, Planner, Township of South Frontenac

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

Date of Site Visit: June 25, 2020

Attachments: Map of the O'Leary property

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): BILL O'LEARY

Full Mailing Address of Owner(s): 3865 CORKEY ROAD
INVERARY, ON. K0H 1X0

Phone number of Owner(s): 613-929-3779

Email Address of Owner(s): bill@havenhome.climatecare.ca

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: RICKY CRUZ

Full Mailing Address of Authorized Agent: 670 MELROSE ST.
KINGSTON ON, K7M 9G8

Phone number of Authorized Agent: 613-453-7425

Email Address of Authorized Agent: rickycruzdesigns@gmail.com

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 (FORMERLY)

Concession Number: CON. 3 Lot Number: LOT 16

Street Number: 3865 Name of Road/Street: CORKEY ROAD

Reference Plan Number: 13R-3284 Part Number(s): PART 1

Roll Number: 1029-060-020-08700

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): 121' (36.9m) Frontage (on road/lane): 179' (54.6m)

Depth: 97' (29.6m) Area: 18,547ft² (1723m²)

5. The current zoning of the subject land:

ZONE (RW) WATERFRONT RESIDENTIAL ZONE

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

CONSENT TO ENCROACH EXISTING REAR YARD SET BACK + HIGH WATER MARK SET BACK

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

PROPOSED NEW EXTERIOR DECK ENCROACHES REAR YARD SETBACK BY 3'0" (0.914m)

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

Name of Road/Lane:

CORKEY ROAD

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

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:

REV#1 c

Type of Structure (E.g. residence)	(1) RESIDENCE	(2) GARAGE	(3)	(4)
Setback from Front Lot Line	EXISTING 103' (31.39m)	EXISTING 10'-0" (3.050 m)		
Setback from Rear Lot Line	EXISTING 38' (11.58m)	EXISTING 119' (36.56m)		
Setback from Side Lot Line	EXISTING 17' (5.18m)	EXISTING 60' (18.47m)		
Height of Building (Also indicate if it is one story or two story)	EXISTING TWO STORY (27'-11") (8.49)	EXISTING 10' (APPROX) (3.050 m)		
Dimensions of Floor Area	EXISTING 1303 ft² (121.05m²)	EXISTING (576 ft²) (53.5 m²)		
Setback from High Water Mark (If applicable)	EXISTING 38' (11.58m)	EXISTING 119' (36.56 m)		

13. The proposed uses of the subject land:

RESIDENTIAL (EXISTING)

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: (AUG 5, 2020.) (AUG 5th, 2020.) (AUG 10th/20) (AUG 11th)

	(1) N/A	(2)	(3)	(4)
Type of Structure (E.g. residence)	PROPOSED EXTERIOR DECK.		REVISED EXTERIOR DECK	REVISED EXTERIOR DECK
Setback from Front Lot Line	PROPOSED 134'-9" (41.07m)		PROPOSED 111'-6" (33.99m) →	" "
Setback from Rear Lot Line	PROPOSED 30'-0" (9.14m)		PROPOSED 34'-0" (10.36m) →	" "
Setback from Side Lot Line	PROPOSED 31'-7" (9.62m)		PROPOSED EAST 28'-9 (8.78m)	PROPOSED WEST 43'-8 (13.30m)
Height of Building (Also indicate if it is one story or two story)	PROPOSED 8'10" (2.69m)		PROPOSED 8'-10" (2.69m) →	" "
Outside Dimensions of Building/Structure	PROPOSED DECK. 23'-0" X 8'-0" (184ft²) = (17m²)		PROPOSED DECK (OVERALL DIMS) 17'-9" X 44'-1" (5.42m X 13.44m)	AREA = 487ft² (45.24m²)
Setback from High Water Mark (If applicable)	PROPOSED 30'-0" (9.14m)		PROPOSED 34'-0" (10.36m) →	" "

" " (49'-1" 14.9m) 45'-7" (13.9m) " "

A = 388ft² 36m² A = 330ft² 30m²

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:

(AUG 5th, 2020) MINOR REMOVAL/ALTERATION TO EXTERIOR WALL.
- REMOVAL OF EXISTING EXTERIOR WOOD DECK.

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

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:

November 2018

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

1950's (House)

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

1950's

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:

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:

Individual Septic

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

ditches

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.

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.

N/A

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:

DATED AT THE TOWNSHIP OF SOUTH FRONTENAC

THIS 06 DAY OF MARCH, 20 20

I, RICKY CRUZ OF KINGSTON, ON.
solemnly declare that all the statements contained in this application are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Signature of Applicant or Authorized Agent

Signature of Applicant or Authorized Agent

DECLARED before me at the TOWNSHIP OF SOUTH FRONTENAC (IN THE COUNTY OF FRONTENAC)

THIS 6th DAY OF March, 20 20

A Commissioner, etc.

Michelle Katherine Hannah, a Commissioner, etc., Province of Ontario, for the Corporation of the Township of South Frontenac. Expires April 17, 2022.

Ontario Lake Assessments
& Environmental Education Services

3654 Stage Coach Road
RR#3 Harrowsmith,
Ontario K0H 1V0
Tel: (613) 305-3863
rgenge@xplornet.ca

07 January 2020

COPY

Mr. Bill O'Leary
3865 Corkey Lane
Inverary, Ontario
K0H 1X0

REGARDS: Preliminary EIA for building application at 3865 Corkey Lane; Storrington District; South Frontenac Township; Loughborough Lake

Dear Bill O'Leary:

Thank you for joining me on a site visit to the above location on December 14, 2019. At the time of the site visit the snow that had fallen the previous week had melted such that the ground and all surfaces were clear and easily observed. Photos were recorded during the site visit.

This property is located on the south shore of the west basin of Loughborough Lake; the lake is designated 'at capacity' by the Ministry of Environment Conservation and Parks (MOECP) and as such protective measures are included in the South Frontenac Township Official Plan (OP) and Zoning By-law. The planning documents take direction from the Provincial Policy Statement (PPS). The PPS gives guidance to municipalities with regard to protecting matters of Provincial interest, in this case the water quality and lake trout fishery of Loughborough Lake and in addition the habitats of species at risk (SAR). The SAR locally are Blanding's turtles and gray rat snakes and their habitats. The protective measures in the OP are intended to either maintain or reduce the nutrient loading to the lake that result from shoreline development sources. Shoreline development sources include nutrient migration away from septic beds, lawns and hardened surfaces like rooftops, patios and decks. The removal of near-shore trees within the 30m setback (30m buffer) is a contributing factor; the trees act to intercept nutrient plumes and also stabilize near-shore slopes to prevent erosion to the lake.

Nutrients that reach the lake result in the growth of more algae (phytoplankton) which under severe conditions can impact lake trout habitat by way of oxygen loss during the period when the lake is stratified. Through in-situ water quality monitoring and lake modelling, Loughborough Lake has been determined to be highly sensitive to oxygen loss as a result and that sets the 'at capacity' designation. The 'at capacity' designation prevents the creation of new waterfront lots with the exception of sites that may meet very strict geochemical and physical conditions that prove total containment of nutrients. For existing vacant lots of record and for re-development the OP and Zoning By-law seek to maintain or improve the level of impact regarding nutrient migration from these sites, essentially development may occur on these sites with a view to achieve the least impact possible.

Site Observations: This site is a heavily impacted lot with regard to development near the shoreline. The entire structure is located closer to the water than 30m (100 ft); it is entirely within the normal 30m buffer.

.... 2

The area between the front wall of the residence and the lake is devoid of natural vegetation and is converted to a lawn. There are two wooden retaining walls (constructed of rail road ties) between the residence and the shoreline that create terraces. The entire lake front shoreline has been 'stabilized' with gabion baskets filled with crushed rock and then backfilled to create a lawn area. An existing detached garage is located to the southwest side of the permanent residence.

The Proposal: The proposal is to add a 25 ft. x 9 ft. elevated deck to the front of the residence on the lake side. The proposal will increase all-season living space by converting the existing screened in porch area to all-season use. The proposal does not increase the number of bedrooms but will allow for a reconfiguration of living space.

Potential Impacts: This proposal does not include any in-water or near-shore work; it does not require filling, excavating or drainage works near the water; that work was all done under previous ownership when the gabion baskets were installed.

There are no impacts to species at risk (SAR) as a result of this proposal. The proposed footprint of this elevated deck does not contain habitats for the species indicated.

This property would benefit from some shoreline re-naturalization

- Environmentally, this property would benefit from a remediation measure to re-naturalize the area between the lake and the proposed residence (the buffer strip) with native trees and shrubs. In time, these trees will act to intercept and sequester nutrient movement toward the lake into their biomass as well as diminish the urban appearance from the water.

In my opinion, this deck addition as proposed, inclusive of remediation recommendations, will not cause a measurable impact on Loughborough Lake and therefore should be considered minor.

If you have any questions in the above regard, please feel free to give me a call.

Respectfully yours,

Reginald Genge B.Sc.
Ontario Lake Assessments
3654 Stage Coach Road
RR #3
HARROWSMITH, Ontario
K0H 1V0
rgenge@xplornet.ca
613-305-3863

Copy to:

Trudy Gravel, Planner
Township of South Frontenac
4432 George St.
Box 100
Sydenham, Ontario
K0H 2T0

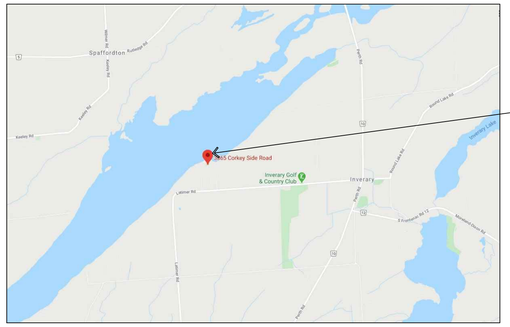
MNOR RENOVATION

NEW EXTERIOR DECK
(MINOR VARIANCE)

3865 CORKEY ROAD, INVERARY, ONTARIO.

OWNER/CLIENT:

MR. BILL O'LEARY & MS. LEAH TORRES
3865 Corkey Lane
Inverary, Ontario, KOH 1X0
Tel: 613-929-3779
Email: bill@havenhomeclimatecare.ca



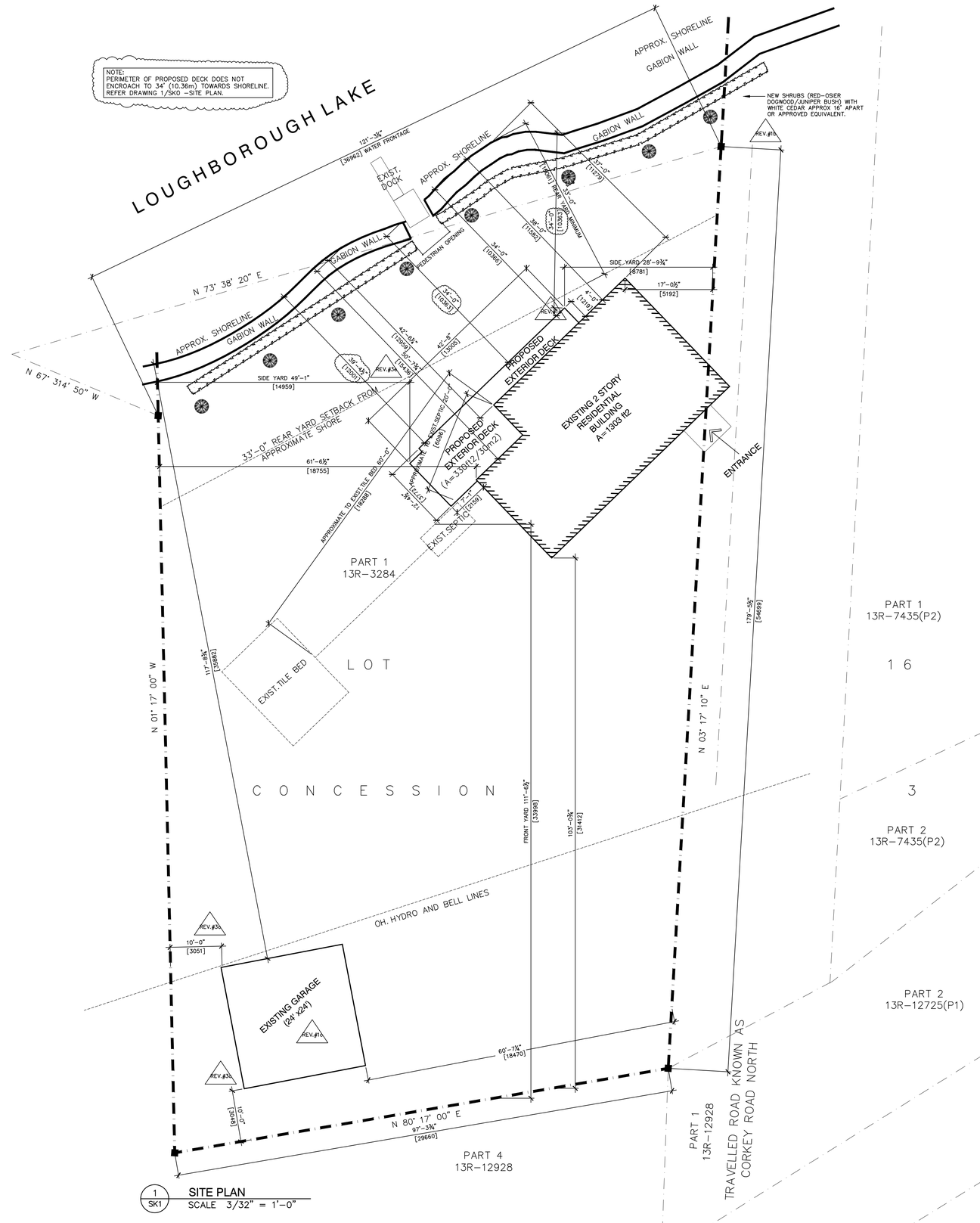
1 / SK0 KEY MAP
SCALE 3/32" = 1'-0"

ZONING PROVISIONS – ZONE (RW)
WATERFRONT RESIDENTIAL ZONE
TOWNSHIP OF SOUTH FRONTENAC ZONING BY-LAW (FOR SINGLE DETACHED OR SEASONAL DWELLING)

ZONING PROVISIONS	REQUIRED	EXISTING RESIDENCE	PROPOSED EXTERIOR DECK
LOT AREA (MINIMUM)	10,000m² (107,642ft²)	EXISTING	N/A
ROAD FRONTAGE (MINIMUM)	76m MIN (250ft)	EXISTING	N/A
WATER FRONTAGE (MINIMUM)	91m MIN (300ft)	EXISTING	EXISTING
FRONT YARD (MINIMUM)	20m MIN (65.6ft)	EXISTING 103' (31.39m)	134'-0" (41.07m)
REAR YARD (MINIMUM)	10m MIN (33ft)	EXISTING 38'-0" (11.58m)	PROPOSED 9.14m (30'-0"ft) ENCROACHES REAR YARD SETBACK/HIGH WATER MARK 0.914m (3'-0") * (MINOR VARIANCE APPLICATION)
INTERIOR SIDE YARD (MINIMUM)	3m MIN (9.8ft)	EXISTING 17'-0" (5.18m)	31'-7" (9.62m)
EXTERIOR SIDE YARD (MINIMUM)	20m MIN (65.6ft)	EXISTING 61'-6" (18.75m)	59'-9" (18.232m2)
LOT COVERAGE (MAXIMUM)	5%	EXISTING	EXISTING
GROSS FLOOR AREA (MINIMUM)	59m² (635.1ft²)	EXISTING 1303 ft2 (121.05m2)	184ft2 (17m2)
BUILDING HEIGHT (MAXIMUM)	11m MAX (36.1ft)	EXISTING 27'-11" (8.49m)	8'-10" (2.69m)
OFF-STREET PARKING CHALL BE PROVIDED IN ACCORDANCE WITH SECTION 5.30.			

ITEM	ONTARIO BUILDING CODE DATA MATRIX			OBC REFERENCE
1	PROJECT DESCRIPTION: PROPOSED EXTERIOR DECK ☐ CHANGE OF USE		NEW ☐ ADDITION ■ ALTERATION ■	☐ PART 3 ■ PART 9 ☐ PART 11
2	MAJOR OCCUPANCY(S)	GROUP 'C'	N/A	
3	BUILDING AREA (m2)	EXISTING	184ft2 (17m2)	
4	GROSS AREA (m2)	EXISTING	N/A	
5	NUMBER OF STOREYS	2 STOREYS	N/A	
6	HEIGHT OF BUILDING (m)	EXISTING	8'-10" (2.69m)	
7	NUMBER OF STREETS/ ACCESS ROUTES	FACING 1 STREET	N/A	
8	BUILDING CLASSIFICATION	GROUP C	EXTERIOR DECK	
9	SPRINKLER SYSTEM PROPOSED	☐ ENTIRE BUILDING ☐ OFFICE PORTION ONLY ☐ IN LIEU OF ROOF RATING ☐ NOT REQUIRED		
10	STANDPIPE REQUIRED	☐ YES ☐ NO		
11	FIRE ALARM REQUIRED	☐ YES ☐ NO		
12	WATER SERVICE/SUPPLY IS ADEQUATE	■ YES ☐ NO		
13	HIGH BUILDING	☐ YES ■ NO		
14	CONSTRUCTION ☐ COMBUSTIBLE	☐ NON COMBUSTIBLE		
15	MEZZANINE(S) AREA (m2)	N/A		
16	TOTAL OCCUPANCY LOAD BASED ON ☐ m2 / PERSON	___ PEOPLE ■ DESIGN OF BUILDING		
17	BARRIER FREE DESIGN	☐ YES ☐ NO (EXPLAIN)		
18	HAZARDOUS SUBSTANCES	☐ YES ■ NO		
19	REQUIRED FIRE RESISTANCE RATING (FRR)	HORIZONTAL ASSEMBLIES FRR (HOURS)	LISTED DESIGN NO. OR DESCRIPTION (SG-2)	
		FLOORS N/A	N/A	
		ROOF N/A	N/A	
		MEZZANINE N/A	N/A	
		FRR OF SUPPORTING MEMBERS	LISTED DESIGN NO. OR DESCRIPTION (SG-2)	
		FLOORS N/A	N/A	
		ROOF N/A	N/A	
		MEZZANINE N/A	N/A	
20	SPATIAL SEPARATION – CONSTRUCTION OF EXTERIOR WALLS			

WALL	AREA OF EBF (m2)	L.D. (m)	L/H OR H/L	PERMITTED MAX. % OF OPENINGS	PROPOSED % OF OPENINGS	FRR (HOURS)	LISTED DESIGN OR DESCRIPTION	COMB. CONST.	COMB. CONSTR. NONC. CLADDING	NON-COMB CONSTR.
NORTH										
SOUTH										
EAST										
WEST										



1 / SK1 SITE PLAN
SCALE 3/32" = 1'-0"

THESE PLANS HAVE BEEN DESIGNED IN ACCORDANCE WITH THE ONTARIO BUILDING CODE.

PRELIMINARY
NOT FOR CONSTRUCTION

No.	DATE	DESCRIPTION	BY
9	20 AUG 11	REVISED AS PER TOWNSHIP COMMENTS (20.08.10.)	
8	20 AUG 10	REVISED AS PER TOWNSHIP COMMENTS (20.08.10.)	
7	20 AUG 05	REVISED AS PER TOWNSHIP COMMENTS (20.08.05.)	
6	20 AUG 04	REVISED AS PER CRCA SITE VISIT (20.07.30.)	
5	20 MAY 01	REVISED AS PER MV COMMENTS (20.04.03.)	
4	20 APR 28	ISSUED FOR CLIENT REVIEW	
3	20 MAR 07	ISSUED FOR MINOR VARIANCE	
2	20 MAR 05	ISSUED FOR MINOR VARIANCE	
1	20 FEB 21	ISSUED FOR CLIENT REVIEW	

REVISIONS

DETAIL REFERENCE SYMBOL
X / Y — detail No. X / drawing No. Y

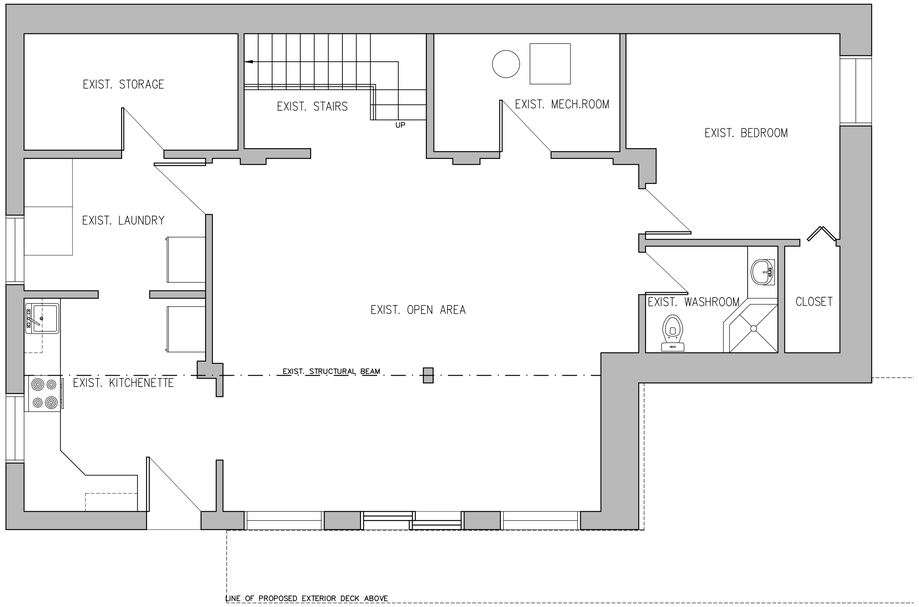
PROJECT:
MINOR RENOVATIONS
NEW EXTERIOR DECK
(MINOR VARIANCE)

LOCATION:
3865 CORKEY RD, SOUTH FRONTENAC ON.

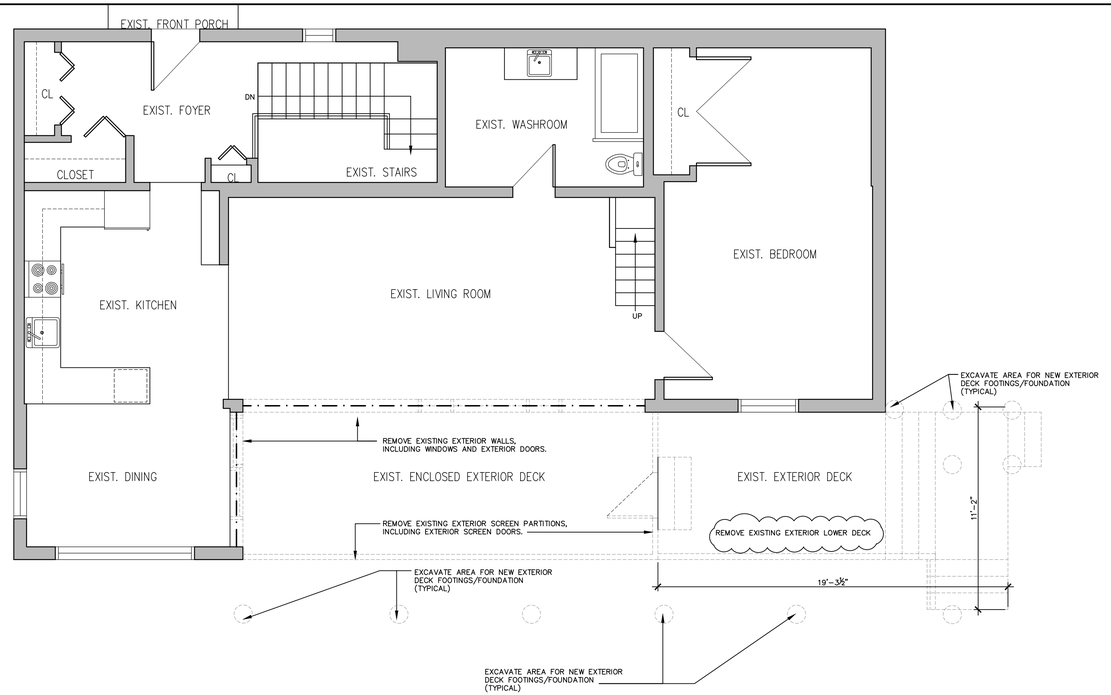
FOR:
MR. BILL O'LEARY

DRAWING:
SITE PLAN

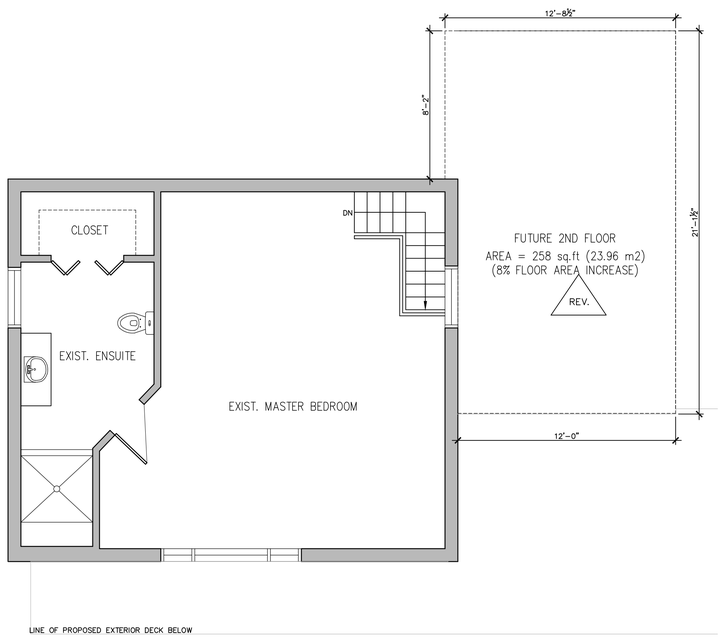
DWG. BY: RC			SCALE	DRAWING No.
DEPT.	CK'D BY	DATE	3/32" = 1'-0"	SK0
DES.				
W.D.			DATE FEB 2020	
SPEC.				
PROJECT No. 2020-04				2020-04-SK0



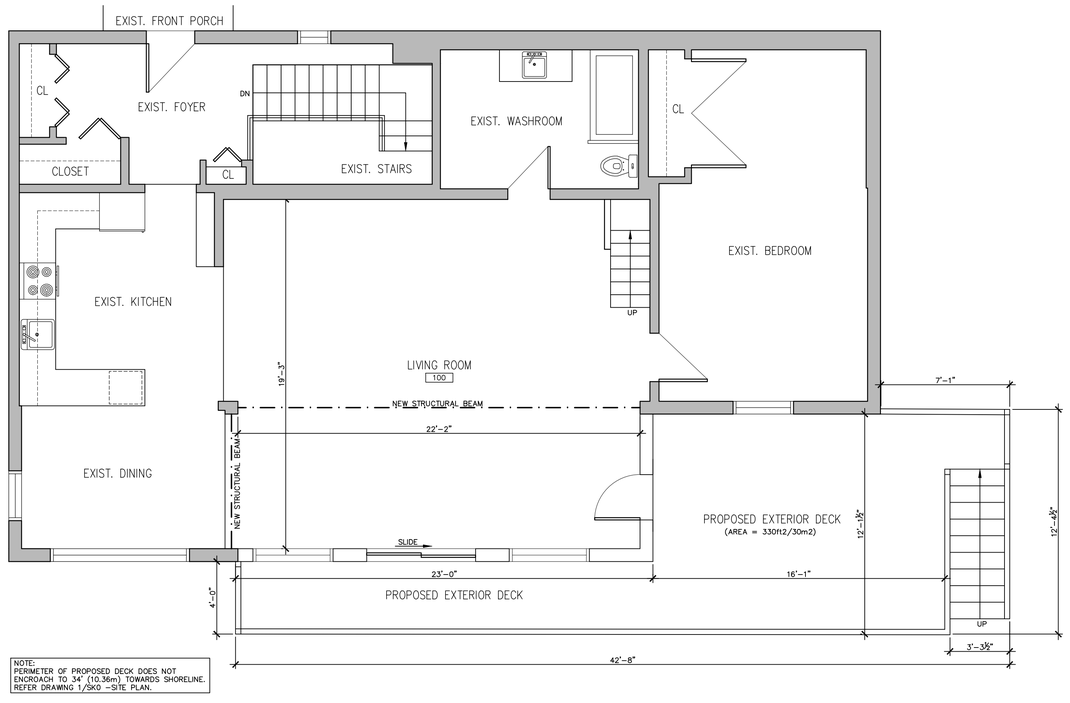
1 SK1 **EXISTING BASEMENT FLOOR PLAN**
SCALE 1/4" = 1'-0"



3 SK1 **EXIST./DEMO. MAIN FLOOR PLAN**
SCALE 1/4" = 1'-0"



3 SK1 **EXISTING SECOND FLOOR PLAN**
SCALE 1/4" = 1'-0"



4 SK1 **PROPOSED MAIN FLOOR PLAN**
SCALE 1/4" = 1'-0"

THESE PLANS HAVE BEEN DESIGNED IN ACCORDANCE WITH THE ONTARIO BUILDING CODE.

PRELIMINARY
NOT FOR CONSTRUCTION

No.	DATE	DESCRIPTION	BY
11	20 AUG 11	REVISED AS PER TOWNSHIP COMMENTS (20.08.10.)	
10	20 AUG 10	REVISED AS PER TOWNSHIP COMMENTS (20.08.10.)	
9	20 AUG 10	REVISED AS PER TOWNSHIP COMMENTS (20.08.10.)	
8	20 AUG 05	REVISED AS PER TOWNSHIP COMMENTS (20.08.05.)	
7	20 AUG 04	REVISED AS PER CRCA SITE VISIT (20.07.30.)	
6	20 MAY 01	REVISED AS PER MV COMMENTS (20.04.03.)	
5	20 APR 28	ISSUED FOR CLIENT REVIEW	
4	20 MAR 05	ISSUED FOR MINOR VARIANCE	
3	20 FEB 21	ISSUED FOR CLIENT REVIEW	
2	20 FEB 16	ISSUED FOR CLIENT REVIEW	
1	20 FEB 07	ISSUED FOR CLIENT REVIEW	

REVISIONS

DETAIL REFERENCE SYMBOL
X / Y — detail No. X, drawing No. Y

PROJECT:
MINOR RENOVATIONS
NEW EXTERIOR DECK
(MINOR VARIANCE)

LOCATION:
3865 CORKEY RD, SOUTH FRONTENAC ON.

FOR:
MR. BILL O'LEARY

DRAWING:
EXIST. EXTERIOR ELEVATIONS

DWG. BY: RC			SCALE
DEPT.	CK'D BY	DATE	1/4" = 1'-0"
DES.			
W.D.			DATE FEB 2020
SPEC.			

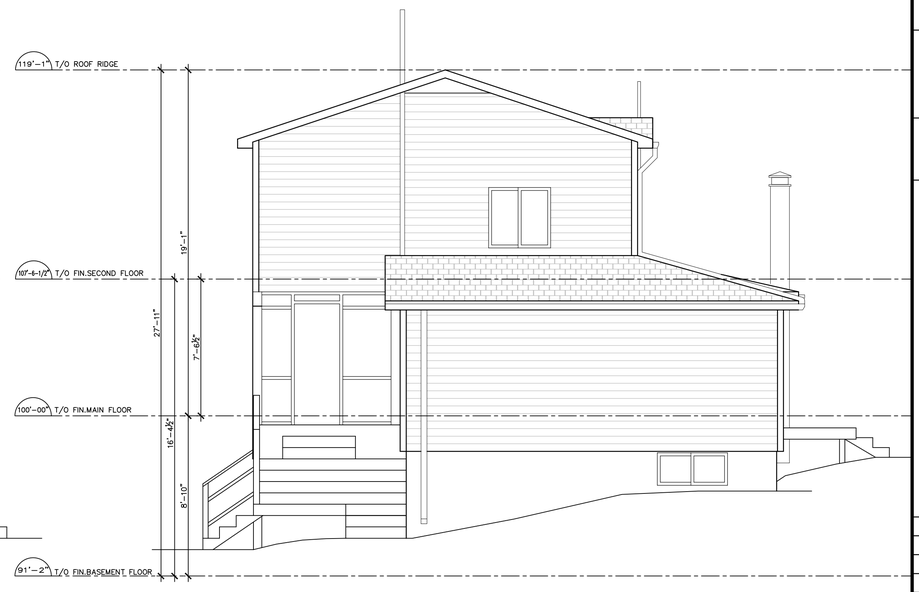
PROJECT No. 2020-04

DRAWING No. SK1

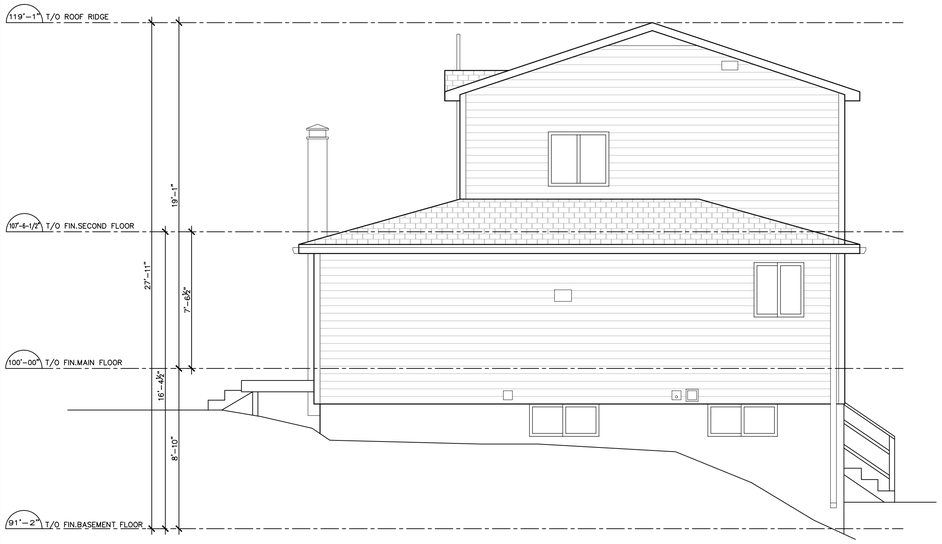
2020-04-SK1



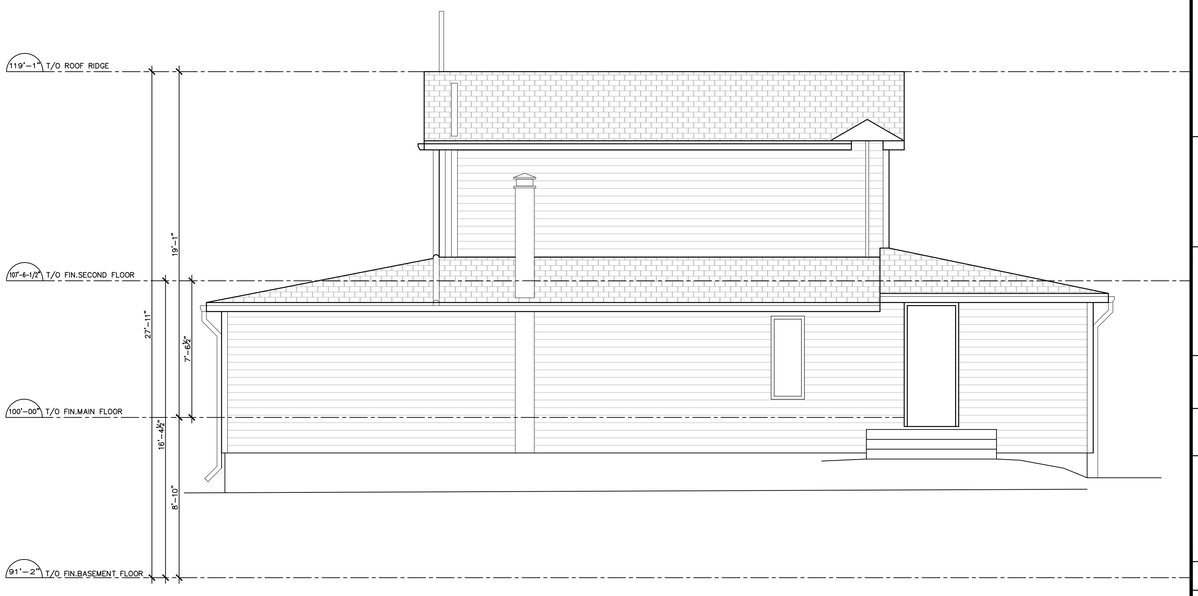
1 EX2 EXISTING NORTH ELEVATION
SCALE 1/4" = 1'-0"



3 EX2 EXISTING WEST ELEVATION
SCALE 1/4" = 1'-0"



2 EX2 EXISTING EAST ELEVATION
SCALE 1/4" = 1'-0"



4 EX2 EXISTING SOUTH ELEVATION
SCALE 1/4" = 1'-0"

THESE PLANS HAVE BEEN DESIGNED IN ACCORDANCE WITH THE ONTARIO BUILDING CODE.

PRELIMINARY
NOT FOR CONSTRUCTION

No.	DATE	DESCRIPTION	BY
9	20 AUG 11	REVISED AS PER TOWNSHIP COMMENTS (20.08.10.)	
8	20 AUG 10	REVISED AS PER TOWNSHIP COMMENTS (20.08.10.)	
7	20 AUG 05	REVISED AS PER TOWNSHIP COMMENTS (20.08.05.)	
6	20 AUG 04	REVISED AS PER CRCA SITE VISIT (20.07.30.)	
5	20 MAY 01	REVISED AS PER MV COMMENTS (20.04.03.)	
4	20 APR 28	ISSUED FOR CLIENT REVIEW	
3	20 MAR 05	ISSUED FOR MINOR VARIANCE	
2	20 FEB 21	ISSUED FOR CLIENT REVIEW	
1	20 FEB 07	ISSUED FOR CLIENT REVIEW	

REVISIONS

DETAIL REFERENCE SYMBOL
X / Y — detail No. X, drawing No. Y

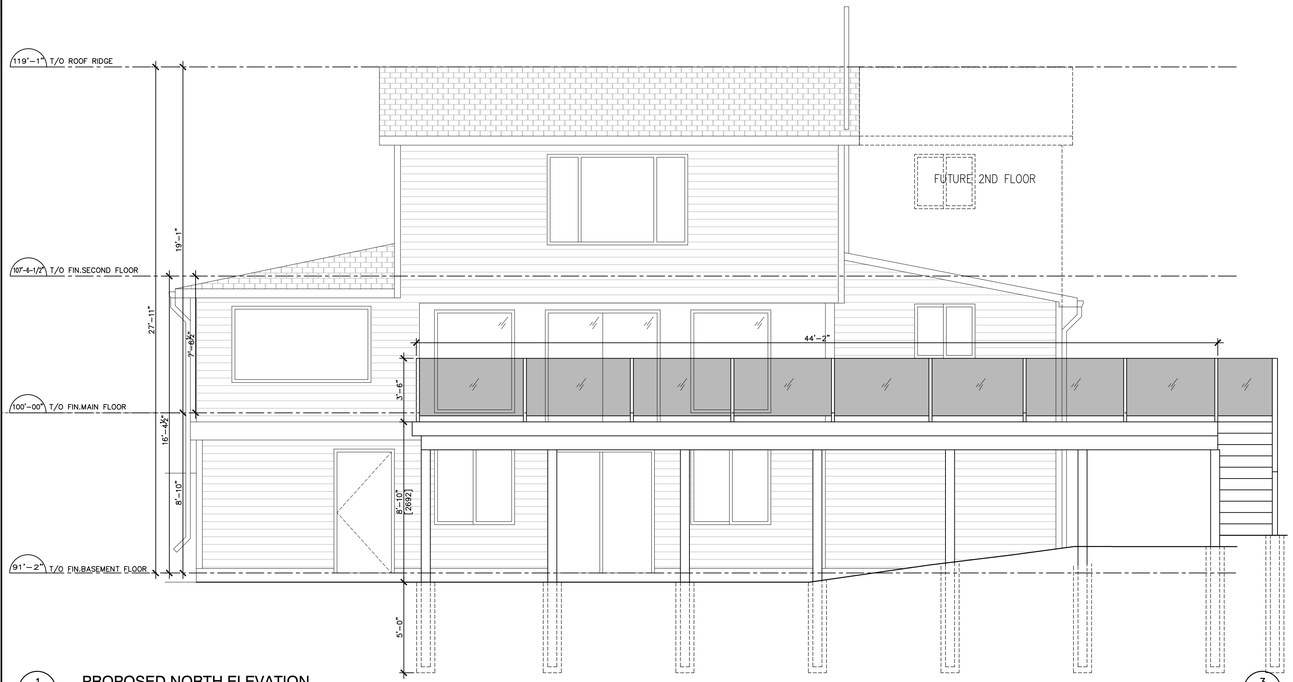
PROJECT:
MINOR RENOVATIONS
NEW EXTERIOR DECK
(MINOR VARIANCE)

LOCATION:
3865 CORKEY RD, SOUTH FRONTENAC ON.

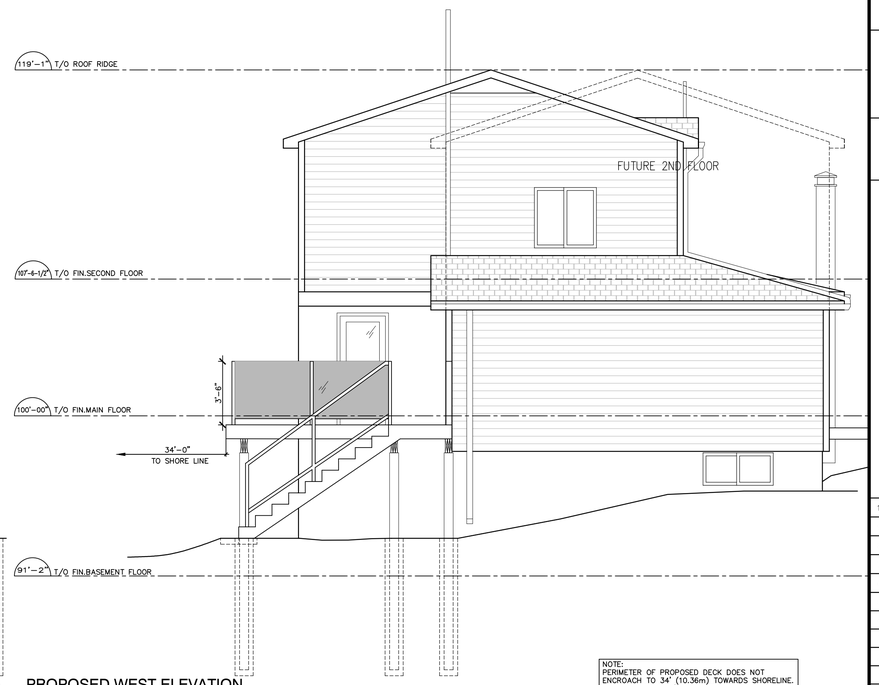
FOR:
MR. BILL O'LEARY

DRAWING:
EXIST. EXTERIOR ELEVATIONS

DWG. BY: RC			SCALE	DRAWING No.
DEPT.	CK'D BY	DATE	1/4" = 1'-0"	SK2
DES.				
W.D.			DATE FEB 2020	
SPEC.				
PROJECT No. 2020-04				2020-04-SK2

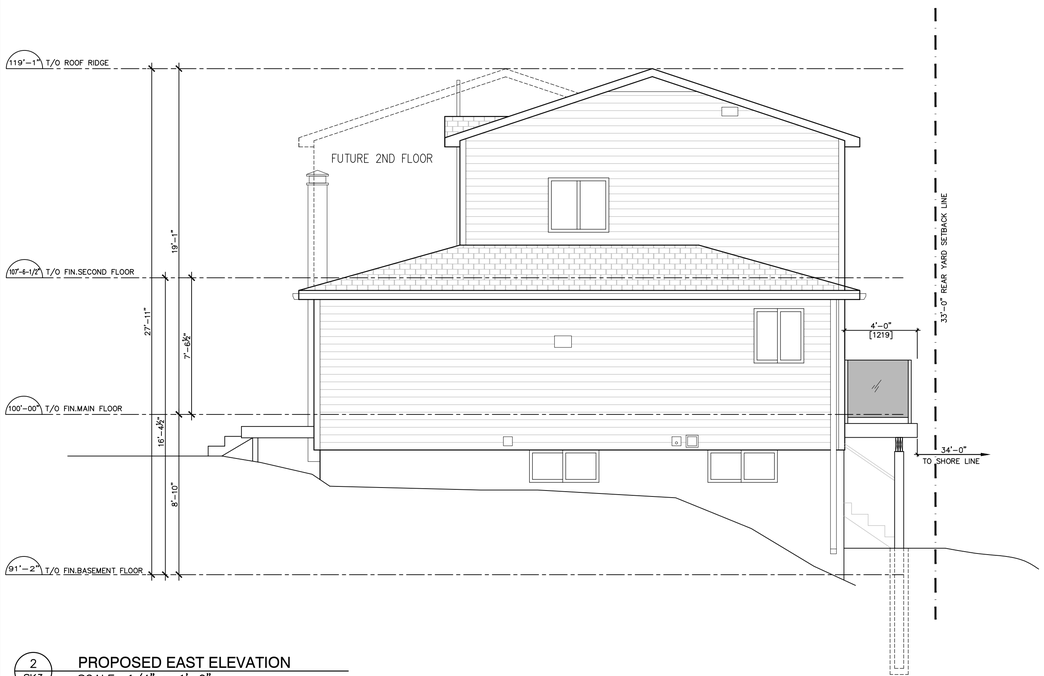


1 SK3 PROPOSED NORTH ELEVATION
SCALE 1/4" = 1'-0"



3 SK3 PROPOSED WEST ELEVATION
SCALE 1/4" = 1'-0"

NOTE:
PERIMETER OF PROPOSED DECK DOES NOT ENCROACH TO 34' (10.36m) TOWARDS SHORELINE. REFER DRAWING 1/SK0 -SITE PLAN.



2 SK3 PROPOSED EAST ELEVATION
SCALE 1/4" = 1'-0"



4 SK3 EXISTING SOUTH ELEVATION
SCALE 1/4" = 1'-0"

NOTE:
PERIMETER OF PROPOSED DECK DOES NOT ENCROACH TO 34' (10.36m) TOWARDS SHORELINE. REFER DRAWING 1/SK0 -SITE PLAN.

THESE PLANS HAVE BEEN DESIGNED IN ACCORDANCE WITH THE ONTARIO BUILDING CODE.

PRELIMINARY
NOT FOR CONSTRUCTION

No.	DATE	DESCRIPTION	BY
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4	20 MAR 05	ISSUED FOR MINOR VARIANCE	
3	20 FEB 21	ISSUED FOR CLIENT REVIEW	
2	20 FEB 16	ISSUED FOR CLIENT REVIEW	
1	20 FEB 07	ISSUED FOR CLIENT REVIEW	

REVISIONS

DETAIL REFERENCE SYMBOL
X / Y — detail No. X, drawing No. Y

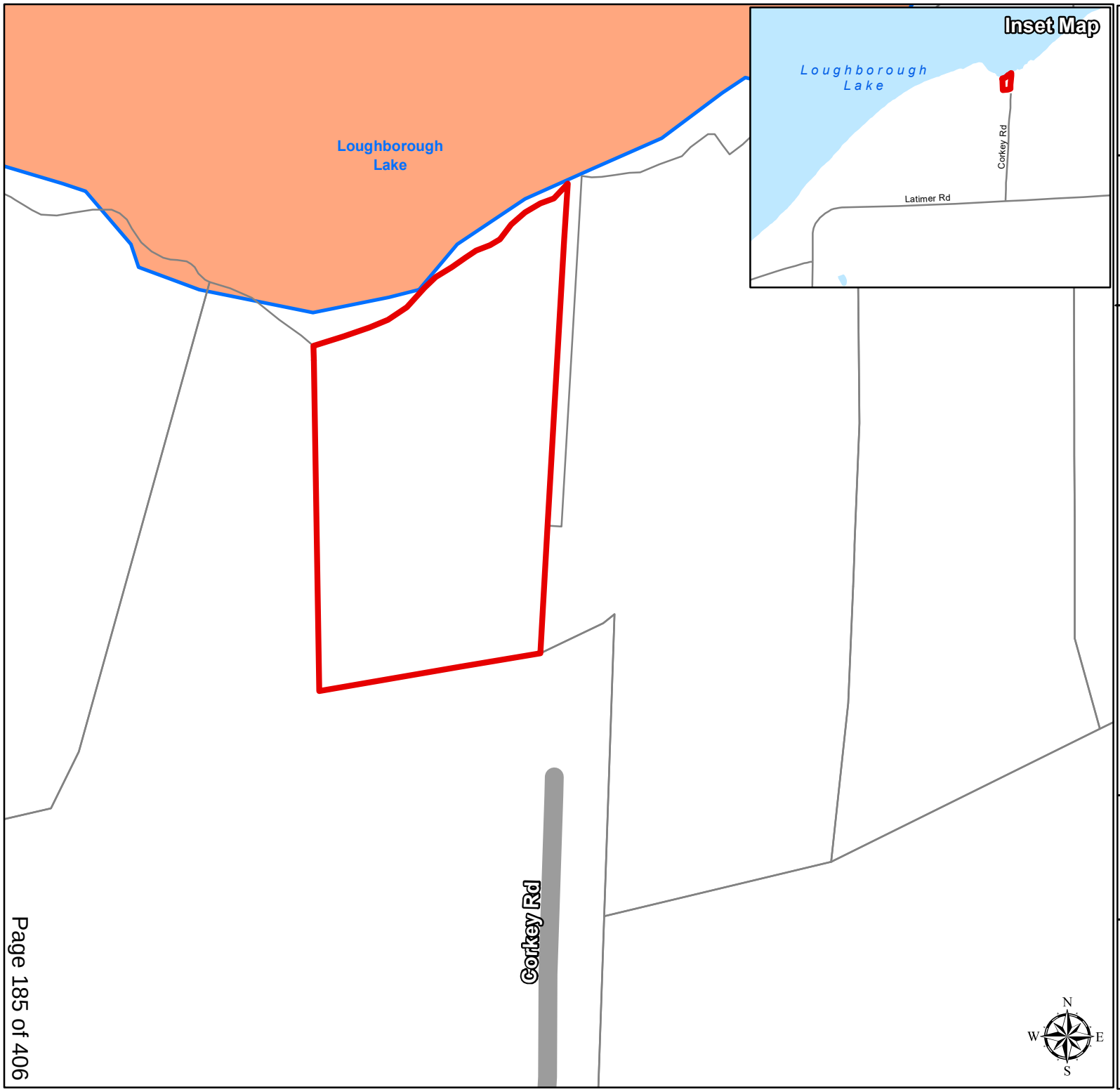
PROJECT:
MINOR RENOVATIONS
NEW EXTERIOR DECK
(MINOR VARIANCE)

LOCATION:
3865 CORKEY RD, SOUTH FRONTENAC ON.

FOR:
MR. BILL O'LEARY

DRAWING:
PROPOSED EXTERIOR ELEVATIONS

DWG. BY: RC			SCALE	DRAWING No.
DEPT.	CK'D BY	DATE	1/4" = 1'-0"	SK3
DES.				
W.D.			DATE FEB 2020	
SPEC.				
PROJECT No. 2020-04				2020-04-SK3



MV-09-20-L (O'Leary)

3865 CORKEY RD

Legend

- O'Leary property
- Parcel Fabric
- Provincially Significant Wetlands
- Wetland
- River/ Stream
- Lake Trout Lake - At Capacity
- Lake Trout Lake - Not at Capacity
- Non-Lake Trout Lake - At Capacity
- 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 1:700

0 3.25 6.5 13 19.5 26

Meters

UTM Projection NAD 83

September 1, 2020 File: MV/FRS/117/2020

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-09-20-L (O'Leary) – 2nd Submission
Part Lot 16, Concession 3; 3865 Corkey Road
Loughborough District, Township of South Frontenac
Waterbody: Loughborough Lake (West Basin)

Cataraqui Conservation staff have reviewed a revised submission for 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 June 25, 2020, and again on July 30, 2020. ***Additional comments to those provided in our previous letter of June 29, 2020 are provided in bold italic font for quick reference.***

Summary of Proposal

The proposal involves the construction of a deck 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 10.36 metres*** in order to permit the construction of a deck.
- Increase lot coverage for the principal dwelling.

Site Description

The subject property is located on the southern shore of the west basin of Loughborough Lake. The topography of the site can be characterized as having a relatively steep slope up from the shoreline to the existing dwelling, then continuing to rise less steeply toward Corkey Road to the south. Presently, the lot contains a single-family dwelling, a garage and associated development.

The property is currently designated ‘Rural’ in the Official Plan and ‘Waterfront Residential Zone’ (RW) in the implementing Zoning By-law for South Frontenac Township. The west basin of Loughborough 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 Loughborough 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 Loughborough Lake. The maximum recorded water level for Loughborough Lake is 125.1 metres geodetic. For Loughborough 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 and site observations, 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 3 (horizontal):1 (vertical), plus an erosion access allowance of ***4 metres (for a low slope). Based upon a 2 metre high bank slope at the shoreline, staff estimate the total erosion hazard to be approximately 10 metres (3*2+4) measured inland from the toe of slope. Staff note that the proposed development will not encroach into the erosion hazard limit.***

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.

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 CRCA 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.

Staff recognize that, due to lot constraints, there is limited opportunity for all development to meet the 30 metre setback required by the Official Plan. In these cases, Section 6.1.7 c. of Cataraqui Conservation's Environmental Planning Policy is applied which suggests that development may be supported within the water setback area on existing, constrained lots based upon the circumstances of a given proposal and site, where the proposed development expands or replaces an existing building or structure, or is new development on a vacant lot, and:

i) the new building or structure is set back as far as possible from the highwater mark of a waterbody and all inland setbacks are minimized;
ii) the footprint of the new building or structure is minimized, with consideration for municipal maximum lot coverage provisions;
iii) suitable methods to minimize negative impacts on surface water and riparian lands are incorporated into the development.

The proposal is seeking relief to increase the maximum lot coverage for the principal dwelling from 7% to 8%. 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, such as the west basin of Loughborough Lake. Staff note that the total lot coverage (principal building plus accessory structures) is increasing from 10% to 11%.

In addition, the proposal involves the construction of a lakeside deck that encroaches 2.44 metres closer to the water than existing development. As noted above, Loughborough Lake is identified as a highly sensitive Lake Trout lake, and as such, the waterbody is afforded additional protections to ensure development does not negatively impact the water quality of the lake. Section 5.2.7 b) ii) 3) of the Official Plan states that "in no case shall an already encroaching structure be permitted to encroach further on the setback from the highwater mark."

Based upon the discussion above, staff do not support approval of the minor variance application.

The applicant has provided a revised plan so that the proposed deck will not encroach further into the water setback than existing development. The applicant has also reduced the overall size of the proposed deck by incorporating an existing deck into the footprint of the structure. This minimizes the increase to total lot coverage which can now be supported.

Recommendation

Staff have no objection to the approval of application MV-09-20-L based upon our consideration for natural hazards and water quality protection policies.

Ontario Regulation 148/06

Cataraqui Conservation, 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 Loughborough Lake is considered to extend inland to the top of the valley. If the minor variance is approved, 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)
Bill O'Leary, applicant (via e-mail)
Jon Orpana, Ministry of Environment, Conservation and Parks (via e-mail)

September 1, 2020 File: MV/FRS/117/2020

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-09-20-L (O'Leary) – 2nd Submission
Part Lot 16, Concession 3; 3865 Corkey Road
Loughborough District, Township of South Frontenac
Waterbody: Loughborough Lake (West Basin)

Cataraqui Conservation staff have reviewed a revised submission for 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 June 25, 2020, and again on July 30, 2020. ***Additional comments to those provided in our previous letter of June 29, 2020 are provided in bold italic font for quick reference.***

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- Increase lot coverage for the principal dwelling.

Site Description

The subject property is located on the southern shore of the west basin of Loughborough Lake. The topography of the site can be characterized as having a relatively steep slope up from the shoreline to the existing dwelling, then continuing to rise less steeply toward Corkey Road to the south. Presently, the lot contains a single-family dwelling, a garage and associated development.

The property is currently designated ‘Rural’ in the Official Plan and ‘Waterfront Residential Zone’ (RW) in the implementing Zoning By-law for South Frontenac Township. The west basin of Loughborough Lake is designated as a highly sensitive Lake Trout lake in the Official Plan for South Frontenac Township.

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In addition, the proposal involves the construction of a lakeside deck that encroaches 2.44 metres closer to the water than existing development. As noted above, Loughborough Lake is identified as a highly sensitive Lake Trout lake, and as such, the waterbody is afforded additional protections to ensure development does not negatively impact the water quality of the lake. Section 5.2.7 b) ii) 3) of the Official Plan states that "in no case shall an already encroaching structure be permitted to encroach further on the setback from the highwater mark."

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The applicant has provided a revised plan so that the proposed deck will not encroach further into the water setback than existing development. The applicant has also reduced the overall size of the proposed deck by incorporating an existing deck into the footprint of the structure. This minimizes the increase to total lot coverage which can now be supported.

Recommendation

Staff have no objection to the approval of application MV-09-20-L based upon our consideration for natural hazards and water quality protection policies.

Ontario Regulation 148/06

Cataraqui Conservation, 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 Loughborough Lake is considered to extend inland to the top of the valley. If the minor variance is approved, 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)
Bill O'Leary, applicant (via e-mail)
Jon Orpana, Ministry of Environment, Conservation and Parks (via e-mail)

REPORT TO COMMITTEE OF ADJUSTMENT
PLANNING DEPARTMENT

PLANNING REPORT – VARIANCE APPLICATION

Report Date: September 3, 2020

Application No: MV-11-20-B
Owner: Chris Arbeau & Carolyn Westlake
Location of Property: Part Lots 33 & 34, Concession 7, being Part 34 on Plan 13R167, 98 Mill Bay Lane, Bobs Lake, District of Bedford, Township of South Frontenac
Purpose of Application: To vary Sections 5.10.2, 5.8.2a) and 10.3.1 of the Township of South Frontenac Zoning Bylaw
Date of Hearing: September 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 construction of an addition to an existing structure

___ zoning relief for replacement to an existing structure

___ zoning relief for other

Official Plan Designation: Rural	
Zoning: Limited Service Residential Waterfront Zone (RLSW)	**Zoning Relief Requested:**
Section 5.8.2 a & b: Flooding and Shoreline Erosion Hazards	**Relief:** To permit the construction of an addition and a deck with a highwater mark setback of 22 metres (72 feet) and 19 metres (62 feet) respectively, whereas the Zoning By-law requires a 30 metre (98.4 feet) setback from the highwater mark for all buildings and structures. **Relief:** To permit the construction of a an addition and a deck with a top of bank setback of 9 metres (29.5 feet) for the dwelling and 6 metres (19.7 feet) for the deck whereas the By-law requires 15 metres (49.2 feet) horizontal of the top of bank of any embankment.
Section 5.10.2: Existing Buildings within 30 Metres of a Waterbody	**Relief:** To permit the enlargement (footprint) of a non-complying structure, in this case an existing detached dwelling, from 103 metres^2 (1106 feet^2) to 138 metres^2 (1482 feet^2).
Section 10.3.1: RLSW Zone Principal Building	**Relief:** To permit the construction of an addition and a deck with a highwater mark setback of 22 metres (72 feet) and 19 metres (62 feet) respectively, whereas the Zoning By-law requires a 30 metre (98.4 feet) setback from the highwater mark for all buildings and structures. **Relief:** Relief: To permit lot coverage of 8.3%, whereas the Zoning By-Law allows for a maximum of 5% lot coverage for the principal building. **Relief:** To permit an interior side yard setback of 2.5 metres (8.2 feet) for the addition and the deck whereas the Zoning By-law requires a minimum of 3 metres (9.8 feet) for the principal building.

Proposal

An application for minor variance has been submitted to permit the construction of an 29.2 metre^2 (314 feet^2) addition and a 28.5 metre^2 (306 feet^2) deck to the principal dwelling.

The subject property is on Mill Bay Lane, off Badour Road and is municipally known as 98 Mill Bay Lane (see attached map). The subject parcel is 0.41 acres (0.17 hectares) and contains a single detached dwelling with attached deck and an entrance porch. The subject property is located on Bobs Lake. The topography of the property consists of steep slopes. The applicants have made considerable effort to slow the rate of erosion and vegetate the slope.

The applicants propose to demolish the entrance porch and existing deck and replace it with the new addition and new deck. The addition to the house will be 4 metres x 7.3 metres (13 feet x 24 feet) on the west side of the principal dwelling. The addition is located 22 metres (72 feet) from the highwater mark of Bobs Lake and 9 metres (29.5 feet) from the top of bank. The end of the addition is in line with the current dwelling.

The deck is attached to the addition and extends from west to east alongside of the house approximately 3 metres x 9.5 metres (9.8 feet x 31 feet). The deck is located 19 metres (62 feet) from the high water mark of Bobs Lake and 6 metres (19.7 feet) from the top of bank. The proposed deck will go no closer to the high water mark or top of bank than the current existing deck. Together the addition and deck from an L shape around the west side of the principal dwelling and are both are located 2.5 metres from the western interior lot line. The addition and the deck will increase lot coverage from 5.4% to 8.3%.

The applicants have submitted a letter of support from the neighbour on the west indicating that the neighbour is amendable to their desire build within 2.5 metres of the property line. The neighbour states that they have no objections to the applicant's home being built up to the property line provided that any damage to their land is remediated and building materials are promptly removed from their property. A new septic system is proposed and will be setback greater than 30 metres from the highwater mark.

Original Proposal

The applicants originally submitted a proposal for an addition to the house located in line with the current deck and proposed to further extend their existing deck to the east of the house. The proposed addition was to be 4 metres x 7.3 metres (9.8 feet x 23.95 feet) and would be approximately 19 metres (62.4 feet) from the highwater mark in line with the current deck and existing setback. The proposed deck was to be 5.5 metres x 3 metres (18 feet x 9.8 feet) maintaining its existing set back to the highwater mark of Bobs Lake at 19 metres (62.4 feet).

Rideau Valley Conservation Authority (RVCA) provided comments recommending the Committee defer the application as they have concerns about hazards on site and recommended that a geotechnical opinion be obtained and reviewed by RVCA staff.

The applicant considered alternate locations for expansion and obtained a geotechnical review of their new proposed development.

Agency Analysis and Comments

Public Services – The subject property is located on a private lane, therefore Public Services was not circulated.

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.

KFL&A Public Health – Subsequent to correspondence dated June 26, 2020 indicating they required more information on the sewage system, in their correspondence dated July 30, 2020, KFL&A Public Health had no objections to the minor variance and the owners have submitted an application under permit number BE-14-20.

Rideau Valley Conservation Authority – In their correspondence dated June 29, 2020, RVCA provided comments recommending the Committee defer the application as they could not support additions that were closer to the normal highwater mark of Bobs Lake than currently exist and also noted a steep slope and recommended that a geotechnical opinion be obtained and reviewed by RVCA staff prior to a decision being made.

After receiving a geotechnical report, RVCA Staff provided comments for further review, specifically requesting a 6 metre minimum setback from top of the slope which was incorporated into the final letter. RVCA concurs with the final geotechnical report and states that they will require a lot grading plan to show how runoff from the site will be conveyed safely to the 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 application conform to the general intent and purpose of the Official Plan?

The subject property is designated Rural in the Official Plan. As per Section 5.7, Lands designated Rural are characterized by a rural landscape which reinforces the historical relationship between Settlement Areas and the surrounding farm, rural and seasonal residential communities to which the Settlement Areas provide basic services. The amount and type of development in the Rural area shall be consistent with maintaining its rural, natural heritage and cultural landscape.

As per Section 5.7.7, Limited service residential development is generally located in the Rural area of the Township on a body of water or a natural water course where the primary means of access is from a private road or a navigable waterway. Permitted uses include, single detached dwellings, seasonal residential dwellings, seasonal dwellings converted to permanent dwellings and home occupations. Furthermore, any proposed limited service residential development shall be designed to preserve as much as possible a site's physical attributes, such as tree coverage, varying topography, scenic views, etc, for the benefit of future residents.

As per Section 5.2.4, Erosion Hazards, the Township will work with the Conservation Authority with respect to lands that may constitute an erosion hazard.

- The proposed minor variances conform to the general intent and purpose of the Official Plan as the proposed development is consistent with the permitted residential use of the property and the applicant has submitted a geotechnical assessment which received approval from the Conservation Authority regarding slope stability.

2. Does the application conform to the general intent and purpose of the Zoning By-law?

- Consistent with Official Plan policy, Section 5.8.2 b) Flooding and Shoreline Erosion Hazards of Zoning By-law 2003-75 prohibits development within 15 metres (49.2 feet) horizontal of the top of bank of any embankment, the slope of which is greater than 30% from horizontal. Based

on the revised site plan and slope stability assessment the top of slope variance requested is supported by a geotechnical assessment. The submitted slope stability assessment notes that the slope is considered to have a slight potential for instability, however the formation of any viable failure surface is not probable as foundations will be constructed more than 9 metres from the crest of the slope. The geotechnical assessment concluded that the addition is suitable to be constructed at the existing setback (6 metres for deck and 9 metres for the dwelling) and recommended construction of any structures to be setback a minimum of 3 metres from the top of slope. The Rideau Valley Conservation Authority recommended a minimum 6 metre setback from top of slope. The proposed addition conforms to the general intent of the Zoning By-law and has been determined to not be a hazard. The Rideau Valley Conservation Authority as well as the geotechnical assessment recommend vegetation be maintained on all slopes to the extent possible to limit erosion, and no excavations should take place on the face or at the slope toe without additional evaluation by a geotechnical engineer. The setback of the existing dwelling and deck is legal non-complying. Under the Zoning By-law it could be re-established at these setbacks.

- Consistent with Official Plan policy, Section 5.8.2 a) of Zoning By-law 2003-75 prohibits development within 30 metres (98.4 feet) of the highwater mark of a waterbody and Section 5.10.2 further describes that where a building is located within the 30 m setback from the highwater mark, it may be renovated or repaired provided that there is no enlargement of the structure, both in terms of floor area and height. The proposed variances conform to the general intent and purpose of the Zoning By-law, as the proposed addition and deck are located no closer than the existing deck to the high water mark and top of bank. The Official Plan permits structures to be re-established provided going no closer to the highwater mark.

- Section 10 of the Zoning By-law details the permitted uses and zone regulations for limited service residential waterfront development including interior side yard setbacks, lot coverage and setbacks from the highwater mark. Due to the topography of the site and the location of the septic system, there are no alternate locations for the construction of the addition or the deck. The addition is being constructed on the west side of the dwelling, to achieve a greater setback from the high water mark and top of bank, which ultimately causes them to encroach into the interior side yard setback. While the lot coverage is increasing from 5.4% to 8.3%, the lot is constrained and lot coverage consistent with surrounding properties and their respective uses. This lot is not practically able to accommodate any additional structures such as accessory buildings.

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

- The variances are desirable for the appropriate development of the land, as the proposed addition and deck are modest in size and are consistent with the intended residential use of the property and are proposed at the furthest distance from the waterbody, based on the topographical constraints and existing development of the property.

4. Is the application minor?

- The variances are minor, as there will be no negative impact on surrounding properties as a result of constructing a new addition and deck at the proposed location on the property. The proposed addition is in a reasonable location for its purpose and the neighbours to the west are agreeable to the location. The structures are getting no closer to the lake than existing and the development is supported with a geotechnical study.

Conclusion

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-11-20-B, 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 the construction of an 29.2 metre^2 (314 feet^2) addition and a 28.5 metre^2 (306 feet^2) deck, to be constructed 2.5 metres (8.2 feet) from the west interior side yard, 6 metres (19.7 feet) from the top of bank and 19 metres (62 feet) from the high water mark as per the drawings submitted with MV-11-20-B.

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 prior to the issuance of a building permit:

    - A lot grading and drainage plan demonstrating how runoff from the site shall be conveyed safely to the lake. Commonly, surface and roof water runoff management is implement by directing runoff from eavestroughs and outlets to natural or constructed leaching pits/areas to the rear or the side of the property.

3. A building permit is required for ALL demolition and 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-11-20-B 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, Township of South Frontenac

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

Date of Site Visit: June 29, 2020

Attachments: Map of Arbeau & Westlake property

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): 41.2 m Frontage (on road/lane): 43.5 m

   Depth: 45 m Area: ± 1890 m²

5. The current zoning of the subject land:

   RESIDENTIAL

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

   - NEW ADDITION TO BE WITHIN 22.0 m OF THE HIGH WATER MARK
   - INCREASE TO ALLOWED LOT COVERAGE

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

   - RESIDENCE IS ALREADY IN THE 30 m REQUIRED SET BACK
   - EXISTING RESIDENCE & DECK EXCEEDS 5% OF LOT COVERAGE & ADDITION WILL ADD TO IT.

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

   Name of Road/Lane:

   MILL BAY 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?

    RESIDENTIAL

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**

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

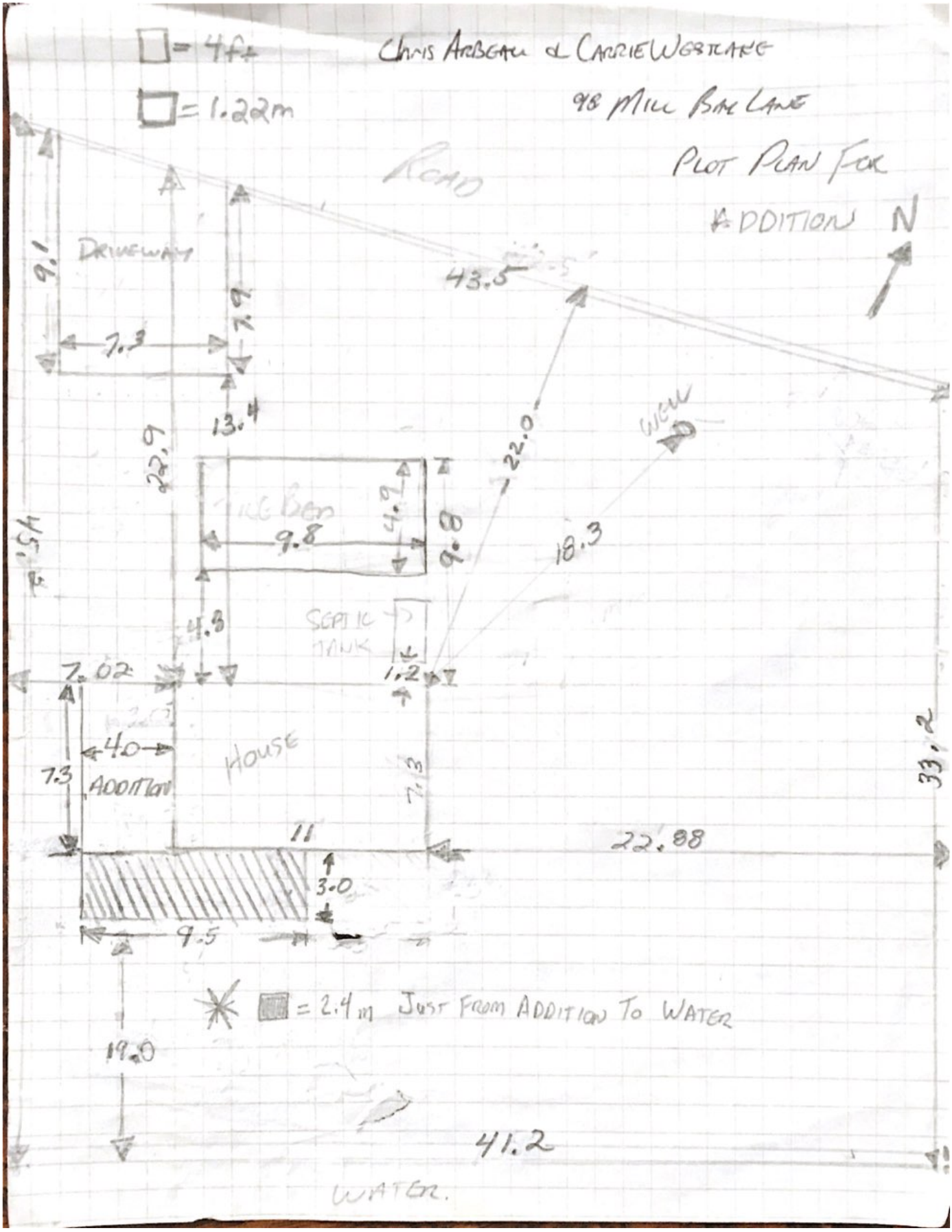
Type of Structure (E.g. residence)	(1) PRINCIPLE RESIDENCE	(2) DECK	(3) INCREASE TO ALLOWABLE LOT COVERAGE	(4)
Setback from Front Lot Line	22 m	19m		
Setback from Rear Lot Line	22.9 m	30 m		
Setback from Side Lot Line	3.02 33.8	28 .3m		
Height of Building (Also indicate if it is one story or two story)	1 STORY BASEMENT			
Outside Dimensions of Building/Structure	7.3 x 4 = 29.2m²	9.5 x 3.0 28.5		
Setback from High Water Mark (If applicable)	22 m	19m		

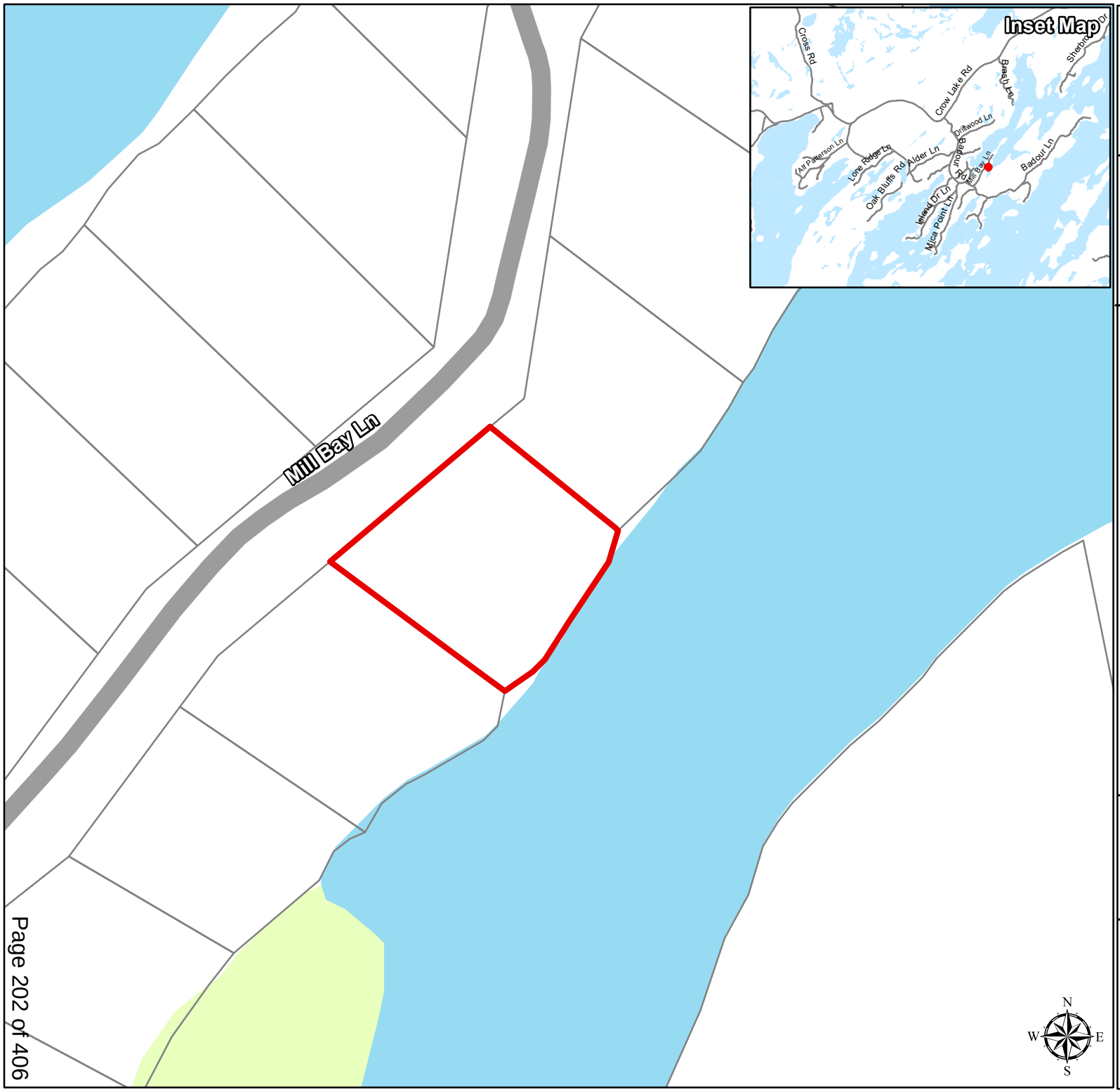
NOTES: 1) If the subject property is on waterfront, and on a private lane, the setback from the front lot line and the setback from the high water mark will be the same.
2) The dimensions required in this question relate to the **NEW CONSTRUCTION ONLY**, and **NOT** to the total size of the completed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

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

If yes, please provide details:

REMOVE EXISTING DECK & LANDING FOR MAIN DOOR


□ = 4ft
□ = 1.22m
Chris Ardgate & Carrie Wgstlake
98 Mill Bay Lane
Plot Plan For
Addition
N
Road
Driveway
9.1
7.3
7.9
43.5
13.4
22.9
22.0
View
Ice Box
9.8
4.9
9.8
18.3
4.3
Septic Tank
1.2
7.02
4.0
7.3
Addition
House
7.3
11
22.88
33.2
3.0
9.5
= 2.4m Just From Addition To Water
19.0
41.2
Water.



MV-11-20-B
(Arbeau & Westlake)

98 MILL BAY LANE

Legend

- Arbeau & Westlake 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 1:1,100

0 5 10 20 30 40

Meters

UTM Projection NAD 83

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File: 1406.00-100

TECHNICAL MEMORANDUM

To: Mr. Chris Arbeau
98 Mill Bay Lane
Maberly ON K0H 2B0

From: Dylan Hill, P.Eng.
Geotechnical Engineer
Malroz Engineering Inc.

Reviewed: David Hodgson, P.Eng.
Senior Engineer, Principal
Malroz Engineering Inc.

Date: August 27, 2020

Subject: Assessment of Slope Stability re: Proposed Seasonal Residential Dwelling
98 Mill Bay Lane, South Frontenac ON

Malroz Engineering Inc. (Malroz) was contacted on July 8, 2020 by Mr. Chris Arbeau (the Client) in order to conduct an evaluation of the stability of a slope located at 98 Mill Bay Lane (Part Lot 32, Concession 6, Bedford), in South Frontenac, Ontario (the Site), in support of the construction of an addition to the typical residential dwelling located on the Site, designed in accordance with Part 9 of the Ontario Building Code. The property is located on the south side of Mill Bay Lane, on a peninsula in Mill Bay to the north of Bobs Lake, approximately 17 km north east of Tichborne, Ontario.

This assessment was carried out in general accordance with the requirements of the Ontario Ministry of Natural Resources and Forestry (MNRF) guidelines as outlined in the MNRF Technical Guide for River and Stream Systems: Erosion Hazard Limit (2002) Slope Stability Rating System, per Malroz's approved scope of work and cost estimate, ref. 1406-100.00, dated July 16, 2020.

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A site visit was carried out on August 6, 2020 by Mr. Dylan Hill, of Malroz Engineering, who is a licensed geotechnical engineer in the province of Ontario (CV enclosed at the end of this document), in order to document conditions and complete the inspection. The results of the field observations, as per the MNR Slope Stability Rating System, are summarized in the following sub-sections of this memorandum:

Project Understanding and General Observations

We understand that the Client proposes to construct an addition to the typical single storey (with basement) multi-season residential dwelling presently located on the Site, designed in accordance with Part 9 of the Ontario Building Code (i.e. small structures). We understand that the proposed addition will extend the existing building footprint roughly 4.3 m (14 feet) to the west, and will include both basement and main floor levels. The foundation for the proposed building addition will consist of shallow strip footings, along the perimeter of the structure.

The existing building is located approximately 9.8 m from the crest of the slope, which is located to the south and extends downward to Bob's Lake. A staircase was observed running down the face of the slope to the shoreline. Several home-built erosion control measures were observed along the face of the slope at areas of light erosion identified by the Client. Existing residential dwellings were observed to both the east and west of the proposed development. Figure 1, enclosed at the end of this memorandum in Attachment A, depicts the Site and topography of the immediate area (retrieved from the MNRF).

As discussed with the Client during our visit to the Site, we understand that the slope will not be altered in any way as a part of the currently proposed building addition development. Future modification would be expected to be limited to implementation of future erosion control. It should be noted that discussion of erosion control measures for the existing slope is beyond the scope of this mandate.

Several photographs of the Site are enclosed in the attached photo log at the end of this document in Attachment B.

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Rating System

The MNRF Slope Stability Rating System employs a semi-quantitative scoring system based on the categories summarized below. A higher assigned score identifies a greater level of risk associated with the categories. The slope inspection field record is provided in Attachment C and discussed below.

Slope Inclination and Height:

The inclination of the slope was assessed during the site visit using a hand held Abney level, and was found to be at an angle of approximately 50 to 55 degrees from horizontal. Slope height was estimated to be approximately 7 to 9 m in the vicinity of the existing building, based on available topographic information.

Based on the above, we have assigned a score of 20 (16 for inclination and 4 for height) for this category under the MNR's Slope Stability Rating System.

Soil Stratigraphy:

One test pit was excavated at the south extent of the proposed building addition footprint (e.g. closest to the crest of the slope) with a mini excavator supplied by the Client. The test pit was extended to a depth of approximately 1.8 mbg. Stratigraphy consisted of approximately 0.6 to 0.8 m of reddish brown sandy topsoil with a moderate to heavy root mat, overlying a light brown silty sand with some gravel, trace to some boulders and trace clay. Based on visual observation of effort to excavate this material, it is estimated to be at a minimum, of a 'compact' relative density. No water infiltration was observed in the open test pit, prior to backfilling.

The physiography of the Bobs Lake area was described by the Ontario Geological Survey (OGS) as shallow till and rock ridges (Chapman and Putnam, 2007). The OGS mapped the Quaternary geology (OGS, 2010) of the area predominantly as very thin glacial drift with exposed bedrock, with coarse-textured glaciolacustrine deposits of sand and gravel to the south of the site. Bedrock geology was mapped by the OGS (Easton, 2001; OGS, 2011) as near the peninsula as gneiss with intercalated marble.

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Foliation of the metamorphic rocks along the peninsula is trending to the northeast and is moderately to steeply dipping towards the southeast.

Based on the above, we have assigned a score of 6 for this category, with the expectation that all new developments will have foundations constructed directly on the native sandy deposit.

Seepage:

No seepage was observed from the face of the slope, nor were any watercourses present along the slope. Bob's Lake is located directly at the toe of the slope.

Based on the above, we have assigned a score of 0 for this category.

Vegetative Cover:

The slope was lightly grass covered with some medium sized brush and bushes, and a large number of mature trees over the entire face.

Based on the above, we have assigned a score of 0 for this category.

Drainage:

Several minor erosional features or were observed on the slope face, e.g. exposed topsoil at some localized steeper zones. However, lack of dense underbrush suggests consistent sheet flow over the slope face during wet seasonal periods. The up-gradient catchment area is expected to be relatively small, however.

Based on the above, we have assigned a score of 2 for this category.

Toe of Slope:

No toe erosion was evident at this Site. Vegetative cover should be maintained at the toe of the slope where possible order to prevent erosion if possible, however given the

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well established root mat from mature tree growth, we would not consider this an absolute requirement. Bob's Lake is located directly adjacent to the bottom of the slope.

Based on the proximity of Bob's Lake to the slope toe, we have assigned a score of 6 for this category.

Landslide History:

No obvious evidence of local landslides in the immediate area of the Site were observed (i.e. bowed trees, tension cracking, slumped ground etc.).

Based on the above, we have assigned a score of 0 for this category.

Discussion

Following our review of the Site in accordance with the MNR Slope Stability Rating System, a summation of rating values total score of 34 has been achieved. Accordingly, this slope is considered to have a slight potential for instability. With heavy equipment brought to Site to excavate a test pit, the requirement for subsurface excavation in relation to this development has been satisfied, in our opinion. The formation of any viable failure surface is not probable as foundations will be constructed more than 9 m from the crest of the slope, the estimated compact (or better) consistency of the site soils, and lightly loaded nature of a typical Part 9 residential structure..

Vegetation should be maintained on all slopes to the extent possible to limit erosion, and no excavations should take place on the face or at the slope toe without additional evaluation by a geotechnical engineer.

The proposed addition is suitable to be constructed at the existing setback. We recommend that construction of any ancillary structures (retaining walls etc.) be set back a minimum of 3 m from the top of the slope.

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Closure

We trust this memorandum meets your present requirements. Please do not hesitate to contact us should there be any questions or clarifications required.

References

Chapman, L.J., and Putnam, D.F. (2007) Physiography of southern Ontario; Ontario Geological Survey, Miscellaneous Release--Data 228.

Easton, R.M. (2001) Precambrian geology, Tichborne area; Ontario Geological Survey, Preliminary Map P.3442, scale 1:50,000.

Ontario Geological Survey (2010) Surficial geology of southern Ontario; Ontario Geological Survey, Miscellaneous Release--Data 128-REV.

Ontario Geological Survey (2011) 1:250 000 scale bedrock geology of Ontario; Ontario Geological Survey, Miscellaneous Release---Data 126-REV1.

Ontario Ministry of Natural Resources (2002). River & Stream Systems: Erosion Hazard Limit.

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Attachment A
Figures



Legend

- approximate property boundary
- approximate building footprint
- approximate area of proposed building addition
- approximate topographic contours
- approximate top of slope
- approximate test pit location

Data Sources: Figure based on Malroz field observations, and Digital Raster Acquisition Project Eastern Ontario, Ontario Ministry of Natural Resources and Forestry, 2014.

Rev	Date	Description	By	Chkd
R0	2020-08-26	issued in final	RV	DPH

Site Plan

Slope Stability Assessment
98 Mill Bay Lane, Maberly, ON

File: 1406.00-101

Figure 1

MALROZ

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Attachment B

Photo Log

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Photo 1 Face of slope from crest, looking east



Photo 2 Face of slope from mid-slope, looking east



Photo 3 Light surficial erosion at crest of slope



Photo 4 Light surficial erosion at mid-slope



Photo 5 Face of slope from toe, looking east



Photo 6 Test pit at completion

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Attachment C
Slope Inspection Field Records

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TABLE 4.1 - Slope Inspection Record

1. FILE NAME / NO. 1406

INSPECTION DATE (DDMMYY): 060920

WEATHER (circle): Clear

• sunny • partly cloudy • cloudy
• calm • breeze • windy
• clear • fog • rain • snow
• cold • cool • warm • hot
estimated air temperature: 25°C

INSPECTED BY (name): D. Hill

2. SITE LOCATION (describe main roads, features)

SKETCH Attached

3. WATERSHED Bob's Lake (Quaternary); Rideau River (Tertiary)

4. PROPERTY OWNERSHIP (name, address, phone):

LEGAL DESCRIPTION
Lot 34
Concession 7
Township South Frontenac
County Frontenac

CURRENT LAND USE (circle and describe)
• vacant -field, bush, woods, forest, wilderness, tundra,

• passive -recreational parks, golf courses, non-habitable structures, buried utilities, swimming pools,

• active -habitable structures, residential, commercial, industrial, warehousing and storage,

• infra-structure or public use - stadiums, hospitals,
schools, bridges, high voltage power lines, waste management sites,

5. SLOPE DATA

HEIGHT • 3 - 6 m • 6 - 10 m • 10 - 15 m • 15 - 20 m
• 20 - 25 m • 25 - 30 m • > 30 m
estimated height (m):

INCLINATION AND SHAPE

• 4:1 or flatter 25 % 14°	• up to 3:1 33 % 18°	• up to 2:1 50 % 26 °
• up to 1:1 100 % 45°	• up to :1 200 % 63 °	• steeper than :1 > 63 °

6. SLOPE DRAINAGE (describe)

TOP

FACE Some lt. erosion @ base of benching created by current/ prev. owner

BOTTOM

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TABLE 4.2 - SLOPE STABILITY RATING CHART

Site Location: File No.
Property Owner: Inspection Date:
Inspected By: Weather:

1. SLOPE INCLINATION		
degrees	**horiz. : vert.**	
a) 18 or less	3 : 1 or flatter	0
b) 18 - 26	2 : 1 to more than 3 : 1	6
c) more than 26	steeper than 2 : 1	(16)
2. SOIL STRATIGRAPHY		
a) Shale, Limestone, Granite (Bedrock)		0
b) Sand, Gravel		(6)
c) Glacial Till		9
d) Clay, Silt		12
e) Fill		16
f) Leda Clay		24
3. SEEPAGE FROM SLOPE FACE		
a) None or Near bottom only		(0)
b) Near mid-slope only		6
c) Near crest only or, From several levels		12
4. SLOPE HEIGHT		
a) 2 m or less		0
b) 2.1 to 5 m		2
c) 5.1 to 10 m		(4)
d) more than 10 m		8
5. VEGETATION COVER ON SLOPE FACE		
a) Well vegetated; heavy shrubs or forested with mature trees		(0)
b) Light vegetation; Mostly grass, weeds, occasional trees, shrubs		4
c) No vegetation, bare		8
6. TABLE LAND DRAINAGE		
a) Table land flat, no apparent drainage over slope		0
b) Minor drainage over slope, no active erosion		(6)
c) Drainage over slope, active erosion, gullies		
7. PROXIMITY OF WATERCOURSE TO SLOPE TOE		
a)15 metres or more from slope toe		0
b)Less than 15 metres from slope toe		(6)
8. PREVIOUS LANDSLIDE ACTIVITY		
a) No		(0)
b) Yes		6
SLOPE INSTABILITY RATING VALUES INVESTIGATION RATING SUMMARY		**TOTAL** 34

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Attachment D
Staff CVs

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DYLAN HILL, P.Eng., QP

Senior Geotechnical Engineer

Education

B. Eng. Civil Engineering
Lakehead University, 2010

Diploma Civil Engineering Technology
St. Lawrence College, 2007

Professional Designations

Licensed Professional Engineer, Ontario (#100160715)

Qualified Person (ESA), Ontario Ministry of the Environment, Conservation and Parks (MECP)

Professional Development

Canadian Geotechnical Society (National) – member of professional practice committee (current)

Canadian Geotechnical Society, Kingston Section, Past Chair and Director (current)

CGS-SOS workshop on Cone Penetration Testing (CPT), 2019

Rocscience Slide2 Technical Course, 2018

Working at heights training, 2017

Summary

Mr. Hill has been a member of the Malroz team since 2017. He has over 10 years of geotechnical and geo-environmental engineering experience, with project experience ranging from small site characterization work at the local and municipal level to major infrastructure works under P3/AFP models. Mr. Hill has managed projects in a number of Canadian provinces, including operating and managing field offices in remote and challenging environments such as Baffin Island. Mr. Hill has several thousand hours of geotechnical/geo-environmental drilling experience, with geotechnical, direct push and exploration drill rigs. He has extensive experience developing work plans for site characterization, supervising subcontractors, liaising with private and governmental/institutional clients and regulatory bodies, as well as with on-site construction inspection/oversight for construction materials testing and geotechnical aspects. Mr. Hill is the Engineer of Record for Malroz's CCIL certified materials testing laboratory, and provides oversight of applicable laboratory activities.

Example Projects

New Residence, Queen's University, Kingston, ON

Managed a geotechnical investigation and long term groundwater study for a new multi-storey student residence building located on Albert Street in Kingston, Ontario. The investigation included advancement of a number of borings and rock probes to determine appropriate founding elevations across the Site, retrieval and compressive strength testing of numerous rock core samples in order to calculate true bearing resistances (as opposed to estimates based on published values), as well as installation of monitoring wells across the Site outfitted with Solinst leveloggers to evaluate seasonal groundwater fluctuations and comment on their effects on the proposed development.In addition, worked with a geophysics subconsultant in order to provide in-situ shear wave velocities to provide a more favorable site classification for seismic site response, reducing the cost for the building seismic force restraint system and related ancillary works (HVAC restraints, etc).

HAZWOPER, refresher, 2019

HAZWOPER 40 hour training course, 2012

Work Experience

Malroz Engineering Inc. Geotechnical Engineer 2017 – *Present*

SNC-Lavalin GEM Ontario Inc. Geotechnical Project Manager – 2014-2017

Inspec-Sol Inc. Geotechnical Project Coordinator/E.I.T. –

2010-2014

Reconstruction of Mcintyre Road, Loyalist Township, ON

Completed geotechnical investigation and pavement design for the rehabilitation/reconstruction of 3.3km of rural roadway in Loyalist Township. The fieldwork consisted of advancement of a total of 16 borings at the Site. Several options were prepared for rehabilitation, considering the Client's preferred option for rehabilitation, but An excess soil management plan was also developed following the completion of the geotechnical investigation, which included shallow soil sampling at a total of 48 locations along the roadway, predominantly at small diameter culvert replacement locations.

Prince Edward County, Various Highways, ON

Completed geotechnical investigations and pavement designs for several major highways as well as local roads in Prince Edward County for the 2018 and 2019 construction year, in accordance with AASHTO 1993 design methodology, adapted for Ontario conditions per MTO technical publication MI-183.

In addition, managed materials testing program during the construction phase, including providing technical input to several contract dispute resolutions

County of Lennox and Addington, County Road 4, ON

Working in conjunction with the County's design consultant, led an investigation for the rehabilitation of Lennox and Addington County Road 4 between County Highway 33 and Highway 401, an approximately 7 km PCC roadway with nearly 1 km of asphalt overlay. The field program included advancement of nearly 100 borings and retrieval of a similar quantity of pavement cores. Lab testing included gradation analysis of existing granular base materials to determine suitability to remain in place, as well as subgrade soils. The Client was provided with a number of rehabilitative options, with designs carried out in accordance with AASHTO 1993 design methodology, adapted for Ontario conditions per MTO technical publication MI-183. Mr. Hill assisted the Client through design and tender phase of the work by attending design decision meetings to provide input, as well as responding to technical inquiries from bidders. Mr. Hill will manage assurance efforts in relation to construction materials to be carried out on behalf of the Client during construction.

Crosslinx Transit Solutions, Toronto, ON

Acted as one of the lead geotechnical designers for several major developments on the Eglinton Crosstown Light Rail project in Toronto, Ontario, including new bridges, mechanically stabilized earth walls, and large diameter culverts. Tasks included preparation of supplementary geotechnical investigation programs, construction impact assessment reports, coordination with project stakeholders in addition to internal staff, conducting various foundation analyses and generating technical reports and memorandums. In addition, Mr. Hill also generated specifications for geotechnical instrumentation and monitoring programs for various aspects of the project, including vibration monitoring during piling operations. Mr. Hill assisted with the implementation of a vibration monitoring program for piling operations during construction at the maintenance and service facility.

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Integrated Logistics (ILS) Maintenance, Transportation and Supply Facility Project (materials testing and inspection), CFB Kingston, ON

Managed geotechnical inspection and construction materials testing for new multi-storey building. Testing included concrete, aggregates, and asphalt compliance, as well as a detailed vibration monitoring program during construction. Responded to queries from DCC stakeholders during the construction on subgrade problems, cold weather concreting, and other pertinent items raised due to changed conditions and/or seasonal construction issues.

Gordie Howe International Bridge, Windsor, ON/Detroit, MI

Participated in the P3 pursuit phase design with one of the finalist proponent consortiums for the construction of the new Gordie Howe International Bridge between Windsor, Ontario and Detroit Michigan. Mr. Hill was responsible for detailed geotechnical design of all aspects on the Detroit side of the project, past the United States point of entry, including a number of retaining walls, new vehicular overpasses and interchange structures, pedestrian overpass bridges, and a 40m high pile supported embankment. All design work was conducted in accordance with AASHTO and/or Michigan DOT standards. Mr. Hill also developed a further sampling and analysis plan to obtain additional necessary information/supplement the reference design data available at pursuit phase.

Queen's University, Kingston, ON

Managed an investigation for a new sports stadium and ancillary buildings, which involved an evolving scope of work due to unexpected site conditions and presence of impacted soils. Value added solutions were presented to the Client through the use of more non-traditional characterization methods such as the use of refraction tomography geophysical methods to assist in characterizing a suspected previously backfilled quarry in the area of construction. More recently, also conducted geotechnical investigations for a new multi-storey residence building and an 8 storey addition to Duncan Mcarthur hall on west campus.

AMEC (Wood), Port Hardy, BC

Managed a multi-stage field investigation at a remote access site in northwestern Vancouver Island for a new wind farm, including establishment of a field office, coordinating subcontractors and managing stakeholder relations during ongoing pre-construction activities such as road construction and tower and Site clearing. Mr. Hill performed all geotechnical investigative works for the project, performed a geophysical investigation program, in addition to carrying out inspection activities during the construction phase of the project (i.e. subgrade, reinforcing steel etc.).

CNRL, Northern Ontario,

Performed a geotechnical investigation in support of construction of a subsurface permeable reactive barrier system to treat at Strontium 90 contaminated groundwater plume originating at a CNRL waste management area. Tasks performed on this project included undertaking field work in a radiologically hazardous working environment, coordinating with federal agencies' staff, as well as preparation of technical reports and design recommendations based on the results of the field program.

KFL&A Public Health

REQUESTS FOR COMMENTS

Environmental Health Department
1130 Elizabeth Street
Sharbot Lake, Ontario K0H 2P0
(613) 279-2151
1-800-267-7875
Fax: (613) 279-3997
http://www.kflapublichealth.ca

To:	Ms. Michelle Hannah Secretary-Treasurer, Committee of Adjustment Township of South Frontenac P.O. Box 100 4432 George Street Sydenham, ON K0H 2T0
Application Number:	MV-11-20B
Type of Application or Proposal:	Minor Variance
Applicant Name(s):	Arbeau, Christopher and Westlake, Carolyn
Location:	Lot 34, Concession 7, Bedford 98 Mill Bay Lane
Planning Department or Agency:	Township of South Frontenac (Bedford)
Comments:	KFL&A Public Health has no objections to the proposed minor variance and the owners have submitted an application under permit number BE-14-20.
Inspector:	Joanne McGurn, CPHI(C), Public Health Inspector
Date:	July 30, 2020

PLEASE FORWARD A COPY OF THE NOTICE OF DECISION TO KFL&A PUBLIC HEALTH.

Personal information on this form is collected under the authority of the Building Code Act, and will be used for the administration of Public Health programs. Any questions about the collection of this information should be directed to the Manager of Environmental Health, KFL&A Public Health, 221 Portsmouth Avenue, Kingston, Ontario K7M 1V5, (613) 549-1232 ext. 1243 or 1-800-267-7875.

Rideau Valley Conservation Authority

3889 Rideau Valley Drive
PO Box 599, Manotick ON K4M 1A5
T 613-692-3571 | 1-800-267-3504
F 613-692-0831 | www.rvca.ca

September 3, 2020
20-SFR-MVA-0009 (BEDFORD)

Township of South Frontenac
Committee of Adjustment
P.O. Box 100
4432 George Street
Sydenham, ON
K0H 2T0

Attention: Anna Geladi

Subject: **ARBEAU, Chris & WESTLAKE, Carolyn;** Application **MV-11-20-B** – 98 Mill Bay Lane, Part Lot 34, Concession 7; Former Township of Bedford, Now the Township of South Frontenac; Roll Number: 10290300209333000000

Dear Ms. Geladi,

This letter should be read in conjunction with our comment letter offered to the Township on June 29, 2020.

During our initial response, our office indicated that we could not support additions that were closer to the normal highwater mark of Bobs Lake than currently exist. We made a distinction between the existing deck and dwelling as two distinct styles of structure and that any addition to either should be in line with each respective structure.

We also noted a steep slope during our site visit and therefore recommended that a slope stability analysis should be completed prior to a decision being made by the Committee.

Our office corresponded with Malroz Engineering to discuss the scope of work. Following those discussions, representatives from Malroz completed a report of the slope titled:

- *Technical Memorandum – File No: 1406.00-100 Assessment of Slope Stability re: Proposed Seasonal Residential Dwelling 98 Milly Bay Lane, South Frontenac, ON*, dated September 2, 2020

In their opinion, the slope is considered to *"…have a slight potential for instability."* Malroz also noted that:

> *"…the formation of any viable failure surface is <u>not probable</u> (*emphasis added) *as foundations will be constructed more than 9 metres from the crest of the slope, the estimated compact (or better) consistency of the site soils, and lightly loaded nature of a typical Part 9 residential structure."*

Malroz also noted that:

> *"Vegetation should be maintained on all slopes to the extent possible to limit erosion, and no excavations should take place on the face or at the slope toe without additional evaluation by a geotechnical engineer."*

And finally, Malroz concluded that:

> *"The proposed addition is suitable to be constructed at the existing setback. We recommend that construction of any ancillary structures (retaining walls, etc.) be set back a minimum of 3m from the top of the slope. However, we understand that the conservation authority recommends a minimum 6 m setback from top of slope for such structures, which should be respected without further assessment and approval from relevant authorities."*

Qualified staff within our office have reviewed the submitted document. Based on that review, technical staff had the following comments:

- The draft technical report included 3 metres, so technical staff required 6 metres setback from the top of slope which has been incorporated into the final letter.
- [RVCA] will also require a lot grading plan showing how runoff from the site will be conveyed safely to the lake.

Our office also received an updated drawing for the subject application

<u>Updated Review</u>

Based on the revised site plan and slope stability assessment, our office is of the opinion that the proposed revised variance application is now consistent with the Township's Official Plan, specifically Section 5.2.7(b)(iii) as the proposed addition is no closer than the existing structure.

It is the opinion of the planner that although Section 5.8.2(b) of the Zoning By-law prohibits additions within 15 metres from the top of a slope greater than 30%, the Official Plan provides greater clarity on this matter. In addition, common planning practice is that the 15 metre setback from the top of slope can be varied if supported by a geotechnical assessment making a recommendation to vary it.

Based on the submitted slope stability assessment, and the points above, it is the opinion of the planner that the proposed addition is consistent with the Official Plan,

conforms to the Zoning By-law, represents good land use planning and is minor in nature.

Therefore, in consideration of Section 3.1 of the PPS, the steep slope has been assessed and determined not to be a hazard in the context of the current application.

Recommendations

Should the Township allow the variance, the RVCA would have the following recommendations for conditions of any implementing agreement or as conditions of the variance in the absence of an agreement:

- The applicant shall submit a lot grading and drainage plan demonstrating how runoff from the site shall be conveyed safely to the lake. Commonly, surface and roof water runoff management is implemented by directing runoff from eavestroughs and outlets to natural or constructed leaching pits/areas to the rear or the side of the property. This condition should be to the satisfaction of the Township, but our office can assist in any review if required.

- Prior to construction, appropriate sediment and erosion controls (sediment fencing and/or mulch/straw bales) shall be set in place around the construction site, upland of Bobs Lake and the top of the slope prior to commencement of work and will remain in place until the construction area is revegetated.

- The following statements should be included in any agreement, should one be required as a result of this development:

  "Should any work be undertaken along the shoreline of Bobs Lake permits would be required by the Rideau Valley Conservation Authority in accordance with Ontario Regulation 174/06 ("Development, Interference with Wetlands and Alteration to Shorelines and Watercourses")."

- A condition of any decision should be to require that the proposed and future development implement all recommendations from the *Technical Memorandum – File No: 1406.00-100 Assessment of Slope Stability re: Proposed Seasonal Residential Dwelling 98 Milly Bay Lane, South Frontenac, ON*, dated September 2, 2020. Specifically:

  - Vegetation should be maintained on all slopes to the extent possible to limit erosion, and no excavations should take place on the face or at the slope toe without additional evaluation by a geotechnical engineer.

  - A 6 m setback from top of slope should be respected for ancillary structures.

Conclusions

In conclusion, The Rideau Valley Conservation Authority has no remaining objection to the subject application as revised. Please include our recommendations as part of any decision by the Committee of Adjustment.

Thank you for the opportunity to comment and please do not hesitate to contact the undersigned at (613) 812-1497 should you have any questions.

Please advise us on the Committee's decision respecting this application or any changes in the status of the application.

Yours truly,



Phil Mosher
Planner, RVCA

cc – Mr. Arbeau & Ms. Westlake, owners
cc – KFLPHA
cc – Terry Davidson, RVCA
cc – Eric Kohlsmith, RVCA

REPORT TO COMMITTEE OF ADJUSTMENT
PLANNING DEPARTMENT

Report Date: September 8, 2020

Application No: MV-07-20-B
Owner: Doreen Boville
Location of Property: Part Lot 25, Concession 5, Part 1 on Plan 13R-10390, District of Bedford, Township of South Frontenac, municipally known as 757 Burns Lane, Bobs Lake, Green Bay
Purpose of Application: To vary Sections 5.8.2 (a), 10.3.1 and 10.3.2 of the Township of South Frontenac Zoning By-law
Date of Hearing: September 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-07-20-B to provide additional time for KFL&A Public Health and Rideau Valley Conservation Authority to review the proposal and to provide comment.

Proposal

An application for minor variance was received to permit an attached deck, a sleeping cabin and a garage, all of which require variances from Zoning By-law 2003-75. The 53.3 square metre (574 square foot) deck to be attached to the existing dwelling would be set back a minimum of 26.2 metres (85.9 feet) from the high water mark of Bobs Lake. The 27.9 square metre (300 square foot) sleeping cabin would be set back a minimum of 27.5 metres (90 feet) from the high water mark. The 72 square metre (775 square foot), two-storey garage would be 7 metres (23 feet) in height. The garage would be located outside the 30 metre setback from the high water mark.

Submitted by: Christine Woods, MCIP RPP, Senior Planner

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

Date of Site Visit: July 23, 2020

Attachment: Map of the Boville property

Revised August 10, 2020

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): Doreen Boville

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: John Langlois

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: 5 Lot Number: Part of Lot 25

Street Number: 757 Name of Road/Street: Burns Lane

Reference Plan Number: 13R-10390 Part Number(s): 1

Roll Number: 010-050-08905-0000

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): 214 feet (65.2m) Frontage (on road/lane): 460 feet (140.2m)

Depth: South property line 201 feet / North property line 265 feet to controlled high water mark Area: Approx 66,650 sq.ft. (6190 sq.m)

5. The current zoning of the subject land:

Residential

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

6.1 Front Deck on Residence - a portion of the proposed deck (from middle of building to NE corner is situated within the 30 m setback; NE corner is 26.2 m from high water mark

6.2 Bunkie/Sleeping Cabin - a portion of the proposed bunkie is situated within 30m setback; NE corner is 27.5m from high water mark; large rock formation between bunkie location & road makes it impractical to locate bunkie further back

6.3 Garage - request that maximum height be increased to 7m to accommodate loft area for storage

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

As noted above, a portion of the proposed deck and of the proposed sleeping cabin is situated within the 30m setback. Re: the garage, maximum height of accessory buildings is currently 6m; request is to increase to 7m.

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

Name of Road/Lane:

Burns 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?

Seasonal residential

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:

	(1)	(2)	(3)	(4)
Type of Structure (E.g. residence)	Residence	Shed		
Setback from Front Lot Line	37 m SE corner 30.7 m NE corner	15 m		
Setback from Rear Lot Line	4.48 m SW corner 5.6 m NW corner	35 m		
Setback from Side Lot Line	38.1 m (South property line) 91.44 m (north property line)	4.14 m		
Height of Building (Also indicate if it is one story or two story)	9.3 m 2 Storey	3.65 m 1 Storey		
Dimensions of Floor Area	7.9 m x 10.4 m	3 m x 3 m		
Setback from High Water Mark (If applicable)	37 m SE corner 30.7 m NE corner	15 m		

13. The proposed uses of the subject land:

Residential / seasonal 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:

	(1)	(2)	(3)	(4)
Type of Structure (E.g. residence)	Front Deck on Residence	Bunkie	Garage	
Setback from Front Lot Line	33.35 m SE corner 26.2 m NE corner	27.5 m	40 m	
Setback from Rear Lot Line	16 m SE corner 17.15 m NE corner	12.8 m	5 m	
Setback from Side Lot Line	38.1m (South property line) 87.8m (north property line)	82.3 m (South property line) 21.6 m (north property line)	3 m	
Height of Building (Also indicate if it is one story or two story)	N/A	max 6 m	7 m	
Outside Dimensions of Building/Structure	3.65m x 14.6 m	approx 4.6 m x 6m (300 sq. ft. total)	approx 8m wide x 9 m deep	
Setback from High Water Mark (If applicable)	33.35 m SE corner 26.2 m NE corner	27.5 m	40 m	

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	Bunkie
(b)	Increase in plumbing fixtures	☐ Yes	☑ No	
(c)	Increase in living space	☑ Yes	☐ No	Bunkie
(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 2008

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

Original building 1992; Shed 2010; renovations to original building 2015 - present

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

Since 1992

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:

Private 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:

Private septic system, installed July 2008; operational as of Summer 2017

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

Natural soil 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 Unknown

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. Green Bay Bobs Lake

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

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:

DATED AT THE TOWNSHIP OF SOUTH FRONTENAC

THIS 14th DAY OF June, 20 19

I, Doreen Boville OF North Kawartha, ON
solemnly declare that all the statements contained in this application are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Doreen Boville
Signature of Applicant or Authorized Agent

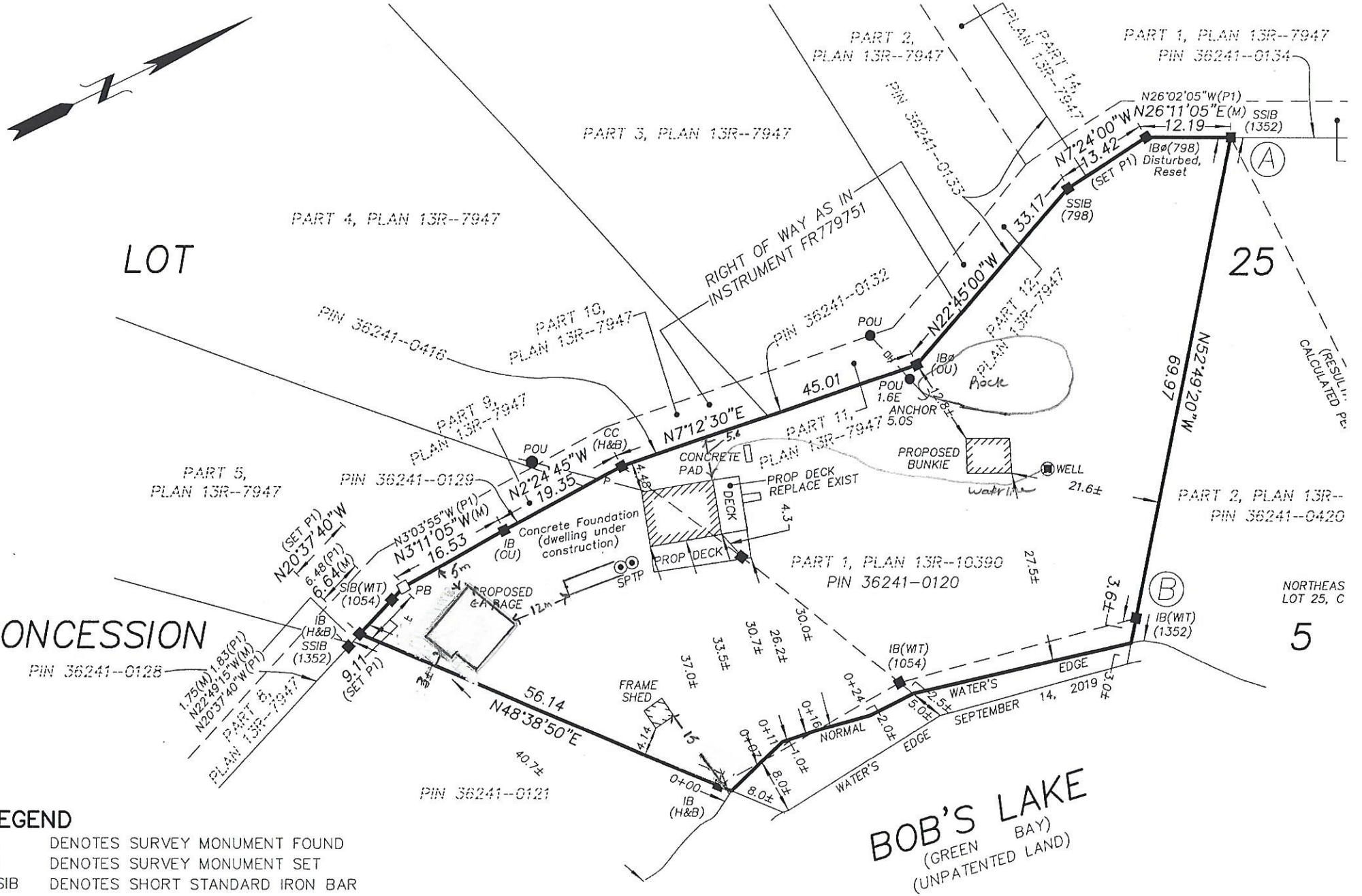
Signature of Applicant or Authorized Agent

DECLARED before me at the TOWNSHIP OF SOUTH FRONTENAC (IN THE COUNTY OF FRONTENAC)

THIS 14 DAY OF JUNE, 20 19

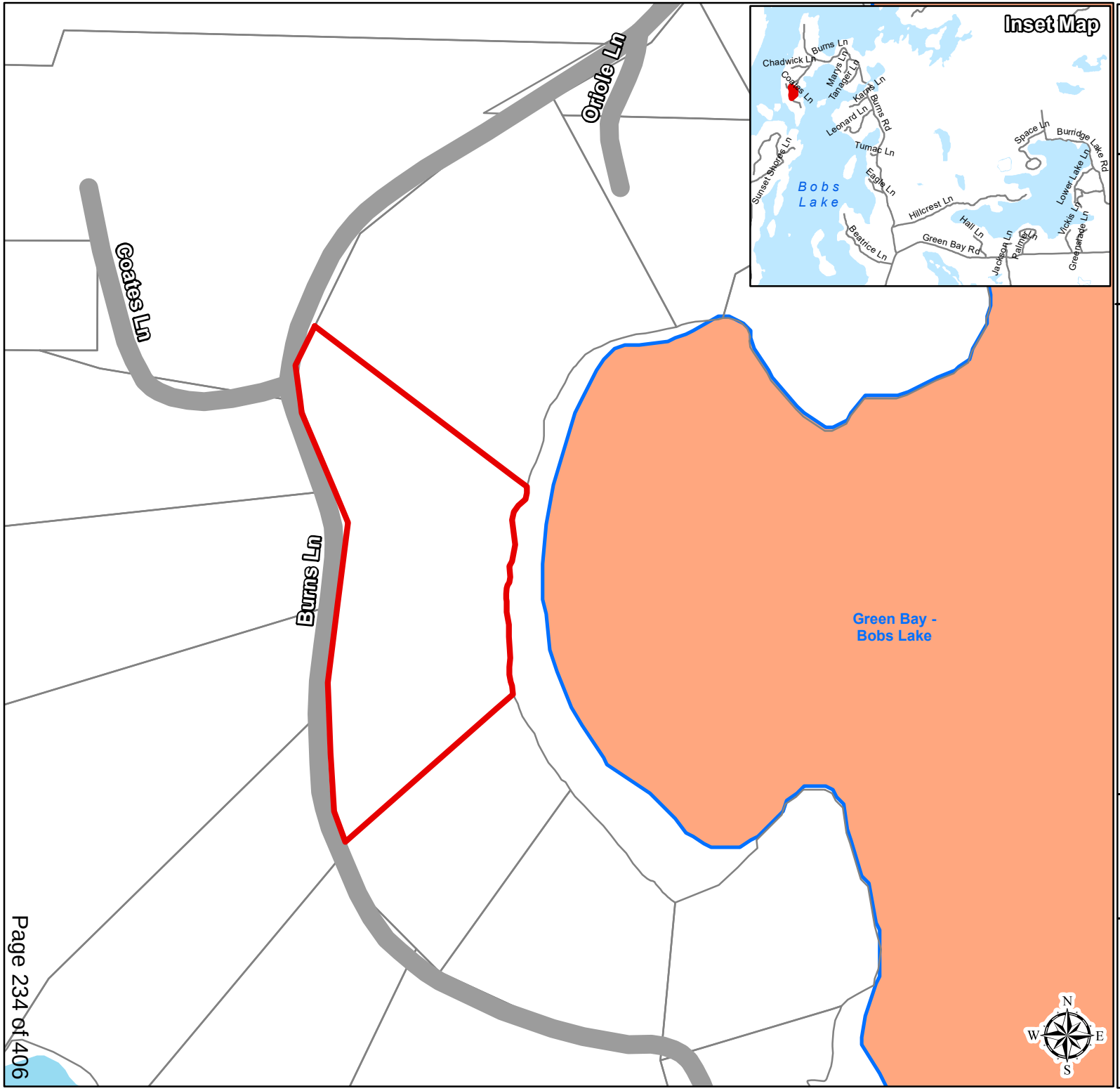
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Revised August 10, 2020



LEGEND

■	DENOTES SURVEY MONUMENT FOUND
□	DENOTES SURVEY MONUMENT SET
SSIB	DENOTES SHORT STANDARD IRON BAR
SIB	DENOTES STANDARD IRON BAR
IB	DENOTES IRON BAR
PB	DENOTES PLASTIC BAR
CC	DENOTES CUT CROSS
ø	DENOTES ROUND
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TOWNSHIP OF SOUTH FRONTENAC

MV-07-20-B
(Boville)

757 BURNS LANE

Legend

- Boville Property
- Parcel Fabric
- Provincially Significant Wetlands
- Wetland
- River/ Stream
- Lake Trout Lake - At Capacity
- Lake Trout Lake - Not at Capacity
- Non-Lake Trout Lake - At Capacity
- 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.

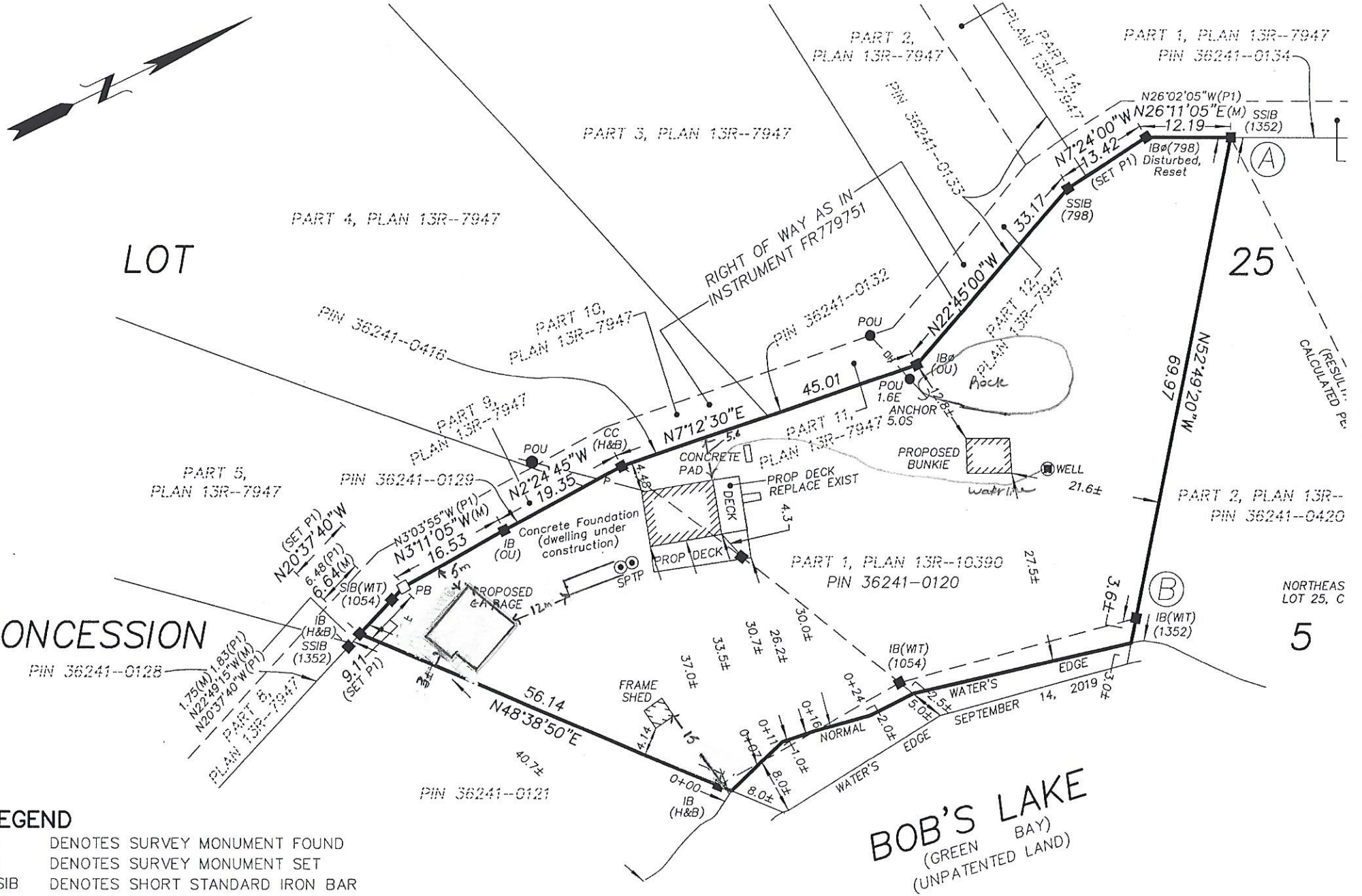
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0 5 10 20 30 40

Meters

UTM Projection NAD 83

Revised August 10, 2020



LEGEND

■	DENOTES SURVEY MONUMENT FOUND
□	DENOTES SURVEY MONUMENT SET
SSIB	DENOTES SHORT STANDARD IRON BAR
SIB	DENOTES STANDARD IRON BAR
IB	DENOTES IRON BAR
PB	DENOTES PLASTIC BAR
CC	DENOTES CUT CROSS
ø	DENOTES ROUND
WIT	DENOTES WITNESS

REPORT TO COMMITTEE OF ADJUSTMENT
PLANNING DEPARTMENT

Report Date: September 8, 2020

Application No: MV-22-20-B
Owners: Ian Semple and David Messenger
Location of Property: Part of Lot 4, Concession 11, Part 3 on Plan 13R4213, District of Bedford, Township of South Frontenac, municipally known as 243 Clear Lake Road, Big Clear Lake
Purpose of Application: To vary Sections 5.8.2(a) and 5.8.2(b) of the Township of South Frontenac Zoning By-law
Date of Hearing: September 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-22-20-B to provide additional time for KFL&A Public Health to review the proposal and to provide comment, and for the applicants to consider an alternative design / location for the proposed deck as requested by Cataraqui Conservation.

Proposal

An application for minor variance was received to permit a seasonal dwelling with an attached deck within the required 30 metre setback from the high water mark of Big Clear Lake and the required 15 metre setback from the top of bank. The seasonal dwelling would replace an existing seasonal dwelling, and be located in the same general area as the existing dwelling.

The proposed dwelling will be 248 square metres (2670 square feet) in area and the deck will be 55.7 square metres (600 square feet) in area. The dwelling would be set back a minimum of 26.2 metres (86 feet) from the high water mark and 11.7 metres (38.4 feet) from the top of bank, whereas the existing dwelling is set back 25.3 metres (83 feet) from the high water mark and approximately 10.5 metres (34.4 feet) from the top of bank. The proposed attached deck would be set back 22.5 metres (74 feet) from the high water mark and 8.8 metres (28.9 feet) from the top of bank.

The subject property is zoned RLS-2. The RLS-2 zone permits a seasonal dwelling and accessory buildings or structures on lands with frontage on a seasonally maintained public road, and including lands with additional frontage on water.

Agency Comments

In an e-mail dated September 4, 2020, Cataraqui Conservation staff noted that it does not typically support applications where development is being proposed within the 30 metre water setback that is closer to the water than existing development primarily in support of the water quality objectives of the Provincial Policy Statement and the Township's Official Plan. Therefore, staff recommended deferral of application MV-22-20-B to allow the applicants to consider an alternative design / location that will address this issue.

Submitted by: Christine Woods, MCIP RPP, Senior Planner

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

Date of Site Visit: July 15, 2020

Attachment: Map of the Semple and Messenger property

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

Date Received: June 24, 2020 File No: MV-22-20-B

1. Name of Owner(s): IAN JAMES SEMPLE & DAVID WILLIAM MESSENGER

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: MICHAEL PRESTON

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 [redacted]

RECEIVED
JUL 17 2020
TOWNSHIP OF SOUTH FRONTENAC PLANNING DEPARTMENT

3. The description of the subject land:

District: ☑ Bedford ☐ Portland ☐ Loughborough ☐ Storrington

Concession Number: 11 Lot Number: PART OF LOT 4

Street Number: 243 Name of Road/Street: CLEAR LAKE RD.

Reference Plan Number: 13R4213 Part Number(s): PART 3

Roll Number: 010-030-09300-0000

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

Frontage (on water): +/- 470' Frontage (on road/lane): 756.94'

Depth: 377' Area: 3.43 ACRE

5. The current zoning of the subject land:

RLS 2

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

SEE ATTACHED

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

SEE ATTACHED

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

Name of Road/Lane:

CLEAR LAKE 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.

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

SEASONAL DWELLING

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 (TO BE DEMOLISHED)	(2) SHED (TO BE DEMOLISHED)	(3) BOAT SHED	(4) DOCK
Setback from Front Lot Line (WATER)	83'	101'	N/A	N/A
Setback from Rear Lot Line (ROAD)	96'	91'		
Setback from Side Lot Line	211' (SOUTH) 274' (NORTH)	273' (SOUTH) 253' (NORTH)	3'-10" (NORTH)	16'-4" (NORTH)
Height of Building (Also indicate if it is one story or two story)	16' (ONE STOREY)	10'	10'	
Dimensions of Floor Area	22' x 46'	12' x 8'	24' x 12'-3"	16' x 25'
Setback from High Water Mark (If applicable)	83'	101'	N/A	N/A

13. The proposed uses of the subject land:

SEASONAL _ DWELLING

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)	COTTAGE	DECK		
Setback from Front Lot Line (WATER)	86'-1"	74'-10½"		
Setback from Rear Lot Line (ROAD)	82'-8½"	117'		
Setback from Side Lot Line	203'-7" (SOUTH) 243' (NORTH)	208' (SOUTH) 247' (NORTH)		
Height of Building (Also indicate if it is one story or two story)	18'-9" (ONE STOREY)	±3'		
Outside Dimensions of Building/Structure	89' x 30'	60' x 10'		
Setback from High Water Mark (If applicable)	86'-1"	74'-10½"		

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:

EXISTING COTTAGE & EXISTING SHED TO BE DEMOLISHED.

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:

JUNE 27, 2012

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

1960s?

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

MANY YEARS.

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:

PRIVATE 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:

PRIVATE SEPTIC - UPGRADED IN THE PAST FEW YEARS.

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:



RECEIVED
JUL 17 2020
TOWNSHIP OF
SOUTH FRONTENAC
PLANNING DEPARTMENT

July 17th, 2020

Re; 243 Clear Lake Rd – Minor Variance Application

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

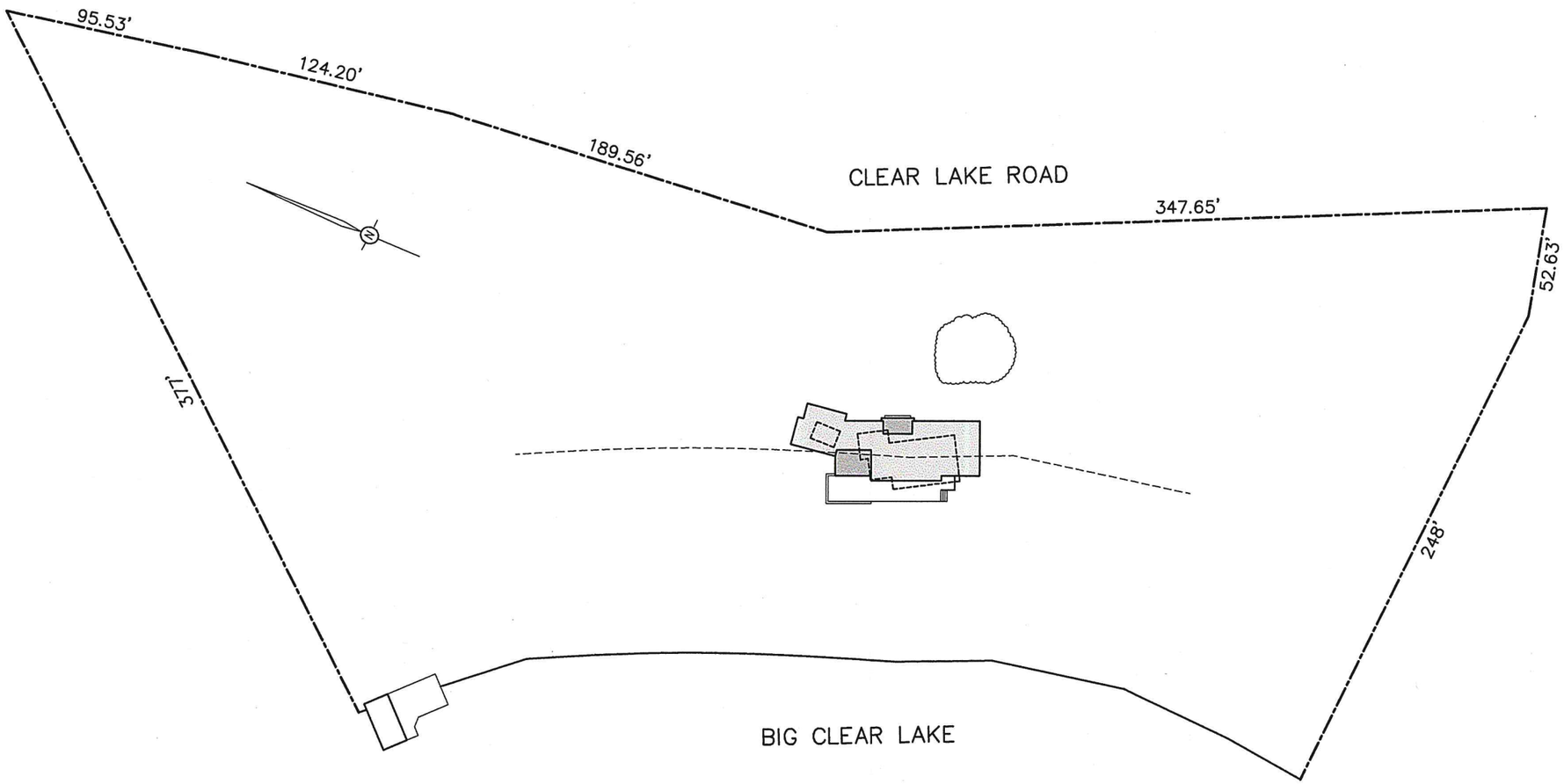
The first variance we are requesting is relief from the 30m water setback. The proposed new seasonal dwelling will be 26.23m from the water. The proposed deck will be 22.82m from the water.

The second variance we are requesting is relief from the 15m setback from the top of bank. The proposed seasonal dwelling will be approximately 11.7m from the top of bank. The proposed deck will be approximately 8.8m from the top of bank.

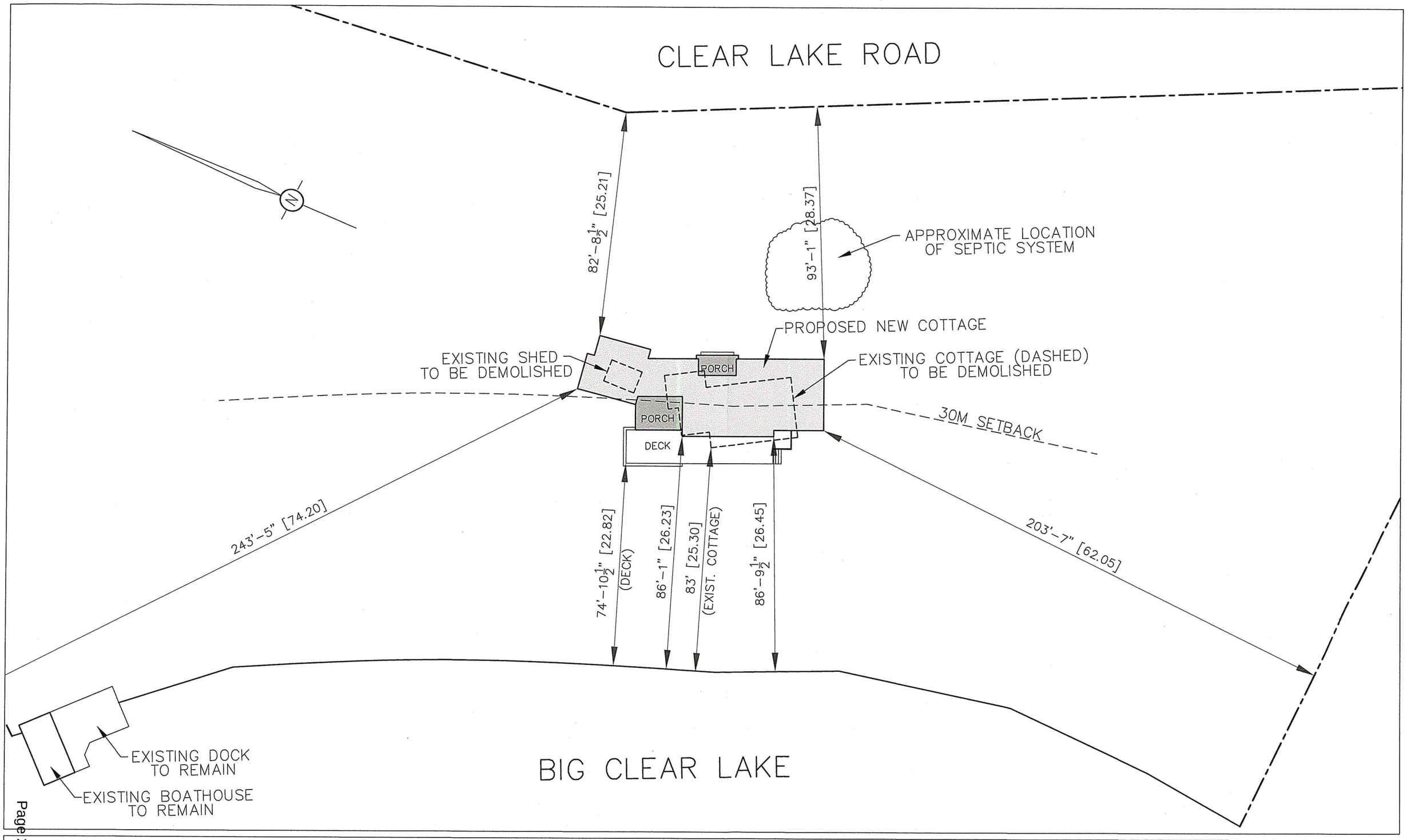
7. The reason why the proposed use cannot comply with the provisions of the Zoning By-law:

The seasonal dwelling can not comply with the zoning by-law due to several factors. One factor is the rugged topography of the site. There is a ridge that runs behind the proposed building location that drops off towards the road. We have moved the building as far back towards this ridge as we can. Also, there is an existing upgraded septic system (which will be re-used), that lies right behind the proposed building location. Moving the building any further back would encroach on this system. The existing cottage was likely built in it's location due to the topography as well. This is an established building site which we are improving on (in terms of setbacks) with the new building. The new building will be approximately 1.25m further back from the water than the existing building. Our proposed deck however will be 22.82m from the water. We were originally going to propose an 'at grade' terrace (which would not require planning approval), but to make that work would require greater disturbance to the property than a deck. A terrace would have required a retaining wall at one end (due to slope). A deck will have minimal impact on the property and will be as low to grade as we can make it.

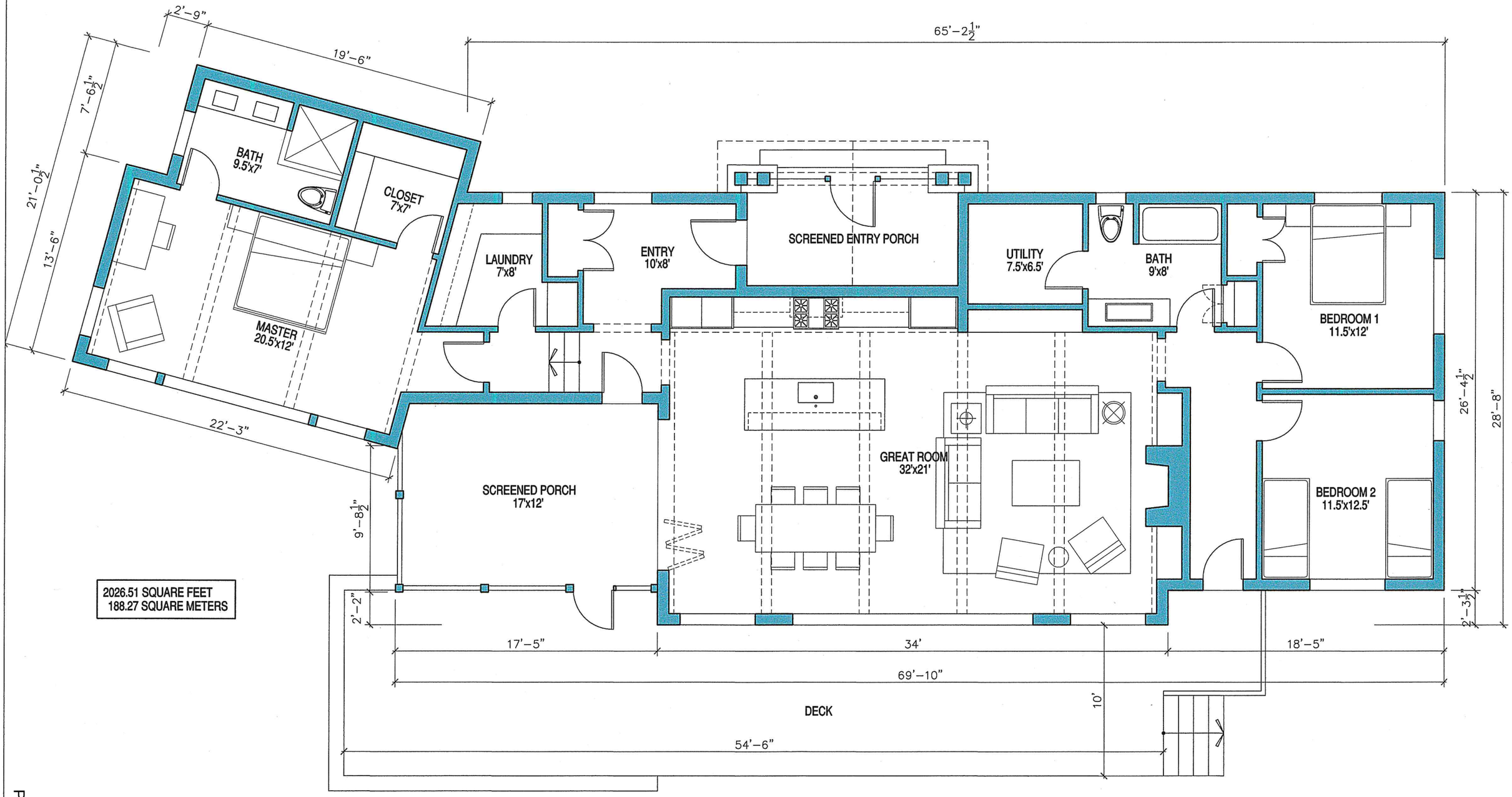
The reasons we are not able to comply with the top of bank setback are essentially the same as above. While the property is large, there are multiple topographical elements that restrict the amount of buildable area on the property.



A-1 | 23 / 06 / 20 | SITE PLAN OVERVIEW - 1/64" = 1' | MESSENGER / SEMPLE - 243 CLEAR LAKE ROAD | MPD



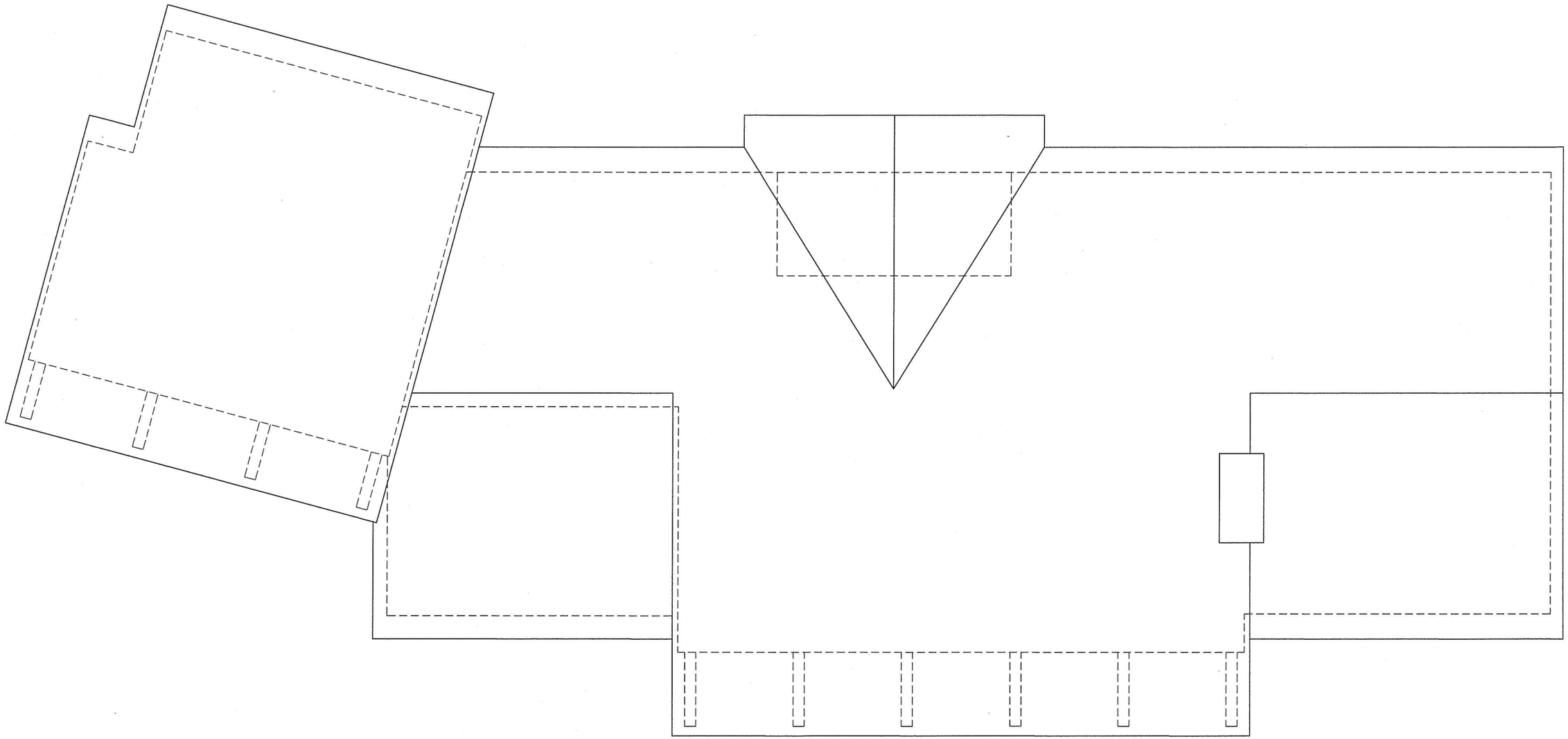
A-1b | 23 / 06 / 20 | ENLARGED SITE PLAN - 1/32" = 1' | MESSENGER / SEMPLE - 243 CLEAR LAKE ROAD | MPD



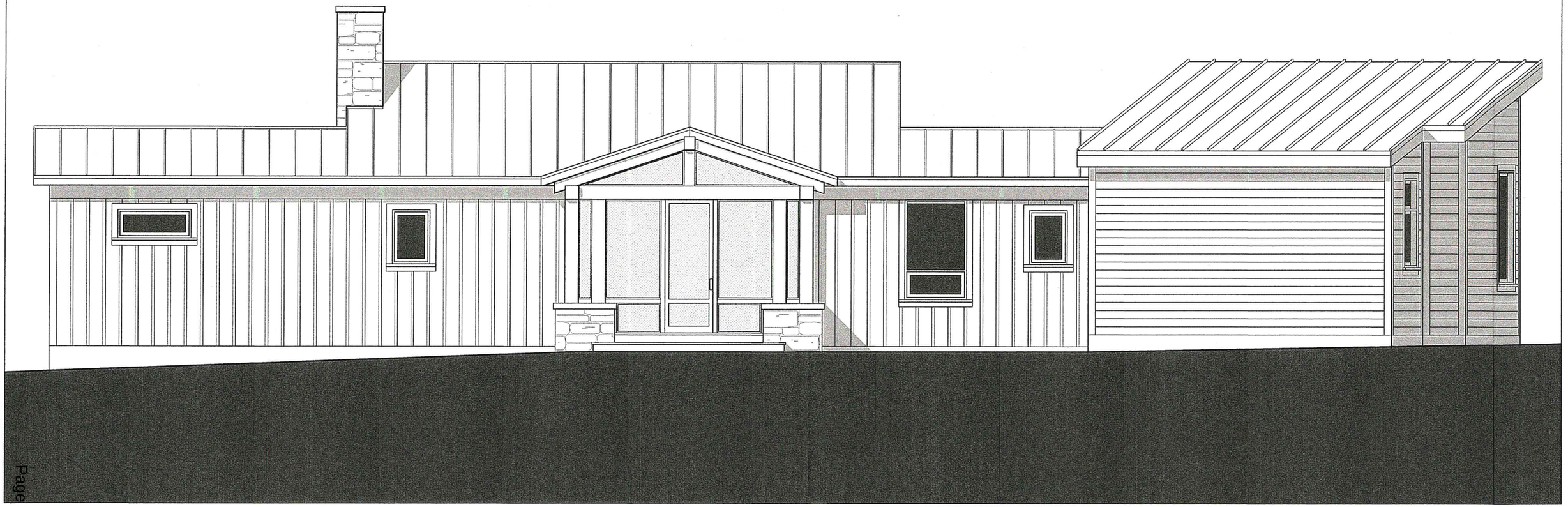
2026.51 SQUARE FEET
188.27 SQUARE METERS

A-2 | 23 / 06 / 20 | GROUND FLOOR PLAN | MESSENGER / SEMPLE - BIG CLEAR LAKE

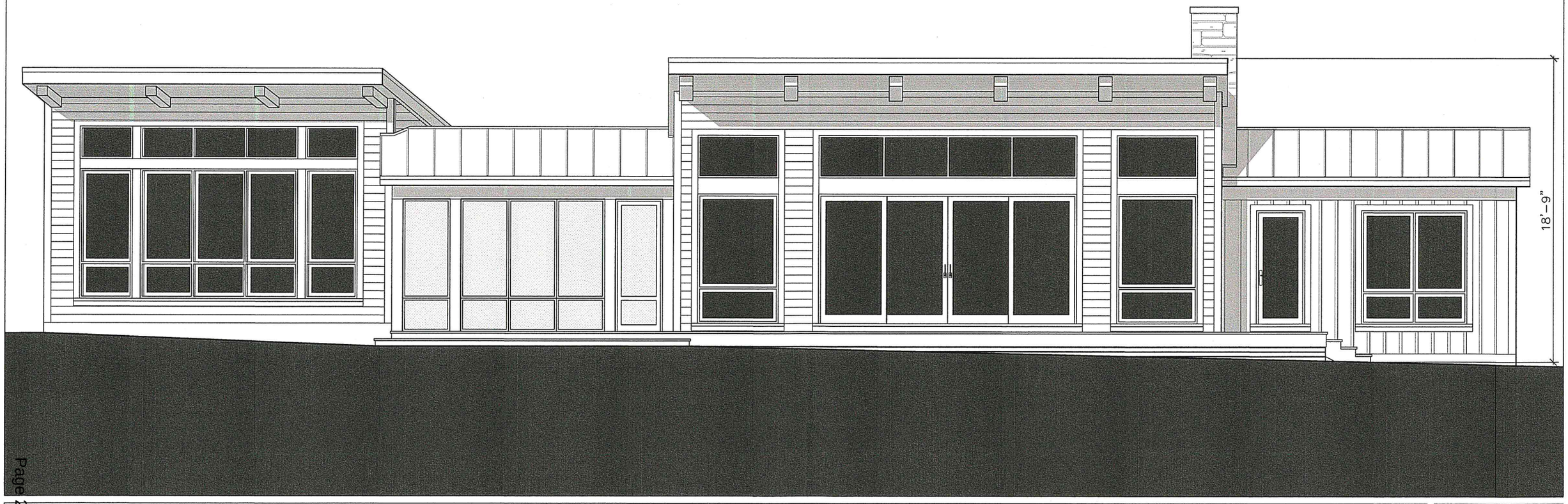
MPD



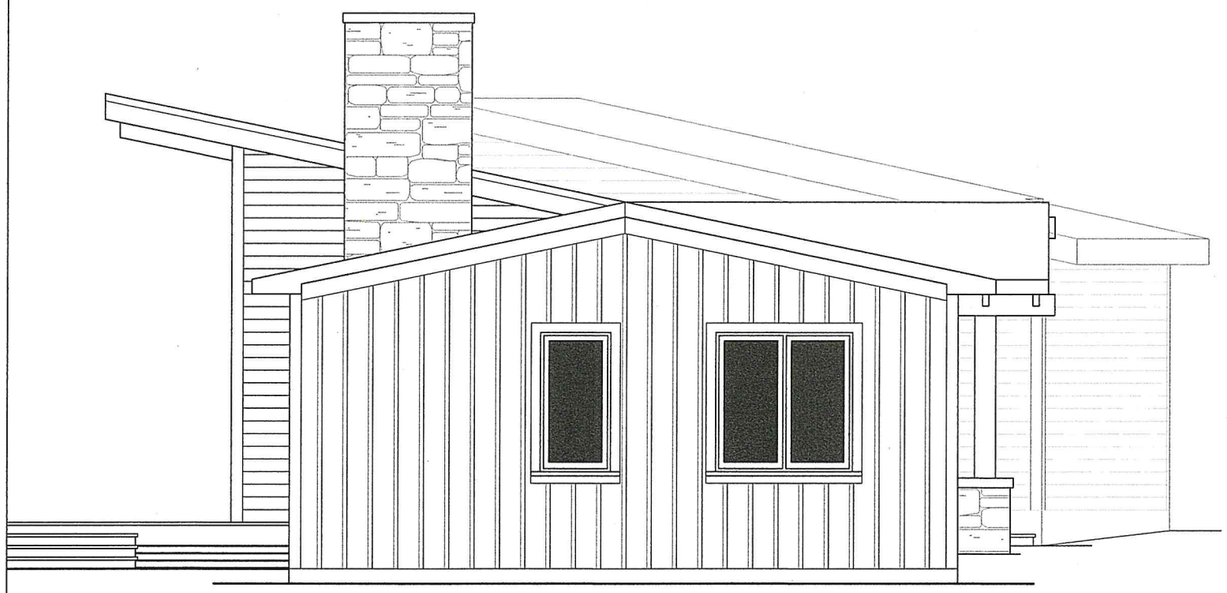
A-3 | 23 / 06 / 20 | ROOF PLAN | MESSENGER / SEMPLE - BIG CLEAR LAKE | MPD



A-4 | 23 / 06 / 20 | EAST ELEVATION | MESSENGER / SEMPLE - BIG CLEAR LAKE | MPD



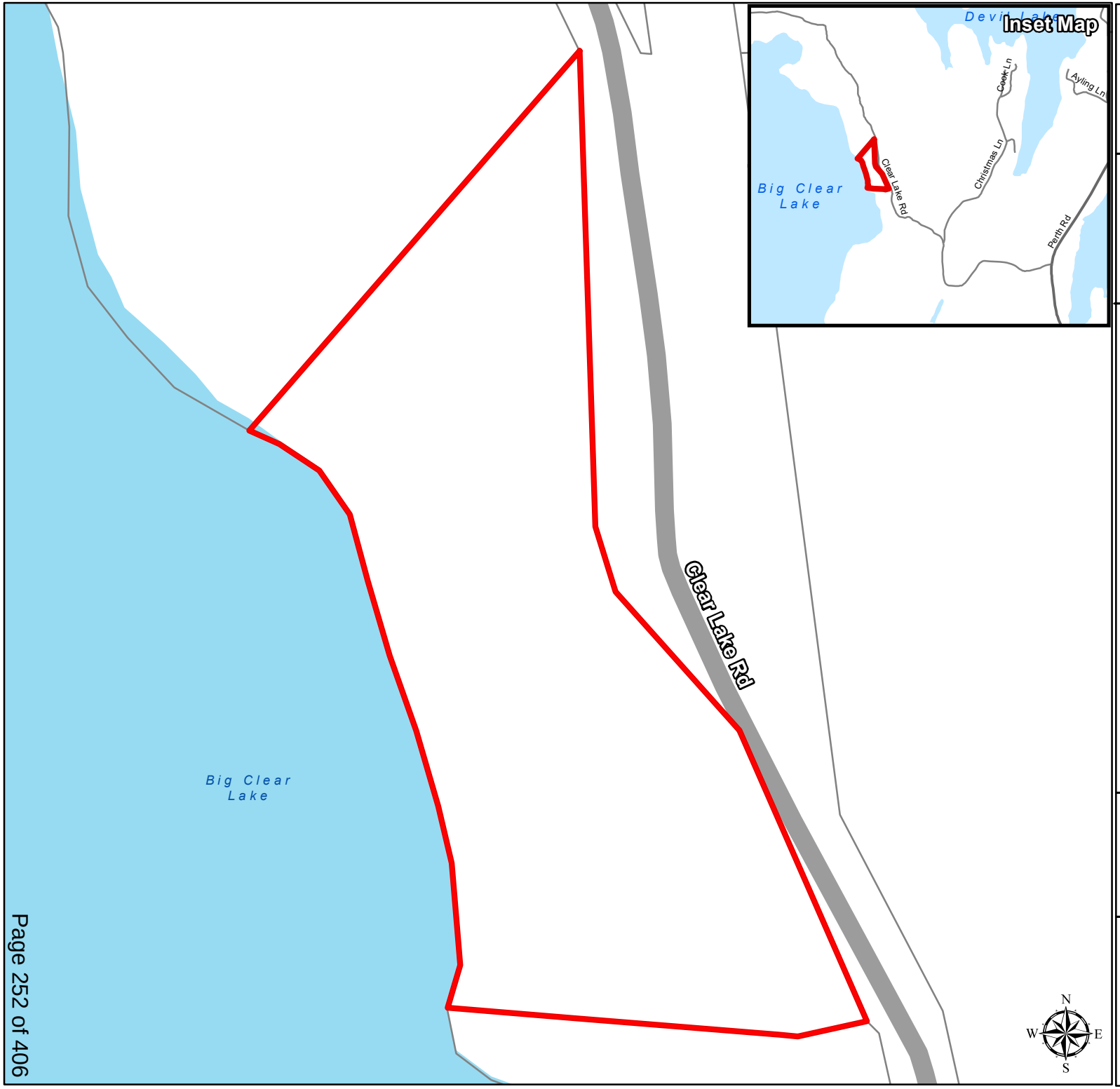
A-5 | 23 / 06 / 20 | WEST ELEVATION | MESSENGER / SEMPLE - BIG CLEAR LAKE | MPD



SOUTH ELEVATION



NORTH ELEVATION



MV-22-20-B
(Semple & Messenger)

243 CLEAR LAKE RD

Legend

- Subject Parcel
- 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 1:1,200

0 5 10 20 30 40

Meters

UTM Projection NAD 83

REPORT TO COMMITTEE OF ADJUSTMENT
PLANNING DEPARTMENT

Report Date: September 8, 2020

Application No: MV-24-20-P
Owner: Robert Blakely
Location of Property: Part of Lot 15, Concession 4, Part 1 on Plan 13R16102, District of Portland, Township of South Frontenac, municipally known as 5027 Wallace Road
Purpose of Application: To vary Section 7.3.2 of the Township of South Frontenac Zoning By-law
Date of Hearing: September 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	Rural
Zoning Relief Requested:	
Section 7.3.2 Rural Zone	**Relief:** To permit an accessory building (detached garage) with a minimum 0.9 metre (3 foot) interior side yard, whereas the Zoning By-law requires a minimum 3 metre (9.8 foot) interior side yard for accessory buildings.
Section 5.24.1 Accessory Buildings	**Relief:** To exceed the maximum lot coverage permitted for accessory buildings (5.3% instead of 5%) and for lot coverage of accessory buildings to exceed the lot coverage of the existing dwelling by 0.8%.

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 (or will subject to approval for the minor variance);

✓ 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 an accessory building (detached garage) within the minimum 3 metre (9.8 foot) interior side yard required in the Rural zone. Following Planning staff's site visit, the application was revised to also request permission to exceed the maximum lot coverage permitted for accessory buildings (5.3% instead of 5%) and for lot coverage of accessory buildings to exceed the lot coverage of the existing dwelling by 0.8%.

The subject property is approximately 0.42 hectares (one acre) in area and has frontage on Wallace Road. It contains an approximately 193 square metre (2075 square foot) single detached dwelling with deck, 178.4 square metre (1920 square foot) detached garage, swimming pool, one 40 foot shipping container and one 20 foot shipping container.

The detached garage was constructed in 2013 with a building permit. The existing wooden rail fence was mistakenly assumed at the time to be the property line. The garage is actually located 0.9 metres (3 feet) from the western property line.

The two shipping containers do not comply with the Zoning By-law. One of the shipping containers is located on the west side of the detached garage within the interior side yard and encroaches on the neighbouring property. The second shipping container is located within the interior side yard and is in the front yard (i.e. between the dwelling and the road). The Owner proposes to move the shipping containers to a location that would meet zoning setback requirements behind the detached garage.

The lot coverage for the dwelling is approximately 4.5%. The lot coverage for accessory buildings and structures (excluding the swimming pool) is approximately 5.3%.

Agency and Public Comments

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

Building Department – The Building Department has no objections to the application as presented.

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

Cataraqui Conservation – Cataraqui Conservation was not circulated the application due to the nature of the proposal.

Public Comments – Written comments have been received from one member of the public. Philip Emon, of 5029 Wallace Road, has no issue with the variance for distance of the detached garage to the property line. He indicated that the storage container that is on his property needs to be moved from its current location. Mr. Emon raised concerns about the applicant's potential plan to expand the detached garage and to move a boat/engine business onto the property, as he has experienced property access and noise issues from business-related undertakings on the property.

Planning Analysis Summary

Potential Business Use of Property

Staff note that the potential business use of the property and the detached garage do not impact the purpose of the requested variances. However, a boat/engine business is not a permitted use on a

residential property in the Zoning By-law. The Township will enforce the Zoning By-law if a boat/engine business is found to be operating on the property.

Four Tests of a Minor Variance

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 variances maintain the general intent and purpose of the Official Plan, specifically the policies on rural residential development.

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

- The proposed variances maintains the general intent and purpose of the Zoning By-law as the detached garage is a permitted use on the subject property. The 5.3% lot coverage of the accessory buildings (excluding the swimming pool) is a minimal increase over what is permitted in the Zoning By-law. The shipping containers are proposed to be relocated to the rear of the detached garage, where they will meet the minimum interior side yard and rear yard requirements of the Rural zone.

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

- The variances are desirable for the appropriate development of the subject property, as the detached garage is consistent with the residential use of the property. Shipping containers are also permitted accessory buildings in the Zoning By-law. As a condition of the approval of the minor variance, the shipping containers would need to be placed on the property to the satisfaction of the Township Building Department. The variances are also desirable as they resolve a longstanding issue of encroachment of structures on a neighbouring property.

Is the variance minor?

- The variances are minor as there will be no negative impact on surrounding properties as a result of the garage constructed at the current location on the property, and the relocation of the shipping containers to the rear of the garage.

Conclusion

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-24-20-P, 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 178.4 square metre (1920 square foot) detached garage with a minimum 0.9 metre (3 foot) interior side yard, and a maximum 5.3% lot coverage for accessory buildings, as per the drawings submitted with MV-24-20-P, attached to the Decision as Schedule “A”.

2. A building permit is required for the two existing shipping containers. The shipping containers must be relocated on the property so that they meet all zoning setback requirements to the satisfaction of the Chief Building Official by November 1, 2020. There shall be no additional development on the property without approval from the Township of South Frontenac.

3. Minor variance MV-24-20-P 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: August 28, 2020

Attachment: Map of the Blakely property

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

Date Received: July 27/20 File No: MV-24-20-P

1. Name of Owner(s): Robert Blakely

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: 4 Lot Number: Part Lot 15

Street Number: 5027 Name of Road/Street: Wallace Rd

Reference Plan Number: 13R-16102 Part Number(s): #1

Roll Number: 1029080070012 10

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

Frontage (on water): _____ Frontage (on road/lane): 150' FT

Depth: 300' FT Area: West Side line Property

5. The current zoning of the subject land:

Residential

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

Property Sideline Fences

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

Not enough Setback from back of Garage Building

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

Name of Road/Lane:

Wallace 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?

Storage

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)** Building Garage	**(2)** House	**(3)**	**(4)**
Setback from Front Lot Line	154' Ft	94.4' Ft		
Setback from Rear Lot Line	82' FT	177.03' Ft		
Setback from Side Lot Line	3' FT	34.6' Ft		
Height of Building (Also indicate if it is one story or two story)	19' FT	19' FT		
Dimensions of Floor Area	64' x 30' FT	70.20' x 27.97' Ft		
Setback from High Water Mark (If applicable)				

13. The proposed uses of the subject land:

Side driveway Fenceline Setback property Line

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:

Oct 30th 2002

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

Sept 2013

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

7 years

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:

No

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:

No

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

No

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.

N/A

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

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

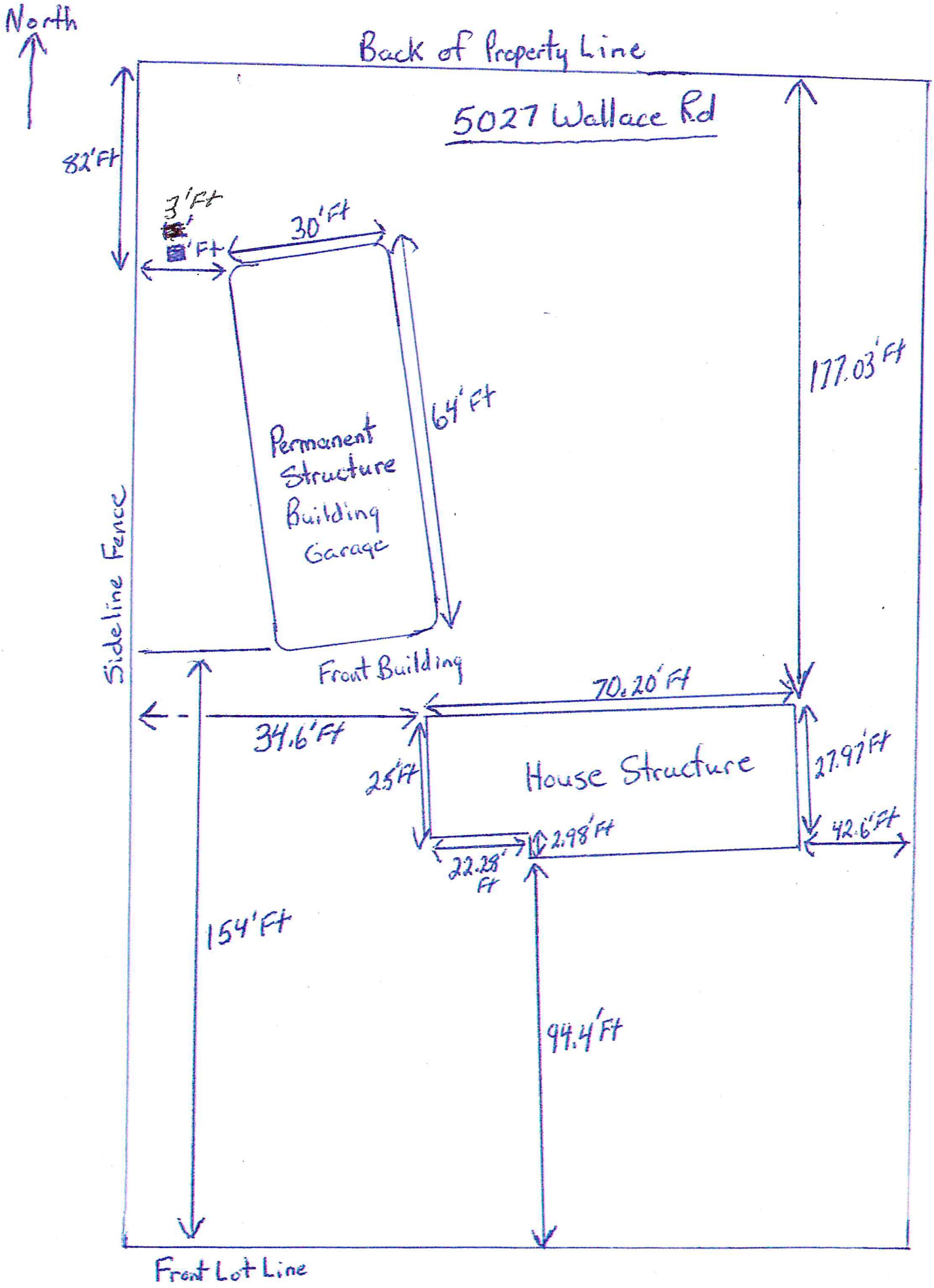
ii) The boundaries and dimensions of the subject land including the location of any existing and proposed buildings.

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.


North
Back of Property Line
5027 Wallace Rd
82'Ft
3'Ft
1'Ft
30'Ft
64'Ft
Permanent Structure Building Garage
177.03'Ft
Sideline Fence
Front Building
70.20'Ft
34.6'Ft
25'Ft
House Structure
27.97'Ft
2.98'Ft
42.6'Ft
22.28' Ft
154'Ft
94.4'Ft
Front Lot Line

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:

DATED AT THE TOWNSHIP OF SOUTH FRONTENAC

[redacted]

THIS PLAN IS NOT VALID UNLESS IT IS AN EMBOSSED ORIGINAL COPY ISSUED BY THE SURVEYOR In accordance with Regulation 1026, Section 29(3).

GEOGRAPHIC TOWNSHIP OF PORTLAND

NOW IN THE TOWNSHIP OF SOUTH FRONTENAC
COUNTY OF FRONTENAC

SCALE 1" = 50'

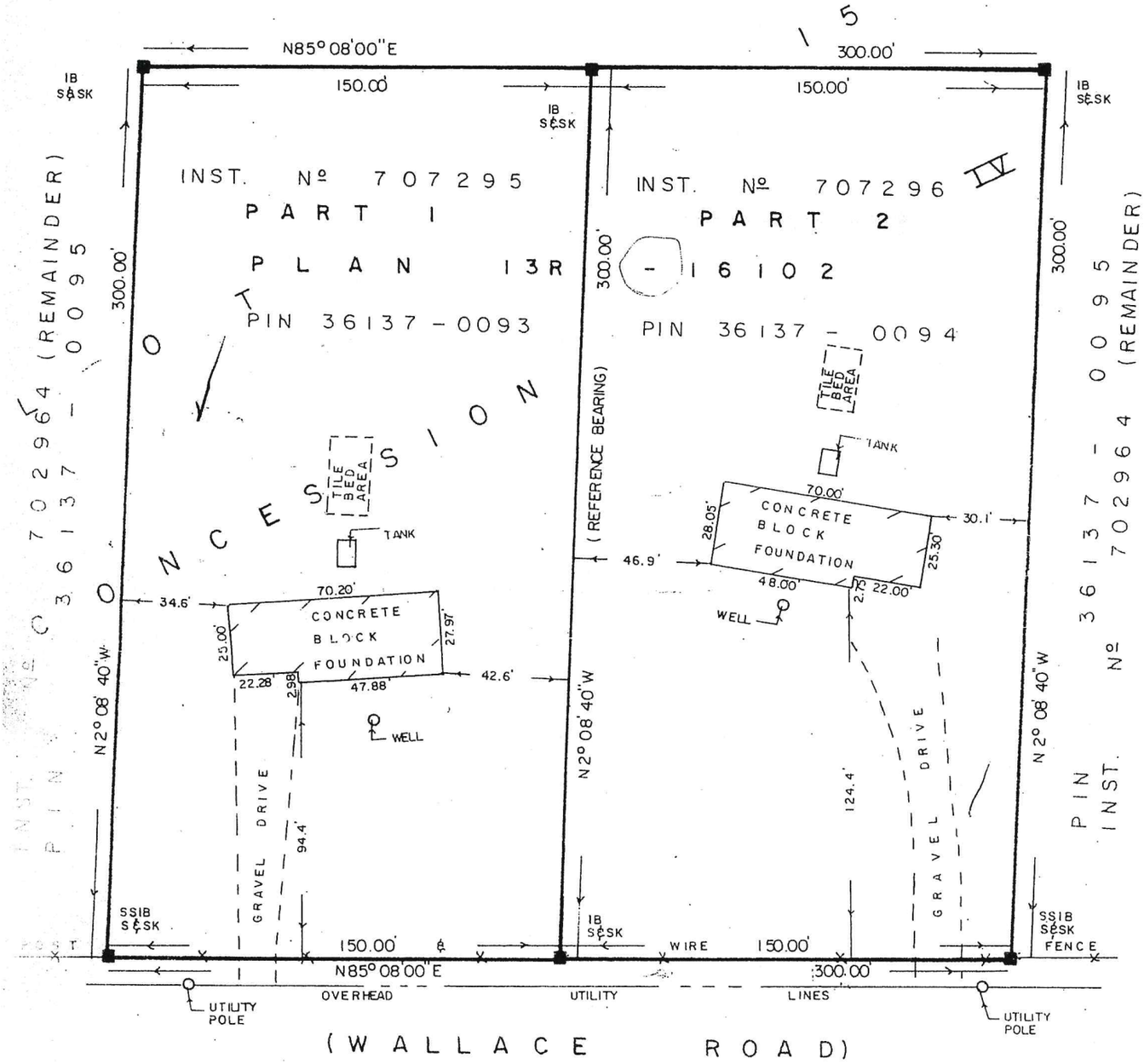
25 0 25 50 75 100

SCALE IN FEET

SMITH & SMITH KINGSTON LTD.
ONTARIO LAND SURVEYORS
KINGSTON, ONTARIO

2001

INST. Nº 702964 (REMAINDER)
PIN 36137 - 0095



SURVEYOR'S REAL PROPERTY REPORT
PART 2, REPORT SUMMARY

DESCRIPTION OF LAND
PT. LOT 15, CONCESSION IV, PARTS 1 & 2, PLAN 13R-16102 GEOGRAPHIC TOWNSHIP OF PORTLAND. NOW IN THE TOWNSHIP OF SOUTH FRONTENAC.
REGISTERED EASEMENTS / RIGHTS OF WAY
NONE ON TITLE OR EVIDENT ON SITE.
ENCROACHMENTS
NONE EVIDENT.
COMPLIANCE WITH MUNICIPAL ZONING BY-LAWS
AS STATED BY THIS REPORT

IMPERIAL
DISTANCES SHOWN ON THIS PLAN ARE IN FEET AND CAN BE CONVERTED TO METRES BY MULTIPLYING BY 0.3048.

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO PLAN 13R-16102, AS SHOWN.

THIS REPORT WAS PREPARED FOR T. GRANT CONST. AND THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY FOR USE BY OTHER PARTIES.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGISTRY ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 6th DAY OF DECEMBER 2001.

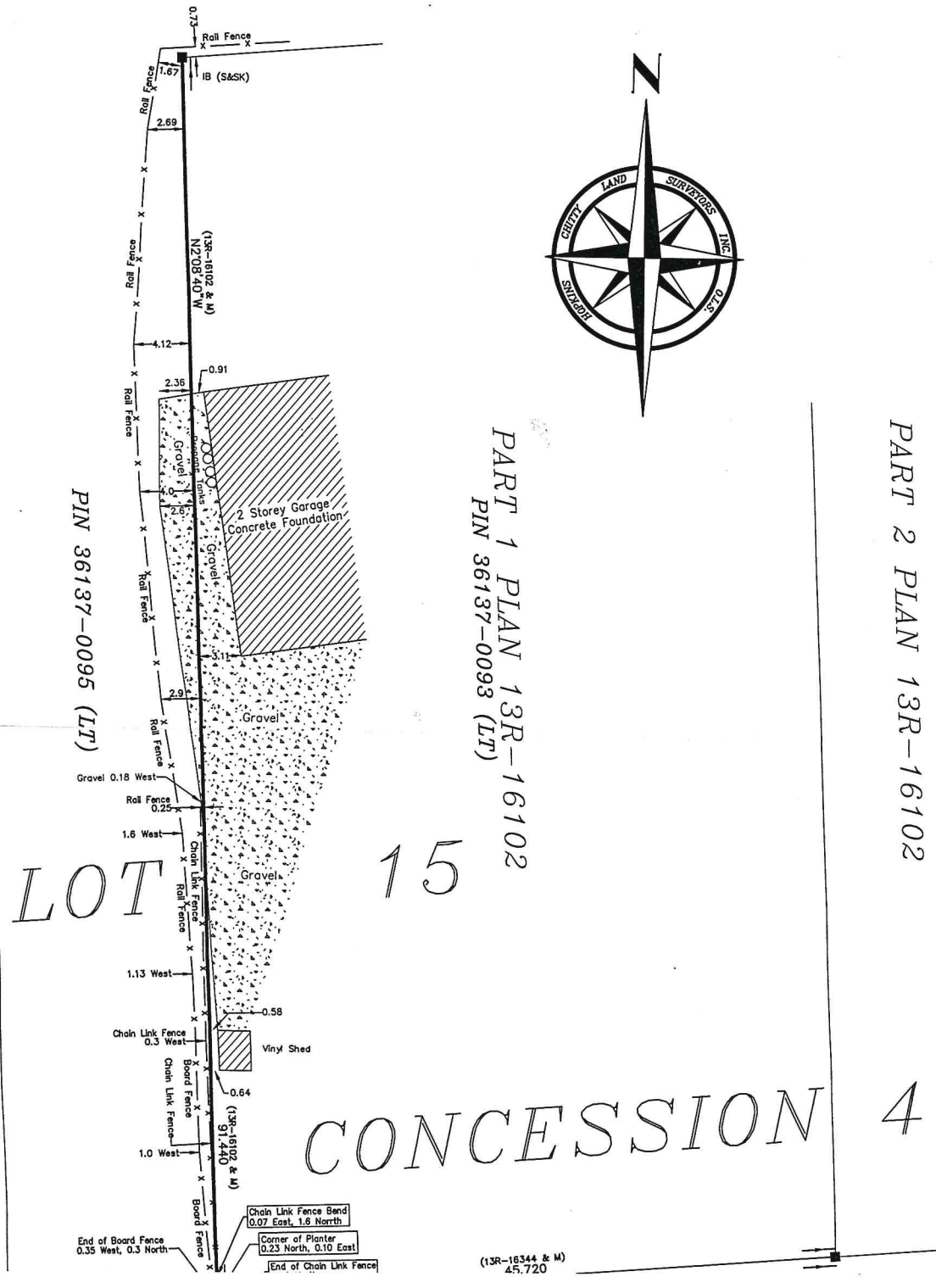
PLAN to ILLUSTRATE

WESTERLY LIMIT OF PART 1 PLAN 13R-16102
BEING PART of LOT 15, CONCESSION 4
Geographic Township of Portland
TOWNSHIP of SOUTH FRONTENAC
COUNTY of FRONTENAC

SCALE = 1:300

10metres 0 10 20 30metres

HOPKINS CHITTY LAND SURVEYORS INC. -2018-



PART 1 PLAN 13R-16344

PIN 36137-0095 (LT)

PART 1 PLAN 13R-16102

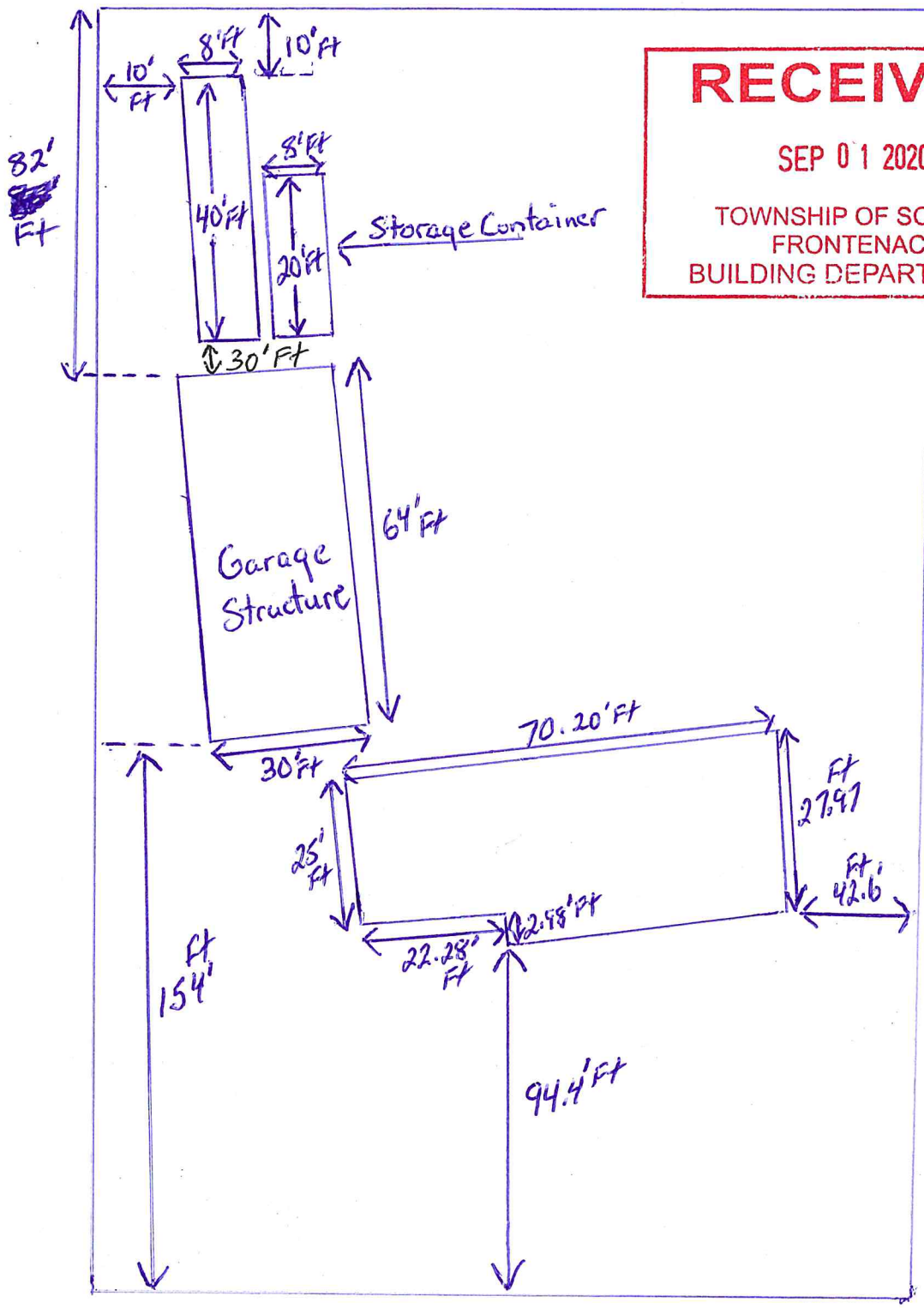
PIN 36137-0093 (LT)

PART 2 PLAN 13R-16102

LOT 15

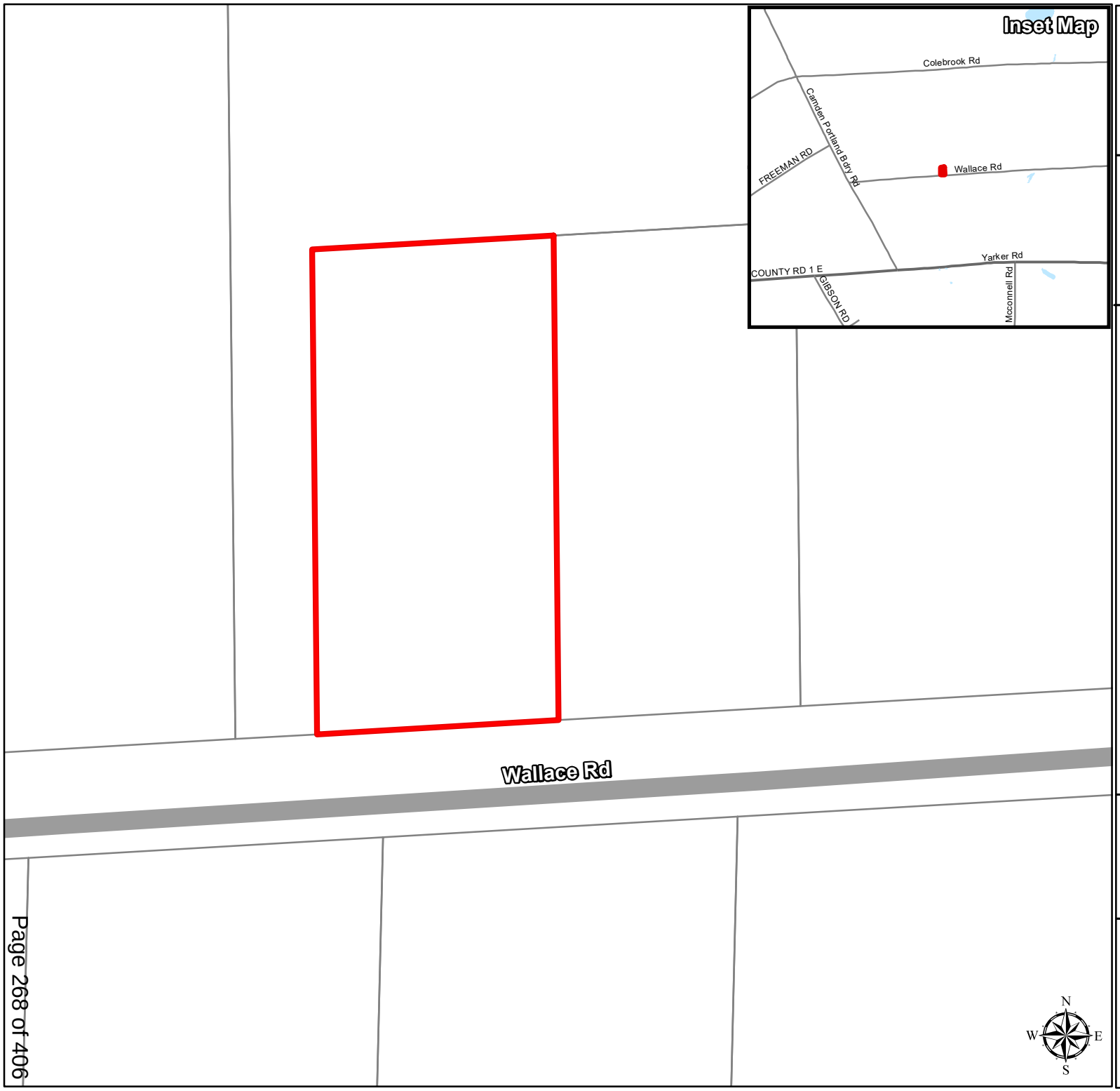
CONCESSION 4

Lot 15, Concession 4



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SEP 01 2020
TOWNSHIP OF SOUTH FRONTENAC
BUILDING DEPARTMENT

5027 Wallace Rd, Harrowsmith



MV-24-20-P (Blakely)

5027 WALLACE RD

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 1:1,000

0 4.75 9.5 19 28.5 38

Meters

UTM Projection NAD 83

REPORT TO COMMITTEE OF ADJUSTMENT
PLANNING DEPARTMENT

MINOR VARIANCE – PLANNING REPORT

Report Date: September 4, 2020

Application No: MV-25-20-S
Owner: Michael Fitzsimmons
Location of Property: Part 1 on Plan 13R19266, District of Storrington, Township of South Frontenac, 2335 Sands Road.
Purpose of Application: To vary Section 7.3.2 of the Township of South Frontenac Zoning Bylaw
Date of Hearing: September 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: RU - Rural	**Zoning Relief Requested:**
Section 7.3.2: Rural Zone	**Relief:** To permit the construction of an accessory building (detached garage) with a height of 7.1 metres (23 feet), whereas the Zoning By-law limits the height of an accessory building to be a maximum of 6 metres (19.7 feet).

Review:

This application:

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

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

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

✓ Complies with the general intent and purpose of the Township of South Frontenac Zoning By-law 2003-75 (or will comply subject to approval for the minor variance);

✓ 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 the construction of an accessory building (detached garage), which exceeds the maximum permitted height for an accessory building in the Rural (RU) zone.

The subject property is located on the south side of Sands Road, and is municipally known as 2335 Sands Road. The parcel is 1.12 hectares (2.94 acres). There is a single detached two-storey dwelling on the property.

The proposed detached garage is 75 metres^2 (800 ft^2) in size, is two-storeys with a height of 7.1 metres (23 feet). It is located to the rear of the existing dwelling located 4 metres (13 feet) from the interior west lot line and 53 metres (174 feet) from the front lot line (Sands Road). A building permit was obtained in April 2019 and the applicant has confirmed that the garage was built in July 2020, however the garage was mistakenly built taller than Zoning By-law permits and are therefore requesting a minor variance.

Agency Analysis and Comments

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

Building Department – The Building Department has advised they have no objections to the application as presented.

KFL&A Public Health – No development is proposed in proximity to the septic system, therefore KFL&A Public Health was not circulated.

Cataraqui Region Conservation Authority – Given the location and scope of the proposed development, CRCA was not circulated.

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?

The subject property is designated Rural in the Official Plan. As per Section 5.7, Lands designated Rural are characterized by a rural landscape which reinforces the historical relationship between Settlement Areas and the surrounding farm, rural and seasonal residential communities to which the Settlement Areas provide basic services. The amount and type of development in the Rural area shall be consistent with maintaining its rural, natural heritage and cultural landscape.

- The variance conforms to the general intent and purpose of the Official Plan as the proposed garage is consistent with the residential use of the property, within the Rural Area designation, which contemplates dwellings and accessory buildings on rural lots.

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

Section 7 of the Zoning By-law details the permitted uses and zone regulations for rural development, including those regulations applicable to accessory buildings not attached to the principal building, which requires that building setbacks be a minimum of 6 metres (19.7 feet).

- The variance conforms to the general intent and purpose of the Zoning Bylaw as the proposed garage (accessory building) is a permitted use on the subject property and the proposed location complies with the setback requirements of the Rural zone, with the exception that it exceeds 6 metres in height. The proposed location and orientation of the detached garage is practical on the subject property.

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

- The variance is desirable for the appropriate development of the subject property, as a detached garage is accessory to the existing single detached dwelling. It is located a suitable

distance from the front and side property lines. There is no negative impact on adjacent properties.

4. Is the variance minor?

   - The variance is minor as it will not cause any negative impacts as a result of its size and location on the subject property. The proposed garage does not exceed the maximum lot coverage for accessory structures and meets all setback requirements. Furthermore, the proposed garage is located approximately 53 metres (174 feet) away from Sands Road, so it is not highly visible from the road.

Conclusion

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-25-20-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 the construction of a two-storey detached garage of 75 metres^2 (800 feet^2) with a height of 7.1 metres (23 feet) constructed at the rear of the existing single detached dwelling, as per the drawings submitted with MV-25-20-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-25-20-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, Township of Frontenac

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

Date of Site Visit: September 2, 2020

Attachments: Map of the Fitzsimmons property

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
AUG 04 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-25-20-S

1. Name of Owner(s): Michael Fitzsimmons

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 [redacted] Variance.

3. The description of the subject land:

District: ☐ Bedford ☐ Portland ☐ Loughborough ☒ Storrington

Concession Number: 8 Lot Number: Pt. Lot 8

Street Number: 2335 Name of Road/Street: Sands Rd.

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

Roll Number: 102906000401010

RECEIVED

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): _____ Frontage (on road/lane): 326 Ft.

Depth: 389 Ft. Area: 3 Acres

5. The current zoning of the subject land:

Res.

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

The new garage was built around 2 Ft. taller than code by mistake.

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

The garage was built too tall.

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

Name of Road/Lane:

Sands 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?

Res.

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) House Residence	(2)	(3)	(4)
Setback from Front Lot Line	58 Ft.			
Setback from Rear Lot Line	329 Ft.			
Setback from Side Lot Line	91 Ft. From West			
Height of Building (Also indicate if it is one story or two story)	Two Story			
Dimensions of Floor Area	26'5"x37'			
Setback from High Water Mark (If applicable)				

13. The proposed uses of the subject land:

Res.

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) New garage	(2)	(3)	(4)
Setback from Front Lot Line	174 Ft			
Setback from Rear Lot Line	172 Ft 8¼			
Setback from Side Lot Line	12 Ft 6inch			
Height of Building (Also indicate if it is one story or two story)	23 Ft 2 story			
Outside Dimensions of Building/Structure	20 x 40			
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:

June 1, 2011

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

House built in 1969, garage built July 2020.

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

51 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:

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:

Septic

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

Ditch

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:

DATED AT THE TOWNSHIP OF SOUTH FRONTENAC

[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?

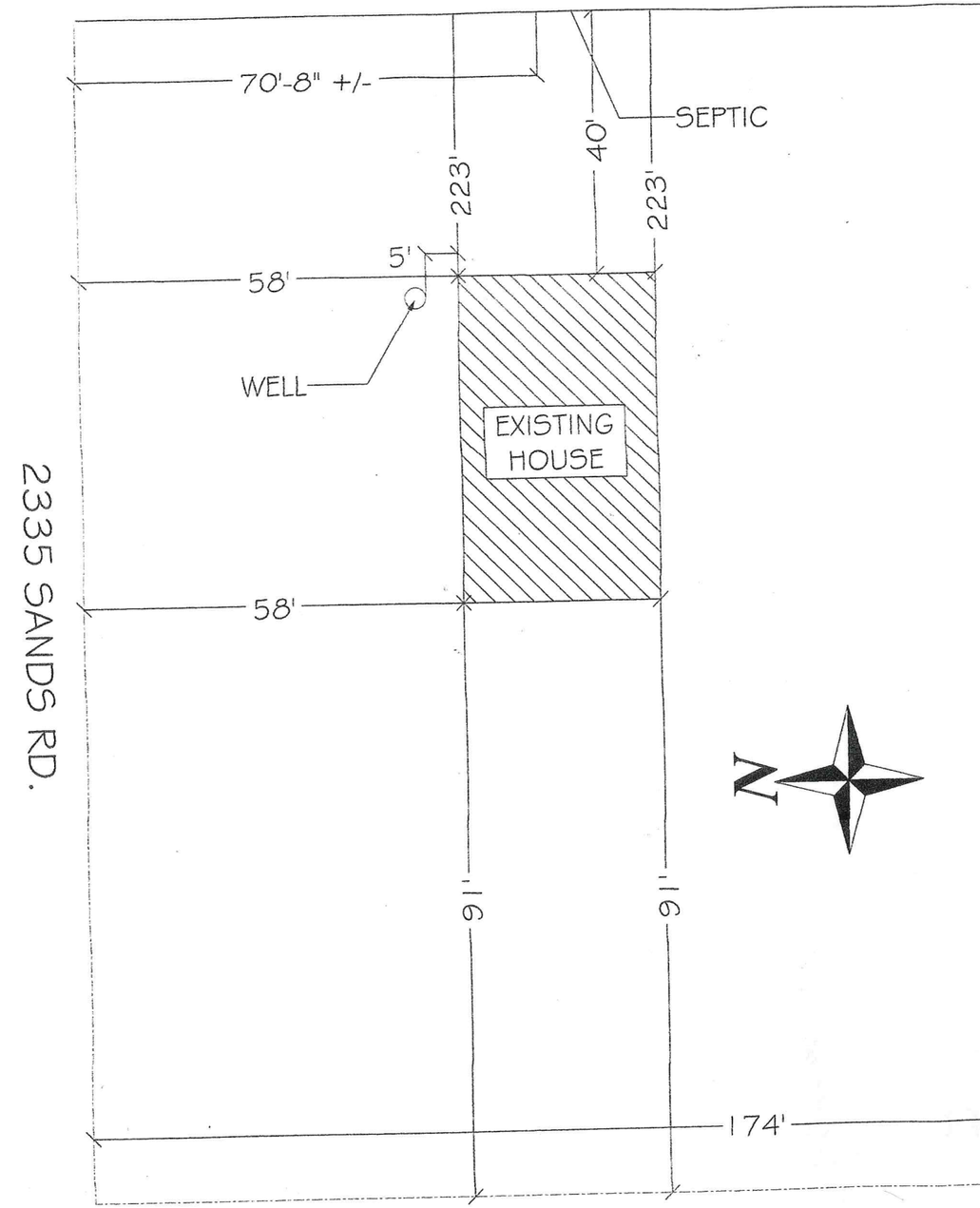
26) If yes: If there is a current application for severance or subdivision on the property, please indicate the file number. (Staff can help provide this information)

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.

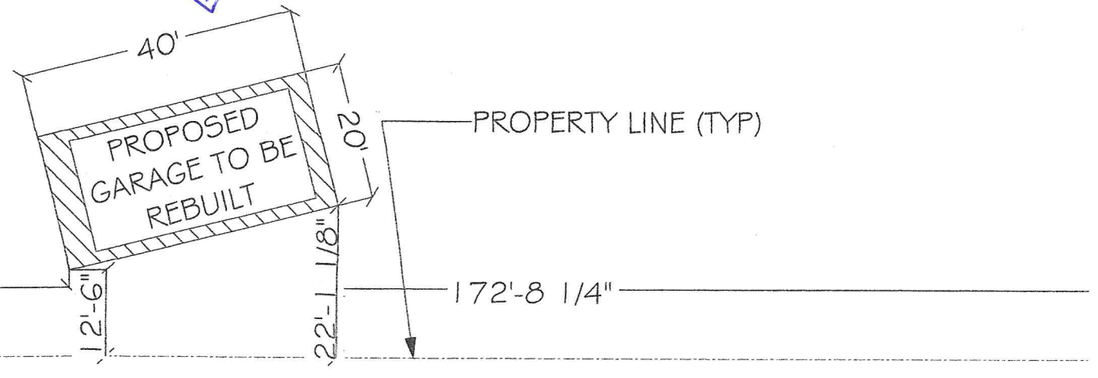
28) If yes: If there has been a previous variance granted on the property, please indicate the application number if known, and what the details of the variance were.

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.



This garage was built July 2020. The Minor Variance request is because the garage was mistakenly built at 22 Ft. which is taller than code.



LICENCED PROFESSIONAL ENGINEER
E. R. TROUGHT
100121350
4/23/2019
PROVINCE OF ONTARIO

THIS DRAWING AND DESIGN ARE THE COPYRIGHT PROPERTY OF E.R. TROUGHT DESIGN AND SHALL NOT BE COPIED, REPRODUCED OR DISTRIBUTED IN WHOLE OR IN PART WITHOUT THE EXPRESS WRITTEN CONSENT OF THE DESIGNER.
DRAWINGS SHALL NOT BE SCALED
CONTRACTOR SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS AND SHALL REPORT ANY DISCREPANCY TO THE ENGINEER BEFORE PROCEEDING WITH ANY WORK

ERIC TROUGHT, P. ENG

I HAVE REVIEWED AND TAKE RESPONSIBILITY FOR THE DESIGN ACTIVITIES WHICH BEARS THE DECLARATION AND HAVE MET THE REQUIREMENTS OF THE O.B.C. AS A REGISTERED DESIGNER, THESE DRAWINGS SHALL BE CONSIDERED AS NOT FOR CONSTRUCTION UNLESS AUTHORIZED BY THE DESIGNERS SIGNATURE FOR PERMIT APPLICATION

SIGNATURE

BCIN: 24453, 30033

THESE PLANS WE DESIGNED IN ACCORDANCE WITH THE ONTA BUILDING CODE. THESE PLANS FORM THE BASIS R PERMIT ISSUANCE AND ANY DEVIATION FROME SE PLANS AND DETAILS, INCLUDING THE NT LATION SYSTEM, HEATING SYSTEM, WOODS/E , FIEPLACES, DECKS, BALCONIES AND IS HEEBASEMENTS, WILL REQUIRE A REVI DRAWNG AND CLEARANCE BY THE BUILDINEPARTMENT

E.R. TROUGHT DESIGN INC.
31 HILLENDALE AVE.
KINGSTON, ONTARIO
K7M 1S2
TEL 613 531-7873
CEL 613 561-3428
FAX 613 531-0602

REBUILD OF DETACHED GARAGE

CLIENT: MIKE FITZSIMMONS

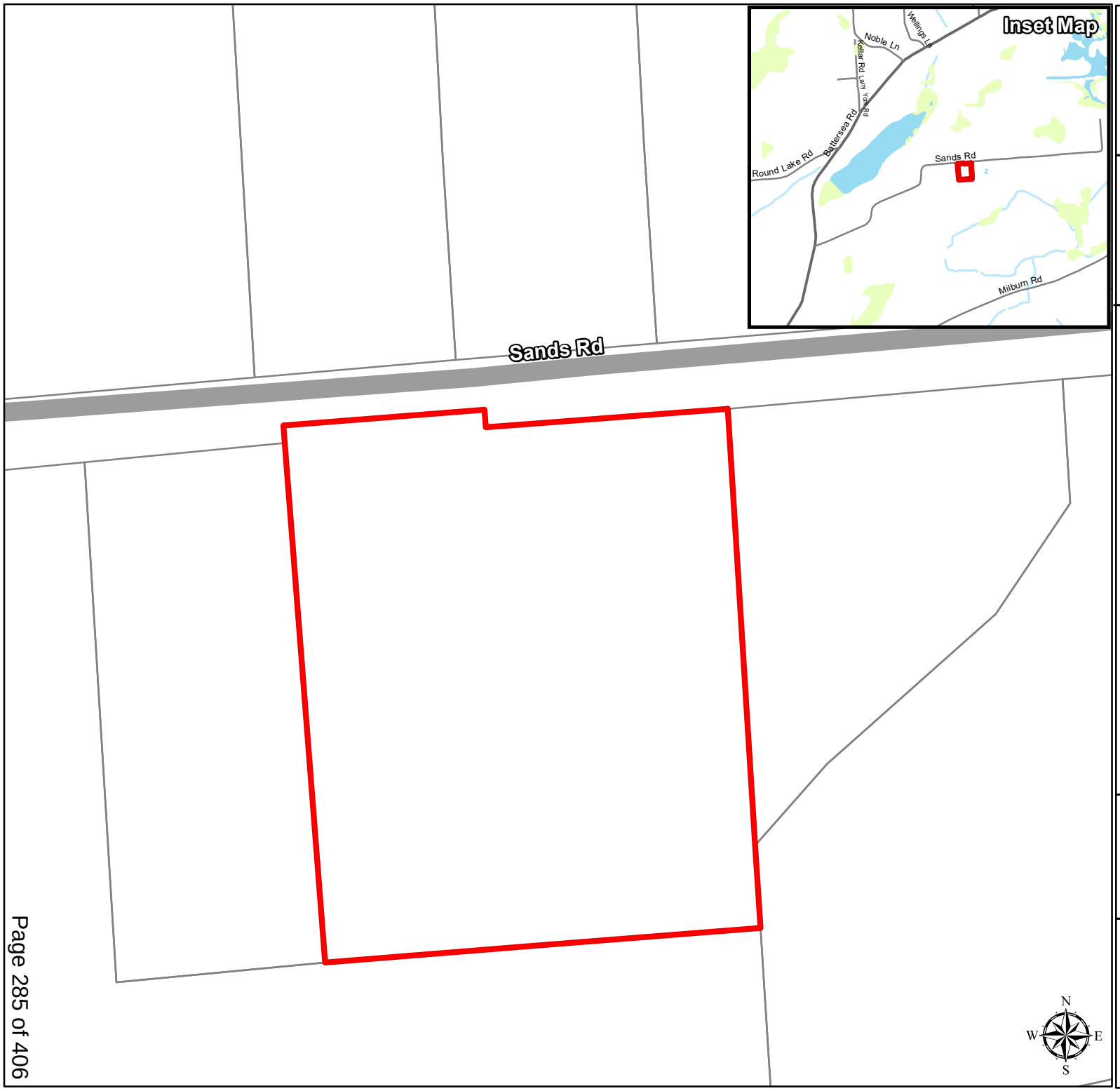
LOCATION: 2335 SANDS RD., BATTERSEA, ON

PLOT PLAN

SCALE: 3/64" = 1'-0" | TUESDAY, APRIL 23, 2019 | Sheet 1 OF 1

DWG NO. **PP1**

FITZSIMMONS



TOWNSHIP OF SOUTH FRONTENAC

MV-25-20-S (Fitzsimmons)

2335 SANDS RD

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 1:1,200

0 5 10 20 30 40

Meters

UTM Projection NAD 83

REPORT TO COMMITTEE OF ADJUSTMENT
PLANNING DEPARTMENT

MINOR VARIANCE – PLANNING REPORT

Report Date: September 4, 2020

Application No: MV-23-20-L
Owner: Barry and Donna Howlett
Location of Property: Part 1 on Plan 13R21648, District of Storrington, Township of South Frontenac, 2472 Sands Road
Purpose of Application: To vary Section 5.24.2 of the Township of South Frontenac Zoning Bylaw
Date of Hearing: September 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: Settlement Area	**Zoning:** Special Provision 18 - Urban Residential First Density Zone (UR1-18)
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*);

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

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

✓ Complies with the general intent and purpose of the Township of South Frontenac Zoning By-law 2003-75 (or will comply subject to approval for the minor variance);

✓ 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 the construction of an accessory building (detached garage) within the projected front yard of the subject property located in the Urban Residential First Density Zone – Special Provision zone 18 (UR1-18).

The subject property is located on the north side of Sands Road and is municipally known as 2472 Sands Road. The subject parcel is 0.83 hectares (2.05 acres) and has a 232 metre^2 (2500 feet^2) single detached dwelling located on the subject property.

The proposed detached garage is 8 metres x 8 metres (26 feet by 26 feet) and approximately 64 metres^2 (676 feet^2) in size. The proposed garage is single storey with a height of approximately 5.5 metres (18 feet), has a front yard setback of 35 metres (115 feet) to Sands Road, and an interior west side yard setback of 3 metres (10 feet). The garage will be approximately 8.2 metres (27 feet) from the existing dwelling.

Agency Analysis and Comments

Public Services Department – Public Services has no concerns regarding the application.

KFL&A Public Health – No development is proposed in proximity to the septic system therefore KFL&A Public Health was not circulated.

Cataraqui Region Conservation Authority – Given the location and scope of the proposed development, CRCA confirmed that circulation was not required.

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?

The subject property is designated Settlement Area in the Official Plan. As per Section 5.6, Lands designated as Settlement Areas are characterized as areas of concentrated population. A full range of land uses are permitted within the Settlement Areas.

- The variance conforms to the general intent and purpose of the Official Plan as the proposed garage is consistent with the residential use of the property, within the Settlement Area designation.

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

Section 5.24.2 of the Zoning By-law details the permitted location of an accessory building to be erected to the rear of the projected front or exterior side wall of the main building.

- The variance conforms to the general intent and purpose of the Zoning By-law as the location of the garage complies with the setback requirements of the UR1-18 zone. The special provisions zone requires a minimum lot frontage of 64 metres (210 feet) and prohibits any development behind the rear lot line of the abutting property. The proposed garage is not located behind the rear lot line of the abutting property. The proposed location of the detached garage is adjacent to the existing driveway which is located on the west 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 special provision zoning.

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

- The variance is desirable for the appropriate development of the subject property, as a detached garage is accessory to the proposed single detached dwelling. It is located a

suitable distance from the front property line and 3 metres (10 feet) from the west interior property line whereas only 2.5 metres (8.2 feet) is required.

4. Is the variance minor?

   - The variance is minor as it will not cause any negative impacts as a result of its location within the projected front yard and will be located off an existing driveway on a concrete pad. 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).

Conclusion

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-26-20-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 the construction of a one-storey detached garage of 8 metres x 8 metres (26 feet by 26 feet), to be constructed in the projected front yard, at a setbck of 35 metres (115 feet) as per the drawings submitted with MV-26-20-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-26-20-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, Township of Frontenac

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

Date of Site Visit: September 2, 2020

Attachments: Map of the Howlett property

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).

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

Date Received: _____ File No: MV-26-20-S

1. Name of Owner(s): BARRY, DONNA HOWLETT

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: 8 Lot Number: 7

Street Number: 2472 Name of Road/Street: SANDS RD.

Reference Plan Number: 13R-21648 Part Number(s): 1

Roll Number: 1029060040103520000

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

Frontage (on water): — Frontage (on road/lane): 210'

Depth: Approx 400' Area: 2 ACRES

5. The current zoning of the subject land:

X URI

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

TO CONSTRUCT A SEPARATE GARAGE ON THE WEST SIDE OF THE PROPERTY BETWEEN EXISTING HOUSE AND THE ROAD.

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

X PROPOSED GARAGE ~~IS~~ WILL BE LOCATED IN THE "FRONT YARD" ~~OF~~ OF THE PROPERTY

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

Name of Road/Lane:

SANDS ROAD

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?

SINGLE RESIDENTIAL ~~HOUSE~~ HOUSE

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)**	**(3)**	**(4)**
Setback from Front Lot Line	168'			
Setback from Rear Lot Line	200'			
Setback from Side Lot Line	52'			
Height of Building (Also indicate if it is one story or two story)	ONE STORY Approx 22'			
Dimensions of Floor Area	2500'			
Setback from High Water Mark (If applicable)	—			

13. The proposed uses of the subject land:

SINGLE FAMILY 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)** SEPARATE GARAGE	**(2)**	**(3)**	**(4)**
Setback from Front Lot Line	115'			
Setback from Rear Lot Line	285'			
Setback from Side Lot Line	10'			
Height of Building (Also indicate if it is one story or two story)	ONE STORY 18'			
Outside Dimensions of Building/Structure	26' x 26'			
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:

JUNE, 2018

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

AUG, 18 - FEB, 19

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

2 YEARS

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:

PRIVATE 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:

PRIVATE SEPTIC

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

DITCHES

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:

DATED AT THE TOWNSHIP OF SOUTH FRONTENAC

[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?

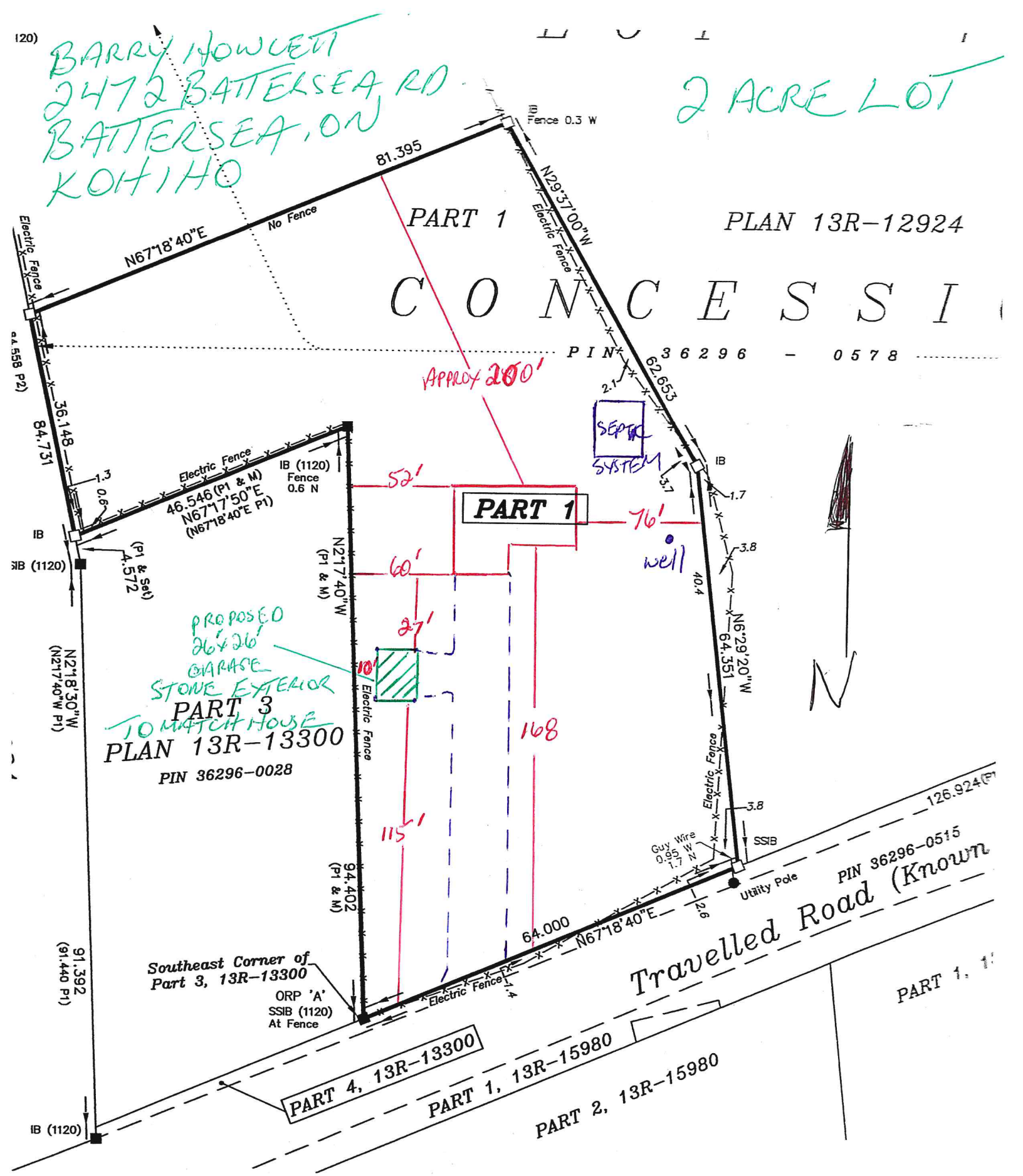
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29) **SKETCH: We cannot stress enough the importance of a detailed, accurate, and complete sketch. You do not necessarily need to contract with a professional to draw the sketch, but sketches that are not drawn to scale, do not show dimensions and 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.

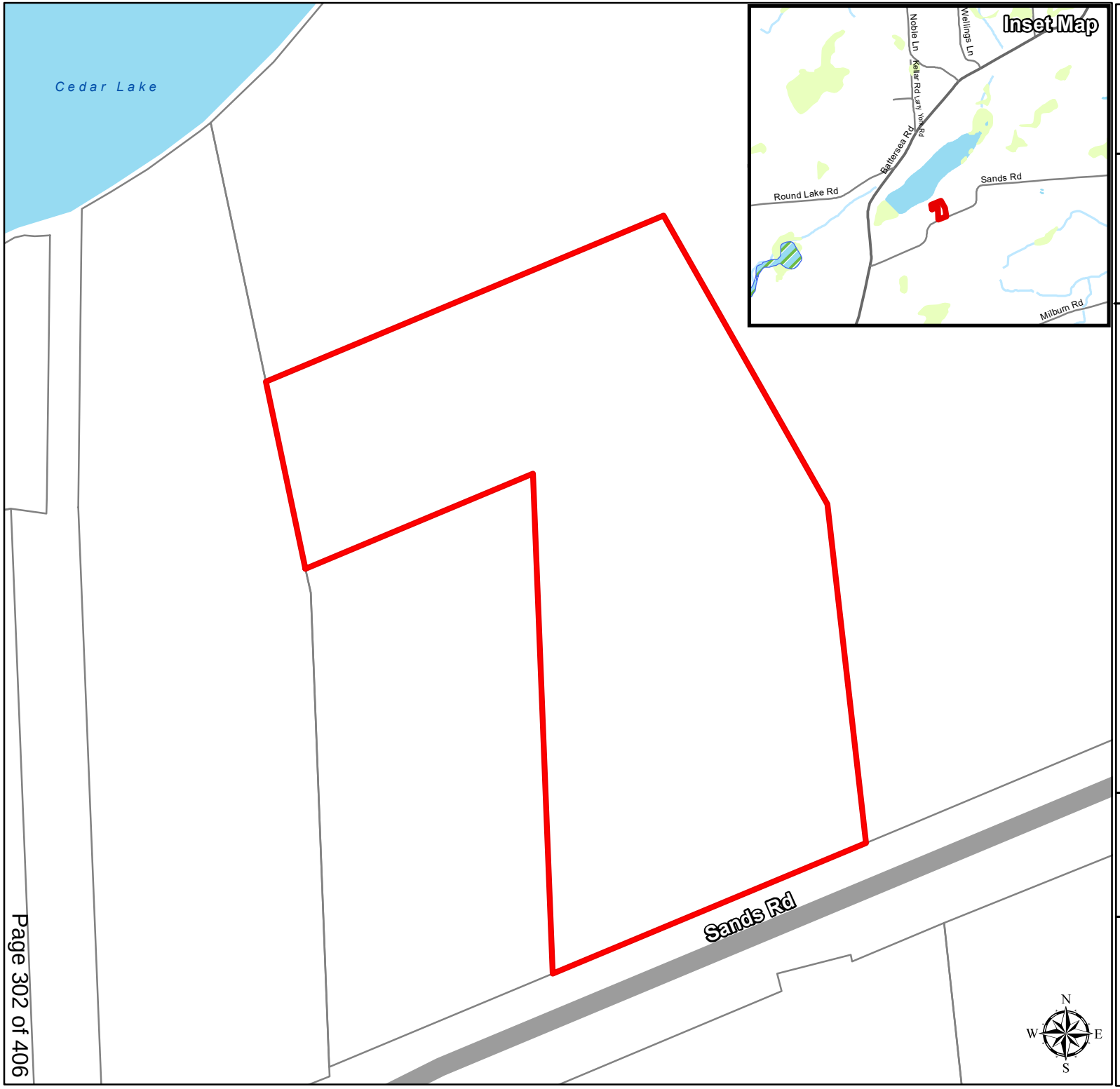


NORTHING	EASTING

'NCE POINTS (ORP'S) DERIVED FROM GPS
'NG PRECISE POINT POSITIONING (PPP) SERVICE,
)83 (CSRS) (1997.0)
URAL ACCURACY PER SEC. 14(2) OF O.REG. 216/10

BEARINGS ARE UTM GRID, DERIVED FROM MULTIPLE REAL TI
(RTK) OBSERVATIONS FROM MONUMENT "A" TO "B". UTM ZO
(75° WEST LONGITUDE) NAD83 (CSRS) (1997.0)

FOR BEARING COMPARISONS, A ROTATION OF [illegible]
APPLIED TO BEARINGS ON PLANS 13R-12924 AND 13R-13300



MV-26-20-S (Howlett)

2472 SANDS RD

Legend

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

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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 1:1,000

0 4.75 9.5 19 28.5 38

Meters

UTM Projection NAD 83

REPORT TO COMMITTEE OF ADJUSTMENT
PLANNING DEPARTMENT

MINOR VARIANCE – PLANNING REPORT

Report Date: September 4, 2020

Application No: MV-27-20-L
Owner: Timothy Wallace
Location of Property: Parts 4 & 6 on Plan 13R8371, District of Loughborough, Township of South Frontenac, 1019 Kingfisher Lane.
Purpose of Application: To vary Section 8.3.1 of the Township of South Frontenac Zoning Bylaw
Date of Hearing: September 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: RW - Waterfront Residential	**Zoning Relief Requested:**
Section 8.3.1: Waterfront Residential Zone	**Relief:** To permit a lot coverage of 5.65% to allow a 936 square foot addition, being an attached garage to the existing principal dwelling whereas the Zoning By-law limits permits a maximum of 5%.

Review:

This application:

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

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

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

✓ Complies with the general intent and purpose of the Township of South Frontenac Zoning By-law 2003-75 (or will comply subject to approval for the minor variance);

✓ 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 increase to the total lot coverage from the allowable 5% to 5.65%,to allow a 936 square foot addition, being an attached garage to an existing principal dwelling in the Waterfront Residential (RW) zone.

The subject property is located off Kingfisher Lane, off Perth Road, and is municipally known as 1019 Kingfisher Lane. The parcel is 0.66 hectares (1.62 acres) and has waterfront on Buck Lake. There is a 128 metre^2 (1380 feet^2) single detached dwelling with a 122 metre^2 (1312 feet^2) wrap-around deck on the property. The current single detached dwelling (non-water side) also has a 35.7 metre^2 (384 feet^2) attached garage.

The proposed addition to the garage is 87 metres^2 (936 ft^2) in size, with a height of 5.5 metres (18 feet). It is proposed to the rear of the existing dwelling located 7.3 metres (24 feet) from the west lot line and 44 metres (145 feet) from Buck Lake.

Agency Analysis and Comments

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

Building Department – The Building Department has advised they have no objections to the application as presented.

KFL&A Public Health – The applicant had previously applied for an Application Review of Performance from KFL&A which indicated that KFL&A had no objections to issuance of a building permit for the proposal and therefore, KFL&A Public Health was not circulated.

Ministry of Environment, Conservation and Parks – Given the location and scope of the proposed development, MECP was not circulated.

Cataraqui Region Conservation Authority – Given the location and scope of the proposed development, CRCA was not circulated. In consultation with the Conservation Authoirty, it was determined that an EIA was not required to the nature of the proposed development and the distance of the proposed addition from the 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?

The subject property is designated Rural in the Official Plan. As per Section 5.7, Lands designated Rural are characterized by a rural landscape which reinforces the historical relationship between Settlement Areas and the surrounding farm, rural and seasonal residential communities to which the Settlement Areas provide basic services. The amount and type of development in the Rural area shall be consistent with maintaining its rural, natural heritage and cultural landscape.

- The variance conforms to the general intent and purpose of the Official Plan as the proposed addition, being an attached garage, is consistent with the residential use of the property, within the Rural Area designation, which contemplates dwellings and accessory buildings on rural lots.

Section 5.2.8 Lake Trout Lakes identifies Buck Lake as a Highly Sensitive Lake Trout Lake. All development or site alterations proposed within 30 metres (98.4 feet) of the highwater mark require the

submission of an Environmental Impact Assessment prepared in accordance with Section 5.2.11. This policy is consistent with Section 5.2.8 (a)(iv) Highly Sensitive Lake Trout Lakes which requires that minor variance applications be accompanied by an Environmental Impact Assessment in accordance with Section 5.2.11.

- The variance conforms to the general intent and purpose of the Official Plan as it maintains the 30 metre setback from an at capacity lake trout lake.

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

Section 8 of the Zoning By-law details the permitted uses and zone regulations for waterfront residential development, including those regulations applicable to lot coverage for single detached dwellings, which permits a maximum of 5% lot coverage.

- The variance conforms to the general intent and purpose of the Zoning Bylaw as the proposed addition, being an attached garage, is a permitted use on the subject property and the proposed location complies with the setback requirements of the Waterfront Residential zone, with the exception that it exceeds lot coverage. The proposed location and orientation of the addition to the garage is practical on the subject property. A consideration in reviewing this minor variance is that if the garage was detached, the Zoning Bylaw would permit up to 5% further lot coverage. As the applicant wishes to have an addition to the attached garage, it is considered part of the principal dwelling and is addressed as part of the 5% lot coverage for the principal dwelling.

3. 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 the proposed garage is modest in size and is consistent with the residential use of the property. It is located a suitable distance from the front and side property lines.

4. Is the variance minor?

- The variances are minor, as there will be virtually no negative impact on surrounding properties as a result of an addition, being an attached garage at the proposed location on the property. The proposed addition, being an attached garage, is in a reasonable location for its purpose and the increase in lot coverage is minimal.

Conclusion

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-27-20-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 the construction of an addition, being an attached garage of 87 metres^2 (936 ft^2) to be constructed to the rear of the existing single detached dwelling, as per the drawings submitted with MV-27-20-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-27-20-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, Township of Frontenac

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

Date of Site Visit: September 2, 2020

Attachments: Map of the Wallace property

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).

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

Date Received: _____ File No: MV-27-20-L

1. Name of Owner(s): Timothy Wallace

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: _____

[redacted] ent: _____

[redacted] authorized to act on behalf of the owners for purposes of inor Variance.

3. The description of the subject land:

District: ☐ Bedford ☐ Portland ☑ Loughborough ☐ Storrington

Concession Number: 12 Lot Number: Pt 23

Street Number: 1019 Name of Road/Street: Kingfisher Lane

Reference Plan Number: 13R8371 Part Number(s): Pt 4+6

Roll Number: 1029 040 040 08105 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): 210± ft Frontage (on road/lane): 142± ft

Depth: 467 ft Area: 71,002 sq ft

5. The current zoning of the subject land:

Residential

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

To increase the 5% lot coverage size for the dwelling

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

Exceeds the 5% lot coverage

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

Name of Road/Lane:

Perth Road & Kingfisher 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?

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)** RESIDENTIAL WITH GARAGE	**(2)**	**(3)**	**(4)**
Setback from Front Lot Line	273 FT.			
Setback from Rear Lot Line	85 FT.			
Setback from Side Lot Line	57 FT			
Height of Building (Also indicate if it is one story or two story)	20 FT. 2 STOREY			
Dimensions of Floor Area	1764			
Setback from High Water Mark (If applicable)	93 FT.			

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

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)	~~ATTACHED~~. Garage			
Setback from Front Lot Line	246 ft			
Setback from Rear Lot Line	145 ft			
Setback from Side Lot Line	24 ft			
Height of Building (Also indicate if it is one story or two story)	One storey 18 ft.			
Outside Dimensions of Building/Structure	26 x 36 ft.			
Setback from High Water Mark (If applicable)	155 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?

(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:

April 3, 2010.

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

Shed August 1991

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

29 years.

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 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 septic system.

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

no

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:

DATED AT THE TOWNSHIP OF SOUTH FRONTENAC

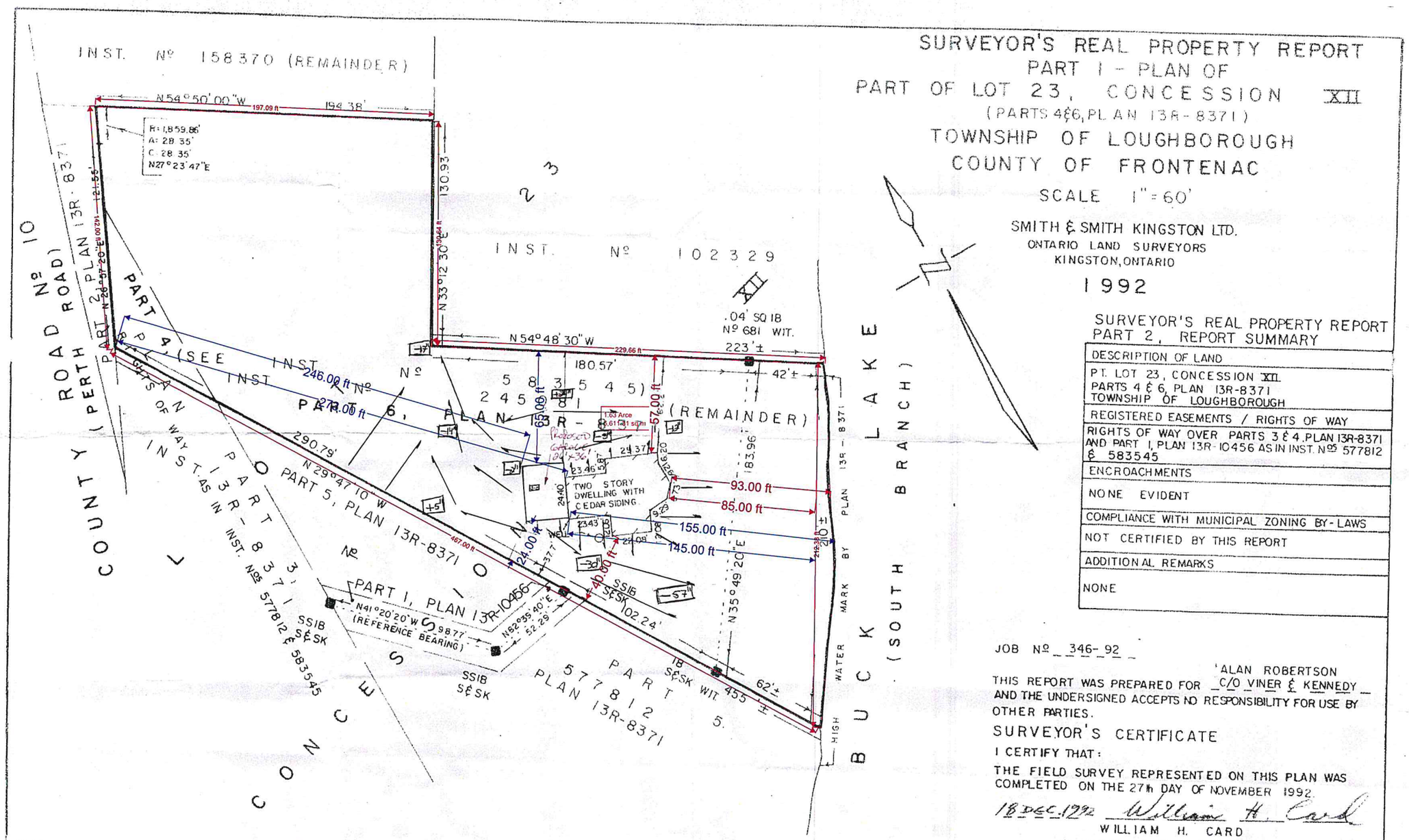
[redacted]

06

1019 KINGFISHER LANE

HOUSE FOOT PRINT IN SQUARE FEET	1380
EXISTING GARAGE IN SQUARE FEET	384
EXISTING DECK IN SQUARE FEET	1312
PROPOSED GARAGE ADDITION IN SQUARE FEET	936
TOTAL AREA OF LOT COVERAGE IN SQUARE FEET	4012
TOTAL AREA OF LOT IN SQUARE FEET	71002
PERCENTAGE OF LOT COVERED	5.65%

1019 ELEVATIONS/
KINGFISHER DRAINAGE



SURVEYOR'S REAL PROPERTY REPORT
PART 1 - PLAN OF
PART OF LOT 23, CONCESSION XII
(PARTS 4 & 6, PLAN 13R-8371)
TOWNSHIP OF LOUGHBOROUGH
COUNTY OF FRONTENAC

SCALE 1" = 60'

SMITH & SMITH KINGSTON LTD.
ONTARIO LAND SURVEYORS
KINGSTON, ONTARIO

1992

SURVEYOR'S REAL PROPERTY REPORT
PART 2, REPORT SUMMARY

DESCRIPTION OF LAND
PT. LOT 23, CONCESSION XII PARTS 4 & 6, PLAN 13R-8371 TOWNSHIP OF LOUGHBOROUGH
REGISTERED EASEMENTS / RIGHTS OF WAY
RIGHTS OF WAY OVER PARTS 3 & 4, PLAN 13R-8371 AND PART 1, PLAN 13R-10456 AS IN INST. Nºs 577812 & 583545
ENCROACHMENTS
NONE EVIDENT
COMPLIANCE WITH MUNICIPAL ZONING BY-LAWS
NOT CERTIFIED BY THIS REPORT
ADDITIONAL REMARKS
NONE

JOB Nº 346-92

'ALAN ROBERTSON

THIS REPORT WAS PREPARED FOR C/O VINER & KENNEDY AND THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY FOR USE BY OTHER PARTIES.

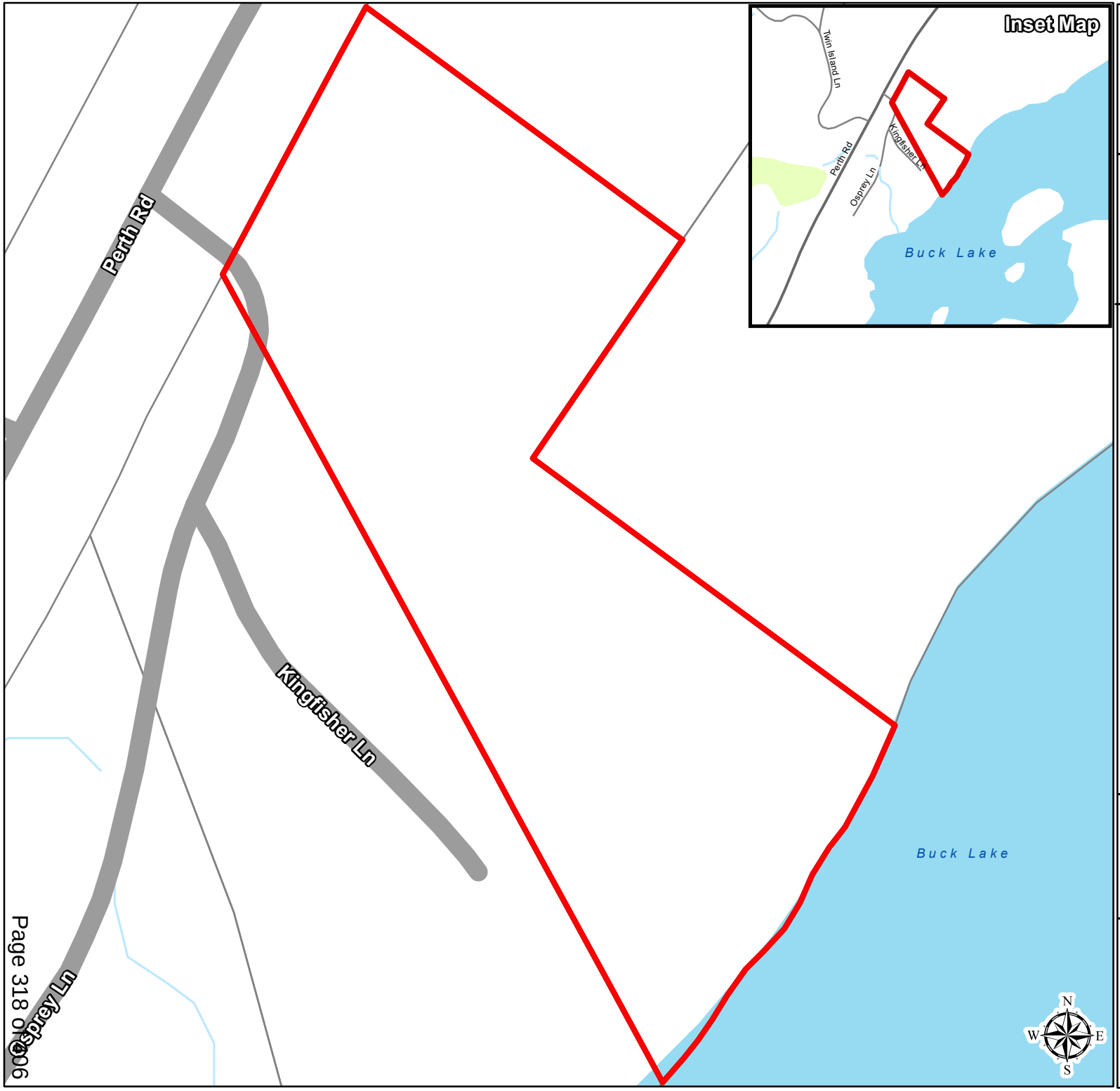
SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

THE FIELD SURVEY REPRESENTED ON THIS PLAN WAS COMPLETED ON THE 27th DAY OF NOVEMBER 1992.

18 DEC 1992 William H. Card

WILLIAM H. CARD
ONTARIO LAND SURVEYOR



MV-27-20-L (Wallace)

1019 KINGFISHER LANE

Legend

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

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Scale 1:800

0 3.75 7.5 15 22.5 30

Meters

UTM Projection NAD 83

KFL&A Public Health

Application for Review of Performance Level of Existing On-Site Sewage System

OFFICE USE ONLY	Application # LO19-20
Name: Wallace, T	Date Submitted: 16/6/20
Fee #: 463-1010	Fee $: 750
Renewal Date:	Entered: SL
Reference # to any previous application: LO-43-91	

1. Owner (mailing address)

Last name	First name	E-mail
WALLACE	Tim	tWALLACE@HOMESTEAD.CA
Street address	**Municipality**	**Postal code / Province**
1019 KINGFISHER	SOUTH FRONTENAC	K0H 2L0 ON.
Telephone number	**Fax**	**Cell number**
(613) 561-7696	( )	(613) 561-7696

2. Location of property

Building number, street name		Lot/con.	Municipality
KINGFISHER LANE		LOTS 3 CON 12	SOUTH FRONTENAC
Plan number/other description	**Part**	**Plan**	**Roll number**
13R-8371	4+6	[redacted]	040-040-08105-0000

3. Proposal

☐ Building Addition ($500) ☑ Garage ($250) ☐ Pool ($250) ☐ Other* ($250)

* If other, please explain proposal or need for review:

26'x36' GARAGE ADDITION

4. Building addition – GARAGE

Existing number of bedrooms:	Additional number of bedrooms:	New total number of bedrooms:
2	0	0
Existing total floor area of dwelling:	**Proposed additional floor area of ~~dwelling~~ GARAGE:**	**New total floor area: (existing + proposed)**
1700 SQFT	936 SQFT	2636 SQFT

5. Existing Fixture Units (see OBC Table 7.4.9.3. for non-residential)

	# of Units	Total
Bathroom Group (3-4 piece bathroom)	4 x 6.0 =	
Bathtub (with or without shower)	___ x 1.5 =	
Toilet	___ x 4.0 =	
Clothes Washer	___ x 1.5 =	
Dishwasher	___ x 1.0 =	
Laundry Tubs	___ x 1.5 =	
Shower Drain	___ x 1.5 =	
Sinks	___ x 1.5 =	
Other	___ x . =	
TOTAL EXISTING	=	

6. Additional Fixture Units – for proposed additions/renovations

	# of Units	Total
Bathroom Group (3-4 piece bathroom)	___ x 6.0 =	
Bathtub (with or without shower)	___ x 1.5 =	
Toilet	___ x 4.0 =	
Clothes Washer	___ x 1.5 =	
Dishwasher	___ x 1.0 =	
Laundry Tubs	___ x 1.5 =	
Shower Drain	___ x 1.5 =	
Sinks	___ x 1.5 =	
Other	___ x . =	
TOTAL EXISTING	=	

7. Water supply

☐ Proposed ☑ Existing

☑ Drilled well Casing depth ___ m
☐ Dug, bored, or blasted well
☐ Sandpoint or drivepoint well
☐ Surface water
☐ Shore well
☐ Municipal water
☐ Cistern
☐ Other: ___

RECEIVED
JUN 17 2020
TOWNSHIP OF SOUTH FRONTENAC
BUILDING DEPARTMENT

8. Current sewage system information

☑ Septic tank 3600 litres
☐ Leaching bed 24 metres of distribution piping
☐ Filter bed loading area 25.6 m²
☐ Holding tank ___ litres
☐ Treatment unit type ___
☐ Class 1 and 2 (outhouse/privy and leaching pit)

9. Previous permit information *

Permit / Certificate of Approval number(s):	Year installed:
LO-43-91	23/07/91

* If unknown, please attach a list of previous owners:

10. Directions to lot (municipal address, secondary roads, signs to follow, etc.)

LEAVE KINGSTON ON COUNTY RD 10 (PERTH RD) TILL APPROX. 6 KMS PAST PERTH RD. VILLAGE, TURN RIGHT ONTO KINGFISHER LANE, 1019 IS THE 1ST HOUSE ON LEFT.

11. I certify that the foregoing information is true and accurate:

X Signature of Legal Owner	April 15/20 Date
X Signature of Agent	Date

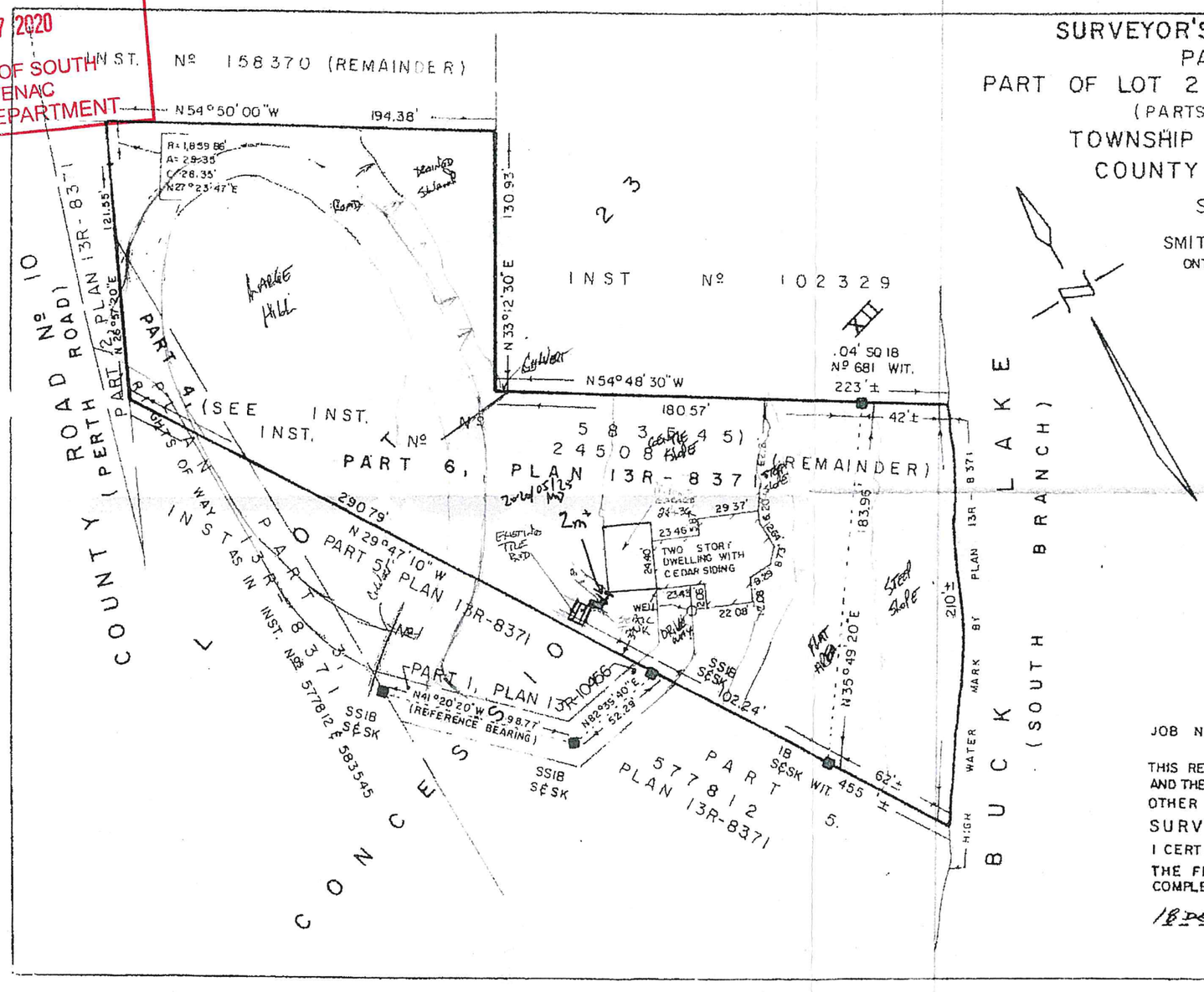
RECEIVED
JUN 17 2020
TOWNSHIP OF SOUTH FRONTENAC
BUILDING DEPARTMENT

SURVEYOR'S REAL PROPERTY REPORT
PART 1 - PLAN OF
PART OF LOT 23, CONCESSION XII
(PARTS 4 & 6, PLAN 13R-8371)
TOWNSHIP OF LOUGHBOROUGH
COUNTY OF FRONTENAC

SCALE 1" = 60'

SMITH & SMITH KINGSTON LTD.
ONTARIO LAND SURVEYORS
KINGSTON, ONTARIO

1992



SURVEYOR'S REAL PROPERTY REPORT
PART 2, REPORT SUMMARY

DESCRIPTION OF LAND
PT. LOT 23, CONCESSION XII PARTS 4 & 6, PLAN 13R-8371 TOWNSHIP OF LOUGHBOROUGH
REGISTERED EASEMENTS / RIGHTS OF WAY
RIGHTS OF WAY OVER PARTS 3 & 4 PLAN 13R-8371 AND PART 1, PLAN 13R 10456 AS IN INST. Nos 577812 & 583545
ENCROACHMENTS
NONE EVIDENT
COMPLIANCE WITH MUNICIPAL ZONING BY-LAWS
NOT CERTIFIED BY THIS REPORT
ADDITIONAL REMARKS
NONE

JOB Nº 346-92

'ALAN ROBERTSON

THIS REPORT WAS PREPARED FOR C/O VINER & KENNEDY AND THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY FOR USE BY OTHER PARTIES.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

THE FIELD SURVEY REPRESENTED ON THIS PLAN WAS COMPLETED ON THE 27th DAY OF NOVEMBER 1992

18 DEC. 1992 William H. Card

WILLIAM H. CARD
ONTARIO LAND SURVEYOR

LO-19-20 #1

REPORT TO COMMITTEE OF ADJUSTMENT
PLANNING DEPARTMENT

Report Date: September 8, 2020

Application No: MV-28-20-B
Owners: Daniel & Debra Mulrooney
Location of Property: Part Lot 4, Concession 3, being Parts 1, 2 & 3 on Plan 13R14863, District of Bedford, Township of South Frontenac, 33A Swain Lane, Sand Lake.
Purpose of Application: To vary Sections 10.3.1 and 5.8.2 of the Township of South Frontenac Zoning By-law
Date of Hearing: September 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-28-20-B to provide additional time for Cataraqui Conservation to review the revised proposal and to provide comments.

Proposal

An application for minor variance was received to permit a seasonal dwelling with an attached deck within the required 30 metre setback from the highwater mark of Sand Lake. The seasonal dwelling would replace an existing seasonal dwelling, and be located further back than the existing dwelling.

Originally the applicants proposed a 213.5 square metre (2298 square feet) seasonal dwelling including front and back porches. The dwelling would be setback a minimum of 23.43 metres (76.8 feet) from the highwater mark. The applicants are proposing to remove the existing cottage with decks and sleeping cabin to move the proposed dwelling further back. The seasonal dwelling with porches would result in a 7.8% lot coverage.

Cataraqui Conservation staff noted that due to the irregular configuration of the proposed building, the actual size of the structure is unclear from the information provided in the application, however seems to be over lot coverage.

The applicant has revised their proposal and re-submitted new drawings in consultation with Township Staff. The new proposed dwelling will be 191.5 square metres (2061.2888 square feet) in area including front and back porches. The dwelling would be set back a minimum of 24.96 metres (81.9 feet) from the highwater mark, whereas the existing dwelling is set back 11.61 metres (38 feet) from the highwater mark. The proposed seasonal dwelling would result in 7% lot coverage for the principal building including porches.

Staff recommend deferral of application MV-28-20-B to allow the Conservation Authority to seek clarification with regards to lot coverage and provide updated comments on the new drawings submitted.

Submitted by: Anna Geladi, Planner

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

Date of Site Visit: September 2, 2020

Attachment: Map of the Mulrooney property

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

Date Received: _____ File No: MV-28-20-B

1. Name of Owner(s): Daniel & Debra Mulrooney.

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: Mac Iverson

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.

RECEIVED
AUG 19 2020
TOWNSHIP OF SOUTH FRONTENAC PLANNING DEPARTMENT

_____
Signature(s) of Owner(s)

3. The description of the subject land:

District: ☑ Bedford ☐ Portland ☐ Loughborough ☐ Storrington

Concession Number: 3 Lot Number: Part Lot 4

Street Number: 33A Name of Road/Street: Swain Lane

Reference Plan Number: 13R14863 Part Number(s): 1, 2 & 3

Roll Number: 020-040-04800-0000

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

Frontage (on water): 85m Frontage (on road/lane): 45.72m

Depth: 44.89m Area: 2739 m²

5. The current zoning of the subject land:

RLSW - Limited Service Residential - Waterfront zone

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

- demolition of existing cottage close to water
- build new cottage as far back from water as possible
- percentage lot coverage

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

Depth of lot not deep enough to have rear depth + front depth both work.

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

Name of Road/Lane:

Swain 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?

cottage - ~~seasonal~~ 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 cottage	(2) garage	(3) bunky	(4)
Setback from Front Lot Line (WATER)	11.64 ~~21.94~~	31.75	30.61	
Setback from Rear Lot Line	21.94	6.45	5.24	
Setback from Side Lot Line	19.34	13.47	31.83	
Height of Building (Also indicate if it is one story or two story)	4.26	3.20	3.00	
Dimensions of Floor Area	8.59 x 9.45	6.19 x 3.75	4.36 x 3.78	
Setback from High Water Mark (If applicable)	11.64	31.75	30.61	

13. The proposed uses of the subject land:

residential - 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) new cottage	(2)	(3)	(4)
Setback from Front Lot Line (WATER)	23.43			
Setback from Rear Lot Line	2.66			
Setback from Side Lot Line	22.95			
Height of Building (Also indicate if it is one story or two story)	1 STOREY 6.32			
Outside Dimensions of Building/Structure	15.24 x 23.93 (IRREGULAR)			
Setback from High Water Mark (If applicable)	23.43			

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:

Cottage + Bunky. to be removed

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

If yes, please provide details:

Remove Bunky for new cottage
Remove Existing cottage & decks

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:

March 2000

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

50's ?

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

since 50's

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

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:

There will be a new septic system

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

natural terrain

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.

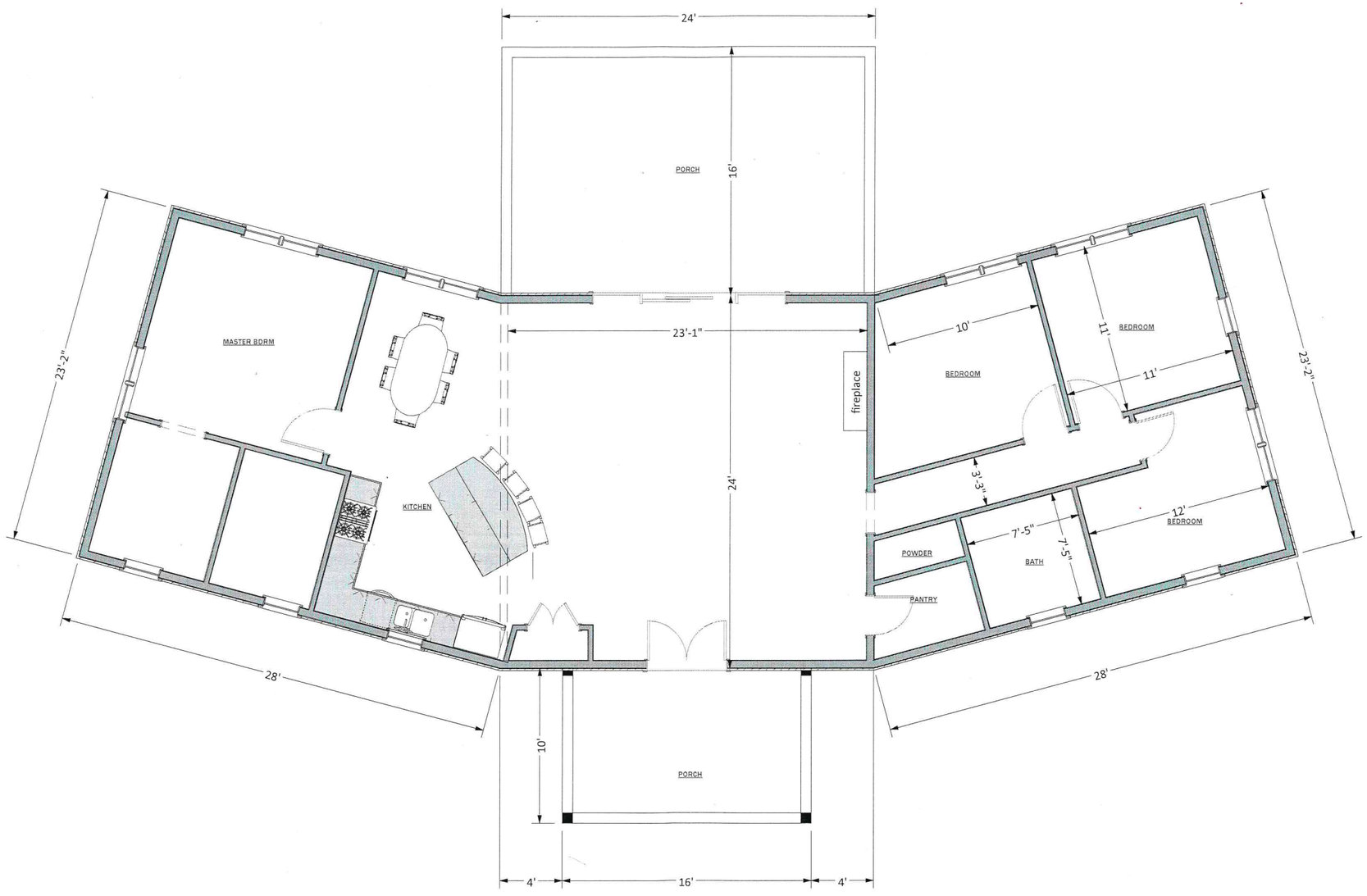
Without limiting the foregoing, such fees and expenses shall include the fees and expenses of consultants, planners, engineers, lawyers and such other professional and technical advisors as the municipality may, in its absolute discretion acting reasonably, consider necessary or advisable to more properly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

DATED AT THE TOWNSHIP OF SOUTH FRONTENAC

[redacted]



1st Floor

Contents:

A-1	Site Plan	
A-2	Plan Floor 1	
A-3	Elevations	
A-4	Elevations	
R1	SURVEY	(PARTIAL)

Revisions:

Mac GERVAN
& ASSOCIATES Ltd.

Residential and Commercial Design Services

Consulting and Project Management

phone 546-5097
fax 546-6249
e-mail mac@gervan.ca
Company BCIN # 33630
Mac Gervan BCIN# 21054

Project:

MULROONEY
COTTAGE
23A SWAIN LANE,
SAND LAKE,
SOUTH FRONTENAC.

Drawing:

Plan Floor 1

Date:

AUGUST 18, 2020

Scale:

1/8" = 1' - 0"

Drawn By:

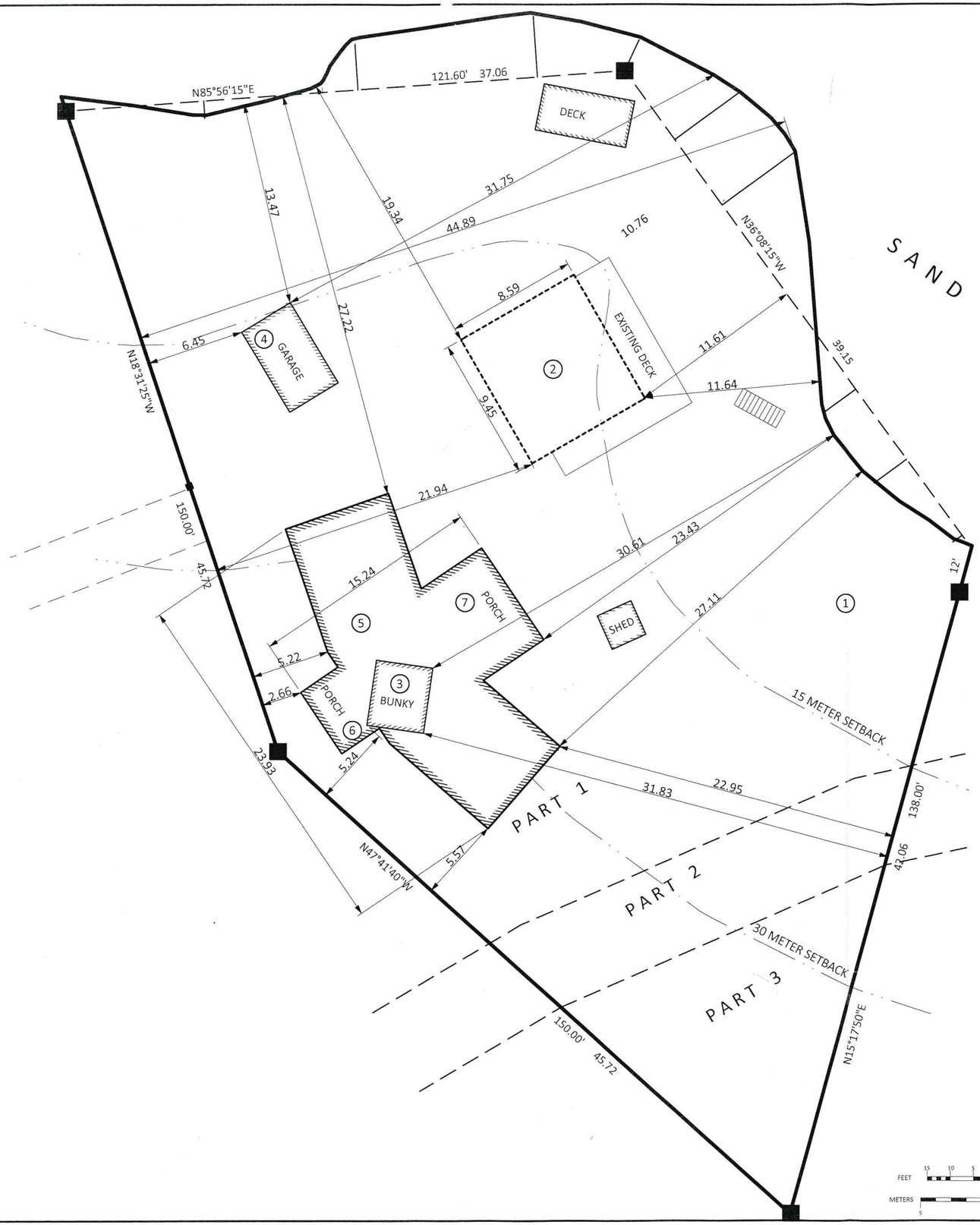
MG/GF

File:

MULRONEY COTTAGE RELOCATE AUG 18 2020 printed 19/08/2020

Drawing #:

A-2



PART 1,
PLAN of PART of LOT 4
CONCESSION 3
(BEDFORD DISTRICT)
TOWNSHIP OF SOUTH FRONTENAC

This Site Plan is based on a Survey by
Leslie M Higginson Ltd. dated August 6, 2020.

RECEIVED
AUG 19 2020
TOWNSHIP OF
SOUTH FRONTENAC
PLANNING DEPARTMENT

1	LOT AREA: 2739 m²
2	REMOVE EXISTING COTTAGE AND DECK. LANDSCAPE TO MATCH TERRAIN. AREA: 81.2 m² HEIGHT: 4.26m
3	REMOVE EXISTING BUNK CABIN 16.4 m²
4	GARAGE AREA 23.1 m² HEIGHT 3.20 m
5	PROPOSED NEW COTTAGE. AREA: 213.5 m² (Includes Porches) HEIGHT: 6.32 m
6	PROPOSED ENTRY PORCH 14.6 m²
7	PROPOSED LAKESIDE COVERED PORCH 35.3 m²

LOT AREA	2739 m²	
EXISTING COVEREAGE:		
COTTAGE	80 m²	
GARAGE	23.1 m²	
BUNKY	16.4 m²	
TOTAL	119.5 m²	4.36%
PROPOSED COTTAGE	213.5 m² (Includes Porches)	
GARAGE	23.1 m²	
TOTAL	255.1 m²	8.64%

Contents:

A-1	Site Plan	
A-2	Plan Floor 1	
A-3	Elevations	
A-4	Elevations	
R1	SURVEY	(PARTIAL)

Revisions:

Mac GERVAN
& ASSOCIATES Ltd.

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phone 546-5097
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MULROONEY
COTTAGE
23A SWAIN LANE,
SAND LAKE,
SOUTH FRONTENAC.

Drawing:
Site Plan

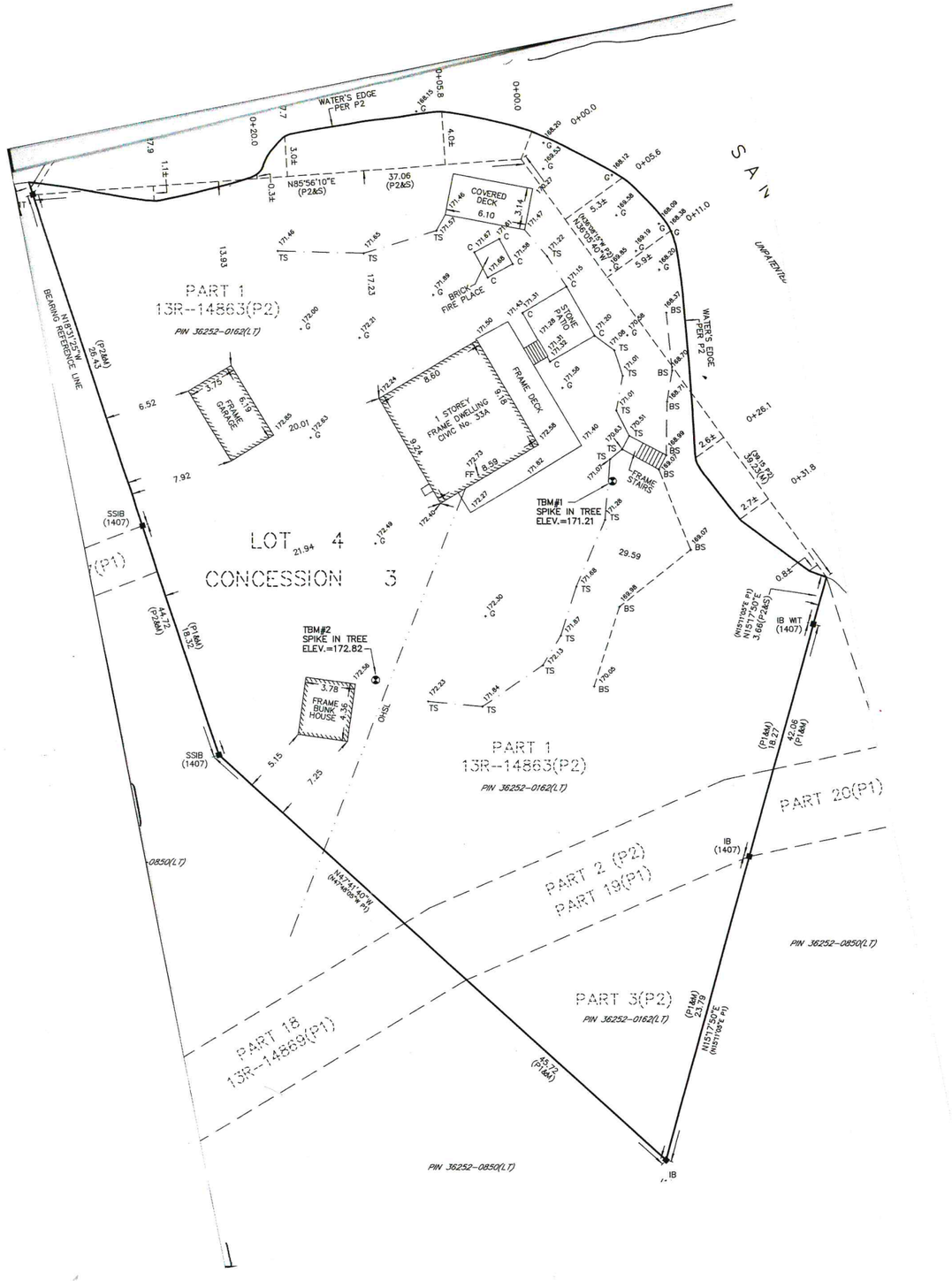
Date:
AUGUST 18, 2020

Scale:
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Drawn By:
MG/GF

File:
MULRONEY COTTAGE RELOCATE AUG 18 2020 printed 19/08/2020

Drawing #:
A-1



Contents:

A-1	Site Plan	
A-2	Plan Floor 1	
A-3	Elevations	
A-4	Elevations	
R1	SURVEY	(PARTIAL)

Revisions:

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Project:

MULROONEY
COTTAGE
23A SWAIN LANE,
SAND LAKE,
SOUTH FRONTENAC.

Drawing:

SURVEY
(PARTIAL)

Date:

AUGUST 18, 2020

Scale:

1 : 400

Drawn By:

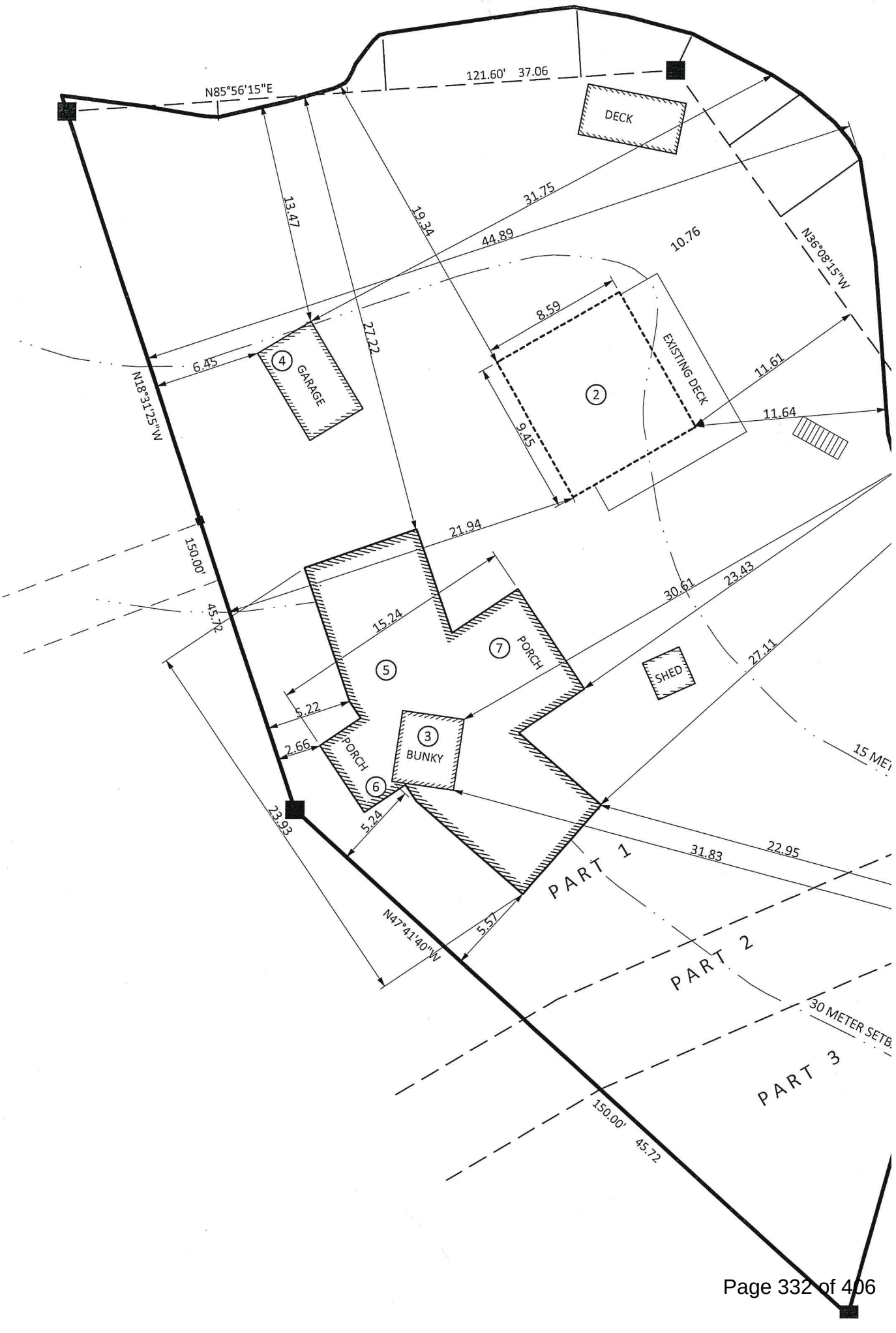
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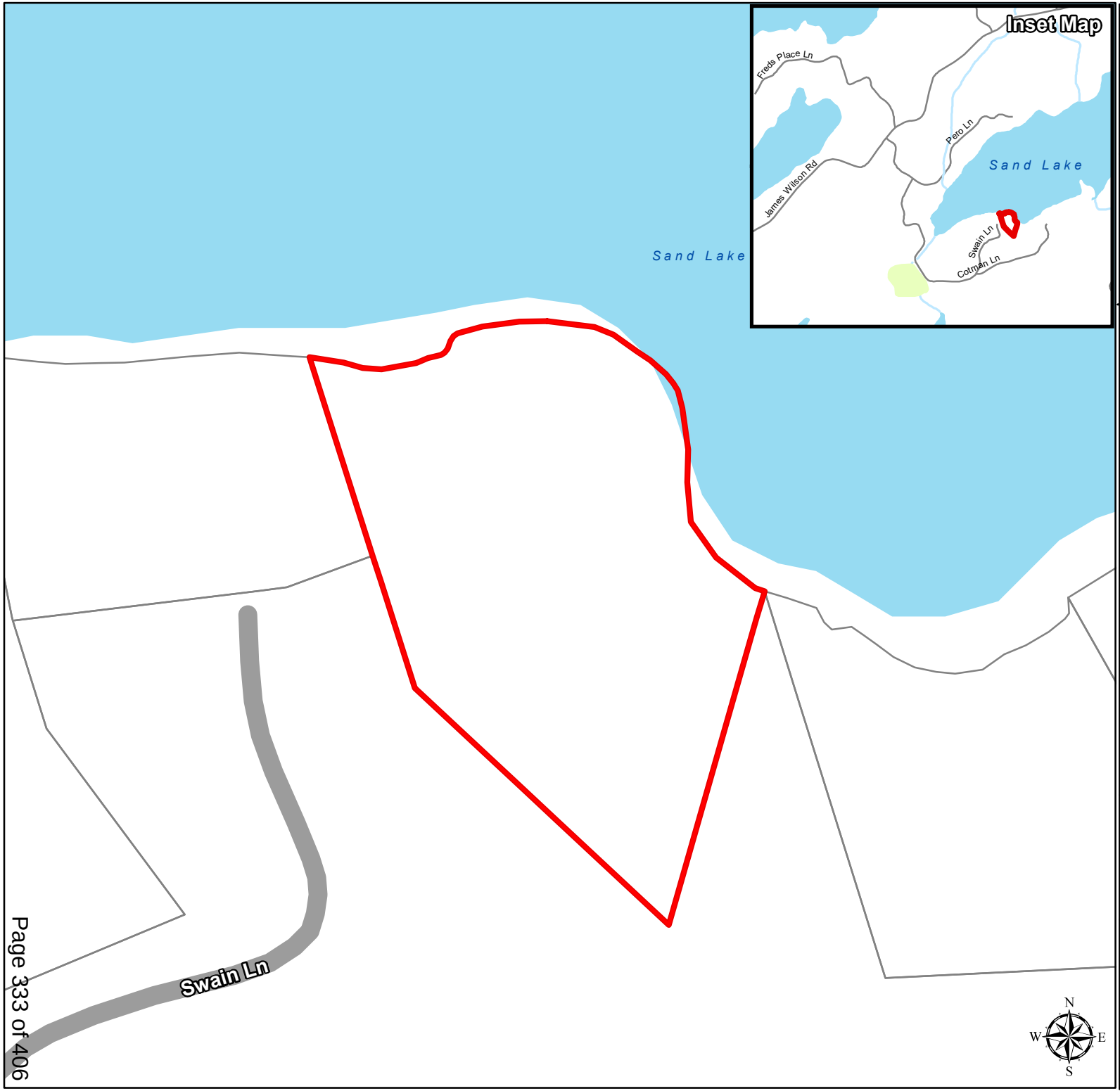
File:

MULRONEY COTTAGE RELOCATE AUG 18 2020 printed 19/08/2020

Drawing #:

R1


N85°56'15"E
121.60'
37.06
DECK
13.47
19.34
31.75
44.89
10.76
N36°08'15"W
8.59
EXISTING DECK
11.61
11.64
9.45
6.45
GARAGE
27.22
N18°31'25"W
21.94
150.00'
45.72
15.24
30.61
23.43
PORCH
SHED
27.11
5.22
2.66
BUNKY
PORCH
15 METER
23.93
5.24
31.83
22.95
PART 1
N47°41'40"W
5.57
PART 2
30 METER SETB
PART 3
150.00'
45.72



TOWNSHIP OF SOUTH FRONTENAC

MV-28-20-B (Mulrooney) (Gervan)

33A SWAIN LANE

Legend

- Subject Parcel
- 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 1:700

0 3.25 6.5 13 19.5 26

Meters

UTM Projection NAD 83

September 1, 2020 File: MV/FRS/171/2020

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-28-20-B (Gervan / Mulrooney)
Part Lot 4, Concession 3; 33A Swain Lane
Bedford District, Township of South Frontenac
Waterbody: Sand 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.

Summary of Proposal

The proposal involves the construction of a new cottage 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 23.43 metres in order to permit the construction of a cottage.

Site Description

The property is located on the south shore of Sand Lake in South Frontenac Township. The topography of the site can be characterized as having a high bank adjacent to the lake with a relatively flat plateau area between the top of bank and Swain Lane. Currently, the property an existing cottage, a garage and a bunkie.

The property is currently designated 'Rural' in the Official Plan and 'Limited Service Residential – Waterfront Zone' (RLSW) in the 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 (e.g. flooding and erosion) associated with the shoreline of Sand Lake, and the protection of its water quality. There were no natural heritage features identified on the subject property.

Natural Hazards

Flooding: Cataraqui Conservation does not have floodplain information for Sand Lake. However, due to the difference in elevation between the highwater mark of Sand Lake and the top of bank, flooding is not expected to occur inland of the top of bank. Therefore, the proposed location for the dwelling is considered to be outside of any area of potential flood risk. Further, Cataraqui Conservation's Guidelines for Implementing Ontario Regulation 148/06 suggests that new development should be set back 6 metres from any area that may be subject to flood risk. Staff are satisfied that the proposed location for the development will meet this requirement.

Erosion: Cataraqui Conservation's Environmental Planning Policy suggests that the erosion hazard limit is defined as being the sum total of an allowance for toe erosion, a stable slope allowance defined as being no steeper than 1(h):1(v) for bedrock shorelines, plus a 6 metre access allowance. The bank is estimated to be approximately 3.5 metres in height which results in a total erosion hazard limit of 9.5 metres measured from the stable toe of slope. Staff are satisfied that the proposed development will be located outside of the erosion hazard limit.

Water Quality

Section 5.8.2 (1.) of the Zoning By-Law for South Frontenac Township suggests that a 30 metre setback from the highwater mark is required to be maintained as a buffer in order to protect water quality. The Official Plan also requires that this buffer area be maintained as a natural vegetative buffer strip adjacent to the water's edge to filter pollutants from runoff. Similarly, Cataraqui Conservation's 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. However, new development within the water setback can be considered if the property is an existing lot of record, there are no reasonable alternatives for locating the development outside of the water setback area, development is set back as far as possible from the water in all directions, and lot coverage requirements are met.

Staff note that this is an existing lot of record, there are no other reasonable alternatives for locating the development outside of the 30 metres setback due to the configuration of the lot, and the setback from the highwater mark has been maximized. *However, staff are concerned with the potential increase in lot coverage. Due to the irregular configuration of the proposed building, the actual size of the structure is unclear from the information provided in the application, but it appears the proposed development is well over the allowable maximum lot coverage for an RLSW zone. 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 objectives of the PPS and the Official Plan.*

Recommendation

Staff recommend deferral of application MV-28-20-B to allow the applicant to reconsider the size of the proposed development to reduce lot coverage.

Ontario Regulation 148/06

Cataraqui Conservation, under Ontario Regulation 148/06: *Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses,* regulates development within 15 metres of a valley land. The valley of Sand Lake is considered to extend inland to the top of the slope. 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. Mac German, Agent (via e-mail)
Michelle Hannah, South Frontenac Township (via e-mail)

KFL&A Public Health

September 8, 2020

Ms. Michelle Hannah
Secretary-Treasurer, Committee of Adjustment
Township of South Frontenac
PO Box 100
4432 George Street
Sydenham, ON K0H 2T0

Dear Ms Hannah:

Re: Daniel and Debra Mulrooney
Minor Variance MV-28-20B
Part Lot 4 Concession 3, Bedford
33A Swain Lane
Township of South Frontenac

KFL&A Public Health will have to defer the above-noted minor variance as we require more information.

Thank you.

Yours truly,

Joanne McGurn, C.P.H.I.(C)
Public Health Inspector

JMcG:ca

cc: Daniel & Debra Mulrooney
Mac Gervan, Agent

REPORT TO COMMITTEE OF ADJUSTMENT
PLANNING DEPARTMENT

MINOR VARIANCE – PLANNING REPORT

Report Date: September 3, 2020

Application No: MV-29-20-L
Owner: Anita Austin Dunn & Keith Dunn
Location of Property: Part Lots 9-10, Concession 12, District of Loughborough, Township of South Frontenac, municipally known as 1138A Otter Point Lane, North Otter Lake.
Purpose of Application: To vary Sections 5.8.2 and 10.3.1 of the Township of South Frontenac Zoning Bylaw
Date of Hearing: September 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 to an existing structure

___ zoning relief for other

Official Plan Designation: Rural	
Zoning: Limited Service Residential – Waterfront (RLSW)	**Zoning Relief Requested:**
Section 5.8.2 a): Flooding and Shoreline Erosion Hazards	**Relief:** To permit the construction of a one-storey seasonal dwelling with an attached deck located 20.5 metres (67.2 feet) from the highwater mark and 17.5 metres (57.4 feet) respectively, whereas the By-law requires a 30 metre (98.4 feet) setback from the highwater mark for all buildings and structures.
Section 10.3.1: Waterbody Setback	**Relief:** To permit the construction of a one-storey seasonal dwelling with an attached deck located 20.5 metres (67.2 feet) from the highwater mark and 17.5 metres (57.4 feet) respectively, whereas the By-law requires a 30 metre (98.4 feet) setback from the highwater mark for the principal building.

Review:

This application:

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

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

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

✓ Complies with the general intent and purpose of the Township of South Frontenac Zoning By-law 2003-75 (or will comply subject to approval for the minor variance);

- ✓ 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 the construction of a one-storey seasonal dwelling with an attached deck located 20.5 metres (67.2 feet) and 17.5 metres (57.4 feet) from the highwater mark of Otter Lake respectively in the RLSW – Limited Services Residential Waterfront – zone.

The subject property is located on the north side of Otter Point Lane, off of Salmon Lake Road with water frontage on Otter Lake and is municipally known as 1138A Otter Point Lane. The subject property is approximately 0.4 acres (1.6 hectares) in size and contains a 56 metre^2 (603 feet^2) seasonal dwelling with an attached deck setback approximately 8.3 metres (27 feet) from the highwater mark of Otter Lake. The topography of the site can be characterized as gently rising up from the waterfront and levelling out in behind the location of the existing cottage with fallen rock near the lane.

The applicants are proposing to remove to existing cottage and attached deck and re-build a new cottage with an attached deck further back from the highwater mark. The proposed cottage is 76 metres^2 (816 feet^2) and set back 20.5 metres (67.2 feet) from the high water mark. The proposed cottage is one storey with walkout basement with a height of 6.7 metres (22 feet). The attached deck is 31.2 metres^2 (340 feet^2) and 17.5 metres to closest point of the highwater mark of Otter Lake. The attached deck is proposed along the north side of the cottage.

The applicants are also proposing to build a shed, for storage purposes. The shed is 22.6 metres^2 (240 feet^2), with a height of 3 metres (9.8 feet) and located 48.5 metres (159 feet) from the highwater mark and 5 metres (16.4 feet) from the rear yard.

The applicants note that most of the lot is semi-treed and slopes gently down to the lakefront. The land adjacent to Otter Point Lane rises to a steep, rock wall, with mature trees, with a height at the south-east end of about 5 metres, going down to about 2 metres at the south-west end. Applicants note that access to the property is only possible from the right of way that runs along the west edge of the property.

Applicants also indicated in their application that they were advised by septic installers that the only practical location for the septic bed would be the south east corner of the lot, as close as possible to the base of the rock wall, with a sand layer running from there down the slope towards the lake. Locating the leaching bed near the south-west corner was deemed unacceptable due to the requirement of a simple driveway to the shed which would compress the leaching bed. The septic system is proposed on the south east corner of the lot.

Agency Analysis and Comments

Public Services – The property is on a private lane and therefore, Public Services was not circulated.

KFL&A Public Health – **Pending receipt of comments from KFL&A Public Health indicating that the lot can be adequately serviced prior to the meeting.**

Cataraqui Conservation – Comments dated August 31, 2020 were received Cataraqui Conservation and staff has no objection to the approval of application MV-29-20-L based on our consideration for natural hazard, natural heritage and water quality policies.

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 application conform to the general intent and purpose of the Official Plan?

The subject property is designated Rural in the Official Plan. As per Section 5.7, Lands designated Rural are characterized by a rural landscape which reinforces the historical relationship between Settlement Areas and the surrounding farm, rural and seasonal residential communities to which the Settlement Areas provide basic services. The amount and type of development in the Rural area shall be consistent with maintaining its rural, natural heritage and cultural landscape.

As per Section 5.7.7, Limited service residential development is generally located in the Rural area of the Township on a body of water or a natural water course where the primary means of access is from a private road or a navigable waterway. Permitted uses include, single detached dwellings, seasonal residential dwellings, seasonal dwellings converted to permanent dwellings and home occupations. Furthermore, any proposed limited service residential development shall be designed to preserve as much as possible a site's physical attributes, such as tree coverage, varying topography, scenic views, etc, for the benefit of future residents.

- The proposed minor variance conforms to the general intent and purpose of the Official Plan as the proposed development is consistent with the permitted residential use of the property, and the character of the Otter Point Lane. The proposed location of the dwelling is the farthest from the highwater mark of Otter Lake.

2. Does the application conform to the general intent and purpose of the Zoning By-law?

Section 5.8.2 a) of Zoning By-law 2003-75 prohibits development within 30 metres (98.4 feet) of the highwater mark of a waterbody and Section 10.3.1 of the Zoning By-law details the permitted uses and zone regulations for limited service residential waterfront development including those regulations applicable to principal buildings, which requires that a building be located a minimum of 30 metres (98.4 feet) from the highwater mark.

- The variances conform to the general intent and purpose of the Zoning By-law, as the proposed seasonal dwelling is a permitted use on the property. Due to site constraints and the need for a proper septic system located as far back from the lake as possible the proposed dwelling and attached deck are located as far away from the highwater mark inlet as possible. The proposed dwelling and accessory building are sized within the allowable lot coverage for the RLSW zone.

Is the application desirable for the appropriate development of the lands in question?

- The variances are desirable for the appropriate development of the land, as the proposed principal dwelling and attached deck are consistent with the intended residential use of the property and are proposed within the only building envelope available on the property. The proposal represents an improvement of an existing condition since development will be further back from the waterfront than existing development.

Is the application minor?

- The variances are minor, as the proposed principal dwelling and attached deck site is a reasonable location for its purpose, and there will be minimal disturbance to the shoreline as a result of the development. There will be no negative impact on surrounding properties as the result of constructing a proposed principal dwelling and attached deck at the proposed location.

Conclusion

It is recommended that the Committee of Adjustment received comments from the public and, pending comments received, **approve** minor variance application MV-29-20-L, subject to conditions, **pending receipt of comments from KFL&A Public Health indicating that the lot can be adequately serviced prior to the meeting.**

.

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 the construction of a 76 metres^2 (816 feet^2) dwelling, setback 20.5 meters (67.2 feet) from the highwater mark, with an 31.2 metres^2 (340 feet^2) attached deck located 17.5 metres (57.4 feet) from the high water mark of Otter Lake, as per the drawings submitted with MV-29-20-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 prior to the issuance of a building permit.

3. A demolition permit be obtained to remove the existing cottage and deck from the property.

4. 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.

5. Minor variance MV-29-20-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, Township of South Frontenac

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

Date of Site Visit: July 28, 2020

Attachments: Map of the Dunn property

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
AUG 13 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-29-20-L

1. Name of Owner(s): ANITA AUSTIN DUNN & KEITH DUNN

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: 12 Lot Number: 9 -(10)

Street Number: 1138A Name of Road/Street: OTTER POINT LANE

Reference Plan Number: 2128689 Part Number(s): _____

Roll Number: 040-020-27900-0000

PIN 36281-0038

Reg.n # FR 685918

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): 35 m Frontage (on road/lane): 27.68 m

Depth: 59.1 (max depth) Area: 1,523 m²

5. The current zoning of the subject land:

Limited service residential- waterfront zone (RLSW)

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

reduced setback of building from high water mark.
20.5 m setback instead of 30 m.

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

not enough room to move further back while
allowing space for the septic leach bed.

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

Name of Road/Lane:

OTTER POINT 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?

RECREATIONAL / 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)** COTTAGE	**(2)**	**(3)**	**(4)**
Setback from Front Lot Line	31.26 m			
Setback from Rear Lot Line	9.9 m			
Setback from Side Lot Line	8.53 m			
Height of Building **(Also indicate if it is one story or two story)**	4.9 m one storey			
Dimensions of Floor Area	6.1m x 9.2 m			
Setback from High Water Mark (If applicable)	9.9 m (bldg) 8.3 m (deck)			

13. The proposed uses of the subject land:

RESIDENTIAL / RECREATIONAL

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)** COTTAGE	**(2)** DECK	**(3)** SHED/GARAGE	**(4)**
Setback from Front Lot Line	20 m	27.3 m	5 m	
Setback from Rear Lot Line	20.5 m	17.5 m	48.5 m	
Setback from Side Lot Line	8.4 m	8.4 m	5 m	
Height of Building (Also indicate if it is one story or two story)	6.7 m one storey	3.5 m	3 m one storey	
Outside Dimensions of Building/Structure	7.3m x 10.4m (24'x34')	3m x 10.4 m (10'x34')	3.7 x 6.1m (12'x20')	
Setback from High Water Mark (If applicable)	20.5m	17.5m	48.5m	

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 cottage

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:

17 OCTOBER 2018

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

early 1960's

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

55 years - 60 years

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

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?

NO

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.

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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?

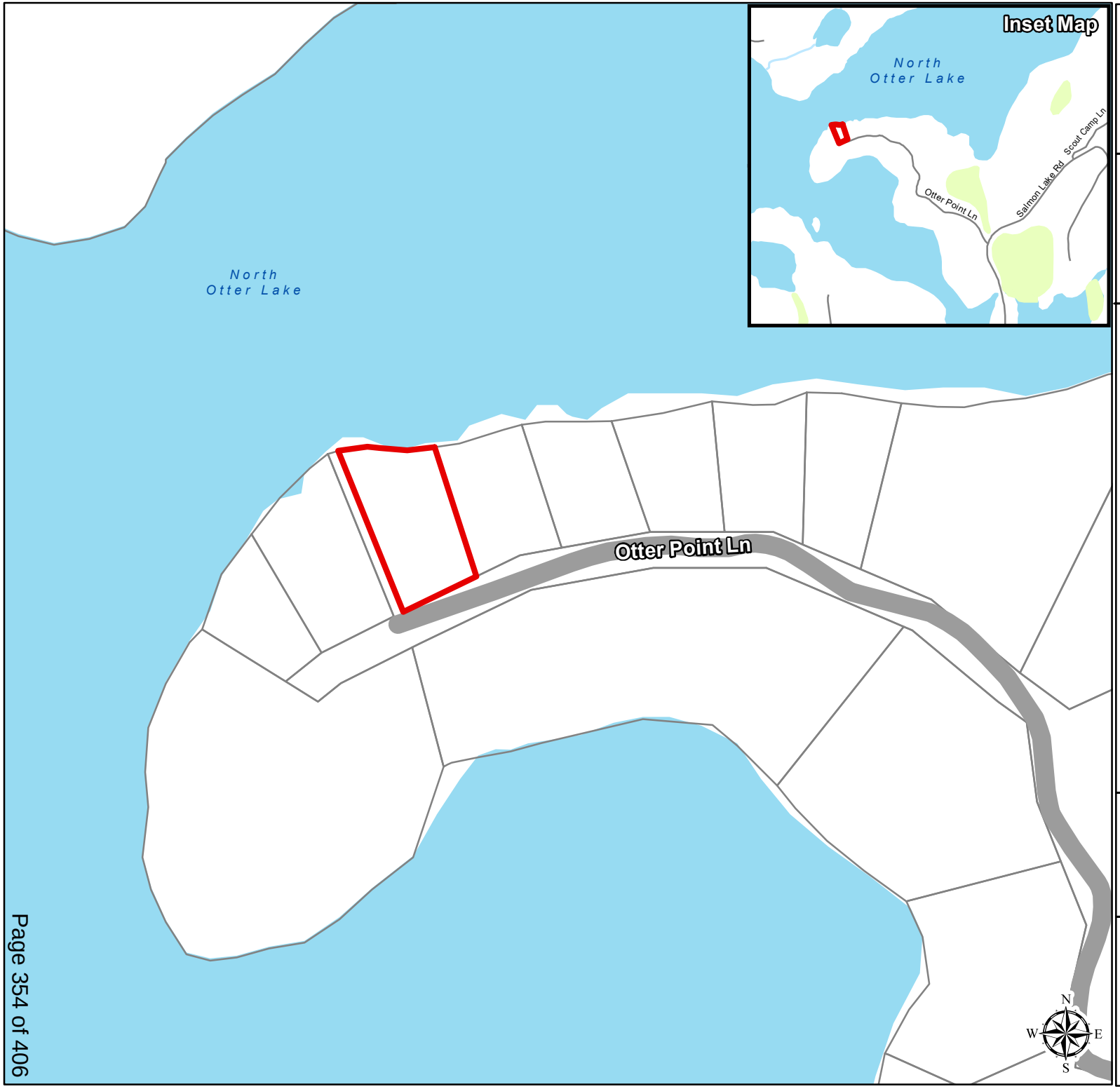
26) If yes: If there is a current application for severance or subdivision on the property, please indicate the file number. (Staff can help provide this information)

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.



TOWNSHIP OF SOUTH FRONTENAC

MV-29-20-L (Dunn)

1138A OTTER POINT LANE

Legend

- Subject Parcel
- 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.

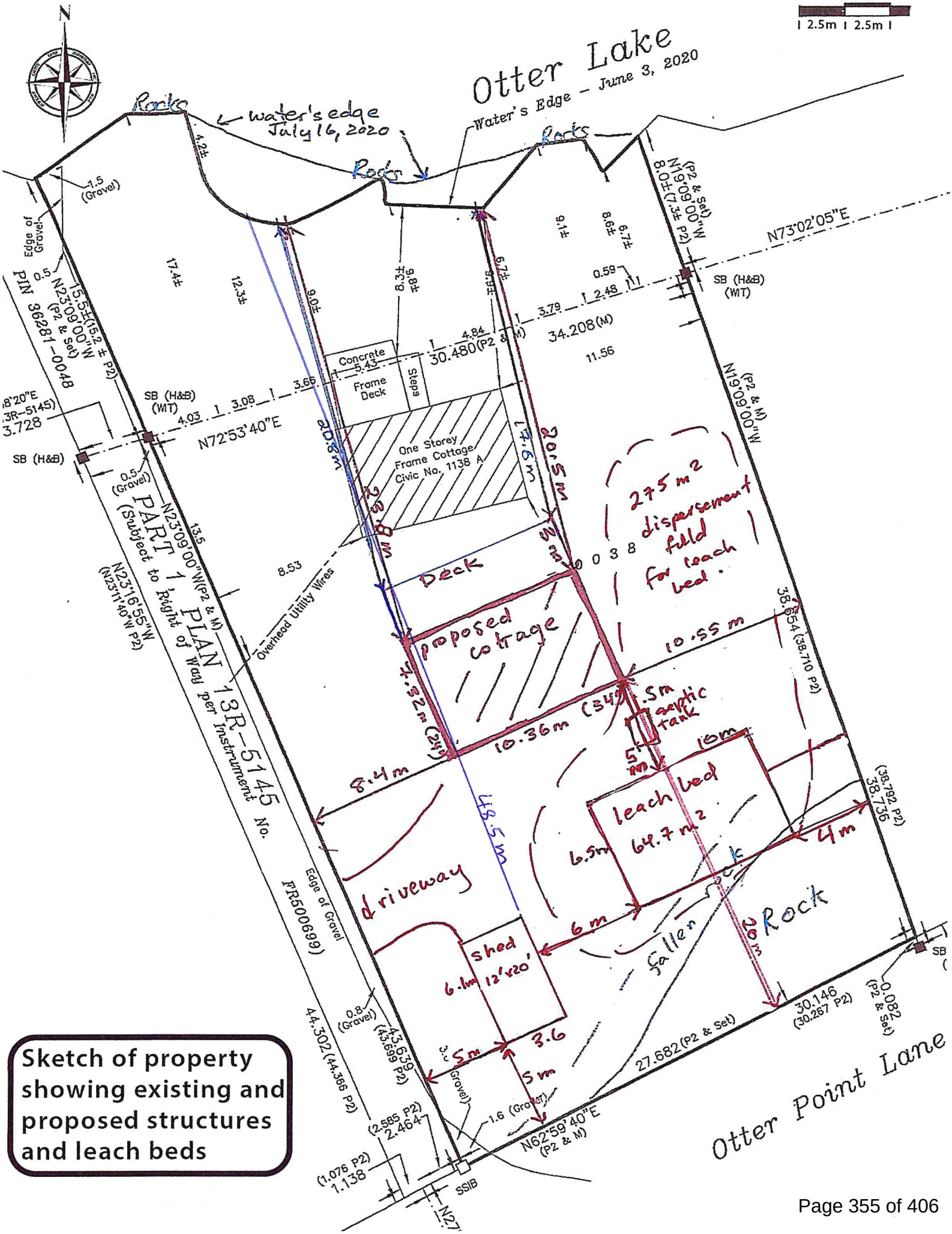
While the Township makes every effort to insure that the information presented is accurate for the intended uses of this map, there is an inherent error in all mapping products, and accuracy of the mapping cannot be guaranteed for all possible uses. This map displays basic topographic features only.

Scale 1:1,800

0 5 10 20 30 40

Meters

UTM Projection NAD 83



Sketch of property showing existing and proposed structures and leach beds

Notes relating to the application for a minor variance for 1138A Otter Point Lane

Documents submitted

- Application for minor variance form
- Copy of legal survey (Surveyor's Real Property Report Parts 1 and 2)
- Sketch of property showing existing and proposed structures and leach beds
- Sketch showing neighbouring cottages and septic fields
- These notes

Notes

Most of the lot is semi-treed, and slopes gently down to the lakefront. The land adjacent to Otter Point Lane rises to a steep, rock wall, with mature trees, with a height at the at south-east end of about 5m, going down to about 2m at the south-west end. Access to the property is only possible from the right of way that runs along the west edge of the property.

The surveyor reports the total area of the property as 1,523.4 m^2.

The proposed new cottage is to be single storey plus a walk-out basement, fully winterised, with two bedrooms and one bathroom.

The requested location was chosen to be as far back from the high water mark as possible, while still allowing room for a suitable septic leach bed and tank.

Matt Doyle of KFLA, and Donny Wemp, septic specialist at contractors Wemp and Smith, visited the property on July 30, 2020. They advised that the only practical location for the septic leach bed would be the south-east corner of the lot, as close as possible to the base of the rock wall, with a sand layer running from there down the slope towards the lake. Locating the leach bed near the south-west corner was deemed unacceptable due to the requirement of a simple driveway to the shed/garage which would compress the leach bed unacceptably.

There is currently no well on the property, nor on the two neighbouring properties. A well for the proposed cottage is being considered.

August 31, 2020 File: MV/FRS/169/2020

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-29-20-L (Dunn)
Lot 9, Concession 12; 1138A Otter Point Lane
Loughborough District, Township of South Frontenac
Waterbody: Otter 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.

Summary of Proposal

The proposal involves the construction of a cottage 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. of the South Frontenac Zoning By-law, to 20.5 metres in order to permit the construction of a cottage.

Site Description

The property is located on the north side of Otter Point Lane with water frontage onto Otter Lake. The topography of the site can be characterized as gently rising up from the waterfront and levelling out in behind the location of the existing cottage, then rising again toward Otter Point Lane to the south.

The property is currently designated 'Rural' in the Official Plan and 'Limited Service Residential – Waterfront Zone' (RLSW) in the 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 (e.g. flooding and erosion) associated with the shoreline of Otter Lake, and the protection of its water quality. There were no natural heritage features identified on the subject property.

Natural Hazards

Flooding: Cataraqui Conservation does not have floodplain information for Otter Lake. However, due to the difference in elevation between the highwater mark of Otter Lake and the proposed location for the development, flooding is not expected to occur. Therefore, the proposed location for the dwelling is considered to be outside of any area of potential flood risk. Further, Cataraqui Conservation's Environmental Planning Policy suggests that new development should be set back 6 metres from any area that may be subject to flood risk. Since the proposal involves moving development further away from the shoreline, staff are satisfied that this requirement is being met.

Erosion: Cataraqui Conservation's Environmental Planning Policy suggests that the erosion hazard limit is defined as being the sum total of an allowance for toe erosion, a stable slope allowance defined as being no steeper than 1(h):1(v) for bedrock shorelines, plus a 6 metre access allowance. The bank at the shoreline is estimated to be approximately 1.0 metre in height which results in a total erosion hazard limit of 6 metres measured from the stable toe of slope. Staff have concluded that the proposed development will be located outside of the erosion hazard limit.

Water Quality

Section 5.8.2 (1.) of the Zoning By-Law for South Frontenac Township suggests that a 30 metre setback from the highwater mark is required to be maintained as a buffer in order to protect water quality. The Official Plan also requires that this buffer area be maintained as a natural vegetative buffer strip adjacent to the water's edge to filter pollutants from runoff. Similarly, Cataraqui Conservation's 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. However, new development within the water setback can be considered if the property is an existing lot of record, there are no reasonable alternatives for locating the development outside of the water setback area, and development is set back as far as possible from the water in all

directions. Due to site constraints and the need for a proper septic system located as far back from the lake as possible, staff believe that the setback from the highwater mark has been maximized. In addition, staff also support this application as this development proposal represents an improvement of an existing condition since development will be further back from the waterfront than existing development.

Recommendation

Staff have no objection to the approval of application MV-29-20-L based on our consideration for natural hazard, natural heritage and water quality policies.

Ontario Regulation 148/06

Cataraqui Conservation, under Ontario Regulation 148/06: *Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses,* regulates development within 15 metres of a valley land. The valley of Otter Lake is considered to extend inland to the top of the slope. Therefore, a Cataraqui Conservation permit will be required for the proposed development under said regulation. 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
Supervisor, Development Review

/as
c.c. Anita & Keith Dunn, applicants (via e-mail)
Michelle Hannah, South Frontenac Township (via e-mail)

Laura Hodgson Paul Pageau
[redacted]
[redacted]

September 9, 2020

Michelle Hannah
Secretary-Treasurer, Committee of Adjustment
Township of Frontenac

Dear Ms. Hannah,

Re 1138A Otter Point Lane, North Otter Lake

We are writing with respect to the application to permit the construction of a dwelling, deck, shed and expanded septic system on 1138A Otter Point Lane. We are the owners of the lot adjacent to this property at 1138B Otter Point Lane. We have owned the property for 14 years.

We know the new owners of 1138A and are happy to have them as neighbors. Building a new septic system is an important part of protecting Otter Lake. We are, however, concerned about the tree loss resulting from the set back and construction of a larger structure. It is unclear why the existing structure dimensions and location are not sufficient for a rebuild. In our view, the proposed variance may be an overbuild for the area and for this small sized property.

As are others, we are concerned about the cumulative impact of development on Otter Point. 'The point' (the end lot on Otter Point Lane), the other lot owned by the applicants, was significantly developed, resulting in the loss of dozens of old growth trees.

People are motivated to buy property and to visit North and South Otter Lake because of its woodlands, lake and uncrowded lots. Variances of this nature will ultimately impact the environmental integrity and desired character of the area. The proposal does not minimize environmental

impact. As noted, there does not appear to be any compelling reason for the original, modest dwelling dimensions and placement to not be retained.

We are unable to attend the meeting but thank you for considering our submissions.

Sincerely,



Laura Hodgson Paul Pageau

To: Michelle Hannah
Secretary-Treasurer,
Committee of Adjustment
planning@southfrontenac.net

Re: Variance application for 1138A Otter Point Lane
MV-29-20-L

September 8, 2020

As owners of 1039 Otter Point Lane, CON 12 PT LOT 10 RP 13R8072 PARTS 7-8, we have a vested interest in any and all changes proposed to be made in our neighbourhood. While progress and change are inevitable, they both need to be tempered with common sense and a measure of protection for the natural environment along with the right of interested parties to continue to enjoy their surroundings. The request for a Variance on the property at 1138A Otter Point Lane, and the changes inherent in its approval, do not take these considerations into account.

- The existing cottage and deck together measure approximately 66.4 sq. metres. The proposed house, deck, and shed/garage together measure approximately 129.7 sq. metres – an increase of over 95% in total area of buildings. The new plans hardly consider maintaining the existing “footprint”.

- The combined area of buildings (129.7 sq. metres) divided by the area of the lot (1523.4 sq. metres) represents lot coverage of approximately 8.5%, well above the maximum allowed by By-law of 5%.

- While it is true that the new house would be further from the highwater mark than the existing cottage, it would still be far closer to the water than the 30 metres allowed by By-law. And it is to be noted that recent Variance applications made for similar encroachments on the required off-set from the highwater mark have been denied were denied to other Otter Point Lane owners.

- In order to install a walk-out basement and a septic facility, rock blasting would have to take place at more than one location. Both locations are very near the shoreline – there is no discussion as to how the shoreline would be protected.

- The shoreline, until recently, was quite heavily treed, allowing a partial screening of the cottage from the lake. Many trees have been removed and the new house would be on full view.

- A fully winterised house with a walk-out basement, 2 bedrooms, and a bathroom would almost certainly include a well for fresh water. While a well is being “considered”, it is not clear where it could be properly located on the property given the existing By-laws, the proposed space to be covered by the new buildings, septic system, and the decommissioning of the older septic system. In consideration of neighbours, the ramifications of a new well must be taken into account.

- This application does not seem to be for a simple, single Variance but, instead, for several other variances not otherwise stated or included.

- Other building projects on Otter Point Lane have made sure that the integrity of the private road was maintained, to the extent that, in one case, a new culvert was

installed at the owners' expense. We are concerned that an undertaking as large as this one appears to be could have a negative impact on the road itself and that there is no mention in the Notes of any promise to repair any damage.

Lynda and John Morrison
[redacted]

REPORT TO COMMITTEE OF ADJUSTMENT
PLANNING DEPARTMENT

MINOR VARIANCE – PLANNING REPORT

Report Date: September 4, 2020

Application No: MV-30-20-B
Owner: Gordon Thompson
Location of Property: Part Lot 22, Concession 2, being parts 5 & 6 on Plan 13R204 District of Bedford, Township of South Frontenac, 59 Oak Shores Crescent.
Purpose of Application: To vary Section 5.24.1 & 10.3.1 of the Township of South Frontenac Zoning Bylaw
Date of Hearing: September 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:** RLSW – Limited Services Residential – Waterfront
Zoning Relief Requested:	
Section 10.3.2 Accessory Buildings	**Relief:** To permit the construction of an accessory building (detached garage) with a height of 8 metres (26.5 feet), whereas the Zoning By-law allows a maximum height of 6 metres (19.7 feet).

Review:

This application:

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

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

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

✓ Complies with the general intent and purpose of the Township of South Frontenac Zoning By-law 2003-75 (or will comply subject to approval for the minor variance);

✓ 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 the construction of an accessory building, being a detached garage with a height of 8 metres (26.5 feet), whereas the Zoning By-law allows a maximum height of 6 metres (19.7 feet) on properties located in the Limited Services Residential - Waterfront (RLSW) Zone.

The subject property is located on Oakshores Crescent, off Bobs Lake Road and is municipally known as 59 Oakshores Crescent. The subject property (59 Oakshores Crescent) was recently merged on title with 61 Oakshores Crescent and has waterfront on Bob's Lake. The subject property is 1.36 acres (0.55 hectares) in size and contains a principal dwelling with attached deck, two garden sheds and a sleeping cabin all located outside of the 30 metre highwater mark and one dock shed located 21 metres (70 feet) from Bob's Lake.

The proposed detached garage is 84 metre^2 (896 feet^2) in size and has a side yard setback of 12.5 metres (41 feet) to the eastern interior property line. The proposed location of the garage is in the rear yard to the existing dwelling, approximately 43 metres (140 feet) from the high water mark of Bobs Lake. The detached garage is proposed to be 8 metres (26.5 feet) in height. The proposed detached garage is located 39 metres (128 feet) from Oakshores Crescent and 16 metres (52.5 feet) from the existing principal dwelling.

The applicant has indicated in their application that they are planning on moving to the cottage full time after the passing of their wife and in order to do so at his age (73) would need to make a few changes, including building a detached garage. The applicant has indicated that the detached garage would protect their vehicle and pontoon boat and various maintenance equipment items such as an ATV, Snow Blower and generator. The garage is proposed to have hydro and water supplied as a sink is proposed to be included in the workshop area. The proposed garage would have a grey water system, a slab on grade foundation with steel roof and siding to match the cottage.

The applicant has further indicated that they are proposing the increase in height for the garage as a loft space needed for storage of seasonal equipment such as maple syrup production and tires as there is no storage area in the cottage. The applicant expressed the need for a garage with increased height as the feasibility of continuing with vinyl tents for storage is not an option in the winter and from a security standpoint. Lastly, the applicant has indicated that the garage will be located at the foot of a steep hill and will not be easily visible from the road or the lake.

Agency Analysis and Comments

Public Services Department – The property is located on a lane and therefore, Public Services was not circulated.

KFL&A Public Health – Comments received from KFL&A on September 8th note that KFL&A have no objection to the application as presented.

Rideau Valley Conservation Authority (RVCA) – Given the location and nature of the proposed development, RVCA was not circulated.

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 application conform to the general intent and purpose of the Official Plan?

The subject property is designated Rural in the Official Plan. As per Section 5.7, Lands designated Rural are characterized by a rural landscape which reinforces the historical relationship between Settlement Areas and the surrounding farm, rural and seasonal residential communities to which the

Settlement Areas provide basic services. The amount and type of development in the Rural area shall be consistent with maintaining its rural, natural heritage and cultural landscape.

As per Section 5.7.7, limited service residential development is generally located in the Rural area of the Township on a body of water or a natural water course where the primary means of access is from a private road or a navigable waterway. Permitted uses include, single detached dwellings, seasonal residential dwellings, seasonal dwellings converted to permanent dwellings and home occupations. Furthermore, any proposed limited service residential development shall be designed to preserve as much as possible a site's physical attributes, such as tree coverage, varying topography, scenic views, etc, for the benefit of future residents.

- The variance conforms to the general intent and purpose of the Official Plan as the proposed detached garage is consistent with the permitted residential use of the property, within the Rural Area designation, which contemplates dwellings and accessory buildings on waterfront lots which are accessed by private lane. The proposed garage is located well back from Bobs Lake, outside the setback from the high water mark and will have little visual impact when viewed from the lake or the lane.

2. Does the application conform to the general intent and purpose of the Zoning By-law?

Section 10 of the Zoning By-law details the permitted uses and zone regulations for limited service residential waterfront development, including those regulations applicable to accessory buildings not attached to the principal building.

- The variance conforms to the general intent and purpose of the Zoning By-law as the garage (accessory building) is a permitted use on the subject property and complies with the setback requirements of the Limited Service Residential – Waterfront zone with the exception of the height of the garage. The proposed location and orientation of the detached garage is practical given it is located away from neighbours and setback away from the highwater mark.

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

- The variance is desirable for the appropriate development of the subject property, as a detached garage is accessory to the existing dwelling. It is located a suitable distance from property lines, far exceeding the setback requirements for an accessory structure in the RLSW zone, including the minimum setback from the highwater mark of Bobs Lake. There are no immediate neighbours that are affected. In addition, the size of the proposed garage and all accessory buildings is less than that of the principal dwelling and attached deck. The accessory building will store the equipment necessary to maintain a private lane, as well as maintenance equipment and provide for a covered location for the pontoon boat and vehicle. The increase in height to accommodate this use is considered appropriate for this property.

4. Is the application minor?

- The variance is minor as it will not cause any negative impacts as a result of its size and location on the subject property, which is located on Oakshores Crescent. It meets all setback requirements and is proposed in a practical location on the property. Furthermore, proposed garage and all accessory buildings lot coverage does not exceed that of the principal dwelling.

Conclusion

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-30-20-B, 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 the construction of a detached garage of approximately 84 metre^2 (896 feet^2), and with a maximum height of 8 metres (26.5 feet), as per the drawings submitted with MV-30-20-B. The garage will be placed in general conformity with the drawings submitted with application MV-30-20-B.

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-30-20-B 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, Township of South Frontenac

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

Date of Site Visit: September 2, 2020

Attachments: Map of the Thompson property

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

Date Received: Aug. 20/20 File No: MV-30-20-13

1. Name of Owner(s): GORDON BYRON THOMPSON

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: CON 2 BEDFORD Lot Number: LOT 5&6

Street Number: 59-61 Name of Road/Street: OAKSHORES CRES.

Reference Plan Number: 13R204 Part Number(s): PART LOT 22

Roll Number: 0100201400000 (LOT6) 0100214100000 (LOT5)

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. (COMBINED) LOTS 5 & 6

Frontage (on water): 200 Frontage (on road/lane): 122

Depth: 290 AV Area: 55100

5. The current zoning of the subject land:

RESIDENTIAL

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

RELIEF FROM HEIGHT BYLAW TO PERMIT 26' 6 IN. AGG

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

SEE ATTACHED APPENDIX A

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

Name of Road/Lane:

OAKSHORES CRES

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?

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:

ALL ON LOT 5

Type of Structure (E.g. residence)	(1) RESIDENCE	(2) SHEDS (2) GARDEN STORAGE	(3) BUNKIE HYDRO ONLY	(4) DOCK STORAGE
Setback from Front Lot Line	113 LAKESHORE	113	110	60
Setback from Rear Lot Line	122 ROAD	122	138	158
Setback from Side Lot Line	25	60	30	40
Height of Building (Also indicate if it is one story or two story)	23	8	13	7
Dimensions of Floor Area	929 ft	64 ft & 80 ft	96	64
Setback from High Water Mark (If applicable)	120	120	110	70

SEE APPENDIX B

13. The proposed uses of the subject land:

RESIDENTIAL FOR LOTS 5 & 6 COMBINED. GARAGE TO BE ON LOT 6

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:

LOT 6

Type of Structure (E.g. residence)	(1) DETACHED GARAGE	(2)	(3)	(4)
Setback from Front Lot Line LAKESHORE	140			
Setback from Rear Lot Line ROAD	128			
Setback from Side Lot Line	41			
Height of Building (Also indicate if it is one story or two story)	26			
Outside Dimensions of Building/Structure	28x32			
Setback from High Water Mark (If applicable)	148			

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:

PURCHASED IN 2001 LOTS 5-96 MERGED APRIL 30 FOLLOWING DEATH OF SPOUSE

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

LOT 5 RESIDENCE 1985, COTTAGE SHEDS 1995, BUNKIE 2011, DOCKS ITEMS 2003

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

+35 YEARS

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:

PRIVATE DRILLED 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:

SEPTIC SYSTEM ON LOT 5 FOR [redacted] RESIDENCE ONLY

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

SWALES

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:

DATED AT THE TOWNSHIP OF SOUTH FRONTENAC

[redacted]

APPENDIX A

13 August, 2020

Building Department Officials
Township of South Frontenac

Re: 59/61 Oakshores Cres., Tichborne, Ont.

Thank you for hearing me out.

Lot 5 is where our 900sq ft cottage sits that was in Joint title with my wife, and Lot 6 was the adjoining lot which was in my wife's name to keep it as a building lot and prevent merging in case my children wanted to build.

My wife recently passed away and I have now put both lots in my name and am assuming merging will take effect. My plan now is to move to the cottage full time and in order to do so at my age (73) I need to make some changes.

I want to build at 28x32 garage that would protect my vehicle and pontoon boat and my various maintenance equipment such as ATV, Snow blower and generator. This garage would have hydro and water supplied and would include on sink in workshop area. I am exploring with Public Health installing a grey water system for the sink. I propose to heat with propane. Slab on grade foundation with steel roof and siding to match my cottage.

I understand I need a minor variance because I have no storage area in the cottage. (Small crawl space with furnace and utilities) and because of my age to continue with vinyl tents for storage is not an option in the

winter with the maintenance required to clear snow etc. In addition, from a security standpoint a secure structure would go a long way to preventing thefts from my vinyl sheds that have occurred recently. I would appreciate approval to exceed the height bylaw and to include a loft for storage only. In support of my request I offer the following.

1. Loft space needed for storage of seasonal equipment, outdoor furniture, maple syrup production equipment and tires. I will gladly enter into an agreement to prohibit any other use.
2. Small 900 sq ft cottage does not have storage.
3. Garage location will be at the foot of a steep hill and garage will not be easily visible from road or lakeshore.
4. Without loft I am left with continuing with vinyl tents which are hard for me to keep snow off in winter and are not visually pleasing, insecure and will definitely affect my ability to remain here.
5. I have improved the road down and increased the access to the garage site to make it easier to stay here as I continue to age.

I anticipate having building plans produced and submitted, doing site work this fall, running hydro and tree removal to prepare for a spring build. I would appreciate you assistance in making this happen.

Thank you for your time and consideration.

Gordon B. Thompson
59 Oakshores Cres
Tichborne, Ont. K0H2v0
Turkeyroost577@gmail.com
613 8377188

APPENDIX B

LOT AREA COVERAGE IN FEET

Residence:	929
Bunkie	96
Deck shed	64
Deck shed	80
Dock shed	64
Proposed Garage	896
Total area:	2100

Lot Area:	55100
5% limit	2755

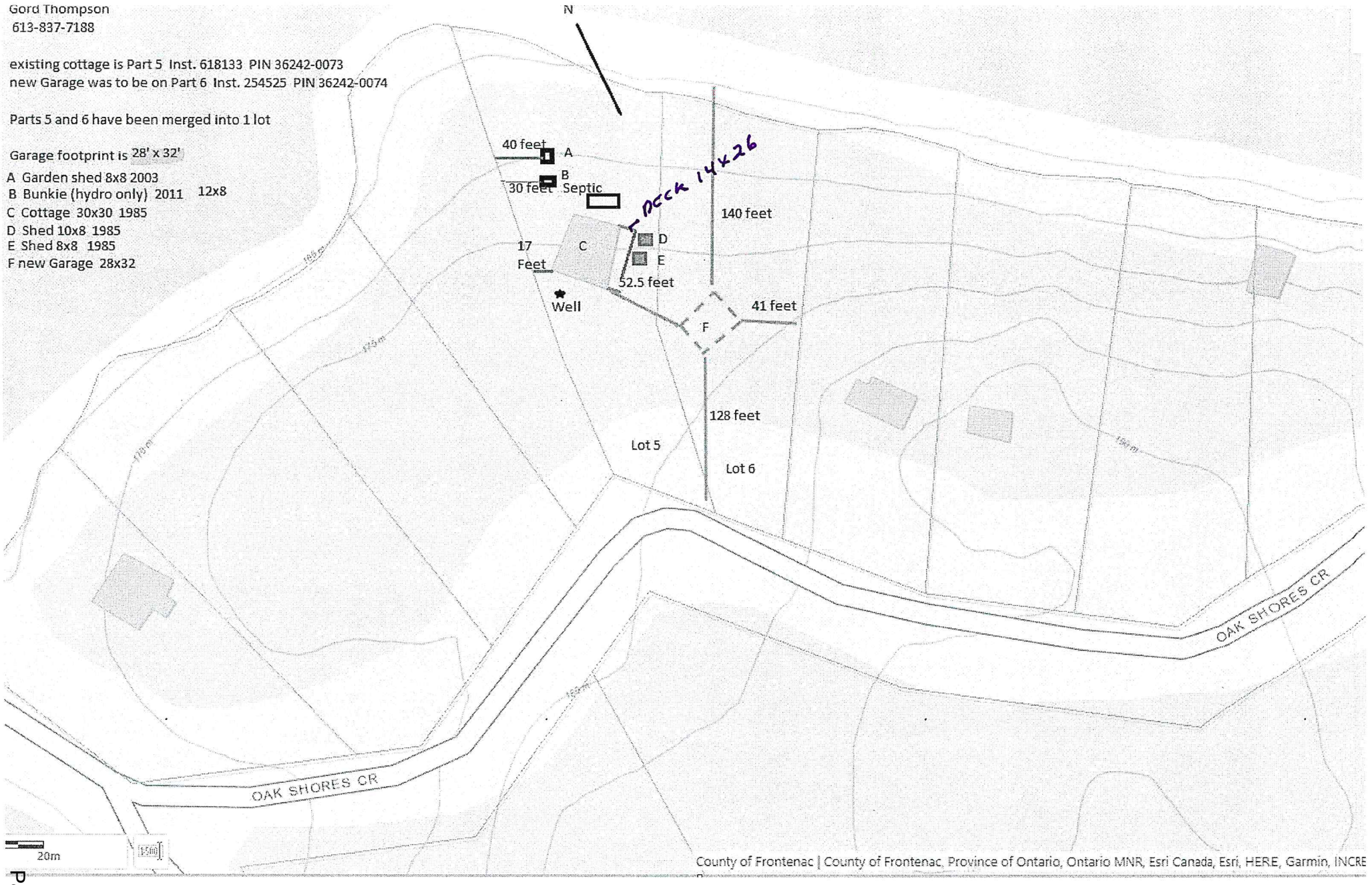
Gord Thompson
613-837-7188

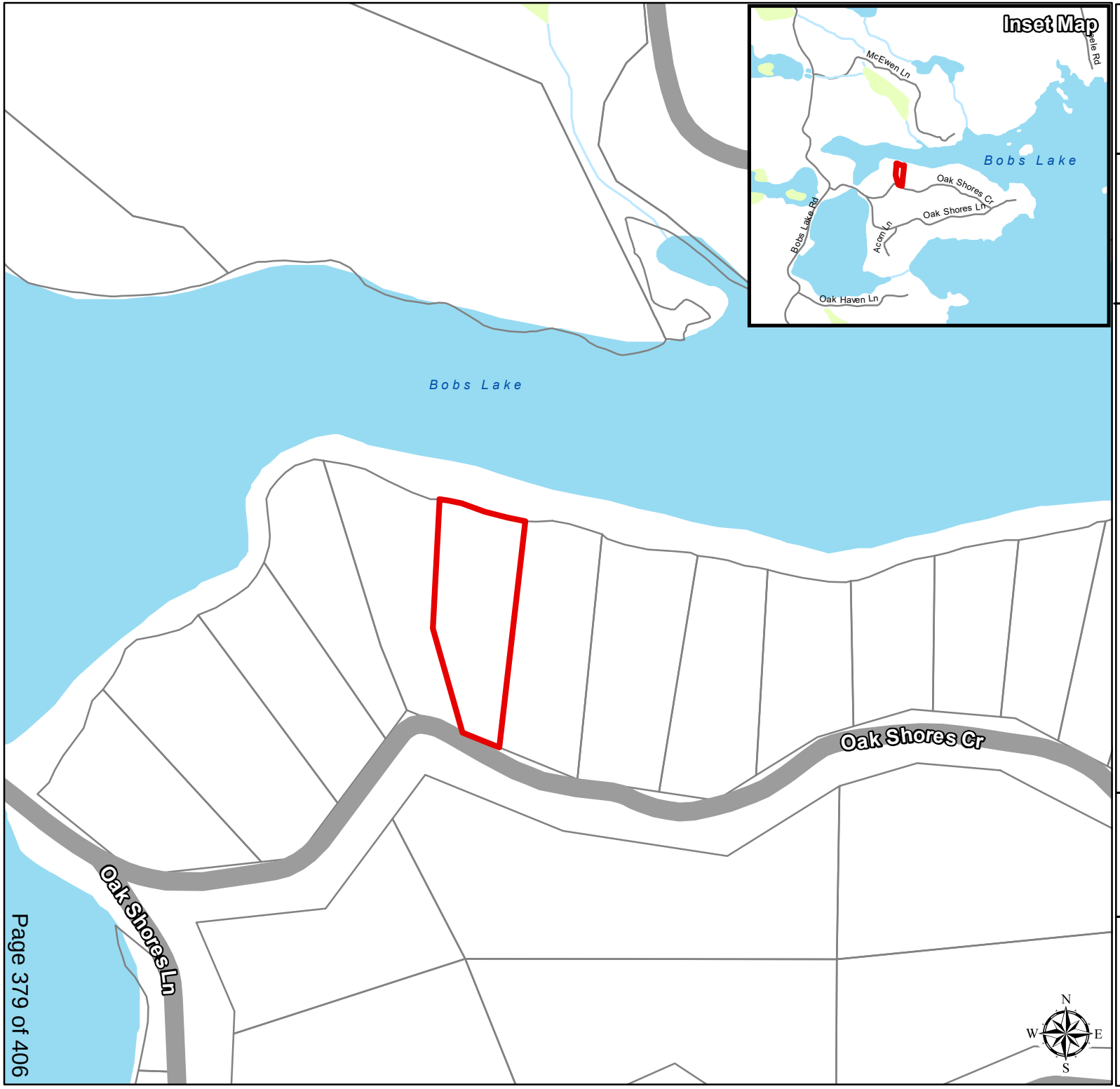
existing cottage is Part 5 Inst. 618133 PIN 36242-0073
new Garage was to be on Part 6 Inst. 254525 PIN 36242-0074

Parts 5 and 6 have been merged into 1 lot

Garage footprint is 28' x 32'

A Garden shed 8x8 2003
B Bunkie (hydro only) 2011 12x8
C Cottage 30x30 1985
D Shed 10x8 1985
E Shed 8x8 1985
F new Garage 28x32





MV-30-20-B (Thompson)

59 OAK SHORES CRES

Legend

- Subject Parcel
- 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 1:2,000

0 5 10 20 30 40

Meters

UTM Projection NAD 83

KFL&A Public Health

REQUESTS FOR COMMENTS

Environmental Health Department
1130 Elizabeth Street
Sharbot Lake, Ontario K0H 2P0
(613) 279-2151
1-800-267-7875
Fax: (613) 279-3997
http://www.kflapublichealth.ca

To:	Ms. Michelle Hannah Secretary-Treasurer, Committee of Adjustment Township of South Frontenac P.O. Box 100 4432 George Street Sydenham, ON K0H 2T0
Application Number:	MV-30-20B
Type of Application or Proposal:	Minor Variance
Applicant Name(s):	Thompson, Gordon
Location:	Part Lot 22, Concession 2, Bedford 59 Oak Shores Crescent
Planning Department or Agency:	Township of South Frontenac (Bedford)
Comments:	KFL&A Public Health has no objections to the proposed minor variance for the proposed garage with no water connection.
Inspector:	Joanne McGun, CPHI(C), Public Health Inspector
Date:	September 08, 2020

PLEASE FORWARD A COPY OF THE NOTICE OF DECISION TO KFL&A PUBLIC HEALTH.

Personal information on this form is collected under the authority of the Building Code Act, and will be used for the administration of Public Health programs. Any questions about the collection of this information should be directed to the Manager of Environmental Health, KFL&A Public Health, 221 Portsmouth Avenue, Kingston, Ontario K7M 1V5, (613) 549-1232 ext. 1243 or 1-800-267-7875.

REPORT TO COMMITTEE OF ADJUSTMENT
PLANNING DEPARTMENT

Report Date: September 2, 2020

Application No: MV-31-20-L
Owner: Brett & Meredith Prikker
Location of Property: Part Lot 7, Concession 6, being parts 1, 2 & 3 on Plan 13R16603 and Parts 4, 5 & 6 on Plan 13R16605 District of Loughborough, Township of South Frontenac, municipally known as 1046 Brawley Lane.
Purpose of Application: To vary Sections 8.3.1 and 5.8.2 (a)of the Township of South Frontenac Zoning By-law
Date of Hearing: September 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: Rural	**Zoning:** RW – Waterfront Residential zone
Zoning Relief Requested:	
Section 5.8.2 a): Flooding and Shoreline Erosion Hazards	**Relief:** To permit the construction of a an attached covered deck and sunroom located 14.6 metres (48 feet) from the highwater mark, whereas the Zoning By-law requires a 30 metre setback from the highwater mark for all buildings and structures..
Section 8.3.1: Lot Coverage and High Water Mark Setback	**Relief: T**o allow 14.7% lot coverage on the property, whereas the Zoning By-Law allows a maximum of 5%. **Relief:** To permit the construction of an attached covered deck and sunroom located 14.6 metres (48 feet) from the highwater mark, whereas the Zoning By-law requires a 30 metre setback from the highwater mark.

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 (or will subject to approval for the minor variance);

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

Proposal

An application for minor variance has been received to permit the construction of an 15.6 metre^2 (168 feet^2) attached covered deck and 28 metres^2 (300 feet^2) attached sunroom located 14.6 metres (48 feet) from the highwater mark of Sydenham Lake. The subject property also require a variance for lot coverage of 14.6%.

The subject property is 0.45 acres (0.18 hectares) in size and is located on the north shore of Sydenham Lake on the south side of Brawley Lane, municipally known as 1046 Brawley Lane. The subject property contains a 223 metre^2 (2400 feet^2) single detached dwelling with attached deck, two sheds and a boathouse. The dwelling and attached deck are currently located 18.3 metres (60 feet) and 14.6 metres (48 feet) from the highwater mark respectively. The current dwelling and deck have a combined lot coverage of 14.6%.

The applicants are proposing to enclose a portion of the existing deck (approx.. 60%) and convert it into a sunroom and also extend the roof of the house over the deck, allowing the other portion of the deck to be converted to a covered deck. The proposed sunroom is 28 metres^2 (300 feet^2) and the covered deck is 15.6 metres^2 (168 feet^2) located 14.6 metres from the highwater mark of Sydenham Lake. The proposal would not result in the footprint of the structure getting any larger or any closer to the highwater mark of Sydenham Lake.

The applicants noted they have had some water damage to an upper deck off of their master bedroom around a patio door that has done damage to the lower level on numerous occasions. The applicants indicated that they have tried to rectify the problem (roof repairs) and caulking and leak still persists. The applicants consulted with an environmentall and structural engineer, Asterisk, who together decided to eliminate the patio door to the existing upper deck (L-Cove) with a roof structure and also extend the roof cover over the existing deck on the back of the house. The applicants note this improvement will allow rain and snow run off effectively from premises and that their intent was to respect the footprint of the house (including the existing deck) by not adding additional sq.ft.

The applicants would also like to note that in 2015, they applied to the CRCA to obtain a permit to improve the waterfront as the previous retaining wall was collapsing and constructed of residential bricks and cinder blocks. They applicants note that they followed CRCA guidelines and put the appropriate structure in place to eliminate shoreline erosion and also improving wildlife habitat.

Agency and Public Comments

Public Services Department – Public Services was not circulated the application as the property is located 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.

KFL&A Public Health – Pending receipt of comments from KFL&A Public Health indicating that the lot can be adequately serviced prior to the meeting.

Cataraqui Conservation – Comments received from Cataraqui Conservation Staff on September 1, 2020 staff note that there is already existing development within the 30 metre setback and the footprint is not being increased. Staff recommend that roof runoff be directed away from the shoreline to allow for a greater filtration buffer area. Cataraqui Conservation Staff have no objection to approval

of application MV-31-20-L based on their consideration for natural hazards, natural heritage and water quality protection policies.

Public Comments – At the time of the writing of this report, no written comments were 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?

a) The subject property is designated Rural in the Official Plan. As per Section 5.7, lands designated Rural are characterized by a rural landscape which reinforces the historical relationship between Settlement Areas and the surrounding farm, rural and seasonal residential communities to which the Settlement Areas provide basic services. The amount and type of development in the Rural area shall be consistent with maintaining its rural, natural heritage and cultural landscape.

As per Section 5.7.7, limited service residential development is generally located in the Rural area of the Township on a body of water or a natural watercourse where the primary means of access is from a private road or a navigable waterway. Permitted uses include, single detached dwellings, seasonal residential dwellings, seasonal dwellings converted to permanent dwellings and home occupations. Furthermore, any proposed limited service residential development shall be designed to preserve as much as possible a site's physical attributes, such as tree coverage, varying topography, and scenic views for the benefit of future residents.

- The proposed variance conforms to the general intent and purpose of the Official Plan, as the proposed enclosed sunroom and covered deck are consistent with the residential use of the property, within the Rural Area designation. The proposed structure is within a disturbed area of the property as there is already an existing deck.

b) Section 5.2.7 b)(i) Policies for Development and Site Alterations Adjacent to Lakes and Rivers speaks to all lands within 90 metres (295 ft) of the highwater mark of all lakes and rivers which are not designated Environmental Protection are included as Environmentally Sensitive Areas. Where development and site alterations are proposed in Environmentally Sensitive Areas, a minimum setback of 30m (98.4 ft) from the highwater mark shall apply for all buildings and structures. Furthermore, Section 5.2.7 b)(ii) 3) Policies for Development and Site Alterations Adjacent to Lakes and Rivers requires that proposals to construct additions to existing dwellings that are already within the 30 metre setback may be permitted but will be evaluated on the merits of the proposal based on the following:

a) The ultimate gross floor area, building footprint and lot coverage being proposed;
b) The closeness of the existing dwelling to the highwater; and
c) The capacity of the lot to accommodate new development at a greater setback from the high watermark.

In no case shall an already encroaching structure be permitted to encroach further on the setback from the highwater mark.

- The existing dwelling and attached deck have a setback of 14.6 metres (48 feet) from the highwater mark of Sydenham Lake. The proposed enclosed sunroom and the covered deck is

limited to the existing footprint of the existing deck and will not reduce the highwater mark setback any further.

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

a) Consistent with Official Plan policy, Section 5.8 a) of Zoning By-law 2003-75 prohibits development within 30 metres (98.4 feet) of the highwater mark of a waterbody. Section 8.3.1 of the Zoning By-law details the permitted uses and zone regulations for residential waterfront including lot coverage.

- The proposed variances maintain the general intent and purpose of the Zoning By-law as the proposed enclosed sunroom and covered deck are permitted uses on the subject property, and the proposed locations comply with the setback requirements of the RW zone, with the exception of the reduced setback from the high water mark. There is already existing development (existing deck and principal dwelling) within the 30 metre setback and the footprint is not being increased.

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

- The variances are desirable for the appropriate development of the subject property, as the proposed enclosed sunroom and covered deck are consistent with the residential use of the property and the proposed buildings and structures maintain the general intent and purpose of the Official Plan and Zoning By-law. The proposed sunroom and covered deck are modest in size, located on the footprint of the existing deck and are consistent with the residential use of the property.

Is the variance minor?

- The variance is minor as the proposed location is reasonable for its purpose, and there will be minimal disturbance to the shoreline as a result of the development. The proposed location is outside of any natural hazard or natural heritage area. The development will not cause any additional negative impacts as a result of its size and location on the subject property and there will be no negative impact on surrounding properties as the result.

Conclusion

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-31-20-L, subject to conditions and pending receipt of comments from KFL&A Public Health indicating that the lot can be adequately serviced prior to the meeting.

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 an 15.6 metre^2 (168 feet^2) attached covered deck and 28 metres^2 (300 feet^2) attached sunroom located 14.6 metres (48 feet) from the highwater mark of Sydenham Lake as per the drawings submitted with MV-31-20-L, attached to the Decision as Schedule “A”.

2. The Plans submitted to obtain a building permit must demonstrate that roof runoff will be directed away from the shoreline to allow for a greater filtration buffer area (e.g. orient downspouts away from the lake; infiltration pits; french drain), as per Cataraqui Conservation comments dated September 1st, 2020, to the satisfaction of the Chief Building Official.

3. A building permit is required for any demolition and 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-31-20-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

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

Date of Site Visit: September 2, 2020

Attachment: Map of the Prikker property

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).

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

Date Received: Aug. 25/20 File No: MV-31-20-L

1. Name of Owner(s): BRETT AND MEREDITH PRIKKER

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: 6 Lot Number: 7

Street Number: 1046 Name of Road/Street: BRAWLEY LANE

Reference Plan Number: 13R16603 | 13R15605 Part Number(s): 1-3 | 4-6

Roll Number: 040-020-07200-0000

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): 109.7 FEET Frontage (on road/lane): 89.95 FEET

Depth: 230.45 AND 177.2 FEET Area: APPROX. 1/2 ACRE

5. The current zoning of the subject land:

RW - WATERFRONT RESIDENTIAL

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

SEEKING VARIANCE RELIEF FOR NEW SUNROOM AND COVERED DECK WITHIN 15M OF HWM/SETBACK

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

SEEKING MINOR VARIANCE FOR NEW SUNROOM AND COVERED DECK THAT IS WITHIN 30 METRE SETBACK

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

Name of Road/Lane:

BRANLEY 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)** DRY BOAT HOUSE	**(3)** DECK	**(4)** SHED | SHED
Setback from Front Lot Line	60'	0	48'	120' | 34'
Setback from Rear Lot Line	119'	174'	158'	100' | 134'
Setback from Side Lot Line	27'	12'	27'	2' | 6'
Height of Building (Also indicate if it is one story or two story)	27' TWO STORY	11'	10'	10' | 10'
Dimensions of Floor Area	2,400 SQFT	336 SQFT	468 SQFT	100 | 108 SQFT
Setback from High Water Mark (If applicable)	60'	0	48'	120 | 34

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

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

Type of Structure (E.g. residence)	(1) SUNROOM & COVERED DECK	(2)	(3)	(4)
Setback from Front Lot Line	48'			
Setback from Rear Lot Line	158'			
Setback from Side Lot Line	27'			
Height of Building (Also indicate if it is one story or two story)	9'			
Outside Dimensions of Building/Structure	300 SQFT – SUNROOM 168 SQFT COVERED DECK			
Setback from High Water Mark (If applicable)	48'			

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:

MARCH 2, 2015

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

HOUSE - 2008, DECK - 2008, BOATHOUSE - 1965, SHED - 2015, SHED - 2017
DECK & HOUSE BURNT DOWN IN 2016, REBUILT AND COMPLETED - 2008

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

50+

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:

PRIVATE 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:

PRIVATE SEPTIC

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:

DATED AT THE TOWNSHIP OF SOUTH FRONTENAC

[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.

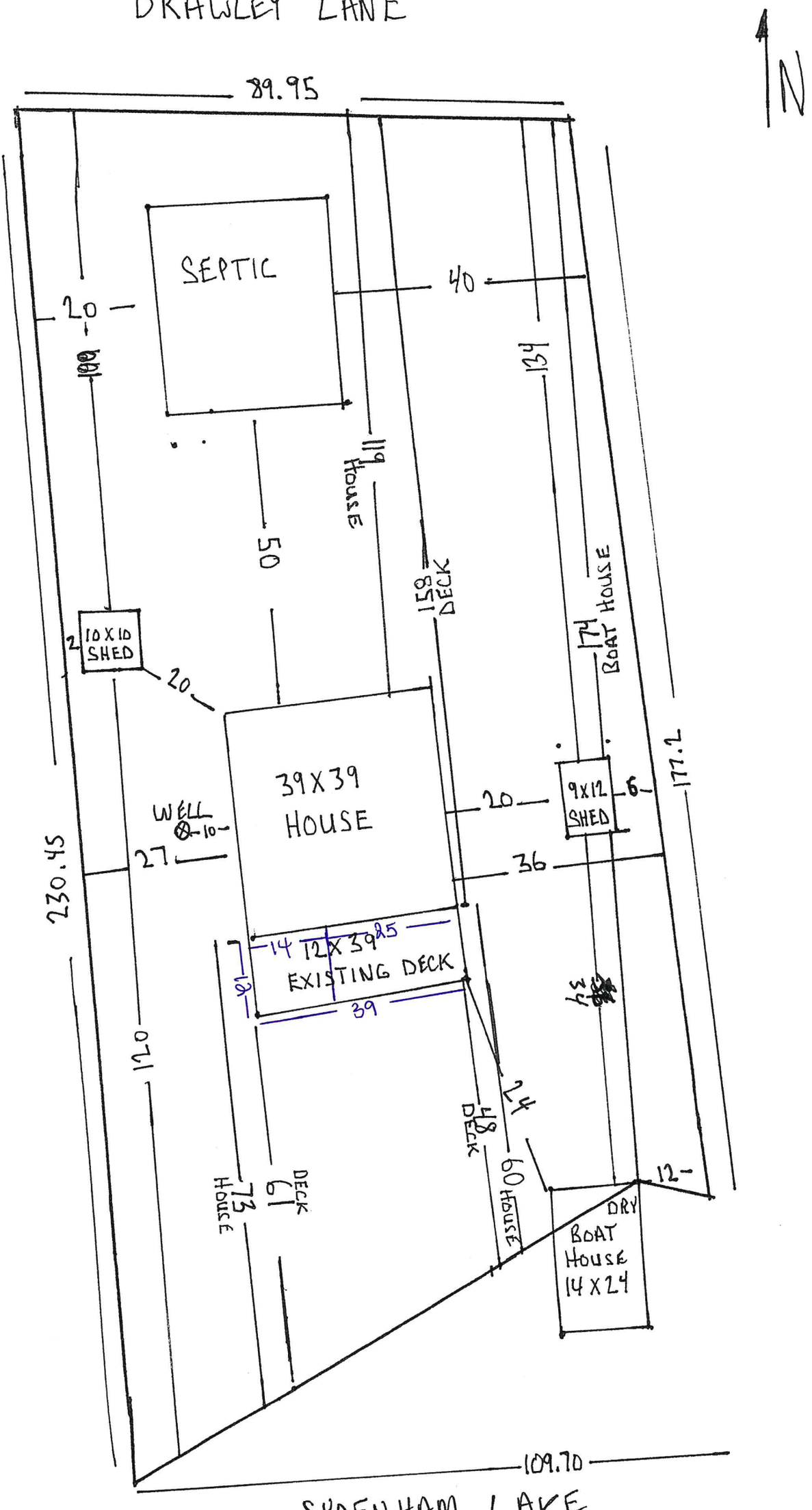
28) If yes: If there has been a previous variance granted on the property, please indicate the application number if known, and what the details of the variance were.

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.**

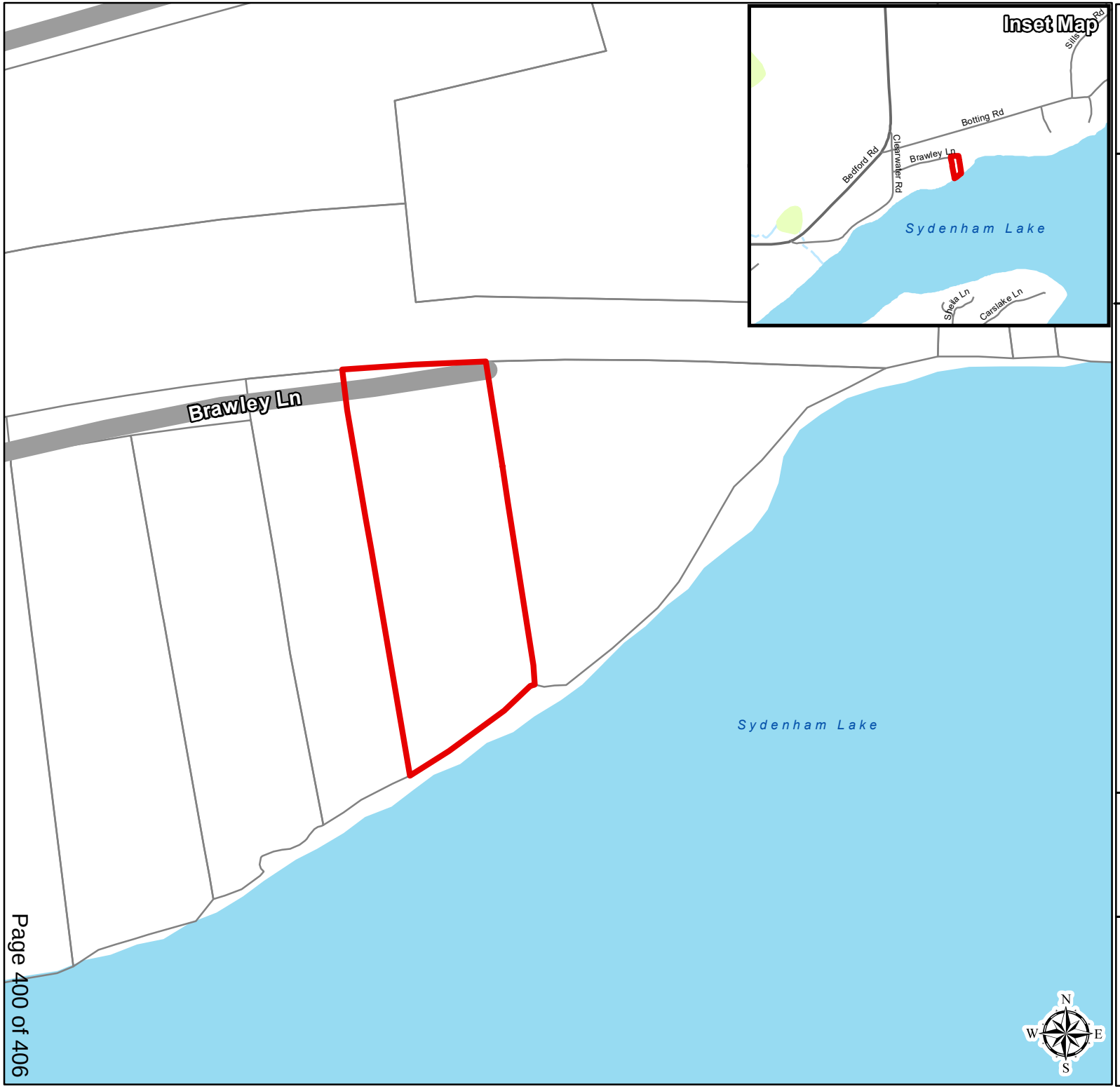
30) **Agreement to Indemnify**: Must be signed in front of a commissioner of oaths – you may have this done before submitting the application, or sign the application in front of staff who can sign as commissioners. All owners must sign the application, or it can be signed by an agent if one has been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

BRAWLEY LANE

1 CATARAQUI TRAIL - 100 FEET



N
1040 BRAMLEY LANE
SYDENHAM LAKE
158
36
48
DECK
14
SUNROOM
25
29
CANOPY
DECK
12
61
27



TOWNSHIP OF SOUTH FRONTENAC

MV-31-20-L (Prikker)

1046 BRAWLEY LANE

Legend

- Subject Parcel
- 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 1:1,000

0 4.75 9.5 19 28.5 38

Meters

UTM Projection NAD 83

September 1, 2020 File: MV/FRS/170/2020

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-31-20-L (Prikker)
Part Lot 7, Concession 6; 1046 Brawley Lane
Loughborough District, Township of South Frontenac
Waterbody: Sydenham 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.

Summary of Proposal

The proposal involves the enclosure of a deck 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 15 metres in order to enclose a deck.

Site Description

The property is located on the north shore of Sydenham Lake on the south side of Brawley Lane. The topography of the site can be characterized as having a low bank at the shoreline, leveling out and then rising again in a northerly direction. Currently, the property contains a single family dwelling, two sheds and a boathouse at the shoreline. The property is currently designated 'Rural' in the Official Plan and 'Waterfront Residential' (RW) in the 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 its water quality. There were no natural heritage features identified on the subject property.

Natural Hazards

Flooding: For Sydenham Lake, the regulatory flood plain has been established as elevation 131.6 metres geodetic. Section 3.3.6 2) of Cataraqui Conservation's Guidelines for Implementing Ontario Regulation 148/06 suggests that where development is proposed and the elevation of the flood plain is known, buildings and structures must be located a minimum horizontal distance of 6 metres beyond the furthest landward extent of the regulatory flood plain. In this instance there is an existing deck that is located approximately 6 metres from the flood plain and elevation data suggests that the deck is elevated well above the flood plain.

Erosion: For inland lakes such as this one, the regulatory erosion standard includes an allowance for toe erosion, a stable stope allowance of 3:1 (horizontal/vertical) for low till shorelines, and a 6 metre equipment access allowance. A toe erosion allowance of 1.0 metres is appropriate. The height of the shoreline slope is approximately 1.0 metre resulting in a stable slope allowance of 3.0 metres. Therefore, the total erosion hazard allowance was determined to be 10.0 metres (1+3+6). Staff are satisfied that the proposed development will be outside of the erosion hazard allowance.

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.

Section 5.2.7 b)(i) of the Official Plan for South Frontenac Township suggests that a 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.

In this instance there is already existing development within the 30 metre setback and the footprint is not being increased. *Staff recommend that roof runoff be directed away from the shoreline to allow for a greater filtration buffer area.*

Recommendation

Staff have no objection to approval of application MV-31-20-L based on our consideration for natural hazards, natural heritage and water quality protection policies.

Ontario Regulation 148/06

Cataraqui Conservation, under Ontario Regulation 148/06: *Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses,* regulates development within 15 metres of a flood plain or erosion hazard. Therefore, a Cataraqui Conservation permit will be required for this development under said regulation. 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. Brett and Meredith Prikker, applicants (via e-mail)
Michelle Hannah, South Frontenac Township (via e-mail)

KFL&A Public Health

REQUESTS FOR COMMENTS

Environmental Health Department
221 Portsmouth Avenue
Kingston, Ontario K7M 1V5
(613) 549-1232
1-800-267-7875
Fax: (613) 549-7738
http://www.kflapublichealth.ca

To:	Michelle Hannah, Secretary-Treasurer Committee of Adjustment, Township of South Frontenac PO Box 100, 4432 George Street Sydenham, Ontario K0H 2T0
Application Number:	MV-31-20-L
Type of Application or Proposal:	Minor Variance
Applicant Name(s):	Prikker, Brett & Meredith
Location:	Part Lot 7, Concession 6; 1046 Brawley Lane RP # 13R16603, Parts 1-3; 13R16605, Parts 4-6 Former Loughborough Township
Planning Department or Agency:	Township of South Frontenac (Loughborough)
Comments:	KFL&A Public Health has no objections to the proposed minor variance.
Inspector:	Matthew Doyle, CPHI(C), Public Health Inspector
Date:	September 09, 2020

PLEASE FORWARD A COPY OF THE NOTICE OF DECISION TO KFL&A PUBLIC HEALTH.

Personal information on this form is collected under the authority of the Building Code Act, and will be used for the administration of Public Health programs. Any questions about the collection of this information should be directed to the Manager of Environmental Health, KFL&A Public Health, 221 Portsmouth Avenue, Kingston, Ontario K7M 1V5, (613) 549-1232 ext. 1243 or 1-800-267-7875.

REPORT TO COMMITTEE OF ADJUSTMENT

DEVELOPMENT SERVICES DEPARTMENT

AGENDA DATE: September 10, 2020

REPORT DATE: September 8, 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-04-20-S** (Owner & Applicant) Brian Harrison

Location: Part Lot 23, Concession 2, being Part 1 on Plan 13R16848 District of Storrington, 3621 Moreland Dixon Road

This undisputed consent was granted provisional consent on August 13, 2020.

The purpose and effect of this application is for the creation of a new residential lot. The proposed land to be severed is approximately 0.874 hectares (2.16 acres) of vacant land with approximately 79.8 metres of frontage along Moreland-Dixon Road. The retained lands will be approximately 1.42 hectares (3.52 acres) with approximately 102 metres of frontage on Moreland-Dixon Road.

b) **S-21-20-P** (Owner & Applicant) Ronda & Allan McCullough, Agent to receive severed land Jenna Tolles and Cole Hughes

Location: Part Lot 18, Concession 7, being Part 3 on Plan 13R1750, District of Portland, Township of South Frontenac, municipally known as 1006 River Road

This undisputed consent was granted provisional consent on August 21, 2020.

The purpose and effect of this application is for the creation of a new residential lot. The proposed land to be severed is approximately 3.2 hectares (7.9 acres) of vacant land with approximately 76 metres of frontage along River Road. The retained lands will be approximately 36 hectares (89 acres) with approximately 116 metres of frontage on River Road

REPORT TO
COMMITTEE OF ADJUSTMENT

DEVELOPMENT SERVICES
DEPARTMENT

ATTACHMENTS:

None

Submitted by: Michelle Hannah, Planning Assistant and
Secretary Treasurer of Committee of Adjustment

Approved by: Claire Dodds
Director of Development Services