

**TOWNSHIP OF SOUTH FRONTENAC  
COMMITTEE OF ADJUSTMENT MEETING  
AGENDA**

**Online via Teleconference and Broadcast line to the  
South Frontenac's Facebook Page  
<http://www.facebook.com/SouthFrontenacTwp/>**

TIME: 7:00 PM,  
DATE: Thursday, June 11, 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: 4 - 75

2. Call to Order

3. Adoption of Agenda

4. Declaration of pecuniary interest

5. Approval of Minutes – March 12, 2020

6. Consent Applications from Previous Meetings:

- a) S-31-19-S (Stand Fast Homes Ltd.) 76 - 90  
**Location:** Part Lot 7, Concession 9, being part 1 on Plan 13R1524 District of Storrington, Township of South Frontenac, Larry York Road and Keller Road.  
**Purpose of Application S-31-19-S:** Consent for the creation of one new residential lot consisting of approximately 0.827 hectares (2.044 acres) with approximately 76.20 metres (250 feet) of road frontage on Keller Road and a depth of approximately 158.340 metres (519 feet) from a vacant property. The retained lands will be approximately 1.066 hectares (2.634 acres) in area with approximately 72.130 metres (236.6 feet) of frontage along Keller Road and Larry York Road.

- b)

7. New Minor Variance Applications:

- a) **Purpose of Application** To reduce the minimum lot frontage from 76 metres (250 feet) to 72 metres (236 feet) for the retained parcel of land. The applicant is seeking relief from section 14.3 Urban Residential – First Density Zone (UR1) Zone Regulations for the lot frontage minimum which requires 76 metres (250) of frontage on a public road for all severed and retained properties. The severed and retained properties will meet and/or exceed the required 2 acres (8,000 square metres) of land. 91 - 103
- b) MV-41-19-L (Seguin) 104 - 135  
**Location:** Part Lot 22, Concession 11, District of Loughborouh, Township of South Frontenac, municipally known as 1179 Hidden Valley Lane, Buck Lake.  
**Purpose of Application:** To reduce the highwater mark and front yard setback from 30 metres to 15.7 metres (51.51 feet) to permit the construction of an accessory building, being a detached garage on the subject property, to allow a portion of the primary dwelling to be raised to accommodate the addition of a foundation within the highwater mark setback, to permit an increase in lot coverage for the primary dwelling from 5% to 15.3% and accessory buildings from 5% to 6%. The applicant is seeking relief from Section 10.3.1 and 10.3.2, Limited Service Residential – Waterfront Zone Regulations and Section 5.8.2 Flooding and Shoreline Erosion Hazards which require a 30 metre setback from the high water mark and sections 5.24.1 and 10.3.1 which allows for 5% lot coverage for accessory buildings and principal buildings respectively and section 5.10.2 which does not allow for an increase in height to an existing building within the highwater mark setback.
- c) MV-46-19-L (Jefferies) 136 - 151  
**Location:** Part Lot 1, Concession 12, being Lot 7 on Plan 1937, District of Loughborough, Township of South Frontenac, municipally known as 1020 Deer Park Lane.  
**Purpose of Application:** To permit an increase to the allowable height of an accessory building, being a detached garage, from 6 metres (19.7 feet) to 9.45 metres (31 feet). The applicant is seeking relief from Section 10.3.2 of the Township of South Frontenac Comprehensive Zoning By-Law which allows for the maximum height of an accessory building to be 6 metres (19.7 feet).
- d) MV-01-20-L (Leonard) 152 - 181  
**Location:** Part Lot 1, Concession 8, being Parts 1, 2 & 5 on Plan 13R2250, District of Loughborough, Township of South Frontenac, municipally known as 1004 Goslin Lane.  
**Purpose of Application:** To reduce the setback from the highwater mark from 30 metres to 22.25 metres (73 feet) to permit the construction of a 920 square foot addition to the existing cottage and to allow for an increase in height to an existing legal non-complying structure to allow for the addition of a proper foundation. The applicant is seeking relief from Section 10.3.1 Limited Service Residential – Waterfront Zone Regulations and Section 5.8.2 a. Flooding and Shoreline Erosion Hazards which both require a 30 metre setback from the high water mark and section 5.10.2 to allow for an increase in the height of the building.

8. Other Business

9. Adjournment

# Township of South Frontenac Committee of Adjustment Meeting

Thursday, June 11, 2020

7:00 p.m. Council Chambers Virtual Meeting

4432 George Street, Sydenham, ON



# Welcome to First 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

- Angela Maddocks (Clerk & Meeting Host)
- Tess Gilchrist (Contract Planner)
- Anna Geladi (Planner)
- Michelle Hannah (Planning Assistant)



# 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. Public can ask questions
6. The Committee will then deliberate and vote on the application. Members of the Committee raising their hands to vote
7. The Chair will state whether the vote was carried



## After the Meeting: Next Steps

- All items on the agenda today are previously deferred. The Committee of Adjustment will first hear applications for consent, followed by applications for minor variance.
- 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 touch following the meeting and will be forwarding a copy of the decision within 15 days of this meeting to the applicant and anyone who has requested to be notified.
- 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
- Consent Applications
- Minor Variance Applications deferred from a previous meeting
- Other Business
- Adjournment



# Consent Applications



**Application:** S-31-19-S

**Owner:** Stand Fast Homes Ltd.

**Location of Property:** Part Lot 7, Concession 9, being Part 1 on Plan 13R1524, District of Storrington, Township of South Frontenac, York Road and Keller Road

**Recommendation:**

It is recommended that the Committee of Adjustment **approve** the application subject to conditions.

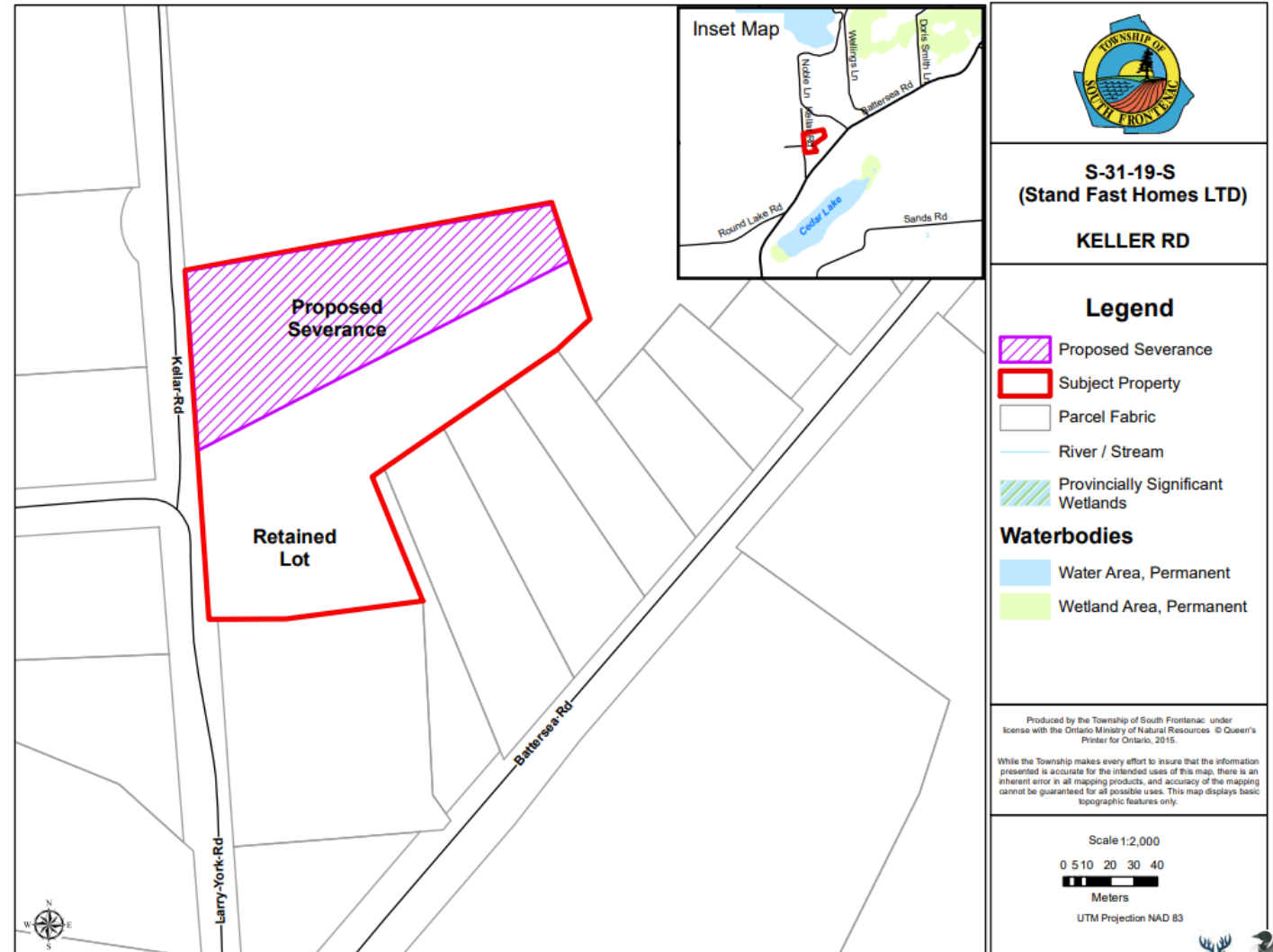


# Application: S-31-19-S

Owner: Stand Fast Homes Ltd.

## Proposal:

- The Applicants are applying for the creation of a new lot of approximately 2.044 acres (0.827 hectares) with 76.2 metres (250 feet) of road frontage.
- The retained parcel meets the area requirement but has a proposed reduced frontage of 72.13 metres (236.6 feet). This application is related to Minor Variance application MV-42-19-S.



**Application: S-31-19-S**

**Owner: Stand Fast Homes Ltd.**

**Planning Analysis:**

Consistent with Provincial Policy Statement, 2020:

Yes

Current Official Plan Designation:

Settlement Area - Battersea

Application conforms with Official Plan, 2003:

Yes

Current Zoning:

Urban Residential First Density (UR1)

Application Complies with Zoning By-law 2003-75:

Minor Variance Application MV-42-19-S





**Application: S-31-19-S**

**Owner: Stand Fast Homes Ltd.**

## Agency Comments

### KFL&A Public Health:

- KFL&A indicated that the proposed severed and retained lots are capable of providing flexibility in siting a sewage disposal system and specific requirements for additional soil will be handled through the Application to Construct a Sewage System prior to site development.

### Cataraqui Region Conservation Authority:

- Not required to be circulated.

### Public Services:

- The Public Services Department has confirmed that there are adequate sight lines for the proposed entrances, there are no special drainage/ditching concerns related to the creation of the new lot, and the overall road condition is adequate to serve the increased development/traffic.

### Public Comments:

- No comments from the public have been received to date.



**Application:** S-31-19-S

**Owner:** Stand Fast Homes Ltd.

**Location of Property:** Part Lot 7, Concession 9, being Part 1 on Plan 13R1524, District of Storrington, Township of South Frontenac, York Road and Keller Road

**Recommendation:**

It is recommended that the Committee of Adjustment **approve** the application subject to conditions.



**Application: S-31-19-S**  
**Owner: Stand Fast Homes Ltd.**

Proposed Conditions of Approval

Expiry Period

- Conditions imposed must be met within one year of the date of Notice of Decision, as required by Section 53(41) of the *Planning Act*, RSO 1990, as amended. If conditions are not fulfilled as prescribed within one year, the application shall be deemed to be refused. Provided the conditions are fulfilled within one year, the application is valid for two years from the date of Certificate of Official issuance. The deed must be registered within two years of the issuance of the Certificate of Official.

Severed Lands

- The land to be severed by Consent Application S-31-19-S shall be for the creation of one new lot with an area of approximately 0.827 hectares (2.044 acres) of vacant land with approximately 76.2 metres (250 feet) of frontage along Larry York Road.

Survey/Reference Plan or Registerable Description

- An acceptable reference plan or legal description of the severed lands in duplicate [*Registry Act*, s.81, *Land Titles Act*, s. 150], the deed or instrument conveying the severed lands, and the Certificate of Official shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year [*Planning Act*, s. 53(41)] after the date that "Notice of Decision" is given [*Planning Act*, ss. 53(17) and 53(24)].
- The surveyor or applicant shall submit the draft Reference Plan electronically or in paper form for review and approval by planning staff prior to depositing the Reference Plan with the Land Registry Office.

**Application: S-31-19-S**  
**Owner: Stand Fast Homes Ltd.**

Proposed Conditions of Approval

Road Widening

1. The surveyor who prepares the reference plan referred to in Condition #3 and #4 shall also determine by survey the width of the public road to be 66 feet. If such width is less than 66 ft., the owner shall dedicate to the Township land along the frontage of the severed lands as the case may be in the following manner:
  - a. The land to be dedicated shall be the width required to ensure there is a 66 foot road allowance;
  - b. The land to be dedicated shall be described as a separate part on a Reference Plan of Survey to be prepared and deposited at the Owner's expense and filed with the Secretary-Treasurer prior to the stamping of the deeds;
  - c. The Transfer/Deed from the Owner for the land to be dedicated shall be engrossed in the name of "The Corporation of the Township of South Frontenac", and shall include the following attached to the Transfer/Deed as a Schedule: *The Transferor hereby transfers the lands to the municipality for the purpose of widening the adjacent highway pursuant to Section 31(6) of the Municipal Act, 2001, Chapter 25, as amended.*
  - d. The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense;
  - e. The duplicate registered Transfer/Deed for the land to be dedicated together with a letter of opinion of a solicitor qualified to practice law in the Province of Ontario addressed to the Secretary-Treasurer confirming that the municipality acquired good and marketable title to the land free and clear of all liens and encumbrances shall be delivered to the Secretary-Treasurer prior to the issuance of the Certificate of Official.



**Application: S-31-19-S**  
**Owner: Stand Fast Homes Ltd.**

### Proposed Conditions of Approval

#### Municipal Requirements

1. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. This includes all taxes levied as of the date of the issuance of the Certificate of Official.
2. The Township of South Frontenac shall receive 5% of the value of the parcel to be severed through Consent Applications S-31-19-S, in lieu of parkland [*Planning Act*, s. 51(1)].
3. In the event that there are abandoned wells located on the property being severed, and the retained property, they shall be sealed in accordance with the requirements of the Ministry of the Environment and that this work shall be accomplished prior to the issuance of the Certificate of Official.
4. The Owner shall submit a well driller's report demonstrating a potable water pumping capacity of 3.5 gallons per minute sustained over a 6-hour pump test for the parcel severed through Consent Application S-31-19-S.
5. The applicant shall enter into a Development Agreement with the Township to be registered on title to the severed and retained parcels to address the development of the lots, including obtaining an entrance permit from the Township for a driveway and the preparation of a lot grading and drainage plan prepared by an Engineer or Ontario Land Surveyor to be approved by the Township prior to construction.

#### Zoning

1. Where a violation of the Township of South Frontenac Comprehensive Zoning Bylaw is evident, the appropriate minor variance or rezoning shall be obtained to the satisfaction of the Municipality.



# Questions from Committee Members

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 from the Applicant and/or the Agent

If you would like to speak:

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# Questions from Committee Members

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# Resolution & Voting

Committee Members please indicate if you are in favour of the resolution by using the **raise hand button** or if calling by telephone, **pressing \*9**.



# Minor Variance Applications



**Application:** MV-42-19-S

**Owner:** Stand Fast Homes Ltd.

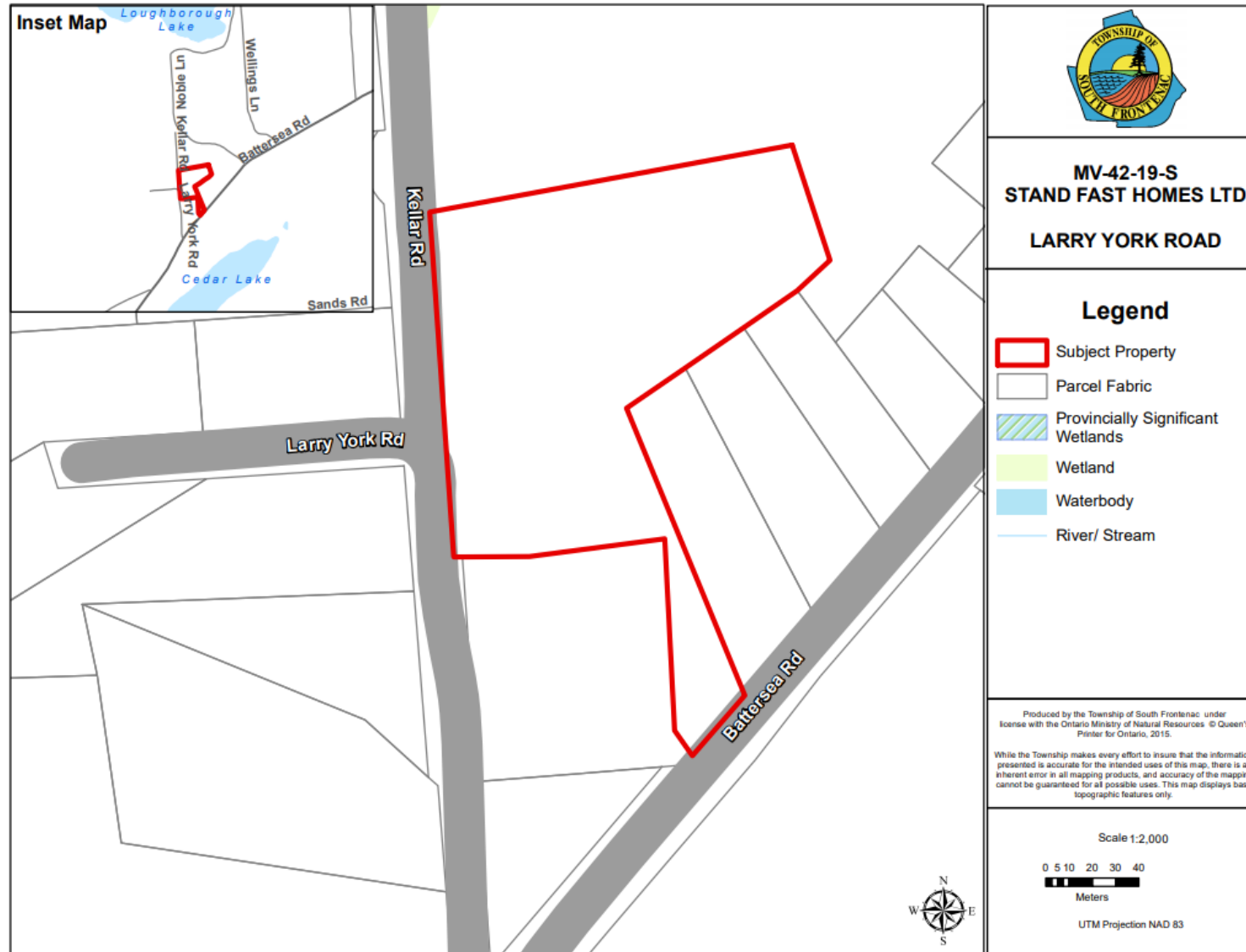
**Location of Property:** Part Lot 7, Concession 9, being Part 1 on Plan 13R1524, District of Storrington, Township of South Frontenac, York Road and Keller Road

### **Recommendation:**

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-42-19-S, subject to conditions.



**Application: MV-42-19-S**  
**Owner: Stand Fast Homes Ltd.**





**Application:** MV-42-19-S

**Owner:** Stand Fast Homes Ltd.

## Relief Sought

<b>Official Plan Designation:</b> Settlement Area - Battersea	
<b>Zoning:</b> UR-1	<b>Zoning Relief Requested:</b>
<b>Section 14.3:</b> UR Zone	<b>Relief:</b> To permit the creation of a new lot with a lot frontage of 72.13 metres (236.6 feet), whereas the Zoning By-law requires a minimum of 76.2 metres (250 feet).

The application, as presented, meets the four tests.



**Application: MV-42-19-S**  
**Owner: Stand Fast Homes Ltd.**



Frontage

**Application:** MV-42-19-S

**Owner:** Stand Fast Homes Ltd.

## Agency Comments

- **KFL&A Public Health:**

- KLF&A indicated that the proposed severed and retained lots are capable of providing flexibility in siting a sewage disposal system and specific requirements for additional soil will be handled through the Application to Construct a Sewage System prior to site development.

- **Cataraqui Region Conservation Authority (CRCA):**

- No development is proposed in association with this application for a lot addition, therefore CRCA was not circulated.

- **Public Services:**

- The Public Services Department has confirmed that there are adequate sight lines for the proposed entrances, there are no special drainage/ditching concerns related to the creation of the new lot, and the overall road condition is adequate to serve the increased development/traffic.

- **Public Comments:**

- To date, no comments have been received from the public.



**Application:** MV-42-19-S

**Owner:** Stand Fast Homes Ltd.

**Location of Property:** Part Lot 7, Concession 9, being Part 1 on Plan 13R1524, District of Storrington, Township of South Frontenac, York Road and Keller Road

### **Recommendation:**

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-42-19-S, subject to conditions.



**Application:** MV-42-19-S  
**Owner:** Stand Fast Homes Ltd.

### Proposed Conditions of Approval

1. 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.
2. Minor variance MV-42-19-S is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.



# Questions from Committee Members

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# Comments from the Applicant and/or the Agent

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# Questions from the Public

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# Resolution & Voting

Committee Members please indicate if you are in favour of the resolution by using the **raise hand button** or if calling by telephone, **pressing \*9**.



**Application:** MV-41-19-L

**Owner:** David & Christine Seguin

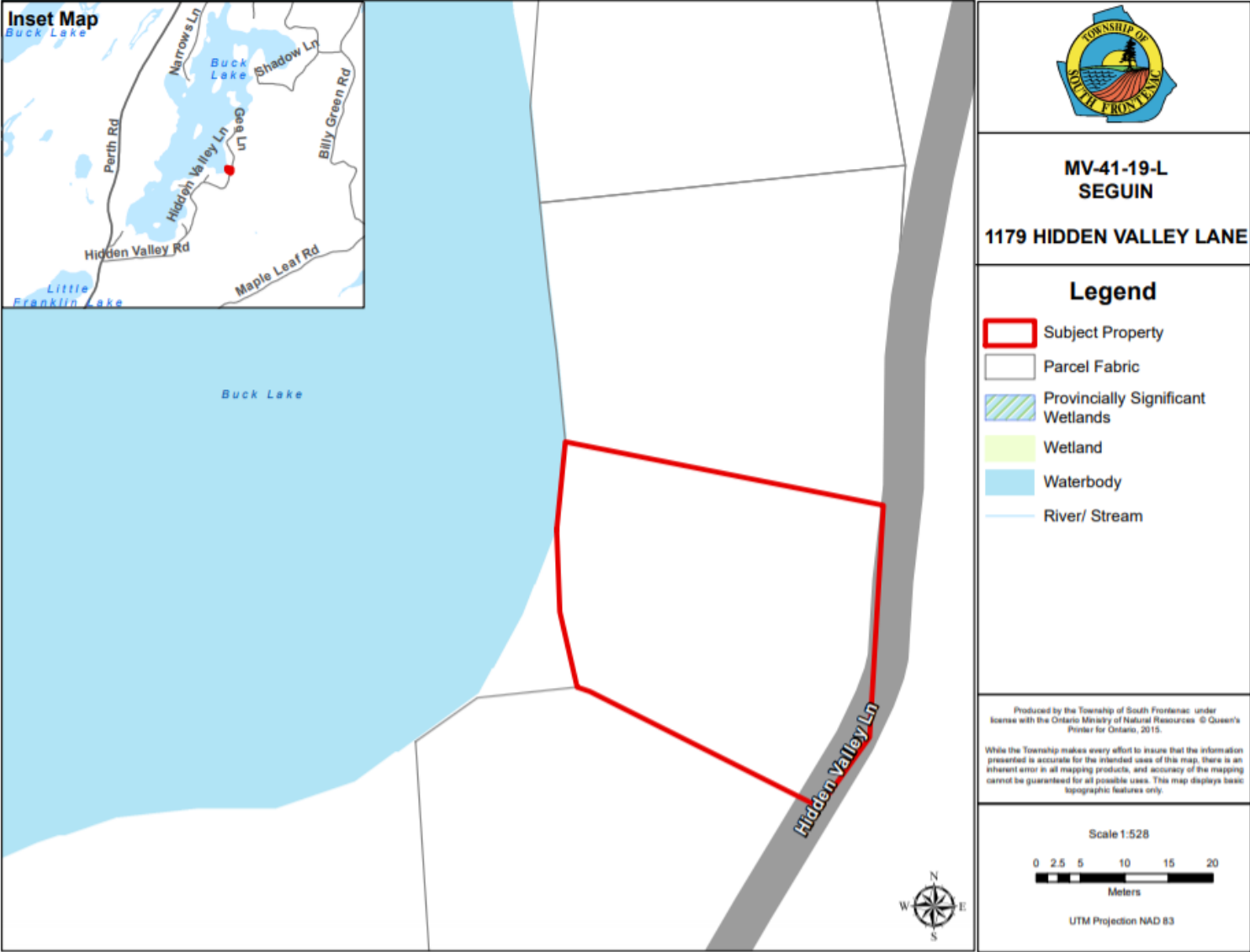
**Location of Property:** Part Lot 22, Concession 11, District of Loughborough, Township of South Frontenac, municipally known as 1179 Hidden Valley Lane, Buck Lake

### **Recommendation:**

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-41-19-L, subject to conditions.



**Application: MV-41-19-L**  
**Owner: David & Christine Seguin**

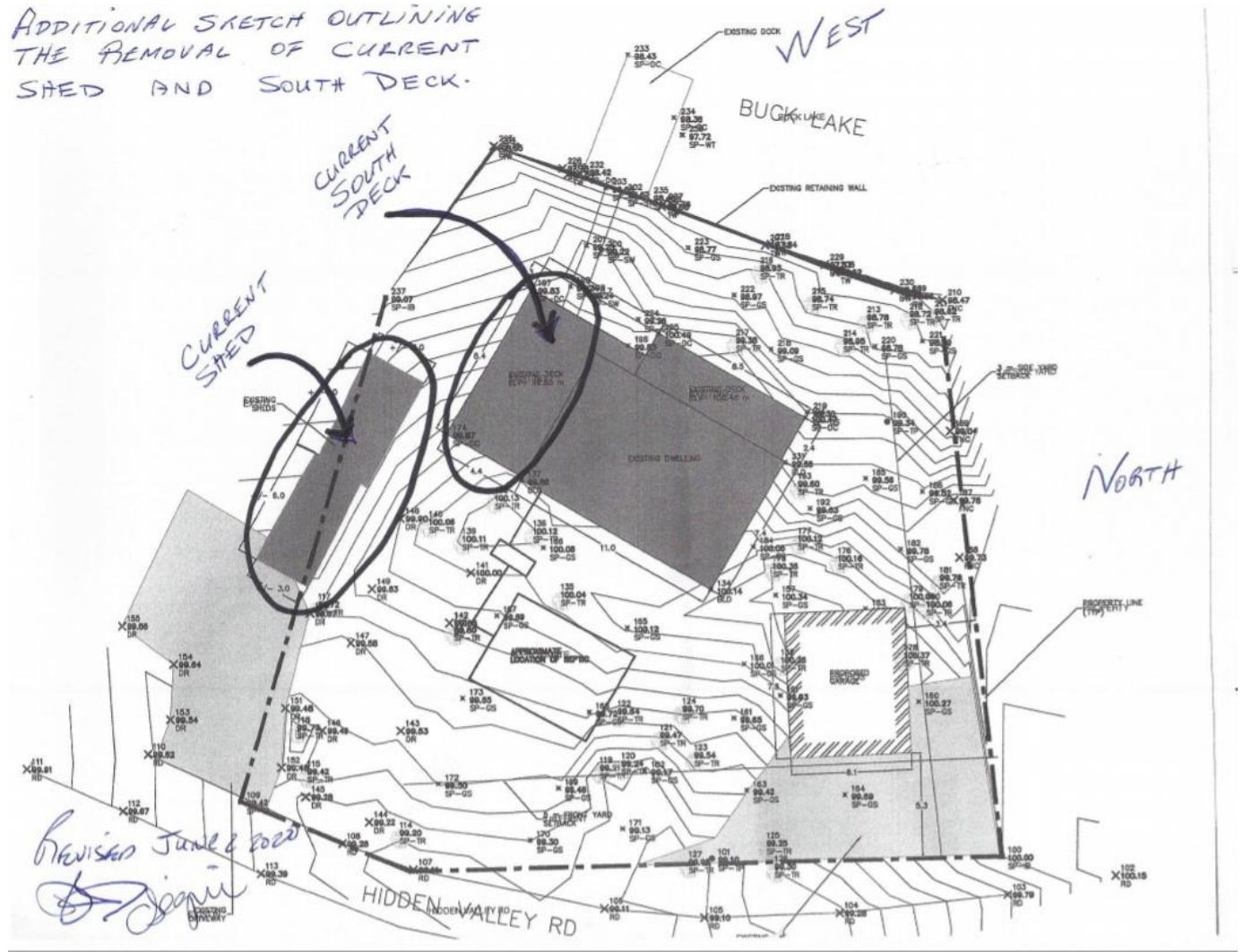


**Application:** MV-41-19-L  
**Owner:** David & Christine Seguin

**Proposal:**

The Applicants are requesting permission to permit the renovation of the existing dwelling, replacement of existing decks, the addition of a new roof over a new door entrance and the construction of a new detached garage.

ADDITIONAL SKETCH OUTLINING THE REMOVAL OF CURRENT SHED AND SOUTH DECK.



## Relief Sought

<b>Official Plan Designation:</b> Rural	<b>Buck Lake</b>
<b>Zoning:</b> Limited Service Residential Waterfront Zone (RLSW)	<b>Zoning Relief Requested:</b>
<b>Section 5.8.2 a):</b> Flooding and Shoreline Erosion Hazards	<p><b>Relief:</b> To permit the renovation and partial reconstruction of an existing single detached dwelling and waterfront deck with a highwater mark setback of 6.2 metres (20.3 feet), whereas the Zoning By-law requires a 30 metre (98.4 feet) setback from the highwater mark for all buildings and structures.</p> <p><b>Relief:</b> To permit the construction of an accessory building (detached garage) with a highwater mark setback of 15.7 metres (51.5 feet), whereas the By-law requires a 30 m (98.4 foot) setback from the high water mark for all buildings and structures.</p>

The application, as presented, meets the four tests.



## Relief Sought

<p><b>Section 5.10.2:</b> Existing Buildings within 30 Metres of a Waterbody</p>	<p><b>Relief:</b> To permit the enlargement (height) of a portion of a non-complying structure, in this case an existing detached dwelling and reconstruction of a waterfront deck with a highwater mark setback of 6.2 metres (20.3 feet).</p>
<p><b>Section 10.3.1:</b> RLSW Zone – Principal Building</p>	<p><b>Relief:</b> To permit the reconstruction of a portion of a single detached dwelling and waterfront deck with a highwater mark setback of 6.2 metres (20.3 feet), whereas the By-law requires a 30 metre (98.4 foot) setback from the high water mark for the principal building.</p> <p><b>Relief:</b> To permit a lot coverage of 11.8% for the existing principal dwelling and west deck, whereas the By-law permits a maximum of 5%.</p>
<p><b>Section 10.3.2:</b> RLSW Zone - Accessory Buildings</p>	<p><b>Relief:</b> To permit the construction of an accessory building (detached garage) with a highwater mark setback of 15.7 metres (51.5 feet), whereas the By-law requires a 30 metre (98.4 foot) setback from the high water mark for the principal building.</p>

The application, as presented, meets the four tests.



**Application: MV-41-19-L**  
**Owner: David & Christine Seguin**



Location for the proposed development

**Application: MV-41-19-L**  
**Owner: David & Christine Seguin**

Agency Comments

• **KFL&A Public Health:**

- KFL&A Public Health had no objections to the minor variance. The proposed garage does not impact the existing sewage system or the installation of a replace sewage system in the future and a septic system performance review LO-16-20 has been approved.

• **Cataraqui Region Conservation Authority (CRCA):**

- CRCA staff did not support the approval of the original minor variance application, due to the proposed total lot coverage exceeding 21% for the principal dwelling and the accessory buildings, and it was the opinion of staff that this level of development within the water setback on a very small lot did not meeting the intent of the PPS, Official Plan and the Zoning By-law. Subsequent to receiving the CRCA's comments, the applicant revised the proposal to reduce lot coverage. CRCA staff find the reduction in lot coverage through the removal of a deck and shed to be a reasonable approach and CRCA staff support the approval of the minor variance application, as revised.

• **Public Services:**

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

• **Ministry of Environment, Conservation and Parks:**

- The Ministry indicated that since the garage will be in a downslope from the lake, MECP did not have any objections to the application.

• **Public Comments:**

- To date, no comments have been received from the public.



**Application:** MV-41-19-L

**Owner:** David & Christine Seguin

**Location of Property:** Part Lot 22, Concession 11, District of Loughborough, Township of South Frontenac, municipally known as 1179 Hidden Valley Lane, Buck Lake

### **Recommendation:**

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-41-19-L, subject to conditions.





# Questions from Committee Members

If you would like to speak:

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# Comments from the Applicant and/or the Agent

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# Questions from the Public

If you would like to speak:

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# Resolution & Voting

Committee Members please indicate if you are in favour of the resolution by using the **raise hand button** or if calling by telephone, **pressing \*9**.



**Application:** MV-46-19-L

**Owner:** David & Gail Jefferies

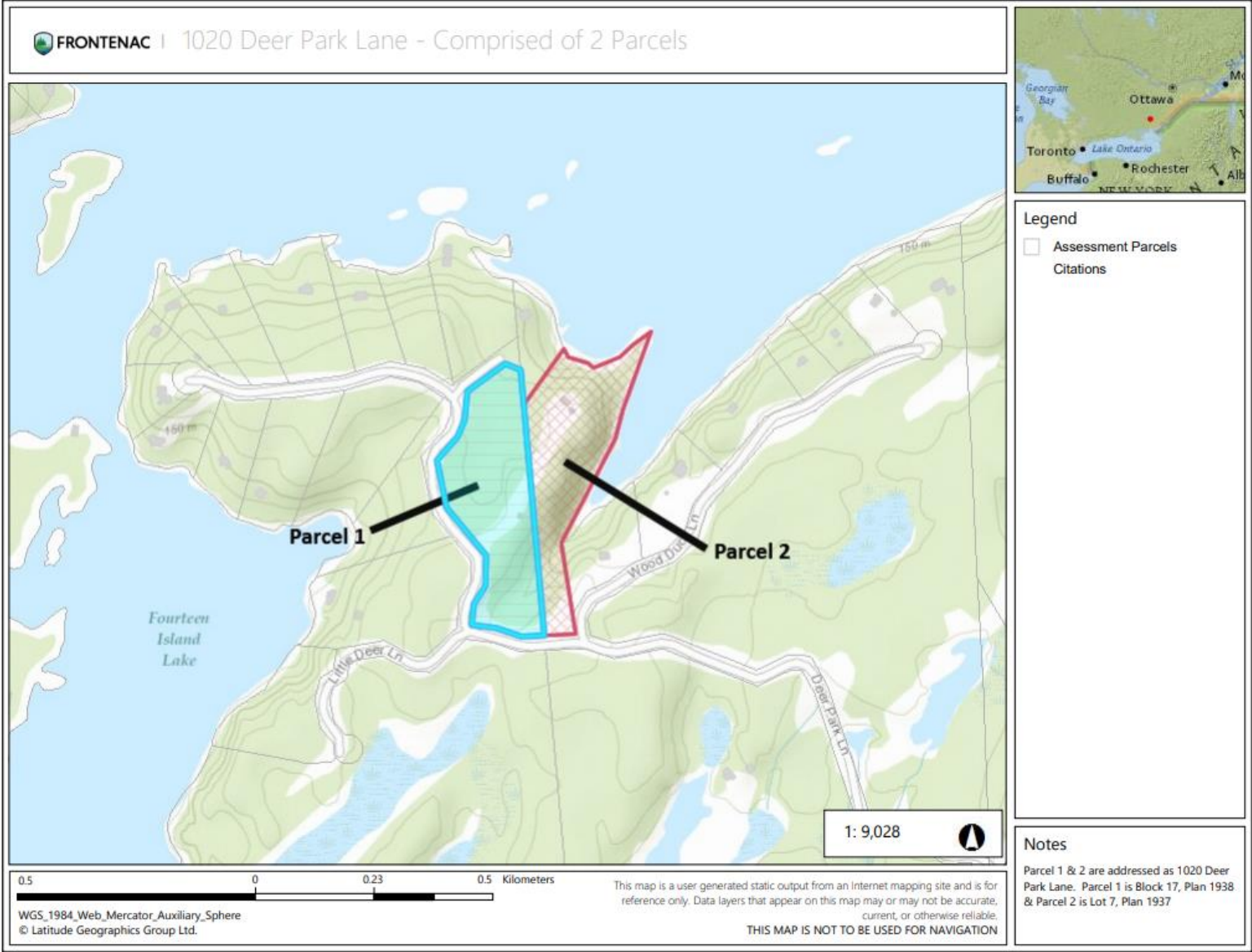
**Location of Property:** Part Lot 1, Concession 12, being Part 7 on Plan 1937, District of Loughborough, Township of South Frontenac, municipally known as 1020 Deer Park Lan, Fourteen Island Lake

### **Recommendation:**

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-46-19-L, subject to conditions.



**Application: MV-46-19-L**  
**Owner: David & Gail Jefferies**

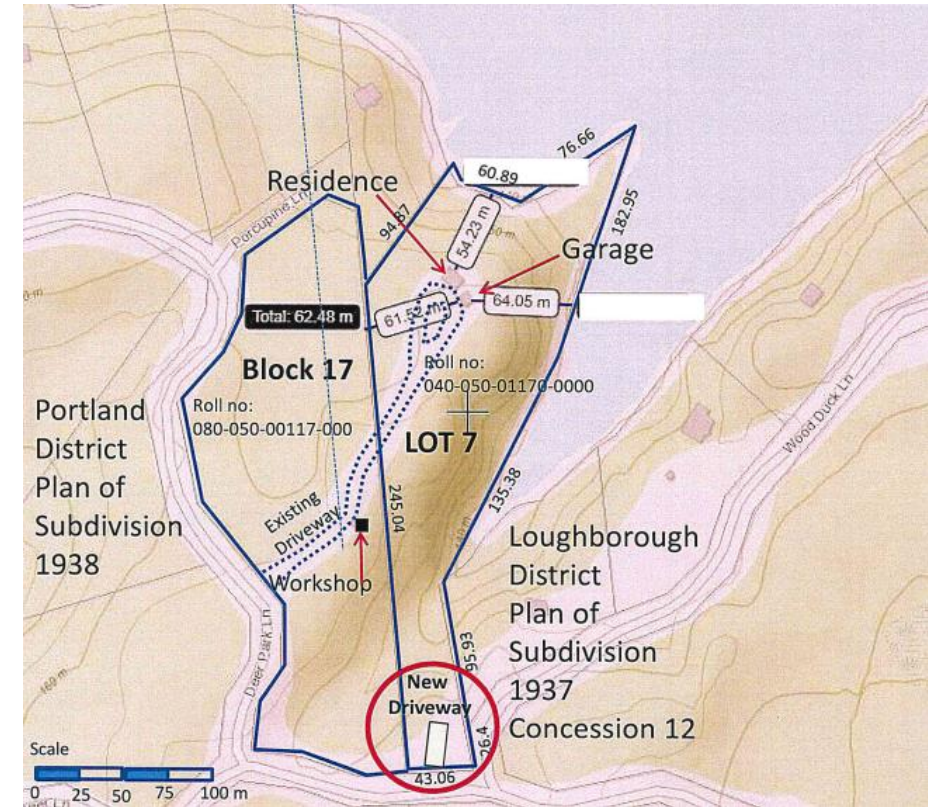
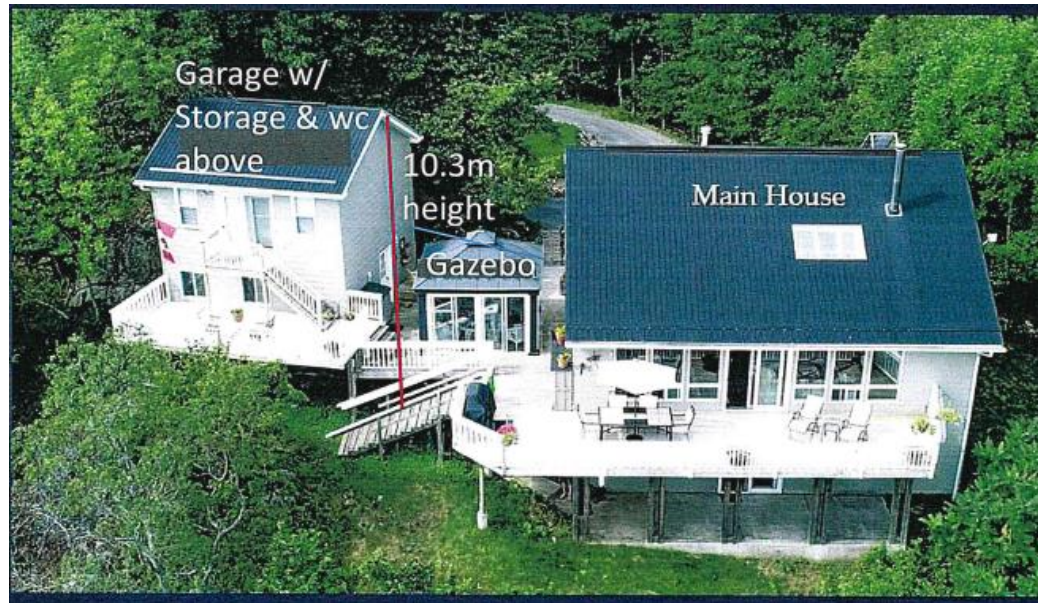


**Application: MV-46-19-L**

**Owner: David & Gail Jefferies**

**Proposal:**

The Applicants are requesting permission for the height of an existing accessory building to be 9.45m (31 feet) whereas the Zoning By-Law for RLSW limits the height of an accessory building to be a maximum of 6m (19.7 feet)



**Application:** MV-46-19-L  
**Owner:** David & Gail Jefferies

## Relief Sought

<b>Official Plan Designation:</b> Rural	
<b>Zoning:</b> RLSW-27	<b>Zoning Relief Requested:</b>
<b>Section 10.3.2:</b> Accessory Buildings	<b>Relief:</b> To recognize the height of an existing accessory building (detached garage) with a height of 9.45 metres (31 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.



**Application: MV-46-19-L**  
**Owner: David & Gail Jefferies**



Existing garage



Garage relative to the House

## Agency Comments

- **KFL&A Public Health:**

- KFL&A Public Health were circulated on the application because there is a washroom on the second storey of the detached garage. Correspondence from KFL&A Public Health was received January 27, 2020 indicating that a site inspection would be postponed until weather conditions improved. Subsequent correspondence was received March 25, 2020 indicating that KFL&A Public Health has no objections to the proposed minor variance application.

- **Quinte Conservation Authority:**

- Quinte was not circulated due to the location and scope of the proposed development.

- **Public Services:**

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

- **Building Department:**

- The Building Department advised that a building permit was not originally obtained for the detached garage and has also advised on the requirements to obtain one.

- **Public Comments:**

- To date, no comments have been received from the public.

**Application:** MV-46-19-L

**Owner:** David & Gail Jefferies

**Location of Property:** Part Lot 1, Concession 12, being Part 7 on Plan 1937, District of Loughborough, Township of South Frontenac, municipally known as 1020 Deer Park Lan, Fourteen Island Lake

### **Recommendation:**

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-46-19-L, subject to conditions.



**Application:** MV-46-19-L  
**Owner:** David & Gail Jefferies

## Proposed Conditions of Approval

- A building permit be obtained for the accessory structure (detached garage).
- 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.
- Minor variance MV-46-19-L is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.



# Questions from Committee Members

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 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



# Questions from the Public

If you would like to speak:

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

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



# Resolution & Voting

Committee Members please indicate if you are in favour of the resolution by using the **raise hand button** or if calling by telephone, **pressing \*9**.



**Application:** MV-01-20-L

**Owner:** Bradley & Stephanie Leonard

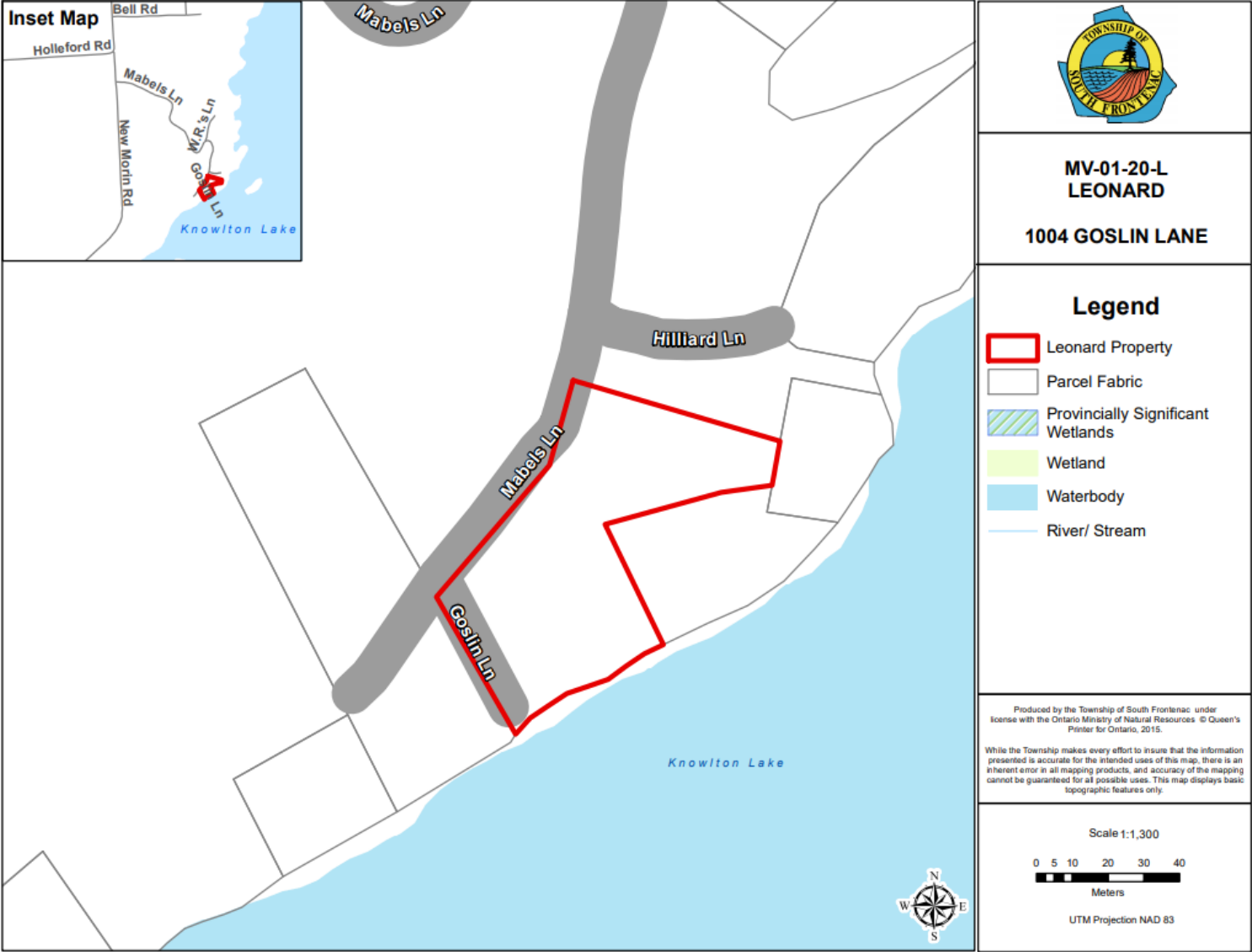
**Location of Property:** Part Lot 1, Concession 8, being Parts 1, 2 and 5 on Plan 13R2250, District of Loughbrough, Township of South Frontenac, municipally known as 1004 Goslin Lane, Knowlton Lake

### **Recommendation:**

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-01-20-L, subject to conditions.



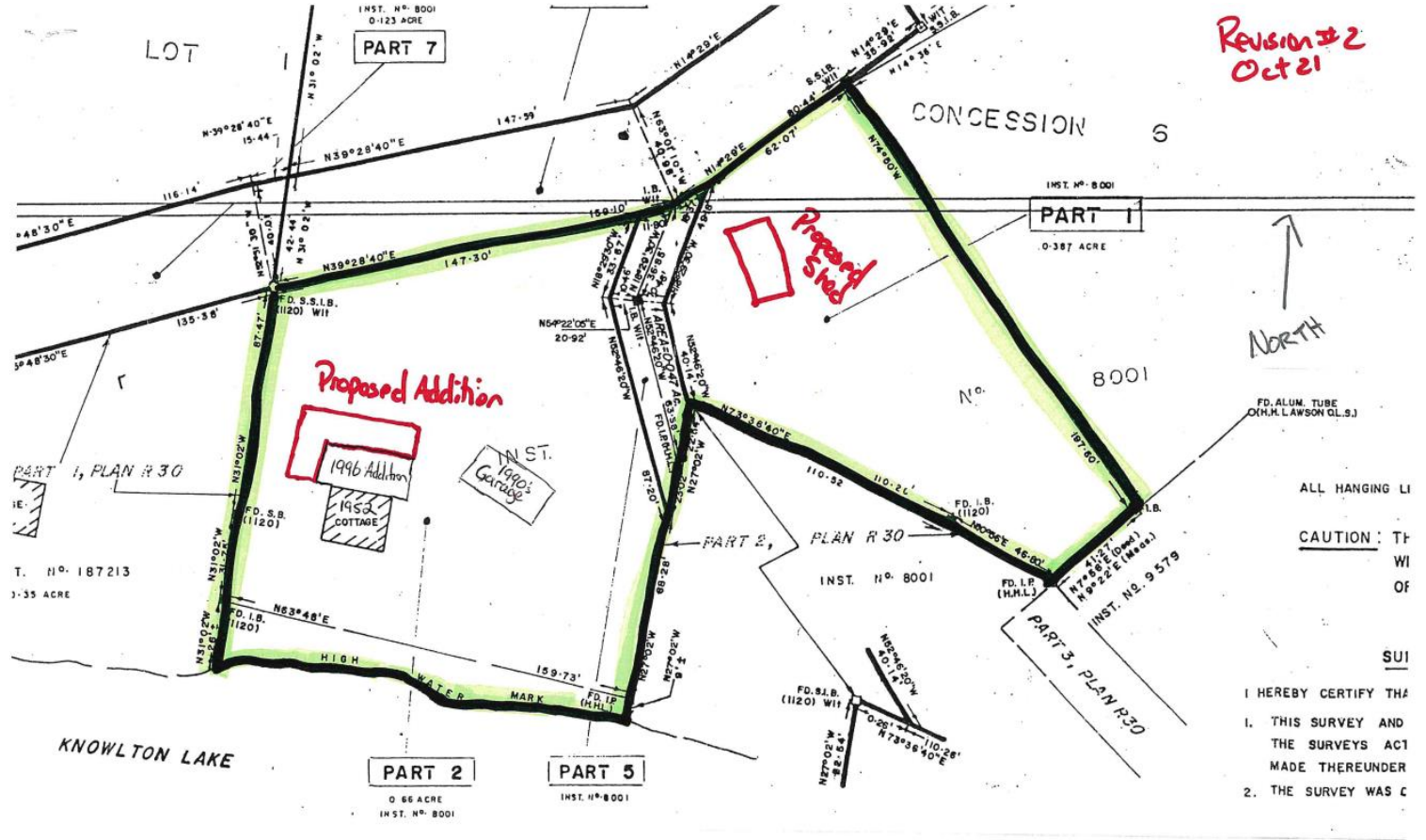
**Application: MV-01-20-L**  
**Owner: Bradley & Stephanie Leonard**



**Application:** MV-01-20-L  
**Owner:** Bradley & Stephanie Leonard

**Proposal:**

The Applicants are requesting permission to L-shaped addition to the rear of the existing waterfront cottage and to permit an increase in height to the existing cottage in order to replace the existing roof with a new pitched roof.



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## Relief Sought

<b>Official Plan Designation:</b>  Rural	<b>Knowlton Lake – At Capacity Trout Lake</b>
<b>Zoning:</b> Limited Service Residential Waterfront Zone (RLSW)	<b>Zoning Relief Requested:</b>
<b>Section 5.8.2 a):</b> Flooding and Shoreline Erosion Hazards	<b>Relief:</b> To permit the construction of an addition with a highwater mark setback of 22.2 metres (73 feet), whereas the Zoning By-law requires a 30 metre (98.4 feet) setback from the highwater mark for all buildings and structures.
<b>Section 5.10.2:</b> Existing Buildings within 30 Metres of a Waterbody	<b>Relief:</b> To permit the enlargement (footprint and height) of a non-complying structure, in this case an existing detached dwelling with a highwater mark setback of 16.1 metres (53 feet).
<b>Section 10.3.1:</b> Highwater mark setback	<b>Relief:</b> To permit the construction of an addition to an existing single detached dwelling with a highwater mark setback of 22.2 metres (73 feet), whereas the Zoning By-law requires a 30 metre (98.4 feet) setback from the highwater mark for all buildings and structures.

The application, as presented, meets the four tests.



**Application:** MV-01-20-L  
**Owner:** Bradley & Stephanie Leonard



Location for the proposed development

**Application:** MV-01-20-L

**Owner:** Bradley & Stephanie Leonard

## Agency Comments

- **KFL&A Public Health:**

- KFL&A Public Health had no objections to the minor variance and a septic system performance review LO-2-20 has been approved.

- **Cataraqui Region Conservation Authority (CRCA):**

- CRCA indicated they concur with the findings of the Preliminary EIA, which was submitted in support of the application. The EIA suggests that there are no anticipated impacts to species at risk and concludes that the development will not cause measurable impact on Knowlton Lake. CRCA staff have no objection to the approval of this application, based on their consideration for natural hazard, natural heritage and water quality policies. CRCA staff recommend that roof runoff be directed away from the shoreline of Knowlton Lake.

- **Public Services:**

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

- **Ministry of Environment, Conservation and Parks:**

- The Ministry requests a Development Agreement on title to address a shoreline planting plan as per the recommendations provided in the Preliminary EIA.

- **Public Comments:**

- To date, no comments have been received from the public.



**Application:** MV-01-20-L

**Owner:** Bradley & Stephanie Leonard

**Location of Property:** Part Lot 1, Concession 8, being Parts 1, 2 and 5 on Plan 13R2250, District of Loughbrough, Township of South Frontenac, municipally known as 1004 Goslin Lane, Knowlton Lake

### **Recommendation:**

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-01-20-L, subject to conditions.



## Application: MV-01-20-L

Owner: Bradley & Stephanie Leonard

### Proposed Conditions of Approval

1. The Minor variance is for the construction of an 85.5 metre<sup>2</sup> (920 feet<sup>2</sup>) L-shaped addition to the rear of the existing 89.2 metres<sup>2</sup> (960 feet<sup>2</sup>) waterfront cottage to be constructed as per the drawings submitted with MV-01-20-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 matters and requirements of the Township:
  - A shoreline remediation plan to be prepared for the waterfront on Knowlton Lake. The plan to include the removal of the wooden break walls and terraces down gradient of the upper deck and re-naturalization of the shorefront with native trees and shrubs, to intercept and sequester nutrient movement toward the lake.
  - Roof runoff be directed away from the shoreline of Knowlton Lake.
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-01-20-L is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.



# Questions from Committee Members

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 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



# Questions from the Public

If you would like to speak:

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

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



# Resolution & Voting

Committee Members please indicate if you are in favour of the resolution by using the **raise hand button** or if calling by telephone, **pressing \*9**.



# Township of South Frontenac Committee of Adjustment Meeting

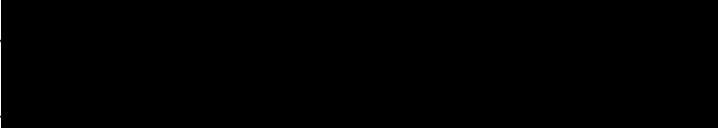
Conclusion/Adjournment



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

Date Received: December 23/19 File No: 5-31-19-5

1. Name of Owner(s): STAND FAST HOMES LTD.

Full Mailing Address of Owner(s): 

Phone number of Owner(s): PAULL GRANT   
RHOND GRANT

Email Address of Owner(s): 

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: 9 Lot Number: PT LT 7

Street Number: none Name of Road/Street: LARRY YORK

Reference Plan Number: NOT YET ESTABLISHED Part Number(s): \_\_\_\_\_

Roll Number: 102906005006310

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR CONSENT**  
**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): 148.33  
 Depth: irregular Area: 4.69 Acres

5. The type and the purpose of the proposed transaction, such as a transfer for the creation of a new lot, a lot addition, an easement/right-of-way, a charge, a lease or a correction of title.

CREATION OF A NEW LOT

6. The following information regarding the land intended to be severed and the land to be retained:  
 NOTE: If your application is for a new lot, answer question 6(a); if the application is for a lot addition or right-of-way only, answer question 6(b).

a. The frontage, depth and the area. (Complete this section for a new lot only)

Proposed New Lot:		Retained Lot:	
Frontage On Road	<u>250' (76.2 meters)</u>	Frontage On Road	<u>236.7764'</u> <u>72.33 meters</u>
Frontage On Water	_____	Frontage On Water	_____
Depth	<u>Approx 158 Meters</u>	Depth	<u>Approx 177 meters</u>
Area	<u>2.044 Acres</u>	Area	<u>2.634 Acres</u> <i>RG</i>

Please list/describe the existing and proposed **USES** of the land to be severed and to be retained:

Existing Uses	Proposed Uses
New Lot: <u>VACANT LAND</u>	<u>new home construction</u>
Retained: <u>VACANT LAND</u>	<u>new home construction</u>

Structures Existing	Structures Proposed
New Lot: <u>NONE</u>	<u>NEW HOME CONSTRUCTION</u>
_____	_____

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

Structures Existing

Structures Proposed

Retained Lot: NONE

NEW HOME CONSTRUCTION

(b) The frontage, depth and the area. (Complete for a lot addition or right-of-way (R.O.W.) only)

Proposed Lot Addition (or right-of-way)

Retained Lot: (This is the property from which the lot addition is being severed or over which the R.O.W. will run)

Frontage On Road: 250' 2 acres

Frontage On Road: 236' 2.69 ACRES

*please refer to survey ATTACHED FOR APPROXIMATIONS.*

Frontage On Water: \_\_\_\_\_

Frontage On Water: \_\_\_\_\_

Depth: \_\_\_\_\_

Depth: \_\_\_\_\_

Area: \_\_\_\_\_

Area: \_\_\_\_\_

Please list/describe the existing and proposed **USES** of the land to be severed and to be retained:

Present Use of Property

Proposed Use of Property

Lot Addition or R.O.W.: VACANT LAND

NEW HOME CONSTRUCTION

Retained: VACANT LAND

NEW HOME CONSTRUCTION

Structures Existing

Structures Proposed

Lot Addition (or R.O.W.): none

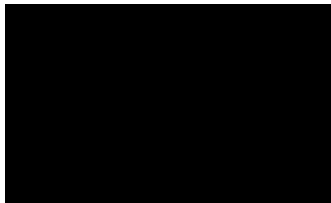
NEW HOME CONSTRUCTION

Retained Lot: now

NEW HOME CONSTRUCTION

7. Please list the name of the person(s) to whom the land or an interest in the land is to be transferred, charged or leased (if known):

\_\_\_\_\_



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

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8. Indicate whether there are any easements or restrictive covenants affecting the subject land and a description of each easement or covenant and its effect (*if known*):

\_\_\_\_\_

9. Name of road or lane which accesses:

The new lot (lot addition or R.O.W.): KELLER ROAD

The retained lot: LARRY YORK ROAD

NOTE: Some roads (particularly former "County" Roads) have specific requirements for spacing between entrances. Also, any proposed new entrance must have safe sight-lines. These requirements may affect the success of your application. If you wish to check the status of your road or sight line conditions, please contact the Roads Department at 376-3027.

9. If access to the new lot is by water only, describe the parking and docking facilities to be used and the approximate distance of these facilities from the subject land and the nearest public road.

New Lot: \_\_\_\_\_

Retained Lot: \_\_\_\_\_

10. Note the method by which water will be provided, i.e., by a publicly owned and operated piped water system, privately owned and operated individual or communal well, a lake or other water body or other means.

New Lot: PRIVATELY OWNED  
WATER WELL

Retained Lot: PRIVATELY OWNED  
WATER WELL

11. Note the method by which sewage disposal will be provided, e.g. private septic, privy or other means:

New Lot: PRIVATE SEPTIC

Retained Lot: PRIVATE SEPTIC

12. The current zoning of the subject land in the applicable Zoning By-law.

UR1 URBAN RESIDENTIAL - FIRST DENSITY ZONE

13. If known, has the subject land ever been the subject of a previous consent (severance) application OR an application for a plan of subdivision under section 51 of the Planning Act? If so, please indicate:

(a) The file #: \_\_\_\_\_ (b) The decision on the application: \_\_\_\_\_



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

(c) The current use of the lot created (if applicable):  
\_\_\_\_\_

14. If known, has the subject land ever been the subject of any other application under the Planning Act, such as an application for an amendment to an official plan, a zoning by-law, a minister's zoning order, a minor variance? If so, please indicate:

(b) The file #: \_\_\_\_\_ (b) The decision on the application:  
\_\_\_\_\_

(c) The current use of the land: \_\_\_\_\_

15. Are there any abandoned wells on the property you are aware of?       Yes       No

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

- a) The boundaries and dimensions of the subject land, the part that is to be severed and the part that is to be retained.
- b) The location of all land previously severed from the parcel (if applicable) originally acquired by the current owner of the subject land.
- c) The approximate location of all natural and artificial features on the subject land and on the abutting lands. 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.
- d) The current uses of land that is abutting the subject land, such as residential, agricultural and commercial uses (if agricultural, please indicate the approximate distance of any barn structure from the proposed new lot).

**Note: The existence of a nearby barn or other farm type structure may affect the success of your application because of incompatibility issues. Please check with the Planning Department regarding the implications of any farm structure, on your application.**

- e) The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way.
- f) If access to the subject land is by water only, the location of the parking and boat docking facilities to be used.
- g) The location and nature of any easement affecting the subject land.
- h) The location of any abandoned wells on the property.
- i) **Please prepare your sketch so that North is at the top of the page.**

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

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**AGREEMENT TO INDEMNIFY**

Attached to this application is a cheque payable to the Township of South Frontenac in the amount of \$837.00 representing payment of the application fee.

The Owner/Applicant/Agent agrees that the information recorded in this Consent 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 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 the Committee'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 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 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



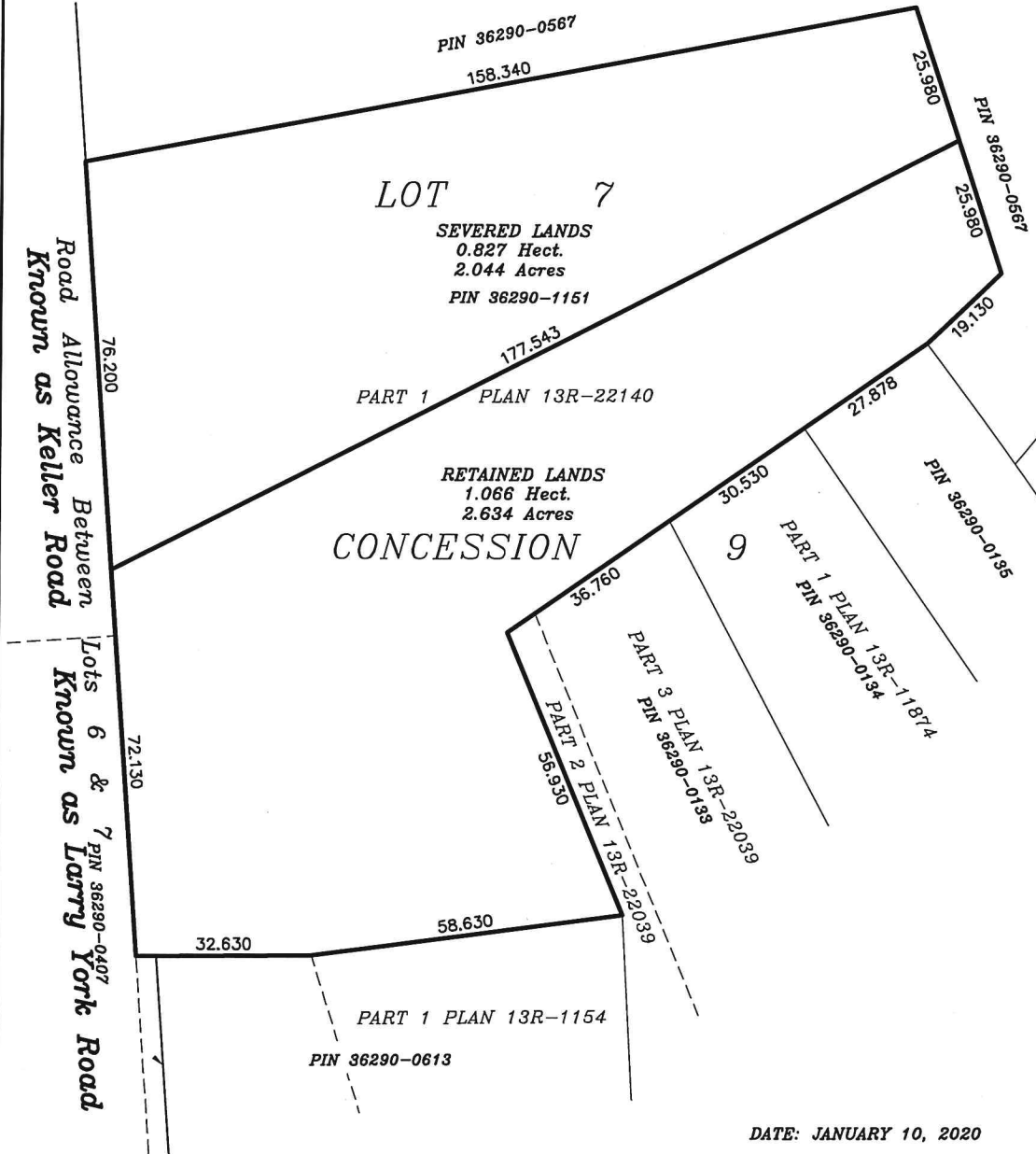
*Sketch of Proposed Severance of  
 PART of LOT 7, CONCESSION 9  
 Geographic Township of Pittsburgh  
 Former Municipal Township of Storrington  
 TOWNSHIP of SOUTH FRONTENAC  
 COUNTY of FRONTENAC*

**SCALE = 1:1000**



**HOPKINS CHITTY LAND SURVEYORS INC.**

**-2019-**



DATE: JANUARY 10, 2020




**HOPKINS CHITTY  
 LAND SURVEYORS INC.  
 Ontario Land Surveyors**  
 www.hopkinschitty.com

634-636 NORRIS COURT  
 KINGSTON, ONTARIO K7P-2R9  
 Tel (613) 384-9266  
 Fax (613) 384-3513

PROJECT No. 2019-500  
 LOT 7, CONCESSION 9  
 TOWNSHIP OF STORRINGTON

**CONSENT TO SEVER  
INSPECTION REPORT**

<b>File Number:</b> S-31-19-S		<b>Receipt Number:</b> SK-3-2020			
<b>Owner(s):</b> Stand Fast Homes Ltd.					
<b>Municipality:</b> Township of South Frontenac			<b>Ward / Former Township:</b> Storrington		
<b>Lot:</b> Part 7	<b>Concession:</b> 9	<b>Registered Plan:</b> 13R1524	<b>Part(s):</b> 1	<b>Plan of Subdivision:</b>	<b>Sublot:</b>
<b>General Description (existing buildings, surface features, slopes, site services for water and sewage, etc)</b>					
<b>Severed:</b> Treed lot, sloping down from Keller Road east toward a low-lying area; bordered by a neighbouring lot to the north and east, the proposed retained lot to the south, and Keller Road to the west.					
<b>Retained:</b> Treed lot, sloping down from Keller Road/Larry York Road east toward a low-lying area; bordered by neighbouring lots to the east and south, Larry York Road & Keller Road to the west, and the proposed severed lot to the north.					
<b>Soil type, depth and water table on each part of potential leaching bed areas. Indicate water table with bar. Show estimated permeability (good, fair, poor) for each part where natural soil is acceptable.</b>					
<b>Severed</b>		<b>Depth of Soil</b>	<b>Retained</b>		
Grade/organic layer	----->	0.0 m	<-----	Grade/organic layer	
Clay loam		0.3 m		Clay loam	
	----->	0.6 m	<-----		
Soft shale	----->	0.9 m	<-----	Soft shale	
		1.2 m			
		1.5 m			
Percolation rate (estimated): > 50 min/cm			Percolation rate (estimated): > 50 min/cm		
<b>NOTE: the approval of any new lot is based on its suitability to provide an area for a Class 4 septic tank system for an average 3 bedroom home. Approval to build a larger home on this lot will be subject to availability of sufficient area for a larger septic tank system.</b>					
<b>Suitability for on-site sewage disposal:</b>					
<b><u>SEVERED</u></b>		<b>Conditions:</b> The proposed lot is capable of providing flexibility in siting a sewage disposal system. Soil conditions found on the lot will require additional suitable granular soil to construct a sewage disposal system; specific requirements for additional soil will be indicated on an Application to Construct a Sewage System prior to site development.			
<input checked="" type="checkbox"/> Satisfactory					
<input type="checkbox"/> Unsatisfactory					
<input checked="" type="checkbox"/> Site Flexible					
<input type="checkbox"/> Site Specific					
<b><u>RETAINED</u></b>		<b>Conditions:</b> The proposed lot is capable of providing flexibility in siting a sewage disposal system. Soil conditions found on the lot will require additional suitable granular soil to construct a sewage disposal system; specific requirements for additional soil will be indicated on an Application to Construct a Sewage System prior to site development.			
<input checked="" type="checkbox"/> Satisfactory					
<input type="checkbox"/> Unsatisfactory					
<input checked="" type="checkbox"/> Site Flexible					
<input type="checkbox"/> Site Specific					
<b>Inspector:</b> Matthew Doyle CPHI(C), Public Health Inspector		<b>Approved:</b> 		<b>Date:</b> March 24, 2020	

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



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



## PLANNING REPORT – CONSENT APPLICATION

**Report Date:** June 4, 2020

**Application Nos:** S-31-19-S

**Owner:** Stand Fast Homes Ltd.

**Location of Property:** Part Lot 7, Concession 9, being Part 1 on Plan 13R1524, District of Storrington, Township of South Frontenac, York Road and Keller Road

**Purpose of Application:** Consent for the creation of a new lot

**Date of Hearing:** June 11, 2020

**Recommendation:** That provisional consent be:

granted with conditions (attached)

deferred

denied

**Purpose:**  enlarge abutting lot

create new lot

right-of-way / easement

other:

<b>Area Severed:</b> 0.827 ha (2.044 ac) <b>Water Frontage:</b> N/A <b>Road Frontage:</b> 76.2 m (250 ft)	<b>Official Plan Designation:</b> Settlement Area- Battersea <b>Zoning:</b> UR-1
<b>Area Retained:</b> 1.066 ha (2.634 ac) <b>Water Frontage:</b> N/A <b>Road Frontage:</b> 72.13 m (236.6 ft)	<b>Official Plan Designation:</b> Settlement Area - Battersea <b>Zoning:</b> UR-1

### Review

This application:

- ✓ Is consistent with the Provincial Policy Statement (s. 3(5) *Planning Act*);
- ✓ Does not require a plan of subdivision for the proper and orderly development of the municipality (s. 53(1) *Planning Act*);
- ✓ Conforms with section 51(24) of the *Planning Act*;
- ✓ Conforms with the County of Frontenac Official Plan (3.3.);
- ✓ Conforms with the Township of South Frontenac Official Plan (5.6.6 & 7.1);
- ✓ Complies with the Township of South Frontenac Zoning By-law 2003-75 (or will comply subject to Minor Variance Application MV-42-19-S being approved); and
- ✓ Has no unresolved objections/concerns raised (to date) from agencies or the public.



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



## Proposal

An application for consent for the creation of a new lot has been received. The consent application seeks to permit the creation of a new lot which complies with the minimum requirements of 76.2 metres (250 feet) and 0.8 ha (2 acres) for the Urban Residential zone for the severed parcel. The retained parcel meets the lot area requirement but has a proposed reduced frontage of 72.13 metres (236.6 feet). This application is related to Minor Variance application MV-42-19-S.

The subject property is located within the Settlement Area of Battersea on the west side of Larry York Road where it meets Keller Road. The property is vacant.

## Agency Analysis and Comments

Public Services Department – The Public Services Department has confirmed that there are adequate sight lines for the proposed entrances, there are no special drainage/ditching concerns related to the creation of the new lot, the overall road condition is adequate to serve the increased development/traffic.

KFL&A Public Health – KFL&A Public Health issued a letter on January 27, 2020 indicating site inspections would be postponed until the weather conditions improved. Subsequent correspondence was received March 24, 2020 indicating that the proposed severed and retained lots are capable of providing flexibility in siting a sewage disposal system and specific requirements for additional soil will be handled through the Application to Construct a Sewage System prior to site development.

Cataraqui Region Conservation Authority (CRCA) – No development is proposed in association with this application for a lot addition, therefore 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

A review of the Settlement Areas Lot Creation Policies in Section 5.6.6 of the Official Plan confirms that the subject property is eligible for the proposed consent and has not exceeded the maximum number of severances permitted from a lot of record existing the day of adoption of this Plan by Council. In accordance with Section 5.6, the majority of new growth in the municipality will be directed to existing settlement areas where it can be supported by appropriate servicing. The subject property is located in Battersea, which is a designated Settlement Area. Section 7.1 includes the general consent policies applicable to all land use designations.

As per Section 7.1, the consent application meets the following criteria:

- a) A Plan of Subdivision is not appropriate for this situation and there are no adverse environmental, social or economic impacts on the Township or adjacent land uses.
- b) The subject property is currently vacant.
- c) The lot area of the severed and retained parcels is appropriate for the residential use of the property and meets the minimums of the UR-1 Zone.
- d) The proposed severance is a logical division of an irregularly shaped parcel.
- e) The subject property is not subject to any physical hazards.
- f) A sketch was submitted with the application which adequately describes the proposed severed and retained lots.
- g) The application is for one severed and one retained lot.



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



- h) The subject parcel has frontage on a public road.
- i) Public Services has confirmed that the proposed severance will not create a traffic hazard.
- j) Not applicable. The subject property is not on Highway 38.
- k) Separation distances are achieved.
- l) MDS is not applicable for lot creation within Settlement Areas.
- m) Through a condition of consent, a surveyor will verify the width of the road allowance and will advise the Township if a road widening is required. If a road widening is required, the applicant shall transfer the road widening to the Township at no cost.
- n) Cash in lieu of Parkland will be addressed through consent condition.
- o) Recommended conditions are included in this report.
- p) Coordination with School Boards was not completed for this application.
- q) Monitoring of the resulting financial implications for the Municipality related to the cumulative effect of development in ongoing.
- r) Public Services has confirmed that the proposed driveway entrances are appropriate.
- s) Conditions related to potable water are included. KLF&A Public Health has confirmed that the lots can accommodate appropriate sanitary sewage disposal systems.
- t) The proposed lots will be on private water and septic services.

## Conclusion

It is recommended that the Committee of Adjustment received comments from the public and pending comments received, **approve** application S-31-19-S for consent to create one new lot in Part Lot 7, Concession 9, being Part 1 on Plan 13R1524, District of Storrington, Township of South Frontenac, York Road and Keller Road, subject to conditions.

## Recommended Conditions

### Expiry Period

1. Conditions imposed must be met within one year of the date of Notice of Decision, as required by Section 53(41) of the *Planning Act*, RSO 1990, as amended. If conditions are not fulfilled as prescribed within one year, the application shall be deemed to be refused. Provided the conditions are fulfilled within one year, the application is valid for two years from the date of Certificate of Official issuance. The deed must be registered within two years of the issuance of the Certificate of Official.

### Severed Lands

2. The land to be severed by Consent Application S-31-19-S shall be for the creation of one new lot with an area of approximately 0.827 hectares (2.044 acres) of vacant land with approximately 76.2 metres (250 feet) of frontage along Larry York Road.

### Survey/Reference Plan or Registerable Description

3. An acceptable reference plan or legal description of the severed lands in duplicate [*Registry Act*, s.81, *Land Titles Act*, s. 150], the deed or instrument conveying the severed lands, and the Certificate of Official shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year [*Planning Act*, s. 53(41)] after the date that "Notice of Decision" is given [*Planning Act*, ss. 53(17) and 53(24)].



## REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



4. The surveyor or applicant shall submit the draft Reference Plan electronically or in paper form for review and approval by planning staff prior to depositing the Reference Plan with the Land Registry Office.

### Road Widening

5. The surveyor who prepares the reference plan referred to in Condition #3 and #4 shall also determine by survey the width of the public road to be 66 feet. If such width is less than 66 ft., the owner shall dedicate to the Township land along the frontage of the severed lands as the case may be in the following manner:
  - a. The land to be dedicated shall be the width required to ensure there is a 66 foot road allowance;
  - b. The land to be dedicated shall be described as a separate part on a Reference Plan of Survey to be prepared and deposited at the Owner's expense and filed with the Secretary-Treasurer prior to the stamping of the deeds;
  - c. The Transfer/Deed from the Owner for the land to be dedicated shall be engrossed in the name of "The Corporation of the Township of South Frontenac", and shall include the following attached to the Transfer/Deed as a Schedule:

*The Transferor hereby transfers the lands to the municipality for the purpose of widening the adjacent highway pursuant to Section 31(6) of the Municipal Act, 2001, Chapter 25, as amended.*
  - d. The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense;
  - e. The duplicate registered Transfer/Deed for the land to be dedicated together with a letter of opinion of a solicitor qualified to practice law in the Province of Ontario addressed to the Secretary-Treasurer confirming that the municipality acquired good and marketable title to the land free and clear of all liens and encumbrances shall be delivered to the Secretary-Treasurer prior to the issuance of the Certificate of Official.

### Municipal Requirements

6. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. This includes all taxes levied as of the date of the issuance of the Certificate of Official.
7. The Township of South Frontenac shall receive 5% of the value of the parcel to be severed through Consent Applications S-31-19-S, in lieu of parkland [*Planning Act*, s. 51(1)].
8. In the event that there are abandoned wells located on the property being severed, and the retained property, they shall be sealed in accordance with the requirements of the Ministry of the Environment and that this work shall be accomplished prior to the issuance of the Certificate of Official.
9. The Owner shall submit a well driller's report demonstrating a potable water pumping capacity of 3.5 gallons per minute sustained over a 6-hour pump test for the parcel severed through Consent Application S-31-19-S.
10. The applicant shall enter into a Development Agreement with the Township to be registered on title to the severed and retained parcels to address the development of the lots, including obtaining an entrance permit from the Township for a driveway and the preparation of a lot



## REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



grading and drainage plan prepared by an Engineer or Ontario Land Surveyor to be approved by the Township prior to construction.

### Zoning

11. Where a violation of the Township of South Frontenac Comprehensive Zoning Bylaw is evident, the appropriate minor variance or rezoning shall be obtained to the satisfaction of the Municipality.

**Submitted by:** Tess Gilchrist, MCIP RPP, Contract Planner, Township of South Frontenac

**Approved by:**

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

**Attachments:** Map of Stand Fast Homes Ltd. property

**Site Visit:** January 28, 2020

Report from Roads to Committee of Adjustment

Application Number: S-31-19-S

Applicant's Name: Stand Fast Homes Ltd.

Concession: 9 Lot: 7 District: Storrington

Road: Larry York Road & Keller Road, Battersea

Road Maintenance: Year-round  Seasonal

Sight Lines: Are there adequate sight lines for the entrance? Yes  No

If no, what changes would be required to improve sight lines?

**Road Conditions:**

1. Are there any special drainage/ditching concerns related to creation of new lot(s)?

Yes  No

If yes, what action is the applicant required to take?

2. Is the overall road condition adequate to serve increased development/traffic?

Yes  No

If no, please explain, and indicate if there are any measures that could be taken to correct the inadequacies.

**Road Widening Required?**

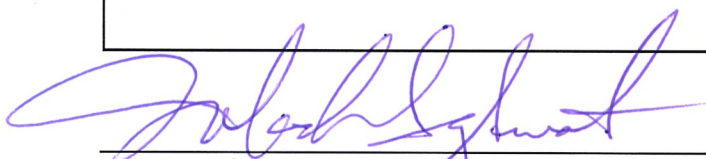
Yes  No  To be determined by an Ontario Land Surveyor

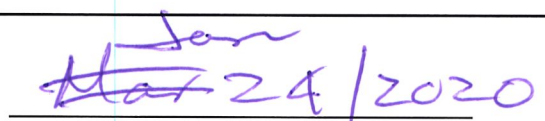
Any specific requirement?

**Approved by the Public Services?**


Yes  Yes, with conditions  No

If yes, with conditions, please describe conditions below.

  
Signature on behalf of Public Services

  
Date

## CONSENT TO SEVER INSPECTION REPORT

File Number: S-31-19-S		Receipt Number: SK-3-2020																																				
Owner(s): Stand Fast Homes Ltd.																																						
Municipality: Township of South Frontenac		Ward / Former Township: Storrington																																				
Lot: Part 7	Concession: 9	Registered Plan: 13R1524	Part(s): 1																																			
Plan of Subdivision:																																						
Sublot:																																						
<p><b>General Description (existing buildings, surface features, slopes, site services for water and sewage, etc)</b></p> <p><b>Severed:</b> Treed lot, sloping down from Keller Road east toward a low-lying area; bordered by a neighbouring lot to the north and east, the proposed retained lot to the south, and Keller Road to the west.</p> <p><b>Retained:</b> Treed lot, sloping down from Keller Road/Larry York Road east toward a low-lying area; bordered by neighbouring lots to the east and south, Larry York Road &amp; Keller Road to the west, and the proposed severed lot to the north.</p>																																						
<p><b>Soil type, depth and water table on each part of potential leaching bed areas. Indicate water table with bar. Show estimated permeability (good, fair, poor) for each part where natural soil is acceptable.</b></p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%; text-align: center;">Severed</th> <th style="width: 10%;"></th> <th style="width: 20%; text-align: center;">Depth of Soil</th> <th style="width: 10%;"></th> <th style="width: 30%; text-align: center;">Retained</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Grade/organic layer</td> <td style="text-align: center;">-----&gt;</td> <td style="text-align: center;">0.0 m</td> <td style="text-align: center;">&lt;-----</td> <td style="text-align: center;">Grade/organic layer</td> </tr> <tr> <td style="text-align: center;">Clay loam</td> <td></td> <td style="text-align: center;">0.3 m</td> <td></td> <td style="text-align: center;">Clay loam</td> </tr> <tr> <td></td> <td style="text-align: center;">-----&gt;</td> <td style="text-align: center;">0.6 m</td> <td style="text-align: center;">&lt;-----</td> <td></td> </tr> <tr> <td style="text-align: center;">Soft shale</td> <td style="text-align: center;">-----&gt;</td> <td style="text-align: center;">0.9 m</td> <td style="text-align: center;">&lt;-----</td> <td style="text-align: center;">Soft shale</td> </tr> <tr> <td></td> <td></td> <td style="text-align: center;">1.2 m</td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td style="text-align: center;">1.5 m</td> <td></td> <td></td> </tr> </tbody> </table>				Severed		Depth of Soil		Retained	Grade/organic layer	----->	0.0 m	<-----	Grade/organic layer	Clay loam		0.3 m		Clay loam		----->	0.6 m	<-----		Soft shale	----->	0.9 m	<-----	Soft shale			1.2 m					1.5 m		
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Percolation rate (estimated): > 50 min/cm		Percolation rate (estimated): > 50 min/cm																																				
<p><b>NOTE: the approval of any new lot is based on its suitability to provide an area for a Class 4 septic tank system for an average 3 bedroom home. Approval to build a larger home on this lot will be subject to availability of sufficient area for a larger septic tank system.</b></p> <p><b>Suitability for on-site sewage disposal:</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%; vertical-align: top;"> <p><b><u>SEVERED</u></b></p> <p><input checked="" type="checkbox"/> Satisfactory</p> <p><input type="checkbox"/> Unsatisfactory</p> <p><input checked="" type="checkbox"/> Site Flexible</p> <p><input type="checkbox"/> Site Specific</p> </td> <td style="vertical-align: top;"> <p><b>Conditions:</b> The proposed lot is capable of providing flexibility in siting a sewage disposal system. Soil conditions found on the lot will require additional suitable granular soil to construct a sewage disposal system; specific requirements for additional soil will be indicated on an Application to Construct a Sewage System prior to site development.</p> </td> </tr> <tr> <td style="vertical-align: top;"> <p><b><u>RETAINED</u></b></p> <p><input checked="" type="checkbox"/> Satisfactory</p> <p><input type="checkbox"/> Unsatisfactory</p> <p><input checked="" type="checkbox"/> Site Flexible</p> <p><input type="checkbox"/> Site Specific</p> </td> <td style="vertical-align: top;"> <p><b>Conditions:</b> The proposed lot is capable of providing flexibility in siting a sewage disposal system. Soil conditions found on the lot will require additional suitable granular soil to construct a sewage disposal system; specific requirements for additional soil will be indicated on an Application to Construct a Sewage System prior to site development.</p> </td> </tr> </table>				<p><b><u>SEVERED</u></b></p> <p><input checked="" type="checkbox"/> Satisfactory</p> <p><input type="checkbox"/> Unsatisfactory</p> <p><input checked="" type="checkbox"/> Site Flexible</p> <p><input type="checkbox"/> Site Specific</p>	<p><b>Conditions:</b> The proposed lot is capable of providing flexibility in siting a sewage disposal system. Soil conditions found on the lot will require additional suitable granular soil to construct a sewage disposal system; specific requirements for additional soil will be indicated on an Application to Construct a Sewage System prior to site development.</p>	<p><b><u>RETAINED</u></b></p> <p><input checked="" type="checkbox"/> Satisfactory</p> <p><input type="checkbox"/> Unsatisfactory</p> <p><input checked="" type="checkbox"/> Site Flexible</p> <p><input type="checkbox"/> Site Specific</p>	<p><b>Conditions:</b> The proposed lot is capable of providing flexibility in siting a sewage disposal system. Soil conditions found on the lot will require additional suitable granular soil to construct a sewage disposal system; specific requirements for additional soil will be indicated on an Application to Construct a Sewage System prior to site development.</p>																															
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Inspector: Matthew Doyle CPHI(C), Public Health Inspector		Approved: 	Date: March 24, 2020																																			

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

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

Date Received: December 23, 2019

File No: MV-42-19-S

1. Name of Owner(s): STAND FAST HOMES LTD.

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

Phone number of Owner(s): PAUL GRANT [REDACTED]

Email Address of Owner(s): RHONDA GRANT [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: 9 Lot Number: PT LT 7

Street Number: none Name of Road/Street: LARRY YORK

Reference Plan Number: 13R22140 Part Number(s): \_\_\_\_\_

Roll Number: 102906005066310

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): 148.33 m

Depth: irregular Area: 4.69 Acres

5. The current zoning of the subject land:

URI URBAN RESIDENTIAL - FIRST DENSITY

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

THE RETAINED PARCEL WOULD BE SHORT BY  
14 FEET

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

AS PER SECTION 14.3.1 NOT ABLE TO MEET  
THE MINIMUM LOT FRONTAGE OF 250'

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

Name of Road/Lane:

LARRY YORK 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?

vacant land

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

Yes  No

RG  
4

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

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

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

13. The proposed uses of the subject land:

new home construction

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

Yes       No

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

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

Type of Structure (E.g. residence)	(1)	(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:

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   | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (b) Increase in plumbing fixtures  | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (c) Increase in living space   | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (d) Will the addition or structure encroach on the existing septic system? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

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

27 NOVEMBER 2019

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

\_\_\_\_\_

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

\_\_\_\_\_

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:

WILL BE A PRIVATELY OWNED WATER 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:

WILL BE A PRIVATELY OWNED SEPTIC SYSTEM

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

NO

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

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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:

Sketch of Proposed Severance of  
**PART of LOT 7, CONCESSION 9**  
 Geographic Township of Pittsburgh  
 Former Municipal Township of Storrington  
**TOWNSHIP of SOUTH FRONTENAC**  
**COUNTY of FRONTENAC**

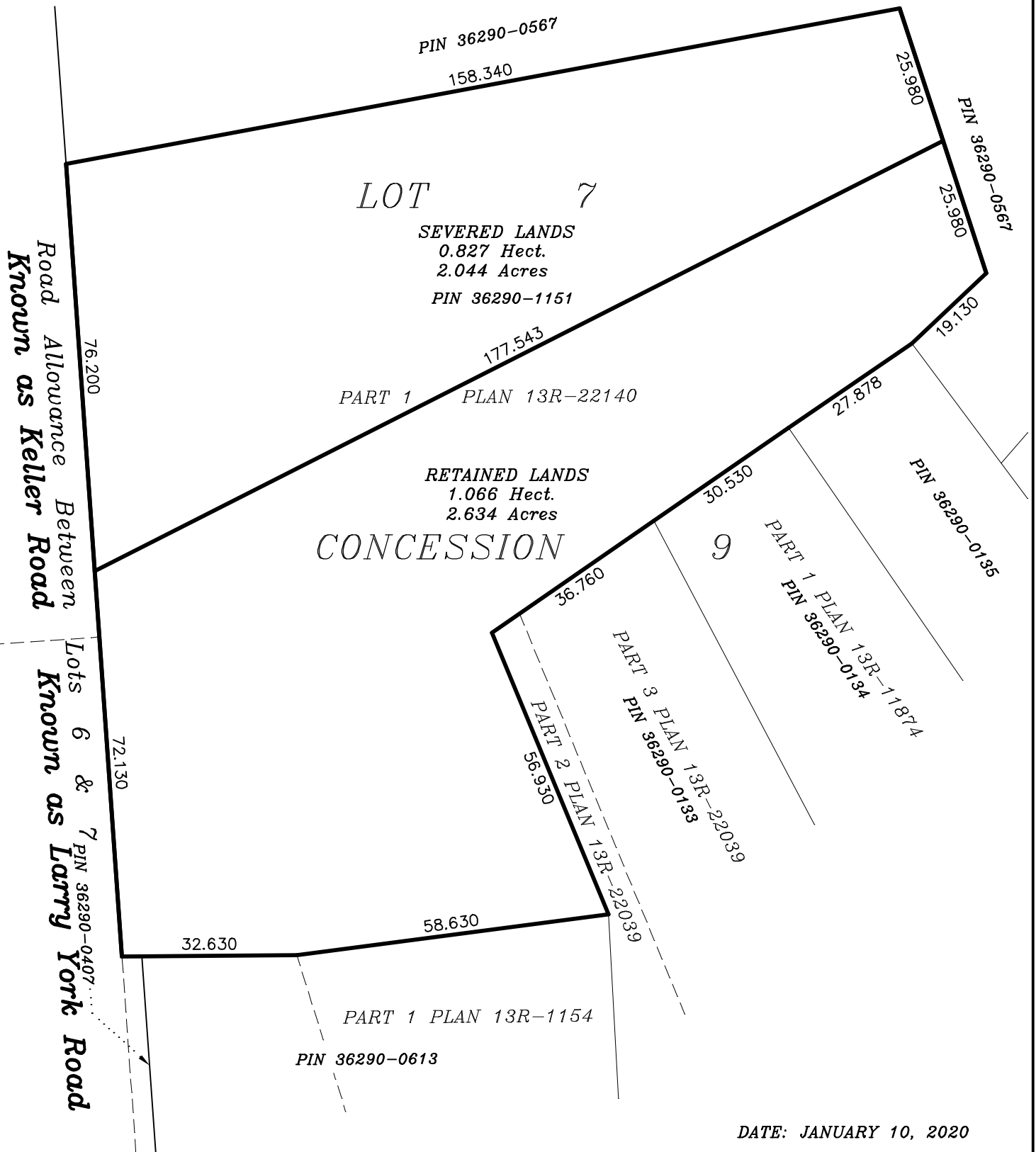
SCALE = 1:1000

25metres 0 25 50metres



**HOPKINS CHITTY LAND SURVEYORS INC.**

-2019-



DATE: JANUARY 10, 2020

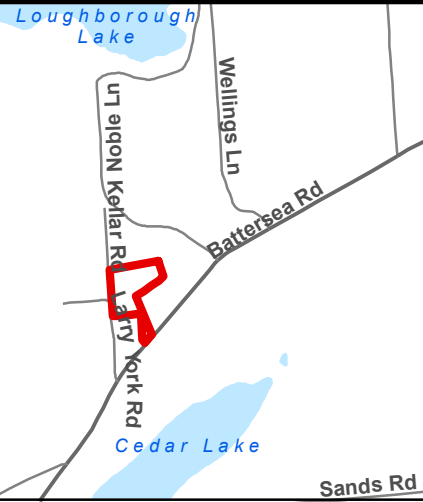


**HOPKINS CHITTY**  
**LAND SURVEYORS INC.**  
 Ontario Land Surveyors  
 www.hopkinschitty.com

634-636 NORRIS COURT  
 KINGSTON, ONTARIO K7P-2R9  
 Tel (613) 384-9266  
 Fax (613) 384-3513







PROJECT No. 2019-500  
 LOT 7, CONCESSION 9  
 TOWNSHIP OF STORRINGTON

**Inset Map**



**MV-42-19-S**  
**STAND FAST HOMES LTD**  
**LARRY YORK ROAD**

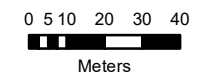
**Legend**

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

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



UTM Projection NAD 83



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



## MINOR VARIANCE – PLANNING REPORT

**Report Date:** June 4, 2020

**Application No:** MV-42-19-S

**Owner:** Stand Fast Homes Ltd.

**Location of Property:** Part Lot 7, Concession 9, being Part 1 on Plan 13R1524, District of Storrington, Township of South Frontenac, Larry York Road & Keller Road

**Purpose of Application:** To vary Section 14.3 of the Township of South Frontenac Zoning Bylaw

**Date of Hearing:** June 11, 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 (frontage)

<b>Official Plan Designation:</b> Settlement Area - Battersea	
<b>Zoning:</b> UR-1	<b>Zoning Relief Requested:</b>
<b>Section 14.3:</b> UR-1 Zone	<b>Relief:</b> To permit the creation of a new lot with a lot frontage of 72.13 metres (236.6 feet), whereas the Zoning By-law requires a minimum of 76.2 metres (250 feet).

### Proposal

An application for minor variance has been received in relation to Consent application S-31-19-S.

The consent application seeks to permit the creation of a new lot which complies with the minimum requirements of 76.2 metres (250 feet) and 0.8 ha (2 acres) for the Urban Residential (UR-1) zone for the severed parcel. The retained parcel meets the lot area requirement but is deficient in frontage. The retained parcel has 72.1 metres (236.6 feet) of frontage, whereas the Zoning By-law requires 76.2 metres (250 feet) of frontage.

The subject property is located within the Settlement Area of Battersea on the west side of Larry York Road where it meets Keller Road. The property is vacant.

### Agency Analysis and Comments

Public Services Department – The Public Services Department has confirmed that there are adequate sight lines for the proposed entrances, there are no special drainage/ditching concerns related to the creation of the new lot, the overall road condition is adequate to serve the increased development/traffic.



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



KFL&A Public Health – In relation to the application for consent, KFL&A Public Health issued a letter on January 27, 2020 indicating site inspections would be postponed until the weather conditions improved. Subsequent correspondence was received March 24, 2020 indicating that the proposed severed and retained lots are capable of providing flexibility in siting a sewage disposal system and specific requirements for additional soil will be handled through the Application to Construct a Sewage System prior to site development.

Cataraqui Region Conservation Authority – No development is proposed in association with this application for a lot addition, therefore 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:

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

As per the Settlement Areas Lot Creation Policies in Section 5.6.6 of the Official Plan, the maximum number of severances permitted from a lot of record existing the day of adoption of this Plan by Council is three new lots. In accordance with Section 5.6, the majority of new growth in the municipality will be directed to existing settlement areas where it can be supported by appropriate servicing. The subject property is located in Battersea, which is a designated Settlement Area. Section 7.1 includes the general consent policy criteria applicable to all land use designations.

- The subject property is eligible for the proposed consent and has not exceeded the maximum number of severances permitted from a lot of record existing the day of adoption of this Plan by Council. The proposed severed and retained lots are located within the Settlement Area of Battersea and are intended for residential development, which is consistent and compatible with the surrounding land uses. There are no natural features on the property. Minimum Distance Separation is not required for consents within settlement areas, as it is generally understood that the long-term use of the land is intended to be for non-agricultural purposes. A complete summary of the review of consent policies in Section 7.1 is included in the Planning Report for the related Consent Application S-31-19-S. The proposed minor variance conforms to the general intent and purpose of the Official Plan.

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

Consistent with the Official Plan policies for Settlement Areas, the Section 14 of the Zoning By-law details the permitted uses and zone regulations for urban residential - first density development. The intent of the UR-1 zoning provisions is to achieve orderly residential development on private services within the settlement area.

- The proposed severed and retained lots meet the minimum lot area requirement of 0.8 ha (1.97 acres) which is the main indicator of whether the proposed lots can accommodate private services and achieve appropriate setbacks and lot coverage. The proposed single detached dwellings are a permitted use in the UR-1 zone. The slightly reduced lot frontage of 72.13 metres (236.6 feet) from 76.2 metres (250 feet) for the retained lands does not affect the ability of the lot to achieve all other regulations. This small reduction will not have an appreciable



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



impact on these lands and therefore, the proposed variance conforms to the general intent and purpose of the Zoning By-law.

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

- The proposed variance is desirable for the appropriate development of the land, as the slight reduction to the lot frontage on the retained lands will not negatively affect the intended residential development of this property. The severed and retained lots are of similar size of adjacent properties and will have adequate frontage to ensure a safe driveway is sited on the properties. Public Services has confirmed that there are not concerns with respect to the proposed driveways on Larry York Road and Keller Road.

Is the application minor?

- The proposed variance is minor, both in terms of scale and impact. The reduced lot frontage on the retained lands is a small reduction numerically and will have no negative impact on surrounding properties. The proposed reduced frontage will have no appreciable difference from the road and will not affect the ability of the properties to be developed in accordance with all other zone regulations.

## Review

This application:

- ✓ Is consistent with the Provincial Policy Statement (s. 3(5) *Planning Act*);
- ✓ Conforms to the general intent and purpose of the County of Frontenac Official Plan;
- ✓ Conforms to 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.

## Conclusion

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-42-19-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 signed decision\*\*

1. 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.
2. Minor variance MV-42-19-S is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.

**Submitted by:** Tess Gilchrist, MCIP RPP, Consulting Planner, Township of Frontenac



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



**Approved by:**

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

**Date of Site Visit:** January 28, 2020

**Attachments:** Map of the Stand Fast Homes Ltd. property

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

Date Received: November 29, 2019

File No: MV-41-19-L

1. Name of Owner(s): DAVID AND CHRISTIE SEGUIN

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: 11 Lot Number: 22

Street Number: 1179 Name of Road/Street: HIDDEN VALLEY LANE

Reference Plan Number: \_\_\_\_\_ Part Number(s): \_\_\_\_\_

Roll Number: 040040165000000

**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): 22.8 m      Frontage (on road/lane): 38.0 m

Depth: 28.0 m      Area: 1043 m<sup>2</sup>

5. The current zoning of the subject land:

RLSW ZONE

Lot Coverage for } 10.3-1 RESIDENCE  
 PRINCIPAL BUILDING }  
 FROM 50% + 15.3% }  
 SECTION 5-24-1 LOT  
 10.3-1 30 TO 15.7 HW FRONT }  
 5-8-2 30 TO 15.7 } YARD  
 5-10-2 CHANGING BUILDING

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

1) ADDITION OF GARAGE 2) RAISE SECTION OF HOUSE 3) ADD SQUARE FEET TO  
 UPPER 2ND FLOOR 4) ADD ROOF OVER NEW ENTRANCE 5) REBUILD EXTERIOR DECK.

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

ALL EXISTING AND PROPOSED STRUCTURES ARE  
 ALREADY TOO CLOSE TO THE WATER. ALSO MAXIMUM LOT  
 COVERAGE FOR ACCESSORY BUILDING WILL BE EXCEEDED BY 10%

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

Name of Road/Lane:

HIDDEN VALLEY 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**

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

Type of Structure (E.g. residence)	(1) RESIDENCE	(2) DECK (WEST)	(3) DECK (SOUTH)	(4) SHED
Setback from Front Lot Line	8.6 m	6.2 m	6.2 m	11.6 m <del>12.65 m</del>
Setback from Rear Lot Line	13.8 m	20.2 m	21.28 m	17.25 m
Setback from Side Lot Line	9.2 m	7.4 m	4.8 m	0
Height of Building (Also indicate if it is one story or two story)	5.2 m PARTIAL TWO STORY	—	—	2.43 m
Dimensions of Floor Area	102.19 m <sup>2</sup>	20.4 m <sup>2</sup>	36.96 m <sup>2</sup>	18 m <sup>2</sup>
Setback from High Water Mark (If applicable)	8.6 m	6.2 m	6.2 m	<del>12.65 m</del> 11.6 m

13. The proposed uses of the subject land:

RESIDENTIAL

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

Yes       No

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

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

Type of Structure (E.g. residence)	(1)	(2)	(3)	(4)
	GARAGE	ROOF OVER NEW ENTRANCE		
Setback from Front Lot Line	15.7 m	16.2 m		
Setback from Rear Lot Line	5.2 m	14.4 m		
Setback from Side Lot Line	3.4 m	15.7 m		
Height of Building (Also indicate if it is one story or two story)	5.19 m	3.5 m		
Outside Dimensions of Building/Structure	7.32 x 6.10 = 4465 <sup>2</sup>	2.7 x 1.2 m		
Setback from High Water Mark (If applicable)	15.7 m	16.2 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:

INCLUDED IN SUPPORTING DOCUMENTS

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:

INCLUDED IN SUPPORTING DOCUMENTS

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:

OCTOBER 18, 2019

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

1976

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

43 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:

LAKE FEED

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

**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.

\_\_\_\_\_

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

*NK*

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.

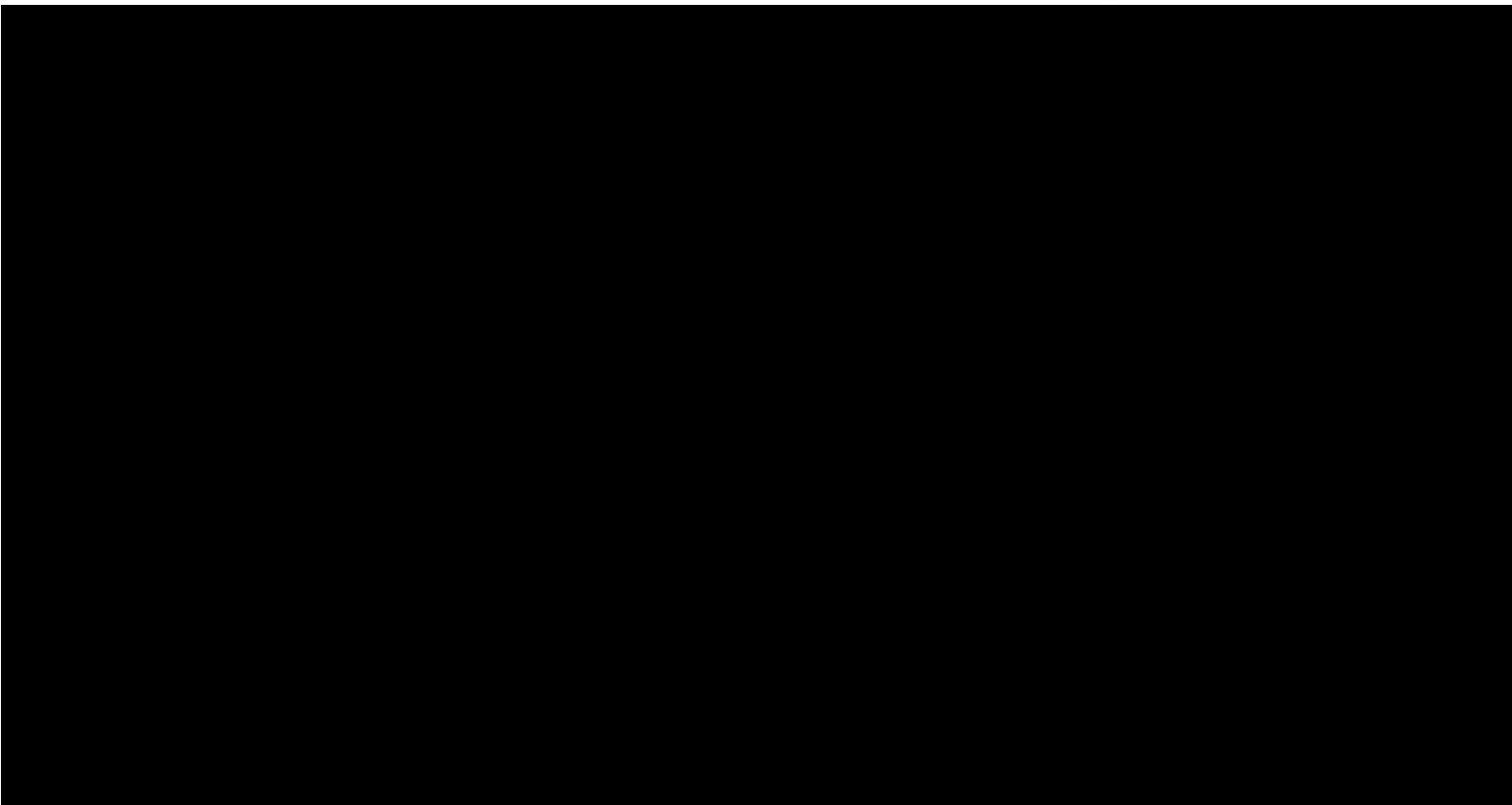
The Owner/Applicant/Agent agrees that the information recorded in this Minor Variance Application Form is accurate. The Owner/Applicant/Agent agrees that representatives of the Township, Public Health and, where applicable, the appropriate Conservation Authority, may enter onto the subject property for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

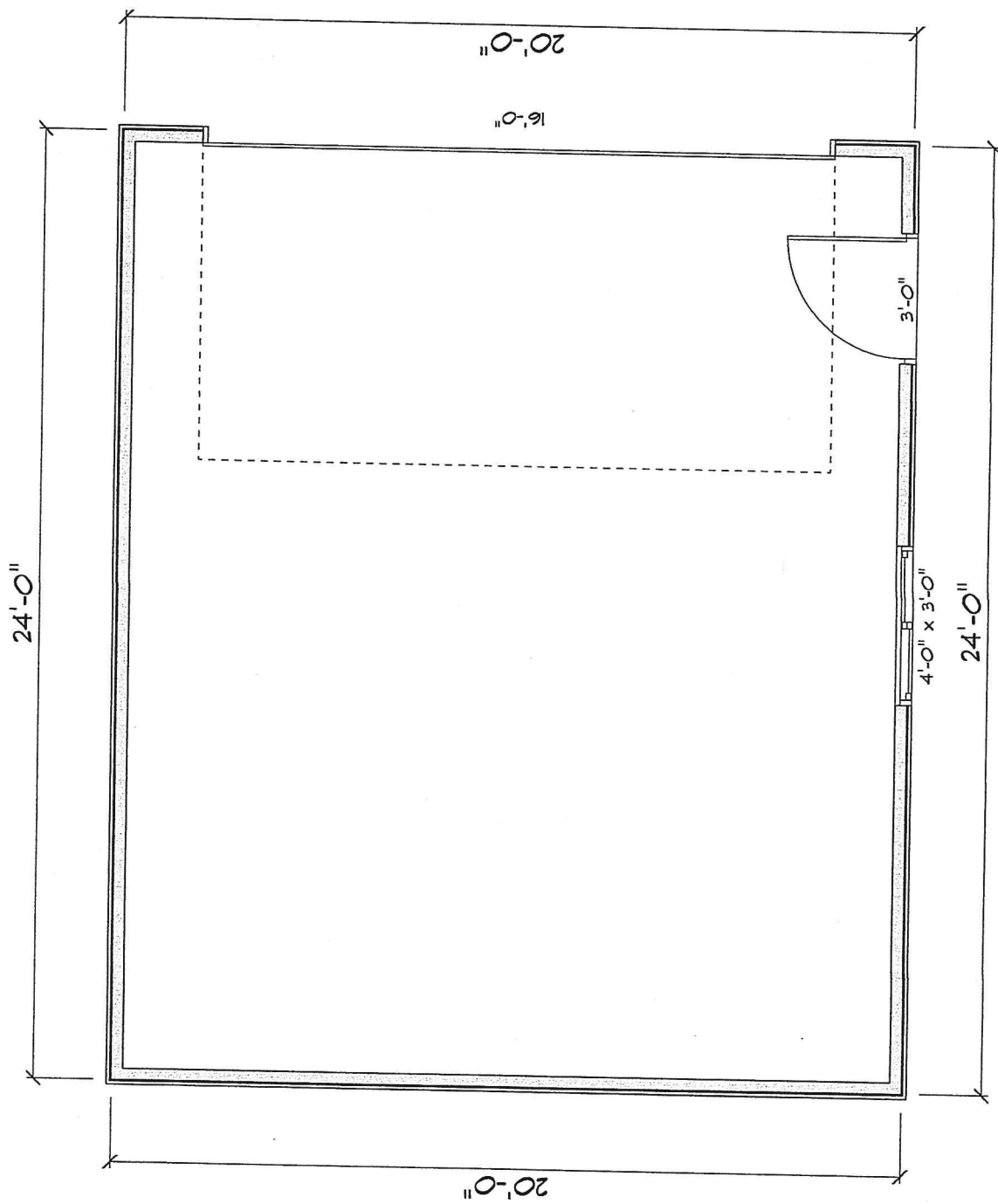
Without limiting the foregoing, such fees and expenses shall include the fees and expenses of consultants, planners, engineers, lawyers and such other professional and technical advisors as the municipality may, in its absolute discretion acting reasonably, consider necessary or advisable to more properly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

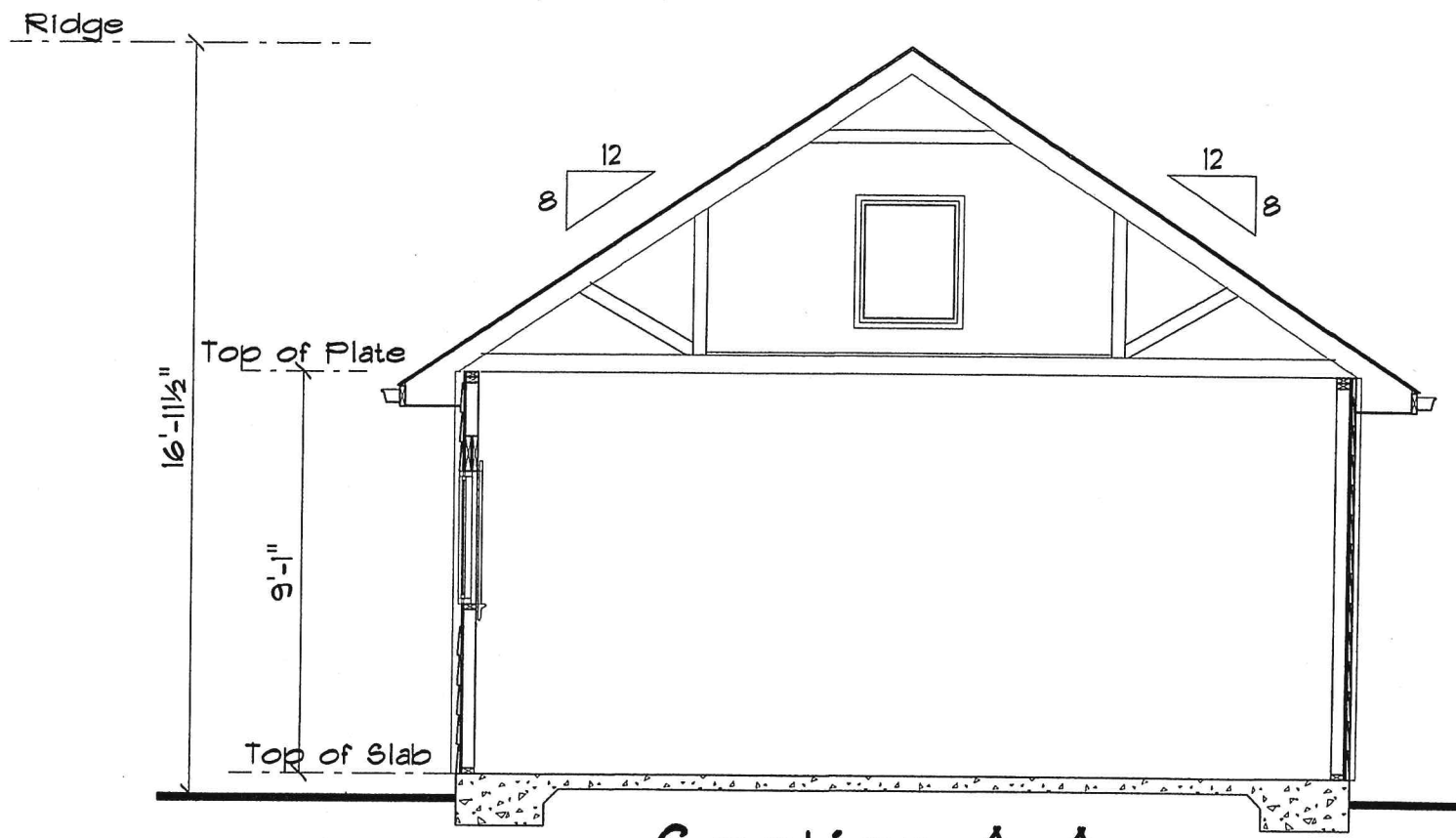
The Owner/Applicant/Agent further agrees to provide the municipality, upon request and in cases where an application has been appealed to the Ontario Municipal Board, with a deposit (over and above the normal application fee), from which the municipality may, from time to time charge any fees and expenses 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:









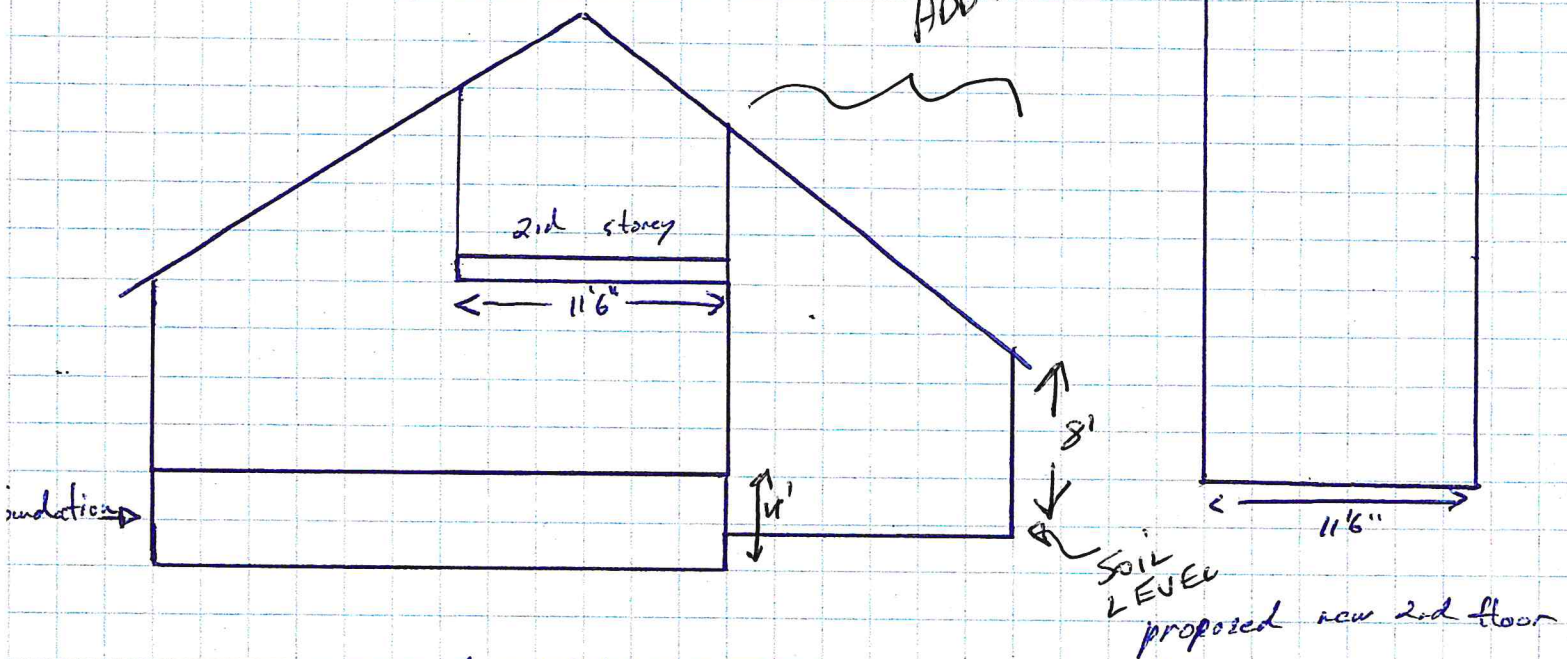
Section A-A

front / back elevation  
existing

scale  $\frac{1}{4}'' = 2'$

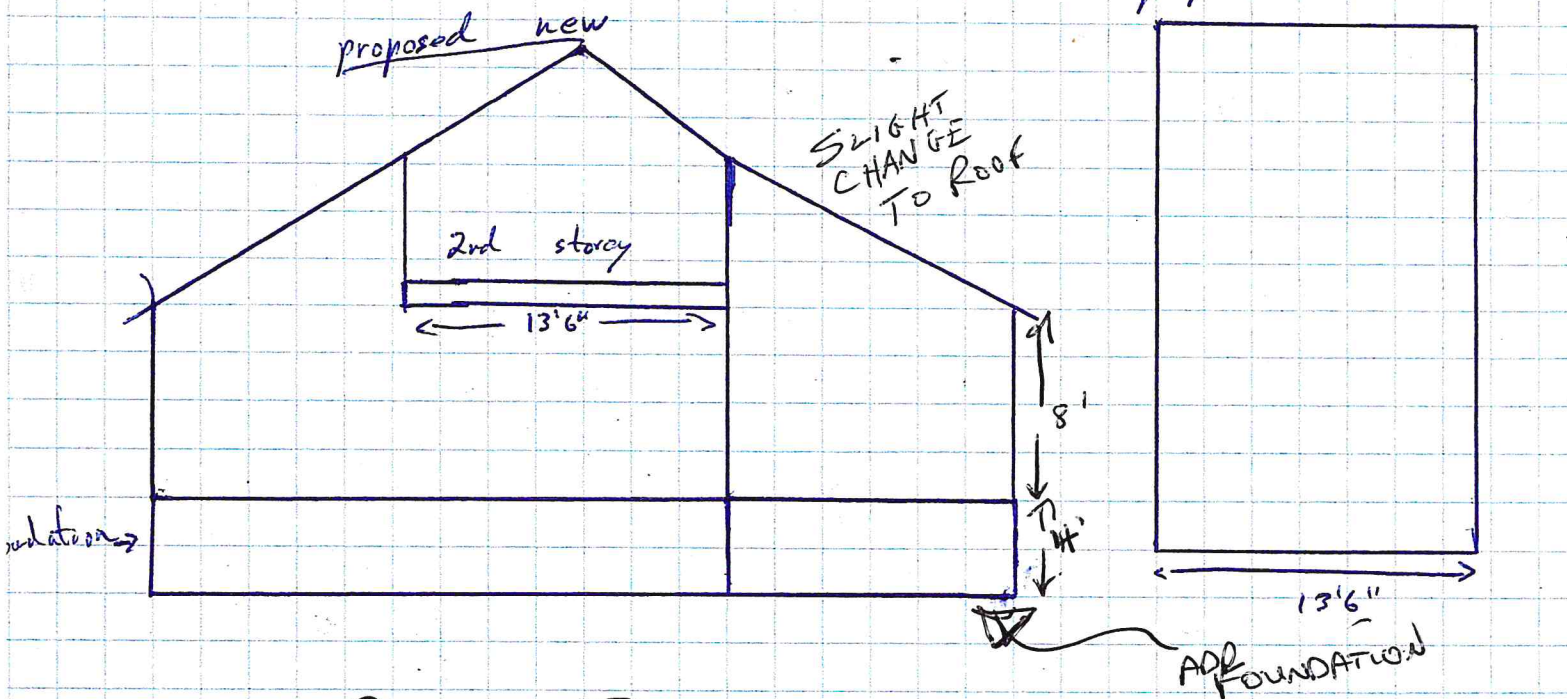
ADDITION

existing 2nd floor



proposed new

SLIGHT  
CHANGE  
TO ROOF

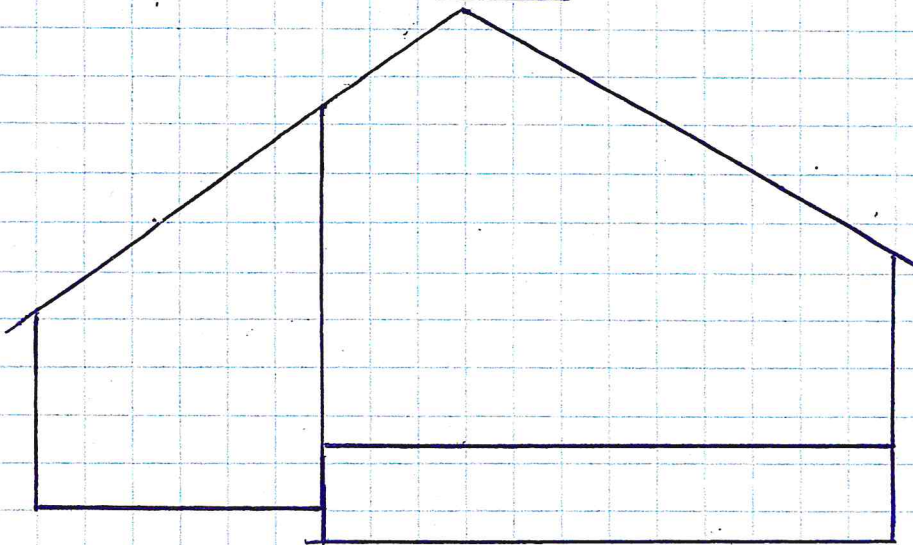


RAISING PORTION OF HOUSE  
& ADDING 2 FEET TO UPPER LEVEL

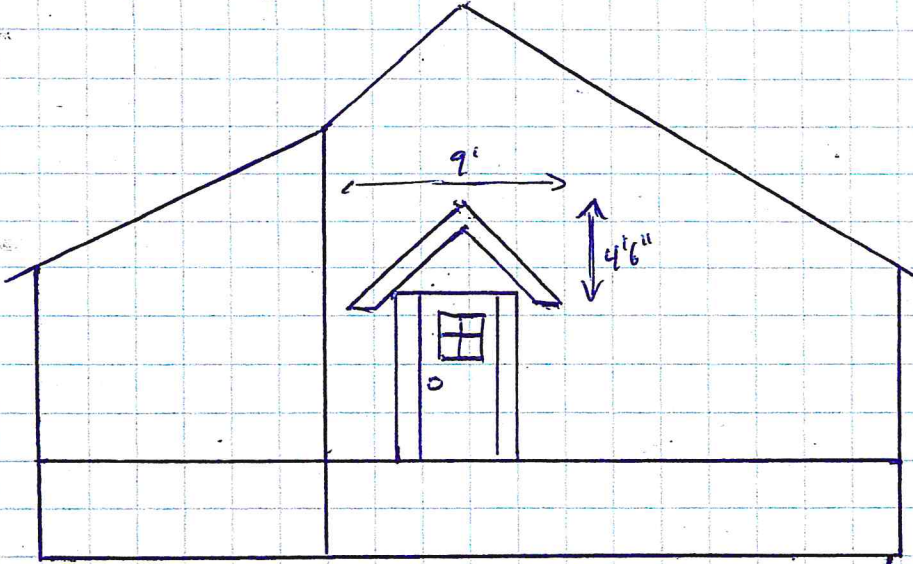
Road side Elevation

Scale  $\frac{1}{4}'' = 2'$

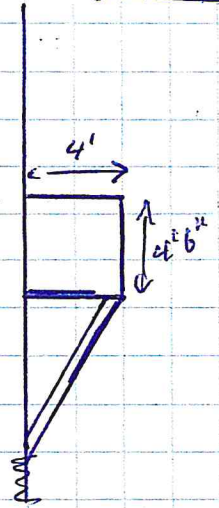
existing



proposed new



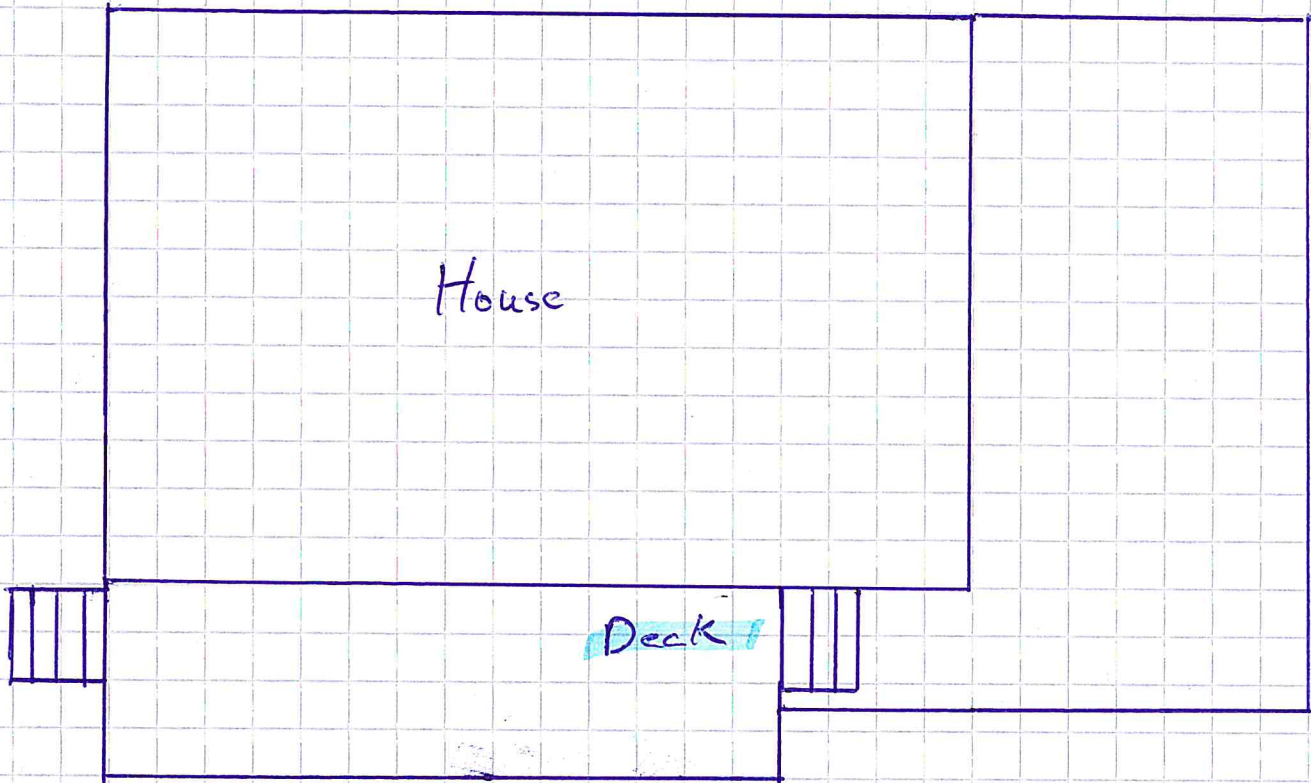
side view



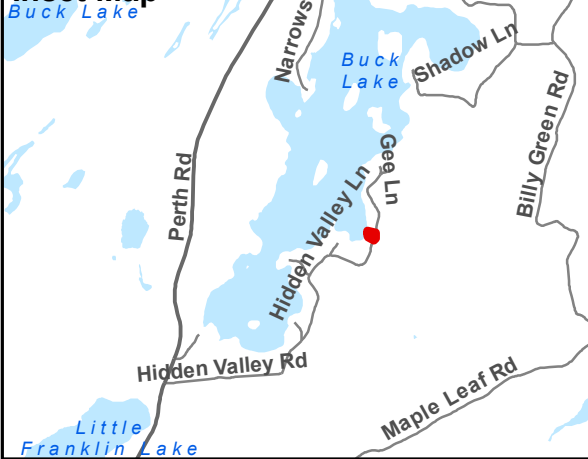
Adding Roof over Door

Aerial Elevation

Scale  $\frac{1}{4}'' = 2'$









**Inset Map**



**MV-41-19-L  
SEGUIN**

**1179 HIDDEN VALLEY LANE**

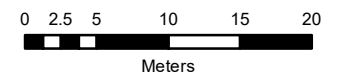
**Legend**

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

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 1:528



UTM Projection NAD 83





Ecological Services  
3803 Sydenham Road  
Elginburg, Ontario K0H 1M0  
Phone: (613) 376-6916  
E-mail: mail@ecologicalservices.ca

Nov. 4, 2019

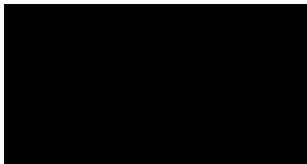
David Seguin

**RE: Assessment of lake and natural heritage impacts as they relate to home improvements to 1179 Hidden Valley Road**

Dear Mr. Seguin,

The results of our assessment to your proposed upgrades are included below. We consider this assessment to be an addendum of the Oct. 4, 2019 ESE that we provided to you for your garage build, and as such, we recommend you present both documents in your upgrade application.

Respectfully submitted,



Rob Snetsinger

## EIA Minor Variance Opinion

Mr. Seguin is proposing to do upgrades on the property at 1179 Hidden Valley Road. These include the construction of a garage, for which we submitted an ESE (attached) on Oct. 4, 2019. Subsequent to that submission, Mr. Seguin informed us that proposed home improvements would require a minor variance assessment. There are four parts of the of the home improvement discussed below in the context of possible lake impacts or natural heritage impacts. Overall, we consider the upgrades to have a neutral impact, although in some cases there is the potential to have positive impacts. A fifth point regarding shoreline naturalization is also provided, and we see this as having a positive impact.

**1) Addition:** A proposal to raise or rebuild the 1990's addition located on the south end of the house, in order to improve heating and to minimize water penetration. This will also require some reshaping of the roof slope.

**Comment:** We visited the site on Nov. 1, 2019 and obvious signs of rot and sill plate failure were evident along the southern edge of the addition (as can be seen in the adjacent image). Apparently, the sill plate and floor joists are resting directly on the ground. A “do nothing” option will result in an eventual failing of the wall. It also appears that two of the windows are starting to buckle due to a lack of support. Wall failure here would be a potential health impact and lake impact risk.



In our opinion, neither the fix or the rebuild options will result in lake impacts or natural heritage impacts as there will be no increase in the building footprint. This upgrade work to the addition will require some work outside of the building and it is therefore recommended that silt barriers be maintained between the house and the lake throughout the renovation period, and for a period of time after until vegetation regrows between the house and the silt fence (e.g., lawn grass).

Given the proximity of the lake, there is the potential to have a positive impact associated with stormwater coming from the roof of the addition. The slope of the property would make directing eave drainage to the east (away from the lake) problematic. Consequently, we recommend two options for consideration.

- i. Do not use eavestroughs, and instead create a French drain below the roof drip line, with the buried perforated drain pipe directing water in a southwesterly direction towards the lake.
- ii. Use eavestroughs and direct outflow to a built cobble drain field between the house and the lake. The bottom location of the cobble field would be within the current pontoon boat loading site.

**2) Bedroom:** Proposal to add an extra 2 feet to the upper living area to allow for a larger bedroom. This will also include removing the existing stone fireplace.

**Comment:** This activity will occur inside the building with no increase in building footprint, and in our opinion, this will be a neutral impact in regard to lake impacts and natural heritage impacts. However, the removal of the old wood burning fireplace (see adjacent image) is seen as a positive impact because of the many pollutants associated with burning wood for heat, and the potential input of woodsmoke pollutants (e.g., see Fine et al. 2011, and Gao et al. 2006) being carried into the lake by fallout or by stormwater. This would especially be true for the inefficient burning fireplace currently in place, and its removal would also reduce health associated air quality risks for the residents and their neighbours. Mr. Seguin noted that they will not be burning wood for heat, and instead heating with propane.



**3) Doorway:** Proposal to add a door on the west side of the house (furthest from the lake) with a small roof over the entrance. The roof will extend from the house and not be attached to the ground.

**Comment:** The adjacent picture provides a view of the east side of the house (furthest from the lake). The proposed roof above the doorway will not be attached to the ground, and thus there will be no increase in building footprint, and it is our opinion that this will have no lake or natural heritage impacts. It is our opinion that the placement of the door on the east side of house, closest to where the residents will be park their cars, can be seen as a positive impact as it will reduce foot traffic towards the only door on the lake side of the house. This is a potential positive impact, as it has the potential to reduce

ground disturbance on the lake side of the house.

**4) Deck:** Proposal to either replace or fix the existing deck on the lake side of the house. There is some evidence of wood rot, and at least one of the deck supports is failing, and therefore at the very least, a fix is required.

**Comment:** Neither the fix or the rebuild options will result in an increase in the deck footprint, and therefore it is our opinion that neither will have a lake impact or a natural heritage impact. A “do nothing” option will result in the eventual failing of the deck, which would be a potential health risk, and a possible lake impact risk. It is our opinion that the fix or replace options are neutral in regard to impacts because the footprint of the deck will not change.



Nevertheless, it is recommended that silt barriers be maintained between the house and the lake throughout the renovation period, and for a period of time after that until vegetation regrows (e.g., existing grassed lawn).

**5) Pontoon Docking.** Proposal to remove the pontoon docking system seen in the adjacent image and naturalizing the associated shoreline. It is comprised of docking rollers (leaf covered in adjacent image) and pontoon docking walls (i.e., 4x4's).



**Comment:** Any form of naturalization of this shoreline is seen as a positive impact and to be encouraged. If the cobble option (described above in 1ii) is used, part of this pontoon docking site would be converted to a cobble stormwater spill site. Regardless, cobble (or some other fill type) will be required in order to minimize soil erosion that could result when the dock rollers and 4x4's are removed. Over time, it is expected that soil and vegetative debris will fill in the depression, and natural revegetation will occur.

It is recommended that a silt barrier be maintained between the lake and the docking site throughout the work period, and be left in place until vegetation growth is evident. Although in-water work is not anticipated, it is recommended that the work here be undertaken outside of the warmwater fish breeding season (March 15 to July 15; as recommended in MNR 2013). The bay in front of the house supports warm water fish breeding, such as largemouth bass and other sunfish.

## References

- Fine, P., G. Cass., and B. Simoneit. 2011. Chemical characterization of fine particle emissions from fireplace combustion of woods grown in the Northeastern United States. *Environmental Science Technology*. 35: 2665-2675.
- Gao, N., A. Gildemeister, K. Krumhansl, K. Lafferty, P. Hopke, E. Kim and R. Poirot. 2006. Sources of fine particulate species in ambient air over Lake Champlain Basin, VT. *Journal of the Air & Waste Management Association*. 56:1607-1620.
- MNR (Ontario Ministry of Natural Resources). 2013. In-water work timing window guidelines. <https://docs.ontario.ca/documents/2579/stdprod-109170.pdf>



Ecological Services  
R.R. #1, 3803 Sydenham Road  
Elginburg, Ontario K0H 1M0  
Phone: (613) 376-6916  
E-mail: mail@ecologicalservices.ca

### ENVIRONMENTAL SITE EVALUATION (ESE)

Municipality: South Frontenac Township

Lots: Part of Lot 22

Concession: Con 11 Loughborough

Municipal Address: 1179 Hidden Valley Road South Frontenac ON K0H 2L0

Site District: 6E-10

Landowner: Edwin Melanson until Oct. 18, 2019 and then David Seguin after Oct. 18, 2019

Current Zoning: RLSW-Limited Service Residential-Waterfront Zone

Planning Application Reference: N/A

Date Report Submitted: Oct. 4, 2019 Site Visited: Oct. 1, 2019

**Summary:** Mr. Seguin is proposing to build a car garage at 1179 Hidden Valley Road on a spot that is currently used for car parking purposes (please see accompanying Figure 1 at the end of this report). It will not be possible to build the garage further than 30 m from Buck Lake due to the undersized nature of the lot. In a Sept. 23, 2019 email correspondence to David Seguin, Trudy Gravel (Township of South Frontenac Planner) noted that it appeared that an impact assessment would be required due to the proximity of Buck Lake, a sensitive lake trout lake. This ESE is a type Environmental Impact Assessment (EIA). ESE's are applied to small projects in the region, whereas EIA's are used for large scale projects such as with subdivisions.

To complete this ESE, the site was visited on Oct 1., 2019. Prior to visiting the site, a background check of potential natural heritage conflicts was undertaken. As well, we are very familiar with the ecology of this region having undertaken site assessments here for the last 33 years, including a Buck Lake spring littoral index lake trout study for the then Ontario Ministry of Natural Resources (MNR) (see Ecological Services 1997), that has been reported in Buck Lake Association reports. We have also undertaken an extensive flora and fauna inventory of the nearby Frontenac Park for the then MNR (see Ecological Services 2004).

The cottage lot at 1179 Hidden Valley Road is located on a heavily developed area of the lake, consisting of closely spaced cottages mostly within 30 m of the lake. The cottage lot has an overstory of red and sugar maple trees in the 80-year range but is otherwise ecologically impoverished due to cottage associated uses, resulting in minimal natural ground cover vegetation, no shrub cover, and no tree regeneration. As a result, the overall ecological value of the lot is low, and the placement of a garage would not constitute a negative impact to any natural heritage features within the lot. Although it might be possible to build the garage without removing any trees, it is recommended that if any tree removal is required that it be undertaken outside of the bird breeding season (April 15 to July 31).

There are natural heritage values in the adjacent lands. Aside from the fish habitat of Buck Lake, there are also species at risk (SAR) reported for the general area, significant wildlife habitat, and we consider the adjacent woodland and wetland located to the east of Hidden Valley Road to have potential significance. However, as reported below, it is our opinion that the proposed garage will not constitute a negative impact to any adjacent significant natural heritage features.

In Mr. Seguin's communication with Andrew Schmidt of the CRCA, it was requested that the garage be located as far as physically possible from the highwater mark of Buck Lake. We concur with Mr. Schmidt position, and as long as the garage is within allowable footprints and road setbacks, we feel that there will be no impact to the sensitive lake trout status of Buck Lake for five reasons.

1. The garage will have no associated plumbing, and thus constitute a neutral impact in regard to nutrient inputs to the lake. This is important, as nutrient inputs are the main negative impact factor associated with sensitive lake trout lakes.
2. The existing cottage building will be located between the garage and the lake, acting in a buffer capacity.
3. The garage will be located on land that slopes away from the lake, which means garage associated stormwater will also flow away from the lake towards Hidden Valley Road.
4. The lake area in front of the cottage is relatively shallow and covered by aquatic macrophytes. Fish use in this bay would primarily be by warm water species such as bass and pike, which have a greater tolerance than trout to nearby impacts (please see accompanying Figure 2 at the end of this report).
5. The garage may be a potential improvement over the status quo where hydrocarbons that could now potentially leak into the ground from parked vehicles, will be limited by the concrete pad of the garage.

As an added ecologically positive feature, the existing tent car shelter will be removed, as its functionality will be replaced by the proposed garage.

Please note that we make no conclusions or recommendations in regard zoning regulations as they apply to building setbacks and lot coverage percentages, as this is outside of our area of expertise.

#### Site Description:

##### A. Ecological Land Classification

From an ELC perspective, this entire cottage shoreline area would be considered cultural lands. That is, the ecology is strongly influenced by associated cottage activities.

As they are on private property, we are unable to precisely categorize the upland woodlands and wetlands to the east of Hidden Valley Road. In the adjacent woodlands, sugar maple is the dominant tree, representing one of the FOD5 (Dry – Fresh Sugar Maple Deciduous Forest Ecosite) sub-types. The wetland portion observed from Hidden

Valley Road is dominated by red maple (SWD3-1), however this may not be representative of the overall wetland as it is quite extensive and appears to be part of a larger wetland complex stretching over 9 km from south to north.

The lake area offshore is considered to be SAF1-1 (Water lily- Bullhead lily Floating-leaved Shallow Aquatic Type) and SAM1-1 (Pickerelweed Mixed Shallow Aquatic Type).

Is the Proposed Development:	
A. In a Provincially Significant Wetland or Coastal Wetland?	Yes <input type="checkbox"/> <input checked="" type="checkbox"/> No
Adjacent to a Provincially Significant Wetland or Coastal Wetland?	Yes <input type="checkbox"/> <input checked="" type="checkbox"/> No
B. In a Regionally Significant Wetland?	Yes <input type="checkbox"/> <input checked="" type="checkbox"/> No
Adjacent to a Regionally Significant Wetland?	Yes <input type="checkbox"/> <input checked="" type="checkbox"/> No
In/adjacent to an Unevaluated Wetland?	Yes <input checked="" type="checkbox"/> <input type="checkbox"/> No
<p>Although it has not been evaluated, it is likely that the wetland complex east of Hidden Valley Road is significant. We base this opinion on our 30 years of experience conducting wetland evaluations.</p> <p>However, we anticipate no negative impacts to this wetland from the garage build as it will not constitute a new impact to this area of cottages, and due to the intervening Hidden Valley Road.</p>	
C. In an Area of Natural and Scientific Interest?	Yes <input type="checkbox"/> <input checked="" type="checkbox"/> No
Adjacent to an Area of Natural and Scientific Interest?	Yes <input type="checkbox"/> <input checked="" type="checkbox"/> No
D. In the habitat of Species at Risk (Threatened or Endangered)?	Yes <input type="checkbox"/> <input checked="" type="checkbox"/> No
Adjacent to habitat of Species at Risk (Threatened or Endangered)?	Yes <input checked="" type="checkbox"/> <input type="checkbox"/> No
<ol style="list-style-type: none"> <li>1. Gray Ratsnake: Noted throughout the region in NHIC mapping, and we have observed them in association with the west basin of Buck Lake (aka the North Bay) and in association with nearby Frontenac Park. There are no Gray Ratsnake habitat features on the proposed garage location, and thus no habitat loss. By replacing an existing parking area, the garage does not constitute a new impact.</li> <li>2. Blandings Turtles: We have also observed Blandings Turtles in Frontenac Park and there is appropriate wetland/lake habitat further west of Hidden Valley Road. As well, they are reported in the 2017 CRCA Buck Lake Fact Sheet. There are no Blandings Turtle habitat features on the proposed garage location, and thus no habitat loss. The garage location is also not a potential nesting area as it is too sheltered by the overhanging trees and thus would not provide the necessary thermal properties required by incubating eggs. By replacing an existing parking area, the garage does not constitute a new impact.</li> <li>3. Barn Swallows: Reported for Buck Lake in eBird by Scott</li> </ol>	

<p>Gilmore in 2011, and Michelle Martin in 2014. There are no Barn Swallow nesting features associated with the proposed garage location. At this time of year, we cannot state whether Barn Swallows nest in boathouses of adjacent properties, but Barn Swallows are highly tolerant of nearby human activity and the proposed garage would definitely not constitute a negative impact to Barn Swallows.</p>	
<p>F. In significant wildlife habitat (SWH)?</p>	<p>Yes <input type="checkbox"/> <input checked="" type="checkbox"/> No</p>
<p>Adjacent to significant wildlife habitat?</p>	<p>Yes <input checked="" type="checkbox"/> <input type="checkbox"/> No</p>
<p>A number of Special Concern species have been reported for the area, and their presence constitutes potential significant wildlife habitat. These include:</p> <ol style="list-style-type: none"> <li>1. Snapping Turtles. Noted in the 2017 CRCA Buck Lake Fact Sheet. Similar to Blanding's Turtles, they use adjacent uplands to lay their eggs, but as with the Blanding's Turtle, the proposed garage location does not represent good quality nesting attributes, especially as it is consistently used as a parking area for cars. Furthermore, the cottage lot has a high hard wall, which would inhibit Musk Turtle movement onto the cottage lot.</li> <li>2. Musk Turtles: Noted in the 2017 CRCA Buck Lake Fact Sheet. They use adjacent uplands to lay their eggs, but rarely stray more than a few meters from shore, and would not venture as far as the proposed garage location. Furthermore, the cottage lot has a high hard wall, which would prevent Musk Turtle movement onto the cottage lot.</li> <li>3. Map Turtles: Noted in the 2017 CRCA Buck Lake Fact Sheet. They use adjacent uplands to lay their eggs, but normally stay closer to shore. The proposed garage location does not have good nesting attributes, especially as it is consistently used as a parking area for cars. Furthermore, the cottage lot has a high hard wall, which would prevent Musk Turtle movement onto the cottage lot.</li> <li>4. Bald Eagle: Reported in eBird by Todd Norris in 2018 for a site near Buck Lake. There are no eagle nests associated with the proposed garage location or this shoreline.</li> </ol> <p>Eastern Wood-Pewee: Reported in eBird by Michelle Martin in 2014 for the Buck Lake area. These birds have some tolerance to human activity but would not nest in the trees associated with cottage lot, and instead would nest further east in the adjacent upland woodland.</p>	

<p>G. Within 120 m of a waterbody? The garage will be within 120 m of Buck Lake. No impacts are anticipated as the garage represents a relatively neutral structure to the waterbody. It will not have plumbing, and garage associated stormwater will flow away from the lake. The garage may be a minor potential improvement over the status quo whereby hydrocarbons that could potentially leak into the ground from parked vehicles, would be limited by the concrete pad of the garage.</p>	<p>Yes <input checked="" type="checkbox"/> <input type="checkbox"/> No</p>
<p>H. In fish habitat?</p>	<p>Yes <input type="checkbox"/> <input checked="" type="checkbox"/> No</p>
<p>Adjacent to fish habitat? No impacts are anticipated as the garage represents a relatively neutral structure to fish habitat. It will not have plumbing, and garage associated stormwater will flow away from the lake. The garage may be a potential improvement over the status quo where hydrocarbons that could now potentially leak into the ground from parked vehicles, will now be limited by the concrete pad of the garage.</p>	<p>Yes <input checked="" type="checkbox"/> <input type="checkbox"/> No</p>
<p>I. In or Adjacent to Highly or Moderately Sensitive Lake Trout Lake?  No impacts are anticipated. The existing cottage building will be located between the garage and the lake, acting in a buffer capacity. The garage will have no associated plumbing, and thus constitute a neutral impact in regard to nutrient inputs to the lake. The garage will be located on land that slopes away from the lake, which means garage associated stormwater will also flow away from the lake towards Hidden Valley Road. The lake area in front of the cottage is relatively shallow and covered by aquatic macrophytes such as water lilies. Fish use in this bay would primarily be by warm water species such as bass and pike, which have a greater tolerance than trout to nearby impacts. The garage may be a potential improvement over the status quo where hydrocarbons that could now potentially leak into the ground from parked vehicles, will be limited by the concrete pad of the garage.</p>	<p>Yes <input checked="" type="checkbox"/> <input type="checkbox"/> No</p>
<p>J. In a significant woodland?</p>	<p>Yes <input type="checkbox"/> <input checked="" type="checkbox"/> No</p>
<p>Adjacent to a significant woodland?  Although it has not been officially evaluated as significant, it is possible that the woodland east of Hidden Valley Road is significant. However, there will be no intrusion into this woodland for the purposes of the garage build, and therefore no negative impact.</p>	<p>Yes <input type="checkbox"/> <input checked="" type="checkbox"/> No</p>
<p>K. In a significant valleyland?</p>	<p>Yes <input type="checkbox"/> <input checked="" type="checkbox"/> No</p>
<p>Adjacent to a significant valleyland?</p>	<p>Yes <input type="checkbox"/> <input checked="" type="checkbox"/> No</p>

In our opinion, is a more extensive Environmental Impact Statement required to demonstrate the appropriateness of the proposed development? Yes  No

If yes, which natural feature(s) should the assessment focus on?

**Recommendations for Mitigation:**

Although the garage location is on land sloping away from the lake, it is still recommended that a silt screen be installed between the construction area and the lake, and be maintained throughout the construction process, and until any disturbed soils have stabilized.

If any tree clearing is required, it is recommended that it take place outside of the bird breeding season (April 15 to July 31).

Environmental Impact Statement: It is our opinion that the proposed garage building will have no negative impact on any adjacent natural heritage features or on their ecological functions, and that the proposal is consistent with the intent of the Provincial Policy Statement and the official plan of the South Frontenac Township.

Is monitoring recommended? Yes  No

**Contacts, References & Literature Cited:**

Buck Lake Association Lake Summary Document. <http://bucklake.ca/wp-content/uploads/2017/12/MNRBuckLakeFishSummary.pdf>

CRCA Buck Lake Fact Sheet. <https://www.crca.ca/wp-content/uploads/PDFs/LakeReports/2017-FactSheet-BuckLake.pdf>

eBird. <https://ebird.org/home>

Ecological Services 1997. Report on the 1997 spring littoral index netting for Lake trout in Buck and Desert Lakes. Produced for the Ontario Ministry of Natural Resources, Kingston Management Area.

Ecological Services 2004. Detailed evaluation of the ecological (Life Science) values at Frontenac Provincial Park and assessment of resource management issues relating to these values. Ontario Parks, South Eastern Zone, Ministry of Natural Resources, Kingston. 97 pp.

iNaturalist. <https://www.inaturalist.org/>

Lee, H.T., W.D. Bakowsky, J. Riley, J. Bowles, M. Puddister, P. Uhlig and S. McMurray. 1998. Ecological Land Classification for Southern Ontario. First Approximation and Its Application. Ontario Ministry of Natural Resources, Southcentral Science Section, Science Development and Technology Transfer Branch. SCSS Field Guide FG-02. 225 pp.

Natural Heritage Information Centre. 2019. Web site maintained by the Ontario Ministry of Natural Resources and Forests, with species rarity rankings in Ontario, and information on reported element occurrences.

Ontario Ministry of Natural Resources. 2010. Natural Heritage Reference Manual for Natural Heritage Policies of the Provincial Policy Statement, 2005. 2nd edition. Toronto: Queen's Printer for Ontario. 248 pp.

Ontario Ministry of Natural Resources. 2015. Significant Wildlife Habitat Criteria Schedules for Ecoregion 6E

Provincial Policy Statement. 2014. Issued under Section 3 of the Planning Act. Province of Ontario. 50 pp.

Schmidt, Andrew (CRCA Planner). Sept 23, 2019 correspondence to the applicant.

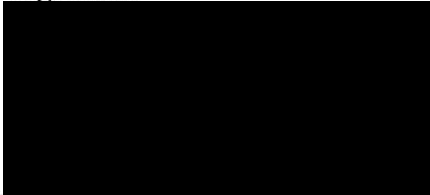
Field Work Completed By: Rob Snetsinger

Report Completed By: Rob Snetsinger. Mr. Snetsinger has evaluated over 100 wetlands in eastern Ontario and has been undertaking impact assessments for 33 years.

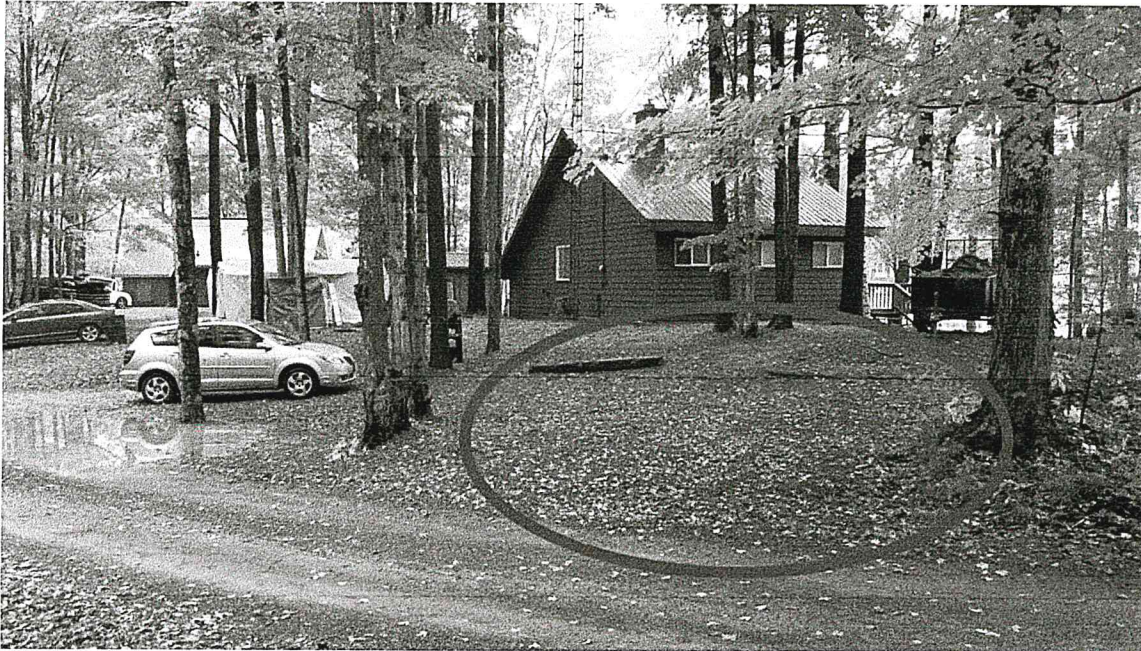
Date of Site Inspection: Oct. 1, 2019

Date of Report: Oct. 2, 2019

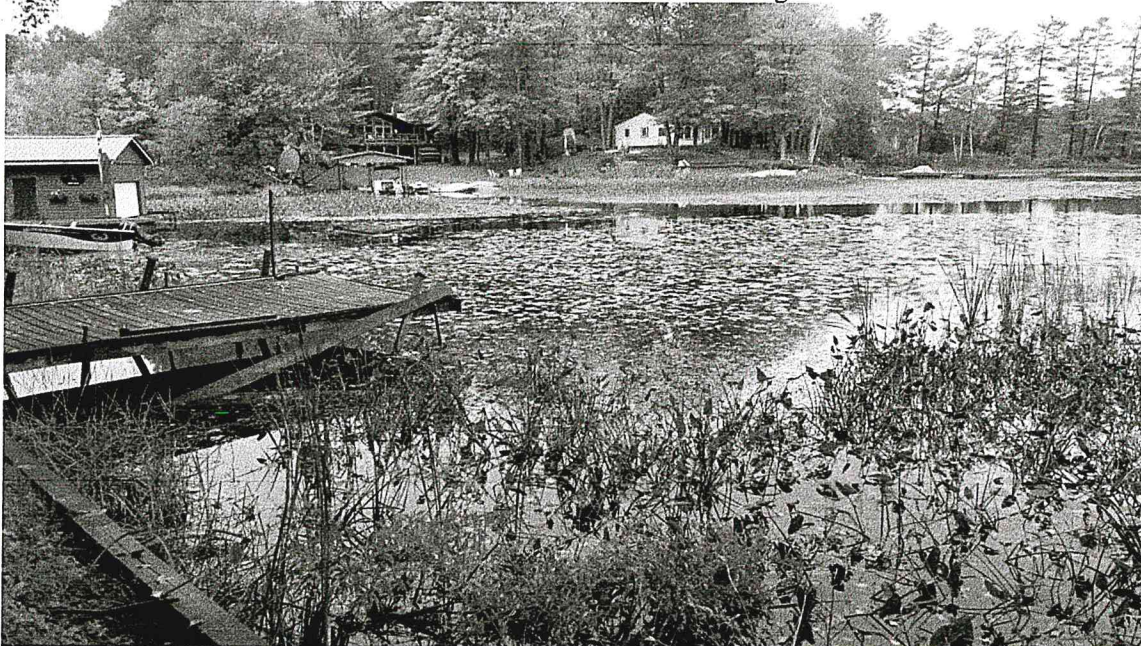
Signature:



## Accompanying Figures



**Figure 1.** The approximate proposed garage location (not including required road setbacks) for 1179 Hidden Valley Rd. is outlined in red. Hidden Valley Road is in the foreground. The associated cottage is the one with the red roof, and Buck Lake is on the other side of the cottage.



**Figure 2.** The waterfront of 1179 Hidden Valley Road with the presence of water lily and pickerweed. Note the high hardened shoreline wall in the lower left, which would limit turtle access to the adjacent uplands of this site.



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



## MINOR VARIANCE – PLANNING REPORT

**Report Date:** June 8, 2020

**Application No:** MV-41-19-L

**Owner:** David & Christie Seguin

**Location of Property:** Part Lot 22, Concession 11, District of Loughborough, Township of South Frontenac, municipally known as 1179 Hidden Valley Lane, Buck Lake

**Purpose of Application:** To vary Sections 5.8.2a), 5.10.2, 10.3.1 & 10.3.2 of the Township of South Frontenac Zoning Bylaw

**Date of Hearing:** June 11, 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

<b>Official Plan Designation:</b>  Rural	<b>Buck Lake</b>
<b>Zoning:</b> Limited Service Residential Waterfront Zone (RLSW)	<b>Zoning Relief Requested:</b>
<b>Section 5.8.2 a):</b> Flooding and Shoreline Erosion Hazards	<p><b>Relief:</b> To permit the renovation and partial reconstruction of an existing single detached dwelling and waterfront deck with a highwater mark setback of 6.2 metres (20.3 feet), whereas the Zoning By-law requires a 30 metre (98.4 feet) setback from the highwater mark for all buildings and structures.</p> <p><b>Relief:</b> To permit the construction of an accessory building (detached garage) with a highwater mark setback of 15.7 metres (51.5 feet), whereas the By-law requires a 30 m (98.4 foot) setback from the high water mark for all buildings and structures.</p>
<b>Section 5.10.2:</b> Existing Buildings within 30 Metres of a Waterbody	<b>Relief:</b> To permit the enlargement (height) of a portion of a non-complying structure, in this case an existing detached dwelling and reconstruction of a waterfront deck with a highwater mark setback of 6.2 metres (20.3 feet).
<b>Section 10.3.1:</b> RLSW Zone – Principal Building	<p><b>Relief:</b> To permit the reconstruction of a portion of a single detached dwelling and waterfront deck with a highwater mark setback of 6.2 metres (20.3 feet), whereas the By-law requires a 30 metre (98.4 foot) setback from the high water mark for the principal building.</p> <p><b>Relief:</b> To permit a lot coverage of 11.8% for the existing principal dwelling and west deck, whereas the By-law permits a maximum of 5%.</p>
<b>Section 10.3.2:</b> RLSW Zone - Accessory Buildings	<b>Relief:</b> To permit the construction of an accessory building (detached garage) with a highwater mark setback of 15.7 metres (51.5 feet), whereas the By-law requires a 30 metre (98.4 foot) setback from the high water mark for the principal building.



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



## Proposal

An application for minor variance was originally received in November 2019 to permit the renovation of the existing dwelling, replacement of existing decks, the addition of a new roof over a new door entrance and the construction of a new detached garage on the subject property. The application, as originally filed, required relief from the highwater mark setback for enlarging the existing non-complying dwelling, the reconstruction of decks, the construction of a new detached garage, and increased lot coverage for the proposed detached garage, in combination with an existing shed, and to recognize the non-complying lot coverage of the existing principal dwelling and decks.

The subject property is located off Hidden Valley Lane, on Buck Lake, and is approximately 0.1 ha (0.25 acres) in area.

The application was deferred at the February 13, 2020 hearing, as KFL&A Public Health was unable to complete their site inspection due to snow on the ground.

The property currently contains a single detached dwelling of 102.19 m<sup>2</sup> (1,100 ft<sup>2</sup>), which is located at 8.6 m (28.2 ft) from the highwater mark. There are decks on the south and west sides of the dwelling. The west deck is 20.4 m<sup>2</sup> (219.6 ft<sup>2</sup>) and the south deck is 36.96 m<sup>2</sup> (397.9 ft<sup>2</sup>). Both decks are at 6.2 m (20.3 ft) from the highwater mark. There is also an existing shed of 18 m<sup>2</sup> (193.8 ft<sup>2</sup>) that straddles the south property line and is located at 11.6 m (38ft) from the highwater mark. The existing lot coverage for the dwelling and decks is 15.3% and 1.7% for the existing shed.

### Original Proposal:

The original proposal involves the construction of a new 44.65 m<sup>2</sup> (480.6 ft<sup>2</sup>) detached garage at 15.7 m (51.5 ft) from the highwater mark, as well as the reconstruction of both decks, and a portion of the existing dwelling. The proposed lot coverage for accessory buildings would increase to 6%, for a total combined lot coverage of 21.3%.

Comments received from CRCA on June 1, 2020 indicated that CRCA staff did not support the approval of the minor variance application due to the level of development proposed within the water setback on a small lot. CRCA staff suggested the applicant consider measures to reduce lot coverage by reducing the overall footprint of existing and proposed development on the property. Township staff shared the same concerns with the proposed lot coverage.

A revised application was submitted by the applicant on June 2, 2020 that proposes to remove the existing deck from the south side of the property, as well as the existing shed.

### Revised Proposal:

The revised proposal is to construct a new 44.65 m<sup>2</sup> (480.6 ft<sup>2</sup>) detached garage adjacent to the lane at 15.7 m (51.5 ft) from the highwater mark, raise a section of the existing 102.19 m<sup>2</sup> (1,1000 ft<sup>2</sup>) dwelling for new foundation and add floor space to second storey at 8.6 m (28.2 ft) from the highwater mark, reconstruct the 20.4 m<sup>2</sup> (219.6 ft<sup>2</sup>) west deck at 6.2 m from highwater mark, and add a 2.7m x 1.2m (3.24 m<sup>2</sup>/34.9 ft<sup>2</sup>) roof over the new entrance on east (non-waterfront) side of dwelling.

The new proposal involves the removal of the existing 18 m<sup>2</sup> (193.8 ft<sup>2</sup>) shed at 11.6m from highwater mark and the existing 36.96 m<sup>2</sup> (397.9 ft<sup>2</sup>) south deck at 6.2 m from highwater mark. This revision results in a proposed lot coverage for the principal dwelling and west deck of 11.8% and a proposed lot coverage for accessory buildings of 4.3 % for a total lot coverage of 16.1%.

This is a 5.2 % (55 m<sup>2</sup>/592 ft<sup>2</sup>) reduction in lot coverage from what was originally proposed.

## Agency Analysis and Comments

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

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



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



KFL&A Public Health – In their correspondence dated May 15, 2020, KFL&A Public Health had no objections to the minor variance to construct a new garage. The proposed garage does not impact the existing sewage system or the installation of a replace sewage system in the future, subject to the requirements of the Ontario Building Code and the future Township of South Frontenac's Zoning By-law. Performance review LO-16-20 has been approved.

Cataraqui Region Conservation Authority – In their correspondence dated June 1, 2020, CRCA staff indicate that staff are generally satisfied with the opinions expressed within the submitted Environmental Site Evaluation (October 4, 2019 and revised November 4, 2019), however the report did not address lot coverage. CRCA staff did not support the approval of the original minor variance application, due to the proposed total lot coverage exceeding 21% for the principal dwelling and the accessory buildings, and it was the opinion of staff that this level of development within the water setback on a very small lot did not meeting the intent of the PPS, Official Plan and the Zoning By-law.

Subsequent to receiving the CRCA's comments, the applicant revised the proposal to reduce lot coverage.

Revised comments from CRCA dated June 8, 2020 indicate that CRCA staff find the reduction in lot coverage through the removal of a deck and shed to be a reasonable approach and CRCA staff support the approval of the minor variance application, as revised.

Ministry of Environment, Conservation and Parks – Comments received from Ministry of Environment, Conservation and Parks via phone call with the Planning Assistant, Ms. Michelle Hannah on January 29, 2020 indicated that since the garage will be in a downslope from the lake, MECP did not have any objections to the application.

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

## Planning Analysis Summary

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

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

1. 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 variances conform to the general intent and purpose of the Official Plan as the proposed development (partial reconstruction and detached garage) is consistent with the permitted residential use of the property, and the character of the Hidden Valley Lane.

2. 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



## REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



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 6.2 metres (20.3 feet) from the highwater mark of Buck Lake. The proposed garage is located to the rear of the existing dwelling, at the farthest possible setback from the lake. The renovation and partial reconstruction of existing decks is limited to the existing footprint and will not reduce the highwater mark setback any further.
3. 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 applicant provided an Environmental Site Evaluation prepared by Ecological Services in relation to the proposed garage construction and in support of this minor variance application. The report determined that there are no impacts to species at risk (SAR) as a result of this proposal. The report notes that although the garage is located on land that is sloping away from the lake, it is recommended that a silt screen be installed between the construction area and the lake, and be maintained throughout the construction process, and until and disturbed soils have stabilized. The report concludes that “proposed garage building will have no negative impact on any adjacent natural heritage features or on their ecological functions, and that the proposal is consistent with the intent of the PPS and South Frontenac Official Plan”. An addendum was provided November 4, 2019 to address the additional work to the existing dwelling and decks. The additional site upgrades were considered to have a neutral impact, although in certain cases had the potential to have positive impacts – including shoreline naturalization where the pontoon docking system is to be removed.

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 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. Section 10 of the Zoning By-law details the permitted uses and zone regulations for limited service residential waterfront development.

- The intent of these zoning provisions is to maintain a shoreline buffer of 30 metres in an effort to preserve water quality of the Township’s waterbodies and waterways. The proposed variances conform to the general intent and purpose of the Zoning By-law, as the proposed garage is a located on the lane side of the dwelling, on a constrained lot. The existing dwelling and deck is within the 30 metre (98.4 foot) highwater mark setback and, therefore; it is not



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



possible to achieve the highwater mark setback for its partial reconstruction. However a portion of the existing deck is to be removed, improving the highwater mark setback in a portion of the shoreline area.

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 garage is modest in size and is consistent with the residential use of the property. Given that the dwelling is located on a small, irregularly shaped lot with an existing dwelling and septic system, there is no opportunity to improve the setback of the garage from the highwater mark.

Is the application minor?

- The variances are minor, as there will be virtually no negative impact on surrounding properties as a result of constructing a new garage at the proposed location on the property. The proposed garage is in a reasonable location for its purpose and the increase in lot coverage has been offset with the removal of an existing deck and shed.

## Review

This application:

- ✓ Is consistent with the Provincial Policy Statement (s. 3(5) *Planning Act*);
- ✓ Conforms to the general intent and purpose of the County of Frontenac Official Plan;
- ✓ Conforms to 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.

## Conclusion

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-41-19-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 a 44.65 m<sup>2</sup> (480.6 ft<sup>2</sup>) detached garage to the rear of the existing 102.19 m<sup>2</sup> (1,100 ft<sup>2</sup>) waterfront cottage and existing 20.4 m<sup>2</sup> (219.6 ft<sup>2</sup>) west deck, to be constructed as per the revised drawings dated June 2, 2020 submitted with MV-41-19-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:



## REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



- a. A shoreline remediation plan to be prepared for the portion of waterfront on Buck Lake where the pontoon docking system is to be removed, and converted to a cobble (or some other fill type) stormwater spill site, to minimize soil erosion and facilitate the natural revegetation. The shoreline remediation plan shall be reviewed by the Township, in consultation with the Conservation Authority, prior to the issuance of an occupancy permit under the Ontario Building Code.
- b. A silt screen be installed between the construction area and the lake, and be maintained throughout the construction process, and until any disturbed soils have stabilized and vegetation growth is evident.
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-41-19-L is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.

**Submitted by:** Tess Gilchrist, MCIP RPP, Consulting Planner, Township of Frontenac

**Approved by:**

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

**Date of Site Visit:** January 28, 2020

**Attachments:** Map of the Seguin property

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

Date Received: Dec. 18/19

File No: MV-46-19-L

1. Name of Owner(s): David and Gail Jefferies

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: n/a

Full Mailing Address of Authorized Agent: \_\_\_\_\_

Phone number of Authorized Agent: \_\_\_\_\_

Email Address of Authorized Agent: \_\_\_\_\_

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

Signature(s) of Owner(s) \_\_\_\_\_

3. The description of the subject land:

District:  Bedford  Portland  Loughborough  Storrington

Concession Number: 12 (twelve) Lot Number: Part Lot 1

Street Number: 1020 Name of Road/Street: Deer Park Lane

Reference Plan Number: 1937 (1989) Part Number(s): Lot 7 (part of Lot 1 Conc 12)

Roll Number: 04 050 01170-0000

**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): 453 m.

Frontage (on road/lane): 43 m

Depth: Irregular

Area: <sup>7.79</sup>~~7.79~~ Acres

5. The current zoning of the subject land:

Limited Service Residential Waterfront ~~RLS W-27~~ RLS W-27

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

Accessory Building - Max Allowable height <sup>19.7</sup>~~25~~ ft. - Existing Garage with Storage Area & Washroom

Above is 31 ft above grade to peak - 11 ft over maximum permitted

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

Existing Building constructed without permit circa 1995, Sloped roof to shed snow

Bedroom over the garage to be converted to storage space to comply with by-law

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

Name of Road/Lane:

Wood Duck Lane & Deer Park 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?

Single Family 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:

Type of Structure (E.g. residence)	(1) Residence	(2) Garage	(3)	(4)
Setback from Front Lot Line	<del>64</del> metres 54.00 ±	<del>64</del> Metres 64		
Setback from Rear Lot Line	<del>64</del> metres (lake) + 275.00	<del>64</del> metres (lake) + 273.0 m.		
Setback from Side Lot Line	<del>45</del> metres + 38.00 m.	<del>64</del> metres 61.0 ±		
Height of Building (Also indicate if it is one story or two story)	lake side 9.3 m entry side 7.1 m	lakeside 10.3 m entry side 7.3 m		
Dimensions of Floor Area	10.9 x 8.5 m 185 sq. m. finished area - 3 levels	6.1 m x 6.1 m 74 sq. m. on two levels		
Setback from High Water Mark (If applicable)	54 metres	64 metres		

13. The proposed uses of the subject land:

Single Family Residential

---

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

Yes       No

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

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

Type of Structure (E.g. residence)	(1)	(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:

---

**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   | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| (b) | Increase in plumbing fixtures  | <input checked="" type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| (c) | Increase in living space   | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| (d) | Will the addition or structure encroach on the existing septic system? | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |

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

2010

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

1990 to 1995      1990 - SINGLE FAMILY DWELLING · 1976 SQ.FT

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

24 to 28 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:

Privately Owned Septic System

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

Swales

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

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

Yes       No

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

---

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 in the amount of \$747.00 representing payment of the application fee.

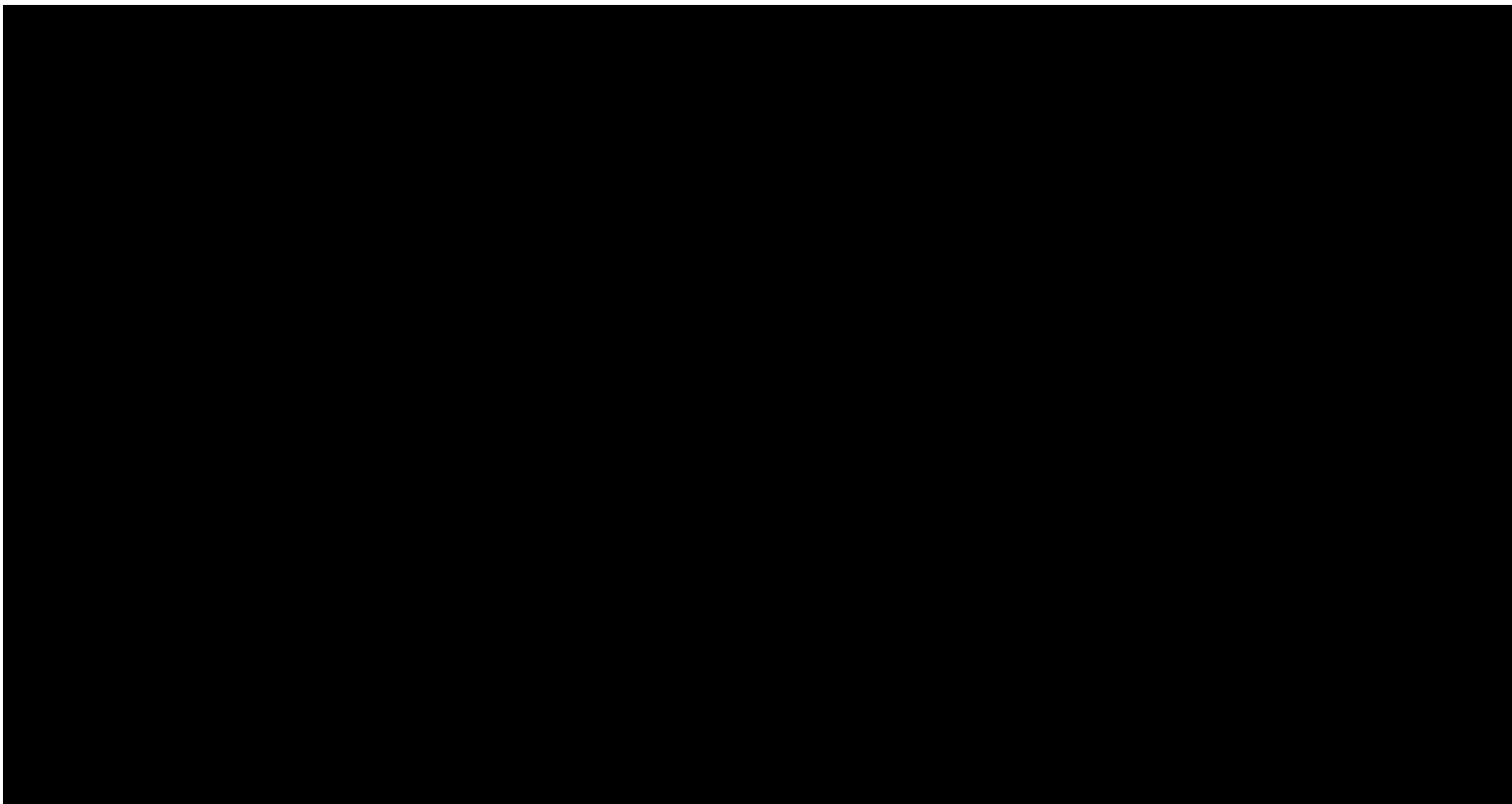
The Owner/Applicant/Agent agrees that the information recorded in this Minor Variance Application Form is accurate. The Owner/Applicant/Agent agrees that representatives of the Township, Public Health and, where applicable, the appropriate Conservation Authority, may enter onto the subject property for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

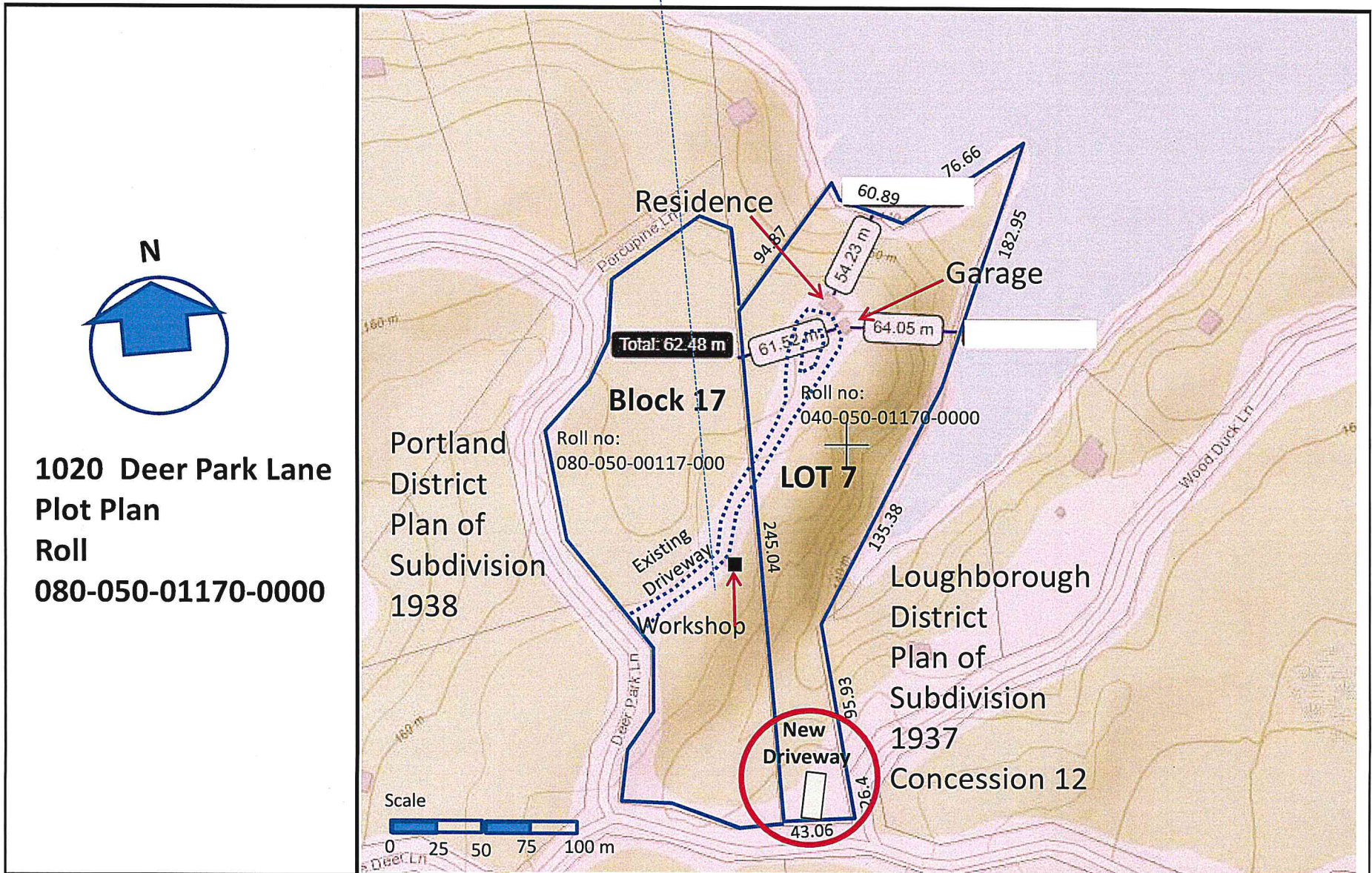
Without limiting the foregoing, such fees and expenses shall include the fees and expenses of consultants, planners, engineers, lawyers and such other professional and technical advisors as the municipality may, in its absolute discretion acting reasonably, consider necessary or advisable to more properly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



# 1020 Deer Park Lane – Legal Non-conforming Uses Block 17- Woodlot Workshop & Access to Lot 7

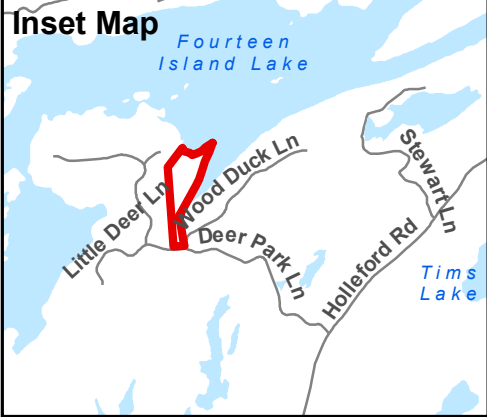


# 1020 Deer Park Lane – Application for Minor Variance Over height Accessory Garage Building



# 1020 Deer Park Lane – Application for Minor Variance Over height Accessory Garage Building











**MV-46-19-L  
JEFFERIES**

**1020 DEER PARK LANE**

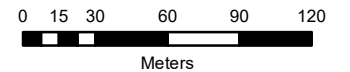
**Legend**

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

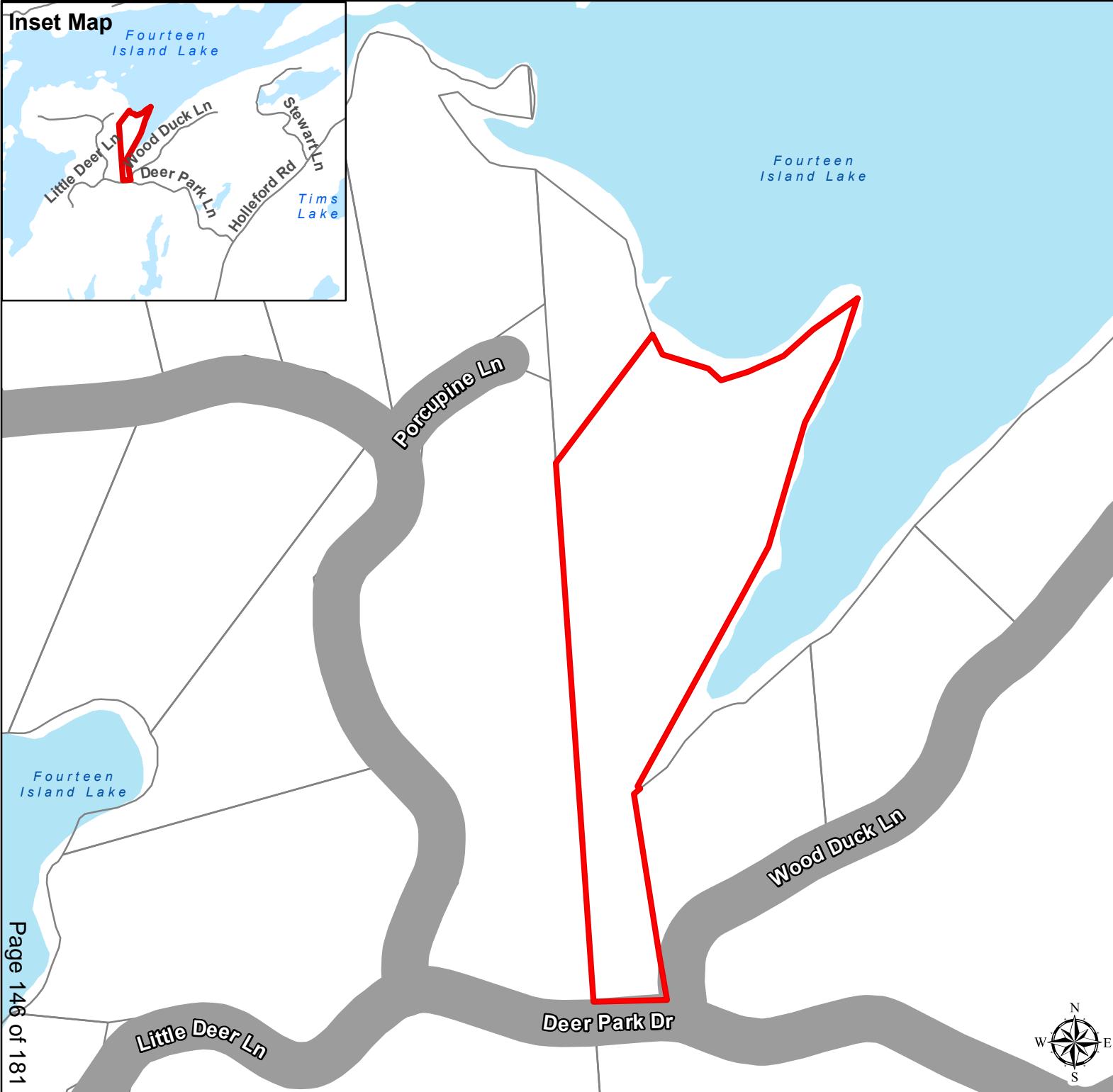
Produced by the Township of South Frontenac under license with the Ontario Ministry of Natural Resources © Queen's Printer for Ontario, 2015.

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 1:3,143




UTM Projection NAD 83





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>

<b>To:</b>	Michelle Hannah, Secretary-Treasurer Committee of Adjustment, Township of South Frontenac PO Box 100, 4432 George Street Sydenham, Ontario KOH 2T0
<b>Application Number:</b>	MV-46-19-L
<b>Type of Application or Proposal:</b>	Minor Variance
<b>Applicant Name(s):</b>	Jefferies, David & Gail
<b>Location:</b>	Part Lot 1, Concession 12; Lot 7 on Plan 1937 1020 Deer Park Lane Former Loughborough Township
<b>Planning Department or Agency:</b>	Township of South Frontenac (Loughborough)
<b>Comments:</b>	KFL&A Public Health has no objections to the proposed minor variance.
<b>Inspector:</b>	 Matthew Doyle, CPHI(C), Public Health Inspector
<b>Date:</b>	March 25, 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



## MINOR VARIANCE – PLANNING REPORT

**Report Date:** June 4, 2020

**Application No:** MV-46-19-L

**Owner:** David & Gail Jefferies

**Location of Property:** Part Lot 1, Concession 12, being Part 7 on Plan 1937, District of Loughborough, Township of South Frontenac, municipally known as 1020 Deer Park Lan, Fourteen Island Lake

**Purpose of Application:** To vary Section 10.3.2 of the Township of South Frontenac Zoning Bylaw

**Date of Hearing:** June 11, 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 (height)

<b>Official Plan Designation:</b> Rural	
<b>Zoning:</b> RLSW-27	<b>Zoning Relief Requested:</b>
<b>Section 10.3.2:</b> RLSW Zone	<b>Relief:</b> To recognize the height of an existing accessory building (detached garage) with a height of 9.45 metres (31 feet), whereas the Zoning By-law limits the height of an accessory building to be a maximum of 6 metres (19.7 feet).

### Proposal

An application for minor variance has been received, to recognize the height of an existing two-storey detached garage of 9.45 metres (31 feet), whereas the maximum permitted height of an accessory building in the Limited Service Residential Waterfront (RLSW-27) zone is 6 metres (19.7 feet).

The subject property is located off Deer Park Lane, on Fourteen Island Lake. The existing single detached dwelling and detached garage are situated well back from the lake, at approximately 54 metres (177 feet) and 64 metres (210 feet), respectively. There is a steep slope down to the waterfront.

By-law 2020-20, being a By-law to deem Lot 7, Plan of Subdivision 1937, District of Loughborough, and Block 17, Plan 1938, District of Portland not to be a registered plan of subdivision to facilitate the merging of lands that have been used and developed as a single property for a period greater than eight years, was passed by Council on April 14, 2020. The effect of the By-law was to allow the Jefferies to continue the use of their property as one parcel, in conformity with the Zoning By-law, with the exception of this minor variance application to recognize the construction of a detached garage at



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



a height of 9.45 metres (31 feet). The existing detached garage was constructed by an owner previous to the Jefferies without the benefit of a building permit. It was constructed with a washroom and bedroom on the second storey. The Jefferies intend to remove the bedroom to be in compliance with Zoning, which does not permit a secondary suite above the garage. The Jefferies are trying to bring an existing non-complying situation into conformity by acquiring a minor variance for the height of the structure.

## Agency Analysis and Comments

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

Building Department – The Building Department has advised that a building permit was not originally obtained for the detached garage and has also advised on the requirements to obtain one.

KFL&A Public Health – KFL&A Public Health was circulated on the application because there is a washroom on the second storey of the detached garage. Correspondence from KFL&A Public Health was received January 27, 2020 indicating that a site inspection would be postponed until weather conditions improved. Subsequent correspondence was received March 25, 2020 indicating that KFL&A Public Health has no objections to the proposed minor variance application.

Quinte Conservation Authority – Given the location and scope of the proposed development, Quinte Conservation Authority 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:

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 variances conforms to the general intent and purpose of the Official Plan as the existing detached garage is consistent with the permitted residential use of the property, within the Rural Area designation, which contemplates dwellings and accessory buildings. Furthermore, the existing detached garage is located well back from Fourteen Island Lake, outside the setback from the high water mark.



## REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



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, which requires that building height not exceed 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 performance standards of the RLSW-27 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, does not exceed the maximum permitted lot coverage of 5% and is not larger than the principal dwelling. The detached garage is setback 64 m (210 feet) from the lake

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 the existing detached garage is accessory to the existing single detached dwelling. It is located a suitable distance from property lines, far exceeding the setback requirements for an accessory structure in the RLSW-27 zone, including the minimum setback from the high water mark of Fourteen Lake of 45 metres. There are no immediate neighbours that are affected. Furthermore, there is no new development related to this application. The minor variance is required to recognize an existing condition.

Is the application minor?

- The variance is minor as it does not cause any negative impacts as a result of its size and location on the subject property. The existing detached garage does not exceed the maximum lot coverage for accessory structures and meets all setback requirements. The subject property has a total area of 6.47 hectares (16 acres) and there are no immediate neighbours. Furthermore, the garage is located approximately 64 metres (210 feet) away from Fourteen Island Lake.

### Review

This application:

- ✓ Is consistent with the Provincial Policy Statement (s. 3(5) *Planning Act*);
- ✓ Conforms to the general intent and purpose of the County of Frontenac Official Plan;
- ✓ Conforms to 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.



## REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



### Conclusion

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-46-19-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. A building permit be obtained for the accessory structure (detached garage).
2. A building permit is required for ALL construction on the property. There shall be no additional development, or demolition of existing structures, on the property without the approval from the Township of South Frontenac.
3. Minor variance MV-46-19-L is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.

**Submitted by:** Tess Gilchrist, MCIP RPP, Consulting Planner, Township of Frontenac

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

**Date of Site Visit:** January 28, 2020

**Attachments:** Map of the Jefferies' property

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

Date Received: January 8, 2020

File No: MV-01-20-L

1. Name of Owner(s): BRADLEY LEONARD & STEPHANIE LEONARD

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: 8 Lot Number: 1

Street Number: 1004 Name of Road/Street: GOSLIN LANE

Reference Plan Number: 13R 2250 Part Number(s): 1, 2, 5

Roll Number: 040 - 020 - 15100 - 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): 160 Feet      Frontage (on road/lane): 387 Feet  
Depth: Irregular ~ 198 Feet      Area: 1.047 acres

5. The current zoning of the subject land:

RLSW

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

We would like to add an addition to the rear & side of the existing principal building. We would also like to raise the height by a few feet. This would all be within 30 meters of the high water mark.

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

We are seeking a variance to add to the existing building that is located within 30 meters of the high water mark. The proposed addition would not be closer to the water.

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

Name of Road/Lane:

GOSLIN 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.

Not Applicable

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

Residential Cottage

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

Yes     No

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

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

Type of Structure (E.g. residence)	(1)	(2)	(3)	(4)
	Cottage	Garage	Decks/Docks	
Setback from Front Lot Line	± 53 feet	± 105 feet	At the Water	
Setback from Rear Lot Line	± 62 feet	± 70 feet	± 42 feet	
Setback from Side Lot Line	± 32 feet	± 40 feet	± 22 feet	
Height of Building (Also indicate if it is one story or two story)	ONE STORY ± 16 feet	ONE STORY	N/A	
Dimensions of Floor Area	960 square feet	625 square feet	All Decks & Docks ± 1700 square feet	
Setback from High Water Mark (If applicable)	± 53 feet	± 105 feet	At the Water	

13. The proposed uses of the subject land:

Residential

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

Yes       No

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

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

Type of Structure (E.g. residence)	(1) Addition	(2) Shed	(3) Cottage	(4)
Setback from Front Lot Line	± 73 feet	± 200 feet	± 53 feet	
Setback from Rear Lot Line	± 50 feet	17 feet	± 62 feet	
Setback from Side Lot Line	12 feet	± 40 feet	± 32 feet	
Height of Building (Also indicate if it is one story or two story)	± 20 feet SINGLE STORY	± 20 feet SINGLE STORY	± 20 feet SINGLE STORY	
Outside Dimensions of Building/Structure	920 square feet "L" shaped see diagram	25' x 25'	960 square feet (20' x 24' + 16' x 30')	
Setback from High Water Mark (If applicable)	± 73 feet	± 200 feet	± 53 feet	

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:

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:

We are adding a new roof & Cathedral Ceiling

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:

JANUARY 6<sup>th</sup>, 2020

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

Cottage 1950's, Addition 1996, Garage 1990's

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

It has been a cottage for approximately 70 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 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 sewage system

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

Natural drainage

**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.

---

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.

In 1996 minor variance was granted

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.

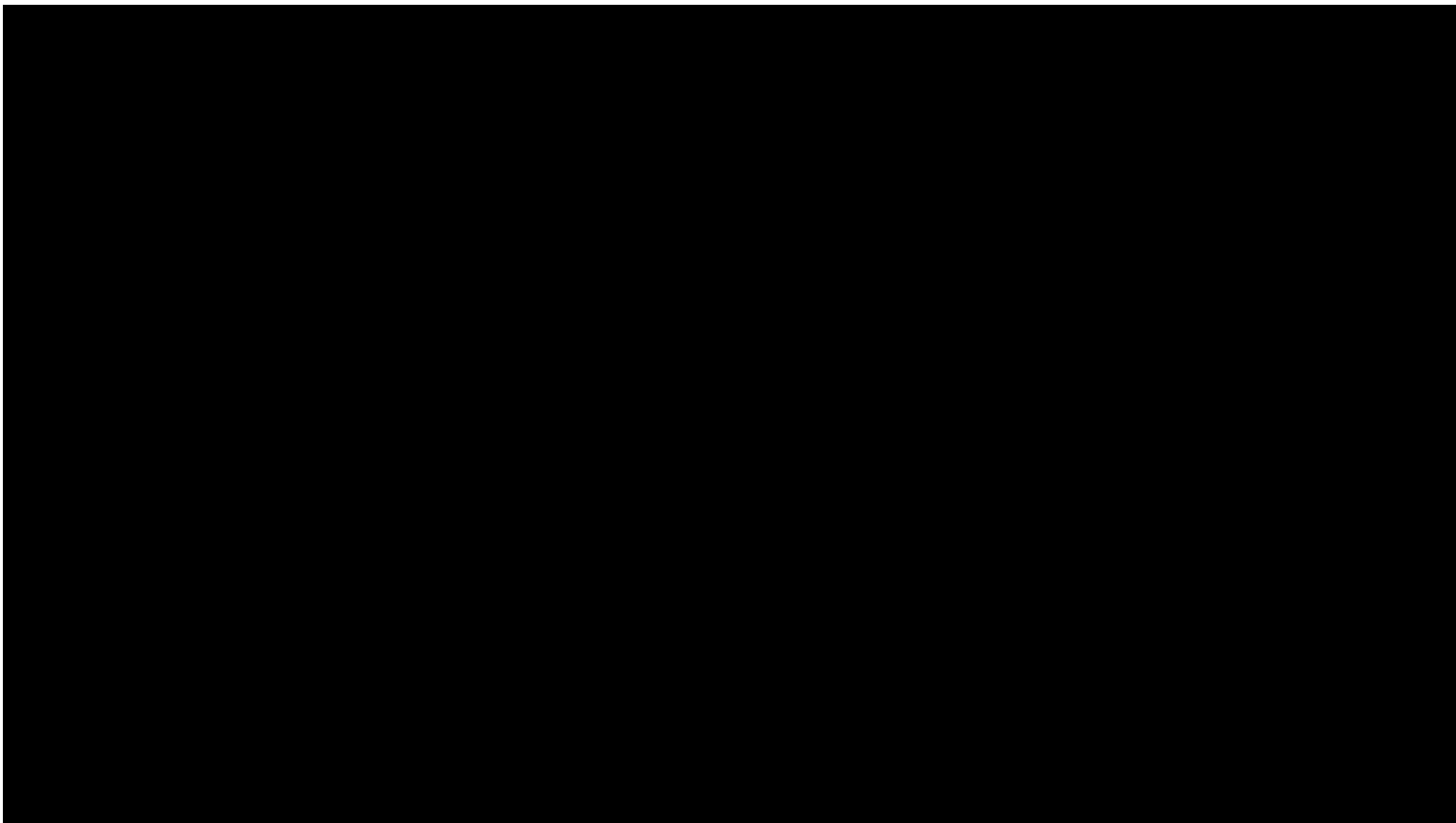
The Owner/Applicant/Agent agrees that the information recorded in this Minor Variance Application Form is accurate. The Owner/Applicant/Agent agrees that representatives of the Township, Public Health and, where applicable, the appropriate Conservation Authority, may enter onto the subject property for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

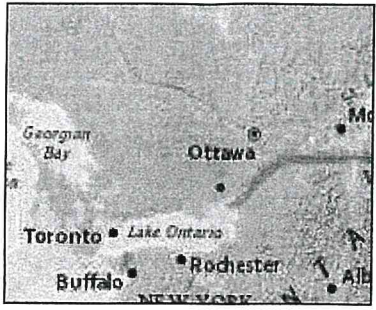
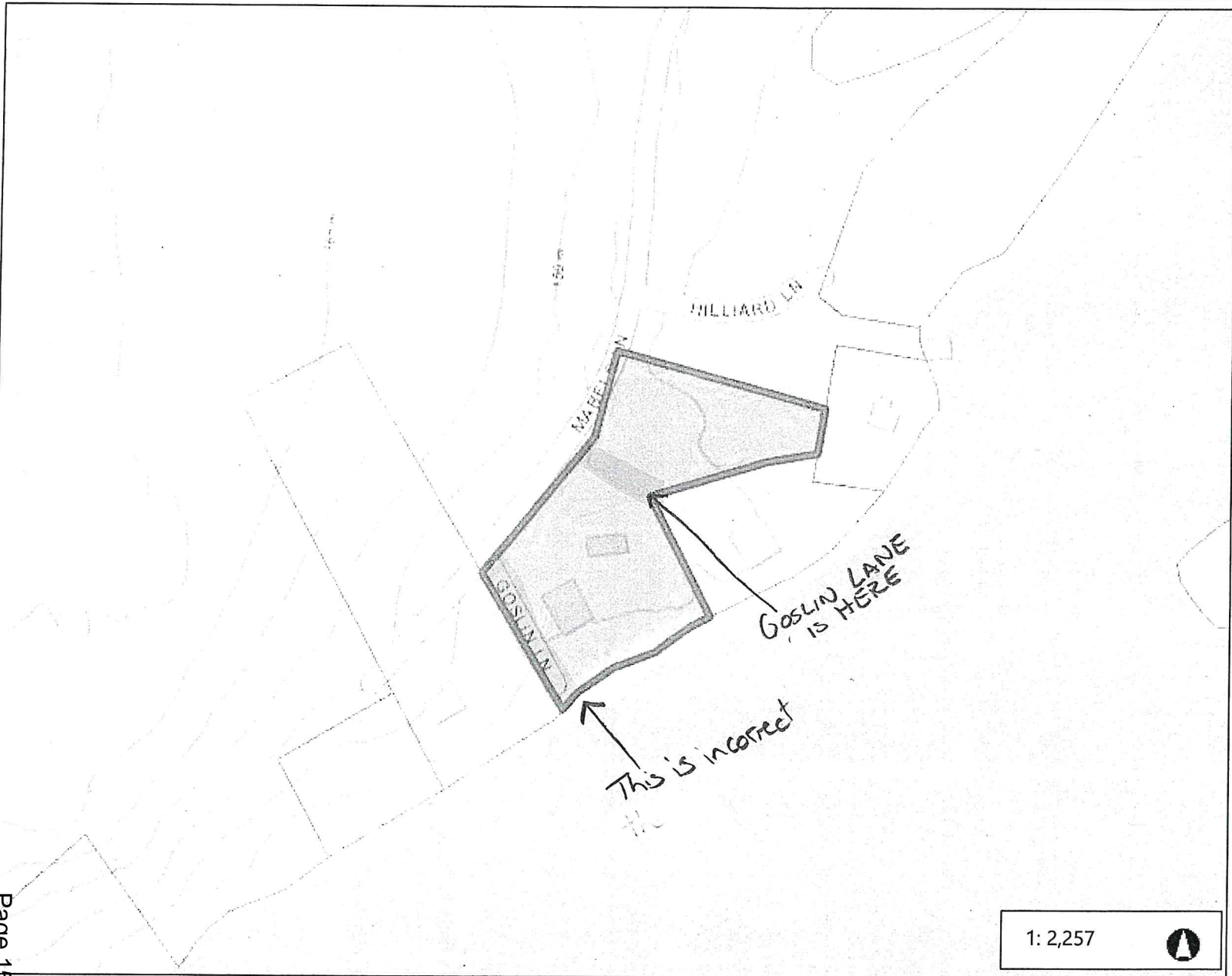
The Owner/Applicant/Agent agrees to reimburse and indemnify the municipality for all fees and expenses incurred by the municipality to process the application, including any fees and expenses attributable to proceedings before the Ontario Municipal Board or any court or other administrative tribunal 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:



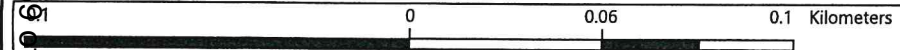


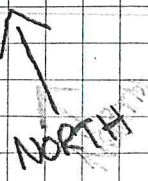
**Legend**

- Assessment Parcels
- Citations

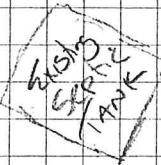
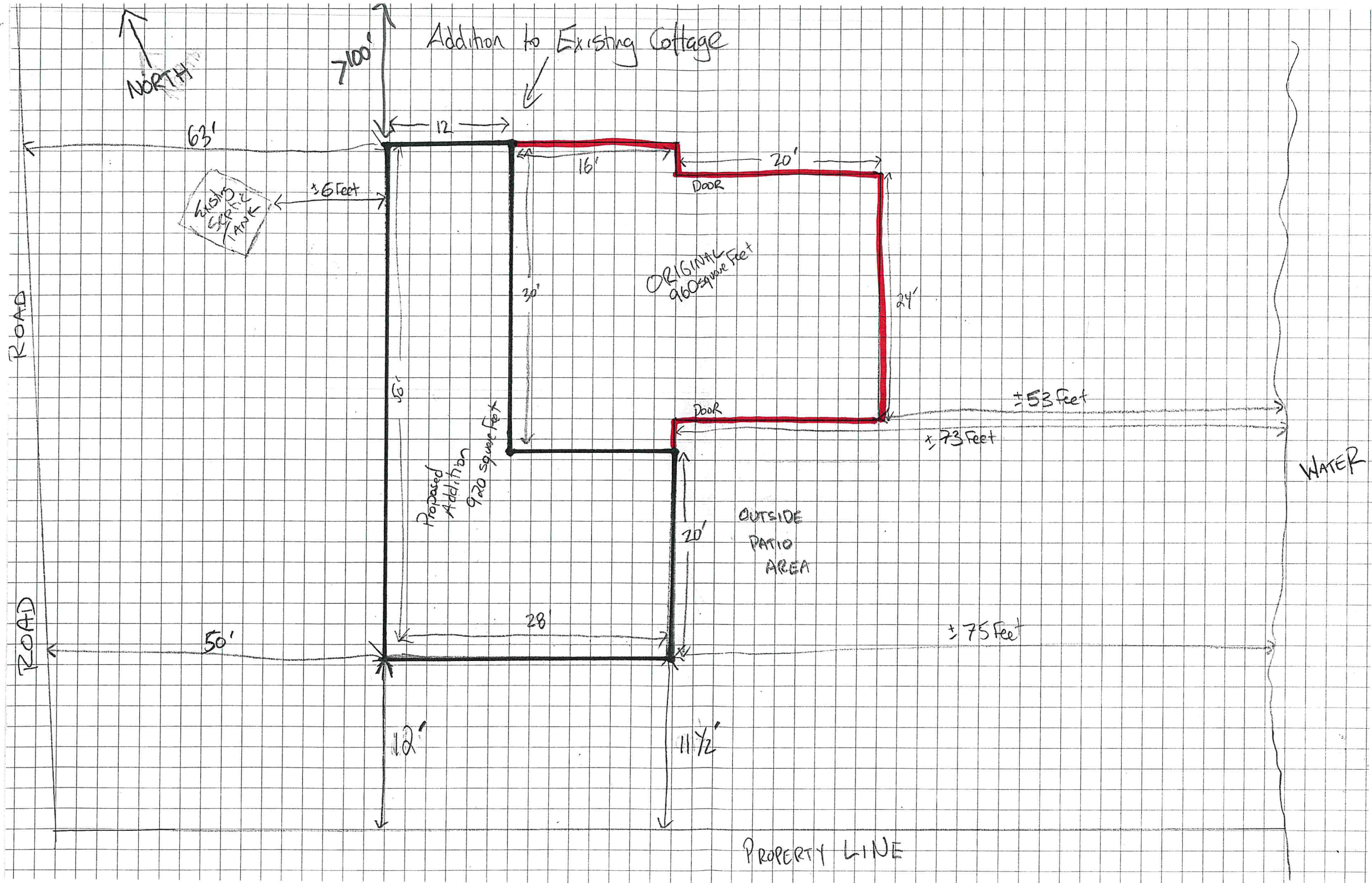
Notes

1: 2,257





Addition to Existing Cottage



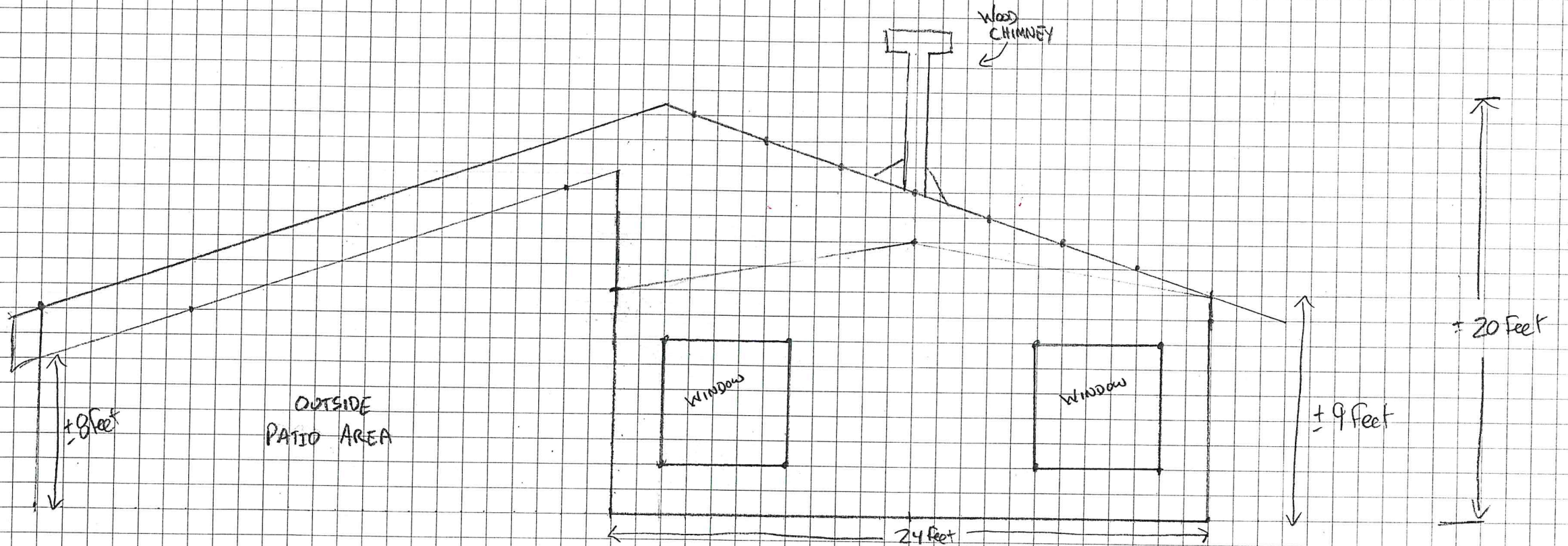
ORIGINAL  
960 square feet

Proposed  
Addition  
920 square feet

OUTSIDE  
PATIO  
AREA

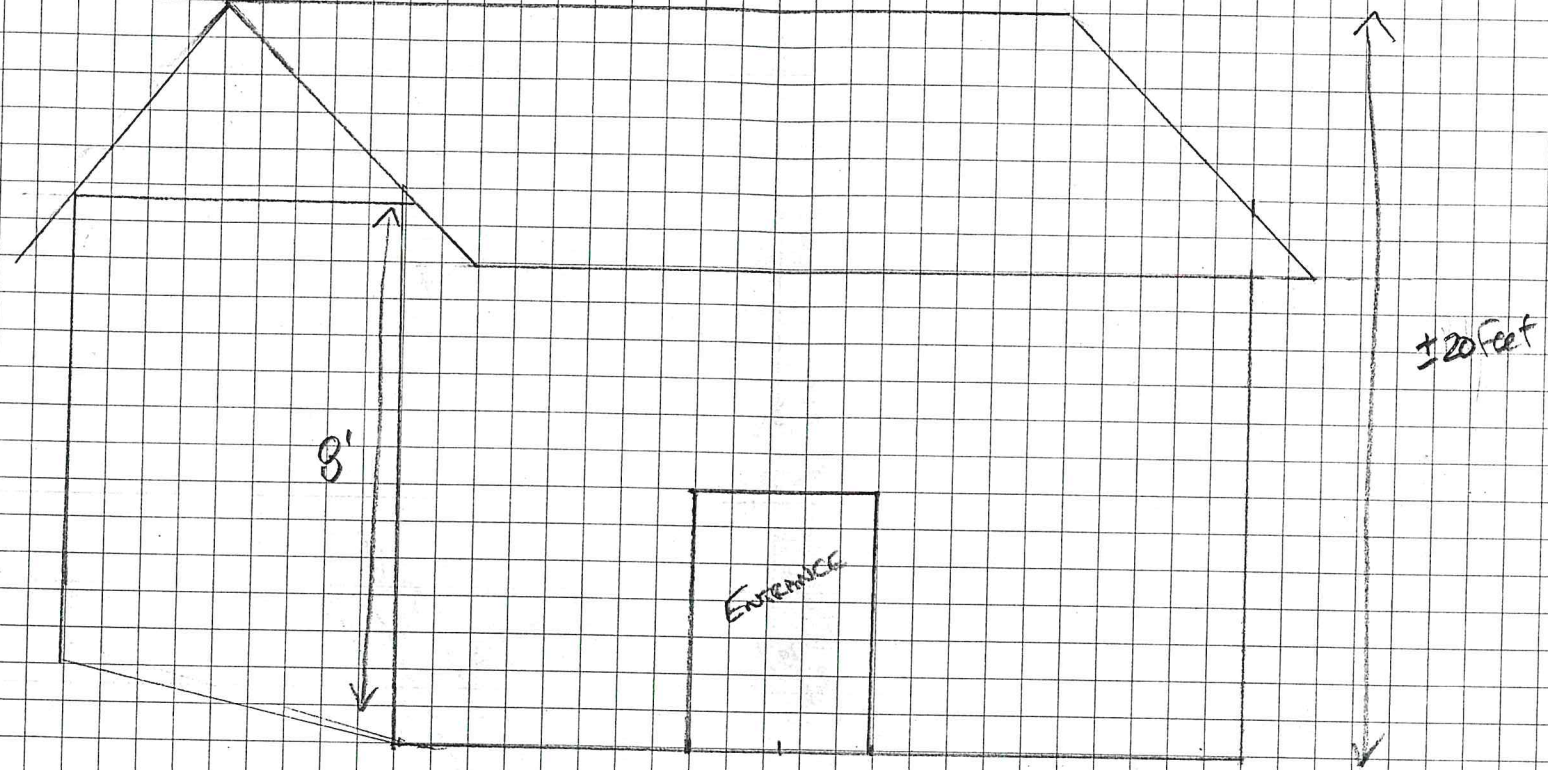
PROPERTY LINE

①



FRONT OF RESIDENCE

ELEVATION OF SHED

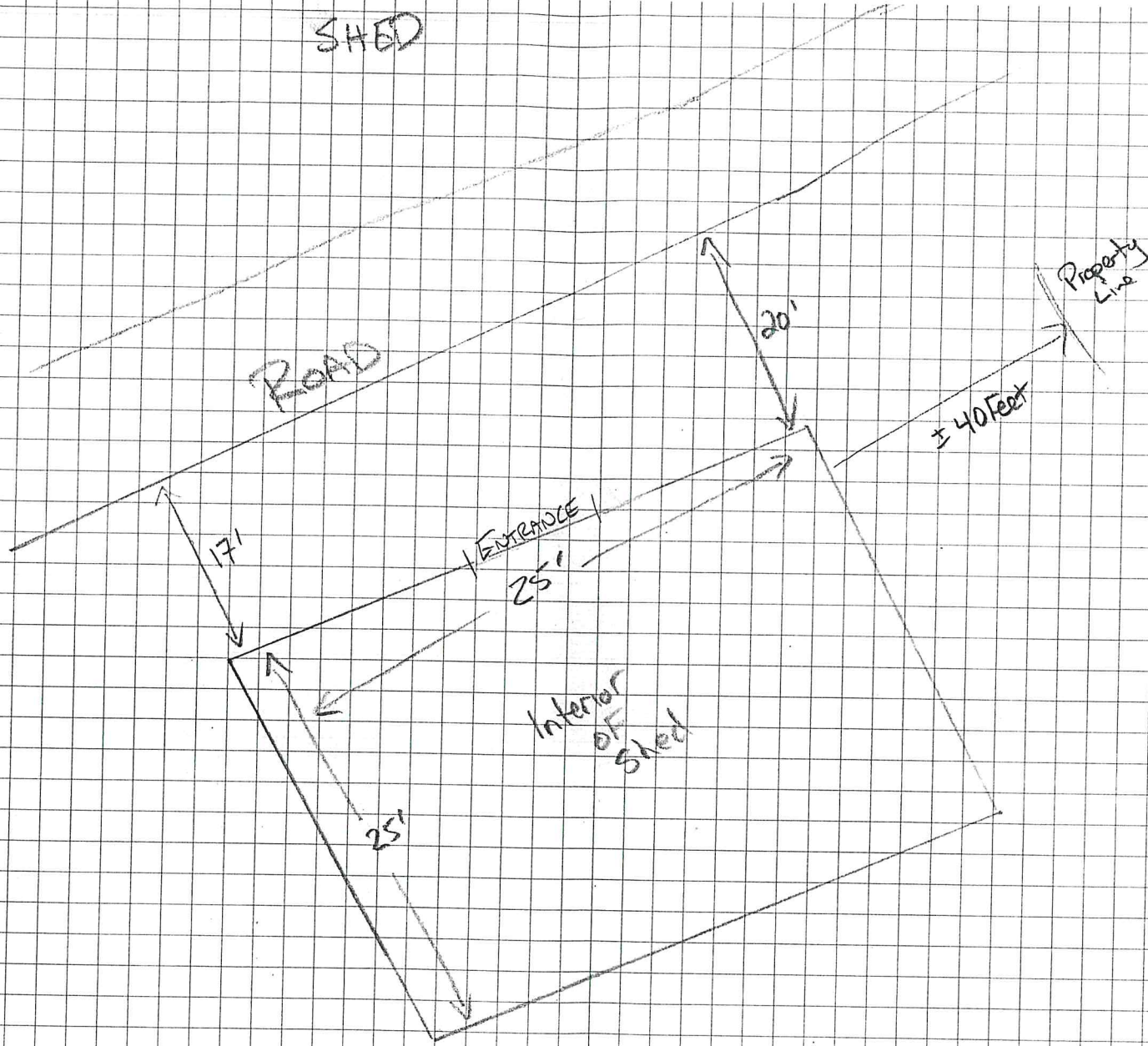


SHED

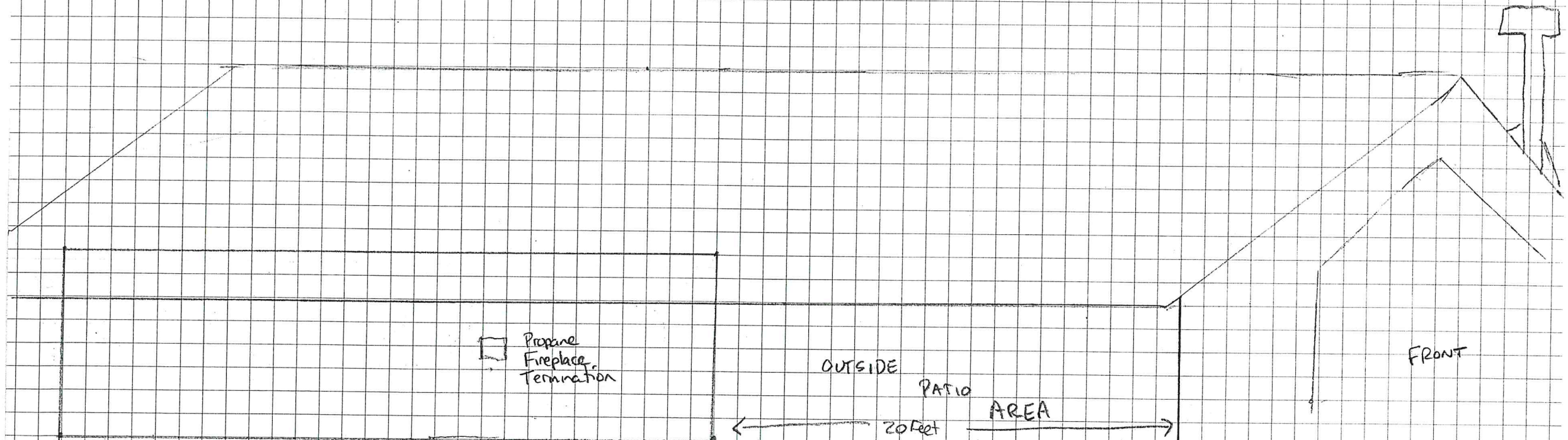
ROAD

Property Line

NORTH

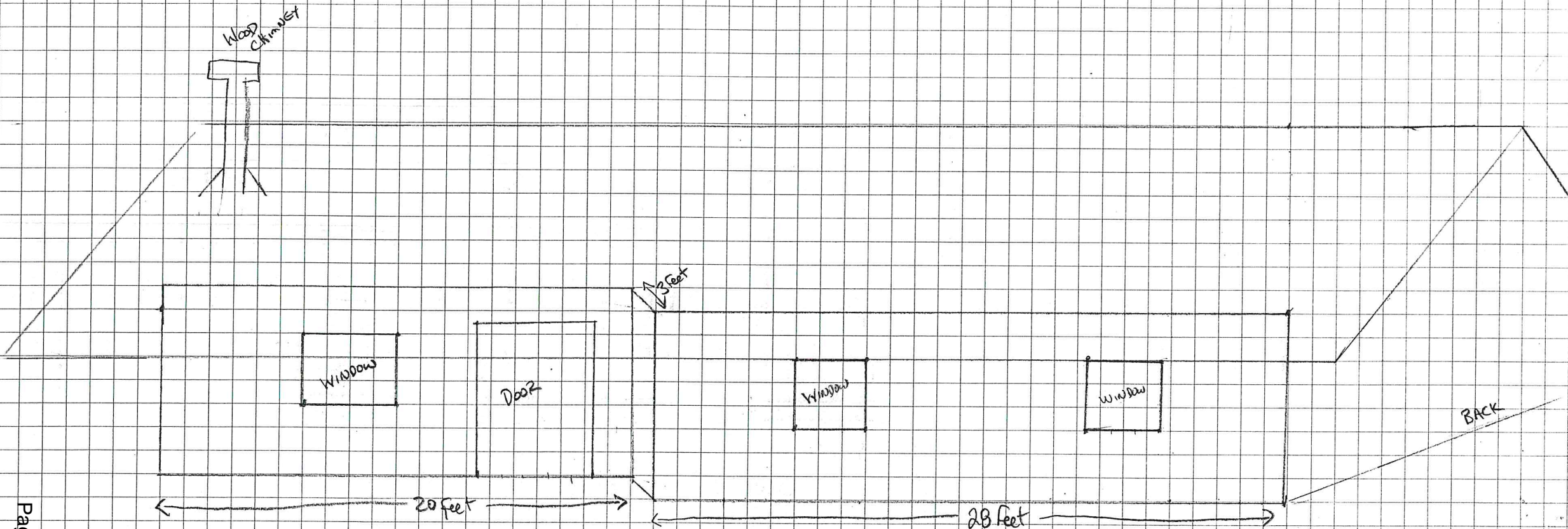


①



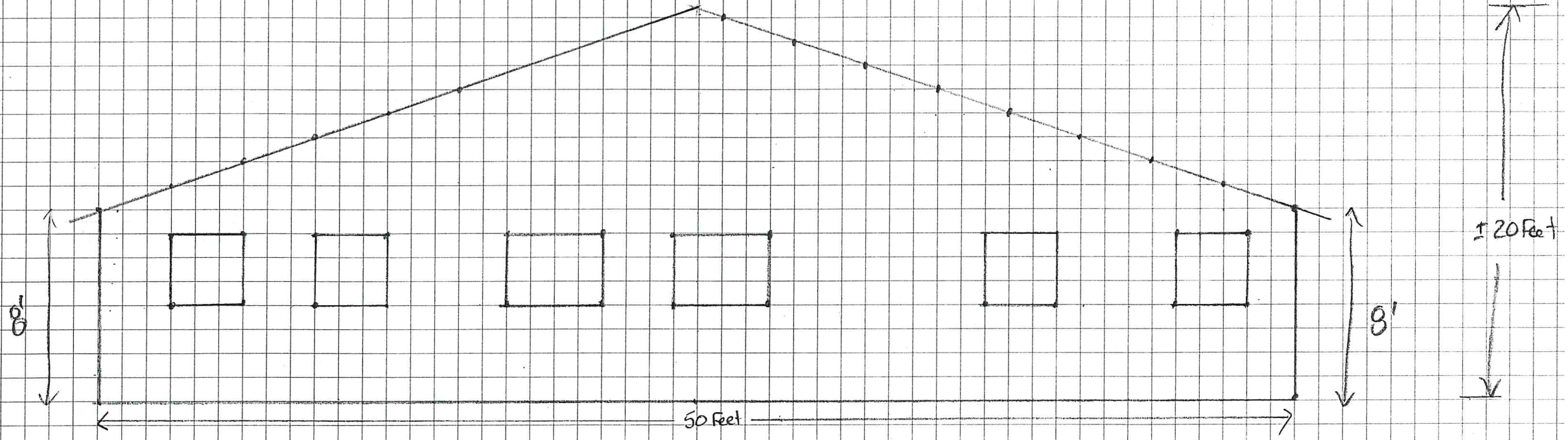
WEST SIDE OF RESIDENCE

1 of 2



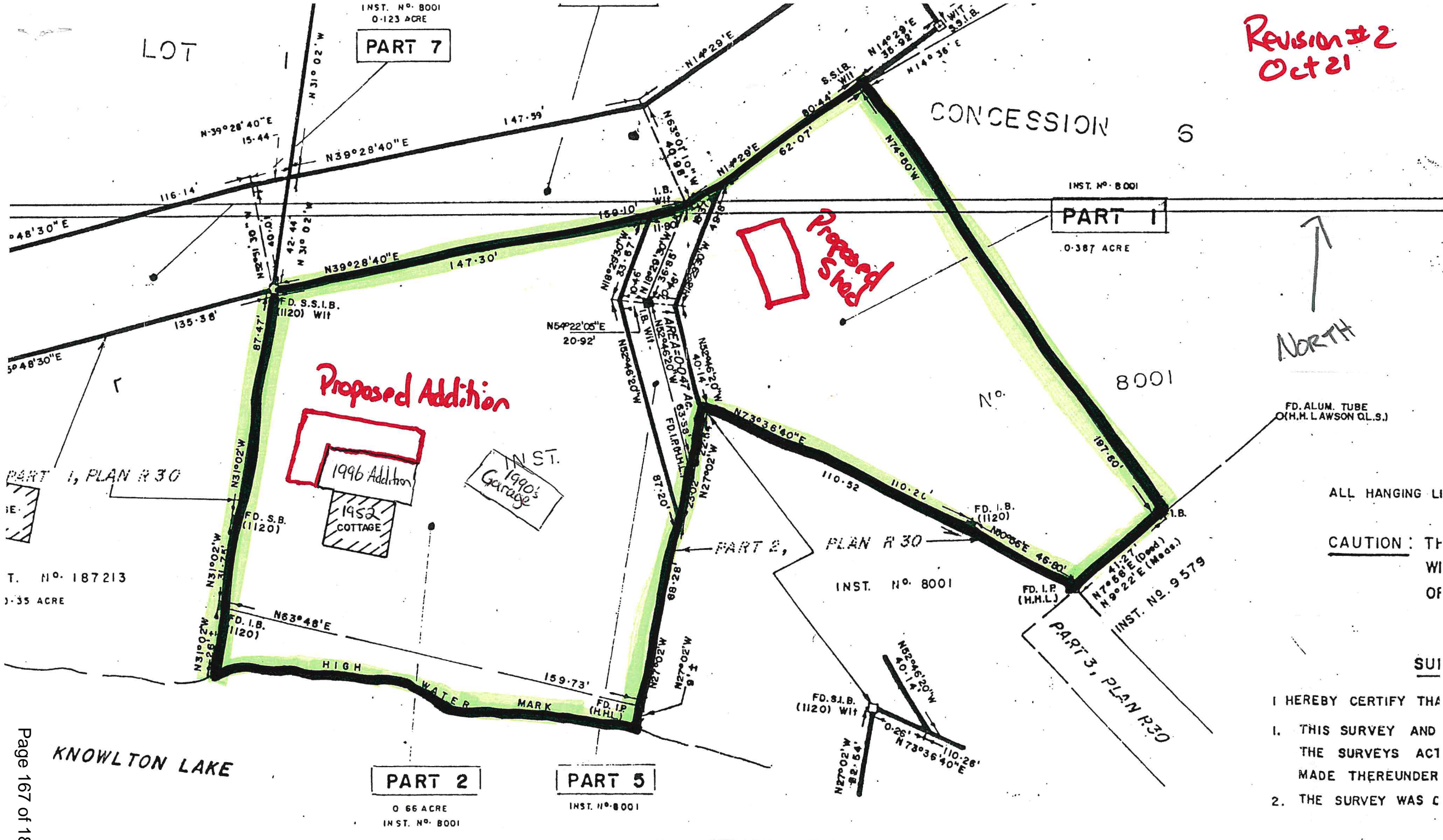
EAST SIDE RESIDENCE

142



BACK OF RESIDENCE

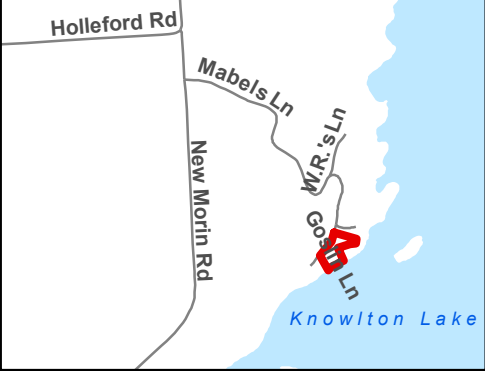
Revision #2  
Oct 21



ALL HANGING LI  
CAUTION: TH  
WI  
OF

SUI  
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1. THIS SURVEY AND  
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MADE THEREUNDER  
2. THE SURVEY WAS C

**Inset Map**



Mabels Ln

Hilliard Ln

Mabels Ln

Goslin Ln







Knowlton Lake



**MV-01-20-L  
LEONARD**

**1004 GOSLIN LANE**

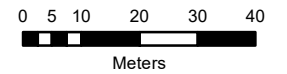
**Legend**

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

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

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

Scale 1:1,300



UTM Projection NAD 83





Ontario Lake Assessments  
& Environmental Education Services

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

6 December 2019

Mr. Brad Leonard  
670 Augusta Drive  
Kingston, Ontario  
K7P 3J3

**REGARDS: Preliminary EIA for application at 1004 Goslin Lane; Plan 13R 2250 (J. Minnes O.L.S.) Lot 1 Concession 8 Loughborough District; South Frontenac Township; Knowlton Lake.**

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Dear Brad Leonard:

Thank you for joining me on a site visit to the above location on November 12, 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.

This property is located on the west shoreline of Knowlton 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 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 Knowlton Lake and in addition the habitats of species at risk (SAR). The SAR locally are Blanding's turtles and the habitats for gray rat snakes. The protective measures 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 warm summer period. Through in situ water quality monitoring and lake modelling, Knowlton 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

.... 2

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 front of the existing cottage, exclusive of a large deck, is 22.8 m (75 ft) from the water; the cottage is surrounded by decks on all sides. The area between the front wall of the cottage and the lake consists of decks and wooden retaining walls creating terraces down to the water where another deck continues to the edge of the lake. There are two access points leading from the top deck down the slope to the bottom deck. An existing detached garage and car-port combination is located to the north side of the cottage in a backslope area. The entire cottage lays within 30m (100 ft) of the lake.

The property on the north side of the cottage is mostly natural and impacted to a much lesser degree. The property on the south side has much of the understory removed and contains a couple of mature large cedar trees that will have to be removed to accommodate this proposed addition. The cottage is situated close to the south lot line. The KFLA approved septic system (1996) is located >30m from the lake on the west side of the 960 ft<sup>2</sup> cottage (exclusive of attached decks). The cottage contained three bedrooms at the time of the septic approval in 1996.

**The Proposal:** The proposal is to create an addition to the cottage on the west and south sides; the 920 ft<sup>2</sup> addition will lay entirely within the 30m setback. It should be recognized that in order to accommodate the addition, the existing footprint of 415 ft<sup>2</sup> of decking will be removed. The new addition will really only impact 505 ft<sup>2</sup> of new building envelope. The proposal will not increase the number of bedrooms but will allow for a reconfiguration of living space and a conversion to a permanent home.

Included in the proposal is a 25 x 25 ft<sup>2</sup> detached garage for off season storage. The location of this proposed building envelope is not an environmental concern.

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

Regarding nutrient loadings, a change from seasonal to permanent residence will result in an increase in nutrient supply to the septic system and one could assume an increase in nutrient migration away from the septic bed. The potential increase in nutrient migration may be offset by including a shoreline remediation effort in front of the cottage that would include removal of the wooden break walls and terraces down gradient of the upper deck and re-naturalization of the shorefront with native trees and shrubs. In time, these trees will act to intercept and sequester nutrient movement toward the lake into their biomass.

This proposal does not include any in-water or near-shore work; it does not include filling, excavating or drainage works near the water.

....3

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

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

Respectfully yours,

A handwritten signature in black ink, appearing to read 'R. Genge', with a long horizontal flourish extending to the right.

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

Copy to:

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



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>

<b>To:</b>	Township of South Frontenac, Planning Department 4432 George Street Sydenham ON K0H 2T0
<b>Application Number:</b>	MV-01-20-L
<b>Type of Application or Proposal:</b>	Minor Variance
<b>Applicant Name(s):</b>	Leonard, Brad
<b>Location:</b>	Lo 1, Concession 8, Loughborough District – 1004 Goslin Lane
<b>Planning Department or Agency:</b>	Township of South Frontenac (Loughborough)
<b>Comments:</b>	KFL&A Public Health has no objections to the minor variance. Performance review LO-2-20 has been approved
<b>Inspector:</b>	 Gord Mitchell, CPHI(C), Public Health Inspector
<b>Date:</b>	March 18, 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.

May 14, 2020

File: MV/FRS/17/2020

**Sent by E-mail**

Ms. Claire Dodds  
Township of South Frontenac  
P.O. Box 100  
Sydenham, Ontario  
K0H 2T0

Dear Ms. Dodds:

**Re: Application for Minor Variance MV-01-20-L (Leonard)  
Part Lot 1, Concession 8; 1004 Goslin Lane  
Loughborough District, Township of South Frontenac  
Waterbody: Knowlton 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 an addition onto an existing dwelling 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 22.25 metres in order to permit the construction of an addition.

**Site Description**

The property is located on the western shore of Knowlton Lake. The topography of the site can be characterized as having a relatively steep embankment at the shoreline, then rising slowly toward the location of the existing building. Presently, the lot has a mixture of wooded and open areas.

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



Frontenac Township. Knowlton Lake is designated as a highly sensitive Lake Trout lake in the Official Plan for South Frontenac Township.

## **Discussion**

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

### Natural Hazards

**Flooding:** Cataraqi Conservation does not have floodplain information for Knowlton Lake. However, based upon a review of Lidar elevation mapping, the flood plain is not anticipated to extend inland further than the 2.5 metre high slope adjacent to the shoreline. Cataraqi 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. 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:** Cataraqi Conservation defines the extent of potential erosion hazards to include an allowance for toe erosion, a stable slope allowance for till shorelines of 3 (vertical):1 (horizontal), plus an erosion access allowance of 6 metres. Based upon a review of Lidar elevation mapping, staff estimate the total erosion hazard to be approximately 12.6 metres measured inland from the toe of slope. The proposed development will be located outside of the erosion hazard allowance. Therefore, staff have no concerns with the proposal from an erosion hazard perspective.

### Water Quality

Section 2.2 of the Provincial Policy Statement (PPS) suggests that planning authorities should seek to protect, improve or restore the quality and quantity of water. Accordingly, the Official Plan and Zoning By-law for the Township of South Frontenac provide guidance with respect to how development should occur in consideration of protecting, improving and restoring water quality within the municipality. Similarly, the Cataraqi 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 opportunities for development are somewhat constrained due to the configuration of the lot and the location of the septic system. 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.

In the opinion of staff, the proposed addition will be located in an appropriate location, the size of the footprint is reasonable, and the proposal meets the maximum lot coverage provisions. *Staff recommend that roof runoff be directed away from the shoreline of Knowlton Lake.*

Also, as noted above, Buck Lake is identified as a highly sensitive Lake Trout lake, and as such, the waterbody is afforded additional protection to ensure development does not negatively impact the water quality of the lake. Section 5.2.8 of the Official Plan suggests all development or site alterations proposed within 30 metres of the highwater mark of a designated Lake Trout lake requires the submission of an Environmental Impact Assessment (EIA) and that a Lake Impact Assessment may also be required.

The applicant has provided a preliminary EIA in support of the application (Ontario Lake Assessments, December 6, 2019). The EIS notes that 415 square feet of decking will be removed so that the new addition will only occupy 505 square feet of land. The EIA suggests that there are no anticipated impacts to species at risk and concludes that the development will not cause a measurable impact on Knowlton Lake. Staff concur with the findings of the preliminary EIA.



## Recommendation

Staff have no objection to the approval of application MV-01-20-L based on our consideration for natural hazard, natural heritage and water quality policies. *Staff recommend that roof runoff be directed away from the shoreline of Knowlton Lake which can be addressed through site plan control.*

## Ontario Regulation 148/06

The CRCA, under Ontario Regulation 148/06: *Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses*, regulates development (construction, filling, and site alteration) within 30 metres of the highwater mark of Knowlton Lake. Since the proposed development is within 30 metres of the highwater mark, a permit will be required from Cataraqwi Conservation 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](mailto:aschmidt@crca.ca).

Yours truly,

*Andrew Schmidt*

Andrew Schmidt  
Supervisor, Development Review

/as

c.c. Michelle Hannah, South Frontenac Township (via e-mail)  
Brad Leonard, Applicant (via e-mail)  
Jon Orpana, Ministry of Environment, Conservation and Parks (via e-mail)



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



## MINOR VARIANCE – PLANNING REPORT

**Report Date:** June 4, 2020

**Application No:** MV-01-20-L

**Owner:** Bradley & Stephanie Leonard

**Location of Property:** Part Lot 1, Concession 8, Parts 1, 2 & 5 on Plan 13R2250, District of Loughborough, Township of South Frontenac, municipally known as 1004 Goslin Lane, Knowlton Lake

**Purpose of Application:** To vary Sections 5.8.2 a), 5.10.2 & 10.3.1 of the Township of South Frontenac Zoning Bylaw

**Date of Hearing:** June 11, 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

<b>Official Plan Designation:</b> Rural	<b>Knowlton Lake – At Capacity Trout Lake</b>
<b>Zoning:</b> Limited Service Residential Waterfront Zone (RLSW)	<b>Zoning Relief Requested:</b>
<b>Section 5.8.2 a):</b> Flooding and Shoreline Erosion Hazards	<b>Relief:</b> To permit the construction of an addition with a highwater mark setback of 22.2 metres (73 feet), whereas the Zoning By-law requires a 30 metre (98.4 feet) setback from the highwater mark for all buildings and structures.
<b>Section 5.10.2:</b> Existing Buildings within 30 Metres of a Waterbody	<b>Relief:</b> To permit the enlargement (footprint and height) of a non-complying structure, in this case an existing detached dwelling, with a highwater mark setback of 16.1 metres (53 feet).
<b>Section 10.3.1:</b> Highwater mark setback	<b>Relief:</b> To permit the construction of an addition to an existing single detached dwelling with a highwater mark setback of 22.2 metres (73 feet), whereas the Zoning By-law requires a 30 metre (98.4 feet) setback from the highwater mark for all buildings and structures.

## Proposal

An application for minor variance has been received, to permit the construction of an 85.5 metre<sup>2</sup> (920 feet<sup>2</sup>) L-shaped addition to the rear of the existing 89.2 metres<sup>2</sup> (960 feet<sup>2</sup>) waterfront cottage and to permit an increase in height to the existing cottage in order to replace the existing roof with a new pitched roof. The proposed setback from the new addition to the highwater mark is 22.2 metres



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



(73 feet), and the setback of existing cottage to the waterbody is 16.1 metres (53 feet). The proposed location and configuration of the addition is partially due to the location of the existing septic system on the north side of the cottage, adjacent to the driveway and existing detached garage. The addition would allow for the reconfiguration of interior living space and conversion to a year round residence. The applicant also intends to construct an accessory structure (shed), but the proposed location complies with zoning.

The subject property is located off Goslin Lane, at the end of Mabels Lane, on Knowlton Lake.

## 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, should the application be approved.

KFL&A Public Health – Subsequent to correspondence dated January 27, 2020 indicating site inspections would be delayed until weather conditions improved, in their correspondence dated March 18, 2020, KFL&A Public Health had no objections to the minor variance and a septic system performance review LO-2-20 has been approved.

Cataraqui Region Conservation Authority – In their correspondence dated May 14, 2020, CRCA indicated they concur with the findings of the Preliminary EIA, which was submitted in support of the application. The EIA suggests that there are no anticipated impacts to species at risk and concludes that the development will not cause measurable impact on Knowlton Lake. CRCA staff have no objection to the approval of this application, based on their consideration for natural hazard, natural heritage and water quality policies. CRCA staff recommend that roof runoff be directed away from the shoreline of Knowlton Lake.

Ministry of Environment, Conservation and Parks – Comments received from Ministry of Environment, Conservation and Parks via phone call with the Township's Planning Assistant, Ms. Michelle Hannah, on January 29, 2020 request a Development Agreement on title to address a shoreline planting plan as per the recommendations provided in the Preliminary EIA.

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:

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

1. 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



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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 variances conform to the general intent and purpose of the Official Plan as the proposed development (addition and shed) is consistent with the permitted residential use of the property.
2. 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 16.1 metres (53 feet) from the highwater mark of Knowlton Lake. The proposed addition is located to the rear of the existing dwelling, at the farthest possible setback from the lake, which does not encroach any closer to the highwater mark of Knowlton Lake. The location of the addition is also limited by the existing septic system and detached garage.
3. Section 5.2.8 Lake Trout Lakes identifies Knowlton is 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 applicant provided a Preliminary EIA prepared by Ontario Lake Assessment & Environmental Education Services in support of this minor variance application. The report determined that there are no impacts to species at risk (SAR) as a result of this proposal. In relation to nutrient loadings, the report indicates that a change from seasonal to permanent residence will result in an increase in nutrient supply to the septic system and increased potential for nutrient migration away from the septic bed. The EIA recommends that the potential increase in nutrient migration could be offset by a shoreline remediation effort in front of the cottage. Such an effort would include the removal of the wooden break walls and terraces down gradient of the upper deck and re-naturalization of the shorefront with native trees and shrubs. Such plantings would intercept and sequester nutrient movement toward the lake into their biomass. The report concludes that “the development as proposed, inclusive of remediation recommendations, will not cause a measurable impact on Knowlton Lake and therefore should be considered minor”.



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

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 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. Section 10 of the Zoning By-law details the permitted uses and zone regulations for limited service residential waterfront development.

- The intent of these zoning provisions is to maintain a shoreline buffer of 30 metres in an effort to preserve water quality of the Township's waterbodies and waterways. The proposed variances conform to the general intent and purpose of the Zoning By-law, as the proposed addition is a modest increase on a constrained lot. The existing dwelling is within the 30 metre (98.4 foot) highwater mark setback and, therefore; it is not possible to achieve the highwater mark setback for the addition, despite it being located to the rear of the dwelling.

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 is modest in size and is consistent with the residential use of the property. Given that the dwelling is located on a small, irregularly shaped lot with an existing dwelling and septic system, there is no opportunity to improve the setback of the addition from the highwater mark.

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 shed at the proposed location on the property. The proposed addition is in a reasonable location for its purpose and the increase in potential nutrient migration as a result of converting from a seasonal to a permanent residence will be offset with the proposed shoreline remediation efforts, resulting in the re-naturalization of the shorefront and the enhancement of the waterfront character of the property.

## Review

This application:

- ✓ Is consistent with the Provincial Policy Statement (s. 3(5) *Planning Act*);
- ✓ Conforms to the general intent and purpose of the County of Frontenac Official Plan;
- ✓ Conforms to 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.



# REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



## Conclusion

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-01-20-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 85.5 metre<sup>2</sup> (920 feet<sup>2</sup>) L-shaped addition to the rear of the existing 89.2 metres<sup>2</sup> (960 feet<sup>2</sup>) waterfront cottage to be constructed as per the drawings submitted with MV-01-20-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:
  - A shoreline remediation plan to be prepared for the waterfront on Knowlton Lake. The plan to include the removal of the wooden break walls and terraces down gradient of the upper deck and re-naturalization of the shorefront with native trees and shrubs, to intercept and sequester nutrient movement toward the lake. The shoreline remediation plan shall be reviewed by the Township, in consultation with the Conservation Authority, prior to the issuance of an occupancy permit under the Ontario Building Code. The shoreline remediation plan shall be installed/completed within 6 months of an occupancy permit being issued for the construction proposed in MV-01-20-L.
  - Roof runoff be directed away from the shoreline of Knowlton Lake.
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-01-20-L is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.

**Submitted by:** Tess Gilchrist, MCIP RPP, Contract Planner, Township of South Frontenac

**Approved by:**

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

**Date of Site Visit:** January 28, 2020

**Attachments:** Map of the Leonard property