

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

TIME: 7:00 PM,
DATE: Thursday, November 12, 2020
PLACE: Virtual via Zoom.

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 in the attached document. 4 - 88

2. Call to Order

- a) Resolution

3. Adoption of Agenda

- a) Resolution

4. Declaration of pecuniary interest

- a) Committee Member Nolan has declared an interest in Minor Variance Application MV-44-20-S (Sullivan)

5. Approval of Minutes – October 8, 2020

- a) Resolution

6. New Consent Applications:

- a) S-08-20-S (Reynolds) (Beach) 89 -
Location: Part Lot 9, Concession 9, District of Storrington, Township of South Frontenac, municipally known as 5056 Battersea Road. 111
Purpose of Application: Consent for the creation of a new residential lot consisting of approximately 0.8 hectares (2 acres) of land from the subject property with road frontage of approximately 52 metres (170 feet) on Battersea Road. The new residential lot will contain the existing dwelling and associated septic system and well on the property. The retained lands will be approximately 12.7 hectares (31.5 acres) with approximately 26.2 metres (86 feet) of frontage on Battersea Road. The retained 12.7 hectare (31.5 acre) parcel is intended to be used to assemble lands for future development purposes. Any future development of the retained parcel would be by way of a plan of subdivision.

7. New Minor Variance Applications:

- a) MV-39-20-L (Strickland) 112 - 122
Location: Part of Lot 22 and 23, Concession 12, being Parts 8 – 10 on Plan 13R14860, District of Loughborough, Township of South Frontenac, municipally known as 92B Kismet Lane, Buck Lake.
Purpose of Application: To vary sections 7.3.2 and 5.8.2 a) and b) of the Zoning By-law to permit an accessory building (shed) with a minimum 10 metre (33 foot) front yard setback and setback from the high water mark of Buck Lake, whereas the Zoning By-law requires a 30 metre (98.4 feet) from the high water mark and a to also vary the minimum 15 metre (49.2 feet) horizontal of the top of bank of any embankment.
- b) MV-40-20-L (Vanderhaar) 123 - 142
Location: Part of Lot 23, Concession 13, District of Loughborough, Township of South Frontenac, 1229 Twin Island Lane, Buck Lake
Purpose of Application: To vary section 10.3.1 of the Zoning By-law to permit a seasonal dwelling with an attached deck and screened porch with a minimum 7.5 metre (24.6 foot) rear yard depth, and to allow a maximum 6.6% lot coverage for the principal building.
- c) MV-41-20-L (McLachlan) 143 - 159
Location: Part of Lots 10 and 11, Concession 6, District of Loughborough, Township of South Frontenac, being Parts 1, 2 and 3 on Plan 13R20492, Kennedy Island, Sydenham Lake.
Purpose of Application: To vary sections 5.8.2 a) and 11.3.1 of the Zoning By-law to permit a seasonal dwelling with a minimum 27 metre (88.6 foot) front yard depth and setback from the high water mark of Sydenham Lake, measured to the western shoreline. Also, to vary section 11.3.1 to permit the same seasonal dwelling with a minimum 19.4 metre (63.6 foot) setback from the floodline of Sydenham Lake, measured to the east.
- d) MV-43-20-L (Headrick) 160 - 174
Location: Part of Lot 10, Concession 8, District of Loughborough, Township of South Frontenac, municipally known as 1023 Leadbeater Lane.
Purpose of Application: To vary sections 5.8.2 a) and 8.3.1 of the Zoning By-law to permit the demolition and re-construction of an existing seasonal dwelling and attached deck with a new addition to the rear of the seasonal dwelling within the 30 metre setback from the high water mark. The re-construction of the seasonal dwelling and deck would be located in the same general footprint as the existing seasonal dwelling, maintain the current setback of 7 metres (23.7 feet) from the cottage and 3 metres (10 feet) from the deck to the high water mark. The applicant is also seeking additional relief from section 8.3.1 with respect to lot coverage for an increase of 1.9 % from the existing lot coverage.
- e) MV-44-20-S (Sullivan) 175 - 192
Location: Part of Lot 27 and Part Block A, Plan 544, being Parts 19, 21 and 22 on Plan 13R16884, District of Storrington, Township of South Frontenac, municipally known as 1031 Heron Lane, Loughborough Lake.
Purpose of Application: To vary section 10.3.1, 5.8.2a) and 5.10.2 to permit the increase in height for a legal non-conforming dwelling, to be constructed in conformity with the maximum height allowable in the Limited Services Residential – Waterfront (RLSW) Zone, at the

reduced highwater mark setback that currently exists on the limited services residential waterfront lot.

8. Other Business

- a) Report to the Committee of Adjustment with respect to Delegated Consent Approvals 193 - 194

9. Adjournment

- a) Resolution

Township of South Frontenac Committee of Adjustment Meeting

Thursday, November 12, 2020
7:00 p.m. Council Chambers Virtual Meeting
4432 George Street, Sydenham, ON



Welcome to Virtual Meeting for the Committee of Adjustment

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

Committee Members

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

Township Staff

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



Format for the Meeting

1. The Chair will introduce the file
2. The Planner provides an overview of the application
3. Committee members ask questions
4. Comments from the applicant or their agent
5. Comments or questions from the public
6. The Committee will then deliberate and vote on the application
7. The Chair will state whether the vote was carried



Appeal Rights

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



How to Speak Regarding an Application

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



In Case of Technical Difficulties

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



Agenda

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



Consent Applications



S-08-20-S Reynolds (Beach)



Application: S-08-20-S

Owner: Catherine Reynolds

Agent: Gary Beach

Location of Property: Part Lot 9, Concession 9, District of Storrington, Township of South Frontenac, municipally known as 5056 Battersea Road

Recommendation

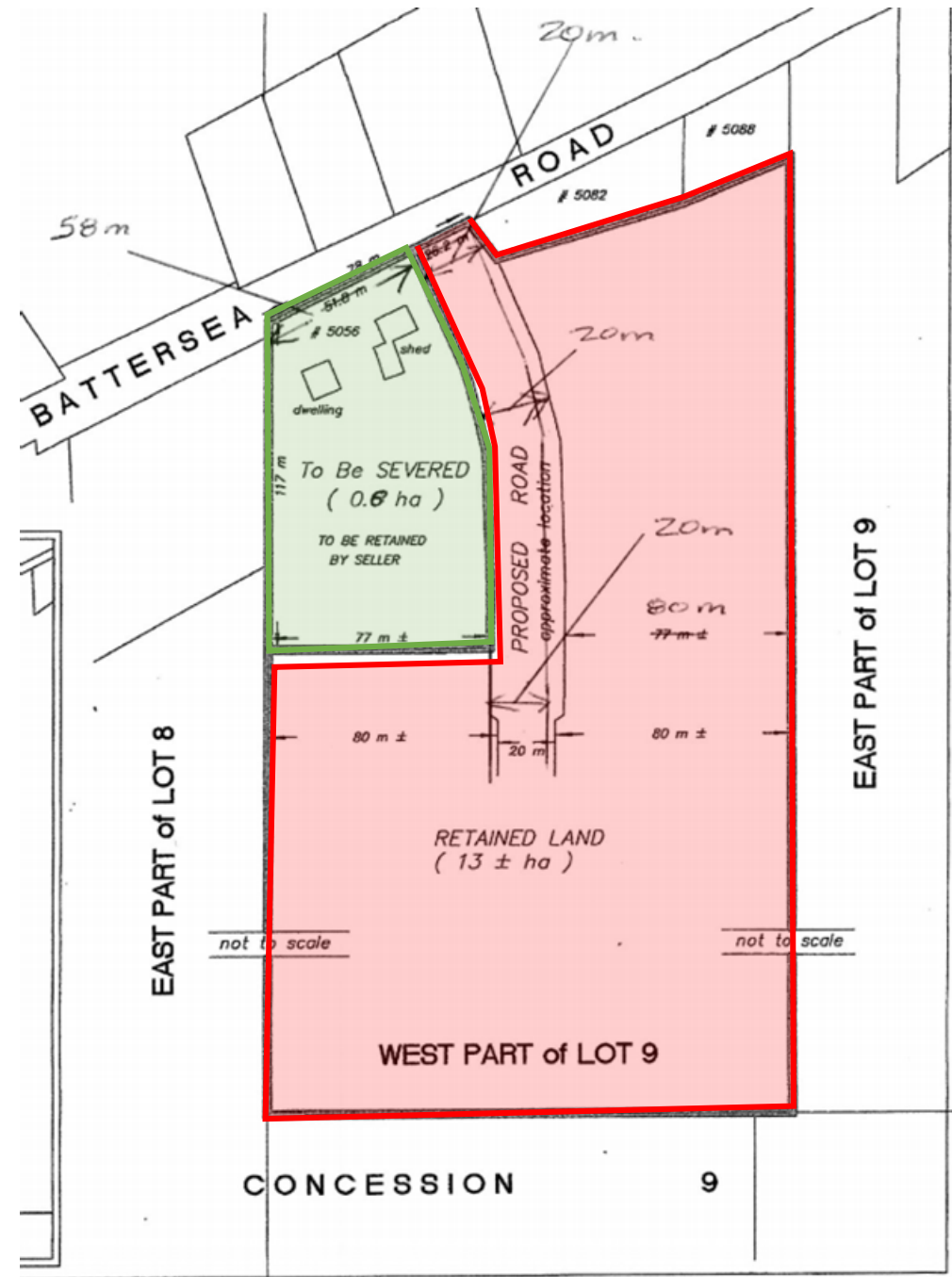
It is recommended that the Committee of Adjustment receive comments from the public and pending comments received **approve** application S-08-20-S for the consent to create a new residential lot in Part Lot 9, Concession 9, District of Storrington, Township of South Frontenac, 5056 Battersea Road, subject to conditions.



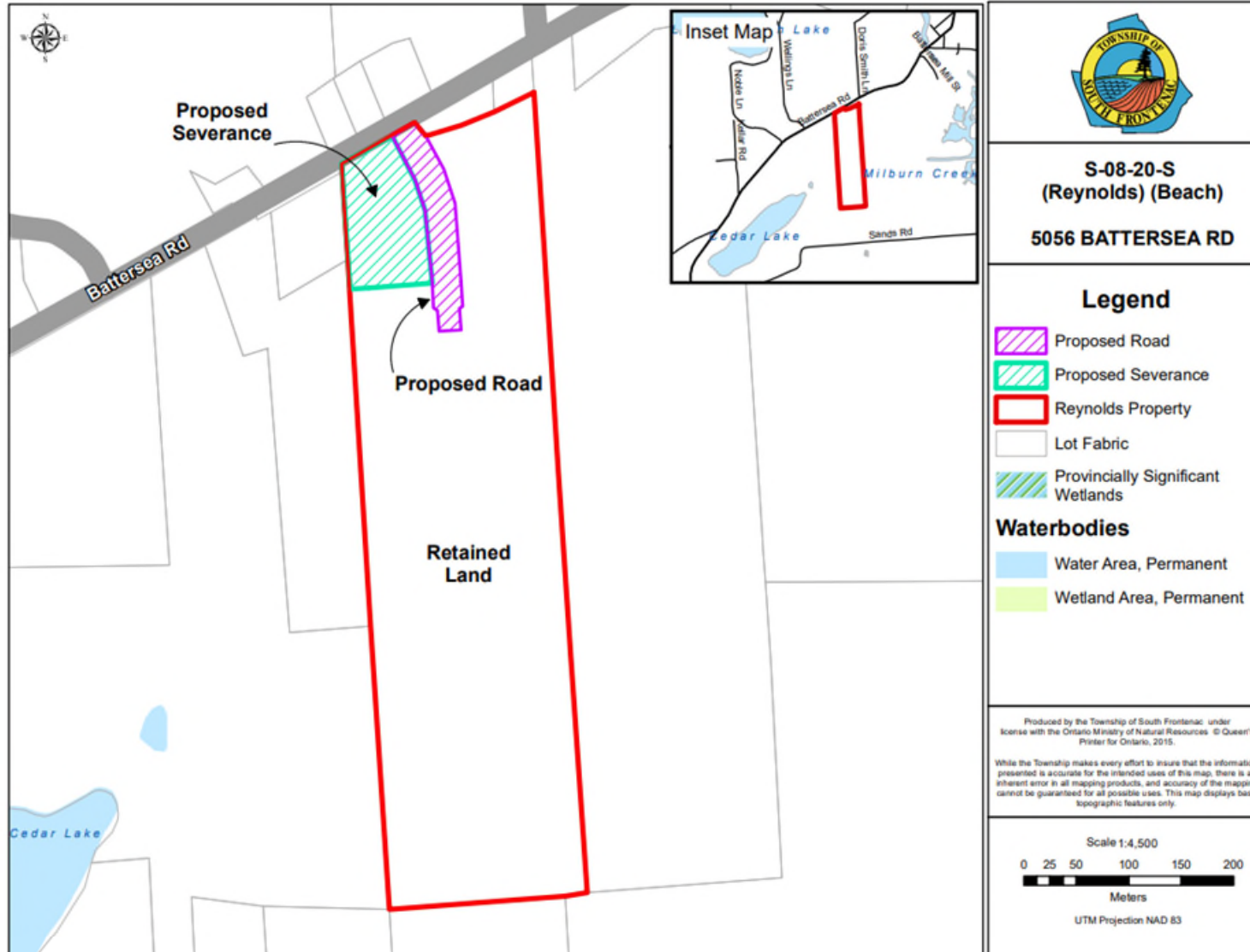
Application: S-08-20-S
Owner: Catherine Reynolds
Agent: Gary Beach

Proposal

- The applicant is applying to sever a parcel that consists of approximately 0.8 hectares (2 acres) of land with approximately 52 metres of road frontage on Battersea Road.
- The retained 12.7 hectare parcel is intended to be used to assemble lands for future development purposes. Any future development of the retained parcel would be by way of a plan of subdivision.



Application: S-08-20-S
 Owner: Catherine Reynolds
 Agent: Gary Beach



Application: S-08-20-S
Owner: Catherine Reynolds
Agent: Gary Beach



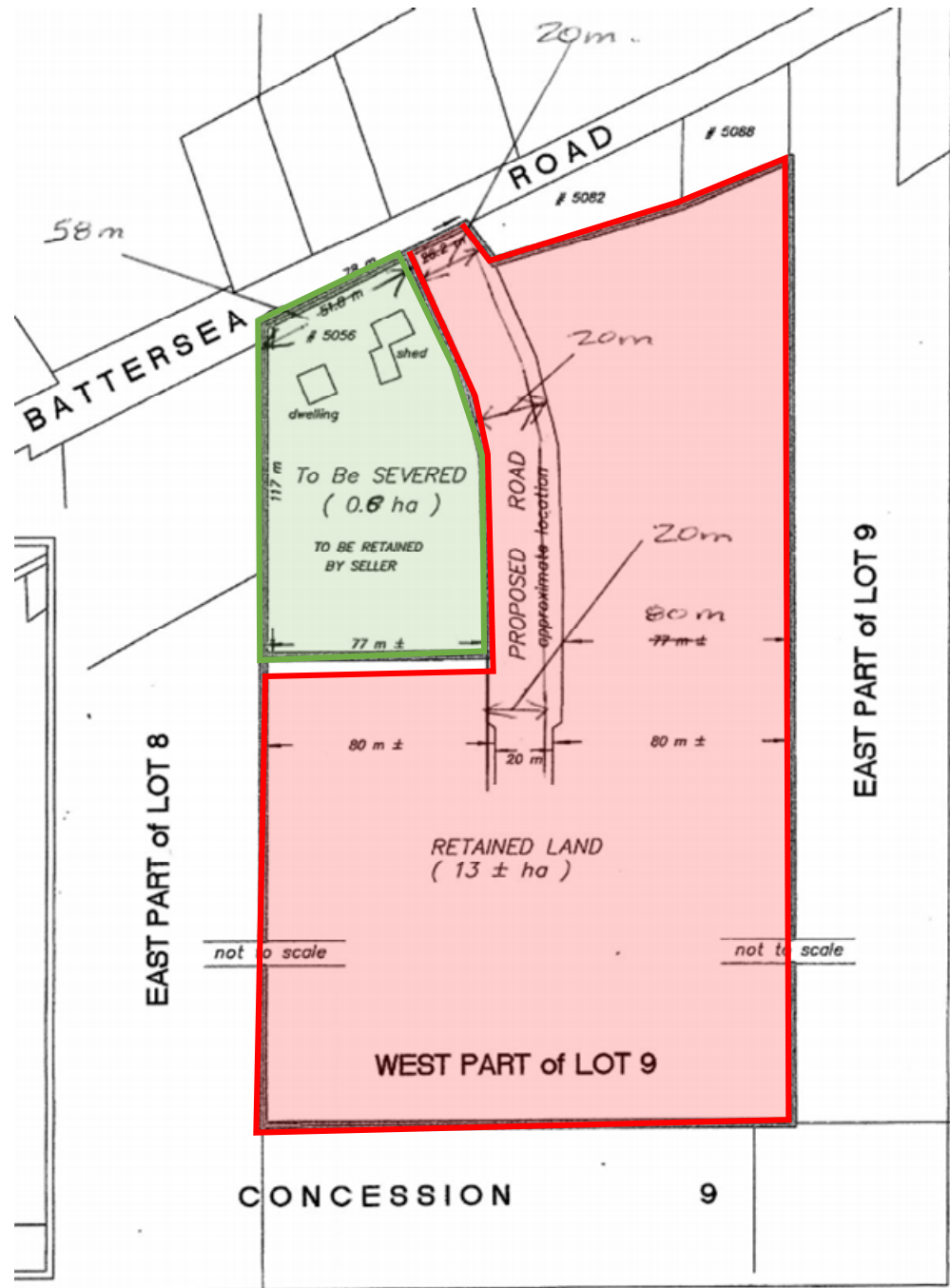
Proposed Retained Parcel



Proposed Severance



Application: S-08-20-S
Owner: Catherine Reynolds
Agent: Gary Beach



Application: S-08-20-S
Owner: Catherine Reynolds
Agent: Gary Beach

Comments

- **KFL&A Public Health:**
 - Comments received from KFL&A Public Health indicate the retained lot is capable of providing flexibility in siting a sewage disposal system.
- **Cataraqui Region Conservation Authority:**
 - Comments received from Cataraqui Conservation indicate no objections to the application.
- **Public Services:**
 - Public Services recommended that the road frontage of the retained parcel be reduced to 20 metres and that the additional 6 metres be added to the severed lot. Retaining 20 metres of frontage on the retained parcel is sufficient to provide the standard 20 metre wide road allowance needed for a road to access a future plan of subdivision.
- **Public Comments:**
 - Comments have been received from 5 members of the public. These members of the public are opposed to a potential subdivision on the retained parcel. All 5 members of the public raised concerns about existing water problems with wells and potential impacts from wells and septic systems of a subdivision. In addition, two expressed concerns for the preservation of land and wildlife, which would be disrupted by a future subdivision, as well as road safety related to increasing traffic and speeding in Battersea.



Application: S-08-20-S
Owner: Catherine Reynolds
Agent: Gary Beach

Planning Analysis

Conforms to section 51(24) of the Planning Act:	Yes
Consistent with Provincial Policy Statement, 2020:	Yes
Conforms to the County of Frontenac Official Plan:	Yes
Conforms to Township Official Plan:	Yes
Current Official Plan Designation:	Settlement Area



Application: S-08-20-S
Owner: Catherine Reynolds
Agent: Gary Beach

Planning Analysis

- The subject lands are located in Battersea, which is a designated settlement area. In accordance with the Provincial Policy Statement 2020 and the County of Frontenac Official Plan, the Township of South Frontenac Official Plan intends for a majority of new growth to be directed to existing settlement areas where it can be supported by appropriate servicing.
- The severed parcel meets the Township settlement area residential policies and servicing policies including having the minimum lot area and being able to be serviced by private water and sewage disposal systems and having frontage on a public road.
- The severed parcel also complies with the Township land division policies.



Application: S-08-20-S
Owner: Catherine Reynolds
Agent: Gary Beach

Planning Analysis – Severed Parcel

Current Zoning: Urban Residential - First Density Zone

Complies with Zoning By-law 2003-75: No, re-zoning is required

- Meets the required lot area
- Proposed to have 58 metres of road frontage instead of required 76 metres
- The reduced road frontage is appropriate:
 - located in a settlement area where growth is encouraged
 - is in keeping with the character of Battersea
 - would permit access to the retained parcel
- **The reduced road frontage on the severed will be recognized through a zoning by-law amendment.**



Application: S-08-20-S
Owner: Catherine Reynolds
Agent: Gary Beach

Planning Analysis – Retained Parcel

Current Zoning: Urban Residential - First Density Zone

Complies with Zoning By-law 2003-75: No, re-zoning is required

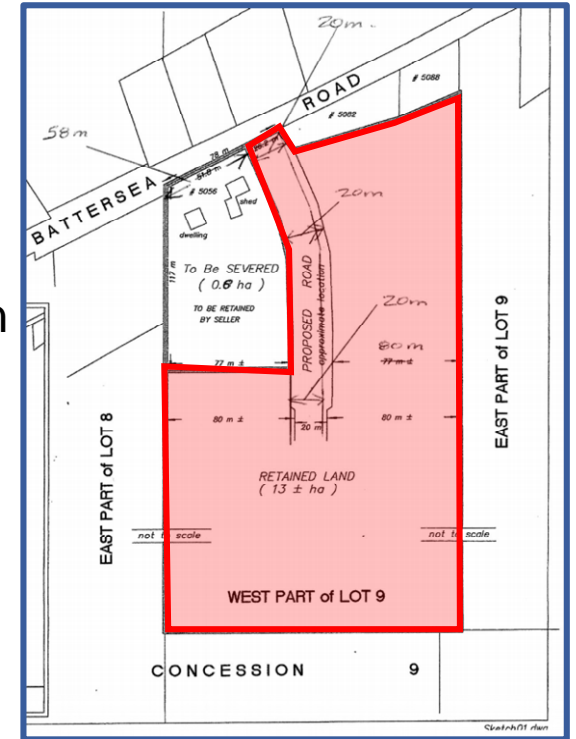
- Exceeds the minimum lot area
- Proposed to have 20 metres of road frontage instead of required 76 metres
- The reduced road frontage is appropriate:
 - The intent for this frontage is to become a road that would be developed through a future plan of subdivision.
 - The Township requires a standard 20 metre wide road allowance, as per the Road and Lane Standard Cross-Section Policy.
- **The reduced road frontage on the retained parcel will be recognized through a zoning by-law amendment.**



Application: S-08-20-S
Owner: Catherine Reynolds
Agent: Gary Beach

Planning Analysis – Retained Parcel

- A recommended condition of approval is that a Holding (-H) symbol be placed on the zone of the retained parcel to regulate building and future development on this parcel.
- The holding symbol may only be removed by by-law to allow development of the property when a plan of subdivision agreement between the property owner and the Township has been executed and registered on title.
- Any future lot creation from the retained parcel must occur by plan of subdivision to ensure the orderly development of the land.
- To date, a plan of subdivision application has not been submitted and there are no immediate plans to develop the retained parcel.
- A decision on a future plan of subdivision would be made by the County of Frontenac with the input from South Frontenac Council and would go through a fulsome public consultation process.
- Comments and concerns raised by the public would be addressed through the plan of subdivision process.



Application: S-08-20-S

Owner: Catherine Reynolds

Agent: Gary Beach

Proposed Conditions of Approval

- All conditions must be completed within one year of notice of decision
- Lands shall be surveyed and an acceptable reference plan shall be provided
- A draft reference plan shall be submitted by the Surveyor or applicant for review prior to depositing
- Payment of outstanding taxes and local improvement charges
- Parkland fee payable
- Confirmation of no abandoned wells on the property
- The retained parcel be rezoned to establish a site-specific zone to recognize the reduced road frontage along Battersea Road and to establish a holding symbol that would prohibit any building or development on the retained parcel until such time as a subdivision agreement is entered between the owner of the lands and South Frontenac Council for the lands.
- The severed parcel be rezoned to a site-specific zone to recognize a reduced road frontage. Please contact the Township's Planning Department to begin this process.



Application: S-08-20-S

Owner: Catherine Reynolds

Agent: Gary Beach

Location of Property: Part Lot 9, Concession 9, District of Storrington, Township of South Frontenac, municipally known as 5056 Battersea Road

Recommendation

It is recommended that the Committee of Adjustment receive comments from the public and pending comments received **approve** application S-08-20-S for the consent to create a new residential lot in Part Lot 9, Concession 9, District of Storrington, Township of South Frontenac, 5056 Battersea Road, subject to conditions.



Questions from Committee Members

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



Comments from the Applicant and/or the Agent

If you would like to speak:

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

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



Comments & Questions from the Public

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Resolution & Voting

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



Minor Variance Applications



MV-39-20-L Strickland



Application: MV-39-20-L

Owner: Peter Strickland

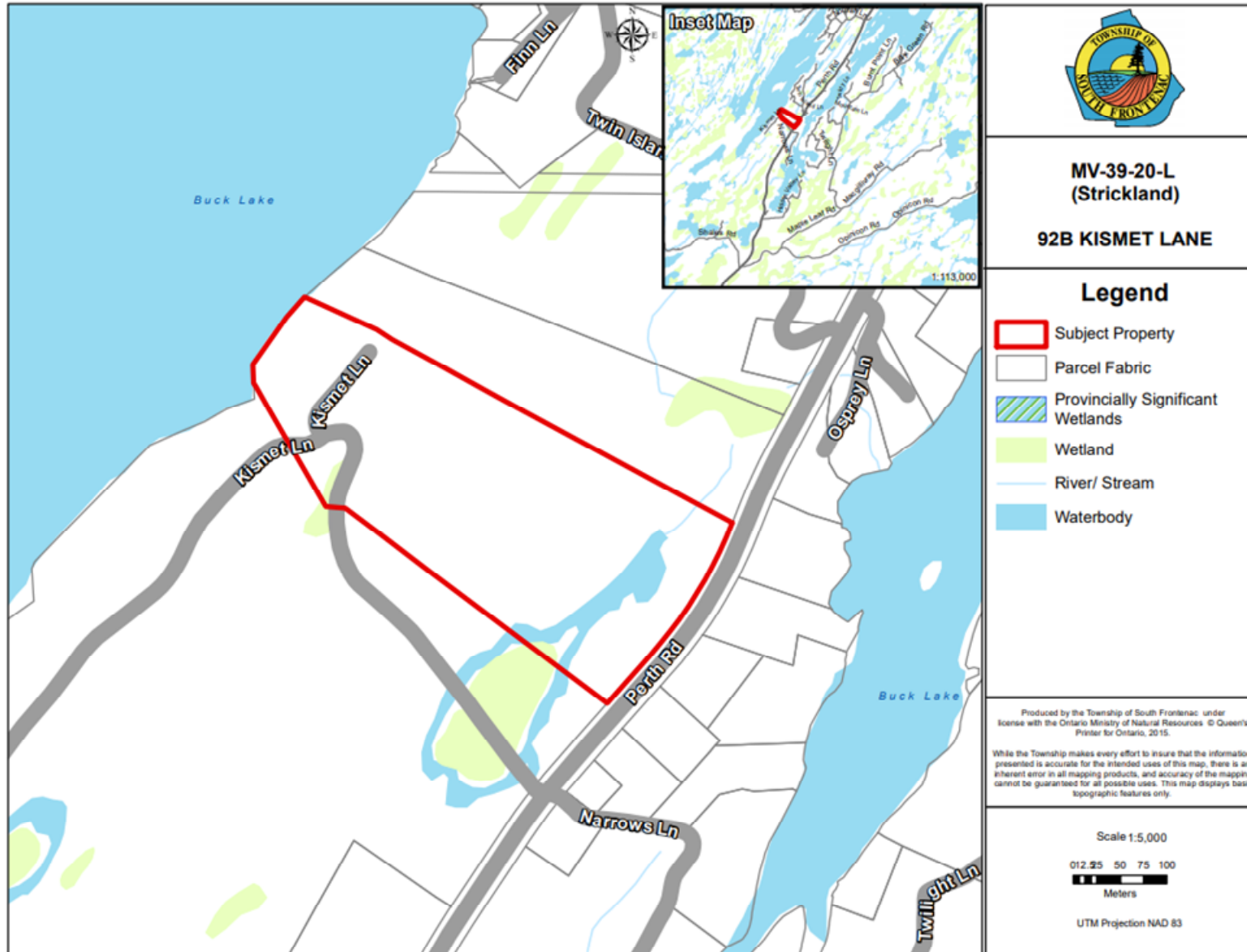
Location of Property: 92B Kismet Lane, Buck Lake, Loughborough District

Recommendation

It is recommended that the Committee of Adjustment receive comments from the public and that the Committee of Adjustment **defer** making a decision on application MV-39-20-L to provide additional time for Cataraqui Conservation staff to review the proposal and to provide comments.



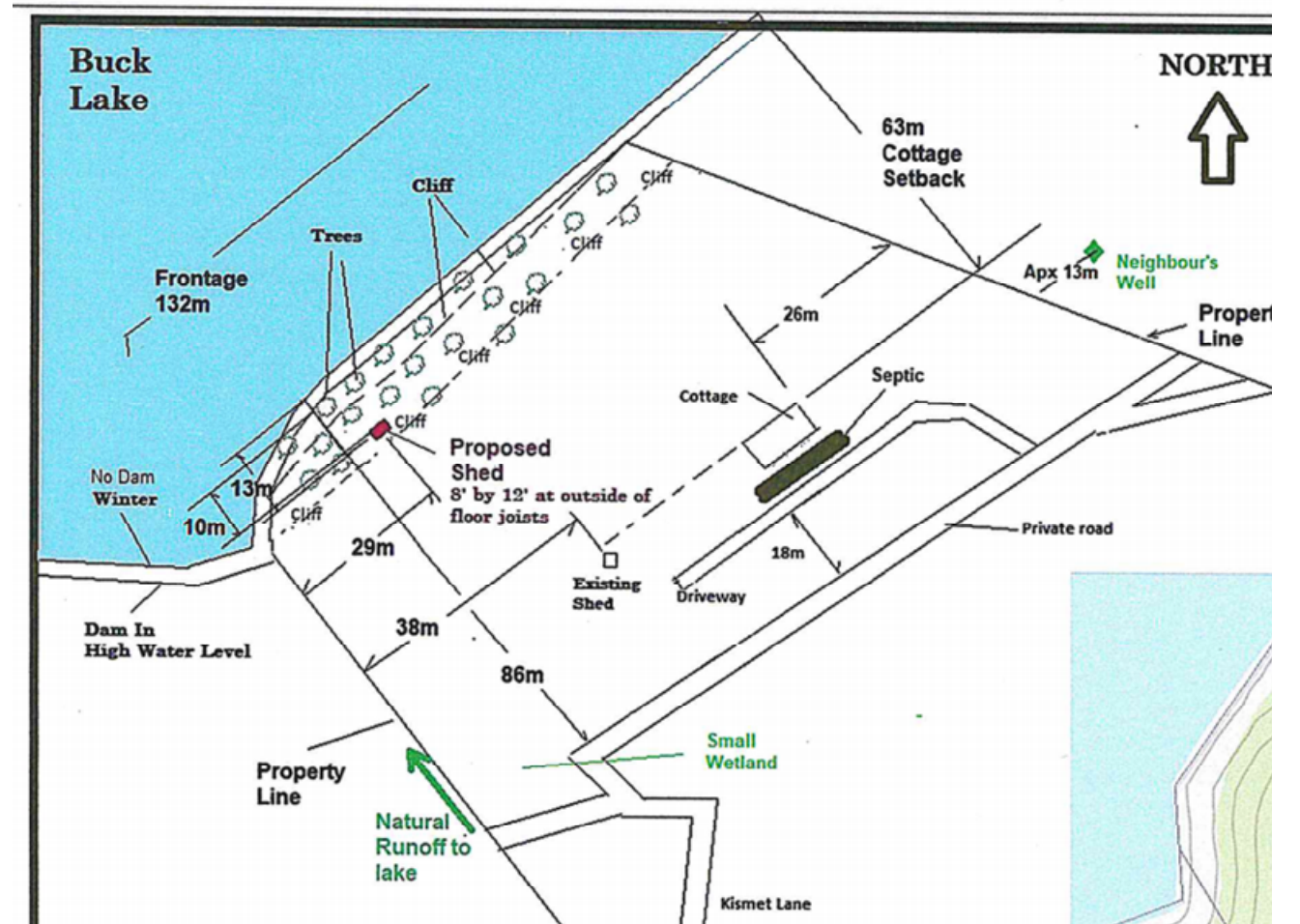
Application: MV-39-20-L
Owner: Peter Strickland



Application: MV-39-20-L
Owner: Peter Strickland

Proposal

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



Application: MV-39-20-L
Owner: Peter Strickland



Proposed location of shed



Application: MV-39-20-L

Owner: Peter Strickland

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

Recommendation

It is recommended that the Committee of Adjustment receive comments from the public and that the Committee of Adjustment **defer** making a decision on application MV-39-20-L to provide additional time for Cataraqui Conservation staff to review the proposal and to provide comments.



Questions from Committee Members

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Comments from the Applicant and/or the Agent

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Resolution & Voting

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



MV-40-20-L Vanderhaar



Application: MV-40-20-L

Owners: Brad & Amanda Vanderhaar

Location of Property: 1229 Twin Island Lane, Buck Lake, Loughborough District

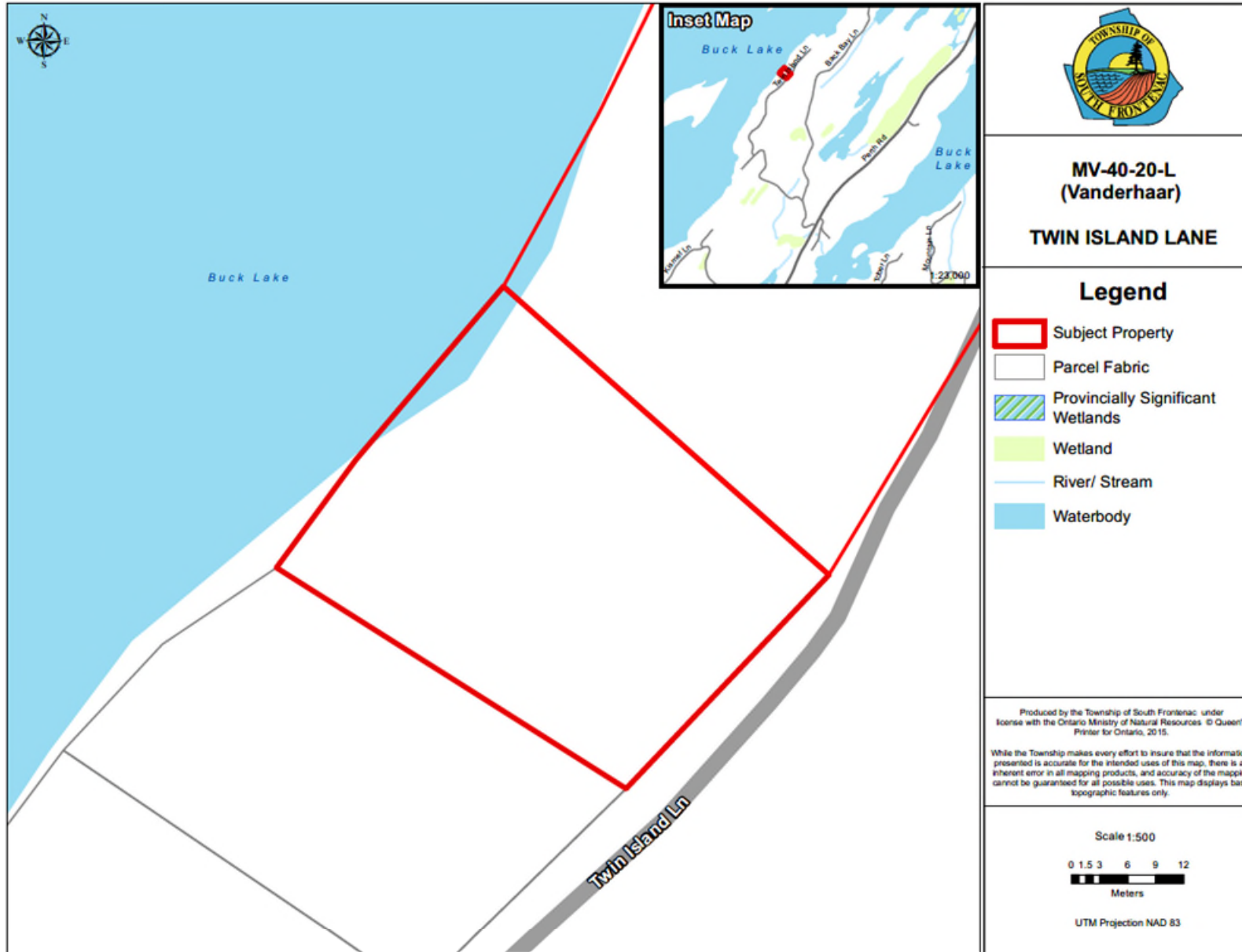
Recommendation

It is recommended that the Committee of Adjustment receive comments from the public and that the Committee of Adjustment **defer** making a decision on application MV-40-20-L to receive comments from Cataraqui Conservation.



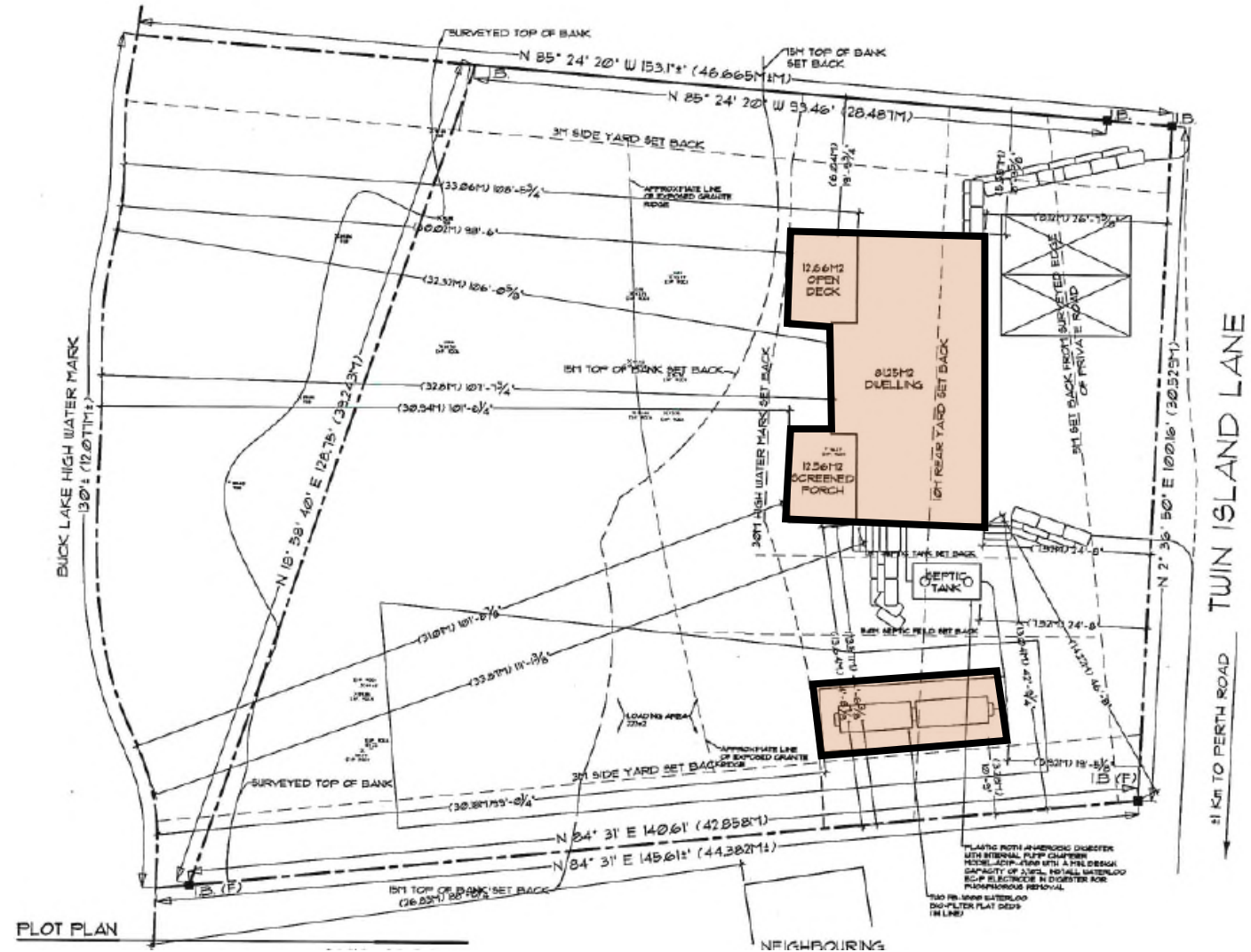
Application: MV-40-20-L

Owners: Brad & Amanda Vanderhaar



Proposal

- Construct a one-and-a-half storey seasonal dwelling with a walkout basement and an attached deck and screened porch.
- The dwelling would have a reduced rear yard and increased lot coverage.
- The dwelling and septic system would be located a minimum of 30 metres from the high water mark of Buck Lake.



Application: MV-40-20-L

Owners: Brad & Amanda Vanderhaar

Location of Property: 1229 Twin Island Lane, Buck Lake, Loughborough District

Recommendation

It is recommended that the Committee of Adjustment receive comments from the public and that the Committee of Adjustment **defer** making a decision on application MV-40-20-L to receive comments from Cataraqui Conservation.



Questions from Committee Members

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



Comments from the Applicant and/or the Agent

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Comments & Questions from the Public

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Resolution & Voting

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



MV-41-20-L McLachlan



Application: MV-41-20-L

Owner: Michael McLachlan

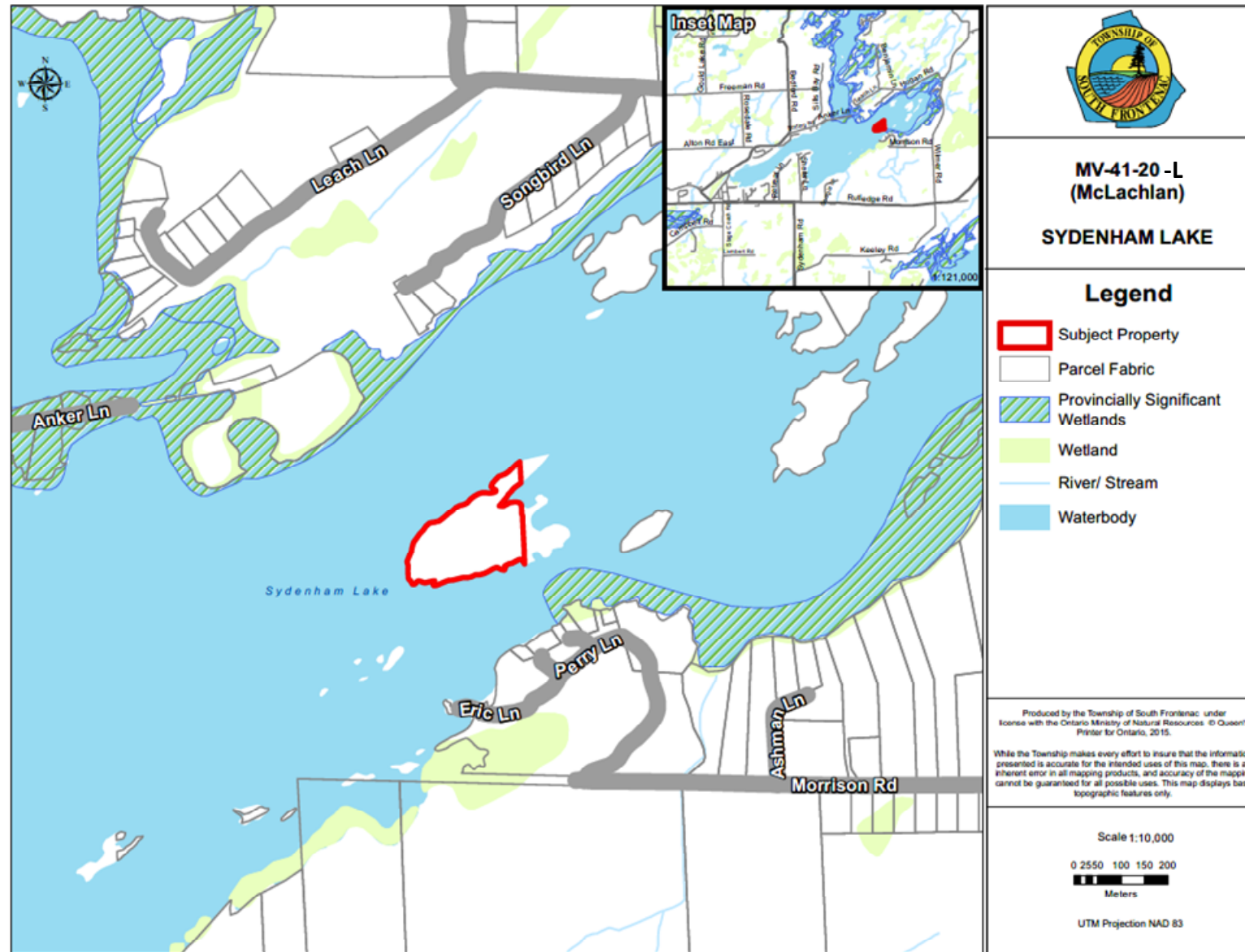
Location of Property: Kennedy Island, Sydenham Lake, Loughborough District

Recommendation

It is recommended that the Committee of Adjustment receive comments from the public and that the Committee of Adjustment **defer** making a decision on application MV-41-20-L to receive comments from Cataraqui Conservation.



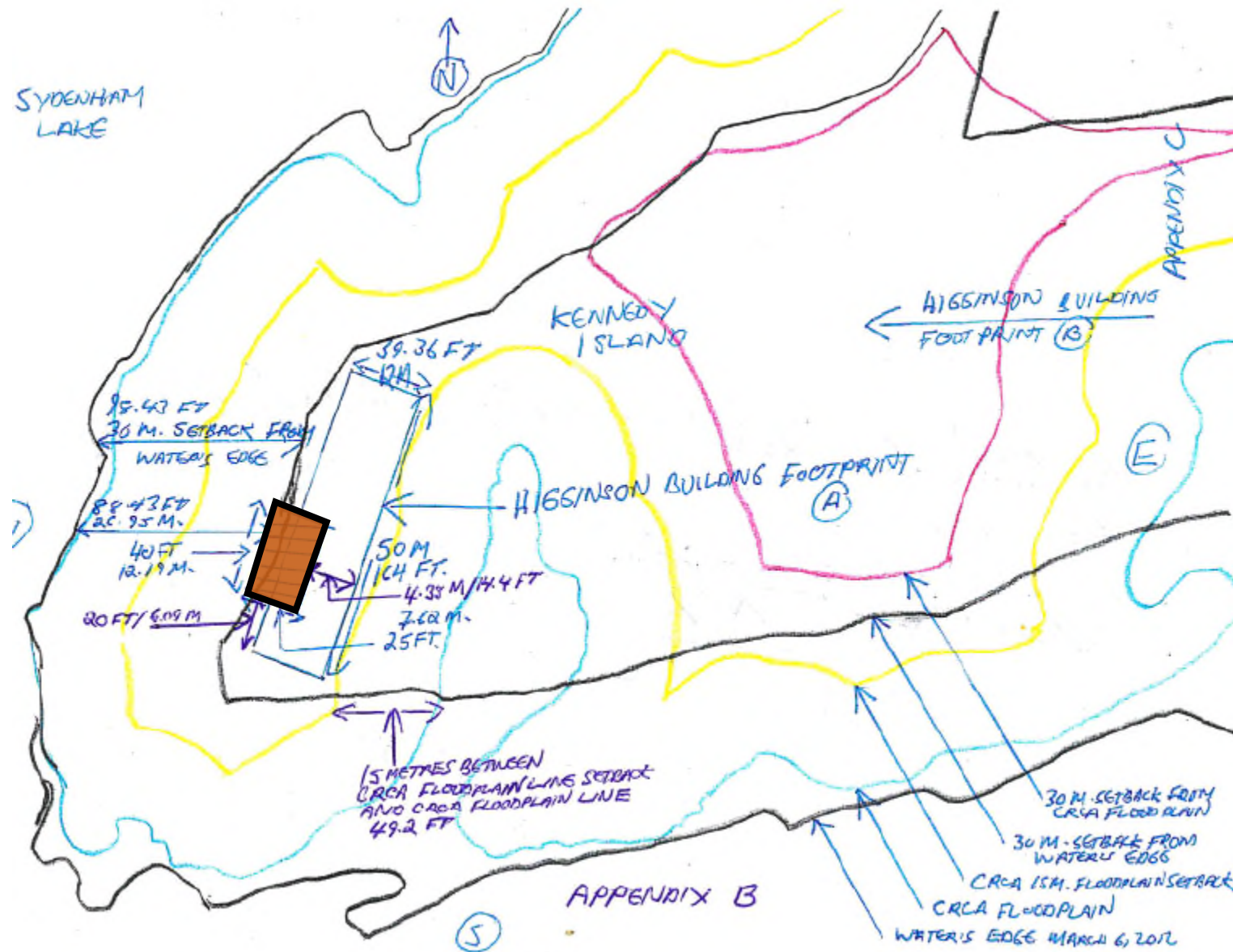
Application: MV-41-20-L
Owner: Michael McLachlan



Application: MV-41-20-L
Owner: Michael McLachlan

Proposal

- Construct a one storey seasonal dwelling
- Reduced setbacks from the highwater mark and the floodline of Sydenham Lake



Application: MV-41-20-L

Owner: Michael McLachlan

Location of Property: Kennedy Island, Sydenham Lake, Loughborough District

Recommendation

It is recommended that the Committee of Adjustment receive comments from the public and that the Committee of Adjustment **defer** making a decision on application MV-41-20-L to receive comments from Cataraqui Conservation.



Questions from Committee Members

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Comments from the Applicant and/or the Agent

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Comments & Questions from the Public

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Resolution & Voting

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



MV-43-20-L Headrick



Application: MV-43-20-L

Owner: David Headrick

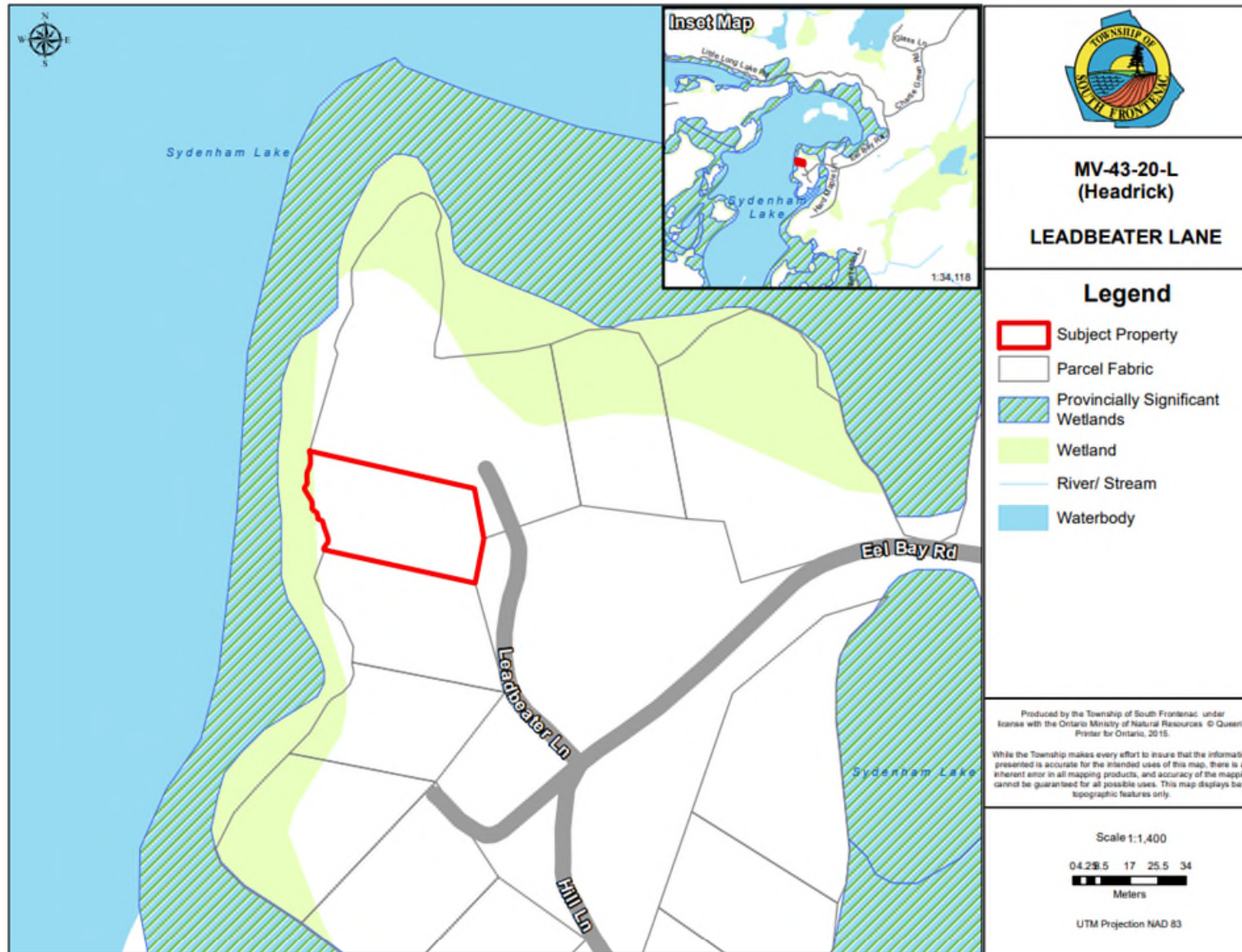
Location of Property: 1023 Leadbeater Lane, Sydenham Lake, Loughborough District

Recommendation

It is recommended that the Committee of Adjustment receive comments from the public and that the Committee of Adjustment defer making a decision on application MV-43-20-L to provide additional time for Cataraqui Conservation staff to review the revised proposal to reconstruct the cottage and to provide updated comments.



Application: MV-43-20-L
Owner: David Headrick



Application: MV-43-20-L
Owner: David Headrick



Application: MV-43-20-L

Owner: David Headrick

Location of Property: 1023 Leadbeater Lane, Sydenham Lake, Loughborough District

Recommendation

It is recommended that the Committee of Adjustment receive comments from the public and that the Committee of Adjustment defer making a decision on application MV-43-20-L to provide additional time for Cataraqui Conservation staff to review the revised proposal to reconstruct the cottage and to provide updated comments.



Questions from Committee Members

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



Comments from the Applicant and/or the Agent

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Comments & Questions from the Public

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Resolution & Voting

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



MV-44-20-S

Sullivan



Application: MV-44-20-S

Owner: Brandon Sullivan

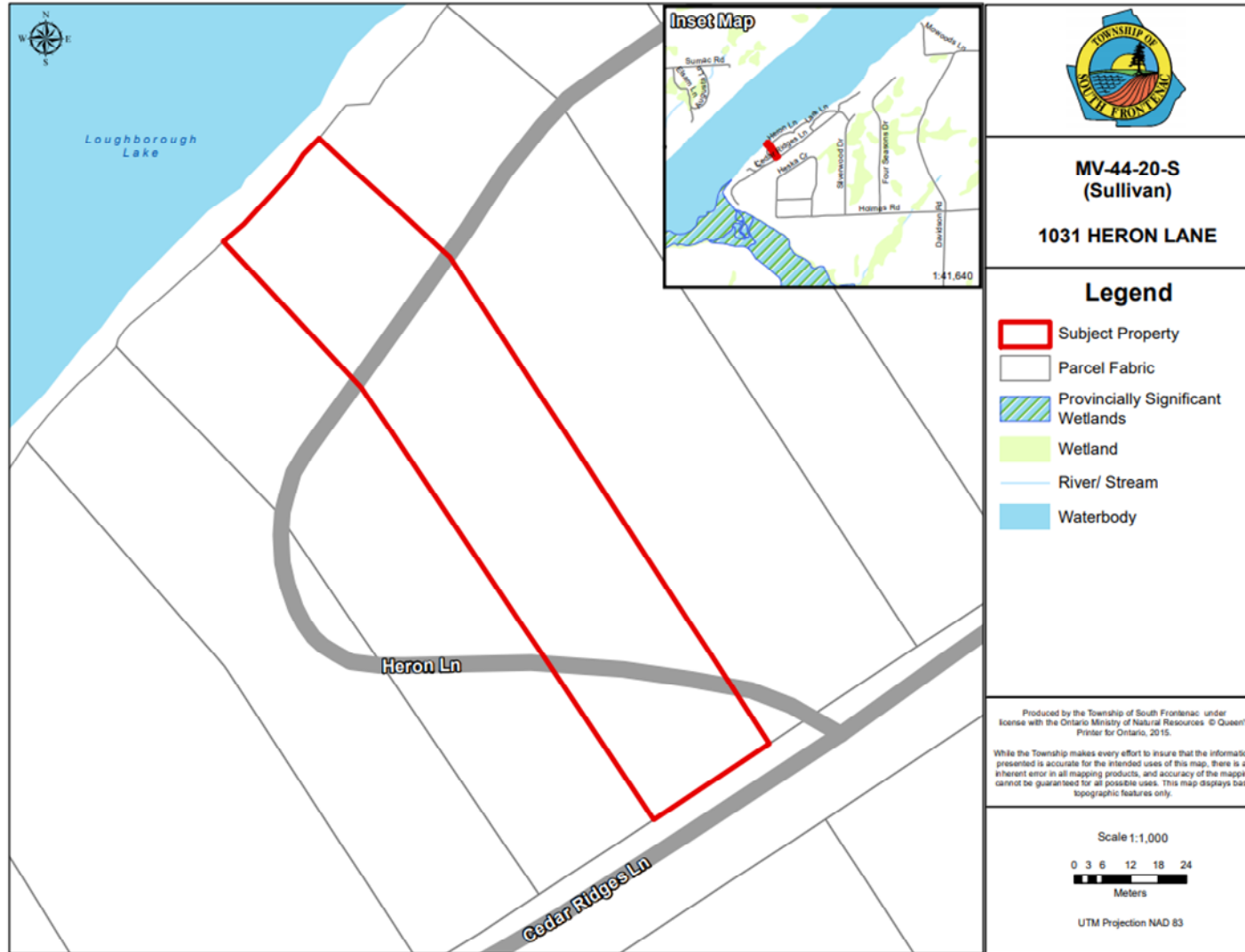
Location of Property: 1931 Heron Lane, Loughborough Lake, Storrington District

Recommendation

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-44-20-S, subject to conditions.



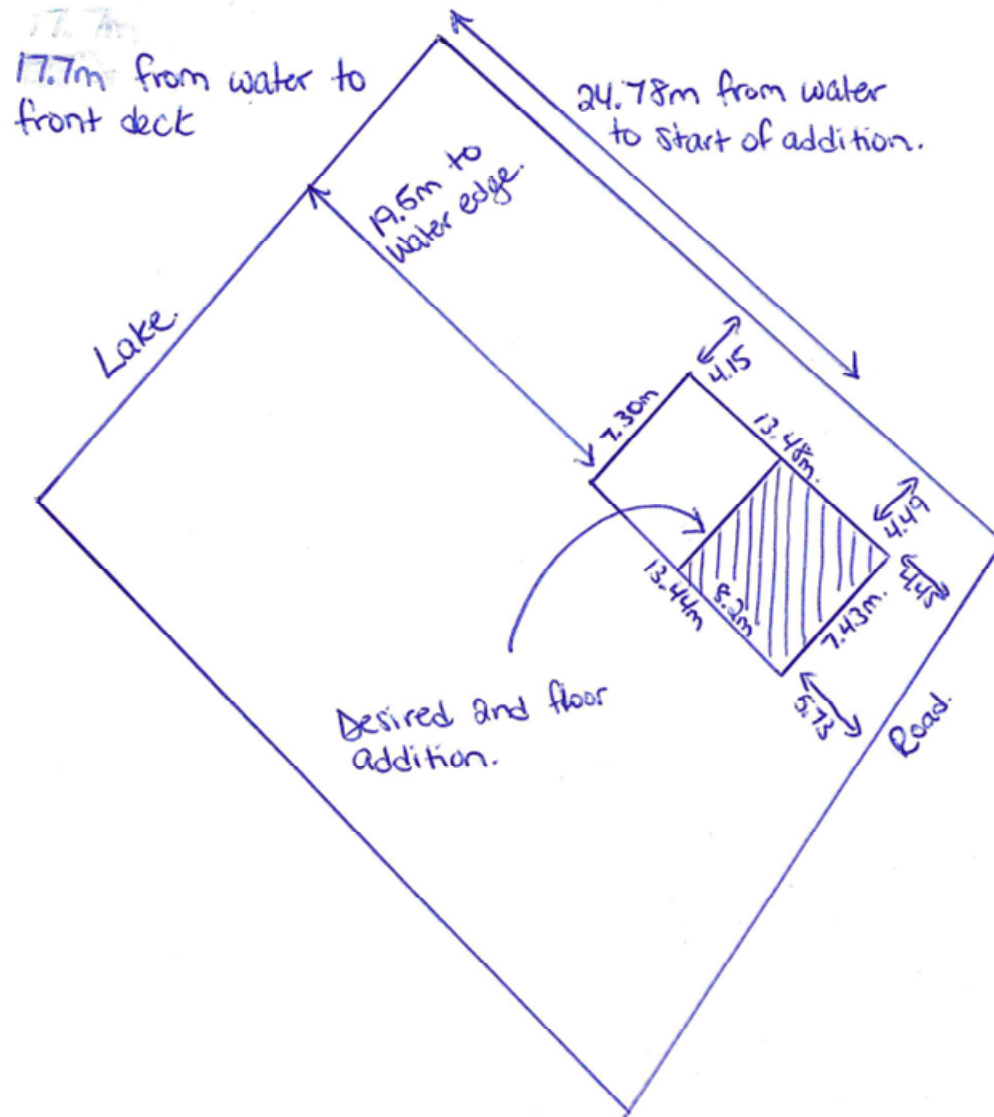
Application: MV-44-20-S
Owner: Brandon Sullivan



Application: MV-44-20-S
Owner: Brandon Sullivan

Proposal

An application for minor variance has been received to permit a 61 square metre, second storey addition to an existing dwelling within the minimum 30 metre setback from the highwater mark of Loughborough Lake.



Relief Sought

Official Plan Designation: Rural	Zoning: Limited Service Residential –Waterfront (RLSW)
Zoning Relief Requested:	
Section 5.8.2 a): Flooding and Shoreline Erosion Hazards	Relief: To permit a second storey dwelling addition with a minimum highwater mark setback of 24.8 metres (81 feet), whereas the By-law requires a 30 metre (98.4 feet) setback from the highwater mark for all buildings and structures.
Section 10.3.1: Waterbody Setback, Front Yard	Relief: To permit a second storey dwelling addition with a minimum highwater mark setback and front yard depth of 24.8 metres (81 feet), whereas the By-law requires a 30 metre (98.4 feet) setback from the highwater mark and front yard depth for the principal building.

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



Application: MV-44-20-S
Owner: Brandon Sullivan



View from Heron Lane



View from the side



Comments

- **Public Services Department** – Public Services was not circulated the application due to its nature.
- **Building Department** - All approved setbacks will need to be confirmed by an Ontario Land Surveyor.
- **KFL&A Public Health** – KFL&A Public Health have no objections, however note that if the minor variance is approved and the applicants move forward with the proposed addition, they will have to also apply to install a new sewage system in order to comply with current Ontario Building Code standards.
- **Ministry of Environment, Conservation and Parks** – Comments received from the Ministry of Environment, Conservation and Parks indicate staff have no concerns with the minor variance.
- **Cataraqui Conservation** – Cataraqui Conservation Staff indicate that Staff have no objection to the minor variance provided that roof runoff be directed away from the lake and that the area between the development and the lake be maintained as a vegetated buffer to the satisfaction of the Township.
- **Public Comments** – No written comments have been received from the public to date.



Application: MV-44-20-S

Owner: Brandon Sullivan

Location of Property: 1931 Heron Lane, Loughborough Lake, Storrington District

Recommendation

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-44-20-S, subject to conditions.



Proposed Conditions of Approval

- The Minor Variance is approved in accordance with plans submitted
- A development agreement will be required to be registered on title
- A building permit is required for all construction and demolition on the property
- MV-44-20-S is only applicable to South Frontenac Township Comprehensive Zoning By-Law 2003-75 and not to any subsequent zoning by-laws



Questions from Committee Members

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



Comments from the Applicant and/or the Agent

If you would like to speak:

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

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



Comments & Questions from the Public

If you would like to speak:

- 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

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



Questions from Committee Members

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



Comments from the Applicant and/or the Agent

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



Resolution & Voting

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



Other Business

1. Consents approved by Consent Granting Authority

- S-26-20-P (Bain)
- S-27-20-P (Bain)
- S-28-20-L (Southall)
- S-29-20-P (Johnston)

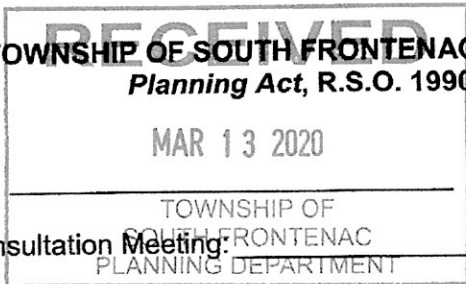


Township of South Frontenac Committee of Adjustment Meeting

Conclusion/Adjournment



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



Date Received: _____ File No: _____

Date of Pre-Consultation Meeting: _____

Pre-consultation Fee Received: _____ Amount: _____ Date: _____
(within 6 months to be applied to the application fee)

1. Name of Owner(s): CATHERINE REYNOLDS

Full Mailing Address of Owner(s): _____

Phone number of Owner(s): _____

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: GARY BEACH

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.

SEE ATTACHED AUTHORIZATION.
Signature(s) of Owner(s)

3. The description of the subject land:

District: Bedford Portland Loughborough Storrington

Concession Number: CONCESSION 9. Lot Number: WEST PART LOT 9.

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

Street Number: 5056 Name of Road/Street: BATTERSIA ROAD,
 Reference Plan Number: NOT SURVEYED. Part Number(s):
 Roll Number: 1029 060 050 12900

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

Frontage (on water): N/A. Frontage (on road/lane): 78 METRES.
 Depth: ~ 900 metres Area: ~ 33.5 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.

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 in metric (area can be acres). **(Complete this section for a new lot only)**

Proposed New Lot:		Retained Lot:	
Frontage On Road	<u>170 FEET. (51.8m)</u>	Frontage On Road	<u>86 FEET (26.2m)</u>
Frontage On Water	<u>N/A</u>	Frontage On Water	<u>N/A</u>
Depth	<u>~ 117 METRES</u>	Depth	<u>~ 783 METRES.</u>
Area	<u>~ 2.0 ACRES. (0.8ha)</u>	Area	<u>~ 31.5 ACRES.</u>

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>RESIDENTIAL HOME.</u>	<u>NO CHANGE.</u>
Retained:	<u>VACANT LAND.</u>	<u>RESIDENTIAL -</u>

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

Structures Existing	Structures Proposed
New Lot: <u>RESIDENCE</u>	<u>RESIDENCE</u>
_____	_____

Structures Existing	Structures Proposed
Retained Lot: <u>OLD SITE</u>	<u>RESIDENCES.</u>
_____	_____

(b) The frontage, depth and the area in metric (area can be . **(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: _____

Frontage On Water: _____

Depth: _____

Area: _____

Frontage On Road: _____

Frontage On Water: _____

Depth: _____

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.: _____	_____
Retained: _____	_____

Structures Existing	Structures Proposed
Lot Addition (or R.O.W.): _____	_____
_____	_____
Retained Lot: _____	_____
_____	_____

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

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*):

NOT FULLY DETERMINED.

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*):

UNKNOWN.

9. Name of road or lane which accesses:

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

The retained lot: NEW ROAD TO BE ESTABLISHED WITHIN THE ^{PROPOSED} R.O.W.

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: N/A.

Retained Lot: N/A.

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: EXISTING PRIVATE WELL. Retained Lot: PRIVATE WELLS.

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

New Lot: EXISTING TILE BED. PRIVATE SEPTIC. Retained Lot: PRIVATE SEPTIC.

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

URBAN RESIDENTIAL - FIRST DENSITY ZONE (UR1)

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

- 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

AGREEMENT TO INDEMNIFY

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

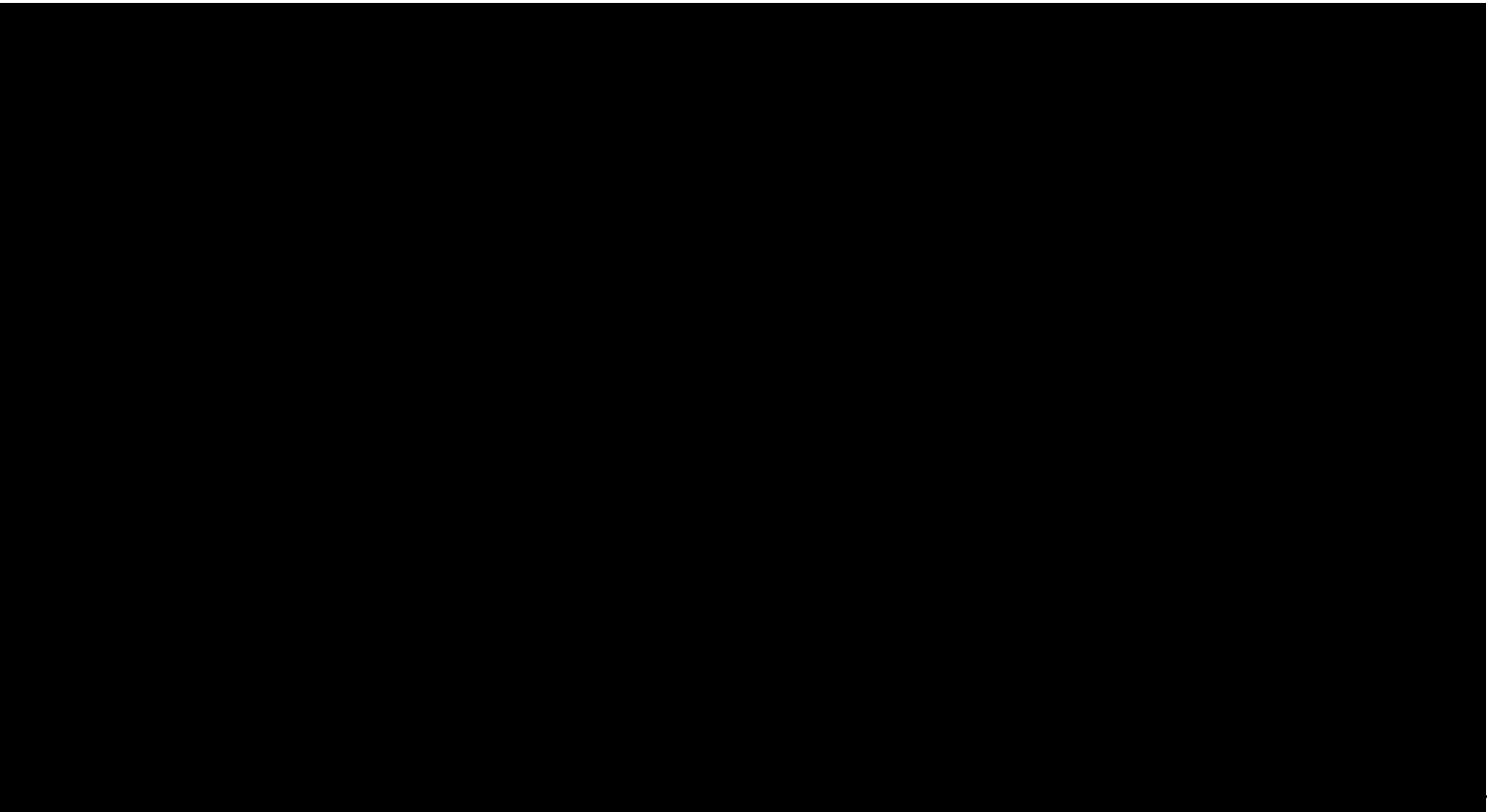
The Owner/Applicant/Agent agrees that the information recorded in this Consent Application Form is accurate. The Owner/Applicant/Agent agrees that representatives of the Township, Public Health and, where applicable, the appropriate Conservation Authority, may enter onto the subject property for the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



Geographic Township of South Frontenac

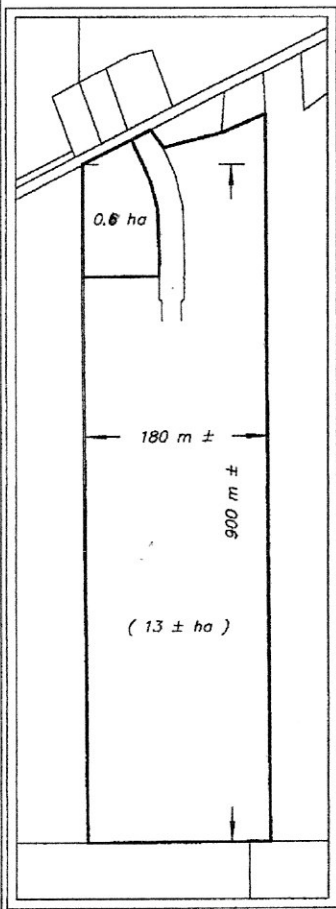
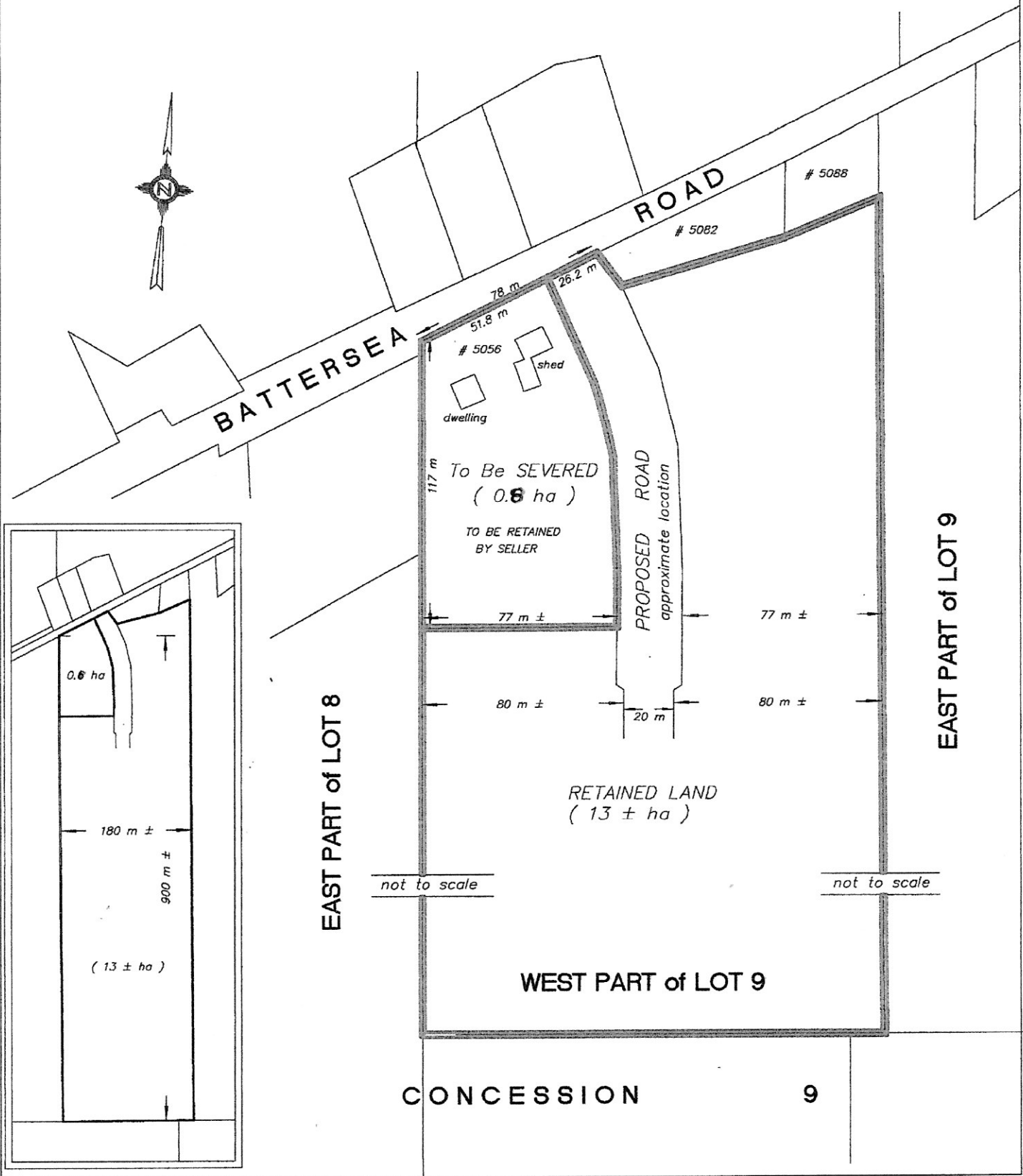
SEVERANCE SKETCH

NOTE:
Dimensions and Township Fabric compiled from
Frontenac Maps and Google Earth

Owner: C. Reynolds

Roll # 102906005012900

Approx. Scale 1 : 2000 (metres)



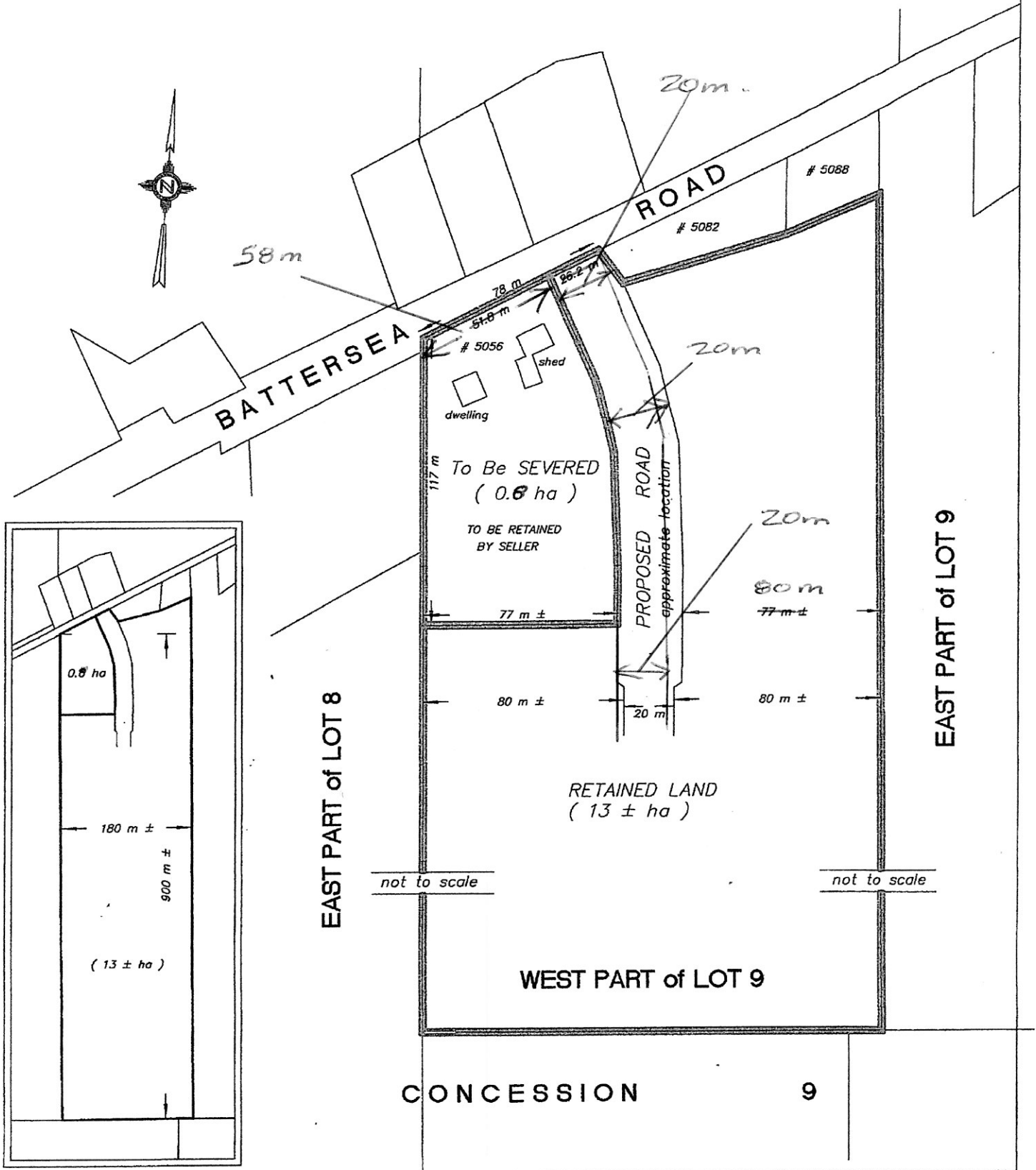
Geographic Township of South Frontenac

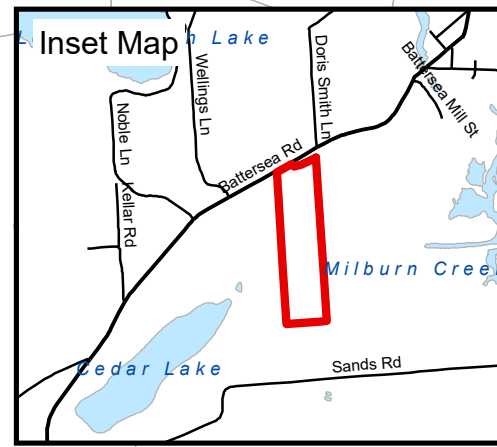
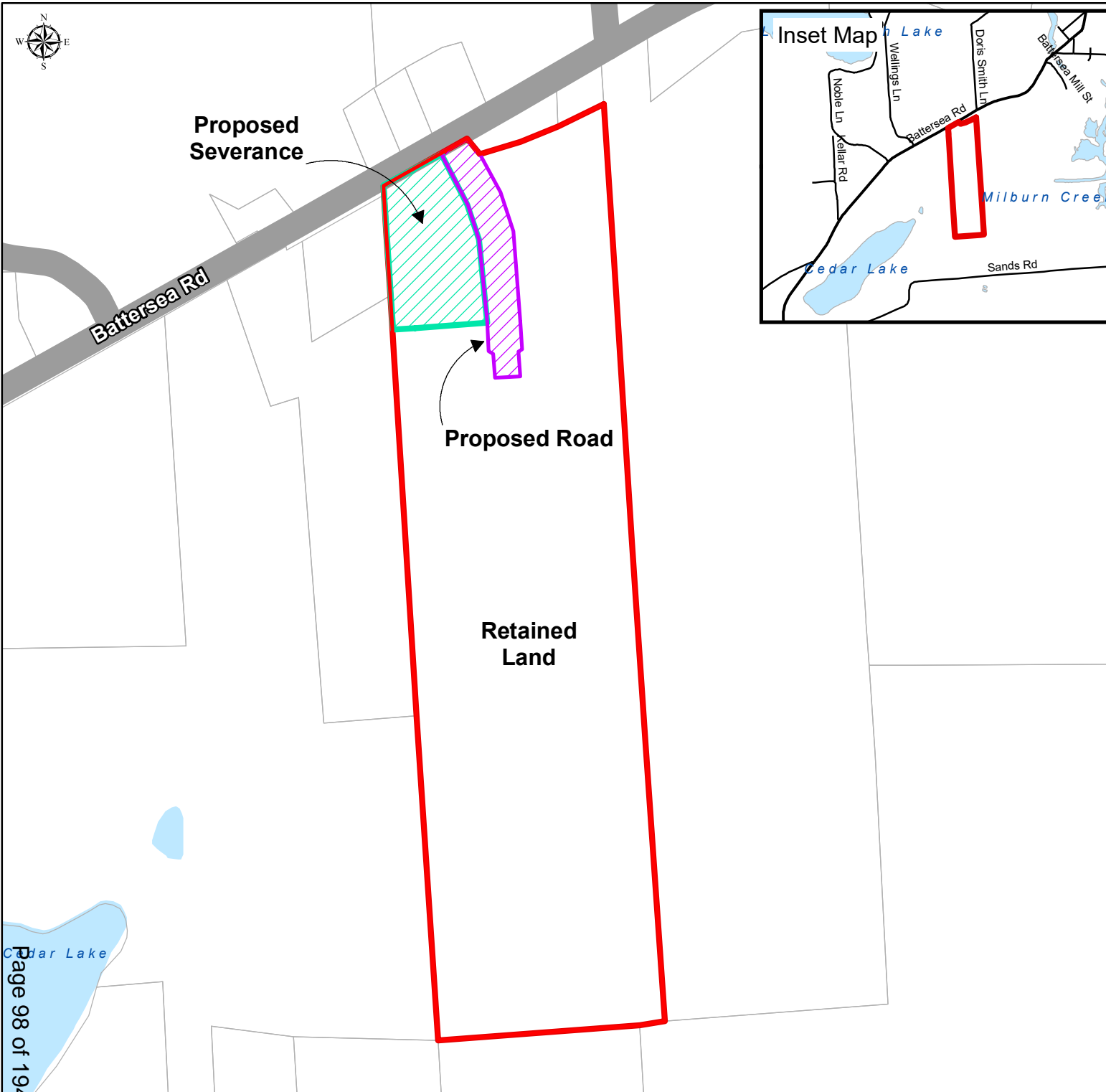
SEVERANCE SKETCH

NOTE:
Dimensions and Township Fabric compiled from
Frontenac Maps and Google Earth

Owner: C. Reynolds
Roll # 102906005012900

Approx. Scale 1 : 2000 (metres)








**S-08-20-S
(Reynolds) (Beach)**

5056 BATTERSEA RD

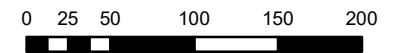
Legend

-  Proposed Road
 -  Proposed Severance
 -  Reynolds Property
 -  Lot Fabric
 -  Provincially Significant Wetlands
- Waterbodies**
-  Water Area, Permanent
 -  Wetland Area, Permanent

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 1:4,500



Meters

UTM Projection NAD 83



PLANNING REPORT – CONSENT APPLICATION



Report Date: November 6, 2020

Application No: S-08-20-S

Owner: Catherine Reynolds

Agent: Gary Beach

Location of Property: Part Lot 9, Concession 9, District of Storrington, Township of South Frontenac, municipally known as 5056 Battersea Road

Purpose of Application: Consent to create one new residential lot

Recommendation: That provisional consent be:

- ✓ **granted with conditions (attached)**

deferred

denied

Purpose: enlarge abutting lot

- ✓ **create new lot**

right-of-way / easement

other:

	Severed Parcel	Retained Parcel
Official Plan Designation:	Settlement Area	Settlement Area
Zoning:	Urban Residential – First Density Zone (UR1)	Urban Residential – First Density Zone (UR1)
Area:	+/- 0.8 hectares (+/- 2 acres)	+/- 12.7 hectares (+/-31.5 acres)
Frontage on Road:	+/-58 metres (+/-190 feet) on Battersea Road	+/-20 metres (+/-66 feet) on Battersea Road
Frontage on Water:	N/A	N/A

Review: This application:

- ✓ Conforms with section 51(24) of the *Planning Act*;
- ✓ Does not require a plan of subdivision for the proper and orderly development of the municipality (s. 53(1) *Planning Act*);
- ✓ Is consistent with the Provincial Policy Statement (s. 3(5) *Planning Act*);
- ✓ Conforms with the County of Frontenac Official Plan (3.3);
- ✓ Conforms with the Township of South Frontenac Official Plan (5.2, 5.6 & 7.1);
- ✓ Complies with the Township of South Frontenac Zoning By-law 2003-75 (or will comply subject to a standard condition of rezoning).

___ There are public comments that remain unresolved.

This consent application does not meet the criteria to be considered an undisputed consent as there continue to be unresolved public comments. As such, it is being forwarded to the Committee of Adjustment for a decision.



Proposal

The purpose of this consent application is to create a new residential lot.

The subject property is located in the settlement area of Battersea on the south side of Battersea Road and is municipally known as 5056 Battersea Road. There is existing residential development along Battersea Road. The subject lands are surrounded by farmland and forest.

The severed parcel consists of approximately 0.8 hectares (+/- 2 acres) and has approximately 58 metres (+/- 190 feet) of frontage on Battersea Road. The severed parcel contains a single detached dwelling, a shed as well as an associated septic system and well (see location map).

The retained parcel consists of approximately 12.7 hectares (+/- 31.5 acres) with approximately 20 metres (+/- 66 feet) of frontage on Battersea Road. The retained parcel consists of vacant land primarily of farmland and forest. There is a small wetland in the south east corner of the retained parcel.

The retained parcel is intended to be used to assemble lands for future development purposes. Any future development of the retained parcel would be by way of a plan of subdivision. The 20 metres (+/- 66 feet) of frontage on Battersea Road is proposed to be a road for a future plan of subdivision.

The applicant originally proposed a 26.2 metre road frontage on the retained parcel. The road frontage was revised to 20 metres (66 feet) upon recommendation of the Public Services Department.

Agency and Public Comments

Public Services Department – Comments received from the Public Service Department on November 4, 2020, indicated that they have no objections to the application. Public Services recommended that the road frontage of the retained parcel be reduced to 20 metres and that the additional 6 metres be added to the severed lot. Retaining 20 metres of frontage on the retained parcel is sufficient to provide the standard 20 metre wide road allowance needed for a road to access a future plan of subdivision.

Cataraqui Conservation – Comments received from Cataraqui Conservation on October 14, 2020 indicate that Staff have no objection to the approval of the application based on consideration for natural hazard, natural heritage and water quality and quantity protection policies.

KFL&A Public Health – Comments received from KLF&A Public Health on October 13, 2020 indicate the retained lot is capable of providing flexibility in siting a sewage disposal system. Specific requirements for soil conditions will be indicated on an Application to Construct a Sewage System prior to site development.

Public Comments – Comments have been received from 5 members of the public. These members of the public are opposed to a potential subdivision on the retained parcel. All 5 members of the public raised concerns about existing water problems with wells and potential impacts from wells and septic systems of a subdivision. In addition, two expressed concerns for the preservation of land and wildlife, which would be disrupted by a future subdivision, as well as road safety related to increasing traffic and speeding in Battersea.

Analysis

The subject lands are located in Battersea, which is a designated settlement area. In accordance with the Provincial Policy Statement 2020 and the County of Frontenac Official Plan, the Township of South Frontenac Official Plan intends for a majority of new growth to be directed to existing settlement areas where it can be supported by appropriate servicing.



The proposed consent to sever the existing residential use from the subject lands is permitted by Section 5.6.6 of the Township of South Frontenac Official Plan. The severed parcel meets the Township settlement area residential policies and servicing policies (section 5.6.1 and section 6.10.2) including having the minimum lot area and being able to be serviced by private water and sewage disposal systems and having frontage on a public road. The severed parcel also complies with the Township land division policies (section 7.1) of the Official Plan.

The severed parcel is proposed to have 58 metres of road frontage instead of the minimum 76 metres required in the Urban Residential – First Density zone (UR1). The reduced road frontage is appropriate as the severed parcel is located in a settlement area where growth is encouraged, and is in keeping with the character of Battersea. The reduced road frontage would permit access to the retained parcel that would be suitable to permit a future road through a plan of subdivision on the retained lands.

The reduced road frontage on both the severed and retained parcels will be recognized through a zoning by-law amendment. As such, a recommended condition of approval is that the applicant apply to have the severed parcel rezoned to a site-specific zone that would recognize a minimum frontage of 58 metres along Battersea Road. The retained parcel is proposed to be rezoned to recognize a minimum frontage of 20 metres.

The retained parcel exceeds the minimum lot area required by the UR1 zone. However, it does not meet the minimum lot frontage that would facilitate the construction of a dwelling on this property in advance of creating an internal road by a future plan of subdivision. A 20 metre road frontage is appropriate for the retained parcel given the intent for this frontage to become a road that would be developed through a future plan of subdivision. The Township requires a standard 20 metre wide road allowance, as per the Road and Lane Standard Cross-Section Policy.

A recommended condition of approval is that a Holding (-H) symbol be placed on the zone of the retained parcel to regulate building and future development on this parcel. The holding symbol would signify that only existing uses are permitted. The holding symbol may only be removed by by-law to allow development of the property when a plan of subdivision agreement between the property owner and the Township has been executed and registered on title.

Any future lot creation from the retained parcel must occur by plan of subdivision to ensure the orderly development of the land. To date, a plan of subdivision application has not been submitted and there are no immediate plans to develop the retained parcel. Should a plan of subdivision application be submitted, numerous studies including a hydrogeological assessment, terrain analysis, environmental impact assessment, species at risk assessment and traffic impact study would be required. The concerns raised by the public would be considered and addressed through the plan of subdivision process. Landowners within 120 metres of the plan of subdivision would be notified of any future plan of subdivision application.

At this time, the Committee of Adjustment is being asked to make a decision on this consent application as it does not meet the criteria for an undisputed consent due to the nature of public comments on this application and because the severed and retained parcels have deficient frontage.

A decision on a future plan of subdivision would be made by the County of Frontenac with the input from South Frontenac Council and would go through a fulsome public consultation process. Comments and concerns raised by the public would be addressed through the plan of subdivision process.

Conclusion

It is recommended that application S-08-20-S be **approved** for the consent to create a new residential lot in Part Lot 9, Concession 9, District of Storrington, Township of South Frontenac, municipally known as 5056 Battersea Road, subject to conditions.



Recommended Conditions for Consent Application S-08-20-S

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-08-20-S shall be for the creation of one new residential lot with an area of approximately 0.8 hectares (+/- 2 acres) and has approximately 58.2 metres (+/- 190 feet) of frontage on Battersea 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)].
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 Conditions #3, and #4 shall also determine by survey the width of the public road to be 20 metres (66 feet). If such width is less than 20 metres (66 feet), 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 provide 10 metres (33 feet) from the centre of the existing travelled road;
 - 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 issuance of the Certificate of Official;
 - 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 stamping of the deeds.
7. The Township of South Frontenac shall receive 5% of the value of the parcel to be severed through Consent Application S-08-20-S, in lieu of parkland [*Planning Act*, s. 51(1)].
8. In the event that there are abandoned wells located on the severed parcel or the retained parcel, the wells shall be sealed in accordance with the requirements of the Ministry of the Environment, Conservation and Parks and that this work shall be accomplished prior to the issuance of the Certificate of Official.

Zoning

9. The retained parcel be rezoned to establish a site-specific zone to recognize the reduced road frontage along Battersea Road and to establish a holding symbol that would prohibit any building or development on the retained parcel until such time as a subdivision agreement is entered between the owner of the lands and South Frontenac Council for the lands. Please contact the Township's Planning Department to begin this process.
10. The severed parcel be rezoned to a site-specific zone to recognize a reduced road frontage. Please contact the Township's Planning Department to begin this process.
11. Where a violation of the Township of South Frontenac Comprehensive Zoning Bylaw is evident, the appropriate minor variance or rezoning be obtained to the satisfaction of the Municipality.


Submitted by: Anna Geladi, Planner

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

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

Site Visit: October 20, 2020

CONSENT TO SEVER INSPECTION REPORT

File Number: S-08-20-S		Receipt Number: SK-41-2020																						
Owner(s): Reynolds, Catherine																								
Municipality: Township of South Frontenac		Ward / Former Township: Storrington																						
Lot: Part 9	Concession: 9 W	Registered Plan:	Part(s): Plan of Subdivision: Sublot:																					
<p>General Description (existing buildings, surface features, slopes, site services for water and sewage, etc)</p> <p>Severed: Mostly wooded parcel with a cleared area in the southern half; there is an existing dwelling and accessory structure already on the lot. The dwelling is served by an existing septic tank and leaching bed. The proposed severed lot is bordered by the proposed retained lot to the east and south, neighbouring lots to the west, and Battersea Road to the north.</p> <p>Retained: Large parcel with some mixed woods, with large cleared areas used for agriculture. The elevation of the lot increases toward the centre of the lot, and drops off to the northwest and south. There are two distinct wetland areas in the southern portion of the lot. The proposed retained lot is bordered by neighbouring lots to the north, east, south and west; the proposed severed lot to the northwest, and Battersea Road to the north.</p>																								
<p>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.</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%; text-align: center;">Severed</th> <th style="width: 20%; text-align: center;">Depth of Soil</th> <th style="width: 50%; text-align: center;">Retained</th> </tr> </thead> <tbody> <tr><td></td><td style="text-align: center;">0.0 m</td><td></td></tr> <tr><td></td><td style="text-align: center;">0.3 m</td><td></td></tr> <tr><td></td><td style="text-align: center;">0.6 m</td><td></td></tr> <tr><td></td><td style="text-align: center;">0.9 m</td><td></td></tr> <tr><td></td><td style="text-align: center;">1.2 m</td><td></td></tr> <tr><td></td><td style="text-align: center;">1.5 m</td><td></td></tr> </tbody> </table>				Severed	Depth of Soil	Retained		0.0 m			0.3 m			0.6 m			0.9 m			1.2 m			1.5 m	
Severed	Depth of Soil	Retained																						
	0.0 m																							
	0.3 m																							
	0.6 m																							
	0.9 m																							
	1.2 m																							
	1.5 m																							
Percolation rate (estimated):		Percolation rate (estimated):																						
<p>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.</p>																								
Suitability for on-site sewage disposal:																								
<p><u>SEVERED</u></p> <p><input checked="" type="checkbox"/> Satisfactory</p> <p><input type="checkbox"/> Unsatisfactory</p> <p><input type="checkbox"/> Site Flexible</p> <p><input type="checkbox"/> Site Specific</p>	<p>Conditions:</p>																							
<p><u>RETAINED</u></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>Conditions: 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>																							
Inspector: Matthew Doyle CPHI(C), Public Health Inspector	Approved: 		Date: October 13, 2020																					

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

October 14, 2020

File: SEV/FRS/204/2020

Sent by E-mail

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

Dear Ms. Geladi:

**Re: Application for Consent to Sever S-08-20-S (Reynolds / Beach)
Part Lot 9, Concession 9; 5056 Battersea Road
Storrington District, Township of South Frontenac**

Cataraqi Conservation staff have reviewed the above-noted application for consent to sever and offer the following comments for the Land Division Committee's consideration.

Summary of the Proposal

The applicant has requested severance of a 0.8 hectare (2 acre) parcel of land fronting on Battersea Road. The lot to be severed is proposed to be used for residential purposes. The lot to be retained would be approximately 12.75 hectares (31.5 acres) in area also having frontage onto Battersea Road. The lot to be retained consists of agricultural fields and woodlands and is proposed to remain in its present use.

Site Description

As noted above, the property consists of agricultural fields and woodlands. The lot to be severed drains toward Battersea Road but the majority of the retained lot slopes away from the road in a southerly direction. There are pockets of land on the southern end of the retained parcel that are showing up as unevaluated wetlands on our wetland mapping layer.

The lot to be severed will contain the existing residence and associated development. The retained lot currently contains a shed.

The property is designated 'Settlement Area' in the Official Plan and zoned 'Urban Residential – First Density Zone' (UR1) in the implementing Zoning By-law. The wetland areas are not designated as wetland in the Zoning By-law.



Discussion

The main interest of Cataraqi Conservation in this proposal is the protection of the natural heritage features of the unevaluated wetland pockets noted above.

Natural Heritage / Wetlands

In accordance with the Provincial Policy Statement and the Township Official Plan, natural features and their ecological and/or hydrological functions shall be protected for the long term.

Staff have concluded that the lot to be severed does not lie within or immediately adjacent to any natural heritage features. Therefore, staff have no concerns with the proposed lot to be severed.

As noted above, wetland mapping suggests that there are wetland pockets on the southern portion of the retained lot. However, staff are not convinced that some of these pockets are wetland due to the topographic information available for the property that would suggest otherwise. Irregardless, these are relatively small isolated wetland pockets and there is considerable area outside of these wetland pockets for future development to occur on the retained parcel.

Recommendation

Staff have no objection to the approval of application S-08-20-S based on our consideration for natural hazards, natural heritage, and water quality and quantity protection policies.

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

Yours truly,

Andrew Schmidt

Andrew Schmidt
Supervisor, Development Review

/as

c.c. Michelle Hannah, South Frontenac Township (via e-mail)
Gary Beach, applicant's agent (via e-mail)

Michelle Hannah

From: Natalie George [REDACTED]
Sent: October-04-20 9:25 PM
To: planning
Subject: File No: S-08-20-S

Goodevening,

As proposed in your letter, dated September 28, 2020, I am writing to you to share my concerns about File No: S-08-20-S for Applicant: Catherine Reynolds.

According to the document, the proposed application which encompasses Part Lot 9, Concession 9, District of Storrington, known as 5056 Battersea Road, is applying for consent for the creation of a new residential lot along with the future development of the a planned subdivision.

Our family, who resides at 5098 Battersea Rd, Battersea, ON K0H 1H0, shares a property line with the proposed 12.7 hectare parcel that is intended to be used to assemble lands for future development. We **oppose** the proposed application, for reasons as limited below.

Our family moved to Battersea 5 years ago so that we could move out of the crowded city and have a peaceful home location for our 4 young children. We wanted a safe and nurturing environment that cares for the land, it's habitat and its habitat. A subdivision will be detrimental to the future of the land that surrounds our property. We are incredibly grateful that the other property line runs parallel to a nature conservancy. This was a main motivating factor in the purchase of our home 5 years ago. We wanted to share our appreciation for the land and wanted to continue to maintain a safe habitat for local wildlife.

This parcel of land is in the middle of several parcels in which a wild and diverse flora and fauna live together in harmony. A variety of wildlife coexist on the space that surrounds our property and those parallel and adjacent to ours, in thanks to the nature conversancy. Taking away this precious piece of land will harm our local wildlife.

Residents and long time families in this area have been focusing on preservation in this community, and this particular application opposes the preservation of land that so many families have fought for in this community already.

In addition to the above concern, there is of course concern about the aquifer and the sustainability of a development in a changing climate that sees more and more drought. The past several seasons have seen increases in drought conditions which have brought dry wells to several of our neighbors. Offering an additional pressure on the aquifers that surround our neighborhood will negatively affect the aquifer and it's future sustainability.

Finally, the road in Battersea that goes by our home is increasingly filled with traffic, many of whom speed. We have already lost 1 dog and 2 cats on this road. Increasing traffic in this area will be a concern for many residents. We have four children in our home, there is another family with 2 young children, a third family with 2 young children, a fourth family with 2 young children and a fifth family with a child with special needs (this is especially concerning as the family has already expressed concern about traffic in our area). This is extremely concerning in terms of road safety and the dangers associated with congestion in this particular area.

The corner near our property (5098 Battersea road) is dangerous and is blind. Increasing traffic in this area has the likelihood of creating dangerous conditions for children's upbringing.

Thank you for taking the time to understand our concerns.

Jamin & Natalie George
613 893 0390
5098 Battersea Road

Michelle Hannah

From: Christopher Chesbro [REDACTED]
Sent: October-05-20 6:55 PM
To: planning
Subject: Michelle Hannah.

Catherine Reynolds File No.:S-08-20-S

I have concerns about the Proposed land development that will be taking place on this property. I live at 5088, Battersea Rd with my elderly mother and we are concerned about this development of a possible subdivision. We are on a well system here and I'm afraid this new development will contaminate our well system and I am not too happy about the fact that there will be major construction and close residential homes being built close to my home. If Ms Reynolds want to build a house for herself that's fine, but I don't want any subdivision going in close to me.

Thank you Chris Chesbro.

Michelle Hannah

From: john [REDACTED]
Sent: October-13-20 2:26 PM
To: planning
Subject: RE: S-08-20-S

ATT'N: MICHELLE HANNAH - WE LIVE AT 5063 BATTERSEA ROAD & HAVE HAD WATER PROBLEMS WITH OUR WELL. WE BELIEVE MORE DEVELOPMENT HIGHER THAN OUR PROPERTY COULD LEAVE US WITHOUT ANY WATER.

--

This email has been checked for viruses by Avast antivirus software.
<https://www.avast.com/antivirus>

Michelle Hannah

From: Christopher Chesbro [REDACTED]
Sent: October-08-20 12:06 PM
To: planning
Subject: Re: Michelle Hannah.

Attn: Michelle Hannah

I am responding to a letter that was mailed out to my parents the letter was to inform us that there is a "Notice of Application" for Catherine Reynolds, File No. S-08-20-S My mother and I (Chris Chesbro) live at [REDACTED] We are concerned that this construction will effect our well water because of the septic systems and weeping tiles that are going to be put in the ground. We also are not looking forward to having people living in our backyard. If Ms Reynolds would like to build a house for herself that is fine, but We do not want a subdivision built in our backyard. We like our privacy and my neighbours are not in agreement with this also. I can be reached at [REDACTED] as can my Mother Lorna J Miller.

Thank you, Chris Chesbro, Lorna J Miller
[REDACTED]

KOH 1H0

From: Christopher Chesbro
Sent: October 5, 2020 6:54 PM
To: planning@southfrontenac.net <planning@southfrontenac.net>
Subject: Michelle Hannah.

Catherine Reynolds File No.:S-08-20-S

I have concerns about the Proposed land development that will be taking place on this property. I live at [REDACTED] with my elderly mother and we are concerned about this development of a possible subdivision. We are on a well system here and Im afraid this new development will contaminate our well system and I am not too happy about the fact that there will be major construction and close residential homes being built close to my home. If Ms Reynolds want to build a house for herself that's fine, but I don't want any subdivision going in close to me.

Thank you Chris Chesbro.

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

Date Received: _____

File No: MV-39-20-S

1. Name of Owner(s): PETER STRICKLAND

Full Mailing Address of Owner(s): _____

Phone number of Owner(s): _____

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: N/A

Full Mailing Address of Authorized Agent: _____

Phone number of Authorized Agent: _____

Email Address of Authorized Agent: _____

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

Signature(s) of Owner(s) _____

3. The description of the subject land:

District: Bedford Portland Loughborough Storrington

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

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

Reference Plan Number: 13 R 14860 Part Number(s): 8 TO 10

Roll Number: 040-040-03000-0000

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

Depth: 527 m Area: 101,106.4 m²

5. The current zoning of the subject land:

RURAL ZONE

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

Reduced setback of shed from water.

10m rather than 30m from high water mark.

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

Steep cliff makes larger setback impossible.

Cottage is 110' ABOVE the water with extreme grade

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

Name of Road/Lane:

Private: Kismet Ln Municipal: Perth Rd

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

N/A

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

Seasonal cottage

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

Yes No

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	Shed		
Setback from Front Lot Line	4.64m	4.64m		
Setback from Rear Lot Line	6.3m	6.3m		
Setback from Side Lot Line	2.6m	3.8m		
Height of Building (Also indicate if it is one story or two story)	3m ⁹ to peak Single Story	3m to peak Single Story		
Dimensions of Floor Area	6.5m ²	9.5m ²		
Setback from High Water Mark (If applicable)	6.3m	6.3m		

13. The proposed uses of the subject land:

Seasonal cottage

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

Yes

No

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 Yes No
 - (b) Increase in plumbing fixtures Yes No
 - (c) Increase in living space Yes No
 - (d) Will the addition or structure encroach on the existing septic system? Yes No

19. The date the subject land was acquired by the current owner:
DEC 18TH, 2013

20. The date the existing buildings and structures were constructed on the subject lands:
2018 (Completion)

21. The length of time that the existing uses of the subject land have continued:
7 years (Since purchase)

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

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

24. Is storm drainage provided by sewers, ditches, swales or by other means?
Natural run-off

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 representing payment of the application fee.

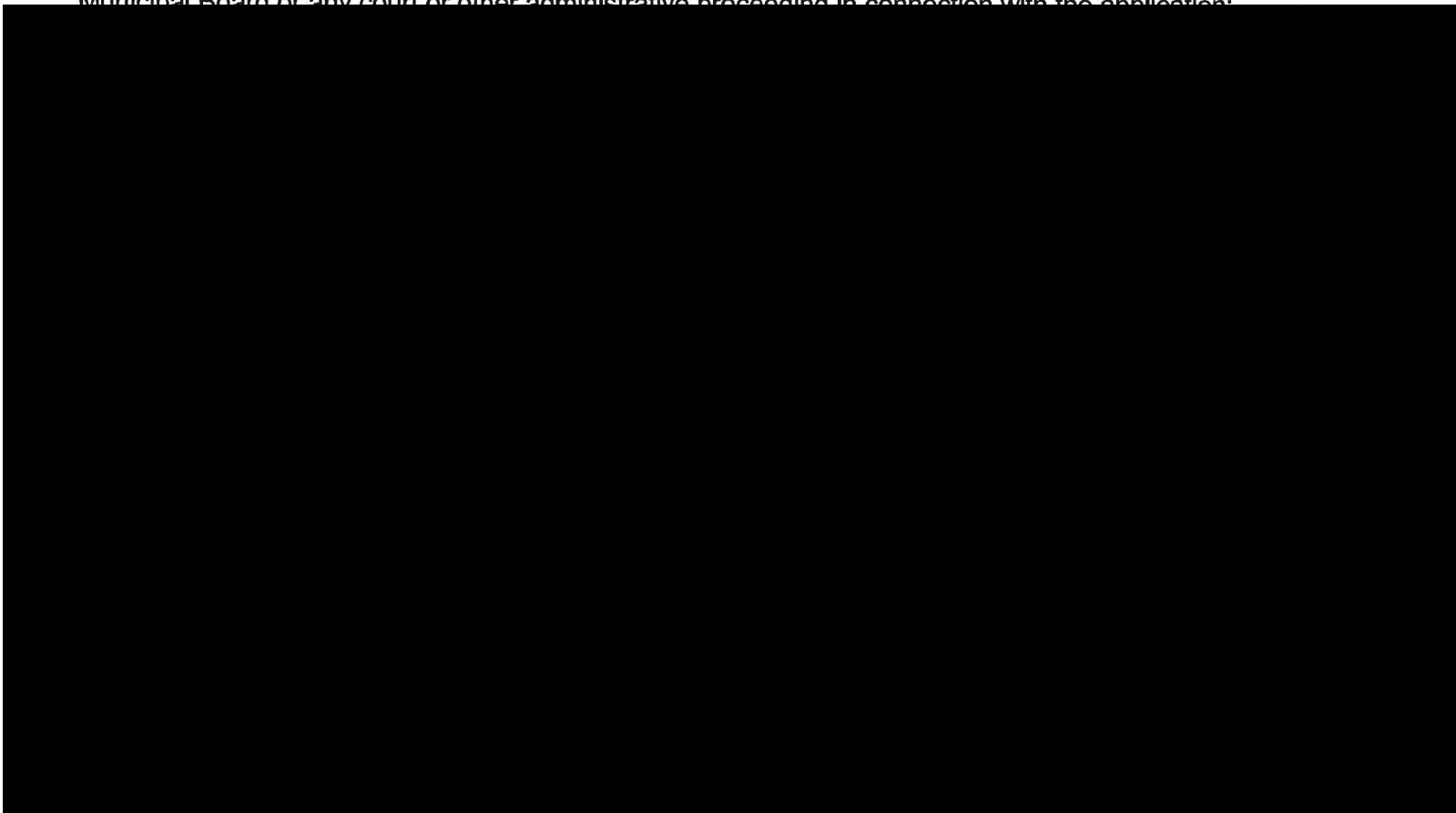
The Owner/Applicant/Agent agrees that the information recorded in this Minor Variance Application Form is accurate. The Owner/Applicant/Agent agrees that representatives of the Township, Public Health and, where applicable, the appropriate Conservation Authority, may enter onto the subject property for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











MV-39-20-L
(Strickland)

92B KISMET LANE

Legend

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

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

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

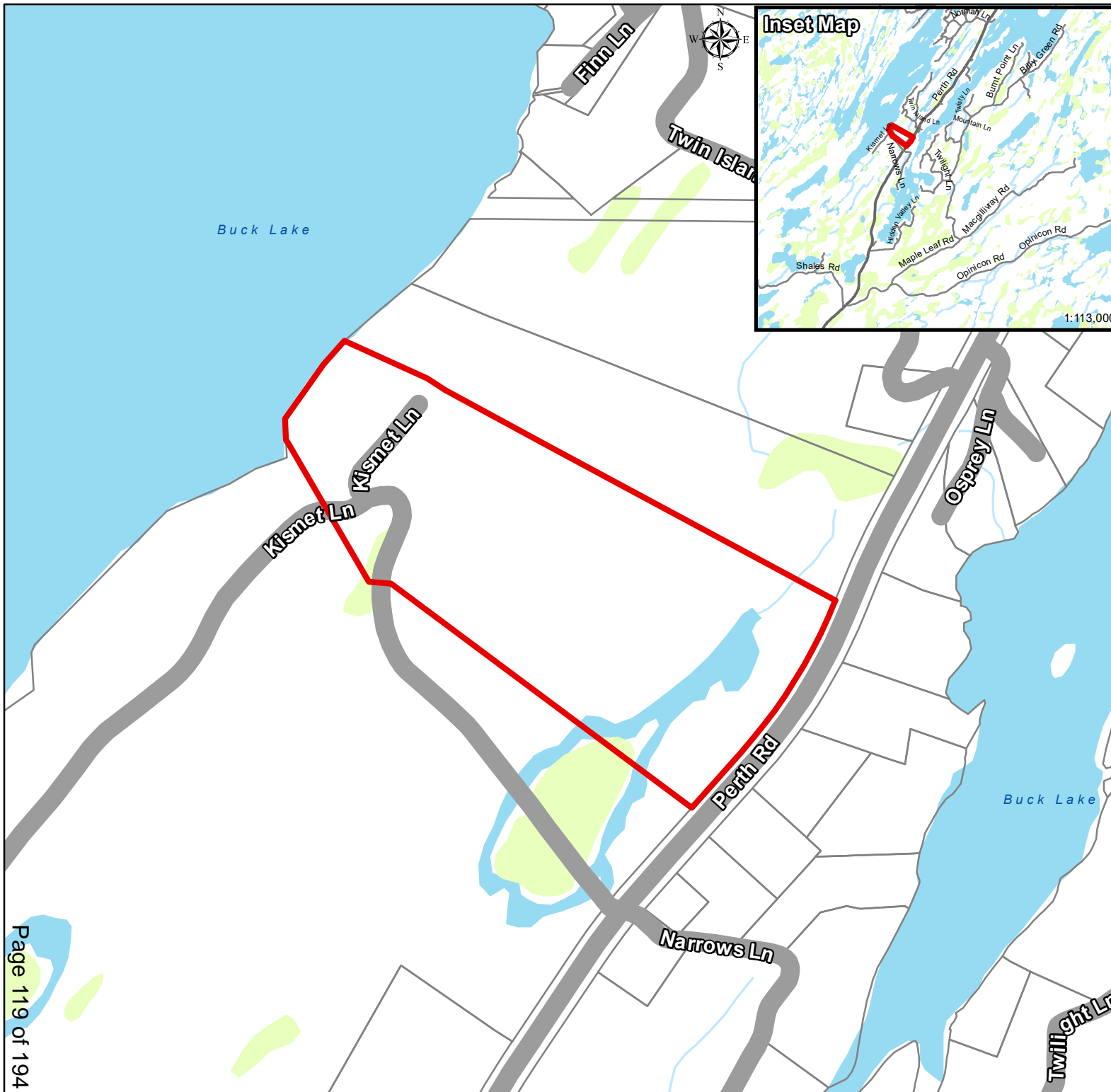
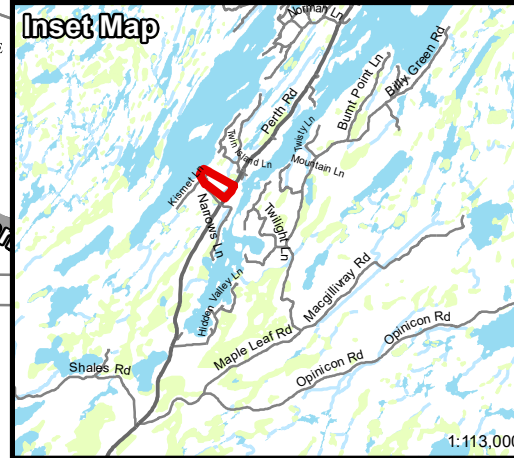
Scale 1:5,000

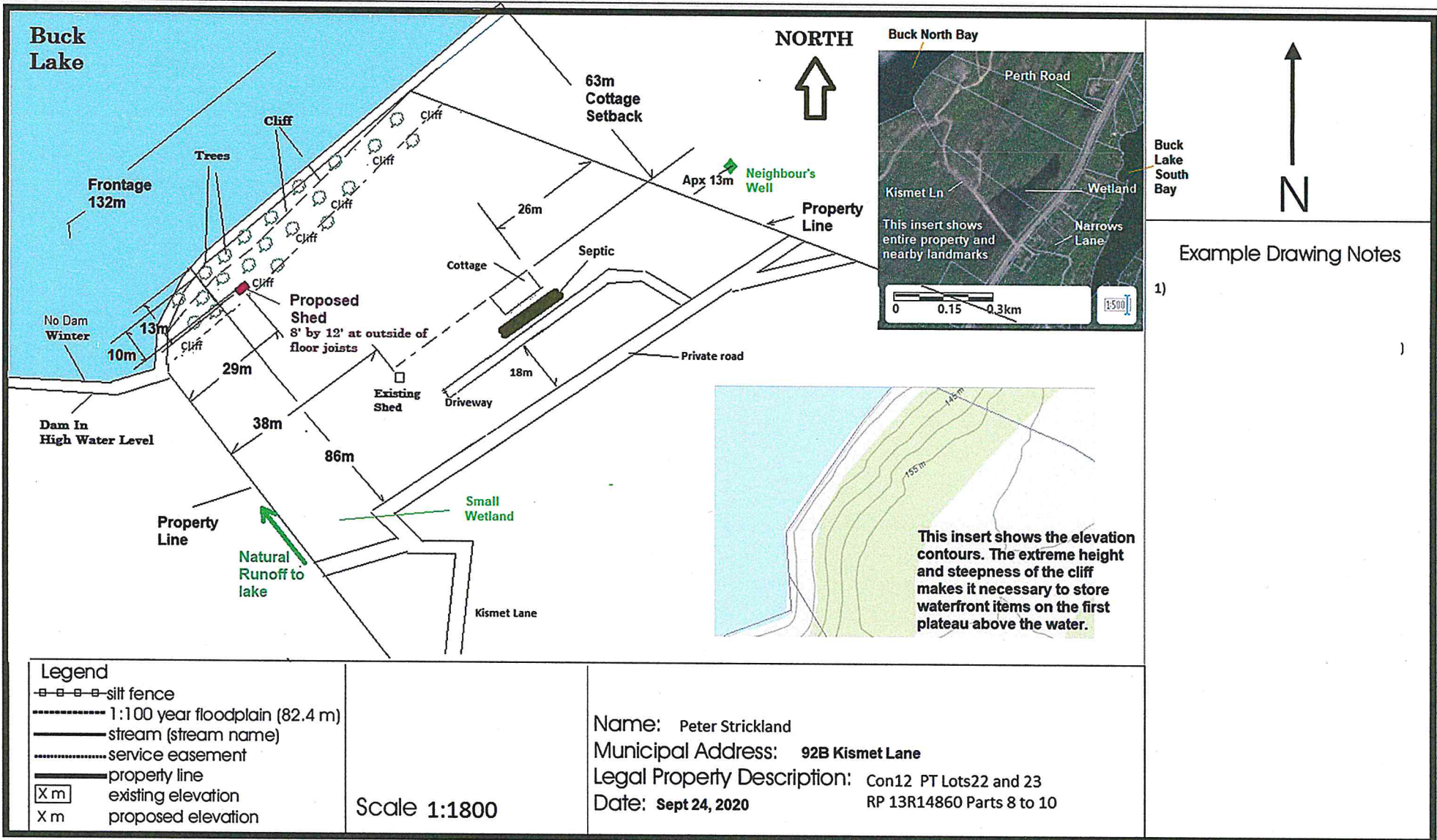
0 12.5 50 75 100

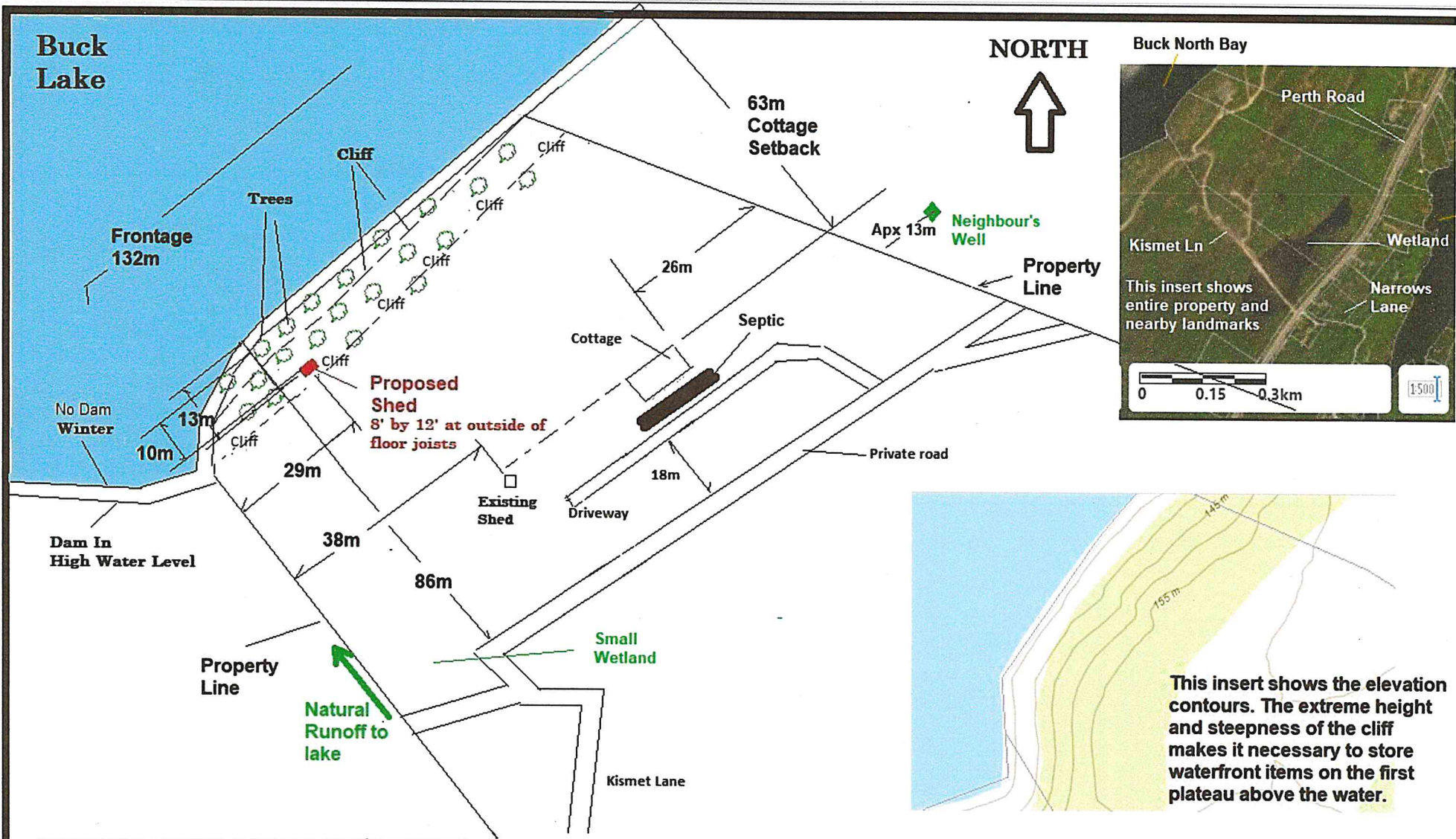


Meters

UTM Projection NAD 83







Legend

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

Scale 1:1800

Name: Peter Strickland

Municipal Address: 92B Kismet Lane

Legal Property Description: Con12 PT Lots22 and 23

Date: Sept 24, 2020

RP 13R14860 Parts 8 to 10



REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



Report Date: November 6, 2020

Application No: MV-39-20-L

Owners: Peter Strickland

Location of Property: Part of Lot 22 and 23, Concession 12, being Parts 8 – 10 on Plan 13R14860, District of Loughborough, Township of South Frontenac, municipally known as 92B Kismet Lane, Buck Lake

Purpose of Application: To vary Sections 5.8.2(a), 5.8.2(b) and 7.3.2 of Township of South Frontenac Comprehensive Zoning By-law 2003-75

Date of Hearing: November 12, 2020

Recommendation

It is recommended that the Committee of Adjustment receive comments from the public and that the Committee of Adjustment **defer** making a decision on application MV-39-20-L to provide additional time for Cataraqui Conservation staff to review the proposal and to provide comments.

Proposal

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

The subject property is zoned Rural and contains an existing cottage and shed located 63 metres (207 feet) from the highwater mark. The subject property can be characterized as having a steep cliff and challenging topography.

The proposed shed will be 2.4 x 3.7 metres (8 x 12 feet) and a total of 9 square metres (96 square feet) in size. The shed would be set back a minimum of 10 metres (32.8 feet) from the high water mark. The proposed shed is for storage purposes.

Agency Comments

In a phone call on October 23, 2020 with the Ministry of Environment, Conservation and Parks, it was determined that comments from the Ministry were not required.

Submitted by: Anna Geladi, Planner

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

Date of Site Visit: September 10, 2020

RECEIVED
TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE
Planning Act, R.S.O. 1990, c. P.13 as amended
SEP 24 2020

Date Received: _____

File No: MV-40-20-L

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

Full Mailing Address of Owner(s): _____

Phone number of Owner(s): _____

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: 13 Lot Number: Part Lot 23

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

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

Roll Number: 102904004010300

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): 38.83m (127.40 ft)

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

Depth: 46.66m (153.09 ft)

Area: 1605.05 M2 (17,276.06 ft²)

5. The current zoning of the subject land:

Limited Services Residential Waterfront (RLSW)

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

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

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

The property is an existing undersized lot of record. To keep development out of the 30m set back the principal building need to encroach into the rear yard set back

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

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

Name of Road/Lane:

Twin Island Lane

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

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

Vacant waterfront lot served by private road

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

Yes No

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:

Seasonal Dwelling with class 4 septic system

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

Yes No

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

NOTES: 1) If the subject property is on waterfront, and on a private lane, the setback from the front lot line and the setback from the high water mark will be the same.

2) The dimensions required in this question relate to the **NEW CONSTRUCTION ONLY**, and **NOT** to the total size of the completed building.

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

If yes, please provide details:

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 checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| (b) | Increase in plumbing fixtures | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| (c) | Increase in living space | <input checked="" type="checkbox"/> Yes | <input 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:

July 29 2019

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

N/A

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

N/A, Undeveloped lot of record

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

Lake intate

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

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

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

Existing natural overland down gradiant

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.

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

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

- i) THE SKETCH **MUST** HAVE A NORTH ARROW AT THE TOP OF THE PAGE.
- ii) The boundaries and dimensions of the subject land including the location of any existing and proposed buildings.
- iii) The location of a reference point.....i.e. distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing.
- iv) The location of all abutting (neighbours') lands.
- v) The approximate location of all natural and artificial features on the subject land and on the land that is adjacent to the subject land. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, barns, wetlands, wooded areas, wells and septic tanks. Show distance of these features from the applicant's property lines.

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

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

AGREEMENT TO INDEMNIFY

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

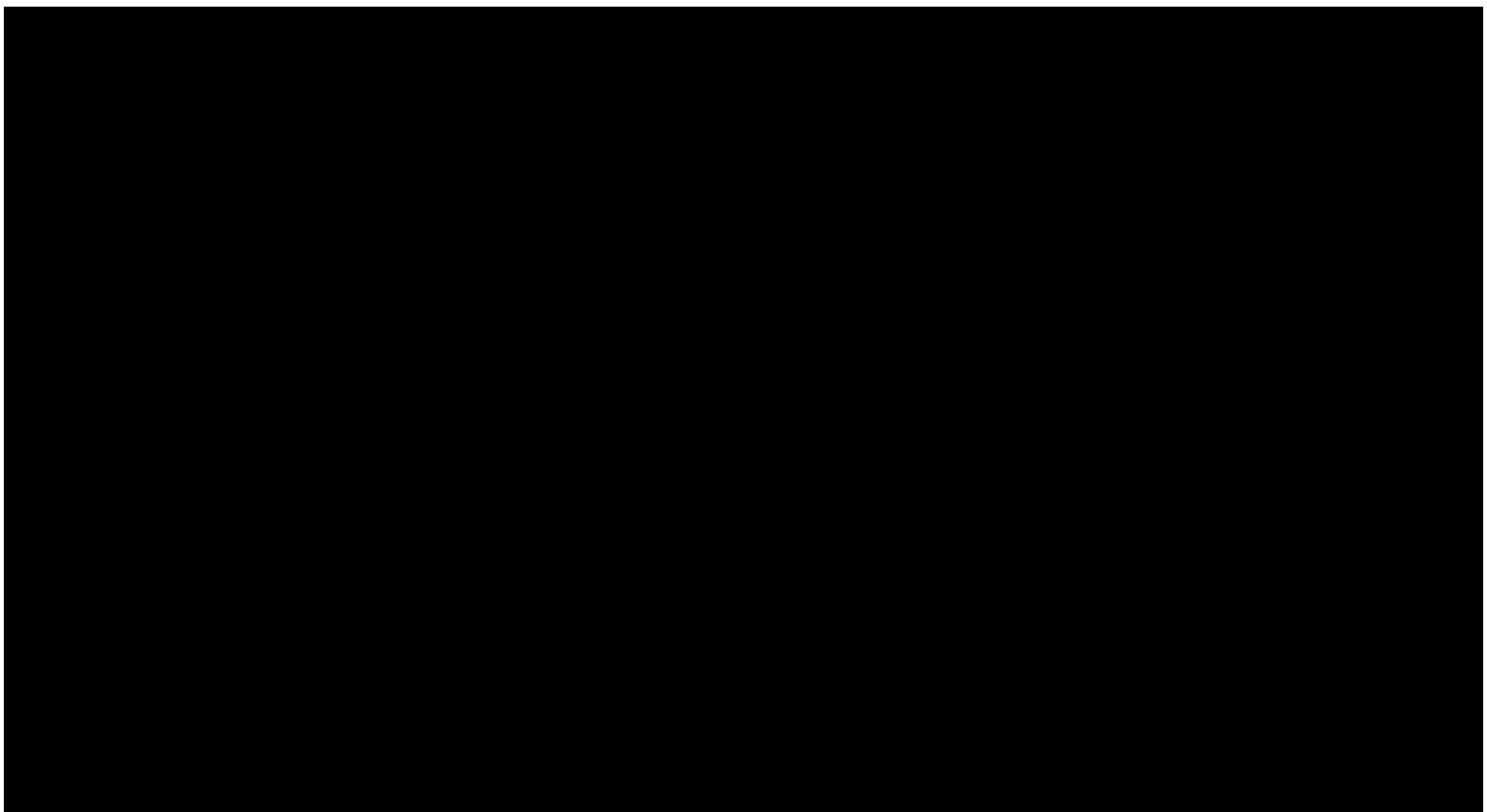
The Owner/Applicant/Agent agrees that the information recorded in this Minor Variance Application Form is accurate. The Owner/Applicant/Agent agrees that representatives of the Township, Public Health and, where applicable, the appropriate Conservation Authority, may enter onto the subject property for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

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

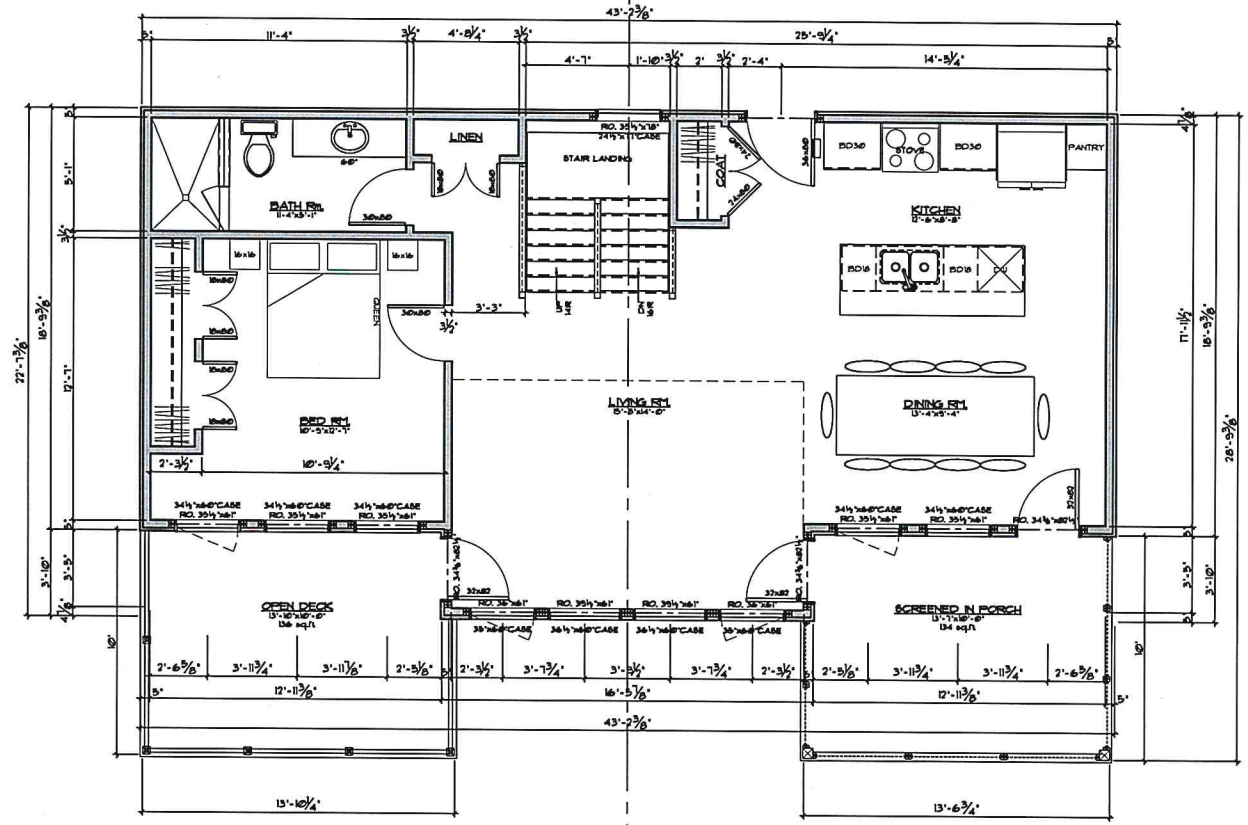
Without limiting the foregoing, such fees and expenses shall include the fees and expenses of consultants, planners, engineers, lawyers and such other professional and technical advisors as the municipality may, in its absolute discretion acting reasonably, consider necessary or advisable to more properly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

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

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



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



GROUND LEVEL 875 sq.ft.

GROUND FLOOR

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

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

Signature: *Brad Vanderhaar*
 INDIVIDUAL BCIN: 2754
 FIRM BCIN: 2756

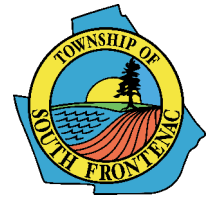
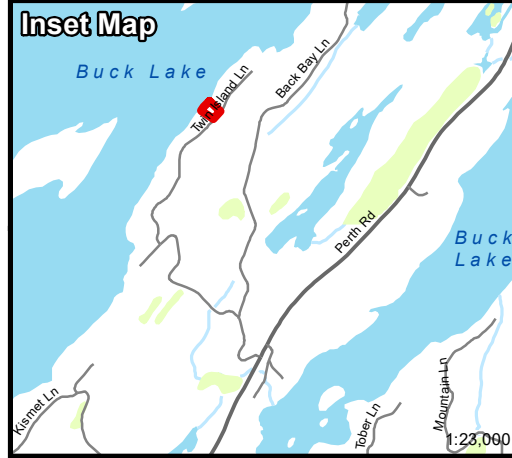
BV DESIGN & DRAFTING
 BRAD VANDERHAAR
 278 WELBORNE AVE.
 KINGSTON ONT.
 K7M 4G6
 (613) 929-5957
 BRAD@BPDEVELOPMENT.COM

DESCRIPTION	DATE

09-24-2020 ISSUED FOR PERMITS VARIANCE APPLICATION

CLIENT:
 AMANDA & BRAD VANDERHAAR
 ...
 PROJECT:
 TWIN ISLAND LAND COTTAGE
 ...
 DRAWING TITLE:
 GROUND FLOOR PLAN
 ...







DRAWN BY: B.G.V.
 DATE: 09-14-2020
 SCALE: 3/16" = 1'-0"
 PAGE: A1



**MV-40-20-L
(Vanderhaar)**

TWIN ISLAND LANE

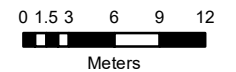
Legend

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

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

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

Scale 1:500



UTM Projection NAD 83



REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



Report Date: November 5, 2020

Application No: MV-40-20-L

Owners: Brad & Amanda Vanderhaar

Location of Property: Part of Lot 23, Concession 13, District of Loughborough, Township of South Frontenac, 1229 Twin Island Lane, Buck Lake

Purpose of Application: To vary Section 10.3.1 of Comprehensive Zoning By-law 2003-75

Date of Hearing: November 12, 2020

Recommendation

It is recommended that the Committee of Adjustment receive comments from the public and that the Committee of Adjustment **defer** making a decision on application MV-40-20-L to receive comments from Cataraqui Conservation.

Proposal

An application for minor variance was received to permit a one-and-a half storey seasonal dwelling with a walkout basement and an attached deck and screened porch on the subject property. The 0.16 hectare (0.4 acre) property is currently vacant. The proposed dwelling would have a rear yard setback of 7.5 metres (24.6 feet) instead of 10 metres (32.8 feet), and would require an increase in the allowable lot coverage for the principal building from 5% to 6.6%. The dwelling would be located a minimum of 30 metres from the high water mark of Buck Lake. A new tertiary septic system is proposed to be installed in a location that would comply with zoning requirements, including the minimum 30 metre setback from the highwater mark.

Submitted by: Christine Woods, MCIP RPP, Senior Planner

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

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

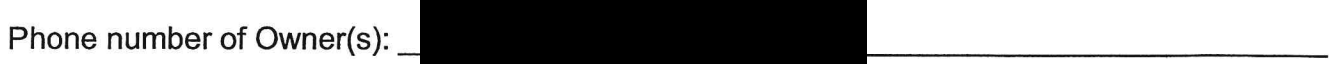
TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE
Planning Act, R.S.O. 1990, c. P.13 as amended

Date Received: October 5, 2020

File No: MV-41-20-~~1~~

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

Full Mailing Address of Owner(s): 

Phone number of Owner(s): 

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: G. EDWARD LLOYD

Full Mailing Address of Authorized Agent: 

Phone number of Authorized Agent: 

Email Address of Authorized Agent: 

*OWNER WILL SELF-REPRESENT UNTIL TOWNSHIP IS OTHERWISE NOTIFIED.
Agent as named above is hereby authorized to act on behalf of the owners for purposes of processing this application for Minor Variance.
TOWNSHIP IS AUTHORIZED TO SHARE ANY INFORMATION ABOUT THIS APPLICATION WITH AGENT*



3. The description of the subject land:

District: Bedford Portland Loughborough Storrington

Concession Number: 6 Lot Number: _____

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

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

Roll Number: 040-030-13600-0000

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

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

Frontage (on water): SEE IAGGONSON SURVEY SKETCH ATTACHED
Depth: APPENDIX D

Frontage (on road/lane): _____

Area: 4.35 HECTARES (10.75 ACRES)

5. The current zoning of the subject land:

LIMITED SERVICE RESIDENTIAL ISLAND ZONE (RLSI)

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

I AM REQUESTING SETBACKS LESS THAN THE 30 METRES REQUIRED FROM THE FRONT YARD, THE HIGH WATER MARK AND THE FLOOD LINE FOR A SEASONAL DWELLING - 26.75M WEST SETBACK, 19.38M EAST

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

SEE 7A ATTACHED (PAGE 4A)

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

Name of Road/Lane: _____

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

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

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

RECREATIONAL/CAMPING

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

Yes No

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

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

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

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

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

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

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

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:

A SEASONAL OFF GRID CABIN FOR RECREATIONAL USE

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

Yes No

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

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

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

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

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

If yes, please provide details:

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?

NEW BUILD - THREE BEDROOMS

(a) Increase in number of bedrooms Yes No

(b) Increase in plumbing fixtures Yes No

NO PLUMBING

(c) Increase in living space Yes No

NO CURRENT LIVING SPACE

(d) Will the addition or structure encroach on the existing septic system? Yes No

NO EXISTING SEPTIC SYSTEM

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

MAY 16, 2017

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

N/A

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

N/A

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

LAKE WATER

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

BIODEGRADABLE TOILET

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

N/A

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.
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- 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

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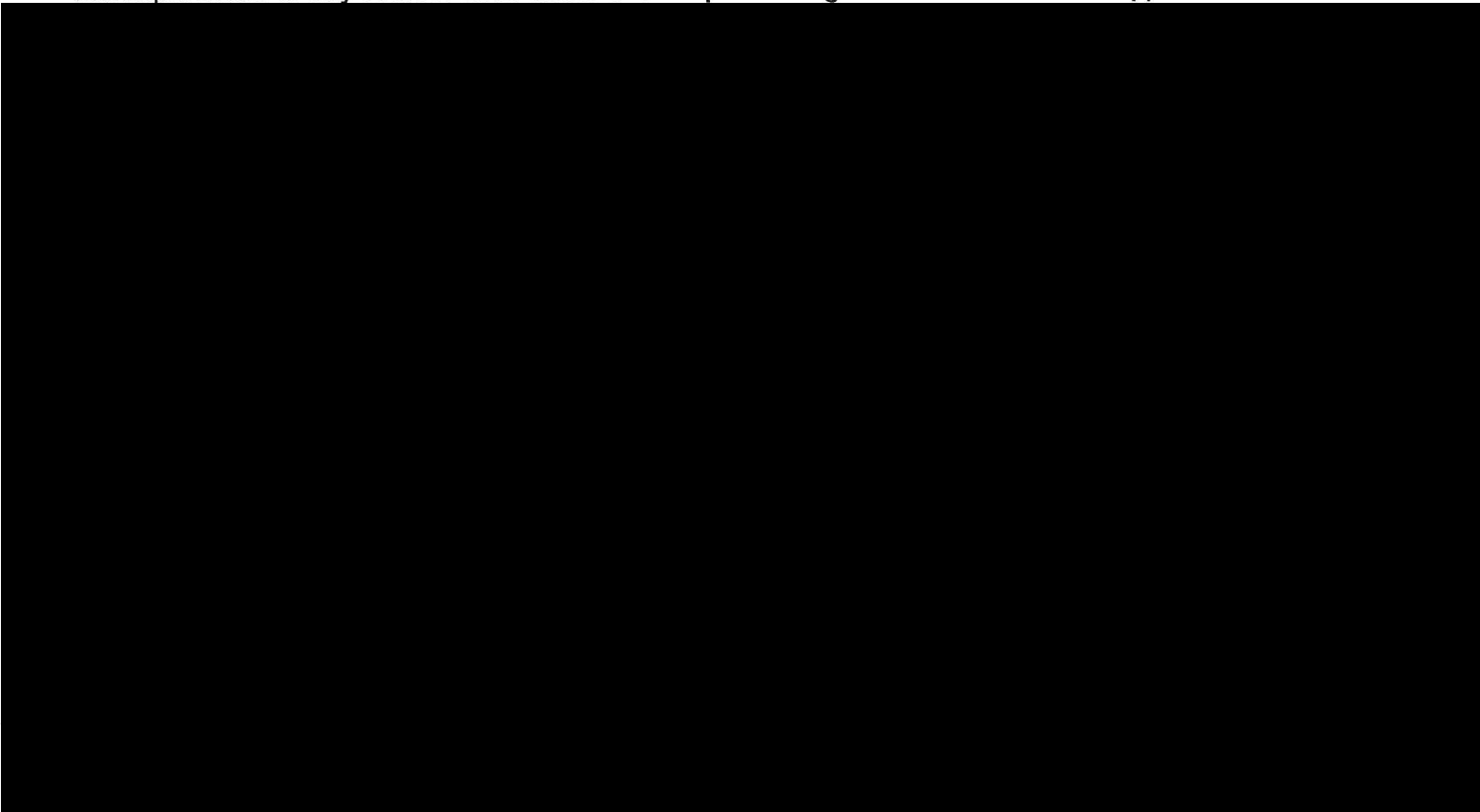
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Without limiting the foregoing, such fees and expenses shall include the fees and expenses of consultants, planners, engineers, lawyers and such other professional and technical advisors as the municipality may, in its absolute discretion acting reasonably,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

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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:



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



L A K E

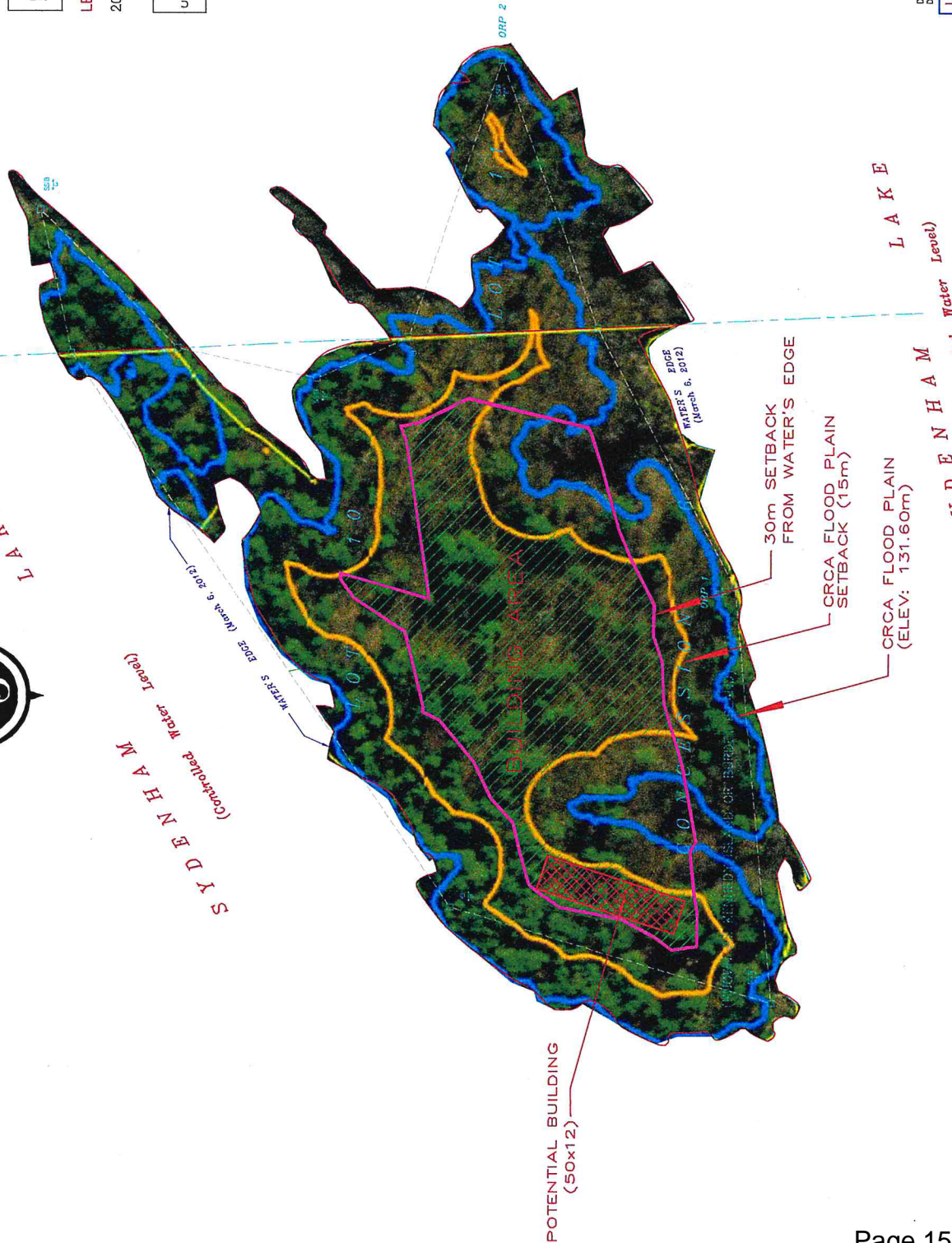
S Y D E N H A M
 (Controlled Water Level)

SKETCH TO ILLUSTRATE
 BUILDING AREA
 BURDET/KENNEDY ISLAND
 SYDENHAM LAKE
 NOT TO SCALE

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

LESLIE M. HIGGINSON SURVEYING Ltd.
 2020

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



DATED AUGUST 12, 2020
 DATED FEBRUARY 20, 2020

LESLIE M. HIGGINSON SURVEYING Ltd.
 1064 GARDINERS ROAD, #187
 VICTORIA, BC V8W 2G7
 (604) 389-7986 (FAX) 389-5578 or leslie@mhigginson.com

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

Appendix A

SYDENHAM LAKE

APPENDIX C

HIGGINSON BUILDING FOOTPRINT (B)

(E)

HIGGINSON BUILDING FOOTPRINT (A)

KENNEDY ISLAND

30 M. SETBACK FROM WATER'S EDGE

30 M. SETBACK FROM WATER'S EDGE

CIRCA 15M. FLOODPLAIN SETBACK WATER'S EDGE

CIRCA FLOODPLAIN WATER'S EDGE

APPENDIX B

(S)

(N)

(N)

39.36 FT

18.43 FT

30 M. SETBACK FROM WATER'S EDGE

88.43 FT

26.95 M.

50M

164 FT.

4.38 M / 14.4 FT

7.62 M.

25 FT.

15 METRES BETWEEN CIRCA FLOODPLAIN LINE SETBACK AND CIRCA FLOODPLAIN LINE

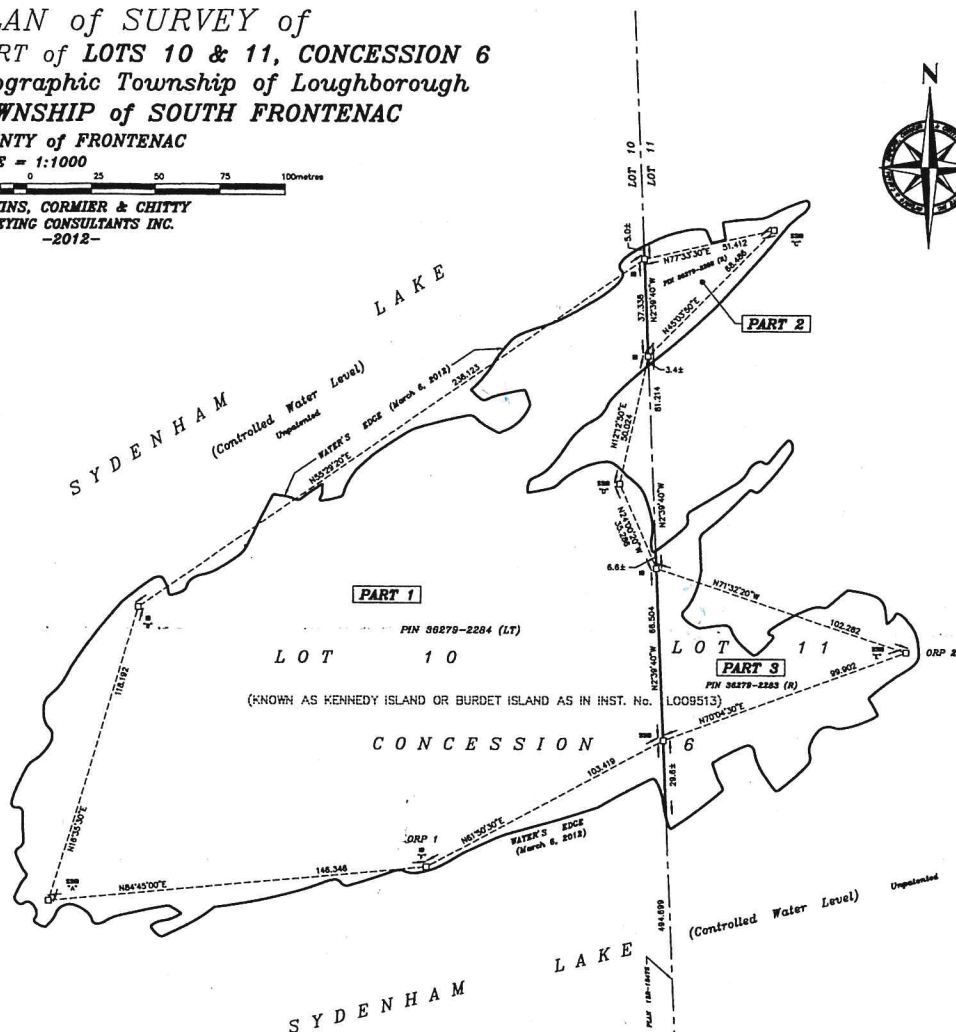
49.2 FT

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

SCALE = 1:1000



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



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

PLAN 13R-20492
RECEIVED AND DEPOSITED
DATE: September 8, 2012

Mina Limoges
SIGNATURE FOR THE
LAND REGISTRAR FOR THE
LAND TITLES DIVISION OF
FRONTENAC (No. 13)

DATE: September 8, 2012
E. Peter Wright
E. PETER WRIGHT
ONTARIO LAND SURVEYOR

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

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

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

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

NOTE:
THE DESCRIPTION IN INSTRUMENT No. L008618 IS PART OF LOT 10, CONCESSION 6. IT ALSO STATES THAT THE SUBJECT LANDS ARE COMMONLY KNOWN AS KENNEDY ISLAND OR BURDET ISLAND. THEREFORE INSTRUMENT No. L008618 SHOULD HAVE BEEN PART OF LOTS 10 AND 11, CON. 6.

- LEGEND:**
- SS1'S PLANTED DUE TO INSUFFICIENT OVERBURDEN
 - C- Benchmarks Planted Survey Monument
 - SB Placed Survey Monument
 - SIB Standard Iron Bar
 - SSIB Short Standard Iron Bar
 - FB Iron Bar
 - IRP Iron Rod (round)
 - RP Rock Post
 - RFP Rock Plug
 - WT Witness
 - WTI Witness
 - WTII Witness
 - WTIII Witness
 - WTIV Witness
 - WTV Witness
 - WTVI Witness
 - WTVII Witness
 - WTVIII Witness
 - WTIX Witness
 - WTVI Witness
 - WTVII Witness
 - WTVIII Witness
 - WTVIX Witness
 - WTVX Witness
 - WTVXI Witness
 - WTVXII Witness
 - WTVXIII Witness
 - WTVXIV Witness
 - WTVXV Witness
 - WTVXVI Witness
 - WTVXVII Witness
 - WTVXVIII Witness
 - WTVXIX Witness
 - WTVXX Witness
 - WTVXXI Witness
 - WTVXXII Witness
 - WTVXXIII Witness
 - WTVXXIV Witness
 - WTVXXV Witness
 - WTVXXVI Witness
 - WTVXXVII Witness
 - WTVXXVIII Witness
 - WTVXXIX Witness
 - WTVXXX Witness

STADIA TIES TO WATER'S EDGE

PIN	Distance	Bearing	Remarks	PIN	Distance	Bearing	Remarks	PIN	Distance	Bearing	Remarks
36279-2284	11.00	N10°00'00"E	Water's Edge	36279-2283	11.00	N10°00'00"E	Water's Edge	36279-2284	11.00	N10°00'00"E	Water's Edge
36279-2284	11.00	N10°00'00"E	Water's Edge	36279-2283	11.00	N10°00'00"E	Water's Edge	36279-2284	11.00	N10°00'00"E	Water's Edge

OBSERVED REFERENCE POINTS (ORP) DERIVED FROM GPS OBSERVATIONS USING THE PRECISE POINT POSITIONING (PPP) SERVICE, UTM ZONE 18, NAD83 (CSRS) (1997.0).

COORDINATES TO RURAL ACCURACY PER SEC. 14 (2) OF O.R.C. 216/10

POINT ID	NORTHING	EASTING
ORP 1	4920197.02	376988.97
ORP 2	4920278.85	377174.03

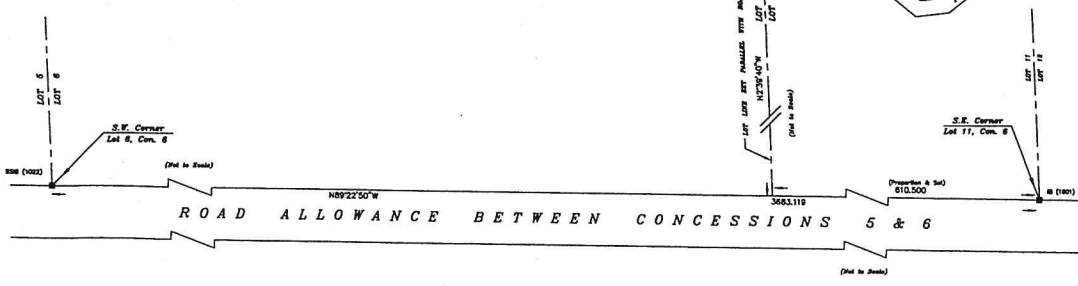
COORDINATES CANNOT, IN THEMSELVES BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE CORRECTED SCALE FACTOR OF 0.9997724

BEARINGS ARE UTM GRID, DERIVED FROM SIMULTANEOUS GPS OBSERVATIONS FROM ORP 1 TO ORP 2, HAVING A BEARING OF N86°53'20"E, UTM ZONE 18 (76° WEST LONGITUDE) NAD83 (CSRS) (1997.0).

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

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



SURVEYOR'S CERTIFICATE:

I CERTIFY THAT:

- The Survey and Plan are correct and in accordance with the SURVEY ACT, the REGISTRY ACT and the LAND TITLES ACT and the REGULATIONS made under them.
- The SURVEY was completed on the 16th day of May 2012.

HOPKINS, CORMIER & CHITTY SURVEYING
DATE: September 8, 2012
E. Peter Wright
E. PETER WRIGHT O.L.S.

Partly Chief: BC Instrument: 80 Checked by: EFW Plan by: EFW

HOPKINS, CORMIER & CHITTY SURVEYING CONSULTANTS INC.
Ontario & Canada Land Surveyors
www.hopkinscormierchitty.com

634-636 HURON COUNTY PROJECT No. 2012-033
KINGSTON, ONTARIO K7P-2R9 Lots 10 & 11, Concession 6
Twp. (E13) S84-82E6 Twp. (E13) S84-82E6
Township of Loughborough

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



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

LESLIE M. HIGGINSON SURVEYING Ltd.
 2019.

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

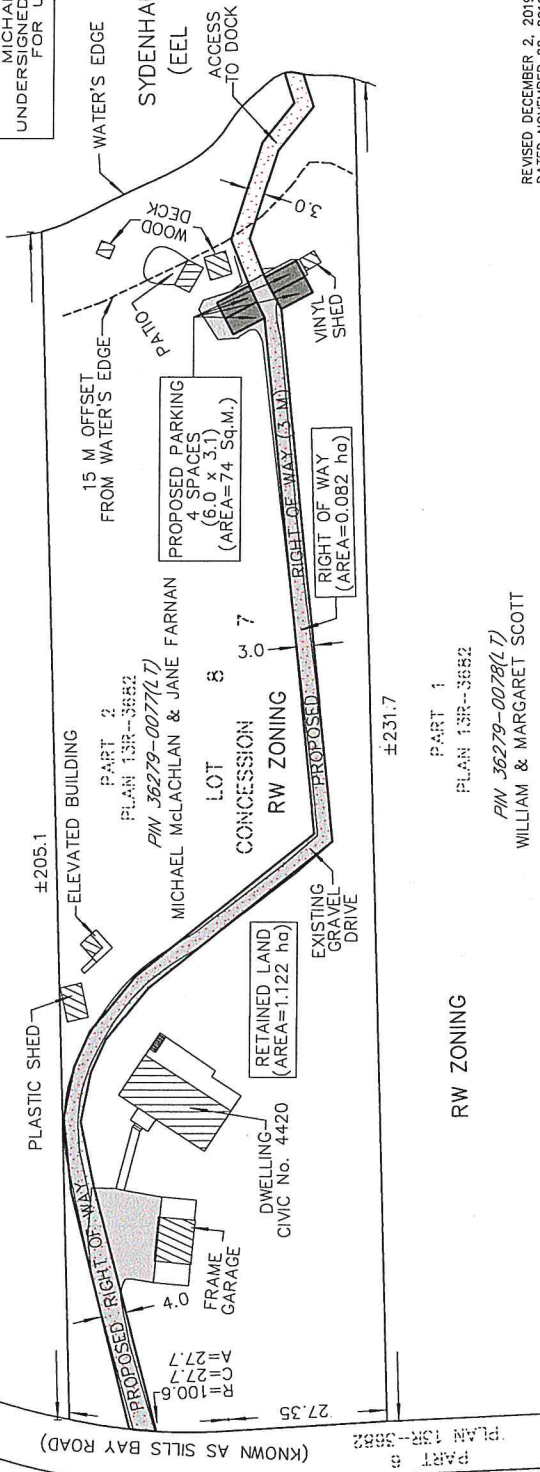


CAUTION
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 NOT BE USED EXCEPT FOR THE PURPOSE
 INDICATED IN THE TITLE BLOCK.

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PART 3
 PLAN 13R--3682
 PIN 36279-0076(LT)
 HOWARD & DEBORAH GILL

RW ZONING



PART 1
 PLAN 13R--3682
 PIN 36279-0078(LT)
 WILLIAM & MARGARET SCOTT

RW ZONING

REVISED DECEMBER 2, 2019
 DATED NOVEMBER 22, 2019.

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

FILE: LOH 7-8 | LMH1683GNDC_SEV

APPENDIX M

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

RECEIVED
OCT 05 2020
TOWNSHIP OF
SOUTH FRONTENAC

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

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

September 30, 2020

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

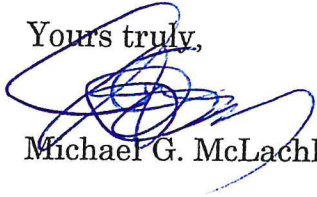
Members of the Committee:

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

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

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

Yours truly,

A handwritten signature in blue ink, appearing to read "Michael G. McLachlan", written over the typed name below.

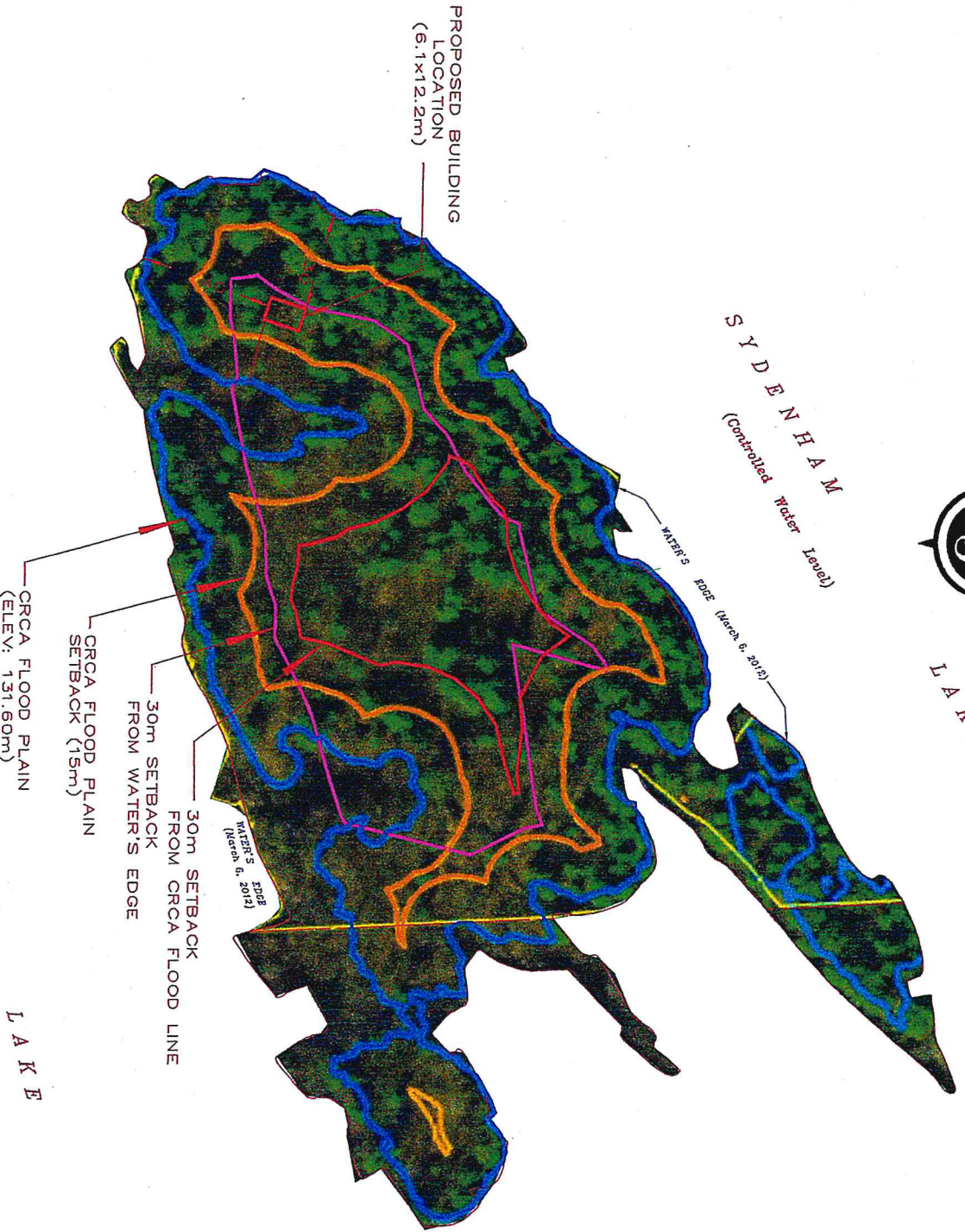
Michael G. McLachlan

CAUTION
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 NOT BE USED EXCEPT FOR THE PURPOSE
 INDICATED IN THE TITLE BLOCK.
 THIS SKETCH IS PROTECTED BY COPYRIGHT ©



L A K E

S Y D E N H A M
 (Controlled Water Level)



PROPOSED BUILDING
 LOCATION
 (6.1x12.2m)

CRCA FLOOD PLAIN
 (ELEV: 131.60m)

CRCA FLOOD PLAIN
 SETBACK (15m)

30m SETBACK
 FROM WATER'S EDGE

30m SETBACK
 FROM CRCA FLOOD LINE

S Y D E N H A M
 (Controlled Water Level)

L A K E

COMPILED SKETCH TO ILLUSTRATE
 PROPOSE BUILDING LOCATION
 BURDET/KENNEDY ISLAND
 SYDENHAM LAKE
 NOT TO SCALE

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

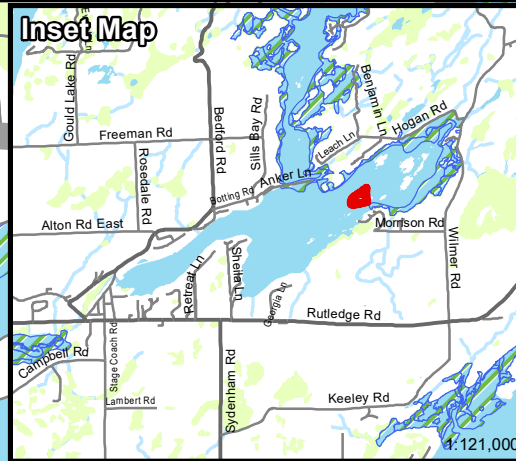
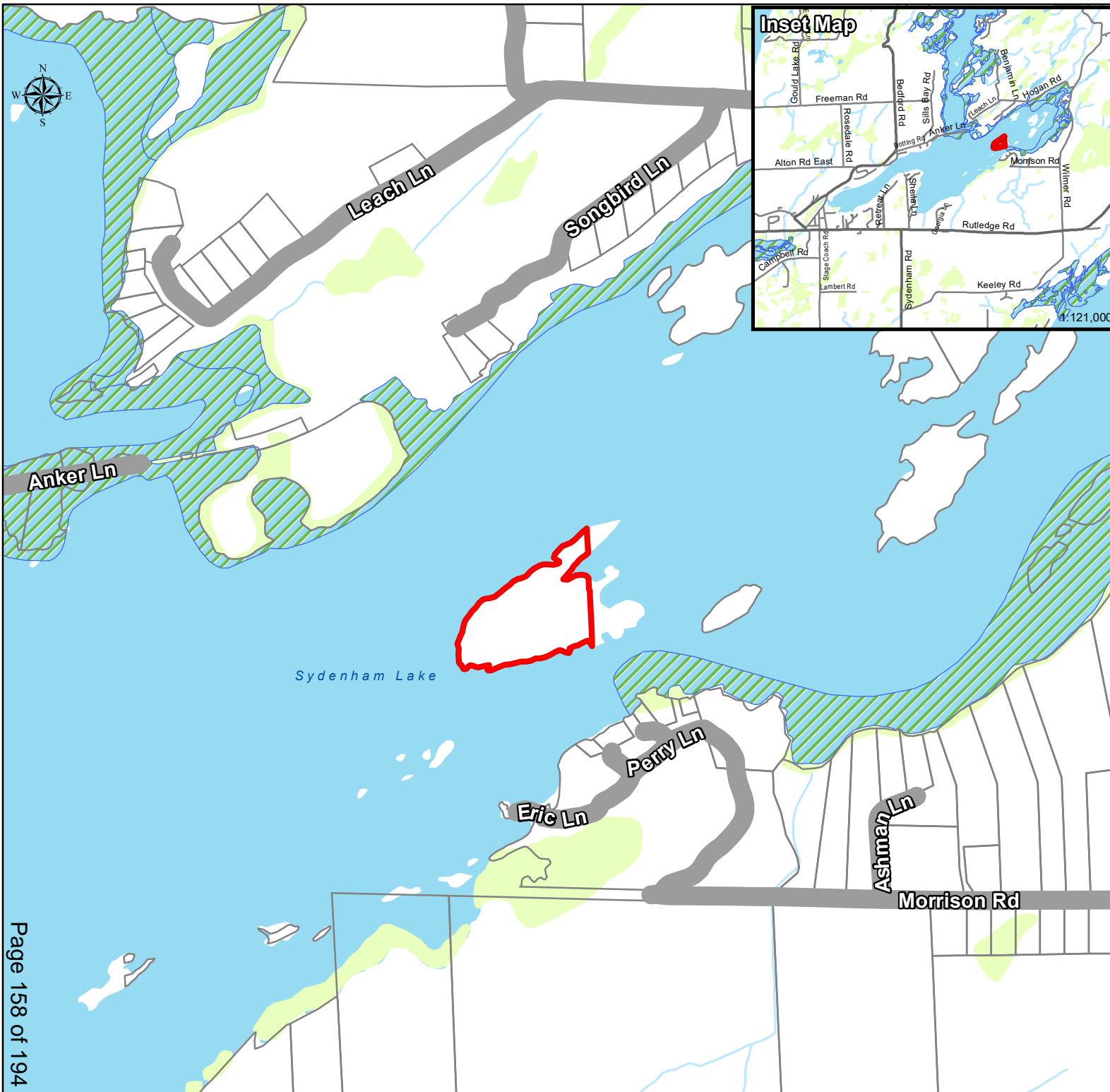
LESLIE M. HIGGINSON SURVEYING LTD.
 2020

THIS REPORT WAS PREPARED FOR
 WHICH THE CLIENT HAS ACCEPTED AND
 UNDERSIGNED ACCEPTS NO RESPONSIBILITY
 FOR USE BY OTHER PARTIES

REVISED SEPTEMBER 30, 2020
 REVISED AUGUST 25, 2020
 REVISED FEBRUARY 24, 2020
 DATED FEBRUARY 24, 2020

LESLIE M. HIGGINSON SURVEYING LTD.
 1064 GARDINERS ROAD
 UNIT 197
 (613) 389-7986 FAX: (613) 389-5578 or leslie@lmhsurveys.com







FILE: LO'H 6-10.11 2020-0083 HGND BP



**MV-41-20-S
(McLachlan)**

SYDENHAM LAKE

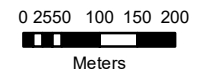
Legend

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

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

Scale 1:10,000



UTM Projection NAD 83



REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



Report Date: November 5, 2020

Application No: MV-41-20-L
Owner: Michael McLachlan
Location of Property: Part of Lots 10 and 11, Concession 6, District of Loughborough, Township of South Frontenac, being Parts 1, 2 and 3 on Plan 13R20492, Kennedy Island, Sydenham Lake
Purpose of Application: To vary Sections 5.8.2 a) and 11.3.1 of Comprehensive Zoning By-law 2003-75
Date of Hearing: November 12, 2020

Recommendation

It is recommended that the Committee of Adjustment receive comments from the public and that the Committee of Adjustment **defer** making a decision on application MV-41-20-L to receive comments from Cataraqui Conservation.

Proposal

An application for minor variance was received to permit a one-storey seasonal dwelling on the subject property. The 4.35 hectare (10.75 acre) island is currently vacant. The proposed dwelling would have a minimum 27 metre (88.6 foot) front yard depth and setback from the high water mark of Sydenham Lake, measured to the western shoreline. The dwelling would also have a minimum 19.4 metre (63.6 foot) setback from the floodline of Sydenham Lake, measured to the east. The Zoning By-law requires a minimum 30 metre front yard depth and 30 metre setback from the high water mark and floodline of a waterbody.

Submitted by: Christine Woods, MCIP RPP, Senior Planner

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

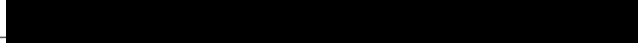
Date of Site Visit: September 11, 2020

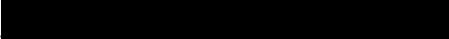
TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE
Planning Act, R.S.O. 1990, c. P.13 as amended

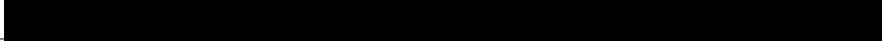
Date Received: October 5, 2020

File No: MV-43-20-L

1. Name of Owner(s): David Headrick : Lisa Headrick

Full Mailing Address of Owner(s): 

Phone number of Owner(s): 

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: ~~JEFF PECK~~ NOT REQUIRED

Full Mailing Address of Authorized Agent: ~~4586 FOR KING TRENCH, S. DENHAM, ON~~

Phone number of Authorized Agent: ~~613 893 6459~~

Email Address of Authorized Agent: ~~peck.j@ks.net~~

Agent as named above is hereby authorized to act on behalf of the owners for purposes of



3. The description of the subject land:

District: Bedford Portland Loughborough Storrington

Concession Number: CON 8 Lot Number: PT LOT 10

Street Number: 1023 Name of Road/Street: Leadbeater Lane

Reference Plan Number: FR 609 384 Part Number(s): PART 1 PLAN of PART of

Roll Number: 050-040-72300-0000 LOT 10 CONcession

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): 112' (34.1m) Frontage (on road/lane): 95' (29m)
Depth: 150' (45.7m) Area: 16,700 sq ft (1561 sq m)

5. The current zoning of the subject land:

RW

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

To build a 650 sq ft addition inside the 30m setback

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

1) The existing structure is 23.7 feet from HWY. The rear of existing structure is approx 55ft from HWY

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

Name of Road/Lane:

LEADBEATER LANE

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

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

Cottage

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)
Setback from Front Lot Line	Cottage			
Setback from Rear Lot Line	110 FT (road side)			
Setback from Side Lot Line	23.7 FT (lake side)			
Height of Building (Also indicate if it is one story or two story)	16.5 FT (North) 30 FT (South)			
Dimensions of Floor Area	1 story on blocks Approx 16.5 FT			
Setback from High Water Mark (If applicable)	32.2 x 20.1 FT			
	23.7 FT			

13. The proposed uses of the subject land:

Cottage

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

Yes No

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)
Type of Structure (E.g. residence)	COTTAGE ADDITIONS			
Setback from Front Lot Line	55 FT 105 FT			
Setback from Rear Lot Line	55 FT (lakeside)			
Setback from Side Lot Line	15 Feet (North) 15 Feet (South)			
Height of Building (Also indicate if it is one story or two story)	1 story with basement Approx 18 FT			
Outside Dimensions of Building/Structure	See attached Sketch			
Setback from High Water Mark (If applicable)	55 FT			

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

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

If yes, please provide details:

Main ~~at~~ Existing Cottage will be renovated

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:

Just THE REAR section to accommodate basement under the addition.

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:

Parents bought in 1969/1970. Transferred to current Owner in 1993

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

In existence in 1969 when originally purchased

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

At least until 1969

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

Lake water

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

Eco-Flow Septic

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

N/A

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 representing payment of the application fee.

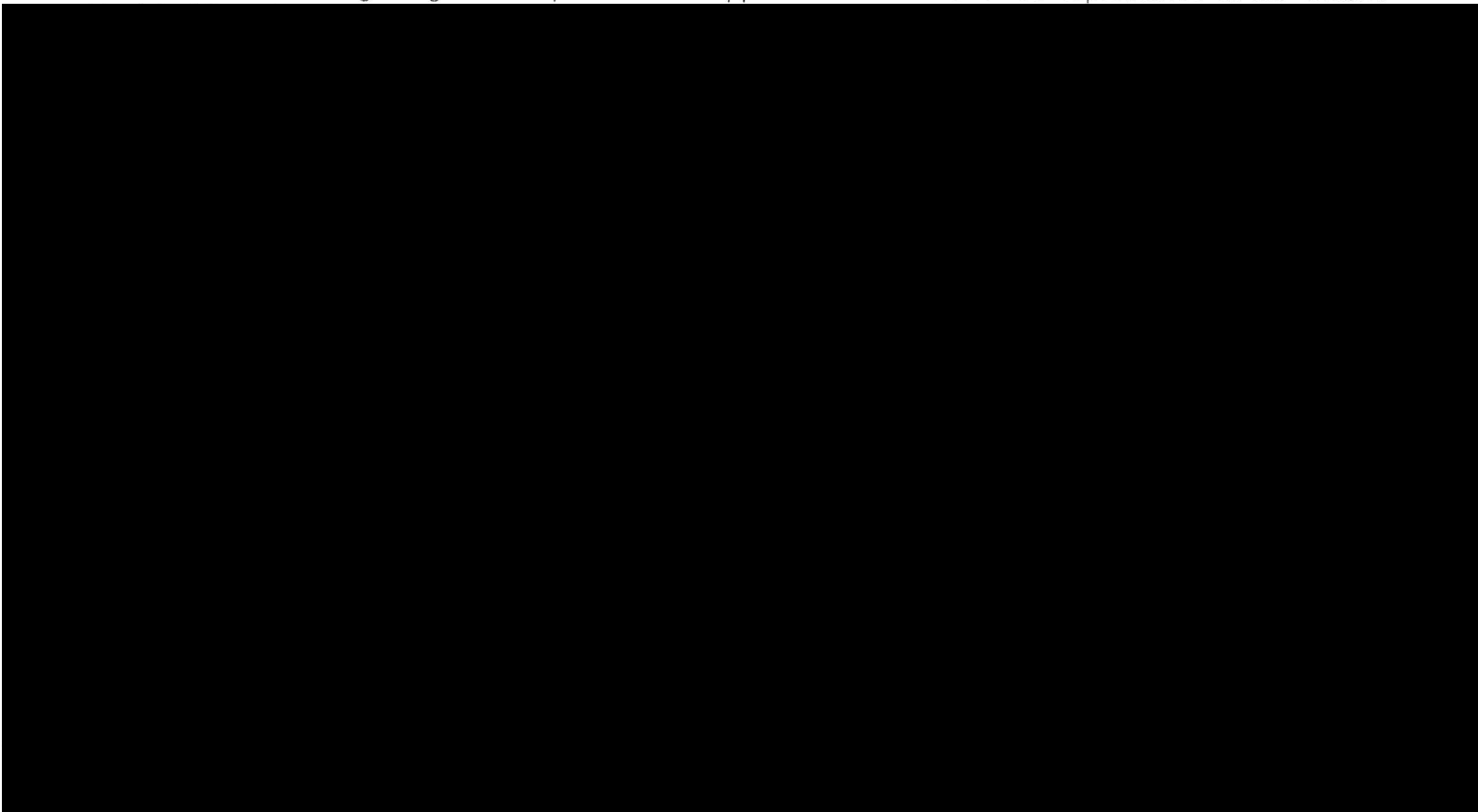
The Owner/Applicant/Agent agrees that the information recorded in this Minor Variance Application Form is accurate. The Owner/Applicant/Agent agrees that representatives of the Township, Public Health and, where applicable, the appropriate Conservation Authority, may enter onto the subject property for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

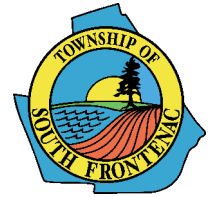
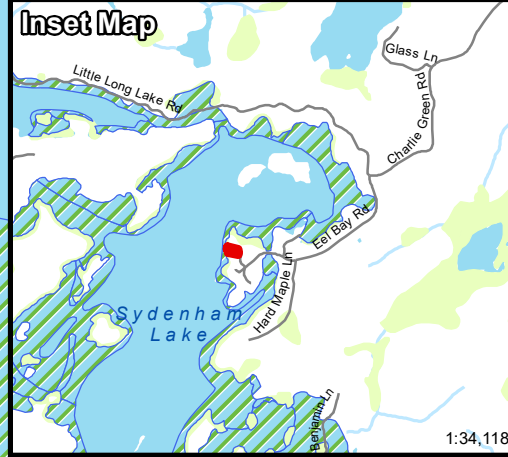
The Owner/Applicant/Agent further agrees to provide the municipality, upon request and in cases where an application has been appealed to the Ontario Municipal Board, with a deposit (over and above the normal application fee), from which the municipality may, from time to time charge any fees and expenses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











Sydenham Lake

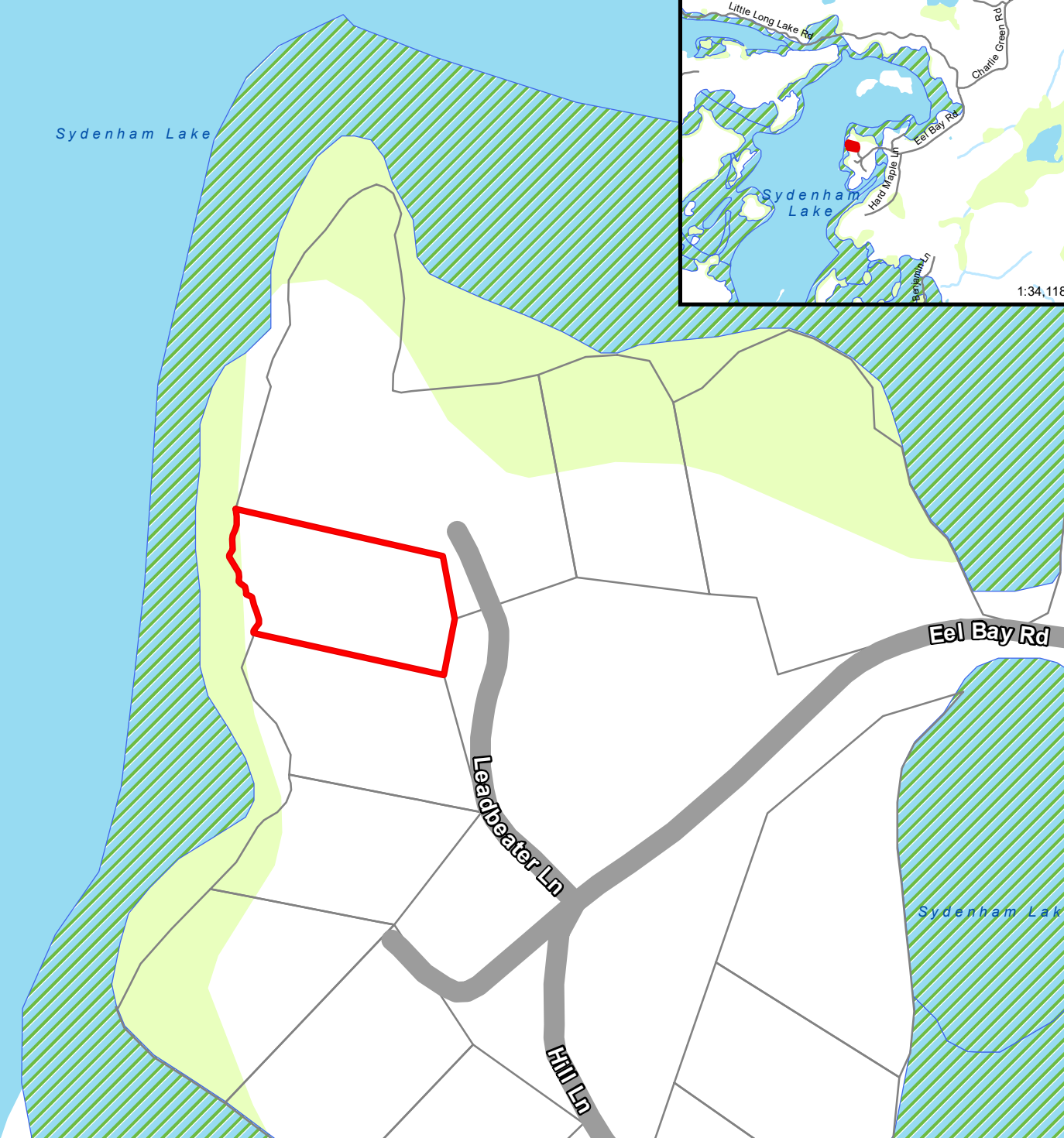


**MV-43-20-L
(Headrick)**

LEADBEATER LANE

Legend

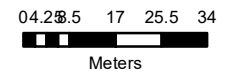
-  Subject Property
-  Parcel Fabric
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-  Wetland
-  River/ Stream
-  Waterbody



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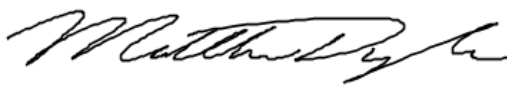
Scale 1:1,400



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>

To:	Michelle Hannah, Secretary-Treasurer Committee of Adjustment, Township of South Frontenac PO Box 100, 4432 George Street Sydenham, Ontario K0H 2T0
Application Number:	MV-43-20-L
Type of Application or Proposal:	Minor Variance
Applicant Name(s):	Headrick, David & Lisa
Location:	Concession 8, Part Lot 10 1023 Leadbeater Lane; Sydenham Lake Former Loughborough Township
Planning Department or Agency:	Township of South Frontenac (Loughborough)
Comments:	KFL&A Public Health has no objections to the proposed minor variance.
Inspector:	 <hr/> Matthew Doyle, CPHI(C), Public Health Inspector
Date:	November 03, 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.

October 30, 2020

File: MV/FRS/232/2020

Sent by E-mail

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

Dear Ms. Geladi:

**Re: Application for Minor Variance MV-43-20-L (Headrick)
Part Lot 10, Concession 8; 1023 Leadbeater Lane
Loughborough District, Township of South Frontenac
Waterbody: Sydenham Lake / Eel's Bay Provincially Significant Wetland**

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 16.76 metres in order to permit the construction of an addition.
- increase maximum lot coverage from 5%, as required by the South Frontenac Zoning By-law to 7.74%.

Site Description

The property is located on the east side of Sydenham Lake on Leadbeater Lane. The topography of the site can be characterized as being relatively low at the shoreline and then rising relatively quickly up to the location of the existing structure located approximately 11 metres from the shoreline. The property is also adjacent to the Eel's Bay provincially significant wetland.



Currently, the property contains a cottage dwelling and associated development.

The property is currently designated 'Rural' in the Official Plan and 'Waterfront Residential' (RW) in the implementing Zoning By-law for South Frontenac Township.

Discussion

The main interests of Cataraqui Conservation with respect to this application are the avoidance of natural hazards associated with the shoreline of Sydenham Lake (e.g. flooding and erosion), and the protection of its water quality. There were no natural heritage features identified on the subject property.

Natural Hazards

Flooding: For Sydenham Lake, the regulatory flood plain has been established as elevation 131.6 metres geodetic. Section 4.1.3 of the CRCA's Planning Policy recommends a 15 metre horizontal setback from the regulatory flood plain to account for variations in the regulatory flood plain elevation, changes over time in the anticipated extent of the regulatory flood plain, and situations such as debris or ice jams that may affect flood levels. Based upon topographic mapping data, the proposed development does not appear to be within the setback from the flood plain.

Erosion: For inland lakes such as this one, the regulatory erosion standard includes an allowance for toe erosion, a stable slope allowance of 3:1 (horizontal/vertical) for till shorelines, and a 6 metre erosion access allowance. Based upon topographic mapping data, the height of the shoreline was found to be approximately 5 metres resulting in a stable slope allowance of 15 metres measured from the stable toe of slope. In this instance the erosion access allowance is not applied as the proposal involves an addition onto the back of an existing structure. Staff are satisfied that the proposed development will be outside of the erosion hazard allowance.

Water Quality / Eel's Bay Provincially Significant Wetland

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



CRCA's Planning Policy (April 2015) contains provisions that seek to support these objectives.

Section 5.2.7 b)(i) of the Official Plan for South Frontenac Township suggests that a 30 metre setback from the high water mark is required to be maintained as a buffer in order to protect water quality. Similarly, the 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. However, new development within the water setback may be considered when there are no reasonable alternatives for locating the development outside of the water setback area, the development is no closer to the water than existing buildings or structures on the property the development complies with the maximum lot coverage provisions of the Zoning By-law, and suitable methods to minimize negative impacts on water quality are incorporated into the development.

The proposed addition is located in the most reasonable location, and the development is no closer to the water than existing development. However, staff note that this proposal is essentially doubling the size of existing development on the property which will increase lot coverage from 3.89% to 7.74% for a principle dwelling when only 5% is permitted for a RW zone in the Zoning By-law. The maximum lot coverage provisions in the Zoning By-law are intended to limit intensification on a waterfront lot in support of the water quality provisions of the PPS and the Official Plan. This is particularly important since the Eel Bay provincially significant wetland is adjacent to the property.

Staff recommend that the municipality request the applicant to reduce the size of the proposed addition to minimize any increase to lot coverage to protect the water quality of Sydenham Lake and the Eel's Bay Provincially Significant Wetland.

Recommendation

Staff recommend deferral of application MV-43-20-L based upon the above noted water quality concern.

Ontario Regulation 148/06

The CRCA, under Ontario Regulation 148/06: *Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses*, regulates development within 120 metres of a provincially significant wetland. Staff note that the entire property



is located within the area that is subject to Ontario Regulation 148/06. Therefore, a Cataraqi Conservation permit will be required for any proposed development on this property. 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 email at aschmidt@crca.ca.

Yours truly,

Andrew Schmidt

Andrew Schmidt
Supervisor, Development Review

/as

c.c. David and Lisa Headrick, applicants (via e-mail)
Michelle Hannah, South Frontenac Township (via e-mail)



REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



Report Date: November 3, 2020

Application No: MV-43-20-L

Owner: David and Lisa Headrick

Location of Property: Part of Lot 10, Concession 8, District of Loughborough, Township of South Frontenac, municipally known as 1023 Leadbeater Lane

Purpose of Application: To vary Sections 5.8.2(a) and 8.3.1 of Township of South Frontenac Comprehensive Zoning By-law 2003-75

Date of Hearing: November 12, 2020

Recommendation

It is recommended that the Committee of Adjustment receive comments from the public and that the Committee of Adjustment **defer** making a decision on application MV-43-20-L to provide additional time for Cataraqui Conservation staff to review the revised proposal to reconstruct the cottage and to provide updated comments.

Proposal

An application for minor variance was received to permit a 30 square metre (320 sq. ft.) addition to the rear of an existing 60 square metres (647 sq. ft.) seasonal dwelling. The application was subsequently updated to include reconstruction of the existing dwelling and attached deck. The dwelling with attached deck would be located within the minimum setback from the highwater mark and the minimum front yard.

The applicants propose to demolish the existing cottage and attached deck. A new larger cottage and deck would be reconstructed on the same general footprint. The new cottage will be “L” shaped and 90 square metres (967 square feet) in size with an attached deck of 15.6 square metres (168 square feet) located 7.2 metres from the highwater mark and 15.6 square meters (168 square feet) located 3 meters (10 feet) from the highwater mark respectively.

The proposed development will increase lot coverage by 1.9%.

Agency Comments

KFL&A Public Health – Comments received from Public Health on November 3, 2020 indicate that staff have no objections to the proposed minor variance.

Cataraqui Conservation – In comments received from Cataraqui Conservation on October 30, 2020, staff recommended deferral of the application based on lot coverage increasing from 3.98% to 7.74%. It was recommended that the applicant reduce the size of the proposed addition to minimize any increase in lot coverage to protect water quality of Sydenham Lake and Eel’s Bay Provincially Significant Wetland.

The applicant updated the application to reflect that the existing cottage and deck will be demolished and re-constructed. The existing cottage and deck are in the erosion hazard. Township staff would like to have a conversation with Cataraqui Conservation staff should be given the opportunity to review the revised proposal and provide updated comments. In particular, if the proposal would be permitted under O. Reg 148/06.

Submitted by: Anna Geladi, Planner

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

Date of Site Visit: September 10, 2020

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

Date Received: Oct 14, 2020

File No: MV-44-20-S

1. Name of Owner(s): Brandon Sullivan & Rachel Sullivan

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: _____ Lot Number: 27

Street Number: 1031 Name of Road/Street: Heron Lane

Reference Plan Number: 13R-16884 Part Number(s): 17

Roll Number: 36278-0426

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): 30.5m. Frontage (on road/lane): 33.778m.
Depth: 38.1m Area: ± 1283m.

5. The current zoning of the subject land:

Plan number 544/Hopkins & Cormier 2003.

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

Increasing height/living space

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

Increasing height of a legal non-conforming building within 30m of 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:

Heron 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)	(2)	(3)	(4)
	Residence	Shed	Boat House.	
Setback from Front Lot Line	17.7m.		1.2m	
Setback from Rear Lot Line	4.45m.	1.57m		
Setback from Side Lot Line	4.15m.	2.51m	1.3m	
Height of Building (Also indicate if it is one story or two story)	4.3m Bungalow.	3m one story.	3.7m.	
Dimensions of Floor Area	13.48m x 7.43m.	3.68m x 5.53m.	4.24m x 7.56m	
Setback from High Water Mark (If applicable)	17.7m	NA.	1.2m.	

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:

	(1)	(2)	(3)	(4)
Type of Structure (E.g. residence)	Residence			
Setback from Front Lot Line	24.78m.			
Setback from Rear Lot Line	4.45m.			
Setback from Side Lot Line	4.49m			
Height of Building (Also indicate if it is one story or two story)	±9.5m. 2 story			
Outside Dimensions of Building/Structure	8.2m x 7.43m.			
Setback from High Water Mark (If applicable)	24.78m.			

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 type="checkbox"/> No |
| (c) | Increase in living space | <input checked="" type="checkbox"/> Yes | <input 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:

June 17, 2016.

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

Approx 49 years old.

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

Since constructed

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 is provided from the lake individually.

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

Privately owned septic system.

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

No.

REGISTERED PLAN No. 544,
Storrington,
of South Frontenac,

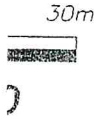
PART

This Plan must
in Conjunction
Survey Report.

Date: April 22nd

This Report was P

John & Teresa
and the Undersign
no Responsibility of
Other Parties.



LAKE

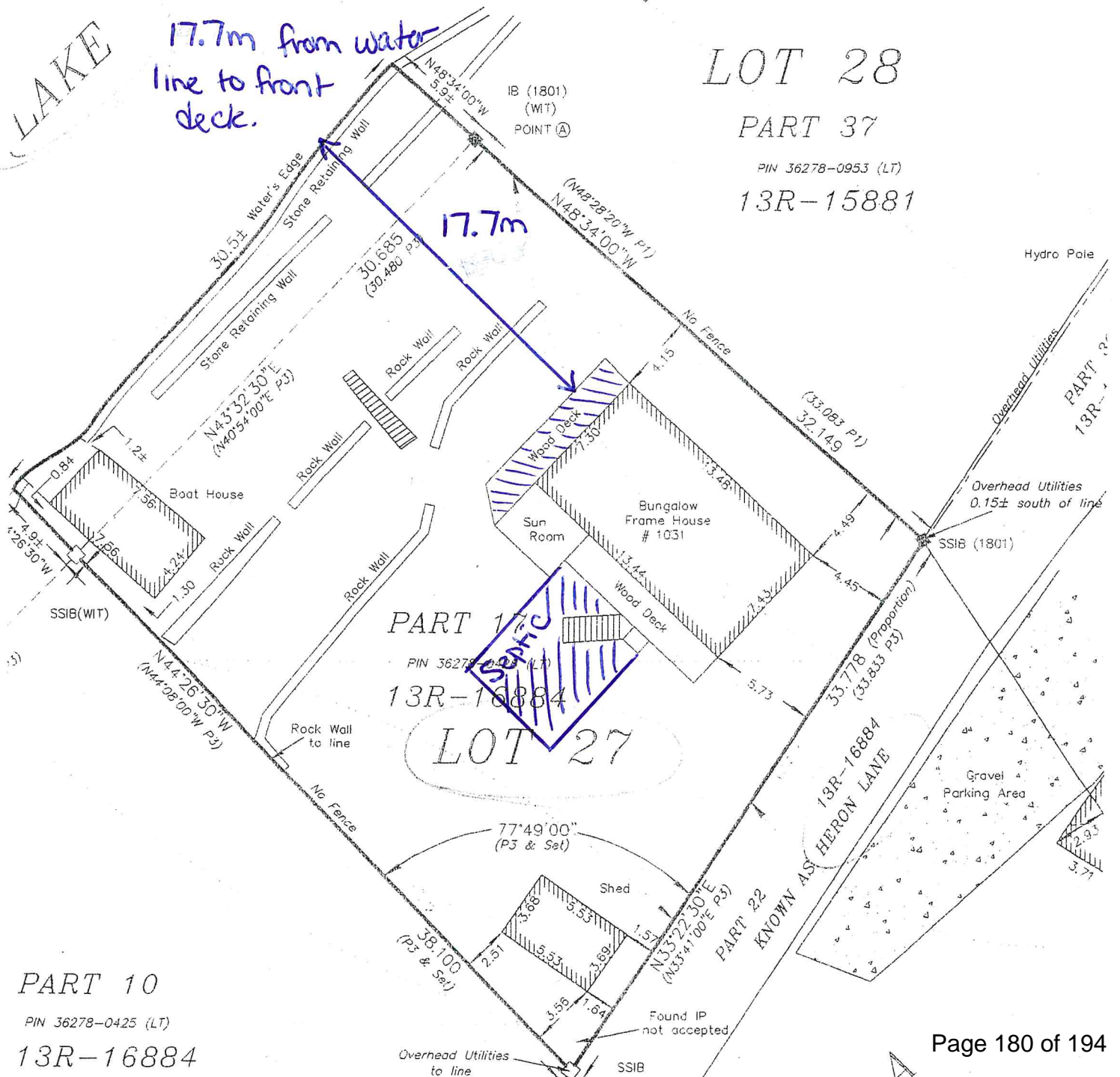
17.7m from water
line to front
deck.

LOT 28

PART 37

PIN 36278-0953 (LT)

13R-15881

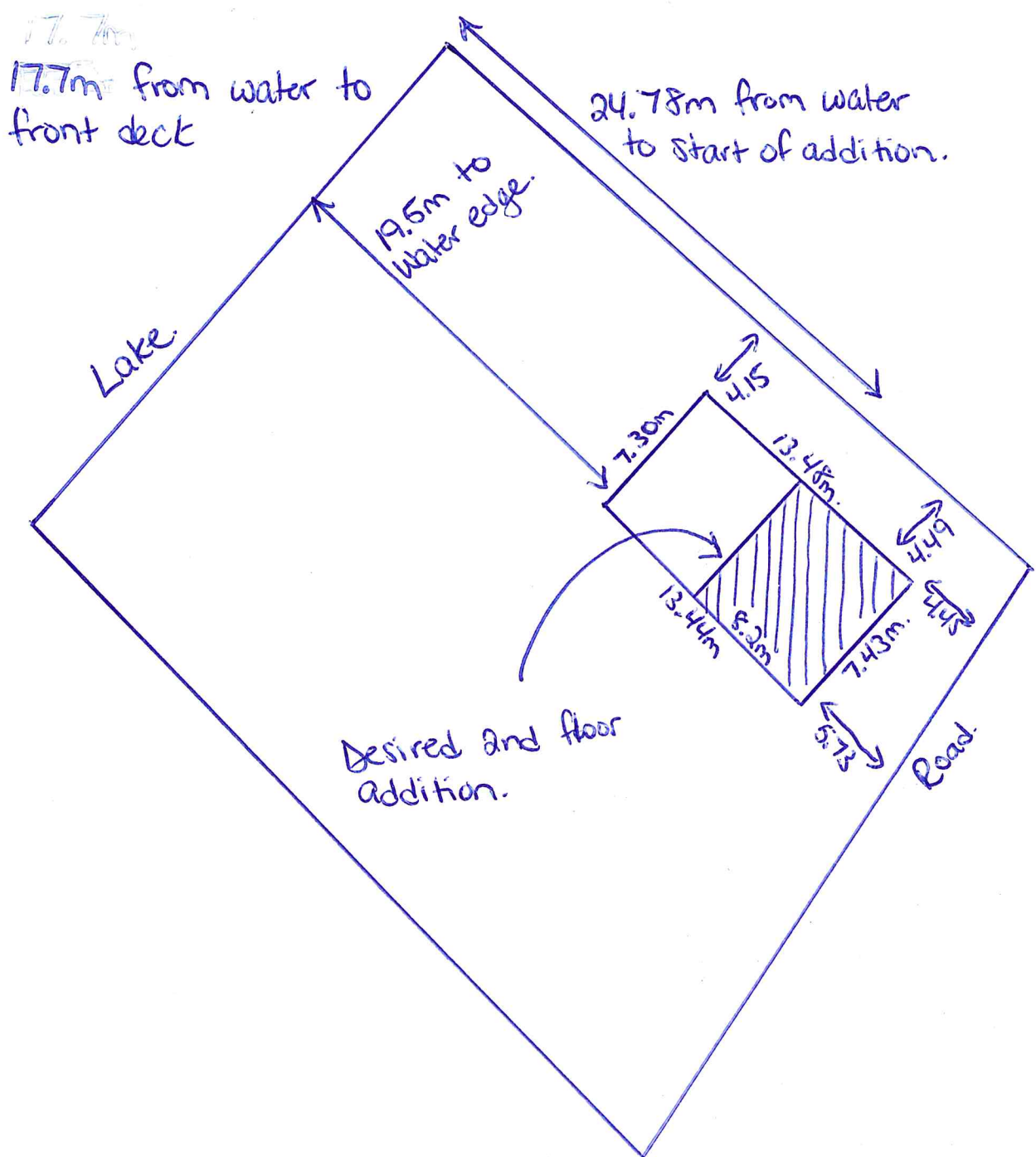


PART 10

PIN 36278-0425 (LT)

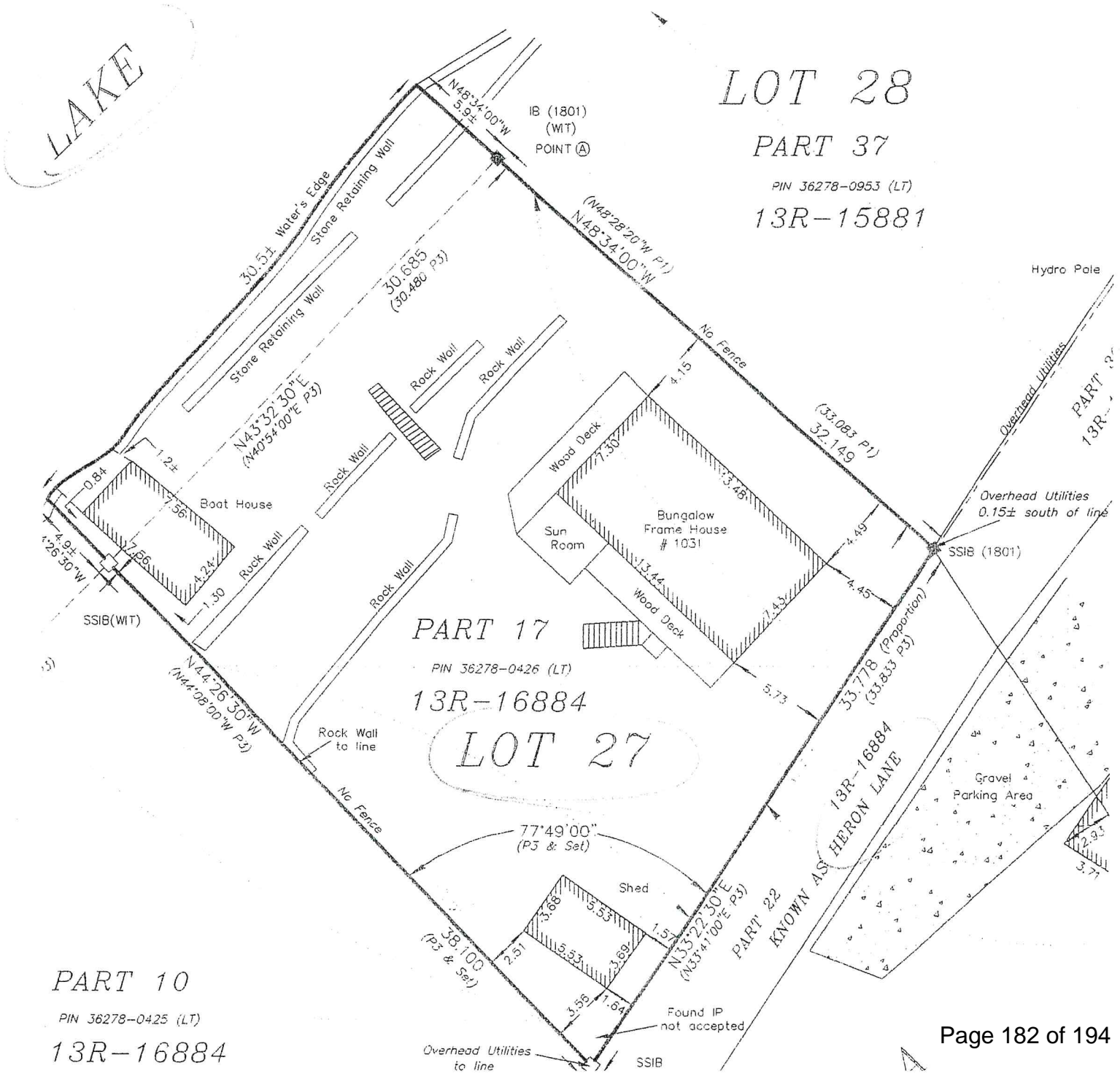
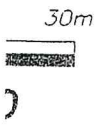
13R-16884

- 8.2m x 7.43m Second Story addition
- Remove 1 of 3 bedrooms on main level and relocate upstairs
- 8ft ceilings and same pitch roof as existing



TERED PLAN No. 544,
Storrington,
f South Frontenac,

PART
This Plan must
in Conjunction
Survey Report.
Date: April 22nd
This Report was P
John & Teresa
and the Undersign
no Responsibility f
Other Parties.



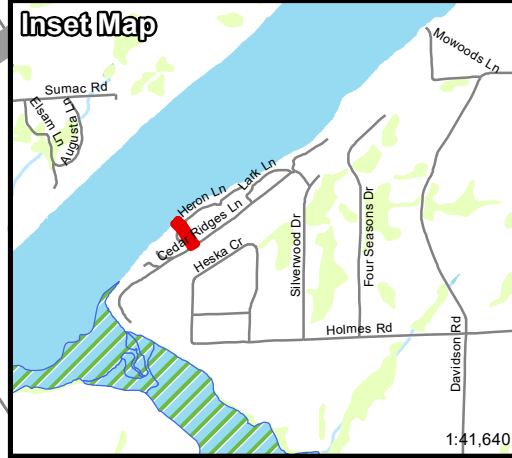
PART 10
PIN 36278-0425 (LT)
13R-16884

PART 17
PIN 36278-0426 (LT)
13R-16884

LOT 28
PART 37
PIN 36278-0953 (LT)
13R-15881









Loughborough
Lake



**MV-44-20-S
(Sullivan)**

1031 HERON LANE

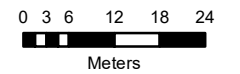
Legend

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

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

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


Scale 1:1,000



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>

To:	Michelle Hannah, Secretary-Treasurer Committee of Adjustment, Township of South Frontenac PO Box 100, 4432 George Street Sydenham, Ontario K0H 2T0
Application Number:	MV-44-20-S
Type of Application or Proposal:	Minor Variance
Applicant Name(s):	Sullivan, Brandon & Rachel
Location:	Plan 544, Lot 27 & Part Block A; RP# 13R16884 Parts 17 – 19, 21, 22 1031 Heron Lane; Loughborough Lake Former Storrington Township
Planning Department or Agency:	Township of South Frontenac (Storrington)
Comments:	KFL&A Public Health has no objections to the proposed minor variance. Please note that if the minor variance is approved and the applicants intend to move forward with the proposed addition, they will have to also apply to install a new sewage system in order to comply with current Ontario Building Code standards. This was identified in the completed review of performance level application # ST-56-20.
Inspector:	 Matthew Doyle, CPHI(C), Public Health Inspector
Date:	November 04, 2020

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

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October 30, 2020

File: MV/FRS/244/2020

Sent by E-mail

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

Dear Ms. Geladi:

**Re: Application for Minor Variance MV-44-20-S (Sullivan)
Part of Lot 10, Concession 1; 1031 Heron Lane
Storrington District, Township of South Frontenac
Waterbody: Loughborough Lake (West Basin)**

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

The proposal involves the construction of a second storey addition onto a 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) and Section 10.3.1 of the South Frontenac Zoning By-law, to 24.78 metres in order to permit the construction of an addition.

Site Description

The property is located on the north side of Heron Lane on the south shore of the west basin of Loughborough Lake. The topography of the site can be characterized as rising relatively quickly from the shoreline, levelling out in the location of the existing dwelling and rising again toward the south. Currently, the property contains a residential dwelling and associated development.

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



Discussion

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

Natural Hazards

Flooding: The highest recorded water level for Loughborough Lake is 125.10 metres geodetic. For Loughborough Lake, the highest recorded water level is used in lieu of an engineered flood plain. Cataraqi Conservation's Environmental Planning Policy requires all development and site alteration to be setback a minimum of 6 metres from the regulatory floodplain of a waterbody. Based upon elevation mapping data, the development proposal complies with this policy.

Erosion: Section 5.8.2.b) of the Zoning by-law requires that no building or structure or septic tank installation shall be located within 15 metre horizontal of the top of bank of any embankment, the slope of which is greater than 30% from horizontal. 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(h):1(v), plus an equipment access allowance of 6 metres. Based upon elevation data, staff have determined that the total erosion hazard limit extends 21 metres inland from the stable toe of slope. Staff note that the proposed development will be located outside of the erosion hazard limit.

Water Quality

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

Similar to the Official Plan, Cataraqi Conservation's Environmental Planning Policy considers new development within the 30 metre water setback area only if there are no reasonable alternatives for locating the development outside of the water setback area,



the development is no closer to the water than existing buildings or structures on the property, and is set back as far as possible from the water in all directions, complies with the maximum lot coverage provisions of the Zoning By-law, and suitable methods to minimize negative impacts on water quality are incorporated into the development.

Staff recognize that the existing residential dwelling is in non-compliance with the current zoning by-law for the Township of South Frontenac and is entirely situated within the required 30 metre setback from the highwater mark of Loughborough Lake. The proposed construction of a second storey addition to the structure will therefore also be within the water setback.

The proposed addition does not encroach closer to the water than existing development, is set back as far as possible since the addition will be constructed onto the back half of the existing dwelling, and the existing lot coverage for the property will not be increased.

Staff recommend that as part of site plan control, that roof runoff be directed away from the lake, and that the area between the development and the lake be maintained as a vegetated buffer to the satisfaction of the Township.

Recommendation

Staff have no objection to the approval of application MV-44-20-S based on our consideration for natural hazards, natural heritage, and water quality and quantity protection policies provided that the following are included as conditions to the minor variance approval.

1. that the water quality recommendations noted in italics above are incorporated into site plan control for the development to the satisfaction of the Township, and
2. that the owner obtain a permit from Cataraqi Conservation under Ontario Regulation 148/06 (described below) prior to development taking place.

Ontario Regulation 148/06

Please note that a portion of the property is subject to Ontario Regulation 148/06: Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses, which is administered by Cataraqi Conservation. The purpose of the regulation is to ensure that proposed changes (e.g. development and site alteration) to a property are not affected by natural hazards, such as flooding and erosion, and that



the changes do not put other properties at greater risk from these hazards. The proposed addition will require a permit from Cataraqi Conservation prior to development taking place.

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

Yours truly,

Andrew Schmidt

Andrew Schmidt
Supervisor, Development Review

/as

c.c. Brandan & Rachel Sullivan, applicants (via e-mail)
Michelle Hannah, South Frontenac Township (via e-mail)



REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



Report Date: November 6, 2020

Application No: MV-44-20-S

Owner: Brandon and Rachel Sullivan

Location of Property: Part Lot 27, Concession 1, District of Storrington, Township of South Frontenac, Part Block A and Lot 27 on Plan 544, being Parts 19, 21 and 22 on Plan 13R16884, municipally known as 1931 Heron Lane, Loughborough Lake

Purpose of Application: To vary Sections 5.8.2, 10.3.1 of the Township of South Frontenac Comprehensive Zoning By-law 2003-75

Date of Hearing: November 12, 2020

Recommendation: That provisional approval be:

- granted with conditions (attached)
- deferred
- denied

Purpose:

- zoning relief for construction of a new structure
- zoning relief for replacement to an existing structure
- zoning relief for other

Official Plan Designation: Rural	Zoning: Limited Service Residential –Waterfront (RLSW)
Zoning Relief Requested:	
Section 5.8.2 a): Flooding and Shoreline Erosion Hazards	Relief: To permit a second storey dwelling addition with a minimum highwater mark setback of 24.8 metres (81 feet), whereas the By-law requires a 30 metre (98.4 feet) setback from the highwater mark for all buildings and structures.
Section 10.3.1: Waterbody Setback, Front Yard	Relief: To permit a second storey dwelling addition with a minimum highwater mark setback and front yard depth of 24.8 metres (81 feet), whereas the By-law requires a 30 metre (98.4 feet) setback from the highwater mark and front yard depth for the principal building.

Review:

This application:

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



REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



Proposal

An application for minor variance has been received to permit a 61 metre² (656.6 feet²) second storey addition to an existing dwelling on the subject property within the minimum 30 metres (98.4 feet) setback from the highwater mark of Loughborough Lake and within the minimum 5 metre setback from a private lane.

The subject property is located on the north side of Heron Lane along the south shore of the West Basin of Loughborough Lake. This lake is an at-capacity lake trout lake. The topography of the site rises from the shoreline and levels near the rear of the dwelling and Heron Lane. The subject property contains a single detached dwelling with sunroom and deck, a boat house and a shed. The dwelling is located 19.5 metres (64 feet) from the highwater mark and the deck is located 17.7 metres (58 feet) from the highwater mark.

The proposed second storey addition is approximately 8.2 metres x 7.43 metres (27 feet x 24 feet) and approximately 61 metre² (656.6 feet²) in size. The second storey addition would be set back 24.8 metres (81 feet) from the high water mark of Loughborough Lake. The second storey addition is located on the back half of the existing dwelling and complies with the rear and side yard setbacks for a principal building in the RLSW zone. The existing dwelling and the proposed second story addition are set back 4.45 metres (14.6 feet) from Heron Lane. The setback from the lane is not changing as the proposed second story is not going any closer to the lane than the existing principal dwelling.

The proposed second storey addition would not result in an increase to lot coverage for the subject property.

Agency Analysis and Comments

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

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. All approved setbacks will need to be confirmed by an Ontario Land Surveyor.

KFL&A Public Health – KFL&A Public Health provided comments on November 4, 2020 which indicate that staff have no objection to the minor variance. KFL&A Public Health note that if the minor variance is approved and the applicants move forward with the proposed addition, they will have to also apply to install a new sewage system in order to comply with current Ontario Building Code standards. Public Health identified this requirement when completing a review of performance level application # ST-56-20.

Cataraqui Conservation – Cataraqui Conservation Staff provided comments on October 30, 2020 which indicate that Staff have no objection to the minor variance provided that roof runoff be directed away from the lake and that the area between the development and the lake be maintained as a vegetated buffer to the satisfaction of the Township. Cataraqui Conservation notes that the owner will be required to obtain a permit from Cataraqui Conservation prior to development taking place to ensure that development and site alteration to a property are not affected by or cause risk to natural hazards such as flooding and erosion.

Ministry of Environment, Conservation and Parks – The Ministry of Environment, Conservation and Parks provided comments on November 4, 2020 which indicate that staff have no concerns with the minor variance.

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



REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



Planning Analysis Summary

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

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

- a) The subject property is designated Rural in the Official Plan. It is the opinion of Township staff that the proposed variances maintain the general intent and purpose of the Official Plan, specifically the policies on limited service residential development and development within environmentally sensitive areas such as adjacent to lakes.
- The proposed minor variance conforms to the general intent and purpose of the Official Plan as the proposed development (second storey addition) is consistent with the permitted residential use of the property and the proposed location of the development is the farthest from Loughborough Lake.
- b) 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.
- The existing dwelling is entirely situated within the required 30 metre setback from the highwater mark of Loughborough Lake. The proposed second storey addition will therefore also be located within the required 30 metre setback from the highwater mark. The second storey addition will not reduce the highwater mark setback any further. There are no reasonable alternatives for locating the development outside of the water setback area.
- c) Section 5.2.8 Lake Trout Lakes identifies Loughborough Lake as a Highly Sensitive Lake Trout Lake. All development or site alterations proposed within 30 metres (98.4 feet) of the highwater mark require the submission of an Environmental Impact Assessment prepared in accordance with Section 5.2.11.
- Township Staff and Cataraqui Conservation Staff did not require an Environmental Impact Assessment as the proposed second storey addition would be entirely on the existing building.

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

- The proposed variances conform to the general intent and purpose of the Zoning By-law, as the proposed second storey addition would be entirely on the existing building and no closer to the highwater mark or the lane. The second storey addition would not exceed the maximum height permitted in the RLSW zone. The proposed second storey addition would maintain the same interior side yard and rear yard as the existing dwelling. The construction of the second storey addition does not increase lot coverage for the proposed subject property. The existing setback from the lane will be maintained.



REPORT TO COMMITTEE OF ADJUSTMENT PLANNING DEPARTMENT



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

- The variances are desirable for the appropriate development of the land, as the proposed second storey addition is consistent with the intended residential use of the property and would be entirely on the existing building and no closer to the highwater mark or the lane..

4. Is the variance minor?

- The variances are minor, as there will be no negative impact on surrounding properties as a result of a second storey addition at the proposed location on the property. The proposed location and orientation of the second storey addition is practical on the subject property.

Conclusion

It is recommended that the Committee of Adjustment received comments from the public and, pending comments received, **approve** minor variance application MV-44-20-S, subject to conditions.

Recommended Conditions

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

1. The minor variance is for a 61 metre² (656.6 feet²) second storey addition to the existing dwelling. The addition will be located 24.8 metres (81 feet) from the highwater mark of Loughborough Lake and will maintain the existing setback to Heron Lane as per the drawings submitted with application MV-44-20-S.
2. The applicant is required to enter into a development agreement to be registered on the title of the property to the satisfaction of the Township to address Township environmental policies and Cataraqui Conservation recommendations, including that roof runoff be directed away from the lake, that the area between the development and the lake be maintained as a vegetated buffer, and the applicant will be required to obtain a permit from Cataraqui Conservation prior to development.
3. A building permit is required for ALL construction on the property. There shall be no additional development, or demolition of existing structures, on the property without the approval from the Township of South Frontenac.
4. Minor variance MV-44-20-S is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.

Submitted by: Anna Geladi, Planner

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

Date of Site Visit: October 23, 2020



REPORT TO
COMMITTEE OF ADJUSTMENT
DEVELOPMENT SERVICES
DEPARTMENT



AGENDA DATE: November 12, 2020
REPORT DATE: November 09, 2020
SUBJECT: Decisions on Delegated Consents

RECOMMENDATION:

THAT the Committee of Adjustment and Council receive this report for information.

BACKGROUND:

The authority to grant undisputed consents is delegated to the Director of Development Services under By-law 2020-27. This report lists the applications which met the criteria for being considered as an undisputed consent and have received provisional consent approval.

Committee of Adjustment is notified for information.

COMMENTS:

a) **S-26-20-P** (Owner & Applicant) Earl & Audrey Bain

Location: Part Lot 15, Concession 10, being Part 1 on Plan 13R8061, District of Portland, Township of South Frontenac, municipally known as 4993 Verona Sand Road.

This undisputed consent was granted provisional consent on October 23, 2020.

The purpose and effect of this application is for the creation of one new residential lot. The proposed land to be severed is approximately 1.06 hectares (2.62 acres) of vacant land with approximately 76 metres (250 feet) of frontage along Verona Sand Road. The retained lands will be approximately 2.99 hectares (7.39 acres) with approximately 224.4 metres (736.2 feet) of frontage on Verona Sand Road.

b) **S-27-20-P** (Owner & Applicant) Earl & Audrey Bain

Location: Part Lot 15, Concession 10, being Part 1 on Plan 13R8061, District of Portland, Township of South Frontenac, municipally known as 4993 Verona Sand Road.

This undisputed consent was granted provisional consent on October 23, 2020.

The purpose and effect of this application is for the creation of one new residential lot. The proposed land to be severed is approximately 1.03 hectares (2.55 acres) of vacant land with approximately 76 metres (250 feet) of frontage along New Morin Road. The retained lands will be approximately 1.96 hectares (4.84 acres) with approximately 148.45 metres (487 feet) of frontage on Verona Sand Road.

c) **S-28-20-L** (Owner & Applicant) Duncan & Mary Southall

Location: Part Lot 4, Concession 2, being Part 1 on Plan 13R4159, District of Loughborough, Township of South Frontenac, municipally known as 3708 Stage Coach Road.

This undisputed consent was granted provisional consent on October 30, 2020.



REPORT TO
COMMITTEE OF ADJUSTMENT
DEVELOPMENT SERVICES
DEPARTMENT



The purpose and effect of this application is for the creation of one new residential lot. The proposed land to be severed is approximately 1.0 hectares (2.47 acres) of vacant land with approximately 76.2 metres (250 feet) of frontage along Stage Coach Road. The retained lands will be approximately 8.04 hectares (19.87 acres) with approximately 76.2 metres (250 feet) of frontage on Stage Coach Road.

d) **S-29-20-P** (Owner & Applicant) Barry & Susan Johnston

Location: Part Lot 7, Concession 11, being Part 1 on Plan 13R9159 and Part 1 on Plan 13R19649, District of Portland, Township of South Frontenac, municipally known as 2210 Silver Rock Lane.

This undisputed consent was granted provisional consent on November 6, 2020.

The purpose and effect of this application is for the creation of one new residential waterfront lot. The proposed land to be severed is approximately 1.04 hectares (2.56 acres) of vacant land with approximately 192.7 metres (632 feet) of frontage along Silver Rock Lane and approximately 150 metres (492 feet) of frontage on Little Mud Lake. The retained lands will be approximately 5.37 hectares (13.27 acres) with approximately 2,147 metres (7,043.9 feet) of frontage on Silver Rock Lane and 1,069 metres (3,508 feet) of frontage on Little Mud Lake.

ATTACHMENTS:

None

Submitted by: Michelle Hannah, Planning Assistant and
Secretary Treasurer of Committee of Adjustment

Approved by: Claire Dodds
Director of Development Services