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

TIME: 7:00 PM,
DATE: Thursday, October 14, 2021
PLACE: Council Chambers/Electronic Participation.

1 *Call to Order*

a) Resolution

2 *Adoption of Agenda*

a) Resolution

3 *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) PowerPoint Presentation — 4 - 116
Staff has prepared a PowerPoint Presentation that will be displayed on the screen of the meeting, you can also follow along with the PDF version that is in the attachment of this agenda item.

4 *Declaration of pecuniary interest*

5 *New Consent Applications:*

a) S-11-21-P (5006755 Ontario Inc.) (Beach) — 117 - 159
**Location:** Part Lot 1, Concession 8, being part 1 on RP 13R7006, District of Portland, Township of South Frontenac, municipally known as 5356 New Morin Road.
**Purpose of Application:** Consent for the creation of a new residential lot consisting of a minimum of 0.8 hectares (2.1 acres) with approximately 214 metres (703 feet) of frontage on New Morin Road from a property municipally known as 5356 New Morin Road. The retained lands will retain the existing development and will be approximately 17.7 hectares (43.8 acres) in area with approximately 645 metres (2116 feet) of frontage on New Morin Road and 76 metres (250 feet) of frontage on VanLuven Road.

b) S-12-21-P (5006755 Ontario Ltd.) (Beach) — 160 - 201
**Location:** Part 1 on RP 13R7006, Part Lot 1, Concession 8, District of Portland, Township of South Frontenac, municipally known as 5356 New Morin Road.
**Purpose of Application:** Consent for the creation of a new residential lot consisting of a minimum of 0.9 hectares (2.2 acres) of land and minimum of 76 metres (250 feet) of frontage on New Morin Road. The retained lands will be approximately 15.9 hectares (39.4 acres) in area with approximately 645 metres (2116 feet) of frontage

on New Morin Road. The retained lands contain an existing principal dwelling and associated accessory structures.

c) S-13-21-P (5006755 Ontario Ltd.) (Beach) 202 - 246
**Location:** Part 1 on RP 13R7006, Part Lot 1, Concession 8, District of Portland, Township of South Frontenac, municipally known as 5356 New Morin Road.
**Purpose of Application:** Consent for the creation of a new residential lot consisting of a minimum of 0.9 hectares (2.4 acres) of land and minimum of 86 metres (282 feet) of frontage on New Morin Road. The severed parcel (new lot) will contain an existing principal dwelling and associated accessory structures. The retained lands will be approximately 14.9 hectares (37 acres) in area with approximately 559 metres (1833.5 feet) of frontage on New Morin Road. The retained lands will be vacant.

d) S-17-21-B (Tholen & Cleve) 247 - 267
**Address:** 304 and 340 Hillcrest Lane, Burridge Lake, Bedford District
**Purpose of Application:** Consent to sever two parcels that merged on title when the parcels were purchased by the Owners. The severed parcel (340 Hillcrest Lane) would consist of approximately 1.4 hectares (3.5 acres) of land. It would have approximately 49 metres of waterfrontage on Burridge Lake, and 65 metres of frontage on Hillcrest Lane. It would contain an existing camping trailer with decking and a dock. The retained parcel (304 Hillcrest Lane) would consist of approximately 0.3 hectares (0.75 acres) of land. It would have approximately 65 metres of waterfrontage on Burridge Lake, and 12 metres of frontage on Hillcrest Lane. It would contain an existing dwelling, an accessory building and a dock.

e) S-28-21-S (Automatix Inc.) 268 - 293
**Address:** 4071 Hiawatha Lane, Storrington District
**Purpose of Application:** Consent for the creation of one new residential lot. The severed parcel would consist of approximately 6.4 hectares (16 acres) of vacant land with 551 metres of frontage on Hiawatha Lane. The severed parcel would have frontage on two sections of Dog Lake. The northern water frontage would be a minimum of 40 metres, and the southern water frontage would be approximately 24 metres. The retained parcel would consist of approximately 14.6 hectares (36.2 acres) of land with 1053 metres of frontage on Hiawatha Lane and 332 metres of frontage on Dog Lake. The retained parcel would continue to contain a recreational resort commercial use (Hiawatha Cottages).

6 *Minor Variance Applications from Previous Meetings*

a) MV-34-21-B (Owttrim) 294 - 316
**Location:** Part Lot 20, Concession 3, being Parts 1 – 3 on Plan 13R7915, District of Bedford, Township of South Frontenac, municipally known as Attwood Lane.
**Purpose of Application:** To vary section 5.8.2a) and 8.3.1 of the Zoning By-law to permit the construction of a principal dwelling with an attached deck being a total of 160 square metres (1716 square feet) to be located 20 metres (65.6 feet) from the high water mark, whereas the Zoning By-law requires a minimum setback of 30 metres (98.4 feet) from the high water mark.

7 *New Minor Variance Applications:*

| | | |
|---|---|---|
| a) | MV-35-21-B (Evans & Cline)<br>**Location:** Island 49 in front of Concession 10, Lot 8, Devil Lake, District of Bedford, Township of South Frontenac, for a property with Roll Assessment Number 1029-010-010-16300.<br>**Purpose of Application:** To request permission to re-build a legal non-conforming and non-complying cottage. The existing cottage is one storey with a height of 6 metres (19.6 feet) located 6 metres (19.6 feet) from the highwater mark of Bob's Lake. The applicants are seeking permission to demolish this cottage and re-build a new cottage with a maximum height of 8 metres (26 feet) and located at 8 metres (26 feet) from the highwater mark and top of bank of Devil Lake. | 317 - 343 |
| b) | MV-40-21-B (Crook)<br>**Location:** 22 Colescott Lane, Bob's Lake, District of Bedford.<br>**Purpose of Application:** To request permission to increase the height of a legal non-complying building by 0.6 metres (2 feet) for a building setback within 30 metres (98.4 feet) from the highwater mark of Bob's Lake. | 344 - 365 |
| c) | MV-41-21-B (Bobs Lake Co-op) (Wilson)<br>**Property Location:** 54 Donalds Lane, Bob's Lake, Bedford District<br>**Purpose of Application:** 54 Donalds Lane is part of the Bob's Lake Co-Operative. The Co-op's properties are zoned RLSW-3. The RLSW-3 zone requires that the replacement of any existing trailers on the property be subject to a minor variance application to determine the appropriateness of the size and location of the replacement trailer. | 366 - 385 |
| d) | MV-42-21-B (Thomas) (Heid)<br>**Property Location:** vacant property (roll number 102901001014000) between 390 West Devil Lake Lane and 47 Shoal Lane, Devil Lake<br>**Purpose of Application:** To vary section 5.8.2(b) of Zoning By-law No. 2003-75 to permit a seasonal dwelling to have a minimum 6 metre setback from the top of bank, whereas a minimum 15 metre setback is required. The dwelling, sewage system, and any accessory buildings would meet or exceed all setbacks required in the RLSW zone. | 386 - 414 |
| 8 | *Other Business* | |
| a) | Consents Approved by Delegated Authority - Report | 415 - 416 |
| 9 | *Adjournment* | |
| a) | Resolution | |

# Committee of Adjustment Meeting

Thursday, October 14, 2021

7:00 p.m. Virtual Meeting from Council Chambers

4432 George Street, Sydenham, ON

# Welcome to the 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

- Randy Ruttan (Chair of the Committee)
- Pat Barr
- Norm Roberts
- Mike Nolan
- Doug Morey
- Mike Howe
- Tom Bruce
- Ken Gee

Township Staff

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



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# Format for the Meeting

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



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# Appeal Rights

- Township staff will be in contact with the applicant following the meeting. Where a decision has been made, it will be forwarded to the applicant and anyone who has requested to be notified within 15 days.
- If a person or public body does not make oral submissions at the hearing or make written submissions to the Township before a decision is made, the person or public body is not entitled to appeal the decision.
- Anyone may appeal the decision to the Ontario Land Tribunal. The appeal must be filed with the Secretary-Treasurer of the Committee of Adjustment within 20 days of the notice of decision. The notice of appeal must set out the reasons for the appeal and be accompanied by the fee required by the Tribunal.
- If you have any questions after the meeting, please reach out to staff.



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# How to Speak to an Application

- The Chair of the meeting will open the floor to public comments
- Click “Raise Hand” button to request to speak or dial *9 (star nine) when participating 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



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# 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.



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# Agenda

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

# Consent Applications

# S-11-21-P, S-12-21-P, S-13-21-P

Applicant: 500675 Ontario Inc.

Agent: Gary Beach

Location: New Morin Road

**Recommendation:** Deferral

File: S-11-21-P, S-12-21-P & S-13-21-P

# Proposal

## S-11-21-P

- 2.1 acres
- 214 metres on New Morin Road

## S-12-21-P

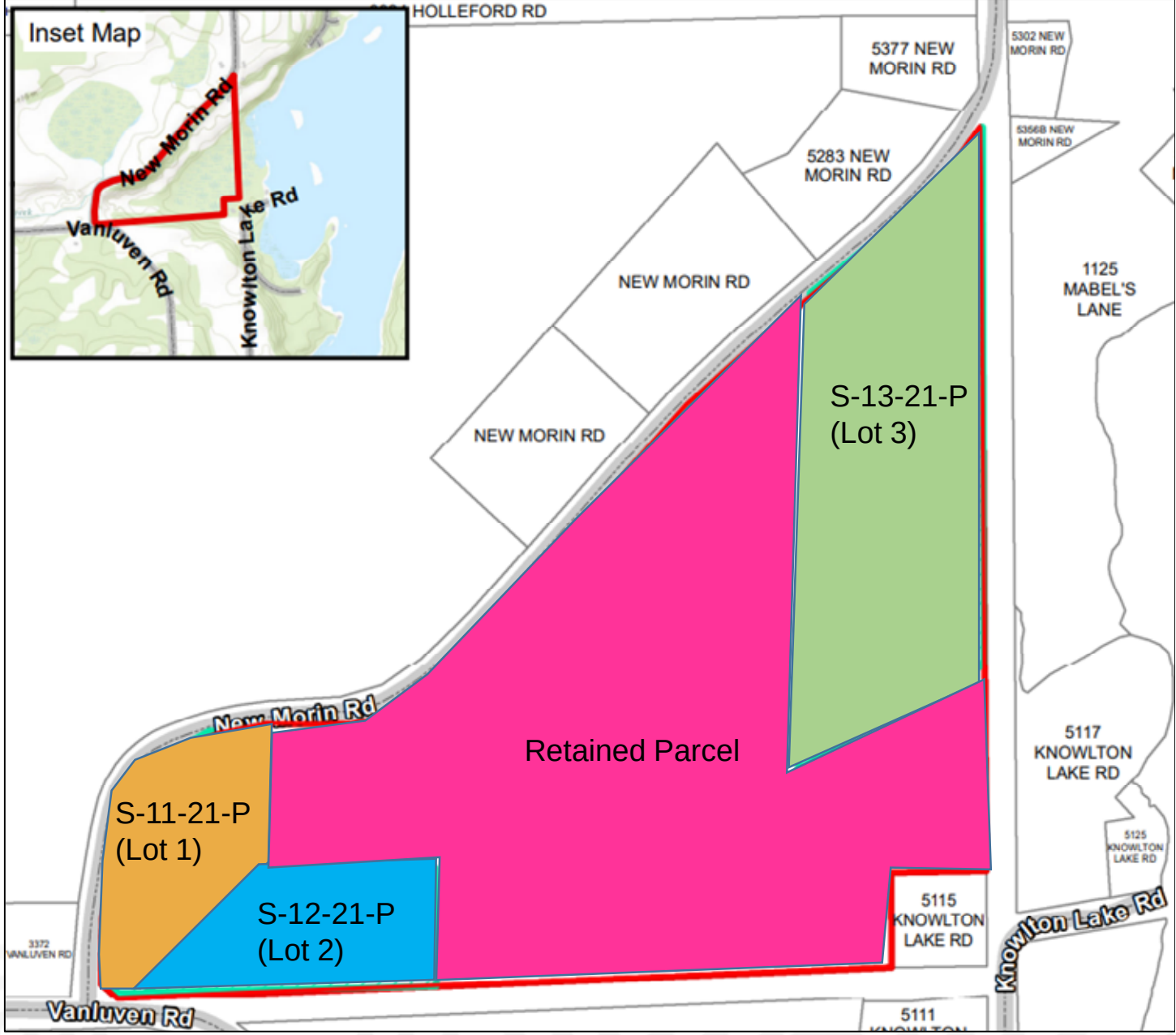
- 2.2 acres
- 76 metres on Vanluven Road

## S-13-21-P

- 2.4 acres
- 86 metres on New Morin Road

## Retained parcel

- 37 acres
- 559 metres on New Morin Road



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# Subject Property

- East of New Morin Road
- North of Vanluven Road
- Two unopened road allowances
    1. Adjacent to the southern property line; extends from Vanluven Road east to Knowlton Lake Road
    2. Adjacent to the eastern property line;  extends south from New Morin Road to Knowlton Lake Road.
- East of Knowlton Lake which is an at-capacity Lake Trout Lake
- Unevaluated wetland in the south-east half
- Farm Entrance
- Steep Ridge along New Morin Road

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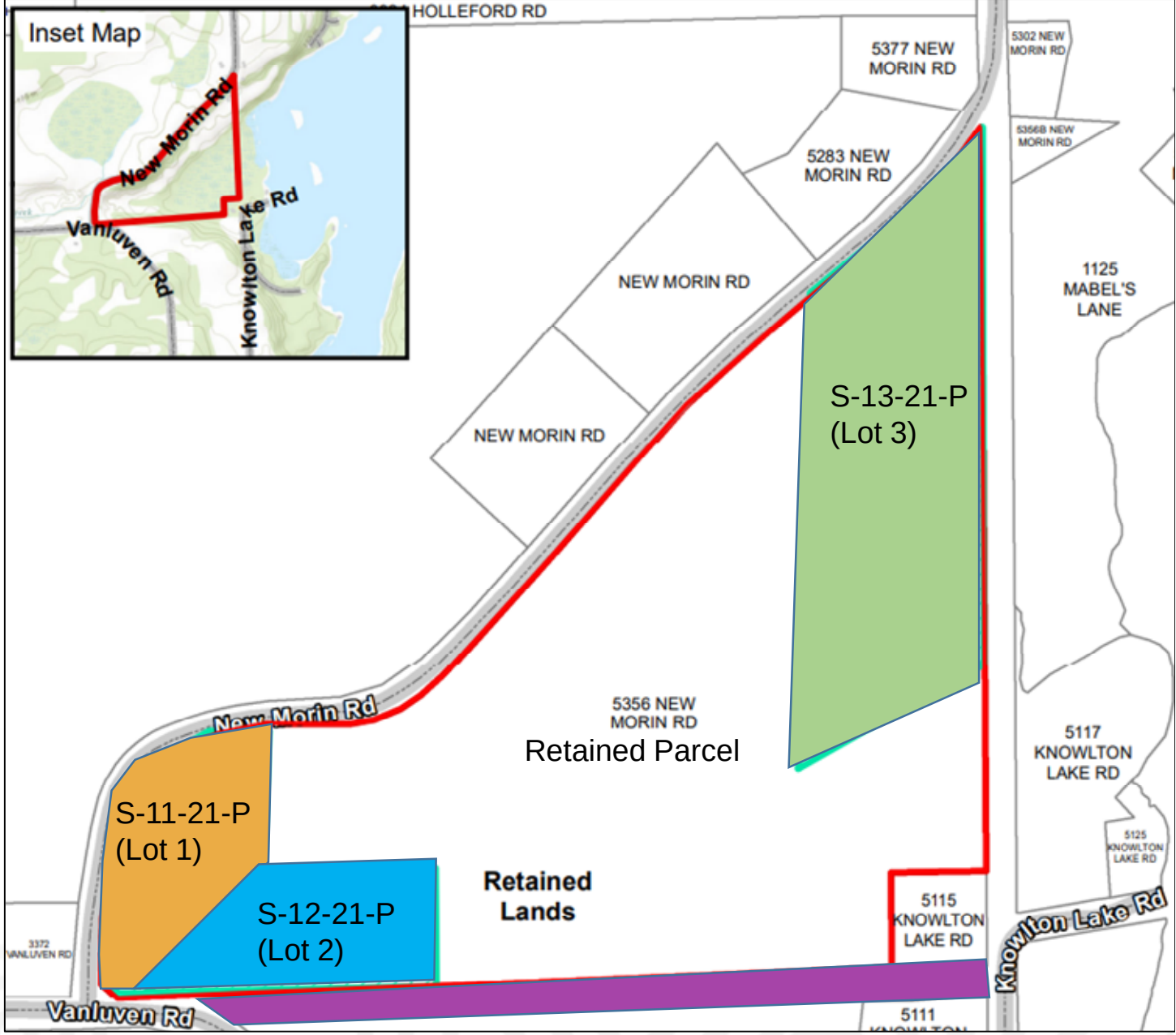
## S-11-21-P (Lot 1)

- Topography: flat area along the road and then a steep slope, then plateau.
- There is a pond at the bottom of the ridge.
- Farm Entrance

## S-12-21-P (Lot 2)

- Topography: steep elevation along Vanluven Road which drops down quickly in elevation. No level plateau on the severed parcel.
- Watercourse
- The unopened road allowance is adjacent to the south



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## S-11-21-P (Lot 1)

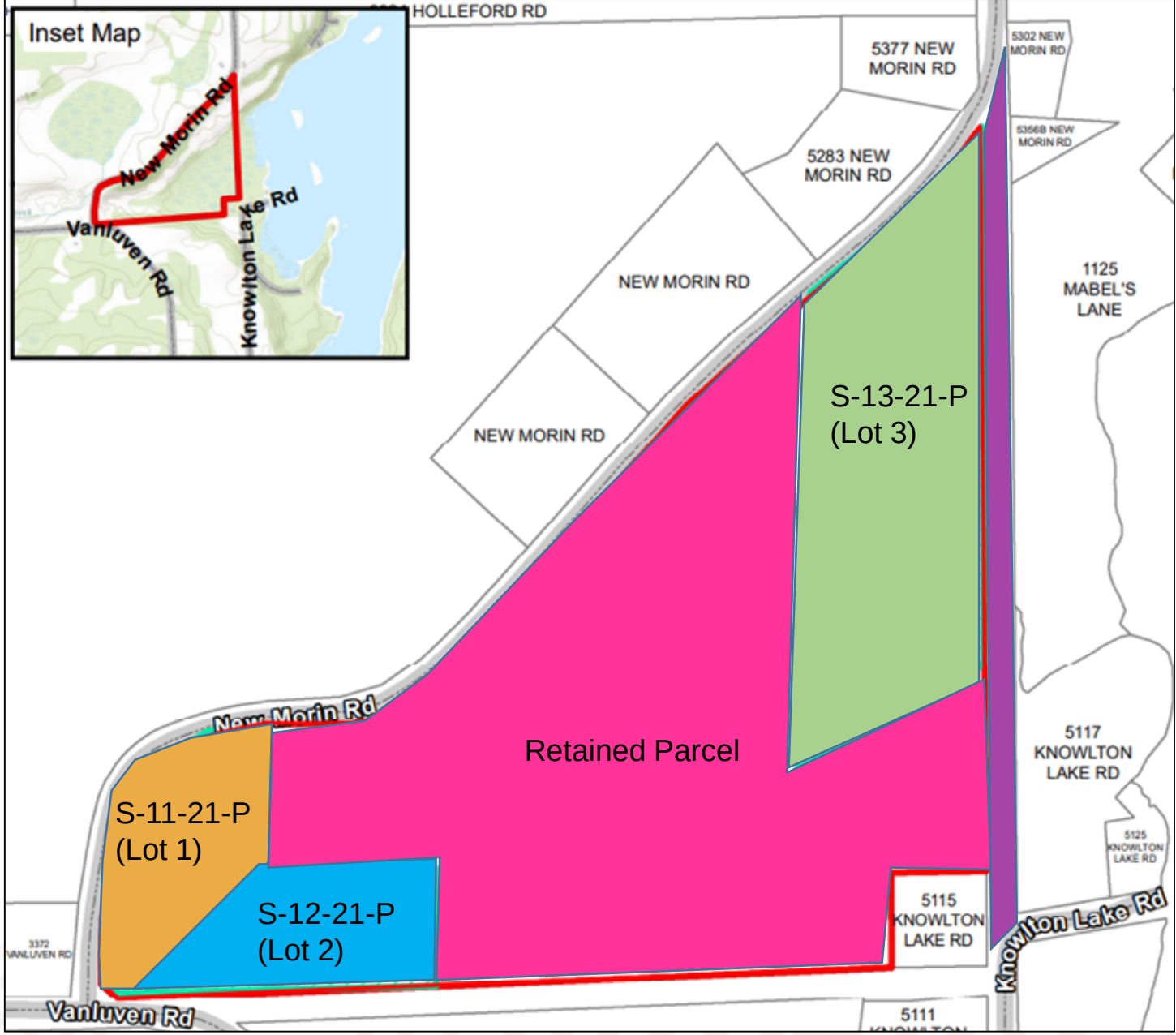
# S-12-21-P (Lot 2)

## S-13-21-P (Lot 3)

- Topography: Steep ridge to plateau
- Developed
  - Dwelling + access are on the unopened road allowance.
- Road closing Application is being considered by Council.

## Retained Parcel

- Topography: Steep ridge to lower plateau area and then drops again in elevation into the unevaluated wetland, which is connected to Knowlton Lake.
- The existing farm entrance access described above continues along the entire plateau of the retained parcel as a dirt road.



Retained Parcel

S-13-21-P (Lot 3)

# Supporting Documentation

- Environmental Impact Assessment
  - Wetland and woodland on the subject property are not significant.
  - low potential to contain species at risk and significant wildlife habitat
  - Lot 1 and 2: approx. 675 metres from Knowlton Lake and 300 metres from the unevaluated wetland & July 2021 EIA disagrees with the assertion that the wetland forms part of Knowlton Lake
  - Lot 1: Building Envelope adjacent to New Morin Road on top of the ridge
  - Lot 2: the watercourse is a drainage feature for runoff from Vanluven Road & steep slopes could be a hazard
  - Retained: No distance was included from the building envelope to lake and wetland
  - Included Recommendations on tree clearing and re-assess for turtle nesting outside building envelope

# Department, Agency and Public Comments

- **Public Services** – Public Services requires the applicant to mark the proposed property lines in the field along with the desired entrance locations so that Public Services staff can properly assess entrance requirements. Request Deferral

- **Building Department (Sewage System Review)** – To date, Building Services has not been contacted to arrange an inspection of test holes. Therefore, the suitability of the lots for sewage systems has not been assessed.

# Department, Agency and Public Comments

- **Cataraqui Conservation** – Expressed concerns about slope and identified building envelopes. Recommend Deferral
  - Development should not occur on the slope without a geotechnical study to demonstrate that development can safely occur on the slope. Any development proposed outside the location identified in the EIA should require additional ecological assessment, as any other location would be located closer or within some of the features that the EIA identified as needing further study, specifically regarding potential species at risk.
- **Ministry of Environment, Conservation and Parks** – MECP was unsure where the location of the sewage system would be. Recommend Deferral
  - Requires a site diagram showing the location of the sewage system in order to determine whether the tile beds would be beyond or within 300 metres of the lake.
  - Requires a site-specific soils investigation to be prepare by a qualified professional and outlines the requirements that must be met

# Department, Agency and Public Comments

- **Public Comments** – 2 comments have been received with initial circulation of consent and 2 more have been received with public meeting notice. Comments express concerns about:
  - Concerns with respect to encroachment into the wetland and Township boundary lines (i.e. unopened road allowances)
  - Entrancing
  - Wells and water

# Preliminary Planning Analysis

**Policy Theme: Rural Residential Development**

- Rural Residential Polices are not yet met:
  - The severed parcel needs to have the ability to be serviced by a private sewage disposal system
  - Concerns with entrancing including sightlines, topography challenges and safe access
- Lot 2: Determine the exact total road frontage that Lot 2 would have on the travelled portion of Van Luven Road
- Lot 3: Existing entrance is over un-opened road allowance. It would need to be demonstrated that the property has legal deeded access.



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# Preliminary Planning Analysis

**Policy Theme: Protecting Natural Heritage & Natural Hazards**

- Policies with respect to the creation of new lots within 300 metres of an at capacity lake trout lake
  - Demonstrate sufficient area on the severed parcel and the retained parcel for sewage disposal systems to be located outside the 300 metre setback from the edge of the wetland.
- Lot 1: building envelope outside 30 meters from the pond
- Lot 2: building envelope outside 30 metres from watercourse
- Retained parcel: Building envelope identified appears to be on a steep slope



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# Preliminary Planning Analysis

**Policy Theme: Compatibility Between Uses (MDS)**

- Barn has not yet been demolished. MDS I Calculations required

**Zoning By-Law**

- Lot 1: Building envelope within 20 metre front yard setback
- Lot 2: Slope Stability concerns
- Retained parcel: Building envelope identified appears to be on a steep slope



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# Recommendation

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **defer** making a decision on application S-11-21-P, S-12-21-P and S-13-21-P to give the applicant/agent the opportunity to address the following concerns:

1. Submit confirmation that the barn on the subject property has been demolished or to submit Minimum Distance Separation Calculations.
2. Submit a survey sketch that demonstrates that there is are suitable building and sewage system locations, and parking spaces on the severed parcels and the retained parcel. The survey sketch must identify the following:
    a. a potential location for a septic tank, tile bed, and buildings, outside of any hazards (such as the ridge and steep slopes), and that complies to current zoning and regulatory requirements
    b. the 300 metre setback from the edge of the wetland and Knowlton Lake
    c. a proposed location for sewage systems on the severed parcel and retained parcel including the distances to all property lines, watercourses and to the wetland edge and Knowlton Lake
    d. the proposed entrance location and location for parking for the severed parcel and the retained parcel
    e. confirmation of the total road frontage for each parcel and identify on severed parcel S-12-21-P the end of the travelled portion of Vanluven Road and the start of the un-opened road allowance
    f. Provide confirmation of unopened Road Allowance closure along New Morin Road to Knowlton Lake Road and/or approval by Council and access or demonstrate alternative access to existing development on the retained parcel

3. Submit any additional ecological assessment required to support the proposed identified building and sewage system locations.
4. Engage the services of a qualified professional to undertake and complete a site-specific soils investigation to the satisfaction of the Ministry of Environment, Conservation and Parks and Township Staff.
5. Demonstrate that the severed parcels and retained parcel have the ability to be serviced by a private sewage disposal system, including the digging of test holes in the proposed and identified sewage system location.
6. Engage the services of a qualified professional to undertake and complete geo-technical study to demonstrate that development can safely occur on the severed parcel and retained parcel.

# Questions & Comments

1. Committee Members – Questions for Staff
2. Applicant / Agent / Members of the Public
3. Further Questions or Comments from Committee Members

**If you would like to speak:**

- Use “Raise Hand” feature at the bottom of your screen
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# Resolution & Voting on S-11-21-P

- 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.

# Resolution & Voting on S-12-21-P

- 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.

# Resolution & Voting on S-13-21-P

- 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.

# S-17-21-B

Applicant: Walter Tholen and Jane Cleve

Agent: Colleen Emmerson

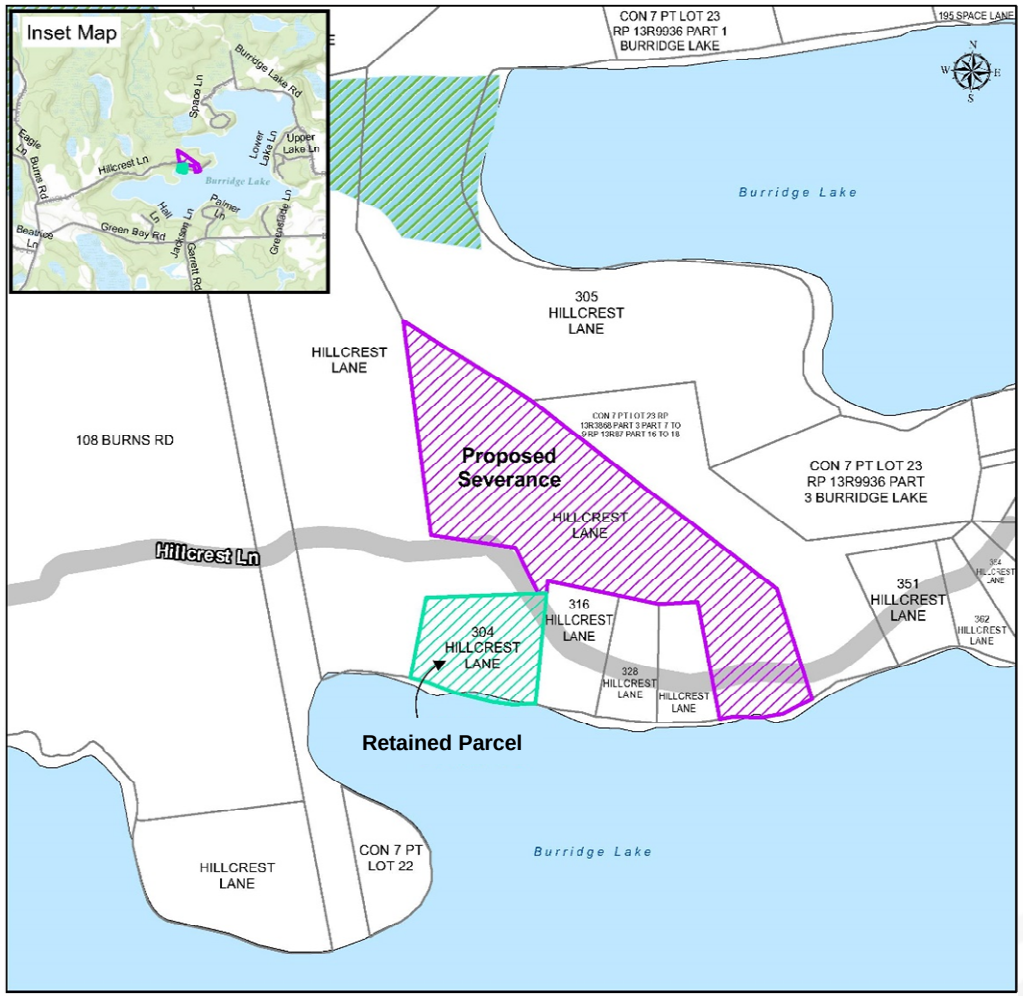
Property: 304 and 340 Hillcrest Lane

**Recommendation:** Approval

- Pending public comment
- Subject to conditions

# Proposal

- Divide two parcels that unintentionally merged on title
- Hillcrest Lane
- Burridge Lake
- RLSW zone
- Severed Parcel (340 Hillcrest Ln)
  - 1.4 ha (3.5 ac)
  - 65m road frontage
  - 49m water frontage
- Retained Parcel (304 Hillcrest Ln)
  - 0.3 ha (0.75 ac)
  - 12m road frontage
  - 65m water frontage



# Property

340 Hillcrest Lane (severed parcel) – trailer and accessory structures near lake

340 Hillcrest Lane (severed parcel) – identified building envelope

304 Hillcrest Lane (retained parcel)

# Department, Agency and Public Comments

- **Building Services (Sewage System Review)**
  - Severed parcel is capable of providing flexibility in site a sewage disposal system in the southwest corner
- **Rideau Valley Conservation Authority**
  - Identified limited development potential due to physical constrains on severed parcel
  - Recommendations for action to minimize impact on water quality and aquatic habitat
- **Public Comments**
  - **Shawn McIlroy (108 Burns Road)** owns the Hillcrest Lane right-of-way and requested confirmation of whether the ROW was relinquished when the parcels merged on title



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# Unresolved Concerns

- Applicant is agreeable to majority of recommended conditions
- Agreeable to removing trailer, outhouse and two decks
- Request that one deck and staircase be permitted to remain to provide easy and safe access to dock
- A staircase and landing would be permitted subject to a building permit

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# Planning Analysis

- Re-establishing lots that unintentionally merged on title is considered a technical consent
  - Retained parcel would have deficient lot area, road and water frontages; already developed
  - Severed parcel would have sufficient lot area but deficient road and water frontages; a viable building envelope was identified
- Existing trailer and accessory structures on severed parcel is not permitted uses
- RVCA recommendations support policies on waterfront development

# Recommendation: Approval Subject to Conditions

- Remove trailer
- Remove all buildings and structures, except dock and staircase with landing, and obtain necessary permits
- Applicant to enter into a development agreement to be registered on title (to address potable water, lot grading and drainage, roof runoff, erosion and sediment control measures, limiting vegetation removal, shoreline planting plan)
- Prepare acceptable reference plan or legal description
- Confirm legal deeded access provided over Hillcrest Lane right-of-way
- Pay property taxes
- Decommission any abandoned wells



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# Questions & Comments

1. Committee Members – Questions for Staff
2. Applicant / Agent / Members of the Public
3. Further Questions or Comments from Committee Members

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# Resolution & Voting on S-17-21-B

- 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.

# S-28-21-S

Applicant: Automatx Inc.

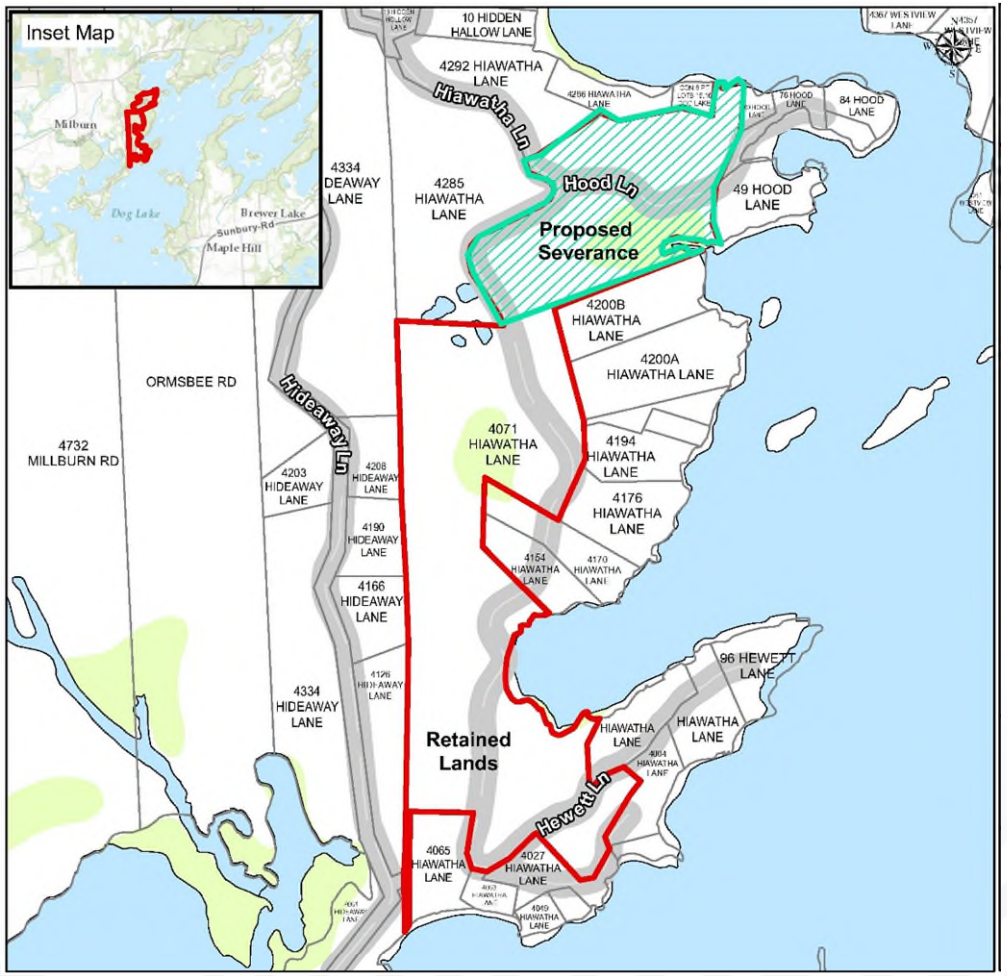
Property: 4071 Hiawatha Lane

**Recommendation:** Approval

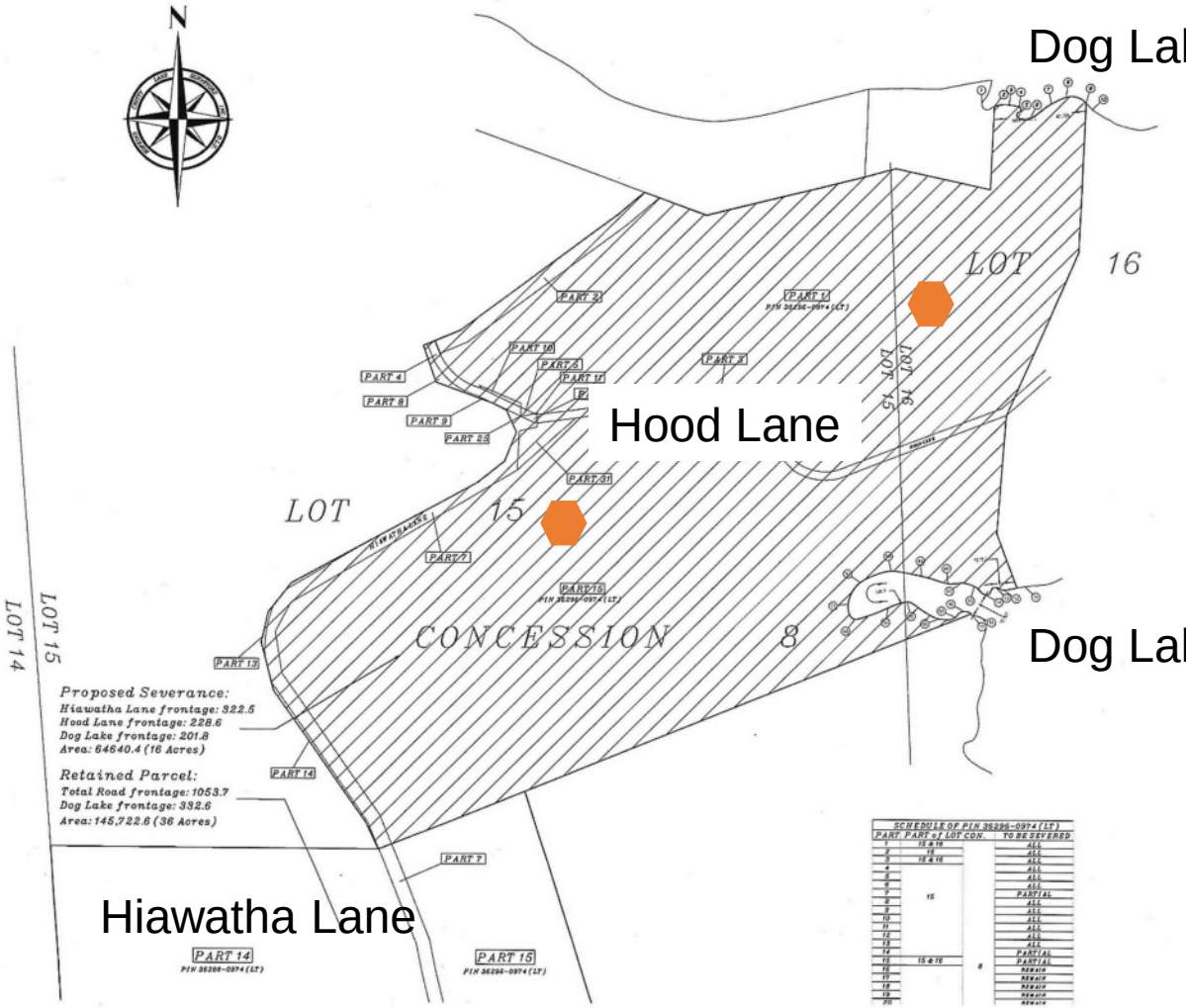
- Pending public comment
- Subject to conditions

# Proposal

- New lot creation
- Hiawatha Lane and Hood Lane
- Dog Lake
- RRC-4 zone
- Severed Parcel
  - 6.4 ha (16 ac)
  - 551m road frontage
  - 40m and 24m water frontage
- Retained Parcel
  - 14.6 ha (36.2 ac)
  - 1053m road frontage
  - 332m water frontage



# Property


N
Dog Lake (north)
LOT 16
Hood Lane
LOT 15
LOT 14
CONCESSION 8
Dog Lake (south)
Proposed Severance:
Hiawatha Lane frontage: 322.5
Hood Lane frontage: 228.6
Dog Lake frontage: 201.8
Area: 64640.4 (16 Acres)
Retained Parcel:
Total Road frontage: 1053.7
Dog Lake frontage: 332.6
Area: 145,722.6 (36 Acres)
Hiawatha Lane
PART 14
PART 15

Severed parcel – northern shoreline

Severed parcel – north of Hood Lane

Severed parcel – southern shoreline

# Department, Agency and Public Comments

- **Building Services (Sewage System Review)**
  - Severed parcel is capable of providing flexibility in site a sewage disposal system
- **Rideau Waterfront Development Review Team**
  - Recommended a minimum 40m setback from the highwater mark for future development on severed parcel
  - In-water and shoreline works may be restricted, and will include review of impact on species at risk
- **Public Comments**
  - **Richard Gibson** requested that the right-of-way to his property be shown on the survey and re-deeded as a condition



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# Unresolved Concerns

- Robert Keating (4176 Hiawatha Lane) is concerned with insufficient waterfrontage for a residential zone, and development and water access directed to southern shoreline
- Raised importance of enforcing minimum waterfrontage to help protect shorelines and aquatic habitat

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# Planning Analysis

- Eligible for a third limited service residential severance
- Demonstrated that severed parcel can be serviced by private sewage disposal system
- Potable water source would be demonstrated at building permit stage
- Deficient in waterfrontage due to remnant sections of shoreline
- Minimum waterfrontages required to ensure safe boating and swimming conditions, to avoid an overdeveloped appearance and to ensure reasonable separation between residential uses
- Minimum 40m highwater mark setback would meet this intent by located future develop in the middle of parcel away from waterfrontages
- Rezone from RRC-4 to RLSW-XX required



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# Recommendation: Approval Subject to Conditions

- Rezone severed parcel RLSW-XX to permit residential development, require a minimum 40m highwater mark setback, acknowledge reduced waterfrontage
- Applicant to enter into a development agreement to be registered on title (to address potable water, lot grading and drainage, roof runoff, erosion and sediment control measures, limiting vegetation removal)
- Prepare acceptable reference plan or legal description
- Confirm legal deeded access provided over Hiawatha Lane and Hood Lane rights-of-way
- Pay property taxes
- Pay 5% cash-in-lieu of parkland
- Decommission any abandoned wells



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# Questions & Comments

1. Committee Members – Questions for Staff
2. Applicant / Agent / Members of the Public
3. Further Questions or Comments from Committee Members

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SOUTH FRONTENAC

# Resolution & Voting on S-28-21-S

- 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 / Permission Applications

# MV-34-21-B

Applicant: Bruce and Patricia Owttrim

Property: Attwood Lane

**Recommendation:** Approval

- Pending public comment
- Subject to conditions

File: MV-34-21-B

**Applicant:** Bruce & Patricia Owttrim

**Location:** Attwood Lane

**OP Designation:** Rural

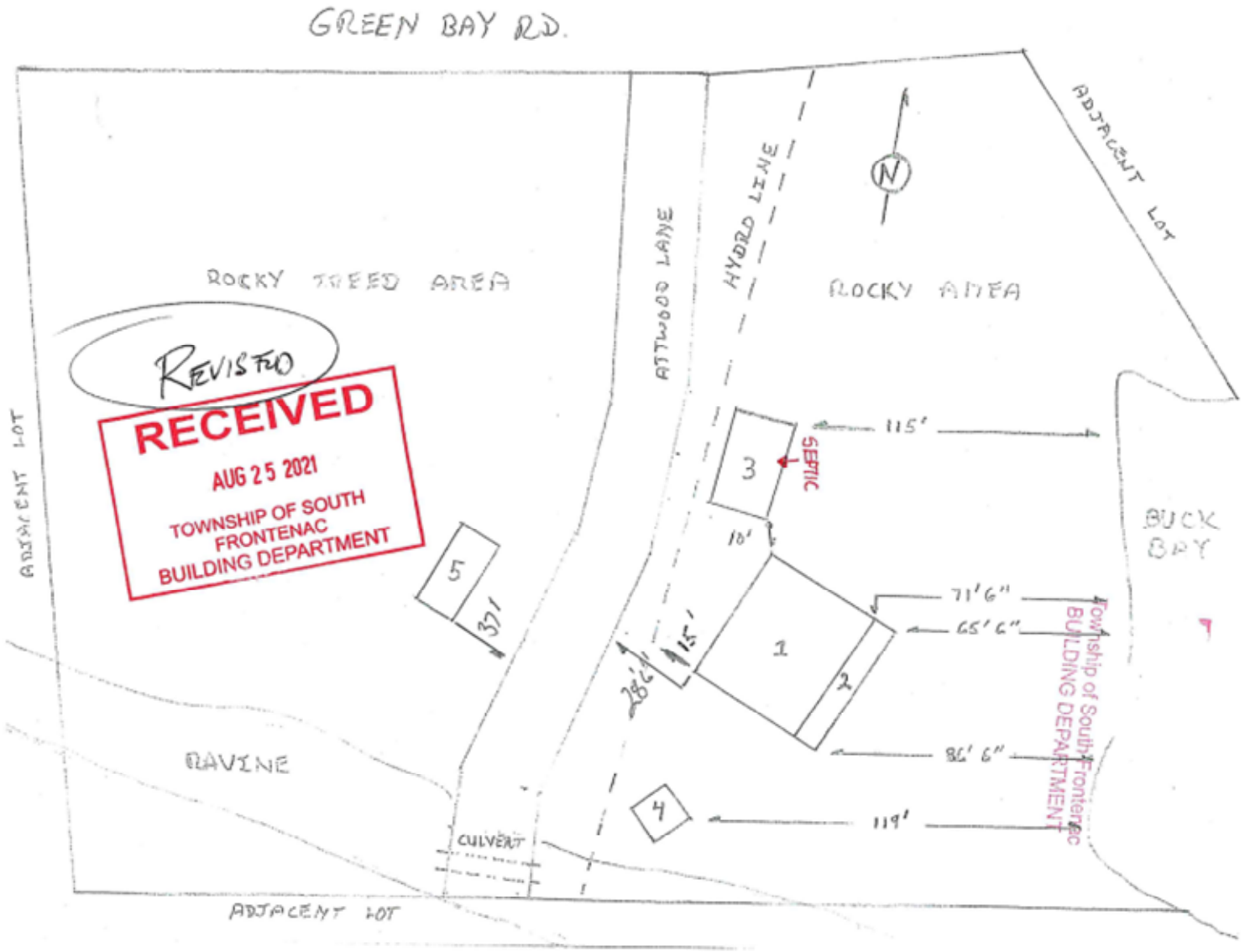
**Zoning:** RW

# Proposal

- Construct a single detached dwelling with attached deck within the 30 metre highwater mark setback

# Variance Requested

- Highwater mark



Proposed development

File: MV-34-21-B

Wetland Features

# Department, Agency and Public Comments

- **Rideau Valley Conservation Authority** – No objections
  - RVCA staff noted that the original proposed dwelling location is the most suitable location based on observations made during the site visit
  - Recommends that a native vegetation buffer be re-established within 20 metres of the highwater mark
  - Recommends the land west of Attwood Lane be protected from future development or alteration to ensure that habitat conditions are protected and drainage patterns to Bob's Lake are not altered.
- **Building Department (Sewage System Review) –** No objections
- **Public Comments –** 2 comments received regarding protection natural habitats and meeting the 30 metre setback

# Four Tests of a Minor Variance Are Met

1. Maintains the general intent and purpose of the Township of South Frontenac Official Plan
2. Maintains the general intent and purpose of Zoning By-law No. 2003-75
3. Is desirable for the appropriate development of the lands in question
4. Is minor

# Recommendation

- It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-34-21-B, subject to conditions.
- Proposed Conditions of Approval
  - The Minor Variance is approved in accordance with plans submitted.
  - Building permit is required for ALL construction on the property.
  - A development agreement is required to address RVCA's recommendations and Township environmental policies
  - The trailer on the property shall be removed in accordance with By-law 2004-93 (Trailer By-law).
  - MV-34-21-B is only applicable to Zoning By-Law No. 2003-75 and not to any subsequent zoning by-laws



SOUTH FRONTENAC

# Questions & Comments

1. Committee Members – Questions for Staff
2. Applicant / Agent / Members of the Public
3. Further Questions or Comments from Committee Members

**If you would like to speak:**

- Use “Raise Hand” feature at the bottom of your screen
- If you are calling in by phone, please dial *9 (star nine)
- Please wait to speak until you hear your name and your microphone has been unmuted.



SOUTH FRONTENAC

# Resolution & Voting on MV-34-21-B

- 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-35-21-B

Applicant: Evans and Cline

Property: Island in Devil Lake

**Recommendation:** Approval

- Pending public comment
- Subject to conditions

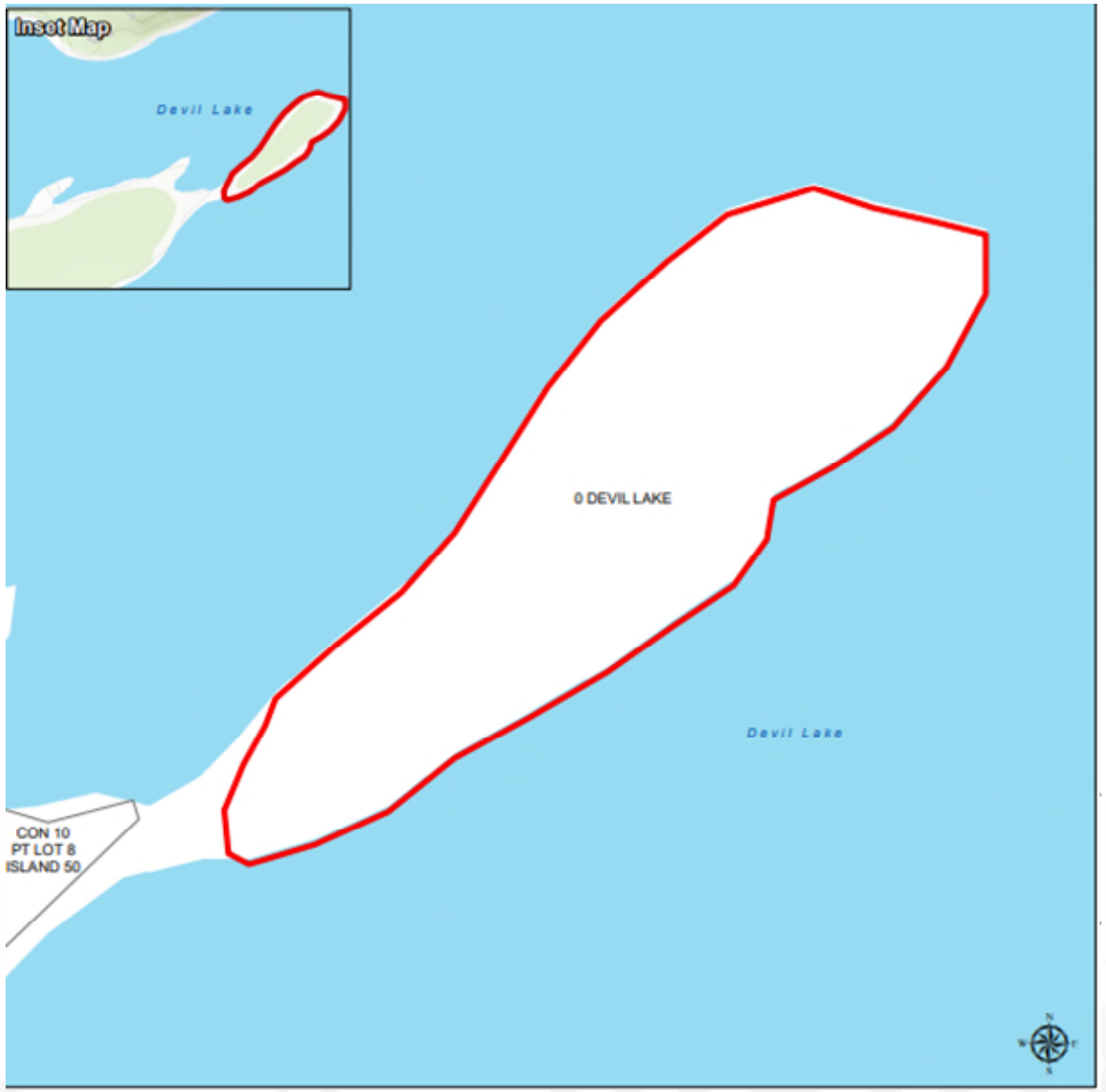
File: MV-35-21-B

**Applicant:** Andrew Evans & Cheryl Cline

**Location:** Island 49

**OP Designation:** Rural

**Zoning:** RLSI

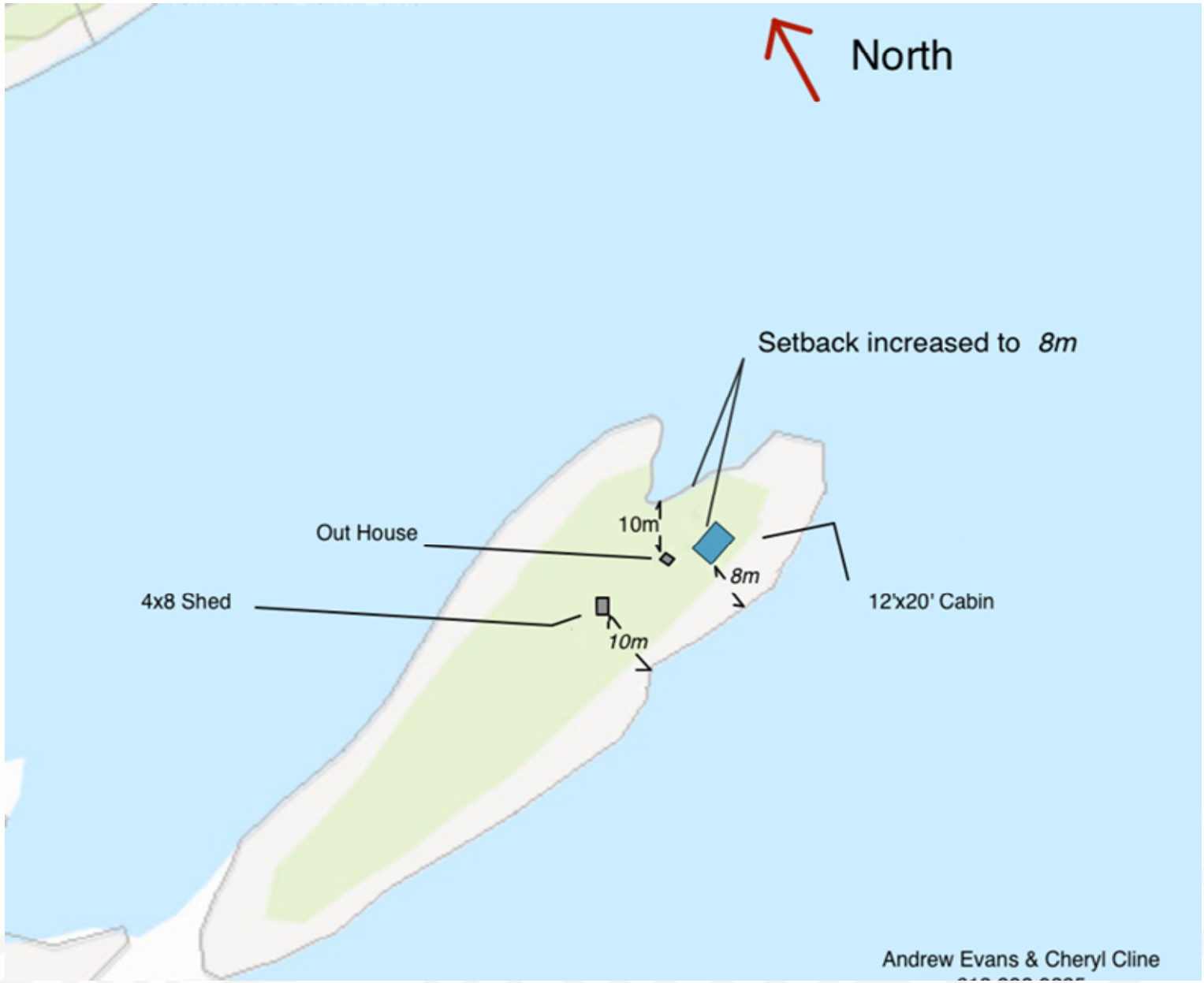


File: MV-35-21-B

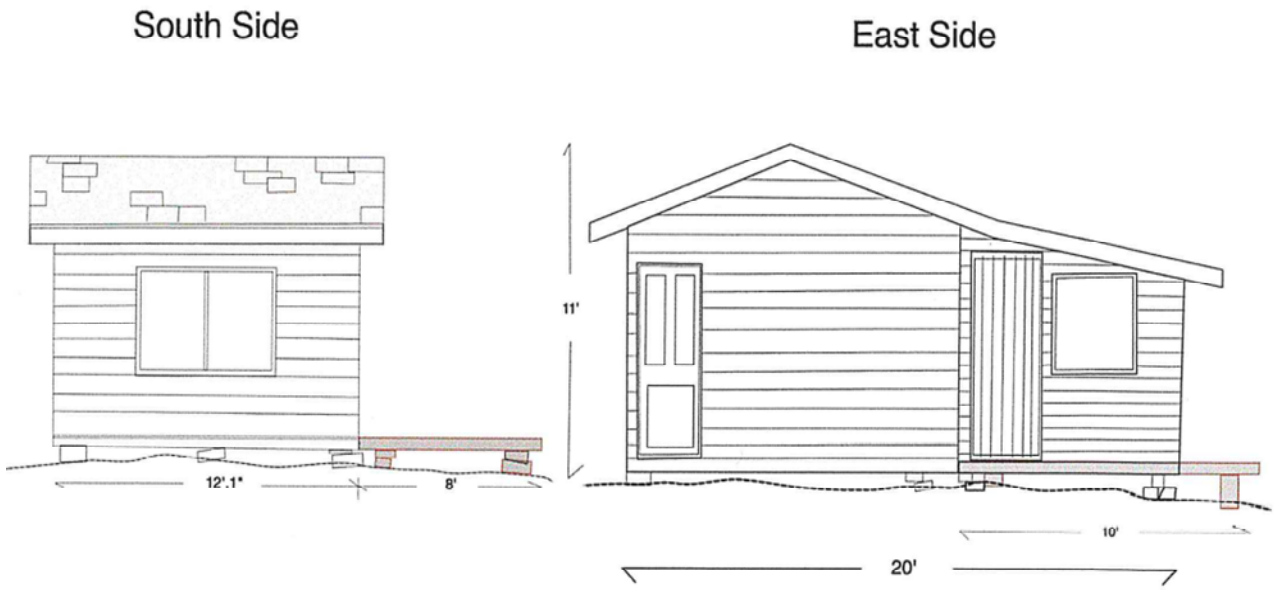
# Proposal

Request permission to re-build a legal non-conforming cottage.

- Cottage with a maximum height of 8 metres
- Located 8 metres (26 feet) from the highwater mark and top of bank of Devil
- Lake.



File: MV-35-21-B




Existing Structure

Proposed Structure

File: MV-35-21-B

File: MV-35-21-B

# Department, Agency and Pubic Comments

- **Cataraqui Conservation Authority** – No objection
  - Recommend that roof runoff be directed away from the closest shoreline to protect the water quality of the lake
- **Public Comments –** One comment received inquiring about the location of the island.

# Planning Analysis

- The dwelling is a legal non-conforming building
- Proposed dwelling is consistent with the existing and permitted seasonal residential use of the property
- Enlargement of Gross Floor Area brings the proposed dwelling closer to conformity with Zoning By-law No. 2003-75.
- The modest dwelling size is appropriate for the small island, and represents a lot coverage less than one percent.
- The proposed dwelling is located outside the floodplain and the erosion hazard limit.
- Building on the similar footprint will result in the least disturbance to the island.



SOUTH FRONTENAC

# Recommendation

- It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** application MV-35-21-B, subject to conditions.
- Proposed Conditions of Approval
  - Permission is granted to enlarge a legal non-conforming building on the subject property in accordance with plans submitted.
  - Development Agreement is required to address environmental policies
  - Building permit is required for ALL construction on the property.

# Questions & Comments

1. Committee Members – Questions for Staff
2. Applicant / Agent / Members of the Public
3. Further Questions or Comments from Committee Members

**If you would like to speak:**

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



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# Resolution & Voting on MV-35-21-B

- 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-40-21-B

Applicant: Crook

Property: 22 Colescott Lane

**Recommendation:** Approval

- Pending public comment
- Subject to conditions

File: MV-40-21-B

**Applicant:** Russell Crook & Patricia Allen-Crook

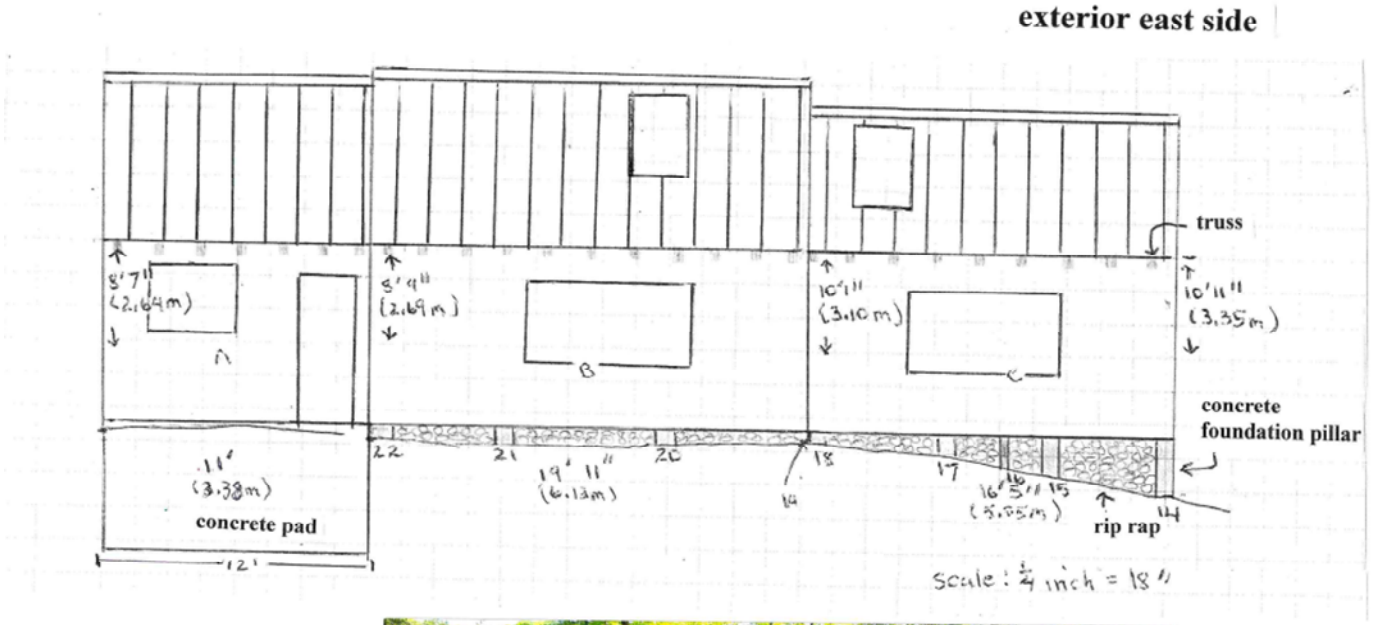
**Location:** 22 Colescott Lane

**OP Designation:** Rural

**Zoning:** RLSW

# Proposal

- Permission to increase the
- Height of a legal non-complying building by 0.6 metres (2 feet)
- Building within 30 metres from the highwater mark



File: MV-40-21-B

# Department, Agency and Pubic Comments

- **Rideau Valley Conservation Authority** – No objections
  - Indicate that the application should consider the 1:100 year flood elevation in the design of the foundation and its drainage system
  - that raising the dwelling so that the underside of the finished floor will be 0.3 metres above the flood elevation of 163.07 metres is recommended
  - Letter includes recommendations for mitigations for any impact on Bob's Lake
- **Public Comments –** one comment received inquiring about which building the application referenced.

# Planning Analysis

- The dwelling is a legal non-conforming building
- Proposed dwelling is consistent with the existing and permitted seasonal residential use of the property
- Increase in height complies with RLSW Zone provision
- Tree’s provide screening from neighbouring properties across the lake
- Raising the dwelling on the existing footprint will result in the least disturbance to the natural features on the subject property

# Recommendation

- It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** application MV-40-21-B, subject to conditions.
- Proposed Conditions of Approval
- Permission is granted to enlarge a legal non-conforming building on the subject property in accordance with plans submitted.
- Development Agreement is required to address environmental policies
- Building permit is required for ALL construction on the property.

# Questions & Comments

1. Committee Members – Questions for Staff
2. Applicant / Agent / Members of the Public
3. Further Questions or Comments from Committee Members

**If you would like to speak:**

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# Resolution & Voting on MV-40-21-B

- 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-41-21-B

Applicant: Tracey Wilson

Agent: Bob’s Lake Co-Operative

Property: 54 Donalds Lane

**Recommendation:** Approval

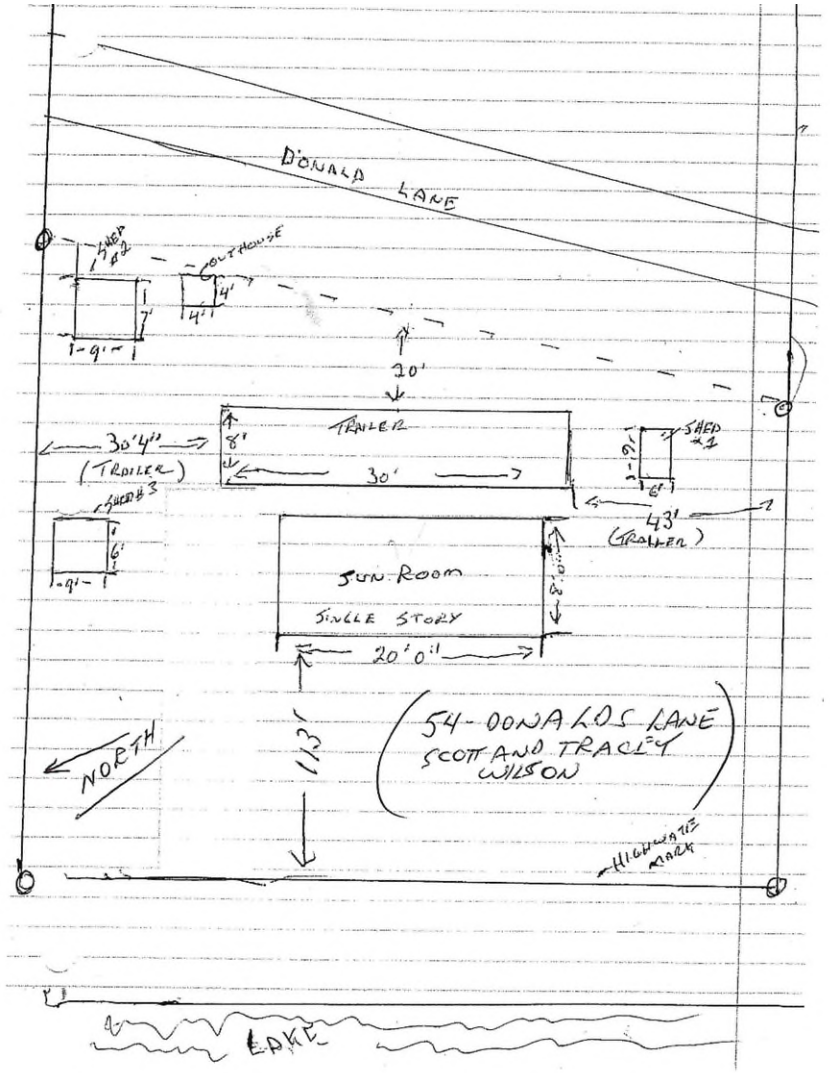
- Pending public comment
- Subject to conditions

# Property Statistics

- 3.2 ha (7.87 ac)
- Bob's Lake
- Rural designation
- RLSW-3 zone
- Maximum ten campsites for recreational vehicles
- 54 Donalds Lane is located at the west end of the property

# Proposal

- Replace 29ft travel trailer with 32ft travel trailer
- Minimum 6m rear yard



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Existing trailer on campsite

Existing structures on campsite

View from shoreline

# Department, Agency and Public Comments

- Application did not meet criteria for circulation to Township departments and Conservation Authority
- **Public Comments** – none received to date

# Four Tests of a Minor Variance Are Met

1. Maintains the general intent and purpose of the Township of South Frontenac Official Plan
2. Maintains the general intent and purpose of Zoning By-law No. 2003-75
3. Is desirable for the appropriate development of the lands in question
4. Is minor

# Recommendation

- It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-41-21-B, subject to conditions.
- Proposed Conditions of Approval
  - The Minor Variance is approved in accordance with plans submitted
  - Building permit is required for ALL construction on the property
  - Apply for and obtain a sewage system permit or remove plumbing from trailer
  - MV-41-21-B is only applicable to Zoning By-Law No. 2003-75 and not to any subsequent zoning by-laws

# Questions & Comments

1. Committee Members – Questions for Staff
2. Applicant / Agent / Members of the Public
3. Further Questions or Comments from Committee Members

**If you would like to speak:**

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# Resolution & Voting on MV-41-21-B

- 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-42-21-B

Applicant: Kathleen Thomas

Agent: Andrew Heid

Property: 0 West Devil Lake Lane

**Recommendation:** Approval

- Pending public comment
- Subject to conditions

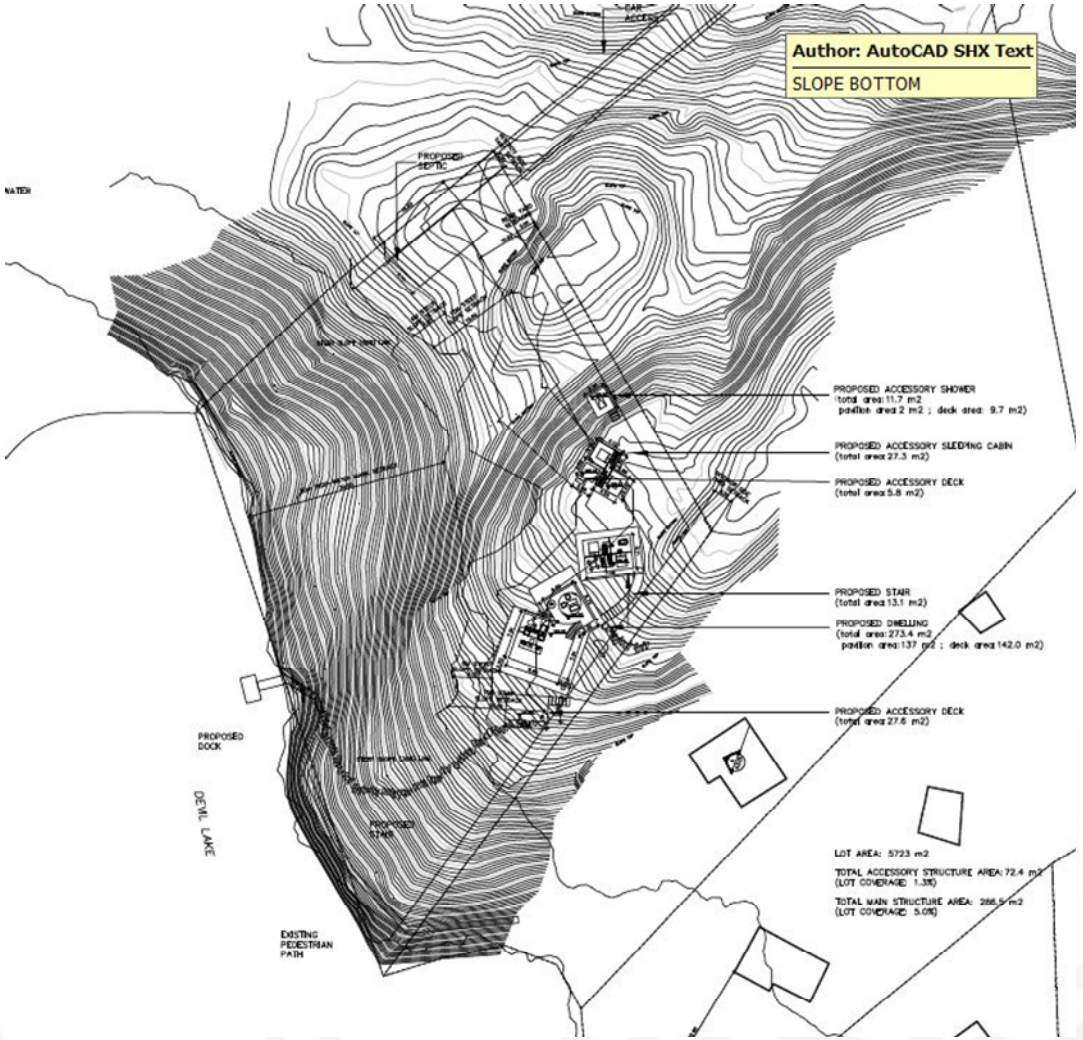
# Property Statistics

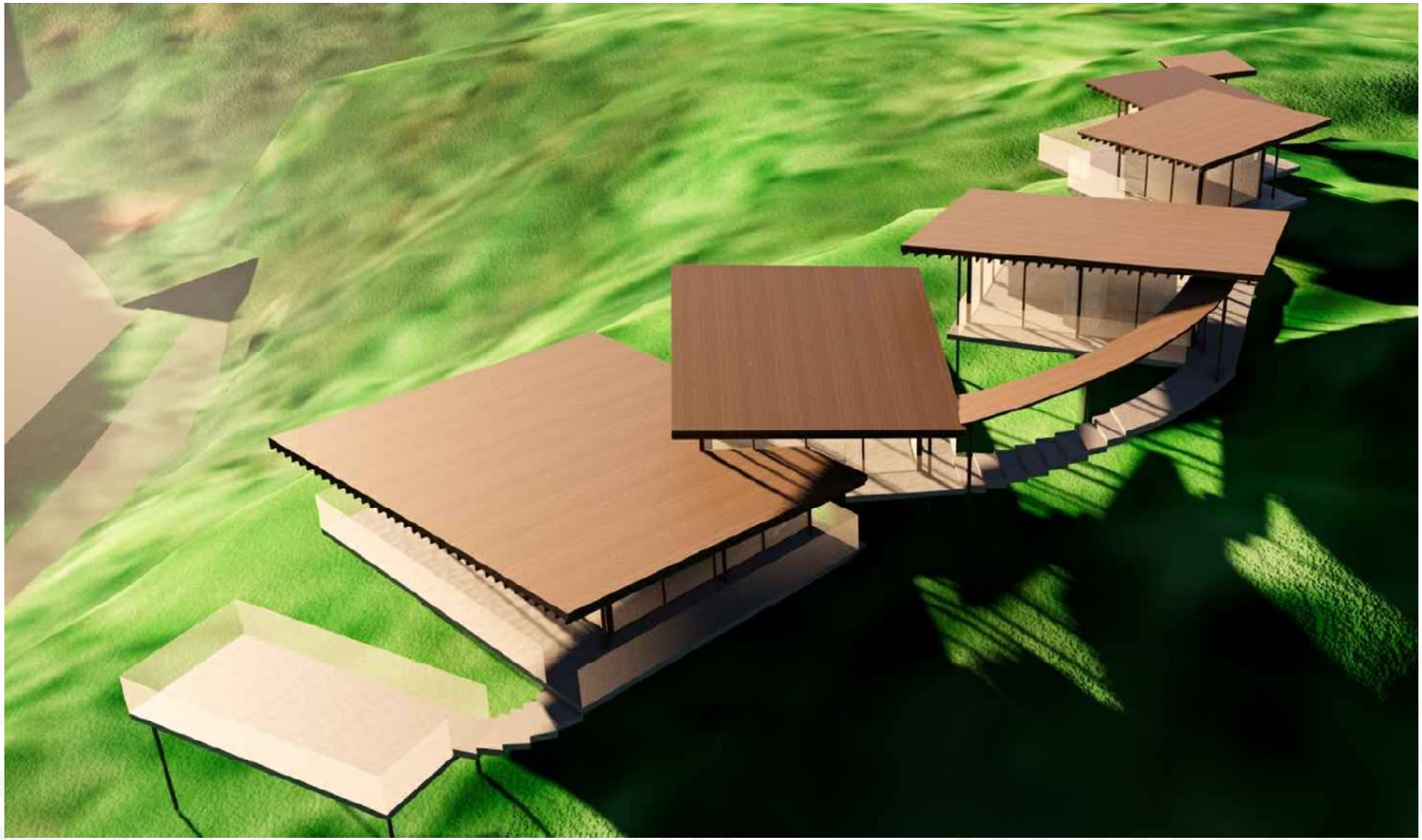
- Rural designation
- RLSW zone
- Between 390 West Devil Lake Lane and 47 Shoal Lane
- Devil Lake
- 5723sq m (1.4ac)

SOUTH FRONTENAC

# Proposal

- Construct dwelling, sleeping cabin, detached decks, sewage system
- Minimum 6m setback from top of bank





3-D Rendering of Building

Shoreline

Building site viewed from driveway

Driveway

Building site viewed from top of bank

Sewage system site

# Department, Agency and Public Comments

- **Building Services (Sewage System Review)** – site is capable of providing flexibility in site a sewage disposal system
- **Cataraqui Conservation** – no objection
- **Public Comments** – none received to date

# Four Tests of a Minor Variance Are Met

1. Maintains the general intent and purpose of the Township of South Frontenac Official Plan
2. Maintains the general intent and purpose of Zoning By-law No. 2003-75
3. Is desirable for the appropriate development of the lands in question
4. Is minor

# Recommendation

- It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-42-21-B, subject to conditions.
- Proposed Conditions of Approval
  - The Minor Variance is approved in accordance with plans submitted
  - Building permit is required for ALL construction on the property
  - Applicant to apply for and enter into site plan agreement to be registered on title (to address roof runoff, erosion and sediment control measures, maintaining natural vegetated buffer)
  - MV-42-21-B is only applicable to Zoning By-Law No. 2003-75 and not to any subsequent zoning by-laws



SOUTH FRONTENAC

# Questions & Comments

1. Committee Members – Questions for Staff
2. Applicant / Agent / Members of the Public
3. Further Questions or Comments from Committee Members

**If you would like to speak:**

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SOUTH FRONTENAC

# Resolution & Voting on MV-42-21-B

- 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.

# Consent Granting Authority

- S-45-21-S (Kot (Bovey)
  - Lot addition approved September 9th, 2021

# Conclusion/Adjournment

Committee of Adjustment Meeting

PROPOSED LOT 1.

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

Date Received: March 18, 2021 File No: S-11-21-P

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): 5006755 ONTARIO LTD.

   **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. BEACH.

   **Full Mailing Address** of Authorized Agent [redacted]

   Phone number of Authorized Agent: [redacted]

   Email Address of Authorized Agent: [redacted]

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

   AUTHORIZATION ON FILE.
   Signature(s) of Owner(s)

3. The description of the subject land:

   District: ☐ Bedford ☑ Portland ☐ Loughborough ☐ Storrington

   Concession Number: 8. Lot Number: 1

PROPOSED LOT #1.

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

Street Number: 5356. Name of Road/Street: NEW MORIN RD, VAN LUVEN RD

Reference Plan Number: 13R-7006 Part Number(s): PART 1

Roll Number: _____

4. The frontage(s), depth and area of the subject land. VAN LUVEN: 250'
NEW MORIN RD: 2,846'

Frontage (on water): N/A. Frontage (on road/lane): _____

Depth: IRREGULAR. Area: 43.75 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.

A NEW LOT.

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

a. The frontage, depth and the area in metric (area can be acres). **(Complete this section for a new lot only)**

| Proposed New Lot: | | Retained Lot: | |
|---|---|---|---|
| Frontage On Road | ≈730' – NEW MORIN RD. | Frontage On Road | 250' VAN LUVEN RD. 2,116.05. – NEW MORIN RD. |
| Frontage On Water | N/A. | Frontage On Water | N/A. |
| Depth | ≈230' | Depth | IRREGULAR. |
| Area | ≈2.1 ACRES. | Area | 41.65 ACRES. |

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

| | Existing Uses | Proposed Uses |
|---|---|---|
| New Lot: | VACANT RURAL | RESIDENTIAL LOT |
| Retained: | VACANT RURAL / EXISTING RESIDENCE. | VACANT RURAL. / EXISTING SINGLE FAMILY HOME. |

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

| | Structures Existing | Structures Proposed |
|---|---|---|
| New Lot: | NONE | RESIDENCE. |
| | | SINGLE FAMILY HOME |

| | Structures Existing | Structures Proposed |
|---|---|---|
| Retained Lot: | HOME | NONE. |
| | | |

(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 Road: |
| Frontage On Water: | Frontage On Water: |
| Depth: | Depth: |
| Area: | Area: |

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

| | Present Use of Property | Proposed Use of Property |
|---|---|---|
| Lot Addition or R.O.W: | | |
| Retained: | | |

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

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***):

UNKNOWN

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.): NEW MORIN RD, INTERNAL ROW.

The retained lot: NEW MORIN RD, VANLUVEN RD, INTERNAL ROW.

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: PRIVATE WELL Retained Lot: PRIVATE WELL.

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

New Lot: PRIVATE SEPTIC Retained Lot: PRIVATE SEPTIC

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

RURAL.

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

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

(a) The file #: UNKNOWN (b) The decision on the application: _____

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

_____

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

(b) The file #: UNKNOWN. (b) The decision on the application:

_____

(c) The current use of the land: _____

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

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

a) The boundaries and dimensions of the subject land, the part that is to be severed and the part that is to be retained.
b) The location of all land previously severed from the parcel (if applicable) originally acquired by the current owner of the subject land.
c) The approximate location of all natural and artificial features on the subject land and on the abutting lands. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, barns, wetlands, wooded areas, wells and septic tanks. Show distance of these features from the applicant's property lines.
d) The current uses of land that is abutting the subject land, such as residential, agricultural and commercial uses (if agricultural, please indicate the approximate distance of any barn structure from the proposed new lot).
**Note: The existence of a nearby barn or other farm type structure may affect the success of your application because of incompatibility issues. Please check with the Planning Department regarding the implications of any farm structure, on your application.**
e) The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way.

**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:

DATED AT THE TOWNSHIP OF SOUTH FRONTENAC

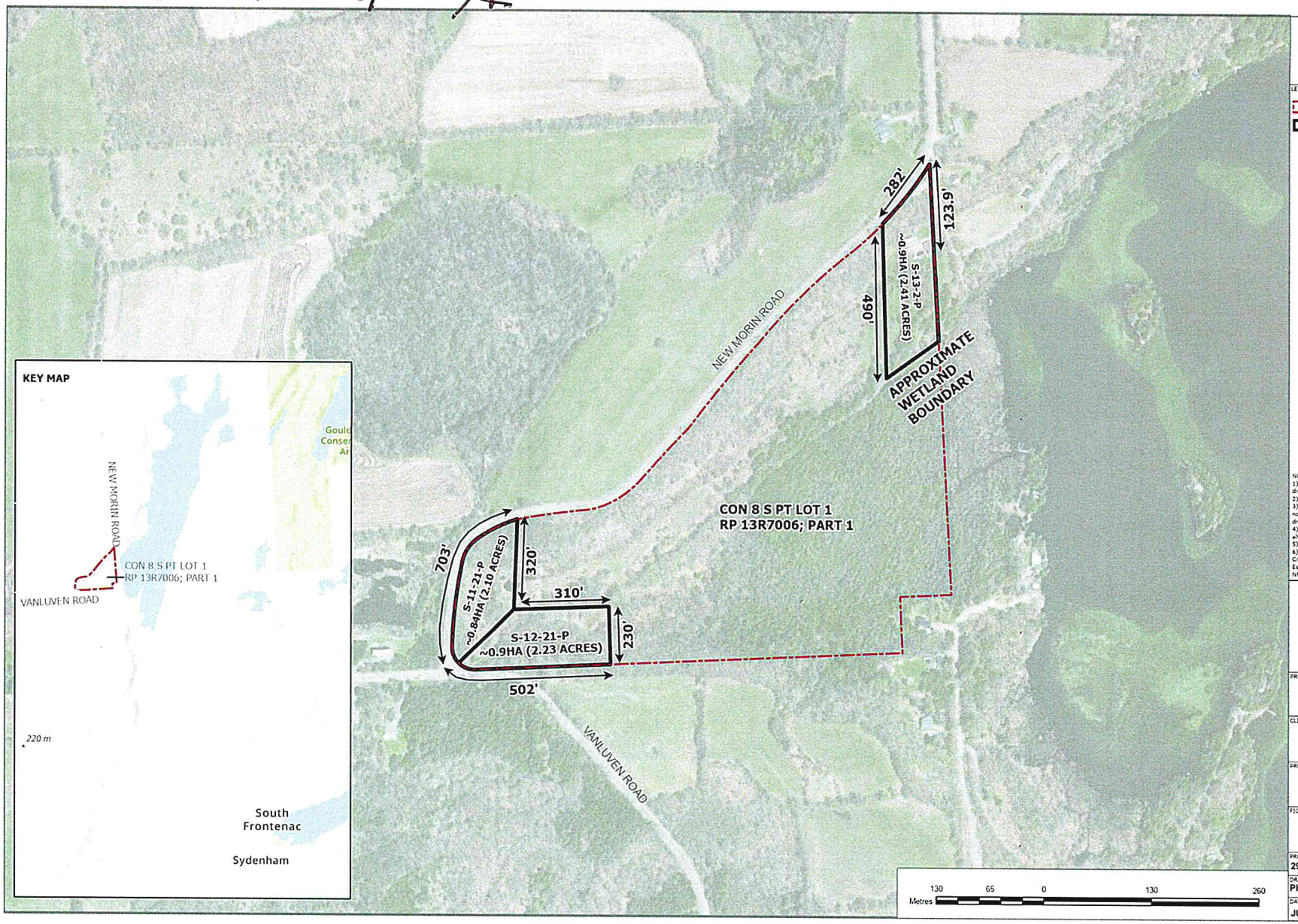
THIS 19TH DAY OF FEBRUARY, 20 21.

I, GARY BEACH OF INVERARY ON

solemnly declare that all the statements contained in this application are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath

[redacted]

FINAL AG 26/21

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PINCHIN

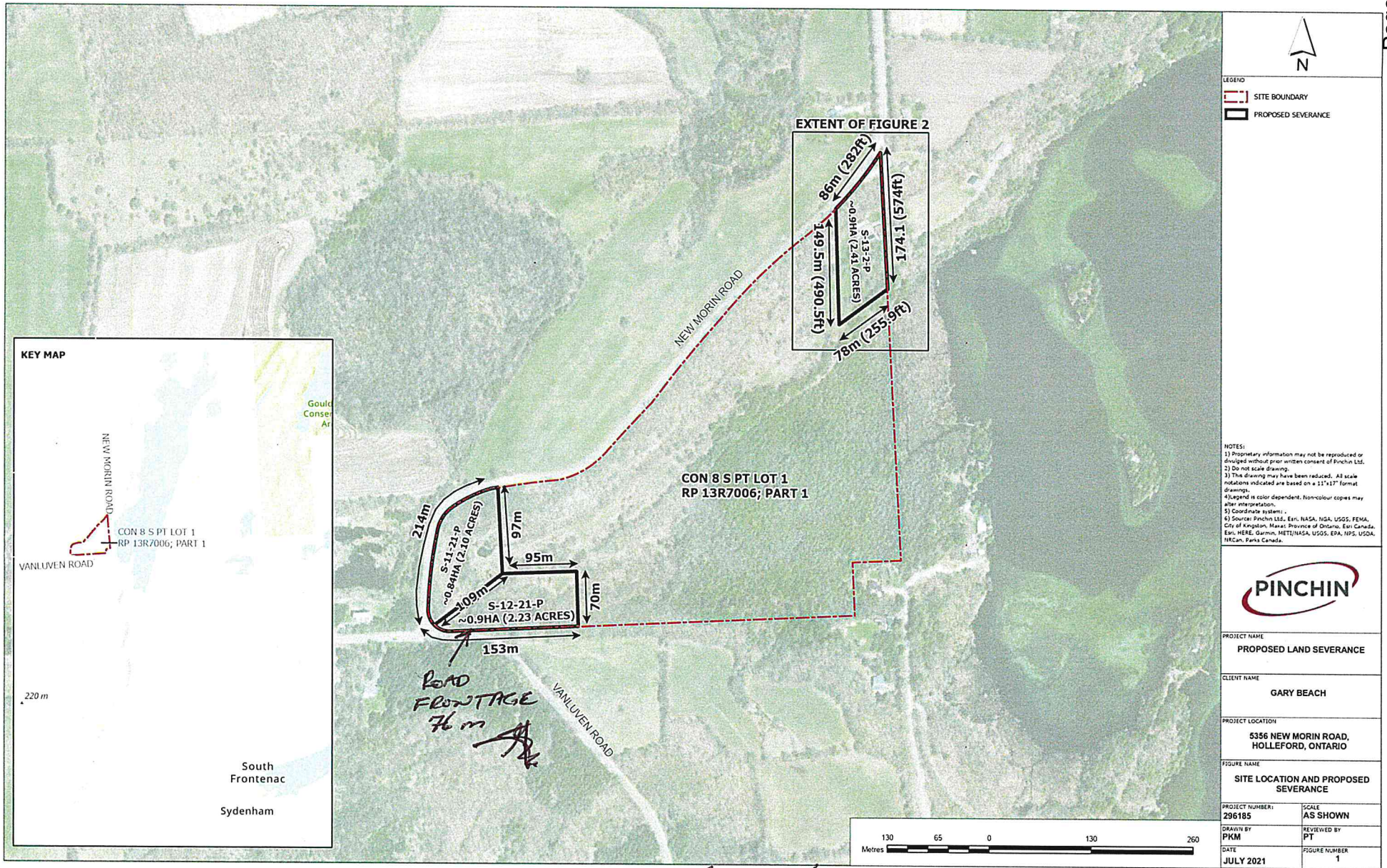
PROJECT NAME
PROPOSED LAND SEVERANCE

CLIENT NAME
GARY BEACH

PROJECT LOCATION
5356 NEW MORIN ROAD,
HOLLEFORD, ONTARIO

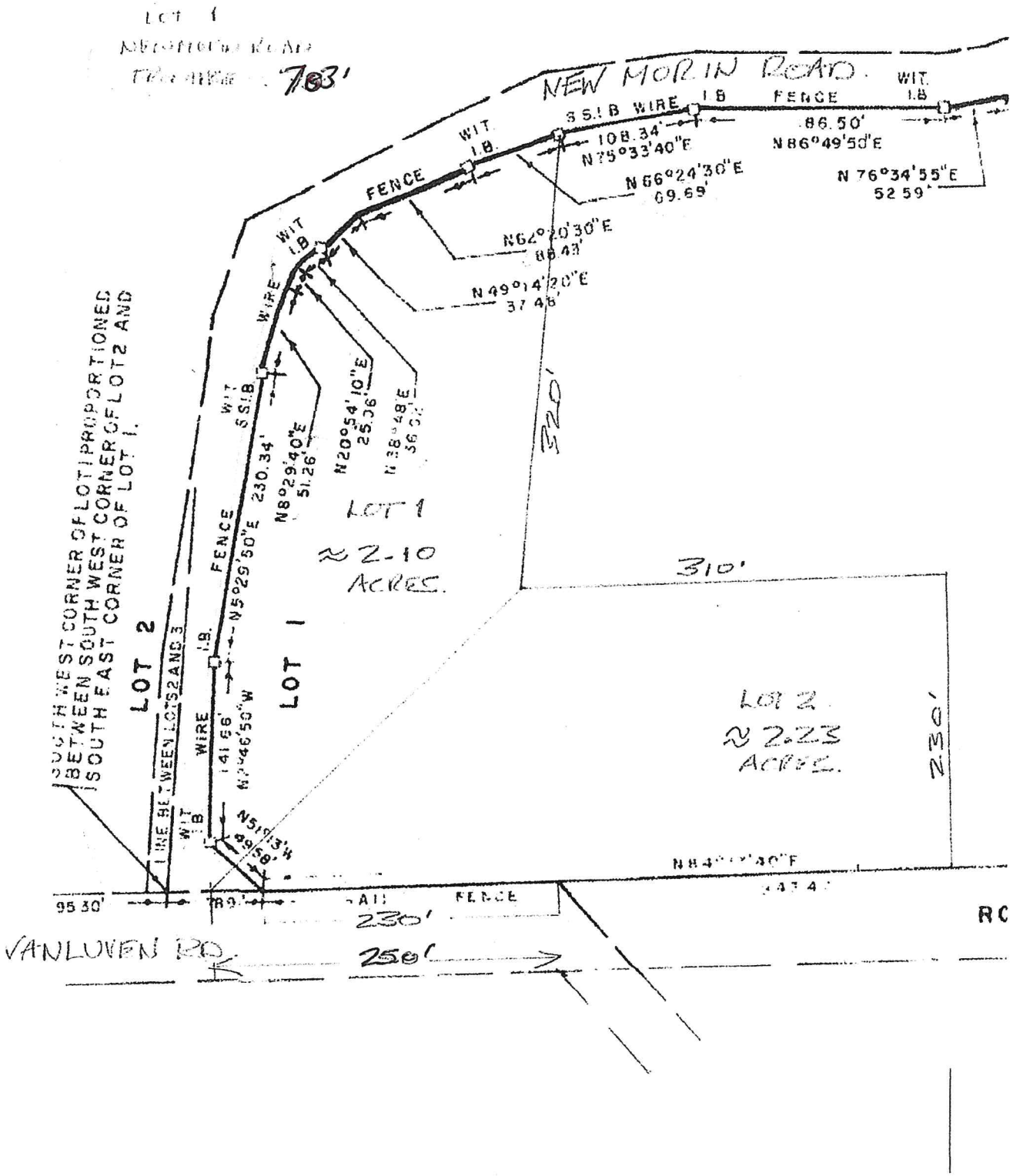
FIGURE NAME
SITE LOCATION AND PROPOSED SEVERANCE

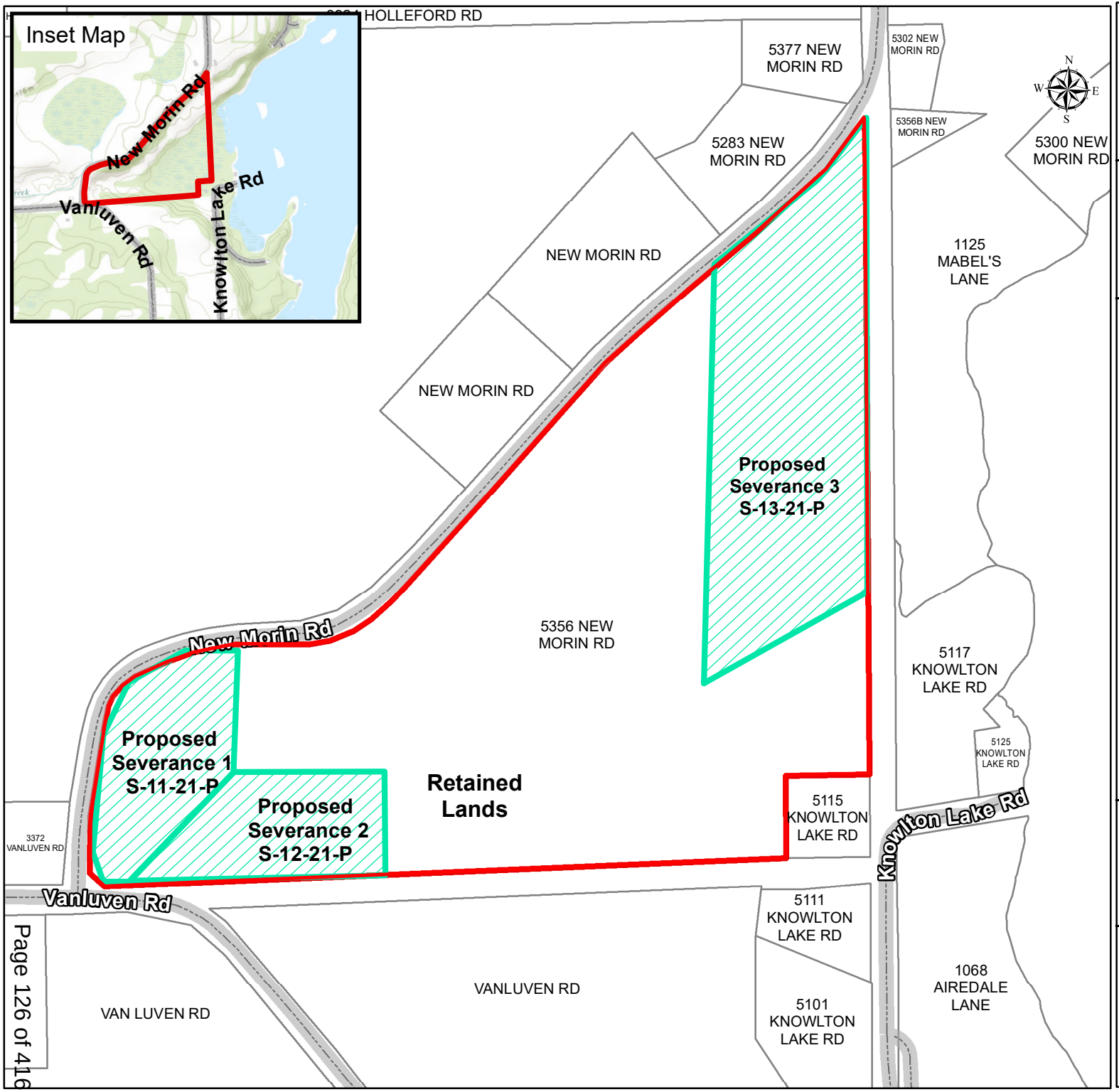
| PROJECT NUMBER: | SCALE |
|---|---|
| 295892 | AS SHOWN |
| DRAWN BY: PKM | REVIEWED BY: PT |
| DATE: JULY 2021 | FIGURE NUMBER: 1 |




FINAL DATED AUG. 26/21

FILM ACC 26/21






**S-13-21-P, S-12-21-P and S-11-21-P**
**(500675 Ontario LTD)**
**(Beach)**

**5356 NEW MORIN RD**

## Legend

- Proposed Severance
- Subject Property
- Parcel Fabric
- Provincially Significant Wetlands
- Wetland

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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 1:4,100

0 12.5 25 50 75 100

Meters

UTM Projection NAD 83

Date: 2021-06-22

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

March 2, 2021

C/O Gary Beach
PO Box 98 Battersea ON
K0H 1H0

**Via Email: beachgaryj@gmail.com**

**RE: ENVIRONMENTAL IMPACT ASSESSMENT (EIA)**
**New Morin Road**

Dear Mr. Beach

At your request we undertook this EIA due to the intention of 5006755 Ontario Ltd. to sever two lots at the west end of 5356 New Morin Road. The purpose of this EIA is to determine if the development of these two lots will constitute negative impacts to natural heritage features for the purposes of the Provincial Policy Statement and the South Frontenac Official Plan.

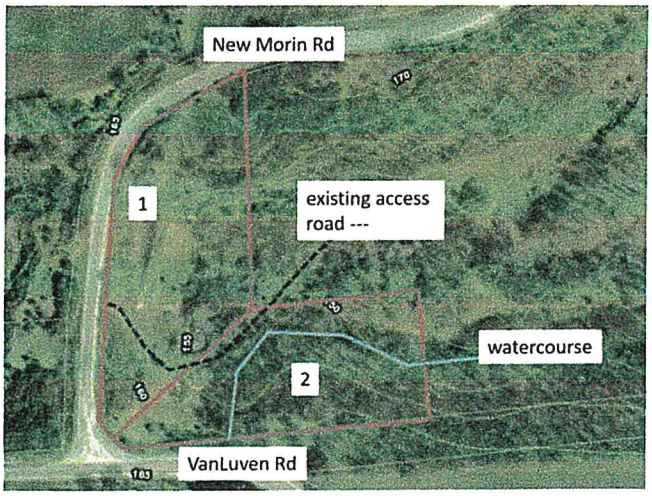
Image features include:

Red lines: The two lots identified as "1" and "2".

Light Blue Line: A watercourse.

Dashed Black Line: Existing access road.

Light Green: Contours.




To complete this EIA work, Rob Snetsinger of Ecological Services visited the site on Oct. 18 and Dec. 5, 2020. It is understood that this is not the best time of year to undertake field work for an EIA, but the Cataraqui Region Conservation Authority (CRCA) does recognize field work at this time of year if a conservative approach is taken.

The property at 5356 New Morin Road has been used for aggregate extraction and the natural heritage features of the lots has been negatively influenced by this history of disturbance from past sand extraction operations as well as the construction and operation of Vanluven and New Morin Roads.

The entire property of 5356 New Morin Road contains wetland, significant woodland features, possible Species at Risk habitat, and potential significant wildlife habitat. It is also adjacent to wetland, fish habitat and Knowlton Lake, which has been designated as a sensitive lake trout lake in the South Frontenac Township Official Plan (OP). However, the proposed severance lot locations are at the west end of 5356 New Morin Road, which puts them more than 200 m from the Knowlton Lake wetland and about 600 m from fish habitat in Knowlton Lake, which is well beyond a potential impact range for the impacts of two housing lots. Due to the habitat features of the proposed lots, their potential to contain viable Species at Risk and significant wildlife habitat is low.

Lot 2 (i.e., the southern most) has some features that will provide some challenges with respect to the location of a future house. These include a steep forested slope and a watercourse. We normally recommend avoid building within a steep forested slope if there is a sensitive aquatic feature at the base of the slope, but that is not the case here, as the wetland is about 220 from the closest slope of Lot 2 and Knowlton Lake is about 600 m from the closest base of the Lot 2 slope. However, this steep slope can represent a safety hazard and we defer to building restrictions by the Township in this regard.

The watercourse is intermittent and is strictly a water conveyance in that it conveys roadside ditch water from Vanluven Road. It is directed eastward through Lot 2 towards a swamp, a water travel distance of about 280 m. Once entering the swamp, it diffuses outwards, thus providing a further 385 m of buffering to Knowlton Lake. We defer to the CRCA in regard to potential conflicts with Ontario Regulation 148/06 and the watercourse but note that from an ecological perspective we do not have concerns with any proposed engineered stormwater alterations to this watercourse within Lot 2.

Overall, we have few concerns regarding natural heritage impacts with the proposed severed lots. Nevertheless, some mitigation recommendations are provided as follows:

- Building location discussions with the CRCA and South Frontenac Township regarding the watercourse and the forested slopes of Lot 2 are recommended.

- If construction activity is to be closer than 15 m to the watercourse, or if watercourse alterations are to occur, then silt fencing and hay bale sediment barriers should be erected and be maintained until the completion of the construction project.

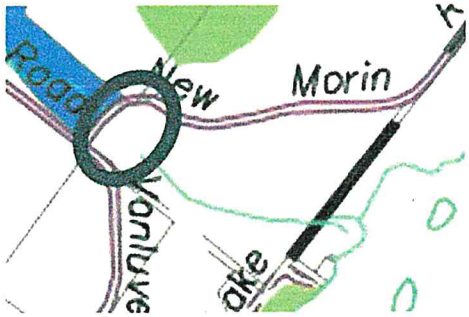
- Initial tree clearing should take place outside of the SAR bat maternity and roosting season (mid-April to mid-Sept.). If trees need to be cleared during the active season, then targeted trees will need to be first surveyed by a qualified

biologist to determine if SAR bat activity is present in any one tree. If this is the case, then that tree will need to remain until mid-Sept.

- Initial shrub and tree clearing should take place outside of the Migratory Birds Convention Act breeding season (April 15 to Aug. 15). If it is necessary to clear trees during the maternity/roost season, then targeted trees will need to be first surveyed by a qualified biologist to determine if maternity/roost activity is present in any one tree. If maternity/roost activity is present, that tree will need to remain until mid-August.

- SAR turtles are not expected on the potential building areas, but there are potential risks to nesting turtles if later development is proposed for the remainder of 5356 New Morin Road. If that is to occur, it is recommended that appropriate Ministry of Natural Resources and Forestry turtle survey protocols be employed.

**Background**




The approximate area of the severances is circled in dark blue in the adjacent cut out from Schedule A of the South Frontenac Official Plan (OP). The underlying white means it is rural zoning. The light blue line represents the existing watercourse. The dark blue shading on the property on the west side of New Morin Road represents a Mineral Aggregate designation. The light green shading areas to the east and north represent Environmental Protection Areas (EPA). The EPA area to the north is wetland and is within 120 m of the northernmost severance.

Species at Risk (SAR) are those that are designated as either endangered or threatened by the province under the Endangered Species Act, and SAR screening for the severances and the adjacent lands was undertaken using the MNRF (2018) and MECP (2019) screening protocols. There is the potential for Blanding's Turtles (Threatened) to be in Knowlton Lake and the property is within the habitat range of the Gary Rat Snake (Threatened). Species at Risk bats (Endangered) are thinly dispersed throughout the region as well. These three will be discussed further on.

Barn Swallows (Threatened) have been reported in the region, but there are no suitable Barn Swallow nesting features in the severance properties. Bobolink (Threatened) and Eastern Meadowlark (Threatened) are also reported for this region, but these are field birds, which is not present within the severance lands. Whip-poor-will (Threatened) are reported for the region, but the severance lots do not contain favorable Whip-poor-will features.

## Ecological Land Classification

Ecological Land Classification (ELC) mapping (Figure 1) for the severance lots was based on Lee et al., (1998). The ELC mapping terms are described further on.

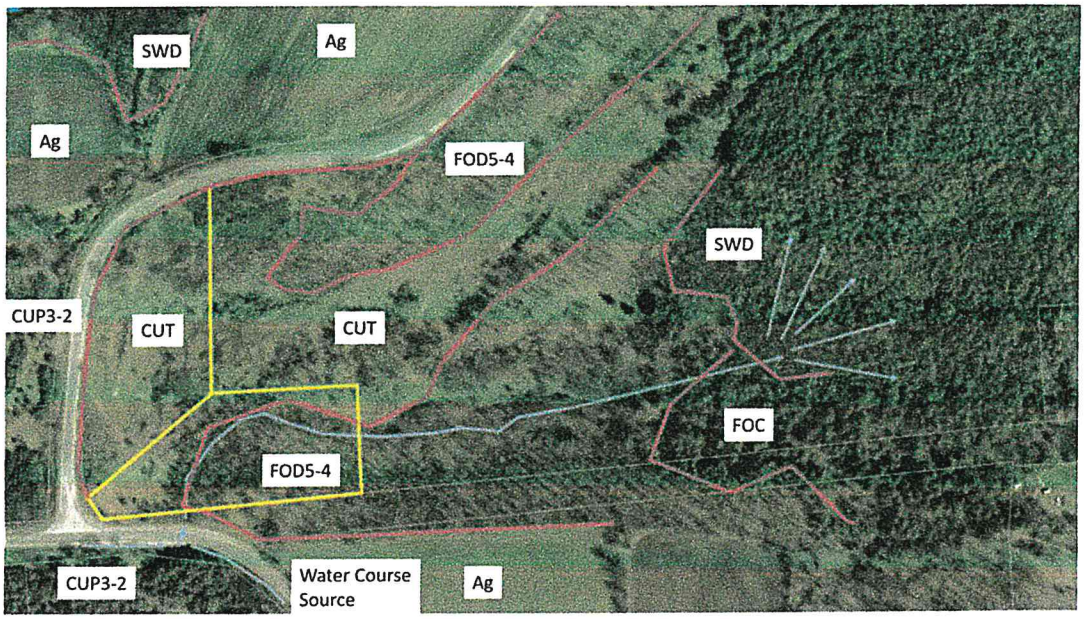



**Figure 1.** ELC mapping. The red lines separate the ELC types, the yellow lines are the approximate property boundaries of the two lots, and the light blue line represents a water course that collects stormwater from the south side of Vanluven Road and directs it through a culvert, where it eventually diffuses out into a swamp.

**Ag (Agricultural):** The nearby fields have been used for both cash crop purposes and for hay production.

**CUT (Cultural Thicket):** A shrub and tree sapling area dominated by Staghorn Sumac, European buckthorn, and prickly ash. It also contains tree saplings, mainly composed of white ash. This is the area with the lowest ecological value of Lots 1 and 2.

**CUP3-2 (White Pine Coniferous Plantation Type):** As the name implies, these are white pine dominated plantations that appear to be primarily planted as road buffers along Vanluven Rd. and New Morin Rd.

## Impact Discussion – Natural Heritage Features

### Species at Risk (SAR)

Blanding's Turtle: There is the potential for Blanding's Turtles (Threatened) to be present in nearby Knowlton Lake. However, at a separation distance of more than 600 m, any turtle habitat (e.g., feeding and overwintering) in the lake itself would not be at risk from development associated with the proposed severances.

Blandings Turtles travel overland to reach other suitable wetlands (i.e., ones with some open water) for feeding, mating, and overwintering purposes. The severance properties do not contain such wetlands, and the more likely movement directions for these purposes would be north towards Holleford Creek, or east towards the many Canadian Shield lakes and ponds located between Knowlton Lake and the Gould Lake Conservation Area.

Blanding's Turtles also travel overland to reach prospective nest laying sites. The straight-line travel distance from the lake to the severance properties of about 675 meters, is at the outside range for this purpose, but still possible for egg laying purposes. However, a suitable egg laying site must be open to the sun to support egg incubation, and except for the access road, the severance properties do not contain ideal egg laying features. For obvious reasons, a roadway should not be considered a suitable egg laying site.

Portions of the remnant sand pit that extend east of the Lot 1 severance property contains egg laying features and a depredated Painted Turtle nest site was observed here. If Blanding's Turtle nesting did occur here, it would put both severance properties within Category 3 Habitat, which as noted in MNR (undated 1) does have a tolerance to nearby alterations.

In our opinion, the development of the two lots would not pose a risk to Blanding's Turtles, but if development is proposed on the property further to the east in the old sand pit, it is recommended that it be preceded by the requisite survey visits described in MNRF (2015). As is noted in MNRF (2015), if the appropriate surveys are undertaken and no Blanding's nesting is found to occur, then it is indicated that nesting is unlikely.

Gray Rat Snake (Threatened): This snake has been observed in the region, and we did discover a hibernacula on the Gould Lake property, approximately 3 km to the east, in association with the multi pond Canadian Shield habitat. This Canadian Shield habitat that extends east and north of Knowlton Lake is typical Gray Rat Snake habitat. They avoid the flatter farm areas to the west and south that includes the severance properties. We have discussed this geographic area avoidance with Dr. Pat Weatherhead, whose research has been responsible for much of the ratsnake knowledge in the province. There is no clear reason, but it may be a predator avoidance strategy in this more open habitat.

The intention of Gray Rat Snake habitat protections are to preserve critical life cycle features such as hibernacula, egg laying sites, and thermoregulatory sites (see MNR undated 2). None of these features are evident on the severance properties and in our opinion, the development of the two severances will pose no risk to the Gray Ratsnake.

Bobolink (Threatened): The closest Bobolink ebird postings are for farm fields to the north and west of the proposed severances at distances of about 3 km and 1.5 km respectively, and well outside any impact range. There is no suitable Bobolink habitat on 5356 New Morin Road, including that of the severance properties. There are farm fields on the adjacent property to the north of New Morin Road. One of these is unsuitable as nesting habitat as it used for cash crops, and the potential core nesting area of the second (a hayfield) is over 200 m away and outside any impact range.

Eastern Meadowlark (Threatened): The closest Meadowlark ebird postings are for farm fields to the north and west of the proposed severances at distances of about 1.8 km and 1.5 km respectively, and well outside any impact range. There is no suitable Eastern Meadowlark habitat on 5356 New Morin Road, including that of the severance properties. One of these is unsuitable as nesting habitat as it used for cash crops, and the potential core nesting area of the second (a hayfield) is over 200 m away and outside any impact range.

Whip-poor-will (Threatened): The closest Whip-poor-will posting on eBird is about 3 km to the north, and well outside any impact range. The severance properties themselves do not contain good Whip-poor-will features and in our opinion the probability of them using these sites as non-existent.

The adjacent abandoned sand pit does have potential favorable features, but the lack of sightings in the region (the next closest sighting is over 6.5 km away) puts the probability of them being here as low. Nevertheless, if further development of the sand pit is proposed, we would recommend that a Whip-poor-will nesting survey be undertaken.

SAR Bats (Endangered): There are four SAR bat species in the province and from our extensive acoustic monitoring efforts in region in the last two years, we have found three of these species to be thinly dispersed throughout. It is normal for us to pick up at least one of the three species during acoustic monitoring at any site we assess. Consequently, any older tree has the potential to be a SAR bat maternity or roost tree. Removal of such a tree would not be a limiting factor (i.e., a negative impact) to SAR bat populations as there is no lack of such trees available. However, it would be a violation of the Endangered Species Act if an active roost or maternity tree were removed during the summer season. Due to the timing of the site visit, it was not possible to undertaken bat acoustic monitoring to see if they are present, but harm to bats can be avoided in two possible ways:

1. Remove trees outside of the bat maternity/roost season (mid-April to mid-Sept.).

2. If active removal is proposed to take place during the maternity/roost season, then a specific tree assessment should be undertaken. This can include an exit survey and/or acoustic monitoring if the tree contains cavities or is a snag tree. If that effort determines the tree is being actively used by SAR bats, then removal will have to be delayed until after mid-Sept.

**Note**: These SAR bats will not be at risk from wintertime construction activity as they migrate off site to cave hibernacula.

Butternut (Endangered): Two dead butternuts were observed in the steep slopes of the FOD5-4 woodland of Lot 2. In our opinion a BHA is not warranted as both trees were clearly dead (see adjacent image).

**Woodland**

The two woodland patches on 5356 New Morin Road that are associated with the severance properties are too small (3.8 and 2.8 ha.) and narrow to have significance for size or core habitat. As well, and in our opinion, they are the most common deciduous woodland type (FOD5-4) in the region and lack significant ecological features.

The smaller woodland patch runs beside New Morin Road and is not part of either Lot 1 or 2 and is at no risk from the development of either.

The larger 3.8 ha. woodland patch runs beside the closed Concession line of which approximately 0.6 ha of its eastern end are located within Lot 2. The eastern end of this woodland is more than 120 m from Lot 2 and does provide a buffering function for the adjacent swamp. However, the woodland portion within Lot 2 and the adjacent lands lacks significant woodland features such as size, core habitat, age, and unusual features.

A watercourse runs through parts of Lot 2 and through the woodland, but this is not a sensitive water feature as it lacks aquatic features, is intermittent, and conveys primarily roadside stormwater. We defer to the CRCA regarding the development application and discussions associated with this watercourse and Ontario Regulation 148/06.

The lack of significant natural heritage features of the woodland associated with Lot 2 suggests a future house could be built within the woodland portion of Lot 2 and be consistent with the PPS and the OP. However, some sections of the woodland contain steep slopes. For the South Frontenac OP, wooded slopes are considered valuable if they protect an adjacent sensitive water feature, but any sensitive water feature is well outside (i.e., >120 m) the boundaries of this lot. We do not consider the watercourse a sensitive water feature because it lacks aquatic ecological features.

Nevertheless, the steep slopes could represent a safety hazard if considered as a location of a possible future build site. We defer to South Frontenac Township in this regard as safety hazards are outside the bounds of an EIA.

If we are to assume that no building is to occur within the steep forested slopes, there is still the question of how the watercourse may restrict the location of potential building locations due to possible conflicts with Ontario Regulation 148/06. In our opinion, engineering options can mitigate any conflicts with this watercourse as we note that it is strictly a water conveyance that lacks ecological aquatic features. Discussion with the CRCA in this regard are recommended.

**Significant Wetland**

The main wetland located within 5356 New Morin Road is more than 120 m away from the proposed severances. There is a deciduous swamp that is about 106 m to the north of the northern most severance, and more than 120 m from the southern severance. Having completed over 100 wetland evaluations from 1985 to 2020 it is our opinion that it would be very highly unlikely that such a small (~8.7 ha.) isolated swamp that is surrounded by farmland would score enough points to be considered a significant wetland.

As there is no recognized significant wetland within 120 m of the proposed severances, we refer to the following excerpt from Section 4.4 of the Natural Heritage Reference Manual.

> *The need to evaluate the ecological function of adjacent lands (i.e., undertake an EIS or equivalent study) would be removed if proponents choose to avoid having development and site alteration occur within the extent of adjacent lands.*

Accordingly, the necessity to discuss significant wetland impacts is removed.

Nevertheless, to reassure the CRCA and South Frontenac Township Nevertheless, impacts to this wetland are unlikely due to the large separation distance and because severance lot stormwater will naturally flow away from this wetland. Furthermore, the intervening features (i.e., farmland and New Morin Road) would do far more at shaping the impact ecology of this wetland.

**Area of Natural and Scientific Interest**

There are no ANSI's within 120 m of the proposed severances. In this regard, we refer to the following excerpt from Section 4.4 of the Natural Heritage Reference Manual.

> *The need to evaluate the ecological function of adjacent lands (i.e., undertake an EIS or equivalent study) would be removed if proponents choose to avoid having development and site alteration occur within the extent of adjacent lands.*

Accordingly, the necessity to discuss ANSI impacts is removed.

**Fish Habitat**

The severance properties are more than 500 m from Knowlton Lake fish habitat. In this regard, we refer to the following excerpt from Section 4.4 of the Natural Heritage Reference Manual.

> *The need to evaluate the ecological function of adjacent lands (i.e., undertake an EIS or equivalent study) would be removed if proponents choose to avoid having development and site alteration occur within the extent of adjacent lands.*

Accordingly, the necessity to discuss fish habitat impacts is removed.

**Note**: The 300 m listed in the OP for sensitive lake trout lakes (e.g., Knowlton Lake) is intended as a development restriction zone. The proposed severances are more than 500 m from Knowlton Lake, and so the need for discussion of this restriction zone is removed.

**Further Note**: There is a small seasonal pond within the pit floor that is bisected by the northern severance boundary. It has a maximum size of about 78 $m^2$ and has formed within a past pit extraction depression. From a review of past aerial images, it appears to mostly dry up on occasion. It has no surface water connection to another water source and is too shallow to support fish habitat.

The most notable feature about this pond is its use as a watering spot for deer and other mammals. However, there is no wildlife habitat feature in MNR (2015b) that considers an isolated watering pond as significant. Regardless, this pond is more than 30 m away from any potential building site and is further isolated by a steep sandy slope and a road.

## Wildlife Habitat

There are 34 categories of wildlife habitat in MNR (2015b) that need to be considered for any application, of which 2 require discussion for the severances.

Turtle Nesting Area: For an area to function as a turtle nesting area it must provide appropriate substrates for turtles to dig in to lay their eggs and be in an open sunny area. They also need to be within proximity to aquatic habitat. Nesting features exist on portions of the adjacent sand pit extending about 300 m east of the northern severance, and a depredated Painted Turtle nest was observed here. To be significant requires the presence of five or more nesting Painted Turtles, and we could only find the one nest. One or more Snapping or Map Turtle nests also constitutes significant wildlife habitat.

In our opinion, the development of the two lots would not pose a risk to adjacent turtle nesting for two reasons:

1. The recommended building location for the northern severance is at the top of the slope next to New Morin Road. This would place it more than 30 m from the start of potential nesting areas.

2. Turtles are tolerant of nearby human activity when nesting. A case in point is their common use of urban lawns, gravel driveway edges, and road edges for nesting.

**Wildlife Habitat Recommendation 1**. If further development is proposed on the property further to the east in the old sand pit, it is recommended that it be preceded by the requisite survey visits described in MNRF (2015a). This survey manual (i.e., MNRF 2015a) was intended for Blanding's Turtles, but can be used for all turtle species.

Habitat for Species of Conservation Concern: This category is intended to cover S1, S2, S3 ranked species and species of Special Concern. The Eastern Wood Pewee and Wood Thrush are Special Concern woodland birds that are found in woodlands within 1 km to the north, east, and south of the severance properties. None have been reported on the severance properties or within 120 m of the severance properties. Nevertheless, they are not uncommon in the region and it is conceivable that they could use the adjacent deciduous woodlands associated with the severance properties, as they do have favorable habitat features, but these are outside of the potential building areas of the two lots.

The declining numbers of these two species is largely due to impacts occurring in their winter ranges outside of Canada. There is not a lack of appropriate habitat in this region, and they do have a tolerance to modest levels of nearby human activity, such as with the adjacent small-scale developments proposed. Accordingly, our recommendation is the standard one associated with all migratory birds in relation to the Migratory Birds Convention Act.

**Wildlife Recommendation 2**. Some site alteration will be necessary for the severances, and the associated vegetation (e.g., trees and shrubs) may contain nests of migratory birds. It is a contravention of the Migratory Birds Convention Act to destroy these nests during the breeding season. To avoid contravention of the Act, it is recommended that initial site alteration take place outside of the bird breeding season (mid-April to mid-August). If it is necessary to clear the site during the breeding season, it is recommended that the areas be first surveyed by a qualified biologist to determine if nesting is present. If that is the case, then site clearing will have to avoid disturbing the nests until mid-August after the young have fledged.

Respectfully Submitted,

Rob Snetsinger
Ecological Services

**References**

Lee, H., W. Bakowsky, J. Riley, J. Bowles, M. Puddister, P. Uhlig, and S. McMurray. 1998. Ecological Land Classification for Southern Ontario. Natural Heritage Information Centre.

MNR (Ministry of Natural Resources). 2010. Natural Heritage Reference Manual for Natural Heritage Policies of the Provincial Policy Statement, 2005. Second Edition.

MNRF (Ministry of Natural Resources and Forestry). 2018. Natural heritage information request guide. Regional Operations Division.

MNR (Ontario Ministry of Natural Resources). 2015b. Significant Wildlife Habitat Ecoregion 6E Criterion Schedule. Draft.

MECP (Ministry of the Environment, Conservation, and Parks Species at Risk Branch). 2019. Permissions and Compliance. Clients Guide to Preliminary Screening for Species at Risk.

MNR (Ministry of Natural Resources). Undated 1. General habitat description for the Blanding's Turtle (*Emydoidea blandingii*)

MNR (Ministry of Natural Resources). Undated 2. Habitat protection summary for Gray Ratsnake (Frontenac Axis Population).

MNR (Ministry of Natural Resources and Forestry). 2015a. Survey protocol for Blanding's Turtle (*Emydoidea blandingii*) in Ontario.

September 17, 2021

File: SEV/FRS/296/2021
SEV/FRS/297/2021
SEV/FRS/298/2021

**Sent by E-mail**

Ms. Michelle Hannah, Planning Assistant
Township of South Frontenac
P.O. Box 100
Sydenham, ON K0H 2T0

Dear Ms. Hannah:

**Re: Applications for Consent to Sever S-11-21-P, S-12-21-P, S-13-21-P (500675 Ontario Ltd / Beach)**
**Part Lot 1, Concession 8; 5356 New Morin Road**
**Township of South Frontenac (Portland District)**
**Waterbody: Knowlton Lake / Un-evaluated Wetland**

Cataraqui Conservation staff have reviewed the above-noted applications for consent to sever and offer the following comments for the Land Division Committee's consideration. A site inspection was conducted by staff on September 14, 2021.

**Summary of Proposal**

The applicant has requested three severances as follows:

Lot 1 (S-11-21-P)

Creation of a new residential lot consisting of a minimum of 0.8 hectares (2.1 acres) with approximately 214 metres (703 feet) of frontage on New Morin Road from a property municipally known as 5356 New Morin Road. The retained lands will retain the existing development and will be approximately 17.7 hectares (43.8 acres) in area with approximately 645 metres (2116 feet) of frontage on New Morin Road and 76 metres (250 feet) of frontage on VanLuven Road.

Lot 2 (S-12-21-P)

Creation of a new residential lot consisting of 0.9 hectares (2.2 acres) with a minimum of 76 metres (250 feet) of frontage on New Morin Road from a property municipally

known as 5356 New Morin Road. The retained lands will retain the existing development and will be approximately 15.9 hectares (39.4 acres) in area with approximately 645 metres (2116 feet) of frontage on New Morin Road.

Lot 3 (S-13-21-P)

Creation of a new residential lot consisting of 0.9 hectares (2.4 acres) with a minimum of 86 metres (282 feet) of frontage on New Morin Road from a property municipally known as 5356 New Morin Road. The new lot will retain the existing development. The retained lands will be vacant and will be approximately 14.9 hectares (37 acres) in area with approximately 559 metres (1833.5 feet) of frontage on New Morin Road.

**Site Location / Description**

The subject property is located on the western shore of Knowlton Lake on the east side of New Morin Road in South Frontenac Township. The three severed parcels would not have water frontage onto Knowlton Lake. The retained parcel has water frontage onto a large un-evaluated wetland that is connected to Knowlton Lake. There is existing development on the property which is proposed to be severed from the remainder of the lot (Lot 3). The retained parcel would be vacant.

The topography of the site can be characterized as being a valley land that begins high above Knowlton Lake along New Morin Road that drops down in elevation quickly onto a lower plateau area that then drops down again in elevation into the un-evaluated wetland feature. The wetland is a large low-lying treed swamp. There is also a watercourse that crosses under Vanluven Road and through Lot 2.

The property is currently designated ‘Rural’ in the Official Plan and ‘Rural’ (RU) and ‘Environmentally Sensitive’ in the implementing Zoning By-law for South Frontenac Township. The area designated as being environmentally sensitive appears to coincide with the location of the un-evaluated wetland on the property. Knowlton Lake has been designated as a highly sensitive Lake Trout Lake in the Official Plan for South Frontenac Township and is zoned ‘Environmental Protection’ (EP) in the Zoning By-law.

**Discussion**

The main interests of Cataraqui Conservation with respect to this application are the avoidance of natural hazards (e.g. erosion hazards) and ecological values associated

with the valley land, protection of natural heritage features such as the un-evaluated wetland and other natural features, and the protection of the water quality of the lake.

Valley Lands

a) Natural Hazards

Section 5.8.2.b) of the Zoning By-law specifies that no building or structure or septic tank installation shall be located within a minimum of 15 metres horizontal of the top of bank of any embankment, the slope of which is greater than 30% from horizontal. Cataraqui Conservation's Environmental Planning Policy (EPP, 2021) suggests that a minimum access allowance of 6 metres should be maintained between development and the top of the stable valley slope. Additionally, it is our understanding that the front yard setback from the lot line along New Morin Road is 20 metres.

In consideration of these requirements and site observations, staff believe that Lots 1 and 2 and the retained parcel do not have a sufficient development envelope between the property line at the road and the top of stable valley slope for future development to occur. If development is to be contemplated on the valley slope, staff recommend that the applicant be requested to undertake a geo-technical study to demonstrate that development can safely occur on the valley slopes.

b) Natural Heritage

Since there does not appear to be any available location for development outside of the valley land on Lots 1 and 2 and the retained parcel, development would need to occur within the valley land. Section 5.4.1 of Cataraqui Conservation's EPP states:

> "The Conservation Authority will encourage the conservation of all valley lands (whether or not such features are classified as significant) and may recommend that development and site alteration be restricted on lands in and adjacent to these valley lands."

The applicant has provided two Environmental Impact Assessments (EIA's) in support of the proposal (Ecological Services, March 2, 2021 and July 30, 2021). The EIA's provide recommendations for "build locations" for Lots 1 and 2 and the retained parcel.

For Lots 1 and 2, the EIA recommends development occur between the road and the top of bank. As noted previously, staff do not believe that there is enough area outside of required setbacks for development to occur as recommended in the EIA. If development is to be contemplated on the valley slope, staff recommend that the

applicant be requested to provide additional ecological assessment of the valley slopes in those areas.

For the retained parcel, the EIA recommends development occur in the northeast corner of the proposed retained parcel. Although this area has been identified in the EIA as low value from an ecological perspective, this places development on the steep valley slope. As noted previously, if development is to be contemplated on the valley slope, staff recommend that the applicant be requested to undertake a geo-technical study to demonstrate that development can safely occur on the valley slopes.

Natural Heritage – General

As noted above, the applicant has provided two Environmental Impact Assessments (EIA's) in support of the proposal (Ecological Services, March 2, 2021 and July 30, 2021).

a) EIA dated March 2, 2021

The first EIA document dated March 2, 2021 is specific to the creation of 2 lots at the west end of 5356 New Morin Road. The first lot is referred to as Lot 1 and runs parallel to New Morin Road, whereas the second has frontage mainly on VanLuven Road. The site visits were conducted late fall early winter which does have limitations however the consultant notes taking a conservative approach with respect to potential species use understanding that lack of sighting at that time of year is not indicative of not being present. Reliance is made on site characteristics to support potential species.

The consultant has made an appropriate review of the ecological features and staff support their general findings in this regard. However, the site constraints previously discussed may place development closer or within some of the features that the consultant has flagged as needing further study.

b) EIA dated July 30, 2021

The parcel is heavily influenced by the steep slopes and narrow plateaus considering the distance from the top of bank to a road or lot line. The consultant has noted that there are disturbed or lower areas of ecological value through the centre of the property, that is typically bound by the steep slopes or wetland areas.

There are areas that ecologically contain low enough value that they could be developed if this were the only consideration. However, there are other site constraints (e.g. property line setbacks, steep slopes, sensitive lake trout, potential turtle nesting areas, watercourses, access etc.) that also need to be considered.

If development is to be contemplated outside of the 'build locations" considered by the EIA's, staff recommend that the applicant be requested to provide additional ecological assessment.

Watercourse (on Lot 2)

During the site visit, staff identified a watercourse that crosses through Lot 2. Flood plain mapping is not available for this un-named watercourse. Section 5.8.2 of the Zoning By-law specifies that no building or structure or septic tank installation shall be located within a minimum 30 metres horizontal of the highwater mark of a waterbody or watercourse. Similarly, Section 4.5.11 of Cataraqui Conservation's EPP also suggests a 30 metre setback from the highwater mark of a waterbody for new development, provided that, in the opinion of staff, there is sufficient difference in elevation (to be determined on a case by case basis). Since the watercourse is not shown on any of the supporting information in relation to the proposed boundaries of Lot 2, it is unclear if there is a suitable development envelope outside of the recommended 30 metre setback from the watercourse.

Staff recommend that the applicant be requested to demonstrate a suitable development envelope outside of the 30 metre setback from the highwater mark of the watercourse on Lot 2.

Un-evaluated Wetland

As noted above, the property contains a large un-evaluated wetland feature which will be wholly located on the retained parcel. Section 5.2.5 of the Cataraqui Conservation's Environmental Planning Policy (EPP, 2021) suggests that new development and site alteration within 30 metres of a wetland should not be supported. Staff note that there is considerable area outside of the required minimum 30 metre adjacent lands to the wetland for future development to occur on the retained lot.

Water Quality

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

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

Also, as noted above, Knowlton Lake is identified as a highly sensitive Lake Trout Lake in the Official Plan, and as such, the waterbody is afforded additional protections to ensure development does not negatively impact the water quality of the lake. Section 5.2.8 (a) (ii) of the Official Plan suggests that the creation of new lots within 300 metres of a highly sensitive Lake Trout Lake will not be considered for approval due to the potential to further degrade the water quality necessary to maintain a healthy Lake Trout population. The intent of this section of the Official Plan is primarily to ensure that a septic system can meet this requirement.

In the opinion of staff, the wetland should be considered to be part of Knowlton Lake since the wetland is hydrologically connected to lake. In consideration of this, the applicant has not demonstrated that future development of Lots 1 and 2 will meet the requirement provided in Section 5.2.8 (a) (ii) of the Official Plan. Further, staff do not support the creation of Lot 3, as by doing so, an additional (vacant retained) lot will be created that also cannot meet this requirement.

Staff also recommend that the Township seek further guidance from the Ministry of Environment, Conservation and Parks (MECP) to evaluate the proposal with respect to the potential impacts of development on the sensitive Lake Trout Lake and any other aspects of the proposal that may be relevant to their mandate.

**Recommendation**

Staff recommend deferral of applications S-11-21-P, S-12-21-Pand S-13-21-P based on our consideration for natural hazards, natural heritage, and water quality and quantity protection policies.

<u>Ontario Regulation 148/06</u>
Cataraqui Conservation, under Ontario Regulation 148/06: *Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses,* regulates development within 15 metres of a flood plain or erosion hazard, within 30 metres of a watercourse, and within 30 metres of an un-evaluated wetland. Therefore, a permit may be required for proposed development under said regulation. If future development is proposed, the

applicant or future owners of the lands 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 with regard to these applications. If you have any questions, please contact Andrew Schmidt at (613) 546-4228 extension 244 or by e-mail at aschmidt@crca.ca.

Yours truly,

Andrew Schmidt

Andrew Schmidt
Supervisor, Development Review

c.c. Anna Geladi, Planner, South Frontenac Township (via e-mail)
Christine Woods, Senior Planner, South Frontenac Township (via e-mail)
Tom Beaubiah, Cataraqui Conservation (via e-mail)
Jon Orpana, Ministry of Environment, Conservation and Parks

**Ministry of the Environment, Conservation and Parks**

Eastern Region
1259 Gardiners Road, Unit 3
Kingston ON K7P 3J6
Tel.: 613-549-4000 or 800-267-0974

**Ministère de l'Environnement, de la Protection de la nature et des Parcs**

Région de l'Est
1259, rue Gardiners, Unité 3
Kingston ON K7P 3J6
Tél.: 613-549-4000 ou 800-267-0974

Ontario

**By email only**

April 15, 2021

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

Attention: Anna Geladi, Planner
Email: Ageladi@southfrontenac.net

Dear Ms. Geladi:

Re: Application for three new lot severances and one retained – New Morin Road – Township of South Frontenac

I have reviewed the above noted application for consent and supporting documentation to sever and offer the following comments for the Land Division Committee's consideration.

Knowlton Lake is managed by the Ministry of Natural Resources and Forestry as a lake trout lake. This lake is also classified by the Ministry of the Environment, Conservation and Parks (MECP) as "at capacity" which generally means that no development including land division should occur within 300 m that would result in further impairment to water quality and fish habitat.

The applicant has requested a severance of three parcels (2.1 acres, 2.23 acres and 2.41 acres) in size from the larger retained parcel.

The property is currently designated "Rural" in the Official Plan and "Rural" in the implementing Zoning By-Law for South Frontenac Township. Knowlton Lake has been designated as a highly sensitive Lake Trout Lake for South Frontenac Township and is zoned "Environmental Protection" in the implementing Zoning By-Law.

As presented, this application proposes severances outside of the 300 m setback from the high water mark of Knowlton Lake to accommodate septic tile fields and on site servicing for these severances which would serve as future residential lots. However, there is a tributary creek system and a treed swamp within 300 m of these severances that would provide direct surface water connectivity to the sensitive surface water feature of Knowlton Lake therefore impacting local water quality.

Based on a review of information currently available this ministry finds the proposal contrary to provincial guidance and related OP/Zoning policies.

If you have any questions regarding the above comments, please do not hesitate to contact me at the coordinates below.

Regards,

Jon K. Orpana
Environmental Planner & Environmental Assessment Coordinator
Ministry of the Environment, Conservation and Parks
Kingston Regional Office
1259 Gardiners Road, PO Box 22032
Kingston, Ontario
K7M 8S5

Phone: 613 548 6918
Fax: 613 548 6908
Email: jon.orpana@ontario.ca

**Ministry of the Environment, Conservation and Parks**

Eastern Region
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**Ministère de l'Environnement, de la Protection de la nature et des Parcs**

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Ontario

**By email only**

October 6, 2021

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

Attention: Anna Geladi, Planner
Email: Ageladi@southfrontenac.net

Dear Ms. Geladi:

Re: Application for three new lot severances and one retained – New Morin Road – Township of South Frontenac

MECP staff have reviewed the above noted application for consent and supporting documentation to sever and offer the following comments for the Land Division Committee's consideration.

Knowlton Lake is managed by the Ministry of Natural Resources and Forestry as a lake trout lake. This lake is also classified by the Ministry of the Environment, Conservation and Parks (MECP) as "at capacity" which generally means that no development including land division should occur within 300 m that would result in further impairment to water quality and fish habitat.

The applicant has requested a severance of three parcels (2.1 acres, 2.23 acres and 2.41 acres) in size from the larger retained parcel.

The property is currently designated "Rural" in the Official Plan and "Rural" in the implementing Zoning By-Law for South Frontenac Township. Knowlton Lake has been designated as a highly sensitive Lake Trout Lake for South Frontenac Township and is zoned "Environmental Protection" in the implementing Zoning By-Law.

MECP staff have reviewed the two EIS reports and accompanying maps and lot diagrams. In order for MECP to come to a decision regarding these severances additional information is required. We highlight the needed info below.

MECP considers the wetland adjacent to Knowlton Lake and therefore part of the lake. Any measurements of distance from lots or septic systems will therefore be to the western edge of the wetland boundary.

In order to determine whether the tile beds are beyond or within the 300 m setback for at-capacity lakes as per MECP policy each severance property is required to produce a site diagram showing the location of the septic tank and other buildings so measurements to the wetland border can be made.

Once a location for the tile bed has been determined and approved the following guidance for determining if the location is appropriate for an at-capacity lake is as follows. A site-specific soils investigation is required and should be prepared by a qualified professional and the site shall require the following;

The site where the septic tile-bed is to be located, and the region below and **15 metres down-gradient** of this site, toward the lakeshore or a permanently-flowing tributary, across the full width of the tile bed, consist of **deep (more than three metres),** native and undisturbed, non-calcareous **(<1% CaCO3 equivalent by weight)** overburden with acid-extractable concentrations of iron and aluminum of >1% equivalent by weight

Soil depth shall be assessed with test pits and/or boreholes at several sites. Samples for soil chemistry should be taken at a depth adjacent to, or below, the proposed tile bed; and an unsaturated zone of at least 1 ½ metres depth exists between the tile bed and the shallowest depth (maximum) extent of the water table. The position of the water table shall be assessed with test pits during the periods of maximum soils saturation (e.g., in the spring, following snowmelt, or late fall)

In order to confirm the lake classification, MECP will have conducted temperature and dissolved oxygen profiles on Knowlton Lake's both basins on or around September 15th. MECP will then calculate the mean volume-weighted hypolimnion dissolved concentration and compare to historical records to determine the lakes current status. In addition, MECP will conduct lake capacity modelling work that will account for outstanding lots of record that are currently undeveloped and account for seasonal and year round use premised on information obtained from the municipality.

The retained lot:

We recognize that there is an existing dwelling and septic (to be replaced) on the northerly most lot that has been applied for severance.

While this is alright; it also means that the retained (vacant lot) with no development created by the severance(s) must also be able to support development with the appropriate setbacks as described above. There is no information included in the documentation that speaks to the ability or the suitability of this lot to support a dwelling and septic system.

Based on a review of information currently available this ministry finds consideration of this application premature at this time.

If you have any questions regarding the above comments, please do not hesitate to contact me at the coordinates below.

Regards,

Jon K. Orpana
Environmental Planner & Environmental Assessment Coordinator
Ministry of the Environment, Conservation and Parks
Kingston Regional Office
1259 Gardiners Road, PO Box 22032
Kingston, Ontario
K7M 8S5

Phone: 613 548 6918
Fax: 613 548 6908
Email: jon.orpana@ontario.ca

# Report from Public Services

**Application Number:** S-11-21-P

**Applicant's Name:** 500675 Ontario Ltd.

**Concession:** 8 **Lot:** 19 **District:** Portland

**Road:** 5356 New Morin Road

**Road Maintenance:** Year-round ☑ Seasonal ☐

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

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

Public Services has reviewed the sketch and has also reviewed the site in the field and is not able to conclude if the parcel can obtain an access that will meet the sight line requirement of 180 (Bylaw 2000-01). Proposed property lines will need to be marked in the field along with desired entrance location. There are also concerns regarding how safe access can be granted to the retained parcel as the slopes at roadside are excessive.

**Road Conditions:**

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

   Yes ☐ No ☑

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

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

   Yes ☑ No ☐

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

**Road Widening Required?**

Yes ☐ No ☐ To be determined by an Ontario Land Surveyor ☑

Any specific requirement?

**Approved by the Public Services?**

Yes ☐ Yes, with conditions ☐ No ☑

If yes, with conditions, please describe conditions below.

Access review is inconclusive. More information required.

Signature on behalf of Public Services

September 17, 2021
Date

## Michelle Hannah

**From:** [redacted]
**Sent:** September-08-21 8:44 AM
**To:** planning
**Subject:** File No:S-13-21-P

Noting first that this application does not specify that 5356 New Morin Road is divided by A & B.
I am the current owner and resident of [redacted] New Morin Road and have serious concerns/objections to this proposal. This application fails to list S-11-21-P
This change would cause the main entrance to my home to be blocked. Blocked for myself, my family, visitors and neighbors in 5300 New Morin Road, as well as emergency vehicles. Thus had been the entrance we have used since purchasing 5356B.
I mention emergency vehicles as my common law husband has had a heart attack, leading to open heart surgery since purchasing and moving into 5356B. Forcing us to use other entrance could cause further health issues caused by forcing us with simple tasks such as taking garbage out and having to walk up hill.
Wouldn't have purchased property if only allowed to use this other entrance due to winter driving. Entrance to our home would be at bottom of hill with a very sharp turn into our driveway or continue on down the second hill.
Have been dealing with the new owners and contractors for the better part of 2 years on a renovation. Can't imagine having to deal with them during construction of a new driveway for them. The contractors have been a nuisance with the debris they leave behind to them parking on the roadway of this entrance since the beginning. A new driveway for them would mean continuous noise, dust, debris and disruption to our lives.
My concerns also include disruption of the land so close to my well.
Since taking over 5356A the new owners have not done any maintenance to this upper piece or its entrance. This has been maintained by us and the owners of 5300 New Morin.
Not only would this cause problems within the driveway but to new Morin Road itself with the extra vehicles going in and out. More damages to the road itself caused by the large vehicles driving in and out.

Should you need to contact me, my name is Wendy Sproule and my number is [redacted]

Thank you for taking you time to take my concerns/ objections into consideration.

Wendy Sproule

## Michelle Hannah

**From:** [redacted]
**Sent:** September-09-21 7:08 PM
**To:** planning
**Subject:** File No. S-13-21-P

I own the property at [redacted] at Knowlton Lake Road. I am unable to visit my property prior to Sept 14 and would like to have additional information regarding the application The owner trespassed on my property when he thought we were absent and had tried at various times to buy road allowances for 4 wheeler track.
He is not a great neighbour now and expect that it will only get worse as he encroaches on wetlands, township boundary lines etc.

[redacted]

[redacted]

# REPORT TO COMMITTEE OF ADJUSTMENT
# PLANNING DEPARTMENT

**Report Date:** October 8, 2021

**Application No:** S-11-21-P
**Owner:** 5006755 Ontario Ltd
**Agent:** Gary Beach
**Location of Property:** 5356 New Morin Road, Portland District
**Purpose of Application:** Consent for the creation of a new residential lot
**Date of Hearing:** October 14, 2021

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**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** | Rural | Rural |
| **Zoning** | Rural | Rural |
| **Area** | a minimum of 0.8 hectares (2.1 acres) | +/- 17.7 hectares (+/- 43.8 acres) |
| **Frontage on Road** | +/- 214 metres (+/- 703 feet) on New Morin Road | +/- 645 metres (+/- 2116 feet) on New Morin Road and +/- 76 metres (+/- 250 feet) on Vanluven Road |
| **Frontage on Water** | N/A | N/A |

## Background

By-law 2020-27 delegates approval of undisputed consent applications to the Director of Development Services, or their designate. This application does not meet all the By-law 2020-27 criteria for an undisputed consent application as there are unresolved agency and public concerns, and it has yet to be demonstrated that the application conforms to all applicable policies. Therefore, the Director of Development Services cannot make a decision on the application. The Committee of Adjustment will hear the application at its October 14th meeting.

## Proposal

The purpose of this consent application is to create one new residential lot (Lot 1). This application is being processed concurrently with consent applications S-12-21-P (Lot 2) and S-13-21-P (Lot 3).

The subject property is located east of New Morin Road and north of Vanluven Road. The intersection of New Morin Road with Vanluven Road is located at the southwest corner of the subject

property. There are two unopened road allowances adjacent to the subject property. The first unopened road allowance is adjacent to the southern property line, and extends from Vanluven Road east to Knowlton Lake Road. The second unopened road allowance is adjacent to the eastern property line, and extends south from New Morin Road to Knowlton Lake Road.

The subject property is located east of Knowlton Lake, which is an at-capacity Lake Trout Lake. There is a large unevaluated wetland in the south-east half of the subject property. The wetland is connected to Knowlton Lake. The subject lands were historically used for mineral aggregate (sand) extraction. There is residential development along New Morin Road, Vanluven Road and along the second unopened road allowance in the area of the subject lands. There is also an existing farm entrance off New Morin Road which starts at the top of the steep elevation on the severed parcel S-11-21-P and gently slopes down towards the south in the direction of the retained lands and proposed severed parcel S-12-21-P. The surrounding area consist of a mix of forest, farmland and wetlands.

The severed parcel (Lot 1) consists of a minimum of 0.8 hectares (2.1 acres) of land with approximately 214 metres (703 feet) of frontage on New Morin Road. The severed parcel is located in the southwest corner of the subject property, north of Lot 2. It is vegetated with a mix of forest and shrubs. The topography of the severed parcel can be described as having a flat area along the road and then a steep slope. The high, steep ridge within approximately 20 metres of New Morin Road. The land at the bottom of the ridge is generally level. There is a pond at the bottom of the ridge. The severed parcel is located within 300 metres of the wetland connected to Knowlton Lake.

The retained parcel consists of approximately 17.7 hectares (43.8 acres) of land with approximately 645 metres (2116 feet) of frontage on New Morin Road and 76 metres (250 feet) of frontage on Vanluven Road. The retained parcel is developed with a dwelling, a pool, an unoccupied barn, and several accessory buildings. A portion of the dwelling is located on the north-south unopened road allowance. The steep ridge on the severed parcel also runs along the New Morin Road frontage of the retained parcel. There is a plateau at the bottom of the ridge, and then another drop in elevation to the unevaluated wetland, which is connected to Knowlton Lake. There is a watercourse on the southern portion of the retained parcel that flows from Vanluven Road into the unevaluated wetland.

**Environmental Impact Assessment**

The applicant submitted two Environmental Impact Assessments (EIA) in support of the consent application (Ecological Services, dated March 2, 2021 and Ecological Services, dated July 30, 2021). The March 2021 EIA assessed the area of S-11-21-P (Lot 1) and S-12-21-P (Lot 2), while the second EIA assessed the area ofS-13-21-P (Lot 3) and the retained lands.

The subject property was assessed for wetlands, woodlands, fish habitat, species at risk and significant wildlife habitat. The consultant concluded that the wetland and woodland on the subject property are not significant. Also, that the watercourse is a drainage feature for runoff from Vanluven Road. They concluded that Lots 1, 2 and 3 have low potential to contain species at risk and significant wildlife habitat. They also concluded that development would have no negative impact on the fish habitat in Knowlton Lake. The retained parcel contains a potential turtle nesting site.

The EIAs identified a building and sewage system location on Lot 1 adjacent to New Morin Road at the top of the ridge. On Lot 2, a building and sewage system location was identified in the woodland patch adjacent to the watercourse, however it was noted that this location has steep slopes which could be a safety hazard. Both of these locations are reported to be approximately 675 metres from Knowlton Lake and 300 metres from the unevaluated wetland. The existing development on the property would be contained on Lot 3.

On the retained parcel, a building and sewage system location was identified on plateau between New Morin Road and the top of the ridge in the northeast corner of the retained parcel beside Lot 3. No distance was included from the identified building envelope to the lake and the wetland.

The July 2021 EIA disagrees with the assertion that the wetland forms part of Knowlton Lake and that the policies about development adjacent to at-capacity lake trout lakes are applicable.

A general recommendation was that any tree clearing take place outside the bat maternity roosting season and the migratory bird breeding season. Another recommendation was that the lands should be assessed for turtle nesting areas for any development outside the identified building and sewage system locations.

## Department, Agency and Public Comments

**Public Services** –Comments received from Public Services on September 17, 2021 indicate that staff were not able to conclude if there is an appropriate entrance location on the severed parcel (Lot 1) that will meet the sight line requirements of By-law 2000-01. They also raised concerns regarding safe access for the retained parcel as the slopes at the roadside along New Morin Road are excessive. Public Services requires the applicant to mark the proposed property lines in the field along with the desired entrance locations so that Public Services staff can properly assess entrance requirements.

**Building Services (Sewage System Review)** – A proposed new lot must be assessed to determine whether the site and soil conditions are suitable to support a sewage system.

As part of the consent application process, applicants are required to dig test holes on the severed parcel, and to book an inspection through Building Services so that a Building Inspector can assess the site conditions for a sewage system. To date, Building Services has not been contacted to arrange an inspection of test holes. Therefore, the suitability of the lots for sewage systems has not been assessed.

**Cataraqui Conservation** – Comments received from Cataraqui Conservation on September 17, 2021, identified concerns on whether there is a viable building and sewage system location on the severed parcel. Cataraqui Conservation staff noted that there does not appear to be sufficient area between New Morin Road and the top of the ridge for the building location identified in the EIA (Ecological Services, dated March 2, 2021), when zoning provisions are applied (e.g. setback from front lot line). Development should not occur on the slope without a geotechnical study to demonstrate that development can safely occur on the slope. Any development proposed outside the location identified in the EIA should require additional ecological assessment, as any other location would be located closer or within some of the features that the EIA identified as needing further study, specifically regarding potential species at risk.

Cataraqui Conservation Staff consider the wetland to be part of Knowlton Lake since the wetland is hydrologically connected to the lake. They noted that the applicant has not demonstrated that the future development on the severed parcel will be able to meet the required 300 metre setback from a highly sensitive (at-capacity) lake trout lake, being Knowlton Lake.

Cataraqui Conservation recommended deferral of this application until a plan has been prepared to demonstrate that a suitable building envelope is available on the severed parcel that conforms to current zoning and regulatory requirements.

It was noted that a permit under O. Reg 148/06 may be required for future development on the subject property. The applicant or future owner of the property must contact Cataraqui Conservation at the building permit stage.

**Ministry of Environment, Conservation and Parks** – In a letter dated April 15, 2021, the Ministry of Environment, Conservation and Parks (MECP) identified Knowlton Lake as an at-capacity lake which generally means that no development including land division should occur within 300 metres that would result in further impairment to water quality and fish habitat. MECP noted that there is a

tributary creek system and a treed swamp within 300 metres of the proposed severances that would provide direct surface water connectivity to the sensitive surface water feature of Knowlton Lake and therefore impact the water quality.

In a letter dated October 6, 2021, MECP indicated that they consider the wetland to be part of the lake. Any measurement of the distance between the sewage systems on the proposed lots must therefore be taken to the western edge of the wetland boundary. , MECP also requires a site diagram showing the location of the sewage system in order to determine whether the tile beds would be beyond or within 300 metres of the lake. MECP also requires a site-specific soils investigation to be prepare by a qualified professional and outlines the requirements that must be met.

**Public Comments** – The owner of 5117 Knowlton Lake Road requested more information about the application and noted concerns with respect to encroachment into the wetland and Township boundary lines (i.e. unopened road allowances). They indicated that the applicant trespassed onto their property and has tried to purchase the unopened road allowance to allow for 4 wheeler tracks.

The owner of 5356B New Morin Road indicated serious objections to the application. They the severance (Lot 3), would impact the entrance to their property and their ability and the ability of Emergency Services to safely access their property. They also note concerns regarding nuisance from the applicants. Lastly, the neighbour indicates that they have concerns with respect to their well.

**Planning Service** – Planning Staff reviewed the submitted EIAs. They note that the building location identified for Lot 1 (S-11-21-P) does not appear to comply with zoning requirements, including a 20 metre setback from the front lot line. The identified building envelope does not meet the 20 metre front yard setback, another viable building location on the lot would need to be identified. A slope stability study (geotechnical study) would be required to ensure that building envelope identified is stable. In addition, it does not appear that a building envelope is able to meet a 30 metre setback from the seasonal pond. These items would need further investigation.

## Planning Analysis

### Rural Residential Development

Rural Residential policies (section 5.7.4(ii)) require the severed parcel to be serviced by private water and sanitary sewage disposal systems which shall be approved by the appropriate authority. It has yet to be demonstrated that the severed parcel has the ability to be serviced by a private sewage disposal system.

There are concerns with entrancing including sightlines, topography challenges and safe access for the proposed severed parcel and the retained parcel. A farm entrance that has not been permitted by Public Services cannot be considered as an existing driveway and the property will have to be further evaluated for suitable entrancing and sight lines.

### Protecting Natural Heritage & Natural Hazards

The Township of South Frontenac Official Plan has policies with respect to the creation of new lots within 300 metres of an at capacity lake trout lake. Based on direction from MECP, the 300 metre setback is measured from the edge of the wetland, not the edge of the lake as the wetland provides direct surface water connection between the lake and the wetland in connection with the lake. The submitted EIAs did not address the 300 metre setback to the at capacity lake trout lake. It has yet to be demonstrated that there is sufficient area on the severed parcel and the retained parcel for sewage disposal systems to be located outside the 300 metre setback from the edge of the wetland.

It has yet to also be demonstrated that there is sufficient area on the severed parcel for any development (including sewage disposal system) to occur more than 30 metres from the pond that is located on the Lot 1.

**Compatibility Between Uses (MDS)**

There is an unoccupied barn on the subject property. Minimum Distance Separation (MDS) I Calculations have not been completed to date. It is the understanding of Staff that a demolition permit has been obtained for the barn on the retained parcel. To date, the barn has not been demolished. As long as the barn remains, MDS I calculations would be required.

**Township of South Frontenac Zoning By-law**

There are concerns that the building envelope on the severed parcel identified through the EIA is located within the minimum 20 metre front yard required in the Rural zone, and as such is not suitable for development. It has yet to be demonstrated that the severed parcel can be developed in accordance with the applicable provisions of the Zoning By-law.

## Conclusion

There are several items that require further review and consideration before the Committee of Adjustment should make a decision on application S-11-21-P.

Therefore, 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 S-11-21-P in order to provide the applicant and/or agent an opportunity to:

1. Submit confirmation that the barn on the subject property has been demolished or to submit Minimum Distance Separation Calculations.
2. Submit a survey sketch that demonstrates that there is are suitable building and sewage system locations, and parking spaces, on the severed parcels and the retained parcel. The survey sketch must identify the following:
    a. a potential location for a septic tank, tile bed, and buildings, outside of any hazards (such as the ridge and steep slopes), and that complies to current zoning and regulatory requirements
    b. the 300 metre setback from the edge of the wetland and Knowlton Lake
    c. a proposed location for sewage systems on the severed parcel and retained parcel including the distances to all property lines, watercourses and to the wetland edge and Knowlton Lake
    d. the proposed entrance location and location for parking for the severed parcels and the retained parcel
    e. confirmation of the total road frontage for each parcel and identify on severed parcel S-12-21-P the end of the travelled portion of Vanluven Road and the start of the unopened road allowance
    f. Provide confirmation of unopened Road Allowance closure along New Morin Road to Knowlton Lake Road and/or approval by Council and access or demonstrate alternative access to existing development on the retained parcel
3. Submit any additional ecological assessment required to support the proposed identified building and sewage system locations.
4. Engage the services of a qualified professional to undertake and complete a site-specific soils investigation to the satisfaction of the Ministry of Environment, Conservation and Parks and Township Staff.

5. Demonstrate that the severed parcel and retained parcel have the ability to be serviced by a private sewage disposal system, including the digging of test holes in the proposed and identified sewage system location.

6. Engage the services of a qualified professional to undertake and complete geo-technical study to demonstrate that development can safely occur on the severed parcel and retained parcel.

**Submitted by:** Anna Geladi, Planner

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

**Date of Site Visit:** September 14, 2021

PROPOSED LOT #2.

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

Date Received: March 18, 2021 File No: S-12-21-P

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): 5006755 ONTARIO LTD.

   **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. BEACH.

   **Full Mailing Address** of Authorized Agent [redacted]

   _____

   Phone number of Authorized Agent: [redacted]

   Email Address of Authorized Agent: [redacted]

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

   AUTHORIZATION ON FILE.
   _____
   Signature(s) of Owner(s)

3. The description of the subject land:

   District: ☐ Bedford ☑ Portland ☐ Loughborough ☐ Storrington

   Concession Number: 8 Lot Number: 1

PROPOSED LOT #2.

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

Street Number: 5356 Name of Road/Street: NEW MORIN RD, VANLUVEN RD

Reference Plan Number: 13R-7006 Part Number(s): PART 1

Roll Number: _____

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

Frontage (on water): N/A. Frontage (on road/lane): VANLUVEN : 250' NEW MORIN RD. ~~2,016.~~ 2,116.0

Depth: IRREGULAR. Area: ~~43.75~~ 41.65 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.

A NEW LOT.

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

a. The frontage, depth and the area in metric (area can be acres). **(Complete this section for a new lot only)**

| Proposed New Lot: | | Retained Lot: | |
|---|---|---|---|
| Frontage On Road | (VANLUVEN RD.) ≈ 250' | Frontage On Road | 0.00' – VANLUVEN RD 2,116.05' – NEW MORIN RD |
| Frontage On Water | N/A. | Frontage On Water | N/A. |
| Depth | ≈ 230' | Depth | IRREGULAR. |
| Area | ≈ 2.23 ACRES. | Area | ≈ 39.42 ACRES |

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

| | Existing Uses | Proposed Uses |
|---|---|---|
| New Lot: | VACANT RURAL | RESIDENTIAL LOT. |
| Retained: | VACANT RURAL / EXISTING RESIDENCE | VACANT RURAL / EXISTING SINGLE FAMILY HOME |

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

| | Structures Existing | Structures Proposed |
|---|---|---|
| New Lot: | NONE | RESIDENCE |
| | | SINGLE FAMILY HOME. |
| | **Structures Existing** | **Structures Proposed** |
| Retained Lot: | HOME | NONE |

(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 Road: | |
| Frontage On Water: | | Frontage On Water: | |
| Depth: | | Depth: | |
| Area: | | Area: | |

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

| | Present Use of Property | Proposed Use of Property |
|---|---|---|
| Lot Addition or R.O.W: | | |
| 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***):

UNKNOWN

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.): VAN LUVEN RD, POSSIBLE INTERNAL ROW OFF OF NEW MORN RD.

The retained lot: NEW MORN ROAD, INTERNAL ROW.

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: PRIVATE WELL Retained Lot: PRIVATE WELL.

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

New Lot: PRIVATE SEPTIC Retained Lot: PRIVATE SEPTIC.

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

RURAL.

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

(a) The file #: UNKNOWN. (b) The decision on the application: _____

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

_____

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

(b) The file #: UNKNOWN (b) The decision on the application:

_____

(c) The current use of the land: _____

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

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

a) The boundaries and dimensions of the subject land, the part that is to be severed and the part that is to be retained.
b) The location of all land previously severed from the parcel (if applicable) originally acquired by the current owner of the subject land.
c) The approximate location of all natural and artificial features on the subject land and on the abutting lands. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, barns, wetlands, wooded areas, wells and septic tanks. Show distance of these features from the applicant's property lines.
d) The current uses of land that is abutting the subject land, such as residential, agricultural and commercial uses (if agricultural, please indicate the approximate distance of any barn structure from the proposed new lot).
**Note: The existence of a nearby barn or other farm type structure may affect the success of your application because of incompatibility issues. Please check with the Planning Department regarding the implications of any farm structure, on your application.**
e) The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way.

## 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:

DATED AT THE TOWNSHIP OF SOUTH FRONTENAC

[redacted]

September 17, 2021

File: SEV/FRS/296/2021
SEV/FRS/297/2021
SEV/FRS/298/2021

**Sent by E-mail**

Ms. Michelle Hannah, Planning Assistant
Township of South Frontenac
P.O. Box 100
Sydenham, ON K0H 2T0

Dear Ms. Hannah:

**Re: Applications for Consent to Sever S-11-21-P, S-12-21-P, S-13-21-P (500675 Ontario Ltd / Beach)**
**Part Lot 1, Concession 8; 5356 New Morin Road**
**Township of South Frontenac (Portland District)**
**Waterbody: Knowlton Lake / Un-evaluated Wetland**

Cataraqui Conservation staff have reviewed the above-noted applications for consent to sever and offer the following comments for the Land Division Committee's consideration. A site inspection was conducted by staff on September 14, 2021.

**Summary of Proposal**

The applicant has requested three severances as follows:

Lot 1 (S-11-21-P)

Creation of a new residential lot consisting of a minimum of 0.8 hectares (2.1 acres) with approximately 214 metres (703 feet) of frontage on New Morin Road from a property municipally known as 5356 New Morin Road. The retained lands will retain the existing development and will be approximately 17.7 hectares (43.8 acres) in area with approximately 645 metres (2116 feet) of frontage on New Morin Road and 76 metres (250 feet) of frontage on VanLuven Road.

Lot 2 (S-12-21-P)

Creation of a new residential lot consisting of 0.9 hectares (2.2 acres) with a minimum of 76 metres (250 feet) of frontage on New Morin Road from a property municipally

known as 5356 New Morin Road. The retained lands will retain the existing development and will be approximately 15.9 hectares (39.4 acres) in area with approximately 645 metres (2116 feet) of frontage on New Morin Road.

Lot 3 (S-13-21-P)

Creation of a new residential lot consisting of 0.9 hectares (2.4 acres) with a minimum of 86 metres (282 feet) of frontage on New Morin Road from a property municipally known as 5356 New Morin Road. The new lot will retain the existing development. The retained lands will be vacant and will be approximately 14.9 hectares (37 acres) in area with approximately 559 metres (1833.5 feet) of frontage on New Morin Road.

**Site Location / Description**

The subject property is located on the western shore of Knowlton Lake on the east side of New Morin Road in South Frontenac Township. The three severed parcels would not have water frontage onto Knowlton Lake. The retained parcel has water frontage onto a large un-evaluated wetland that is connected to Knowlton Lake. There is existing development on the property which is proposed to be severed from the remainder of the lot (Lot 3). The retained parcel would be vacant.

The topography of the site can be characterized as being a valley land that begins high above Knowlton Lake along New Morin Road that drops down in elevation quickly onto a lower plateau area that then drops down again in elevation into the un-evaluated wetland feature. The wetland is a large low-lying treed swamp. There is also a watercourse that crosses under Vanluven Road and through Lot 2.

The property is currently designated ‘Rural’ in the Official Plan and ‘Rural’ (RU) and ‘Environmentally Sensitive’ in the implementing Zoning By-law for South Frontenac Township. The area designated as being environmentally sensitive appears to coincide with the location of the un-evaluated wetland on the property. Knowlton Lake has been designated as a highly sensitive Lake Trout Lake in the Official Plan for South Frontenac Township and is zoned ‘Environmental Protection’ (EP) in the Zoning By-law.

**Discussion**

The main interests of Cataraqui Conservation with respect to this application are the avoidance of natural hazards (e.g. erosion hazards) and ecological values associated

with the valley land, protection of natural heritage features such as the un-evaluated wetland and other natural features, and the protection of the water quality of the lake.

Valley Lands

a) Natural Hazards

Section 5.8.2.b) of the Zoning By-law specifies that no building or structure or septic tank installation shall be located within a minimum of 15 metres horizontal of the top of bank of any embankment, the slope of which is greater than 30% from horizontal. Cataraqui Conservation's Environmental Planning Policy (EPP, 2021) suggests that a minimum access allowance of 6 metres should be maintained between development and the top of the stable valley slope. Additionally, it is our understanding that the front yard setback from the lot line along New Morin Road is 20 metres.

In consideration of these requirements and site observations, staff believe that Lots 1 and 2 and the retained parcel do not have a sufficient development envelope between the property line at the road and the top of stable valley slope for future development to occur. If development is to be contemplated on the valley slope, staff recommend that the applicant be requested to undertake a geo-technical study to demonstrate that development can safely occur on the valley slopes.

b) Natural Heritage

Since there does not appear to be any available location for development outside of the valley land on Lots 1 and 2 and the retained parcel, development would need to occur within the valley land. Section 5.4.1 of Cataraqui Conservation's EPP states:

> "The Conservation Authority will encourage the conservation of all valley lands (whether or not such features are classified as significant) and may recommend that development and site alteration be restricted on lands in and adjacent to these valley lands."

The applicant has provided two Environmental Impact Assessments (EIA's) in support of the proposal (Ecological Services, March 2, 2021 and July 30, 2021). The EIA's provide recommendations for "build locations" for Lots 1 and 2 and the retained parcel.

For Lots 1 and 2, the EIA recommends development occur between the road and the top of bank. As noted previously, staff do not believe that there is enough area outside of required setbacks for development to occur as recommended in the EIA. If development is to be contemplated on the valley slope, staff recommend that the

applicant be requested to provide additional ecological assessment of the valley slopes in those areas.

For the retained parcel, the EIA recommends development occur in the northeast corner of the proposed retained parcel. Although this area has been identified in the EIA as low value from an ecological perspective, this places development on the steep valley slope. As noted previously, if development is to be contemplated on the valley slope, staff recommend that the applicant be requested to undertake a geo-technical study to demonstrate that development can safely occur on the valley slopes.

Natural Heritage – General

As noted above, the applicant has provided two Environmental Impact Assessments (EIA's) in support of the proposal (Ecological Services, March 2, 2021 and July 30, 2021).

a) EIA dated March 2, 2021

The first EIA document dated March 2, 2021 is specific to the creation of 2 lots at the west end of 5356 New Morin Road. The first lot is referred to as Lot 1 and runs parallel to New Morin Road, whereas the second has frontage mainly on VanLuven Road. The site visits were conducted late fall early winter which does have limitations however the consultant notes taking a conservative approach with respect to potential species use understanding that lack of sighting at that time of year is not indicative of not being present. Reliance is made on site characteristics to support potential species.

The consultant has made an appropriate review of the ecological features and staff support their general findings in this regard. However, the site constraints previously discussed may place development closer or within some of the features that the consultant has flagged as needing further study.

b) EIA dated July 30, 2021

The parcel is heavily influenced by the steep slopes and narrow plateaus considering the distance from the top of bank to a road or lot line. The consultant has noted that there are disturbed or lower areas of ecological value through the centre of the property, that is typically bound by the steep slopes or wetland areas.

There are areas that ecologically contain low enough value that they could be developed if this were the only consideration. However, there are other site constraints (e.g. property line setbacks, steep slopes, sensitive lake trout, potential turtle nesting areas, watercourses, access etc.) that also need to be considered.

If development is to be contemplated outside of the 'build locations" considered by the EIA's, staff recommend that the applicant be requested to provide additional ecological assessment.

Watercourse (on Lot 2)

During the site visit, staff identified a watercourse that crosses through Lot 2. Flood plain mapping is not available for this un-named watercourse. Section 5.8.2 of the Zoning By-law specifies that no building or structure or septic tank installation shall be located within a minimum 30 metres horizontal of the highwater mark of a waterbody or watercourse. Similarly, Section 4.5.11 of Cataraqui Conservation's EPP also suggests a 30 metre setback from the highwater mark of a waterbody for new development, provided that, in the opinion of staff, there is sufficient difference in elevation (to be determined on a case by case basis). Since the watercourse is not shown on any of the supporting information in relation to the proposed boundaries of Lot 2, it is unclear if there is a suitable development envelope outside of the recommended 30 metre setback from the watercourse.

Staff recommend that the applicant be requested to demonstrate a suitable development envelope outside of the 30 metre setback from the highwater mark of the watercourse on Lot 2.

Un-evaluated Wetland

As noted above, the property contains a large un-evaluated wetland feature which will be wholly located on the retained parcel. Section 5.2.5 of the Cataraqui Conservation's Environmental Planning Policy (EPP, 2021) suggests that new development and site alteration within 30 metres of a wetland should not be supported. Staff note that there is considerable area outside of the required minimum 30 metre adjacent lands to the wetland for future development to occur on the retained lot.

Water Quality

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

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

Also, as noted above, Knowlton Lake is identified as a highly sensitive Lake Trout Lake in the Official Plan, and as such, the waterbody is afforded additional protections to ensure development does not negatively impact the water quality of the lake. Section 5.2.8 (a) (ii) of the Official Plan suggests that the creation of new lots within 300 metres of a highly sensitive Lake Trout Lake will not be considered for approval due to the potential to further degrade the water quality necessary to maintain a healthy Lake Trout population. The intent of this section of the Official Plan is primarily to ensure that a septic system can meet this requirement.

In the opinion of staff, the wetland should be considered to be part of Knowlton Lake since the wetland is hydrologically connected to lake. In consideration of this, the applicant has not demonstrated that future development of Lots 1 and 2 will meet the requirement provided in Section 5.2.8 (a) (ii) of the Official Plan. Further, staff do not support the creation of Lot 3, as by doing so, an additional (vacant retained) lot will be created that also cannot meet this requirement.

Staff also recommend that the Township seek further guidance from the Ministry of Environment, Conservation and Parks (MECP) to evaluate the proposal with respect to the potential impacts of development on the sensitive Lake Trout Lake and any other aspects of the proposal that may be relevant to their mandate.

**Recommendation**

Staff recommend deferral of applications S-11-21-P, S-12-21-Pand S-13-21-P based on our consideration for natural hazards, natural heritage, and water quality and quantity protection policies.

<u>Ontario Regulation 148/06</u>
Cataraqui Conservation, under Ontario Regulation 148/06: *Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses,* regulates development within 15 metres of a flood plain or erosion hazard, within 30 metres of a watercourse, and within 30 metres of an un-evaluated wetland. Therefore, a permit may be required for proposed development under said regulation. If future development is proposed, the

applicant or future owners of the lands will be required to contact the undersigned at the building permit stage for more information regarding permitting requirements under Ontario Regulation 148/06.

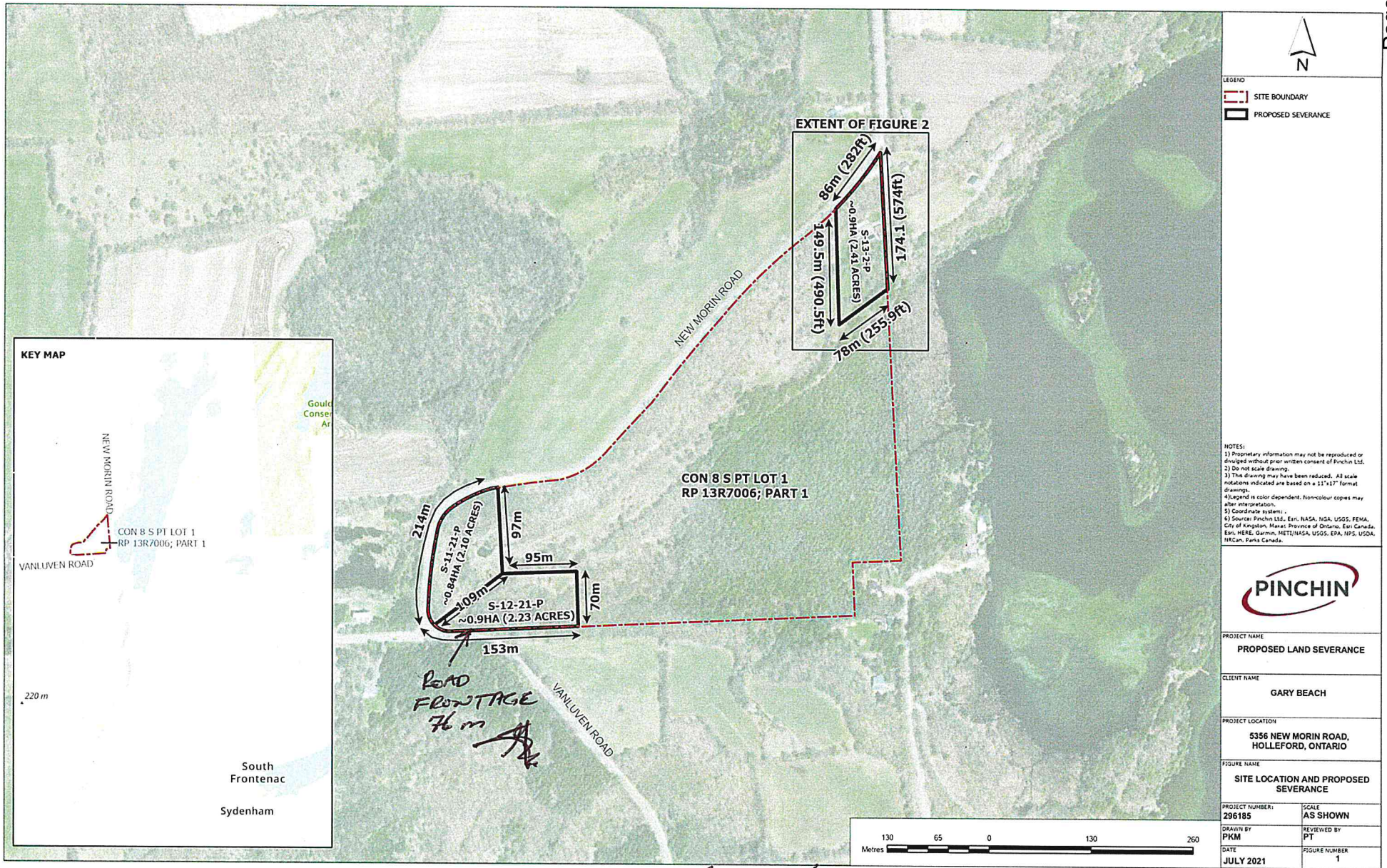
Please notify this office of any decision made by the Committee with regard to these applications. If you have any questions, please contact Andrew Schmidt at (613) 546-4228 extension 244 or by e-mail at aschmidt@crca.ca.

Yours truly,

*Andrew Schmidt*

Andrew Schmidt
Supervisor, Development Review

c.c. Anna Geladi, Planner, South Frontenac Township (via e-mail)
Christine Woods, Senior Planner, South Frontenac Township (via e-mail)
Tom Beaubiah, Cataraqui Conservation (via e-mail)
Jon Orpana, Ministry of Environment, Conservation and Parks

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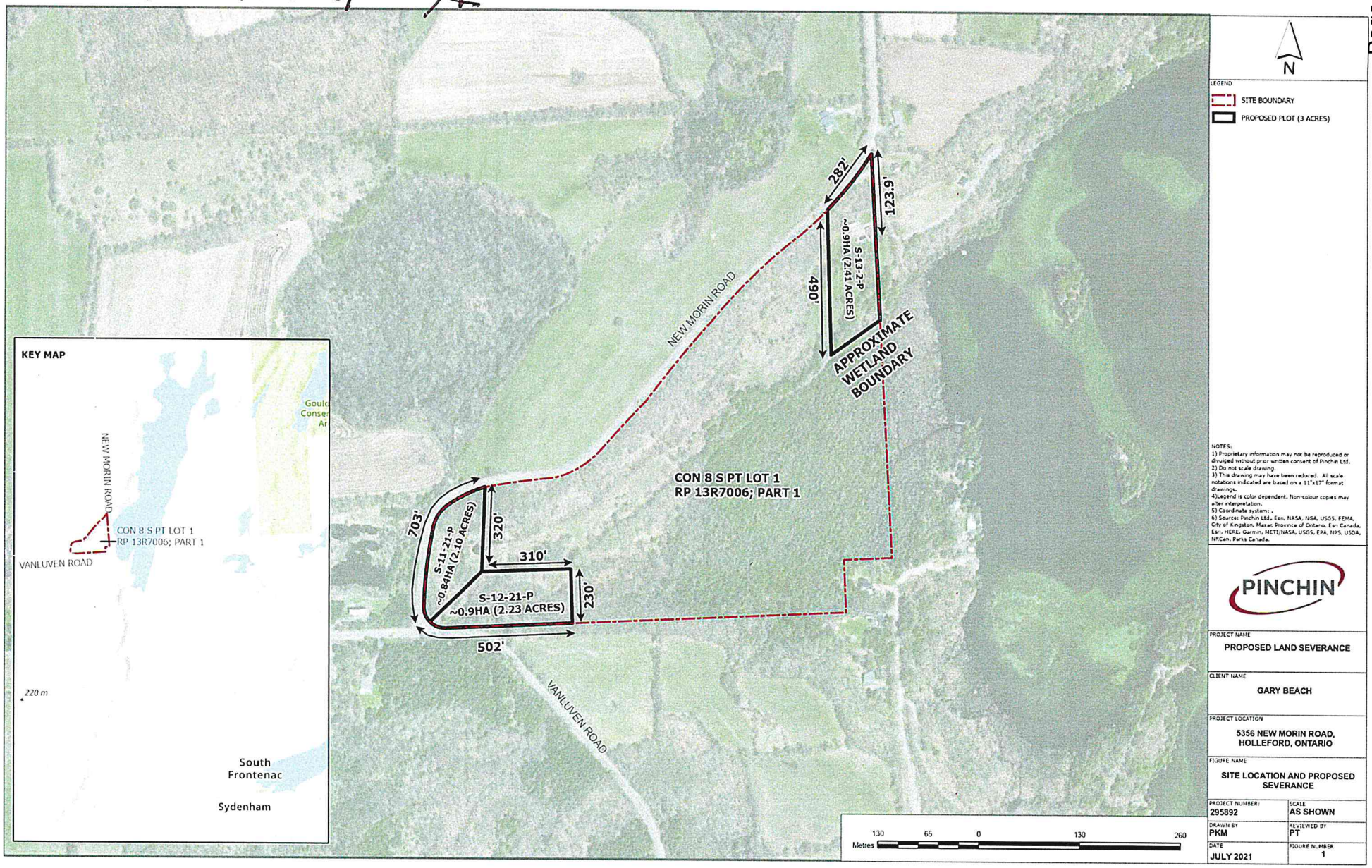


Ecological Services
R.R. 1, 3803 Sydenham Road
Elginburg, Ontario K0H 1M0
Phone: (613) 376-6916
E-mail: mail@ecologicalservices.ca

March 2, 2021

C/O Gary Beach
PO Box 98 Battersea ON
K0H 1H0

**Via Email: beachgaryj@gmail.com**

**RE: ENVIRONMENTAL IMPACT ASSESSMENT (EIA)**
**New Morin Road**

Dear Mr. Beach

At your request we undertook this EIA due to the intention of 5006755 Ontario Ltd. to sever two lots at the west end of 5356 New Morin Road. The purpose of this EIA is to determine if the development of these two lots will constitute negative impacts to natural heritage features for the purposes of the Provincial Policy Statement and the South Frontenac Official Plan.

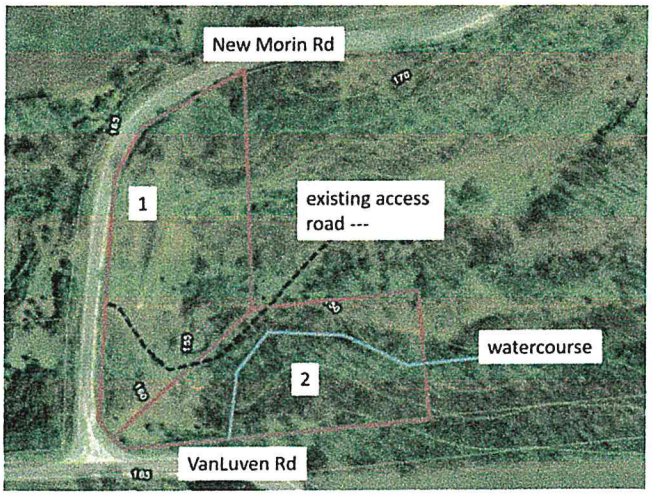
Image features include:

Red lines: The two lots identified as "1" and "2".

Light Blue Line: A watercourse.

Dashed Black Line: Existing access road.

Light Green: Contours.




To complete this EIA work, Rob Snetsinger of Ecological Services visited the site on Oct. 18 and Dec. 5, 2020. It is understood that this is not the best time of year to undertake field work for an EIA, but the Cataraqui Region Conservation Authority (CRCA) does recognize field work at this time of year if a conservative approach is taken.

The property at 5356 New Morin Road has been used for aggregate extraction and the natural heritage features of the lots has been negatively influenced by this history of disturbance from past sand extraction operations as well as the construction and operation of Vanluven and New Morin Roads.

The entire property of 5356 New Morin Road contains wetland, significant woodland features, possible Species at Risk habitat, and potential significant wildlife habitat. It is also adjacent to wetland, fish habitat and Knowlton Lake, which has been designated as a sensitive lake trout lake in the South Frontenac Township Official Plan (OP). However, the proposed severance lot locations are at the west end of 5356 New Morin Road, which puts them more than 200 m from the Knowlton Lake wetland and about 600 m from fish habitat in Knowlton Lake, which is well beyond a potential impact range for the impacts of two housing lots. Due to the habitat features of the proposed lots, their potential to contain viable Species at Risk and significant wildlife habitat is low.

Lot 2 (i.e., the southern most) has some features that will provide some challenges with respect to the location of a future house. These include a steep forested slope and a watercourse. We normally recommend avoid building within a steep forested slope if there is a sensitive aquatic feature at the base of the slope, but that is not the case here, as the wetland is about 220 from the closest slope of Lot 2 and Knowlton Lake is about 600 m from the closest base of the Lot 2 slope. However, this steep slope can represent a safety hazard and we defer to building restrictions by the Township in this regard.

The watercourse is intermittent and is strictly a water conveyance in that it conveys roadside ditch water from Vanluven Road. It is directed eastward through Lot 2 towards a swamp, a water travel distance of about 280 m. Once entering the swamp, it diffuses outwards, thus providing a further 385 m of buffering to Knowlton Lake. We defer to the CRCA in regard to potential conflicts with Ontario Regulation 148/06 and the watercourse but note that from an ecological perspective we do not have concerns with any proposed engineered stormwater alterations to this watercourse within Lot 2.

Overall, we have few concerns regarding natural heritage impacts with the proposed severed lots. Nevertheless, some mitigation recommendations are provided as follows:

- Building location discussions with the CRCA and South Frontenac Township regarding the watercourse and the forested slopes of Lot 2 are recommended.

- If construction activity is to be closer than 15 m to the watercourse, or if watercourse alterations are to occur, then silt fencing and hay bale sediment barriers should be erected and be maintained until the completion of the construction project.

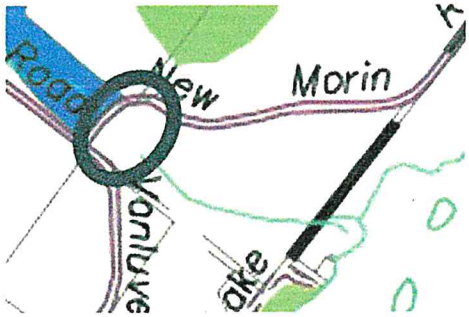
- Initial tree clearing should take place outside of the SAR bat maternity and roosting season (mid-April to mid-Sept.). If trees need to be cleared during the active season, then targeted trees will need to be first surveyed by a qualified

biologist to determine if SAR bat activity is present in any one tree. If this is the case, then that tree will need to remain until mid-Sept.

- Initial shrub and tree clearing should take place outside of the Migratory Birds Convention Act breeding season (April 15 to Aug. 15). If it is necessary to clear trees during the maternity/roost season, then targeted trees will need to be first surveyed by a qualified biologist to determine if maternity/roost activity is present in any one tree. If maternity/roost activity is present, that tree will need to remain until mid-August.

- SAR turtles are not expected on the potential building areas, but there are potential risks to nesting turtles if later development is proposed for the remainder of 5356 New Morin Road. If that is to occur, it is recommended that appropriate Ministry of Natural Resources and Forestry turtle survey protocols be employed.

**Background**




The approximate area of the severances is circled in dark blue in the adjacent cut out from Schedule A of the South Frontenac Official Plan (OP). The underlying white means it is rural zoning. The light blue line represents the existing watercourse. The dark blue shading on the property on the west side of New Morin Road represents a Mineral Aggregate designation. The light green shading areas to the east and north represent Environmental Protection Areas (EPA). The EPA area to the north is wetland and is within 120 m of the northernmost severance.

Species at Risk (SAR) are those that are designated as either endangered or threatened by the province under the Endangered Species Act, and SAR screening for the severances and the adjacent lands was undertaken using the MNRF (2018) and MECP (2019) screening protocols. There is the potential for Blanding's Turtles (Threatened) to be in Knowlton Lake and the property is within the habitat range of the Gary Rat Snake (Threatened). Species at Risk bats (Endangered) are thinly dispersed throughout the region as well. These three will be discussed further on.

Barn Swallows (Threatened) have been reported in the region, but there are no suitable Barn Swallow nesting features in the severance properties. Bobolink (Threatened) and Eastern Meadowlark (Threatened) are also reported for this region, but these are field birds, which is not present within the severance lands. Whip-poor-will (Threatened) are reported for the region, but the severance lots do not contain favorable Whip-poor-will features.

## Ecological Land Classification

Ecological Land Classification (ELC) mapping (Figure 1) for the severance lots was based on Lee et al., (1998). The ELC mapping terms are described further on.

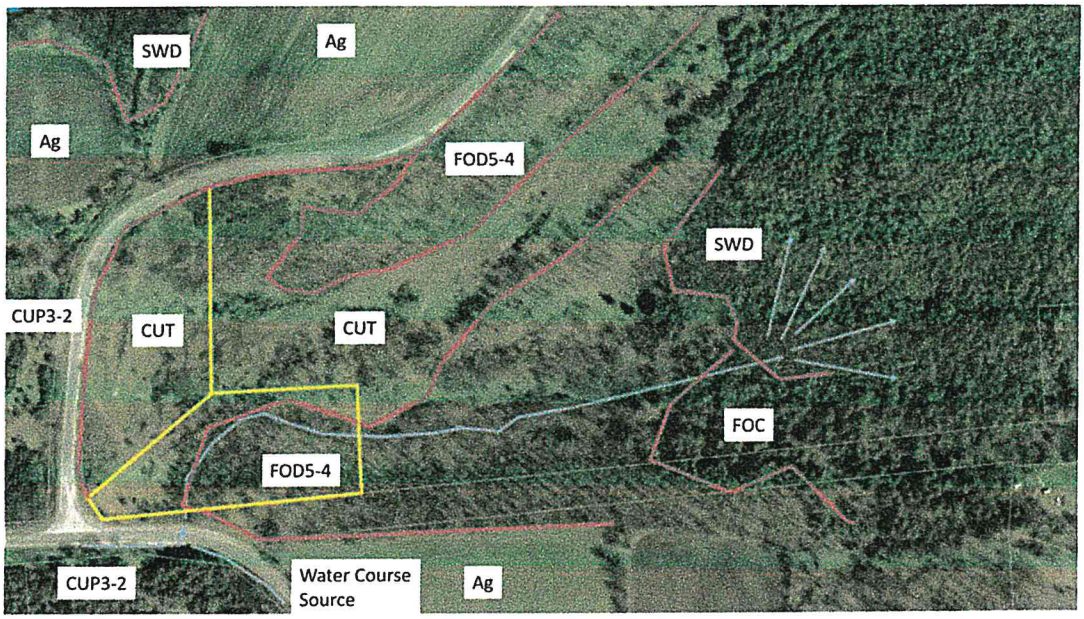



**Figure 1.** ELC mapping. The red lines separate the ELC types, the yellow lines are the approximate property boundaries of the two lots, and the light blue line represents a water course that collects stormwater from the south side of Vanluven Road and directs it through a culvert, where it eventually diffuses out into a swamp.

**Ag (Agricultural):** The nearby fields have been used for both cash crop purposes and for hay production.

**CUT (Cultural Thicket):** A shrub and tree sapling area dominated by Staghorn Sumac, European buckthorn, and prickly ash. It also contains tree saplings, mainly composed of white ash. This is the area with the lowest ecological value of Lots 1 and 2.

**CUP3-2 (White Pine Coniferous Plantation Type):** As the name implies, these are white pine dominated plantations that appear to be primarily planted as road buffers along Vanluven Rd. and New Morin Rd.

## Impact Discussion – Natural Heritage Features

### Species at Risk (SAR)

Blanding's Turtle: There is the potential for Blanding's Turtles (Threatened) to be present in nearby Knowlton Lake. However, at a separation distance of more than 600 m, any turtle habitat (e.g., feeding and overwintering) in the lake itself would not be at risk from development associated with the proposed severances.

Blandings Turtles travel overland to reach other suitable wetlands (i.e., ones with some open water) for feeding, mating, and overwintering purposes. The severance properties do not contain such wetlands, and the more likely movement directions for these purposes would be north towards Holleford Creek, or east towards the many Canadian Shield lakes and ponds located between Knowlton Lake and the Gould Lake Conservation Area.

Blanding's Turtles also travel overland to reach prospective nest laying sites. The straight-line travel distance from the lake to the severance properties of about 675 meters, is at the outside range for this purpose, but still possible for egg laying purposes. However, a suitable egg laying site must be open to the sun to support egg incubation, and except for the access road, the severance properties do not contain ideal egg laying features. For obvious reasons, a roadway should not be considered a suitable egg laying site.

Portions of the remnant sand pit that extend east of the Lot 1 severance property contains egg laying features and a depredated Painted Turtle nest site was observed here. If Blanding's Turtle nesting did occur here, it would put both severance properties within Category 3 Habitat, which as noted in MNR (undated 1) does have a tolerance to nearby alterations.

In our opinion, the development of the two lots would not pose a risk to Blanding's Turtles, but if development is proposed on the property further to the east in the old sand pit, it is recommended that it be preceded by the requisite survey visits described in MNRF (2015). As is noted in MNRF (2015), if the appropriate surveys are undertaken and no Blanding's nesting is found to occur, then it is indicated that nesting is unlikely.

Gray Rat Snake (Threatened): This snake has been observed in the region, and we did discover a hibernacula on the Gould Lake property, approximately 3 km to the east, in association with the multi pond Canadian Shield habitat. This Canadian Shield habitat that extends east and north of Knowlton Lake is typical Gray Rat Snake habitat. They avoid the flatter farm areas to the west and south that includes the severance properties. We have discussed this geographic area avoidance with Dr. Pat Weatherhead, whose research has been responsible for much of the ratsnake knowledge in the province. There is no clear reason, but it may be a predator avoidance strategy in this more open habitat.

The intention of Gray Rat Snake habitat protections are to preserve critical life cycle features such as hibernacula, egg laying sites, and thermoregulatory sites (see MNR undated 2). None of these features are evident on the severance properties and in our opinion, the development of the two severances will pose no risk to the Gray Ratsnake.

Bobolink (Threatened): The closest Bobolink ebird postings are for farm fields to the north and west of the proposed severances at distances of about 3 km and 1.5 km respectively, and well outside any impact range. There is no suitable Bobolink habitat on 5356 New Morin Road, including that of the severance properties. There are farm fields on the adjacent property to the north of New Morin Road. One of these is unsuitable as nesting habitat as it used for cash crops, and the potential core nesting area of the second (a hayfield) is over 200 m away and outside any impact range.

Eastern Meadowlark (Threatened): The closest Meadowlark ebird postings are for farm fields to the north and west of the proposed severances at distances of about 1.8 km and 1.5 km respectively, and well outside any impact range. There is no suitable Eastern Meadowlark habitat on 5356 New Morin Road, including that of the severance properties. One of these is unsuitable as nesting habitat as it used for cash crops, and the potential core nesting area of the second (a hayfield) is over 200 m away and outside any impact range.

Whip-poor-will (Threatened): The closest Whip-poor-will posting on eBird is about 3 km to the north, and well outside any impact range. The severance properties themselves do not contain good Whip-poor-will features and in our opinion the probability of them using these sites as non-existent.

The adjacent abandoned sand pit does have potential favorable features, but the lack of sightings in the region (the next closest sighting is over 6.5 km away) puts the probability of them being here as low. Nevertheless, if further development of the sand pit is proposed, we would recommend that a Whip-poor-will nesting survey be undertaken.

SAR Bats (Endangered): There are four SAR bat species in the province and from our extensive acoustic monitoring efforts in region in the last two years, we have found three of these species to be thinly dispersed throughout. It is normal for us to pick up at least one of the three species during acoustic monitoring at any site we assess. Consequently, any older tree has the potential to be a SAR bat maternity or roost tree. Removal of such a tree would not be a limiting factor (i.e., a negative impact) to SAR bat populations as there is no lack of such trees available. However, it would be a violation of the Endangered Species Act if an active roost or maternity tree were removed during the summer season. Due to the timing of the site visit, it was not possible to undertaken bat acoustic monitoring to see if they are present, but harm to bats can be avoided in two possible ways:

1. Remove trees outside of the bat maternity/roost season (mid-April to mid-Sept.).

2. If active removal is proposed to take place during the maternity/roost season, then a specific tree assessment should be undertaken. This can include an exit survey and/or acoustic monitoring if the tree contains cavities or is a snag tree. If that effort determines the tree is being actively used by SAR bats, then removal will have to be delayed until after mid-Sept.

**Note**: These SAR bats will not be at risk from wintertime construction activity as they migrate off site to cave hibernacula.

Butternut (Endangered): Two dead butternuts were observed in the steep slopes of the FOD5-4 woodland of Lot 2. In our opinion a BHA is not warranted as both trees were clearly dead (see adjacent image).

**Woodland**

The two woodland patches on 5356 New Morin Road that are associated with the severance properties are too small (3.8 and 2.8 ha.) and narrow to have significance for size or core habitat. As well, and in our opinion, they are the most common deciduous woodland type (FOD5-4) in the region and lack significant ecological features.

The smaller woodland patch runs beside New Morin Road and is not part of either Lot 1 or 2 and is at no risk from the development of either.

The larger 3.8 ha. woodland patch runs beside the closed Concession line of which approximately 0.6 ha of its eastern end are located within Lot 2. The eastern end of this woodland is more than 120 m from Lot 2 and does provide a buffering function for the adjacent swamp. However, the woodland portion within Lot 2 and the adjacent lands lacks significant woodland features such as size, core habitat, age, and unusual features.

A watercourse runs through parts of Lot 2 and through the woodland, but this is not a sensitive water feature as it lacks aquatic features, is intermittent, and conveys primarily roadside stormwater. We defer to the CRCA regarding the development application and discussions associated with this watercourse and Ontario Regulation 148/06.

The lack of significant natural heritage features of the woodland associated with Lot 2 suggests a future house could be built within the woodland portion of Lot 2 and be consistent with the PPS and the OP. However, some sections of the woodland contain steep slopes. For the South Frontenac OP, wooded slopes are considered valuable if they protect an adjacent sensitive water feature, but any sensitive water feature is well outside (i.e., >120 m) the boundaries of this lot. We do not consider the watercourse a sensitive water feature because it lacks aquatic ecological features.

Nevertheless, the steep slopes could represent a safety hazard if considered as a location of a possible future build site. We defer to South Frontenac Township in this regard as safety hazards are outside the bounds of an EIA.

If we are to assume that no building is to occur within the steep forested slopes, there is still the question of how the watercourse may restrict the location of potential building locations due to possible conflicts with Ontario Regulation 148/06. In our opinion, engineering options can mitigate any conflicts with this watercourse as we note that it is strictly a water conveyance that lacks ecological aquatic features. Discussion with the CRCA in this regard are recommended.

**Significant Wetland**

The main wetland located within 5356 New Morin Road is more than 120 m away from the proposed severances. There is a deciduous swamp that is about 106 m to the north of the northern most severance, and more than 120 m from the southern severance. Having completed over 100 wetland evaluations from 1985 to 2020 it is our opinion that it would be very highly unlikely that such a small (~8.7 ha.) isolated swamp that is surrounded by farmland would score enough points to be considered a significant wetland.

As there is no recognized significant wetland within 120 m of the proposed severances, we refer to the following excerpt from Section 4.4 of the Natural Heritage Reference Manual.

> *The need to evaluate the ecological function of adjacent lands (i.e., undertake an EIS or equivalent study) would be removed if proponents choose to avoid having development and site alteration occur within the extent of adjacent lands.*

Accordingly, the necessity to discuss significant wetland impacts is removed.

Nevertheless, to reassure the CRCA and South Frontenac Township Nevertheless, impacts to this wetland are unlikely due to the large separation distance and because severance lot stormwater will naturally flow away from this wetland. Furthermore, the intervening features (i.e., farmland and New Morin Road) would do far more at shaping the impact ecology of this wetland.

**Area of Natural and Scientific Interest**

There are no ANSI's within 120 m of the proposed severances. In this regard, we refer to the following excerpt from Section 4.4 of the Natural Heritage Reference Manual.

> *The need to evaluate the ecological function of adjacent lands (i.e., undertake an EIS or equivalent study) would be removed if proponents choose to avoid having development and site alteration occur within the extent of adjacent lands.*

Accordingly, the necessity to discuss ANSI impacts is removed.

**Fish Habitat**

The severance properties are more than 500 m from Knowlton Lake fish habitat. In this regard, we refer to the following excerpt from Section 4.4 of the Natural Heritage Reference Manual.

> *The need to evaluate the ecological function of adjacent lands (i.e., undertake an EIS or equivalent study) would be removed if proponents choose to avoid having development and site alteration occur within the extent of adjacent lands.*

Accordingly, the necessity to discuss fish habitat impacts is removed.

**Note**: The 300 m listed in the OP for sensitive lake trout lakes (e.g., Knowlton Lake) is intended as a development restriction zone. The proposed severances are more than 500 m from Knowlton Lake, and so the need for discussion of this restriction zone is removed.

**Further Note**: There is a small seasonal pond within the pit floor that is bisected by the northern severance boundary. It has a maximum size of about 78 $m^2$ and has formed within a past pit extraction depression. From a review of past aerial images, it appears to mostly dry up on occasion. It has no surface water connection to another water source and is too shallow to support fish habitat.

The most notable feature about this pond is its use as a watering spot for deer and other mammals. However, there is no wildlife habitat feature in MNR (2015b) that considers an isolated watering pond as significant. Regardless, this pond is more than 30 m away from any potential building site and is further isolated by a steep sandy slope and a road.

## Wildlife Habitat

There are 34 categories of wildlife habitat in MNR (2015b) that need to be considered for any application, of which 2 require discussion for the severances.

Turtle Nesting Area: For an area to function as a turtle nesting area it must provide appropriate substrates for turtles to dig in to lay their eggs and be in an open sunny area. They also need to be within proximity to aquatic habitat. Nesting features exist on portions of the adjacent sand pit extending about 300 m east of the northern severance, and a depredated Painted Turtle nest was observed here. To be significant requires the presence of five or more nesting Painted Turtles, and we could only find the one nest. One or more Snapping or Map Turtle nests also constitutes significant wildlife habitat.

In our opinion, the development of the two lots would not pose a risk to adjacent turtle nesting for two reasons:

1. The recommended building location for the northern severance is at the top of the slope next to New Morin Road. This would place it more than 30 m from the start of potential nesting areas.

2. Turtles are tolerant of nearby human activity when nesting. A case in point is their common use of urban lawns, gravel driveway edges, and road edges for nesting.

**Wildlife Habitat Recommendation 1**. If further development is proposed on the property further to the east in the old sand pit, it is recommended that it be preceded by the requisite survey visits described in MNRF (2015a). This survey manual (i.e., MNRF 2015a) was intended for Blanding's Turtles, but can be used for all turtle species.

Habitat for Species of Conservation Concern: This category is intended to cover S1, S2, S3 ranked species and species of Special Concern. The Eastern Wood Pewee and Wood Thrush are Special Concern woodland birds that are found in woodlands within 1 km to the north, east, and south of the severance properties. None have been reported on the severance properties or within 120 m of the severance properties. Nevertheless, they are not uncommon in the region and it is conceivable that they could use the adjacent deciduous woodlands associated with the severance properties, as they do have favorable habitat features, but these are outside of the potential building areas of the two lots.

The declining numbers of these two species is largely due to impacts occurring in their winter ranges outside of Canada. There is not a lack of appropriate habitat in this region, and they do have a tolerance to modest levels of nearby human activity, such as with the adjacent small-scale developments proposed. Accordingly, our recommendation is the standard one associated with all migratory birds in relation to the Migratory Birds Convention Act.

**Wildlife Recommendation 2**. Some site alteration will be necessary for the severances, and the associated vegetation (e.g., trees and shrubs) may contain nests of migratory birds. It is a contravention of the Migratory Birds Convention Act to destroy these nests during the breeding season. To avoid contravention of the Act, it is recommended that initial site alteration take place outside of the bird breeding season (mid-April to mid-August). If it is necessary to clear the site during the breeding season, it is recommended that the areas be first surveyed by a qualified biologist to determine if nesting is present. If that is the case, then site clearing will have to avoid disturbing the nests until mid-August after the young have fledged.

Respectfully Submitted,

Rob Snetsinger
Ecological Services

**References**

Lee, H., W. Bakowsky, J. Riley, J. Bowles, M. Puddister, P. Uhlig, and S. McMurray. 1998. Ecological Land Classification for Southern Ontario. Natural Heritage Information Centre.

MNR (Ministry of Natural Resources). 2010. Natural Heritage Reference Manual for Natural Heritage Policies of the Provincial Policy Statement, 2005. Second Edition.

MNRF (Ministry of Natural Resources and Forestry). 2018. Natural heritage information request guide. Regional Operations Division.

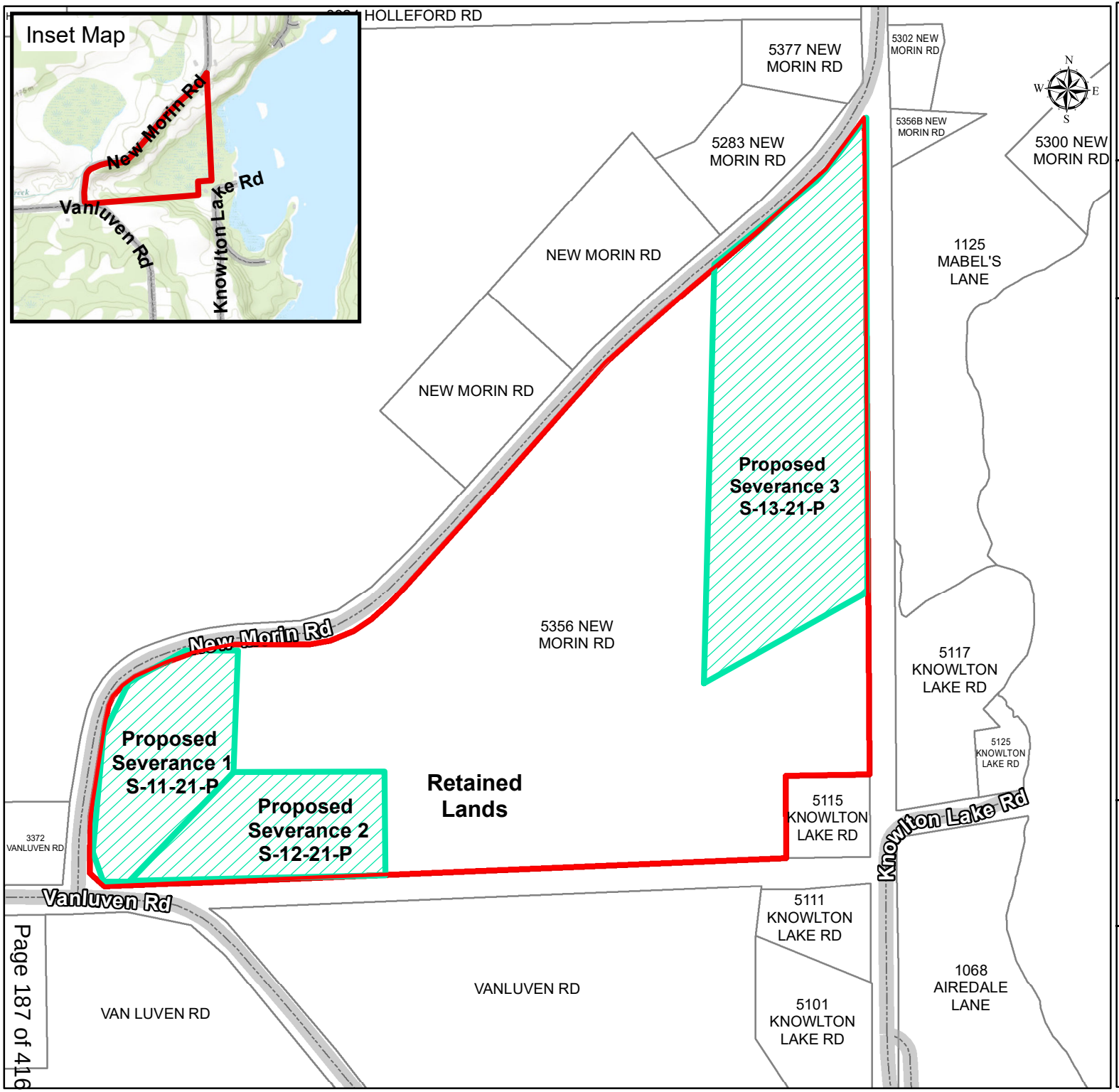
MNR (Ontario Ministry of Natural Resources). 2015b. Significant Wildlife Habitat Ecoregion 6E Criterion Schedule. Draft.

MECP (Ministry of the Environment, Conservation, and Parks Species at Risk Branch). 2019. Permissions and Compliance. Clients Guide to Preliminary Screening for Species at Risk.

MNR (Ministry of Natural Resources). Undated 1. General habitat description for the Blanding's Turtle (*Emydoidea blandingii*)

MNR (Ministry of Natural Resources). Undated 2. Habitat protection summary for Gray Ratsnake (Frontenac Axis Population).

MNR (Ministry of Natural Resources and Forestry). 2015a. Survey protocol for Blanding's Turtle (*Emydoidea blandingii*) in Ontario.




**S-13-21-P, S-12-21-P and S-11-21-P**
**(500675 Ontario LTD)**
**(Beach)**

**5356 NEW MORIN RD**

## Legend

- Proposed Severance
- Subject Property
- Parcel Fabric
- Provincially Significant Wetlands
- Wetland

Produced by the Township of South Frontenac under license with the Ontario Ministry of Natural Resources © Queen's Printer for Ontario, 2020.

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 1:4,100

0 12.5 25 50 75 100

Meters

UTM Projection NAD 83

Date: 2021-06-22

**Ministry of the Environment, Conservation and Parks**

Eastern Region
1259 Gardiners Road, Unit 3
Kingston ON K7P 3J6
Tel.: 613-549-4000 or 800-267-0974

**Ministère de l'Environnement, de la Protection de la nature et des Parcs**

Région de l'Est
1259, rue Gardiners, Unité 3
Kingston ON K7P 3J6
Tél.: 613-549-4000 ou 800-267-0974

Ontario

**By email only**

April 15, 2021

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

Attention: Anna Geladi, Planner
Email: Ageladi@southfrontenac.net

Dear Ms. Geladi:

Re: Application for three new lot severances and one retained – New Morin Road – Township of South Frontenac

I have reviewed the above noted application for consent and supporting documentation to sever and offer the following comments for the Land Division Committee's consideration.

Knowlton Lake is managed by the Ministry of Natural Resources and Forestry as a lake trout lake. This lake is also classified by the Ministry of the Environment, Conservation and Parks (MECP) as "at capacity" which generally means that no development including land division should occur within 300 m that would result in further impairment to water quality and fish habitat.

The applicant has requested a severance of three parcels (2.1 acres, 2.23 acres and 2.41 acres) in size from the larger retained parcel.

The property is currently designated "Rural" in the Official Plan and "Rural" in the implementing Zoning By-Law for South Frontenac Township. Knowlton Lake has been designated as a highly sensitive Lake Trout Lake for South Frontenac Township and is zoned "Environmental Protection" in the implementing Zoning By-Law.

As presented, this application proposes severances outside of the 300 m setback from the high water mark of Knowlton Lake to accommodate septic tile fields and on site servicing for these severances which would serve as future residential lots. However, there is a tributary creek system and a treed swamp within 300 m of these severances that would provide direct surface water connectivity to the sensitive surface water feature of Knowlton Lake therefore impacting local water quality.

Based on a review of information currently available this ministry finds the proposal contrary to provincial guidance and related OP/Zoning policies.

If you have any questions regarding the above comments, please do not hesitate to contact me at the coordinates below.

Regards,

Jon K. Orpana
Environmental Planner & Environmental Assessment Coordinator
Ministry of the Environment, Conservation and Parks
Kingston Regional Office
1259 Gardiners Road, PO Box 22032
Kingston, Ontario
K7M 8S5

Phone: 613 548 6918
Fax: 613 548 6908
Email: jon.orpana@ontario.ca

**Ministry of the Environment, Conservation and Parks**

Eastern Region
1259 Gardiners Road, Unit 3
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**Ministère de l'Environnement, de la Protection de la nature et des Parcs**

Région de l'Est
1259, rue Gardiners, Unité 3
Kingston ON K7P 3J6
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Ontario

**By email only**

October 6, 2021

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

Attention: Anna Geladi, Planner
Email: Ageladi@southfrontenac.net

Dear Ms. Geladi:

Re: Application for three new lot severances and one retained – New Morin Road – Township of South Frontenac

MECP staff have reviewed the above noted application for consent and supporting documentation to sever and offer the following comments for the Land Division Committee's consideration.

Knowlton Lake is managed by the Ministry of Natural Resources and Forestry as a lake trout lake. This lake is also classified by the Ministry of the Environment, Conservation and Parks (MECP) as "at capacity" which generally means that no development including land division should occur within 300 m that would result in further impairment to water quality and fish habitat.

The applicant has requested a severance of three parcels (2.1 acres, 2.23 acres and 2.41 acres) in size from the larger retained parcel.

The property is currently designated "Rural" in the Official Plan and "Rural" in the implementing Zoning By-Law for South Frontenac Township. Knowlton Lake has been designated as a highly sensitive Lake Trout Lake for South Frontenac Township and is zoned "Environmental Protection" in the implementing Zoning By-Law.

MECP staff have reviewed the two EIS reports and accompanying maps and lot diagrams. In order for MECP to come to a decision regarding these severances additional information is required. We highlight the needed info below.

MECP considers the wetland adjacent to Knowlton Lake and therefore part of the lake. Any measurements of distance from lots or septic systems will therefore be to the western edge of the wetland boundary.

In order to determine whether the tile beds are beyond or within the 300 m setback for at-capacity lakes as per MECP policy each severance property is required to produce a site diagram showing the location of the septic tank and other buildings so measurements to the wetland border can be made.

Once a location for the tile bed has been determined and approved the following guidance for determining if the location is appropriate for an at-capacity lake is as follows. A site-specific soils investigation is required and should be prepared by a qualified professional and the site shall require the following;

The site where the septic tile-bed is to be located, and the region below and **15 metres down-gradient** of this site, toward the lakeshore or a permanently-flowing tributary, across the full width of the tile bed, consist of **deep (more than three metres),** native and undisturbed, non-calcareous **(<1% CaCO3 equivalent by weight)** overburden with acid-extractable concentrations of iron and aluminum of >1% equivalent by weight

Soil depth shall be assessed with test pits and/or boreholes at several sites. Samples for soil chemistry should be taken at a depth adjacent to, or below, the proposed tile bed; and an unsaturated zone of at least 1 ½ metres depth exists between the tile bed and the shallowest depth (maximum) extent of the water table. The position of the water table shall be assessed with test pits during the periods of maximum soils saturation (e.g., in the spring, following snowmelt, or late fall)

In order to confirm the lake classification, MECP will have conducted temperature and dissolved oxygen profiles on Knowlton Lake's both basins on or around September 15th. MECP will then calculate the mean volume-weighted hypolimnion dissolved concentration and compare to historical records to determine the lakes current status. In addition, MECP will conduct lake capacity modelling work that will account for outstanding lots of record that are currently undeveloped and account for seasonal and year round use premised on information obtained from the municipality.

The retained lot:

We recognize that there is an existing dwelling and septic (to be replaced) on the northerly most lot that has been applied for severance.

While this is alright; it also means that the retained (vacant lot) with no development created by the severance(s) must also be able to support development with the appropriate setbacks as described above. There is no information included in the documentation that speaks to the ability or the suitability of this lot to support a dwelling and septic system.

Based on a review of information currently available this ministry finds consideration of this application premature at this time.

If you have any questions regarding the above comments, please do not hesitate to contact me at the coordinates below.

Regards,

Jon K. Orpana
Environmental Planner & Environmental Assessment Coordinator
Ministry of the Environment, Conservation and Parks
Kingston Regional Office
1259 Gardiners Road, PO Box 22032
Kingston, Ontario
K7M 8S5

Phone: 613 548 6918
Fax: 613 548 6908
Email: jon.orpana@ontario.ca

# Report from Public Services

**Application Number:** S-12-21-P

**Applicant's Name:** 500675 Ontario Ltd.

**Concession:** 8 **Lot:** 19 **District:** Portland

**Road:** 5356 New Morin Road

**Road Maintenance:** Year-round ☑ Seasonal ☐

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

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

Public Services has reviewed the sketch materials and has also reviewed the site in the field and it not able to conclude if the parcel can obtain an access that will meet the sight line requirement of 180m (Bylaw 2000-01). Proposed property lines will need to be marked in the field and desired entrance location. A watercourse crossing on VanLuven also may impact the frontage available for a safe entrance.

**Road Conditions:**

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

   Yes ☑ No ☐

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

   A drainage crossing crosses VanLuven Road and enters this property as an existing condition.

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

   Yes ☑ No ☐

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

**Road Widening Required?**

Yes ☐ No ☐ To be determined by an Ontario Land Surveyor ☑

Any specific requirement?

**Approved by the Public Services?**

Yes ☐ Yes, with conditions ☐ No ☑

If yes, with conditions, please describe conditions below.

Access review is inconclusive. More information required in the field.

W. Pidgeon

Signature on behalf of Public Services

September 17, 2021

Date

## Michelle Hannah

**From:** [redacted]
**Sent:** September-08-21 8:44 AM
**To:** planning
**Subject:** File No:S-13-21-P

Noting first that this application does not specify that 5356 New Morin Road is divided by A & B.
I am the current owner and resident of [redacted] New Morin Road and have serious concerns/objections to this proposal. This application fails to list S-11-21-P
This change would cause the main entrance to my home to be blocked. Blocked for myself, my family, visitors and neighbors in 5300 New Morin Road, as well as emergency vehicles. Thus had been the entrance we have used since purchasing 5356B.
I mention emergency vehicles as my common law husband has had a heart attack, leading to open heart surgery since purchasing and moving into 5356B. Forcing us to use other entrance could cause further health issues caused by forcing us with simple tasks such as taking garbage out and having to walk up hill.
Wouldn't have purchased property if only allowed to use this other entrance due to winter driving. Entrance to our home would be at bottom of hill with a very sharp turn into our driveway or continue on down the second hill.
Have been dealing with the new owners and contractors for the better part of 2 years on a renovation. Can't imagine having to deal with them during construction of a new driveway for them. The contractors have been a nuisance with the debris they leave behind to them parking on the roadway of this entrance since the beginning. A new driveway for them would mean continuous noise, dust, debris and disruption to our lives.
My concerns also include disruption of the land so close to my well.
Since taking over 5356A the new owners have not done any maintenance to this upper piece or its entrance. This has been maintained by us and the owners of 5300 New Morin.
Not only would this cause problems within the driveway but to new Morin Road itself with the extra vehicles going in and out. More damages to the road itself caused by the large vehicles driving in and out.

Should you need to contact me, my name is Wendy Sproule and my number is [redacted]

Thank you for taking you time to take my concerns/ objections into consideration.

Wendy Sproule

## Michelle Hannah

**From:** [redacted]
**Sent:** September-09-21 7:08 PM
**To:** planning
**Subject:** File No. S-13-21-P

I own the property at [redacted] at Knowlton Lake Road. I am unable to visit my property prior to Sept 14 and would like to have additional information regarding the application The owner trespassed on my property when he thought we were absent and had tried at various times to buy road allowances for 4 wheeler track.
He is not a great neighbour now and expect that it will only get worse as he encroaches on wetlands, township boundary lines etc.

[redacted]

[redacted]

# REPORT TO COMMITTEE OF ADJUSTMENT
# PLANNING DEPARTMENT

**Report Date:** October 8, 2021

**Application No:** S-12-21-P
**Owner:** 5006755 Ontario Ltd
**Agent:** Gary Beach
**Location of Property:** 5356 New Morin Road, Portland District
**Purpose of Application:** Consent for the creation of a new residential lot
**Date of Hearing:** October 14, 2021

---

**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** | Rural | Rural |
| **Zoning** | Rural | Rural |
| **Area** | +/- 0.9 hectares (+/- 2.2 acres) | +/- 15.9 hectares (+/-39.4 acres) |
| **Frontage on Road** | A minimum of 76 metres (250 feet) on Vanluven Road | +/- 645 metres (+/-2116 feet) on New Morin Road |
| **Frontage on Water** | N/A | N/A |

## Background

By-law 2020-27 delegates approval of undisputed consent applications to the Director of Development Services, or their designate. This application does not meet all the By-law 2020-27 criteria for an undisputed consent application as there are unresolved agency and public concerns, and it has yet to be demonstrated that the application conforms to all applicable policies. Therefore, the Director of Development Services cannot make a decision on the application. The Committee of Adjustment will hear the application at its October 14th meeting.

## Proposal

The purpose of this consent application is to create one new residential lot (Lot 2). This application is being processed concurrently with consent applications S-11-21-P (Lot 1) and S-13-21-P (Lot 3).

The subject property is located east of New Morin Road and north of Vanluven Road. The intersection of New Morin Road with Vanluven Road is located at the southwest corner of the subject property. There are two unopened road allowances adjacent to the subject property. The first unopened road allowance is adjacent to the southern property line, and extends from Vanluven Road

east to Knowlton Lake Road. The second unopened road allowance is adjacent to the eastern property line, and extends south from New Morin Road to Knowlton Lake Road.

The subject property is located east of Knowlton Lake, which is an at-capacity Lake Trout Lake. There is a large unevaluated wetland in the south-east half of the subject property. The wetland is connected to Knowlton Lake. The subject lands were historically used for mineral aggregate (sand) extraction. There is residential development along New Morin Road, Vanluven Road and along the second unopened road allowance in the area of the subject lands. There is also an existing farm entrance off New Morin Road which starts at the top of the steep elevation on the severed parcel S-11-21-P and gently slopes down towards the south in the direction of the retained lands and proposed severed parcel S-12-21-P. The surrounding area consist of a mix of forest, farmland and wetlands.

The severed parcel (Lot 2) consists of approximately 0.9 hectares (2.2 acres) of land with a minimum of 76 metres (250 feet) of frontage on Vanluven Road. Lot 2 is located directly to the south of lot 1. The unopened road allowance that runs from the end of Vanluven Road to the east is adjacent to the southern property line of the severed parcel. The severed parcel is located on the west side of the subject property and consists of a mix of forest and shrubs. The topography of the severed parcel can be described as having steep elevation along Vanluven Road which drops down quickly in elevation roughly 10 metres from the road. There does not appear to be a level plateau on the severed parcel. The bottom of the ridge is located on the retained parcel. There is a watercourse near the bottom of the slope. The watercourse flows from Vanluven Road into the unevaluated wetland on the retained parcel. The severed parcel is located within 300 metres of the wetland connected to Knowlton Lake.

The retained parcel consists of approximately 15.9 hectares (39.4 acres) of land with approximately 645 metres (2116 feet) of frontage on New Morin Road. The retained parcel is developed with a dwelling, a pool, an unoccupied barn, and several accessory buildings. A portion of the dwelling is located on the north-south unopened road allowance. The steep ridge on the severed parcel S-11-21-P also runs along the New Morin Road frontage of the retained parcel. There is a plateau at the bottom of the ridge, and then another drop in elevation to the unevaluated wetland, which is connected to Knowlton Lake. There is a watercourse on the southern portion of the retained parcel that flows from Vanluven Road into the unevaluated wetland.

**Environmental Impact Assessment Review**

The applicant submitted two Environmental Impact Assessments (EIA) in support of the consent application (Ecological Services, dated March 2, 2021 and Ecological Services, dated July 30, 2021). The March 2021 EIA assessed the area of S-11-21-P (Lot 1) and S-12-21-P (Lot 2), while the second EIA assessed the area ofS-13-21-P (Lot 3) and the retained lands.

The subject property was assessed for wetlands, woodlands, fish habitat, species at risk and significant wildlife habitat. The consultant concluded that the wetland and woodland on the subject property are not significant. Also, that the watercourse is a drainage feature for runoff from Vanluven Road. They concluded that Lots 1, 2 and 3 have low potential to contain species at risk and significant wildlife habitat. They also concluded that development would have no negative impact on the fish habitat in Knowlton Lake. The retained parcel contains a potential turtle nesting site.

The EIAs identified a building and sewage system location on Lot 1 adjacent to New Morin Road at the top of the ridge. On Lot 2, a building and sewage system location was identified in the woodland patch adjacent to the watercourse, however it was noted that this location has steep slopes which could be a safety hazard. Both of these locations are reported to be approximately 675 metres from Knowlton Lake and 300 metres from the unevaluated wetland. The existing development on the property would be contained on Lot 3.

On the retained parcel, a building and sewage system location was identified on plateau between New Morin Road and the top of the ridge in the northeast corner of the retained parcel beside Lot 3. No distance was included from the identified building envelope to the lake and the wetland.

The July 2021 EIA disagrees with the assertion that the wetland forms part of Knowlton Lake and that the policies about development adjacent to at-capacity lake trout lakes are applicable.

A general recommendation was that any tree clearing take place outside the bat maternity roosting season and the migratory bird breeding season. Another recommendation was that the lands should be assessed for turtle nesting areas for any development outside the identified building and sewage system locations.

## Department, Agency and Public Comments

**Public Services** –Comments received from Public Services on September 17, 2021 indicate that staff were not able to conclude if there is an appropriate entrance location on the severed parcel (Lot 2) that will meet the sight line requirements of By-law 2000-01. They also raised concerns regarding safe access for the retained parcel as the slopes at the roadside along New Morin Road are excessive. Public Services requires the applicant to mark the proposed property lines in the field along with the desired entrance locations so that Public Services staff can properly assess entrance requirements.

**Building Services (Sewage System Review)** – A proposed new lot must be assessed to determine whether the site and soil conditions are suitable to support a sewage system.

As part of the consent application process, applicants are required to dig test holes on the severed parcel, and to book an inspection through Building Services so that a Building Inspector can assess the site conditions for a sewage system. To date, Building Services has not been contacted to arrange an inspection of test holes. Therefore, the suitability of the lots for sewage systems has not been assessed.

**Cataraqui Conservation** – Comments received from Cataraqui Conservation on September 17, 2021, identified concerns on whether there is a viable building and sewage system location on the severed parcel. Cataraqui Conservation staff noted that there does not appear to be sufficient area between New Morin Road and the top of the ridge for the building location identified in the EIA (Ecological Services, dated March 2, 2021), when zoning provisions are applied (e.g. setback from front lot line). Development should not occur on the slope without a geotechnical study to demonstrate that development can safely occur on the slope. Any development proposed outside the location identified in the EIA should require additional ecological assessment, as any other location would be located closer or within some of the features that the EIA identified as needing further study, specifically regarding potential species at risk.

Cataraqui Conservation Staff consider the wetland to be part of Knowlton Lake since the wetland is hydrologically connected to the lake. They noted that the applicant has not demonstrated that the future development on the severed parcel will be able to meet the required 300 metre setback from a highly sensitive (at-capacity) lake trout lake, being Knowlton Lake.

Cataraqui Conservation recommended deferral of this application until a plan has been prepared to demonstrate that a suitable building envelope is available on the severed parcel that conforms to current zoning and regulatory requirements.

It was noted that a permit under O. Reg 148/06 may be required for future development on the subject property. The applicant or future owner of the property must contact Cataraqui Conservation at the building permit stage.

**Ministry of Environment, Conservation and Parks** – In a letter dated April 15, 2021, the Ministry of Environment, Conservation and Parks (MECP) identified Knowlton Lake as an at-capacity lake which generally means that no development including land division should occur within 300 metres that would result in further impairment to water quality and fish habitat. MECP noted that there is a tributary creek system and a treed swamp within 300 metres of the proposed severances that would provide direct surface water connectivity to the sensitive surface water feature of Knowlton Lake and therefore impact the water quality.

In a letter dated October 6, 2021, MECP indicated that they consider the wetland to be part of the lake. Any measurement of the distance between the sewage systems on the proposed lots must therefore be taken to the western edge of the wetland boundary. , MECP also requires a site diagram showing the location of the sewage system in order to determine whether the tile beds would be beyond or within 300 metres of the lake. MECP also requires a site-specific soils investigation to be prepare by a qualified professional and outlines the requirements that must be met.

**Public Comments** – The owner of 5117 Knowlton Lake Road requested more information about the application and noted concerns with respect to encroachment into the wetland and Township boundary lines (i.e. unopened road allowances). They indicated that the applicant trespassed onto their property and has tried to purchase the unopened road allowance to allow for 4 wheeler tracks.

The owner of 5356B New Morin Road indicated serious objections to the application. They the severance (Lot 3), would impact the entrance to their property and their ability and the ability of Emergency Services to safely access their property. They also note concerns regarding nuisance from the applicants. Lastly, the neighbour indicates that they have concerns with respect to their well.

**Planning Services** – Planning Staff became aware that on the public meeting notice sent out, the road for the severed parcel was listed incorrectly. It should be 76 metres on Vanluven Road, not New Morin Road. Staff are confident that the application can proceed with a deferral recommendation and will make the correction to the notice if/when further notification is needed.

Planning Staff reviewed the submitted EIAs. They note that the building location identified for Lot 2 (S-12-21-P) would require a slope stability study and demonstrate that a building envelope is able to meet a 30 metre setback from the watercourse.

## Planning Analysis

### Rural Residential Development

Rural Residential policies (section 5.7.4(ii)) require the severed parcel to be serviced by private water and sanitary sewage disposal systems which shall be approved by the appropriate authority. It has yet to be demonstrated that the severed parcel has the ability to be serviced by a private sewage disposal system.

Township Staff have concerns that the frontage of the severed parcel (Lot 2) on Vanluven Road would be less than what is required as there is uncertainty as to where the road allowance begins. It is recommend that a survey be undertaken prior to the Committee making a decision on the three consent applications to determine the exact total road frontage that Lot 2 would have on the travelled portion of New Morin Road.

There are concerns with entrancing including sightlines, topography challenges and safe access for the proposed severed parcel and the retained parcel. A farm entrance that has not been permitted by Public Services cannot be considered as an existing driveway and the property will have to be further evaluated for suitable entrancing and sight lines.

**Protecting Natural Heritage & Natural Hazards**

The Township of South Frontenac Official Plan has policies with respect to creation new lots within 300 metres of an at capacity lake trout lake. Based on direction from MECP, the 300 metre setback is measured from the edge of the wetland, not the edge of the lake as the wetland provides direct surface water connectivity to the sensitive surface water feature of Knowlton Lake therefore impacting local water quality. The submitted EIAs did not address the 300 metre setback to the at capacity lake trout lake. It has yet to be demonstrated that there is sufficient area on the severed parcel and the retained parcel for sewage disposal systems to be located outside the 300 metre setback from the edge of the wetland.

It has also yet to be demonstrated that there is sufficient area on the severed parcel for any development (including sewage disposal system) to occur more than 30 metres from the watercourse that is located on Lot 2.

**Compatibility Between Uses (MDS)**

There is an unoccupied barn on the subject property. Minimum Distance Separation (MDS) I Calculations have not been completed to date. It is the understanding of Staff that a demolition permit has been obtained for the barn on the retained parcel. To date, the barn has not been demolished. As long as the barn remains, MDS I calculations would be required.

**Township of South Frontenac Zoning By-law**

There are concerns that the building envelope on the severed parcel identified through the EIA is located within the 20 metre setback front yard as per the zoning by-law for rural lots and is not suitable for development. It has not been demonstrated that the severed parcel can be developed in accordance with the applicable provisions of the Zoning By-law.

## Conclusion

There are several items that require further review and consideration before the Committee of Adjustment should make a decision on application S-12-21-P.

Therefore, 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 S-12-21-P in order to provide the applicant and/or agent an opportunity to:

1. Submit confirmation that the barn on the subject property has been demolished or to submit Minimum Distance Separation Calculations.
2. Submit a survey sketch that demonstrates that there is are suitable building and sewage system locations, and parking spaces on the severed parcels and the retained parcel. The survey sketch must identify the following:
    a. a potential location for a septic tank, tile bed, and buildings, outside of any hazards (such as the ridge and steep slopes), and that complies to current zoning and regulatory requirements
    b. the 300 metre setback from the edge of the wetland and Knowlton Lake
    c. a proposed location for sewage systems on the severed parcel and retained parcel including the distances to all property lines, watercourses and to the wetland edge and Knowlton Lake
    d. the proposed entrance location and location for parking for the severed parcel and the retained parcel

e. confirmation of the total road frontage for each parcel and identify on severed parcel S-12-21-P the end of the travelled portion of Vanluven Road and the start of the unopened road allowance

f. Provide confirmation of unopened Road Allowance closure along New Morin Road to Knowlton Lake Road and/or approval by Council and access or demonstrate alternative access to existing development on the retained parcel

3. Submit any additional ecological assessment required to support the proposed identified building and sewage system locations.

4. Engage the services of a qualified professional to undertake and complete a site-specific soils investigation to the satisfaction of the Ministry of Environment, Conservation and Parks and Township Staff.

5. Demonstrate that the severed parcel and retained parcel have the ability to be serviced by a private sewage disposal system, including the digging of test holes in the proposed and identified sewage system location.

6. Engage the services of a qualified professional to undertake and complete geo-technical study to demonstrate that development can safely occur on the severed parcel and retained parcel.

**Submitted by:** Anna Geladi, Planner

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

**Date of Site Visit:** September 14, 2021

PROPOSED LOT #3

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

Date Received: March 18, 2021 File No: S-13-21-P

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): 5006755 ONTARIO LTD.

   **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: S. BEACH

   **Full Mailing Address** of Authorized Agent: [redacted]

   Phone number of Authorized Agent: [redacted]

   Email Address of Authorized Agent: [redacted]

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

   AUTHORIZATION ON FILE.
   Signature(s) of Owner(s)

3. The description of the subject land:

   District: ☐ Bedford ☐ Portland ☐ Loughborough ☐ Storrington

   Concession Number: 8 Lot Number: 1.

PROPOSED LOT #3.

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

Street Number: 5356 Name of Road/Street: NEW MORIN RD., VANLUVEN RD

Reference Plan Number: 13R-7006. Part Number(s): PART 1

Roll Number: _____

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

Frontage (on water): N/A Frontage (on road/lane): 0.00' VAN LUVEN: ~~250'~~ NEW MORIN RD.: ~~384~~ 39.42 2,116.08

Depth: IRREGULAR Area: ~~43.75~~ 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.

A NEW LOT.

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

a. The frontage, depth and the area in metric (area can be acres). **(Complete this section for a new lot only)**

| Proposed New Lot: | | Retained Lot: | |
|---|---|---|---|
| Frontage On Road | (NEW MORIN RD) 282.54' | Frontage On Road | 0.00' VANLUVEN RD. 1,837.51' - NEW MORIN RD |
| Frontage On Water | N/A. | Frontage On Water | N/A |
| Depth | ≈ 490' | Depth | IRREGULAR. |
| Area | ≈ 2.41 ACRES. | Area | ≈ 37.01 ACRES. |

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

| | Existing Uses | Proposed Uses |
|---|---|---|
| New Lot: | EXISTING RESIDENTIAL. | SAME. |
| Retained: | VACANT RURAL. | SAME. |

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

| | Structures Existing | Structures Proposed |
|---|---|---|
| New Lot: | SINGLE FAMILY RESIDENCE WITH OUTBUILDINGS | NONE. |
| | Structures Existing | Structures Proposed |
| Retained Lot: | NONE | NONE. |

(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 Road: | |
| Frontage On Water: | | Frontage On Water: | |
| Depth: | | Depth: | |
| Area: | | Area: | |

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

| | Present Use of Property | Proposed Use of Property |
|---|---|---|
| Lot Addition or R.O.W: | | |
| Retained: | | |
| | Structures Existing | Structures Proposed |
| Lot Addition (or R.O.W.): | | |
| Retained Lot: | | |

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***):

UNKNOWN

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.): VANLUVEN NEW MORIN ROAD

The retained lot: NEW MORIN ROAD, INTERNAL ROW.

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: PRIVATE WELL Retained Lot: PRIVATE WELL.

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

New Lot: PRIVATE SEPTIC Retained Lot: PRIVATE SEPTIC.

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

RURAL.

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

(a) The file #: UNKNOWN (b) The decision on the application: _____

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

_____

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

(b) The file #: UNKNOWN. (b) The decision on the application:

_____

(c) The current use of the land: _____

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

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

a) The boundaries and dimensions of the subject land, the part that is to be severed and the part that is to be retained.
b) The location of all land previously severed from the parcel (if applicable) originally acquired by the current owner of the subject land.
c) The approximate location of all natural and artificial features on the subject land and on the abutting lands. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, barns, wetlands, wooded areas, wells and septic tanks. Show distance of these features from the applicant's property lines.
d) The current uses of land that is abutting the subject land, such as residential, agricultural and commercial uses (if agricultural, please indicate the approximate distance of any barn structure from the proposed new lot).
**Note: The existence of a nearby barn or other farm type structure may affect the success of your application because of incompatibility issues. Please check with the Planning Department regarding the implications of any farm structure, on your application.**
e) The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way.

## 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.

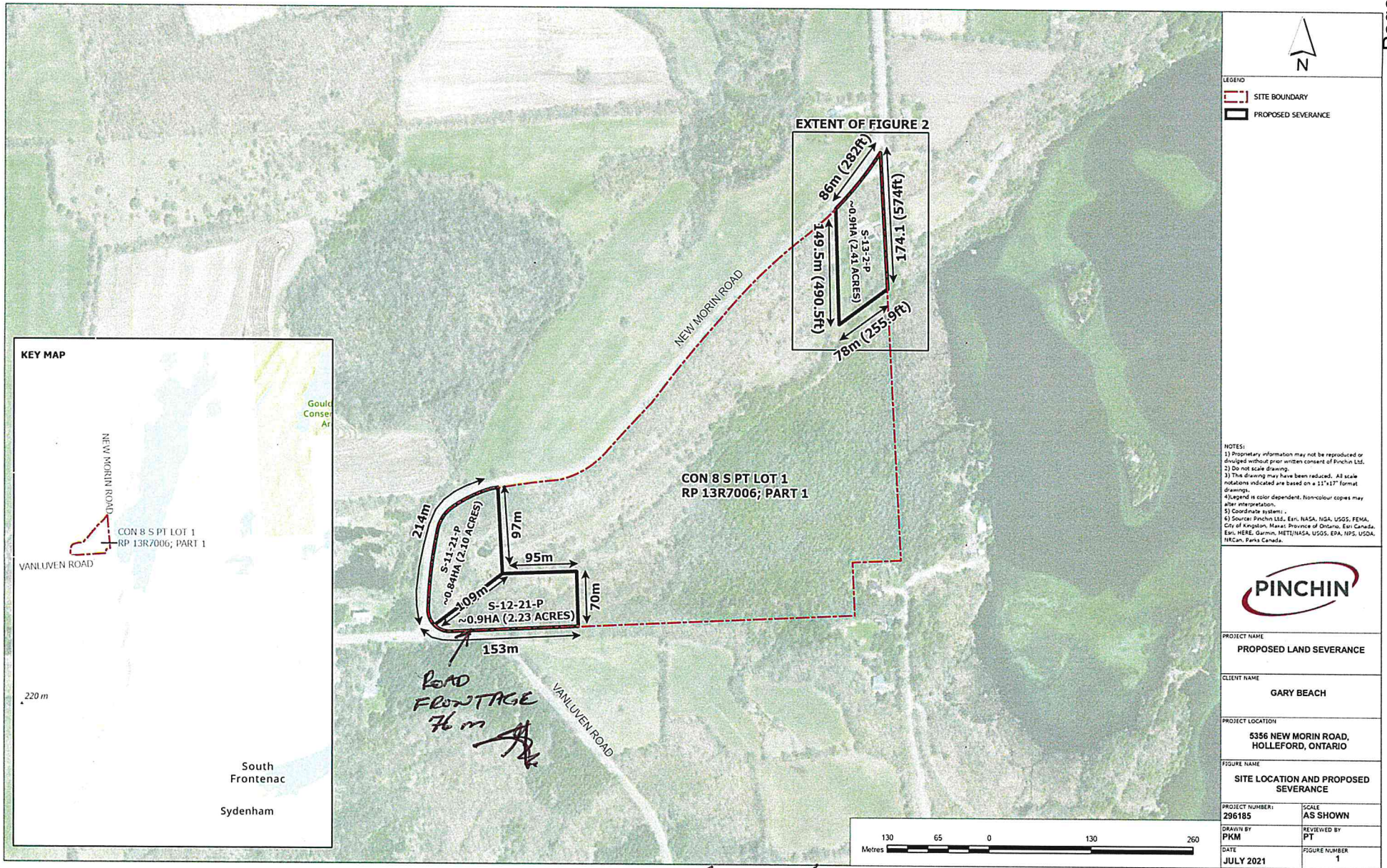
The Owner/Applicant agrees to reimburse and indemnify the municipality for all fees and expenses incurred by the municipality to process the application, including any fees and expenses attributable to proceedings before the Ontario Municipal Board or any court or other administrative tribunal if necessary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

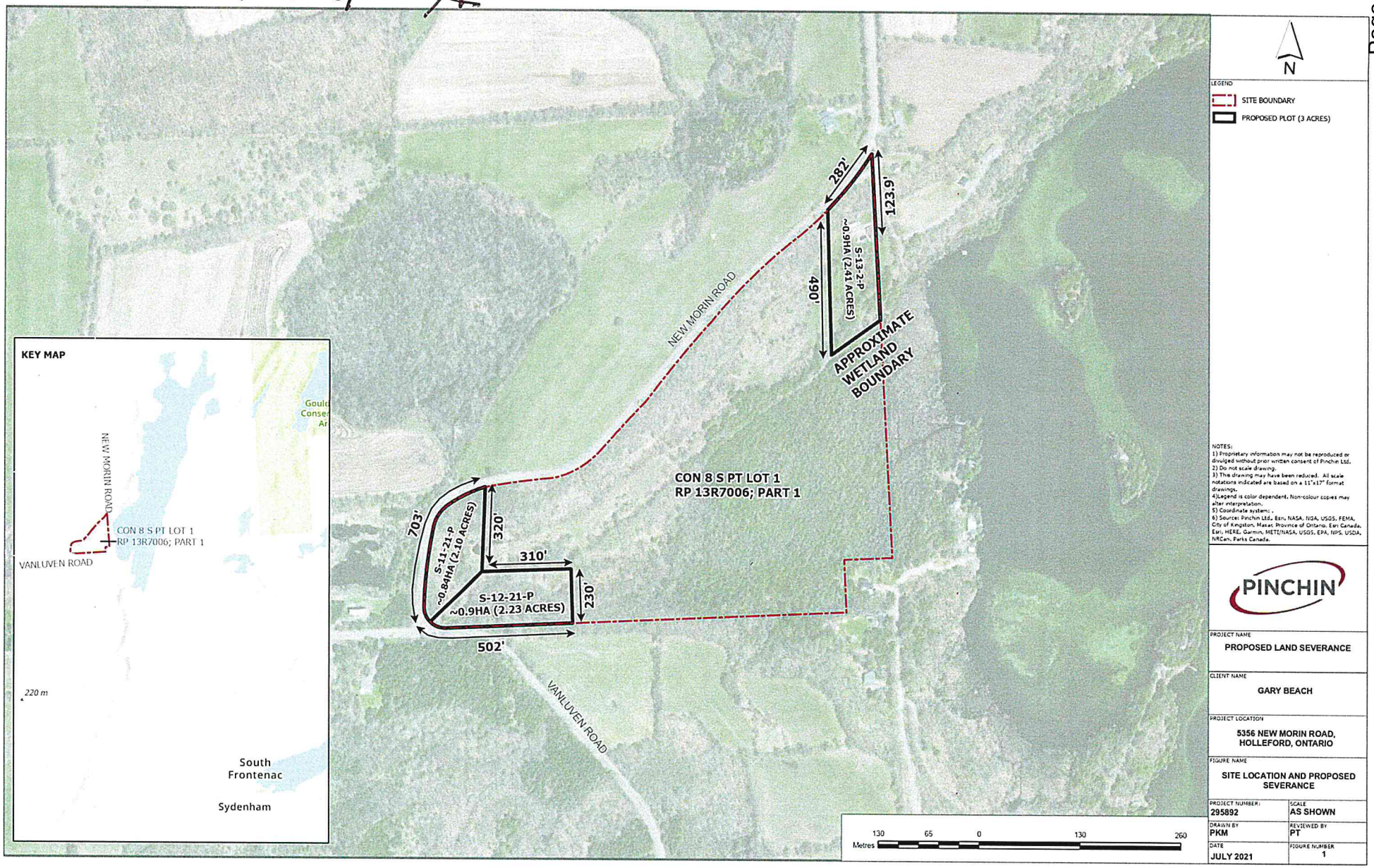
The Owner/Applicant further agrees that, until such requests have been complied with, the municipality will have no continuing obligation to process the application or attend or be represented at the Ontario Municipal Board or any court or other administrative proceeding in connection with the application:

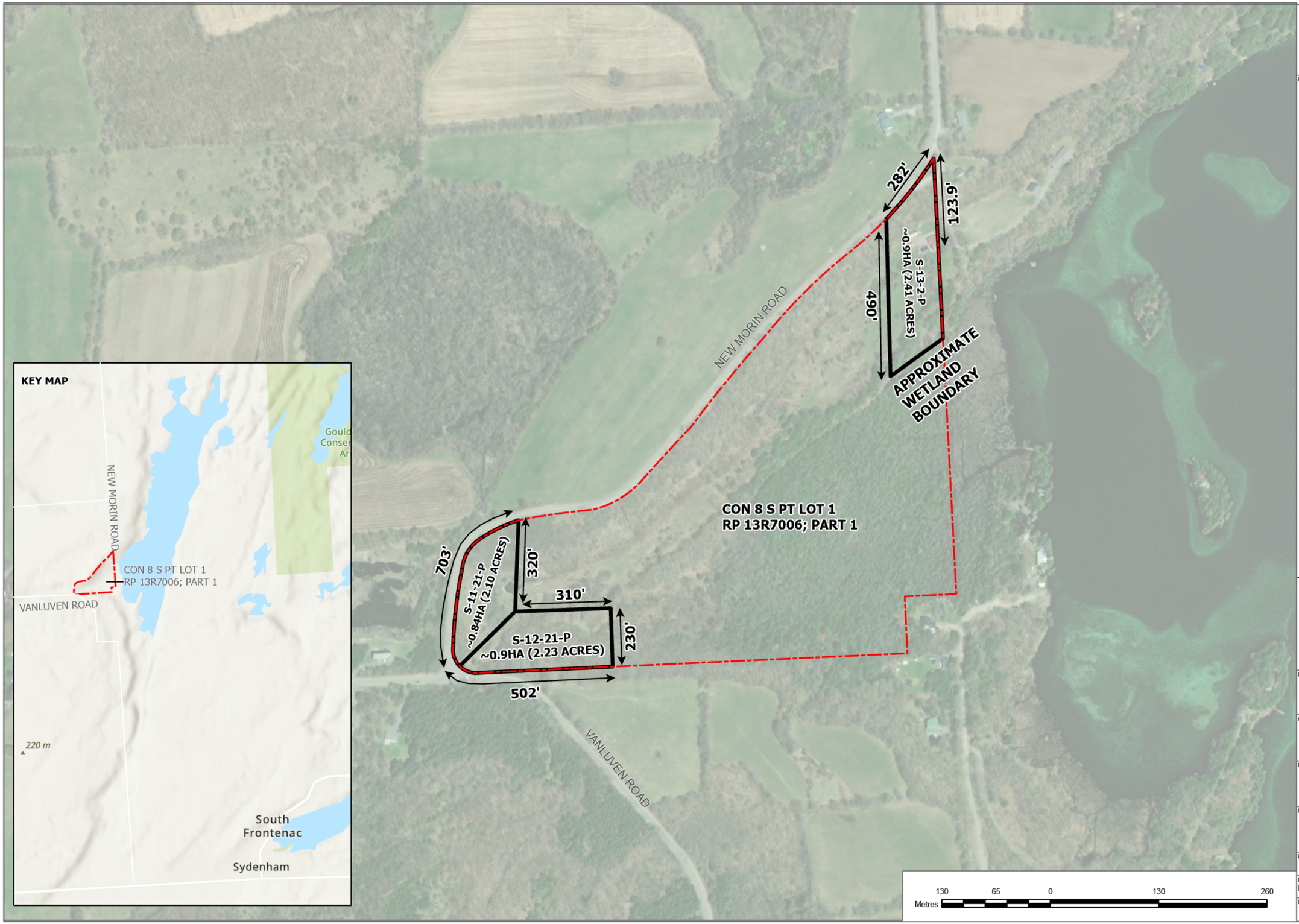
f) If access to the subject land is by water only, the location of the parking and boat docking facilities to be used.
g) The location and nature of any easement affecting the subject land.
h) The location of any abandoned wells on the property.
i) **Please prepare your sketch so that North is at the top of the page.**




FINAL DATED AUG. 26/21

FINAL AG 26/21



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5) Coordinate system: .
6) Source: Pinchin Ltd., Esri, NASA, NGA, USGS, FEMA, City of Kingston, Maxar, Province of Ontario, Esri Canada, Esri, HERE, Garmin, METI/NASA, USGS, EPA, NPS, USDA, NRCan, Parks Canada.

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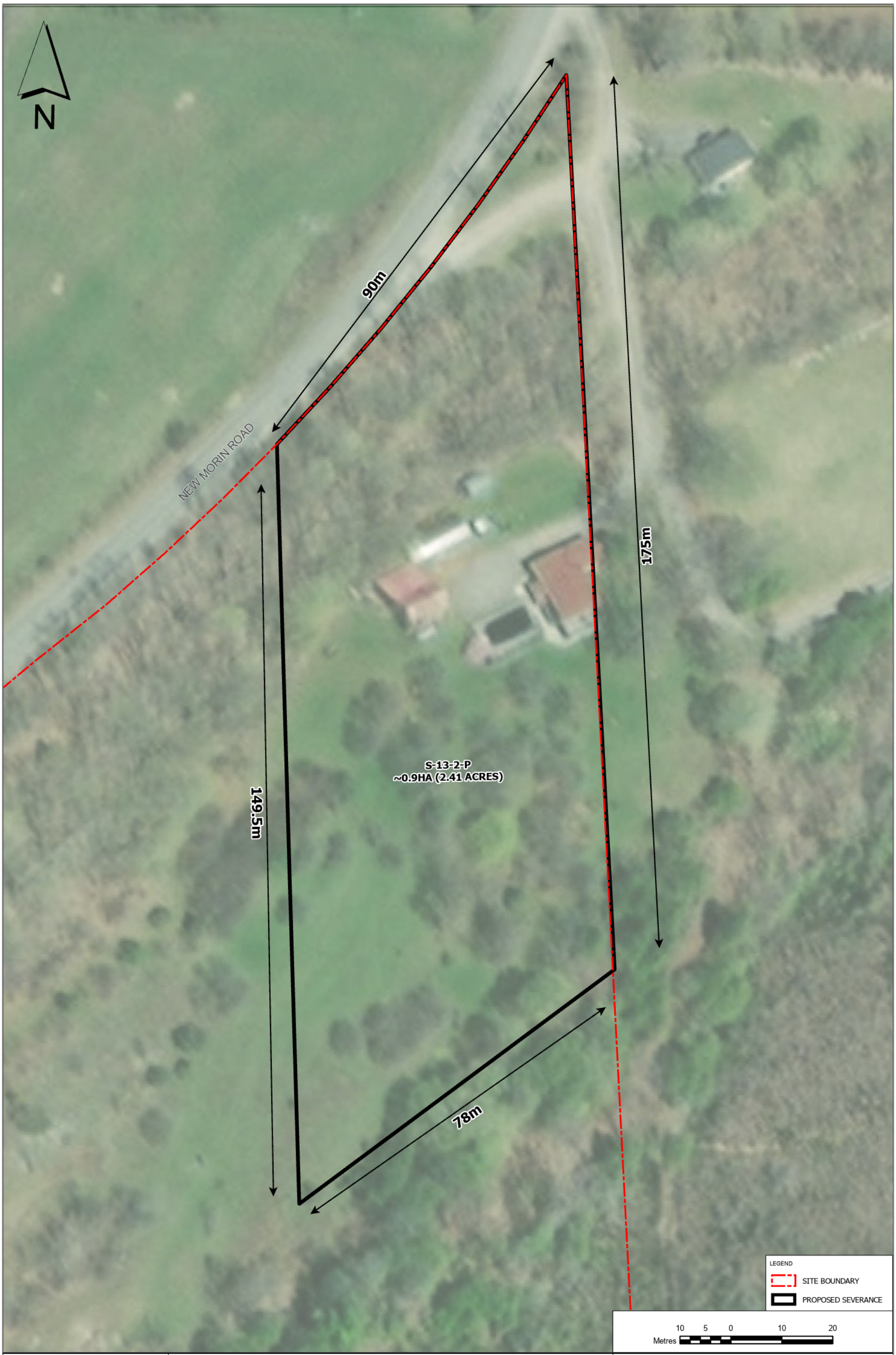
PROJECT NAME
**PROPOSED LAND SEVERANCE**

CLIENT NAME
**GARY BEACH**

PROJECT LOCATION
**5356 NEW MORIN ROAD, HOLLEFORD, ONTARIO**

FIGURE NAME
**SITE LOCATION AND PROPOSED SEVERANCE**

| PROJECT NUMBER: | SCALE |
|---|---|
| 295892 | AS SHOWN |
| DRAWN BY: PKM | REVIEWED BY: PT |
| DATE: JULY 2021 | FIGURE NUMBER: 1 |

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| | | | | | |
|---|---|---|---|---|---|
| PROJECT NAME: PROPOSED LAND SEVERANCE | | | | | |
| CLIENT NAME: GARY BEACH | | | | | |
| PROJECT LOCATION: 5356 NEW MORIN ROAD, HOLLEFORD, ONTARIO | | | | | |
| FIGURE NAME: S-13-2-P SITE DETAILS | | | | | FIGURE NUMBER 2 |
| PROJECT NUMBER: 296185 | SCALE: AS SHOWN | DRAWN BY: PKM | REVIEWED BY: PT | DATE: JULY 2021 | |

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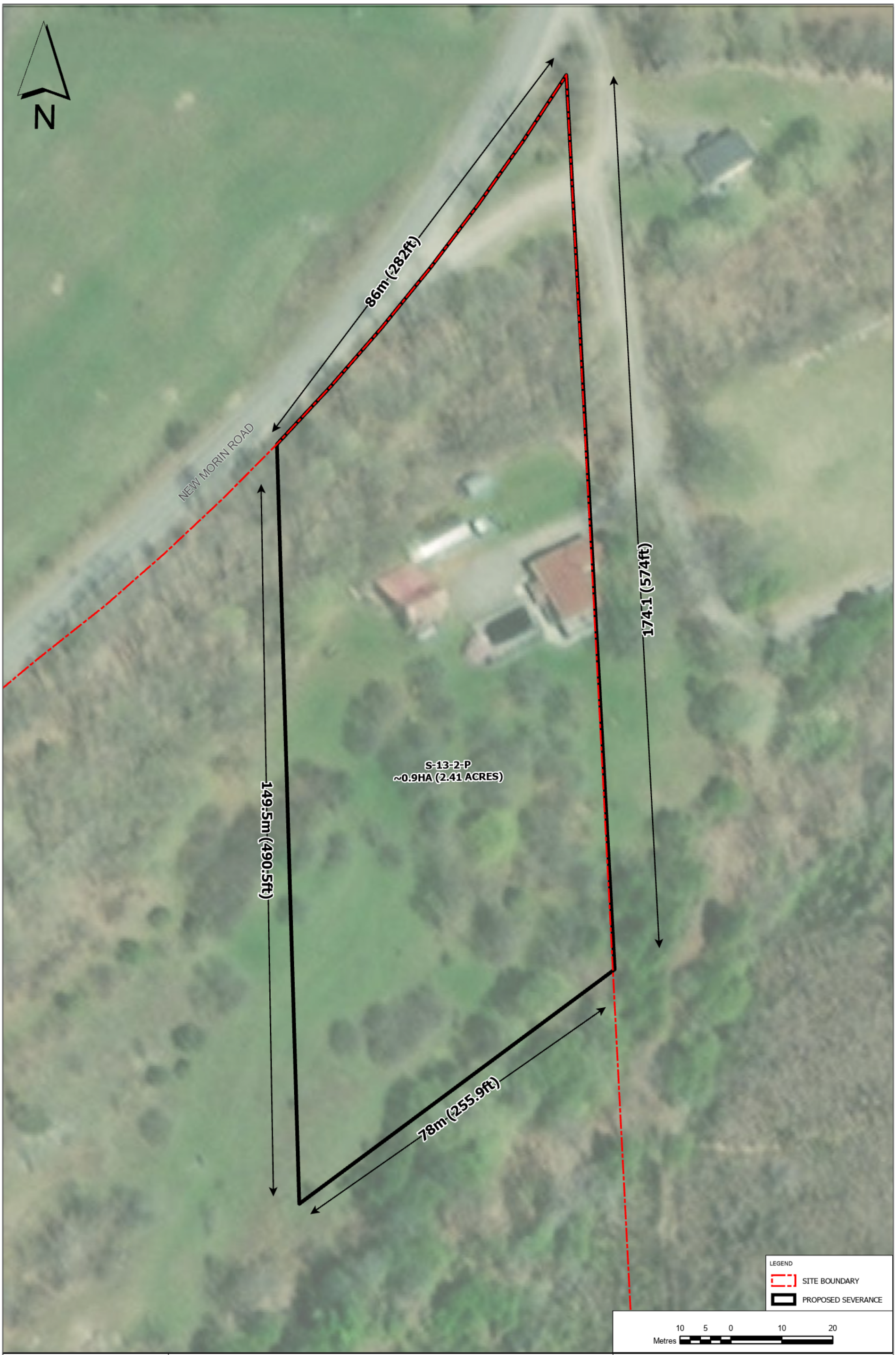
6) Source: Pinchin Ltd., Esri, NASA, NGA, USGS, FEMA, City of Kingston, Maxar, Microsoft, Province of Ontario, Esri Canada, Esri, HERE, Garmin, METI/NASA, USGS, EPA, NPS, USDA, NRCan, Parks Canada.

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| | |
|---|---|
| PROJECT NAME: | PROPOSED LAND SEVERANCE |
| CLIENT NAME: | GARY BEACH |
| PROJECT LOCATION: | 5356 NEW MORIN ROAD, HOLLEFORD, ONTARIO |
| FIGURE NAME: | S-13-2-P SITE DETAILS |
| FIGURE NUMBER | 2 |

| PROJECT NUMBER: | SCALE: | DRAWN BY: | REVIEWED BY: | DATE: |
|---|---|---|---|---|
| 296185 | AS SHOWN | PKM | PT | AUGUST 2021 |

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4)Legend is color dependent. Non-colour copies may alter interpretation.
5) Coordinate system: .
6) Source: Pinchin Ltd., Esri, NASA, NGA, USGS, FEMA, City of Kingston, Maxar, Microsoft, Province of Ontario, Esri Canada, Esri, HERE, Garmin, METI/NASA, USGS, EPA, NPS, USDA, NRCan, Parks Canada.

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

March 2, 2021

C/O Gary Beach
PO Box 98 Battersea ON
K0H 1H0

**Via Email: beachgaryj@gmail.com**

**RE: ENVIRONMENTAL IMPACT ASSESSMENT (EIA)**
**New Morin Road**

Dear Mr. Beach

At your request we undertook this EIA due to the intention of 5006755 Ontario Ltd. to sever two lots at the west end of 5356 New Morin Road. The purpose of this EIA is to determine if the development of these two lots will constitute negative impacts to natural heritage features for the purposes of the Provincial Policy Statement and the South Frontenac Official Plan.

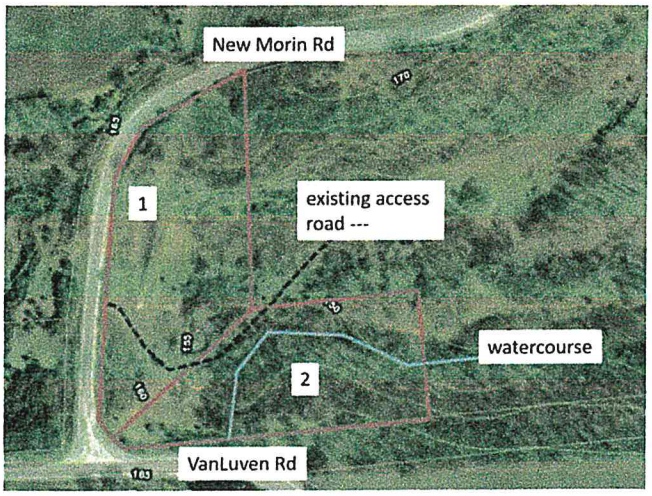
Image features include:

Red lines: The two lots identified as "1" and "2".

Light Blue Line: A watercourse.

Dashed Black Line: Existing access road.

Light Green: Contours.




To complete this EIA work, Rob Snetsinger of Ecological Services visited the site on Oct. 18 and Dec. 5, 2020. It is understood that this is not the best time of year to undertake field work for an EIA, but the Cataraqui Region Conservation Authority (CRCA) does recognize field work at this time of year if a conservative approach is taken.

The property at 5356 New Morin Road has been used for aggregate extraction and the natural heritage features of the lots has been negatively influenced by this history of disturbance from past sand extraction operations as well as the construction and operation of Vanluven and New Morin Roads.

The entire property of 5356 New Morin Road contains wetland, significant woodland features, possible Species at Risk habitat, and potential significant wildlife habitat. It is also adjacent to wetland, fish habitat and Knowlton Lake, which has been designated as a sensitive lake trout lake in the South Frontenac Township Official Plan (OP). However, the proposed severance lot locations are at the west end of 5356 New Morin Road, which puts them more than 200 m from the Knowlton Lake wetland and about 600 m from fish habitat in Knowlton Lake, which is well beyond a potential impact range for the impacts of two housing lots. Due to the habitat features of the proposed lots, their potential to contain viable Species at Risk and significant wildlife habitat is low.

Lot 2 (i.e., the southern most) has some features that will provide some challenges with respect to the location of a future house. These include a steep forested slope and a watercourse. We normally recommend avoid building within a steep forested slope if there is a sensitive aquatic feature at the base of the slope, but that is not the case here, as the wetland is about 220 from the closest slope of Lot 2 and Knowlton Lake is about 600 m from the closest base of the Lot 2 slope. However, this steep slope can represent a safety hazard and we defer to building restrictions by the Township in this regard.

The watercourse is intermittent and is strictly a water conveyance in that it conveys roadside ditch water from Vanluven Road. It is directed eastward through Lot 2 towards a swamp, a water travel distance of about 280 m. Once entering the swamp, it diffuses outwards, thus providing a further 385 m of buffering to Knowlton Lake. We defer to the CRCA in regard to potential conflicts with Ontario Regulation 148/06 and the watercourse but note that from an ecological perspective we do not have concerns with any proposed engineered stormwater alterations to this watercourse within Lot 2.

Overall, we have few concerns regarding natural heritage impacts with the proposed severed lots. Nevertheless, some mitigation recommendations are provided as follows:

- Building location discussions with the CRCA and South Frontenac Township regarding the watercourse and the forested slopes of Lot 2 are recommended.

- If construction activity is to be closer than 15 m to the watercourse, or if watercourse alterations are to occur, then silt fencing and hay bale sediment barriers should be erected and be maintained until the completion of the construction project.

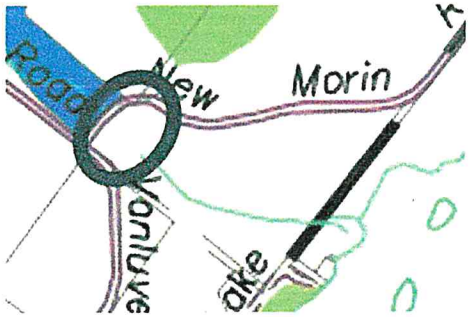
- Initial tree clearing should take place outside of the SAR bat maternity and roosting season (mid-April to mid-Sept.). If trees need to be cleared during the active season, then targeted trees will need to be first surveyed by a qualified

biologist to determine if SAR bat activity is present in any one tree. If this is the case, then that tree will need to remain until mid-Sept.

- Initial shrub and tree clearing should take place outside of the Migratory Birds Convention Act breeding season (April 15 to Aug. 15). If it is necessary to clear trees during the maternity/roost season, then targeted trees will need to be first surveyed by a qualified biologist to determine if maternity/roost activity is present in any one tree. If maternity/roost activity is present, that tree will need to remain until mid-August.

- SAR turtles are not expected on the potential building areas, but there are potential risks to nesting turtles if later development is proposed for the remainder of 5356 New Morin Road. If that is to occur, it is recommended that appropriate Ministry of Natural Resources and Forestry turtle survey protocols be employed.

**Background**




The approximate area of the severances is circled in dark blue in the adjacent cut out from Schedule A of the South Frontenac Official Plan (OP). The underlying white means it is rural zoning. The light blue line represents the existing watercourse. The dark blue shading on the property on the west side of New Morin Road represents a Mineral Aggregate designation. The light green shading areas to the east and north represent Environmental Protection Areas (EPA). The EPA area to the north is wetland and is within 120 m of the northernmost severance.

Species at Risk (SAR) are those that are designated as either endangered or threatened by the province under the Endangered Species Act, and SAR screening for the severances and the adjacent lands was undertaken using the MNRF (2018) and MECP (2019) screening protocols. There is the potential for Blanding's Turtles (Threatened) to be in Knowlton Lake and the property is within the habitat range of the Gary Rat Snake (Threatened). Species at Risk bats (Endangered) are thinly dispersed throughout the region as well. These three will be discussed further on.

Barn Swallows (Threatened) have been reported in the region, but there are no suitable Barn Swallow nesting features in the severance properties. Bobolink (Threatened) and Eastern Meadowlark (Threatened) are also reported for this region, but these are field birds, which is not present within the severance lands. Whip-poor-will (Threatened) are reported for the region, but the severance lots do not contain favorable Whip-poor-will features.

## Ecological Land Classification

Ecological Land Classification (ELC) mapping (Figure 1) for the severance lots was based on Lee et al., (1998). The ELC mapping terms are described further on.

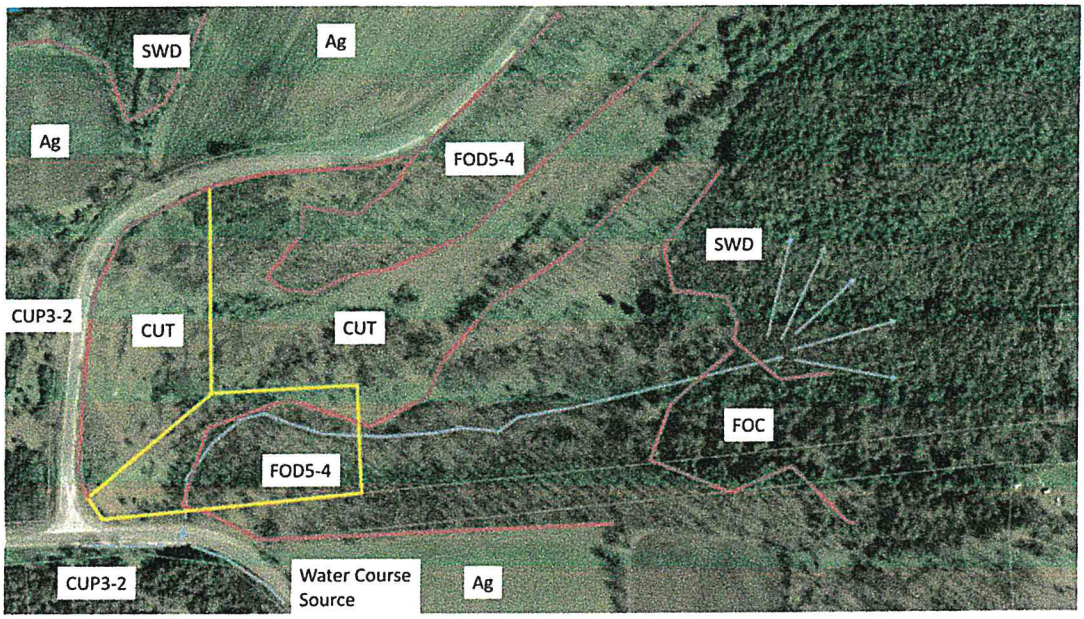



**Figure 1.** ELC mapping. The red lines separate the ELC types, the yellow lines are the approximate property boundaries of the two lots, and the light blue line represents a water course that collects stormwater from the south side of Vanluven Road and directs it through a culvert, where it eventually diffuses out into a swamp.

**Ag (Agricultural):** The nearby fields have been used for both cash crop purposes and for hay production.

**CUT (Cultural Thicket):** A shrub and tree sapling area dominated by Staghorn Sumac, European buckthorn, and prickly ash. It also contains tree saplings, mainly composed of white ash. This is the area with the lowest ecological value of Lots 1 and 2.

**CUP3-2 (White Pine Coniferous Plantation Type):** As the name implies, these are white pine dominated plantations that appear to be primarily planted as road buffers along Vanluven Rd. and New Morin Rd.

## Impact Discussion – Natural Heritage Features

### Species at Risk (SAR)

Blanding's Turtle: There is the potential for Blanding's Turtles (Threatened) to be present in nearby Knowlton Lake. However, at a separation distance of more than 600 m, any turtle habitat (e.g., feeding and overwintering) in the lake itself would not be at risk from development associated with the proposed severances.

Blandings Turtles travel overland to reach other suitable wetlands (i.e., ones with some open water) for feeding, mating, and overwintering purposes. The severance properties do not contain such wetlands, and the more likely movement directions for these purposes would be north towards Holleford Creek, or east towards the many Canadian Shield lakes and ponds located between Knowlton Lake and the Gould Lake Conservation Area.

Blanding's Turtles also travel overland to reach prospective nest laying sites. The straight-line travel distance from the lake to the severance properties of about 675 meters, is at the outside range for this purpose, but still possible for egg laying purposes. However, a suitable egg laying site must be open to the sun to support egg incubation, and except for the access road, the severance properties do not contain ideal egg laying features. For obvious reasons, a roadway should not be considered a suitable egg laying site.

Portions of the remnant sand pit that extend east of the Lot 1 severance property contains egg laying features and a depredated Painted Turtle nest site was observed here. If Blanding's Turtle nesting did occur here, it would put both severance properties within Category 3 Habitat, which as noted in MNR (undated 1) does have a tolerance to nearby alterations.

In our opinion, the development of the two lots would not pose a risk to Blanding's Turtles, but if development is proposed on the property further to the east in the old sand pit, it is recommended that it be preceded by the requisite survey visits described in MNRF (2015). As is noted in MNRF (2015), if the appropriate surveys are undertaken and no Blanding's nesting is found to occur, then it is indicated that nesting is unlikely.

Gray Rat Snake (Threatened): This snake has been observed in the region, and we did discover a hibernacula on the Gould Lake property, approximately 3 km to the east, in association with the multi pond Canadian Shield habitat. This Canadian Shield habitat that extends east and north of Knowlton Lake is typical Gray Rat Snake habitat. They avoid the flatter farm areas to the west and south that includes the severance properties. We have discussed this geographic area avoidance with Dr. Pat Weatherhead, whose research has been responsible for much of the ratsnake knowledge in the province. There is no clear reason, but it may be a predator avoidance strategy in this more open habitat.

The intention of Gray Rat Snake habitat protections are to preserve critical life cycle features such as hibernacula, egg laying sites, and thermoregulatory sites (see MNR undated 2). None of these features are evident on the severance properties and in our opinion, the development of the two severances will pose no risk to the Gray Ratsnake.

Bobolink (Threatened): The closest Bobolink ebird postings are for farm fields to the north and west of the proposed severances at distances of about 3 km and 1.5 km respectively, and well outside any impact range. There is no suitable Bobolink habitat on 5356 New Morin Road, including that of the severance properties. There are farm fields on the adjacent property to the north of New Morin Road. One of these is unsuitable as nesting habitat as it used for cash crops, and the potential core nesting area of the second (a hayfield) is over 200 m away and outside any impact range.

Eastern Meadowlark (Threatened): The closest Meadowlark ebird postings are for farm fields to the north and west of the proposed severances at distances of about 1.8 km and 1.5 km respectively, and well outside any impact range. There is no suitable Eastern Meadowlark habitat on 5356 New Morin Road, including that of the severance properties. One of these is unsuitable as nesting habitat as it used for cash crops, and the potential core nesting area of the second (a hayfield) is over 200 m away and outside any impact range.

Whip-poor-will (Threatened): The closest Whip-poor-will posting on eBird is about 3 km to the north, and well outside any impact range. The severance properties themselves do not contain good Whip-poor-will features and in our opinion the probability of them using these sites as non-existent.

The adjacent abandoned sand pit does have potential favorable features, but the lack of sightings in the region (the next closest sighting is over 6.5 km away) puts the probability of them being here as low. Nevertheless, if further development of the sand pit is proposed, we would recommend that a Whip-poor-will nesting survey be undertaken.

SAR Bats (Endangered): There are four SAR bat species in the province and from our extensive acoustic monitoring efforts in region in the last two years, we have found three of these species to be thinly dispersed throughout. It is normal for us to pick up at least one of the three species during acoustic monitoring at any site we assess. Consequently, any older tree has the potential to be a SAR bat maternity or roost tree. Removal of such a tree would not be a limiting factor (i.e., a negative impact) to SAR bat populations as there is no lack of such trees available. However, it would be a violation of the Endangered Species Act if an active roost or maternity tree were removed during the summer season. Due to the timing of the site visit, it was not possible to undertaken bat acoustic monitoring to see if they are present, but harm to bats can be avoided in two possible ways:

1. Remove trees outside of the bat maternity/roost season (mid-April to mid-Sept.).

2. If active removal is proposed to take place during the maternity/roost season, then a specific tree assessment should be undertaken. This can include an exit survey and/or acoustic monitoring if the tree contains cavities or is a snag tree. If that effort determines the tree is being actively used by SAR bats, then removal will have to be delayed until after mid-Sept.

**Note**: These SAR bats will not be at risk from wintertime construction activity as they migrate off site to cave hibernacula.

Butternut (Endangered): Two dead butternuts were observed in the steep slopes of the FOD5-4 woodland of Lot 2. In our opinion a BHA is not warranted as both trees were clearly dead (see adjacent image).

**Woodland**

The two woodland patches on 5356 New Morin Road that are associated with the severance properties are too small (3.8 and 2.8 ha.) and narrow to have significance for size or core habitat. As well, and in our opinion, they are the most common deciduous woodland type (FOD5-4) in the region and lack significant ecological features.

The smaller woodland patch runs beside New Morin Road and is not part of either Lot 1 or 2 and is at no risk from the development of either.

The larger 3.8 ha. woodland patch runs beside the closed Concession line of which approximately 0.6 ha of its eastern end are located within Lot 2. The eastern end of this woodland is more than 120 m from Lot 2 and does provide a buffering function for the adjacent swamp. However, the woodland portion within Lot 2 and the adjacent lands lacks significant woodland features such as size, core habitat, age, and unusual features.

A watercourse runs through parts of Lot 2 and through the woodland, but this is not a sensitive water feature as it lacks aquatic features, is intermittent, and conveys primarily roadside stormwater. We defer to the CRCA regarding the development application and discussions associated with this watercourse and Ontario Regulation 148/06.

The lack of significant natural heritage features of the woodland associated with Lot 2 suggests a future house could be built within the woodland portion of Lot 2 and be consistent with the PPS and the OP. However, some sections of the woodland contain steep slopes. For the South Frontenac OP, wooded slopes are considered valuable if they protect an adjacent sensitive water feature, but any sensitive water feature is well outside (i.e., >120 m) the boundaries of this lot. We do not consider the watercourse a sensitive water feature because it lacks aquatic ecological features.

Nevertheless, the steep slopes could represent a safety hazard if considered as a location of a possible future build site. We defer to South Frontenac Township in this regard as safety hazards are outside the bounds of an EIA.

If we are to assume that no building is to occur within the steep forested slopes, there is still the question of how the watercourse may restrict the location of potential building locations due to possible conflicts with Ontario Regulation 148/06. In our opinion, engineering options can mitigate any conflicts with this watercourse as we note that it is strictly a water conveyance that lacks ecological aquatic features. Discussion with the CRCA in this regard are recommended.

**Significant Wetland**

The main wetland located within 5356 New Morin Road is more than 120 m away from the proposed severances. There is a deciduous swamp that is about 106 m to the north of the northern most severance, and more than 120 m from the southern severance. Having completed over 100 wetland evaluations from 1985 to 2020 it is our opinion that it would be very highly unlikely that such a small (~8.7 ha.) isolated swamp that is surrounded by farmland would score enough points to be considered a significant wetland.

As there is no recognized significant wetland within 120 m of the proposed severances, we refer to the following excerpt from Section 4.4 of the Natural Heritage Reference Manual.

> *The need to evaluate the ecological function of adjacent lands (i.e., undertake an EIS or equivalent study) would be removed if proponents choose to avoid having development and site alteration occur within the extent of adjacent lands.*

Accordingly, the necessity to discuss significant wetland impacts is removed.

Nevertheless, to reassure the CRCA and South Frontenac Township Nevertheless, impacts to this wetland are unlikely due to the large separation distance and because severance lot stormwater will naturally flow away from this wetland. Furthermore, the intervening features (i.e., farmland and New Morin Road) would do far more at shaping the impact ecology of this wetland.

**Area of Natural and Scientific Interest**

There are no ANSI's within 120 m of the proposed severances. In this regard, we refer to the following excerpt from Section 4.4 of the Natural Heritage Reference Manual.

> *The need to evaluate the ecological function of adjacent lands (i.e., undertake an EIS or equivalent study) would be removed if proponents choose to avoid having development and site alteration occur within the extent of adjacent lands.*

Accordingly, the necessity to discuss ANSI impacts is removed.

**Fish Habitat**

The severance properties are more than 500 m from Knowlton Lake fish habitat. In this regard, we refer to the following excerpt from Section 4.4 of the Natural Heritage Reference Manual.

> *The need to evaluate the ecological function of adjacent lands (i.e., undertake an EIS or equivalent study) would be removed if proponents choose to avoid having development and site alteration occur within the extent of adjacent lands.*

Accordingly, the necessity to discuss fish habitat impacts is removed.

**Note**: The 300 m listed in the OP for sensitive lake trout lakes (e.g., Knowlton Lake) is intended as a development restriction zone. The proposed severances are more than 500 m from Knowlton Lake, and so the need for discussion of this restriction zone is removed.

**Further Note**: There is a small seasonal pond within the pit floor that is bisected by the northern severance boundary. It has a maximum size of about 78 $m^2$ and has formed within a past pit extraction depression. From a review of past aerial images, it appears to mostly dry up on occasion. It has no surface water connection to another water source and is too shallow to support fish habitat.

The most notable feature about this pond is its use as a watering spot for deer and other mammals. However, there is no wildlife habitat feature in MNR (2015b) that considers an isolated watering pond as significant. Regardless, this pond is more than 30 m away from any potential building site and is further isolated by a steep sandy slope and a road.

## Wildlife Habitat

There are 34 categories of wildlife habitat in MNR (2015b) that need to be considered for any application, of which 2 require discussion for the severances.

Turtle Nesting Area: For an area to function as a turtle nesting area it must provide appropriate substrates for turtles to dig in to lay their eggs and be in an open sunny area. They also need to be within proximity to aquatic habitat. Nesting features exist on portions of the adjacent sand pit extending about 300 m east of the northern severance, and a depredated Painted Turtle nest was observed here. To be significant requires the presence of five or more nesting Painted Turtles, and we could only find the one nest. One or more Snapping or Map Turtle nests also constitutes significant wildlife habitat.

In our opinion, the development of the two lots would not pose a risk to adjacent turtle nesting for two reasons:

1. The recommended building location for the northern severance is at the top of the slope next to New Morin Road. This would place it more than 30 m from the start of potential nesting areas.

2. Turtles are tolerant of nearby human activity when nesting. A case in point is their common use of urban lawns, gravel driveway edges, and road edges for nesting.

**Wildlife Habitat Recommendation 1**. If further development is proposed on the property further to the east in the old sand pit, it is recommended that it be preceded by the requisite survey visits described in MNRF (2015a). This survey manual (i.e., MNRF 2015a) was intended for Blanding's Turtles, but can be used for all turtle species.

Habitat for Species of Conservation Concern: This category is intended to cover S1, S2, S3 ranked species and species of Special Concern. The Eastern Wood Pewee and Wood Thrush are Special Concern woodland birds that are found in woodlands within 1 km to the north, east, and south of the severance properties. None have been reported on the severance properties or within 120 m of the severance properties. Nevertheless, they are not uncommon in the region and it is conceivable that they could use the adjacent deciduous woodlands associated with the severance properties, as they do have favorable habitat features, but these are outside of the potential building areas of the two lots.

The declining numbers of these two species is largely due to impacts occurring in their winter ranges outside of Canada. There is not a lack of appropriate habitat in this region, and they do have a tolerance to modest levels of nearby human activity, such as with the adjacent small-scale developments proposed. Accordingly, our recommendation is the standard one associated with all migratory birds in relation to the Migratory Birds Convention Act.

**Wildlife Recommendation 2**. Some site alteration will be necessary for the severances, and the associated vegetation (e.g., trees and shrubs) may contain nests of migratory birds. It is a contravention of the Migratory Birds Convention Act to destroy these nests during the breeding season. To avoid contravention of the Act, it is recommended that initial site alteration take place outside of the bird breeding season (mid-April to mid-August). If it is necessary to clear the site during the breeding season, it is recommended that the areas be first surveyed by a qualified biologist to determine if nesting is present. If that is the case, then site clearing will have to avoid disturbing the nests until mid-August after the young have fledged.

Respectfully Submitted,

Rob Snetsinger
Ecological Services

**References**

Lee, H., W. Bakowsky, J. Riley, J. Bowles, M. Puddister, P. Uhlig, and S. McMurray. 1998. Ecological Land Classification for Southern Ontario. Natural Heritage Information Centre.

MNR (Ministry of Natural Resources). 2010. Natural Heritage Reference Manual for Natural Heritage Policies of the Provincial Policy Statement, 2005. Second Edition.

MNRF (Ministry of Natural Resources and Forestry). 2018. Natural heritage information request guide. Regional Operations Division.

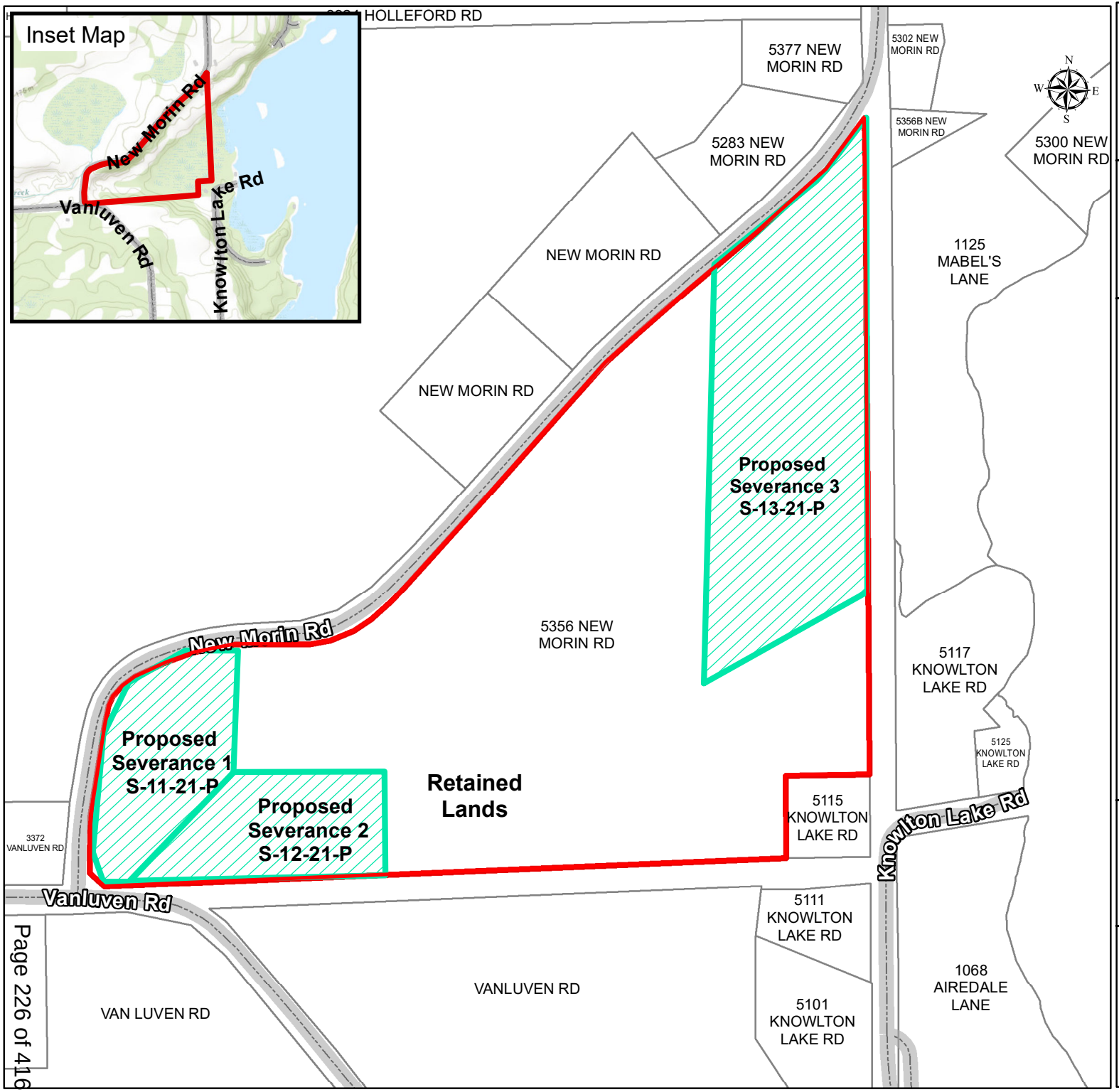
MNR (Ontario Ministry of Natural Resources). 2015b. Significant Wildlife Habitat Ecoregion 6E Criterion Schedule. Draft.

MECP (Ministry of the Environment, Conservation, and Parks Species at Risk Branch). 2019. Permissions and Compliance. Clients Guide to Preliminary Screening for Species at Risk.

MNR (Ministry of Natural Resources). Undated 1. General habitat description for the Blanding's Turtle (*Emydoidea blandingii*)

MNR (Ministry of Natural Resources). Undated 2. Habitat protection summary for Gray Ratsnake (Frontenac Axis Population).

MNR (Ministry of Natural Resources and Forestry). 2015a. Survey protocol for Blanding's Turtle (*Emydoidea blandingii*) in Ontario.




**S-13-21-P, S-12-21-P and S-11-21-P**
**(500675 Ontario LTD)**
**(Beach)**

**5356 NEW MORIN RD**

## Legend

- Proposed Severance
- Subject Property
- Parcel Fabric
- Provincially Significant Wetlands
- Wetland

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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 1:4,100

0 12.5 25 50 75 100

Meters

UTM Projection NAD 83

Date: 2021-06-22

September 17, 2021

File: SEV/FRS/296/2021
SEV/FRS/297/2021
SEV/FRS/298/2021

**Sent by E-mail**

Ms. Michelle Hannah, Planning Assistant
Township of South Frontenac
P.O. Box 100
Sydenham, ON K0H 2T0

Dear Ms. Hannah:

**Re: Applications for Consent to Sever S-11-21-P, S-12-21-P, S-13-21-P (500675 Ontario Ltd / Beach)**
**Part Lot 1, Concession 8; 5356 New Morin Road**
**Township of South Frontenac (Portland District)**
**Waterbody: Knowlton Lake / Un-evaluated Wetland**

Cataraqui Conservation staff have reviewed the above-noted applications for consent to sever and offer the following comments for the Land Division Committee's consideration. A site inspection was conducted by staff on September 14, 2021.

**Summary of Proposal**

The applicant has requested three severances as follows:

Lot 1 (S-11-21-P)

Creation of a new residential lot consisting of a minimum of 0.8 hectares (2.1 acres) with approximately 214 metres (703 feet) of frontage on New Morin Road from a property municipally known as 5356 New Morin Road. The retained lands will retain the existing development and will be approximately 17.7 hectares (43.8 acres) in area with approximately 645 metres (2116 feet) of frontage on New Morin Road and 76 metres (250 feet) of frontage on VanLuven Road.

Lot 2 (S-12-21-P)

Creation of a new residential lot consisting of 0.9 hectares (2.2 acres) with a minimum of 76 metres (250 feet) of frontage on New Morin Road from a property municipally

known as 5356 New Morin Road. The retained lands will retain the existing development and will be approximately 15.9 hectares (39.4 acres) in area with approximately 645 metres (2116 feet) of frontage on New Morin Road.

Lot 3 (S-13-21-P)

Creation of a new residential lot consisting of 0.9 hectares (2.4 acres) with a minimum of 86 metres (282 feet) of frontage on New Morin Road from a property municipally known as 5356 New Morin Road. The new lot will retain the existing development. The retained lands will be vacant and will be approximately 14.9 hectares (37 acres) in area with approximately 559 metres (1833.5 feet) of frontage on New Morin Road.

**Site Location / Description**

The subject property is located on the western shore of Knowlton Lake on the east side of New Morin Road in South Frontenac Township. The three severed parcels would not have water frontage onto Knowlton Lake. The retained parcel has water frontage onto a large un-evaluated wetland that is connected to Knowlton Lake. There is existing development on the property which is proposed to be severed from the remainder of the lot (Lot 3). The retained parcel would be vacant.

The topography of the site can be characterized as being a valley land that begins high above Knowlton Lake along New Morin Road that drops down in elevation quickly onto a lower plateau area that then drops down again in elevation into the un-evaluated wetland feature. The wetland is a large low-lying treed swamp. There is also a watercourse that crosses under Vanluven Road and through Lot 2.

The property is currently designated ‘Rural’ in the Official Plan and ‘Rural’ (RU) and ‘Environmentally Sensitive’ in the implementing Zoning By-law for South Frontenac Township. The area designated as being environmentally sensitive appears to coincide with the location of the un-evaluated wetland on the property. Knowlton Lake has been designated as a highly sensitive Lake Trout Lake in the Official Plan for South Frontenac Township and is zoned ‘Environmental Protection’ (EP) in the Zoning By-law.

**Discussion**

The main interests of Cataraqui Conservation with respect to this application are the avoidance of natural hazards (e.g. erosion hazards) and ecological values associated

with the valley land, protection of natural heritage features such as the un-evaluated wetland and other natural features, and the protection of the water quality of the lake.

Valley Lands

a) Natural Hazards

Section 5.8.2.b) of the Zoning By-law specifies that no building or structure or septic tank installation shall be located within a minimum of 15 metres horizontal of the top of bank of any embankment, the slope of which is greater than 30% from horizontal. Cataraqui Conservation's Environmental Planning Policy (EPP, 2021) suggests that a minimum access allowance of 6 metres should be maintained between development and the top of the stable valley slope. Additionally, it is our understanding that the front yard setback from the lot line along New Morin Road is 20 metres.

In consideration of these requirements and site observations, staff believe that Lots 1 and 2 and the retained parcel do not have a sufficient development envelope between the property line at the road and the top of stable valley slope for future development to occur. If development is to be contemplated on the valley slope, staff recommend that the applicant be requested to undertake a geo-technical study to demonstrate that development can safely occur on the valley slopes.

b) Natural Heritage

Since there does not appear to be any available location for development outside of the valley land on Lots 1 and 2 and the retained parcel, development would need to occur within the valley land. Section 5.4.1 of Cataraqui Conservation's EPP states:

> "The Conservation Authority will encourage the conservation of all valley lands (whether or not such features are classified as significant) and may recommend that development and site alteration be restricted on lands in and adjacent to these valley lands."

The applicant has provided two Environmental Impact Assessments (EIA's) in support of the proposal (Ecological Services, March 2, 2021 and July 30, 2021). The EIA's provide recommendations for "build locations" for Lots 1 and 2 and the retained parcel.

For Lots 1 and 2, the EIA recommends development occur between the road and the top of bank. As noted previously, staff do not believe that there is enough area outside of required setbacks for development to occur as recommended in the EIA. If development is to be contemplated on the valley slope, staff recommend that the

applicant be requested to provide additional ecological assessment of the valley slopes in those areas.

For the retained parcel, the EIA recommends development occur in the northeast corner of the proposed retained parcel. Although this area has been identified in the EIA as low value from an ecological perspective, this places development on the steep valley slope. As noted previously, if development is to be contemplated on the valley slope, staff recommend that the applicant be requested to undertake a geo-technical study to demonstrate that development can safely occur on the valley slopes.

Natural Heritage – General

As noted above, the applicant has provided two Environmental Impact Assessments (EIA's) in support of the proposal (Ecological Services, March 2, 2021 and July 30, 2021).

a) EIA dated March 2, 2021

The first EIA document dated March 2, 2021 is specific to the creation of 2 lots at the west end of 5356 New Morin Road. The first lot is referred to as Lot 1 and runs parallel to New Morin Road, whereas the second has frontage mainly on VanLuven Road. The site visits were conducted late fall early winter which does have limitations however the consultant notes taking a conservative approach with respect to potential species use understanding that lack of sighting at that time of year is not indicative of not being present. Reliance is made on site characteristics to support potential species.

The consultant has made an appropriate review of the ecological features and staff support their general findings in this regard. However, the site constraints previously discussed may place development closer or within some of the features that the consultant has flagged as needing further study.

b) EIA dated July 30, 2021

The parcel is heavily influenced by the steep slopes and narrow plateaus considering the distance from the top of bank to a road or lot line. The consultant has noted that there are disturbed or lower areas of ecological value through the centre of the property, that is typically bound by the steep slopes or wetland areas.

There are areas that ecologically contain low enough value that they could be developed if this were the only consideration. However, there are other site constraints (e.g. property line setbacks, steep slopes, sensitive lake trout, potential turtle nesting areas, watercourses, access etc.) that also need to be considered.

If development is to be contemplated outside of the 'build locations" considered by the EIA's, staff recommend that the applicant be requested to provide additional ecological assessment.

Watercourse (on Lot 2)

During the site visit, staff identified a watercourse that crosses through Lot 2. Flood plain mapping is not available for this un-named watercourse. Section 5.8.2 of the Zoning By-law specifies that no building or structure or septic tank installation shall be located within a minimum 30 metres horizontal of the highwater mark of a waterbody or watercourse. Similarly, Section 4.5.11 of Cataraqui Conservation's EPP also suggests a 30 metre setback from the highwater mark of a waterbody for new development, provided that, in the opinion of staff, there is sufficient difference in elevation (to be determined on a case by case basis). Since the watercourse is not shown on any of the supporting information in relation to the proposed boundaries of Lot 2, it is unclear if there is a suitable development envelope outside of the recommended 30 metre setback from the watercourse.

Staff recommend that the applicant be requested to demonstrate a suitable development envelope outside of the 30 metre setback from the highwater mark of the watercourse on Lot 2.

Un-evaluated Wetland

As noted above, the property contains a large un-evaluated wetland feature which will be wholly located on the retained parcel. Section 5.2.5 of the Cataraqui Conservation's Environmental Planning Policy (EPP, 2021) suggests that new development and site alteration within 30 metres of a wetland should not be supported. Staff note that there is considerable area outside of the required minimum 30 metre adjacent lands to the wetland for future development to occur on the retained lot.

Water Quality

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

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

Also, as noted above, Knowlton Lake is identified as a highly sensitive Lake Trout Lake in the Official Plan, and as such, the waterbody is afforded additional protections to ensure development does not negatively impact the water quality of the lake. Section 5.2.8 (a) (ii) of the Official Plan suggests that the creation of new lots within 300 metres of a highly sensitive Lake Trout Lake will not be considered for approval due to the potential to further degrade the water quality necessary to maintain a healthy Lake Trout population. The intent of this section of the Official Plan is primarily to ensure that a septic system can meet this requirement.

In the opinion of staff, the wetland should be considered to be part of Knowlton Lake since the wetland is hydrologically connected to lake. In consideration of this, the applicant has not demonstrated that future development of Lots 1 and 2 will meet the requirement provided in Section 5.2.8 (a) (ii) of the Official Plan. Further, staff do not support the creation of Lot 3, as by doing so, an additional (vacant retained) lot will be created that also cannot meet this requirement.

Staff also recommend that the Township seek further guidance from the Ministry of Environment, Conservation and Parks (MECP) to evaluate the proposal with respect to the potential impacts of development on the sensitive Lake Trout Lake and any other aspects of the proposal that may be relevant to their mandate.

**Recommendation**

Staff recommend deferral of applications S-11-21-P, S-12-21-Pand S-13-21-P based on our consideration for natural hazards, natural heritage, and water quality and quantity protection policies.

<u>Ontario Regulation 148/06</u>
Cataraqui Conservation, under Ontario Regulation 148/06: *Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses,* regulates development within 15 metres of a flood plain or erosion hazard, within 30 metres of a watercourse, and within 30 metres of an un-evaluated wetland. Therefore, a permit may be required for proposed development under said regulation. If future development is proposed, the

applicant or future owners of the lands 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 with regard to these applications. If you have any questions, please contact Andrew Schmidt at (613) 546-4228 extension 244 or by e-mail at aschmidt@crca.ca.

Yours truly,

Andrew Schmidt

Andrew Schmidt
Supervisor, Development Review

c.c. Anna Geladi, Planner, South Frontenac Township (via e-mail)
Christine Woods, Senior Planner, South Frontenac Township (via e-mail)
Tom Beaubiah, Cataraqui Conservation (via e-mail)
Jon Orpana, Ministry of Environment, Conservation and Parks

**Ministry of the Environment, Conservation and Parks**

Eastern Region
1259 Gardiners Road, Unit 3
Kingston ON K7P 3J6
Tel.: 613-549-4000 or 800-267-0974

**Ministère de l'Environnement, de la Protection de la nature et des Parcs**

Région de l'Est
1259, rue Gardiners, Unité 3
Kingston ON K7P 3J6
Tél.: 613-549-4000 ou 800-267-0974

Ontario

**By email only**

April 15, 2021

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

Attention: Anna Geladi, Planner
Email: Ageladi@southfrontenac.net

Dear Ms. Geladi:

Re: Application for three new lot severances and one retained – New Morin Road – Township of South Frontenac

I have reviewed the above noted application for consent and supporting documentation to sever and offer the following comments for the Land Division Committee's consideration.

Knowlton Lake is managed by the Ministry of Natural Resources and Forestry as a lake trout lake. This lake is also classified by the Ministry of the Environment, Conservation and Parks (MECP) as "at capacity" which generally means that no development including land division should occur within 300 m that would result in further impairment to water quality and fish habitat.

The applicant has requested a severance of three parcels (2.1 acres, 2.23 acres and 2.41 acres) in size from the larger retained parcel.

The property is currently designated "Rural" in the Official Plan and "Rural" in the implementing Zoning By-Law for South Frontenac Township. Knowlton Lake has been designated as a highly sensitive Lake Trout Lake for South Frontenac Township and is zoned "Environmental Protection" in the implementing Zoning By-Law.

As presented, this application proposes severances outside of the 300 m setback from the high water mark of Knowlton Lake to accommodate septic tile fields and on site servicing for these severances which would serve as future residential lots. However, there is a tributary creek system and a treed swamp within 300 m of these severances that would provide direct surface water connectivity to the sensitive surface water feature of Knowlton Lake therefore impacting local water quality.

Based on a review of information currently available this ministry finds the proposal contrary to provincial guidance and related OP/Zoning policies.

If you have any questions regarding the above comments, please do not hesitate to contact me at the coordinates below.

Regards,

Jon K. Orpana
Environmental Planner & Environmental Assessment Coordinator
Ministry of the Environment, Conservation and Parks
Kingston Regional Office
1259 Gardiners Road, PO Box 22032
Kingston, Ontario
K7M 8S5

Phone: 613 548 6918
Fax: 613 548 6908
Email: jon.orpana@ontario.ca

**Ministry of the Environment, Conservation and Parks**

Eastern Region
1259 Gardiners Road, Unit 3
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**Ministère de l'Environnement, de la Protection de la nature et des Parcs**

Région de l'Est
1259, rue Gardiners, Unité 3
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Tél.: 613-549-4000 ou 800-267-0974

Ontario

**By email only**

October 6, 2021

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

Attention: Anna Geladi, Planner
Email: Ageladi@southfrontenac.net

Dear Ms. Geladi:

Re: Application for three new lot severances and one retained – New Morin Road – Township of South Frontenac

MECP staff have reviewed the above noted application for consent and supporting documentation to sever and offer the following comments for the Land Division Committee's consideration.

Knowlton Lake is managed by the Ministry of Natural Resources and Forestry as a lake trout lake. This lake is also classified by the Ministry of the Environment, Conservation and Parks (MECP) as "at capacity" which generally means that no development including land division should occur within 300 m that would result in further impairment to water quality and fish habitat.

The applicant has requested a severance of three parcels (2.1 acres, 2.23 acres and 2.41 acres) in size from the larger retained parcel.

The property is currently designated "Rural" in the Official Plan and "Rural" in the implementing Zoning By-Law for South Frontenac Township. Knowlton Lake has been designated as a highly sensitive Lake Trout Lake for South Frontenac Township and is zoned "Environmental Protection" in the implementing Zoning By-Law.

MECP staff have reviewed the two EIS reports and accompanying maps and lot diagrams. In order for MECP to come to a decision regarding these severances additional information is required. We highlight the needed info below.

MECP considers the wetland adjacent to Knowlton Lake and therefore part of the lake. Any measurements of distance from lots or septic systems will therefore be to the western edge of the wetland boundary.

In order to determine whether the tile beds are beyond or within the 300 m setback for at-capacity lakes as per MECP policy each severance property is required to produce a site diagram showing the location of the septic tank and other buildings so measurements to the wetland border can be made.

Once a location for the tile bed has been determined and approved the following guidance for determining if the location is appropriate for an at-capacity lake is as follows. A site-specific soils investigation is required and should be prepared by a qualified professional and the site shall require the following;

The site where the septic tile-bed is to be located, and the region below and **15 metres down-gradient** of this site, toward the lakeshore or a permanently-flowing tributary, across the full width of the tile bed, consist of **deep (more than three metres),** native and undisturbed, non-calcareous **(<1% CaCO3 equivalent by weight)** overburden with acid-extractable concentrations of iron and aluminum of >1% equivalent by weight

Soil depth shall be assessed with test pits and/or boreholes at several sites. Samples for soil chemistry should be taken at a depth adjacent to, or below, the proposed tile bed; and an unsaturated zone of at least 1 ½ metres depth exists between the tile bed and the shallowest depth (maximum) extent of the water table. The position of the water table shall be assessed with test pits during the periods of maximum soils saturation (e.g., in the spring, following snowmelt, or late fall)

In order to confirm the lake classification, MECP will have conducted temperature and dissolved oxygen profiles on Knowlton Lake's both basins on or around September 15th. MECP will then calculate the mean volume-weighted hypolimnion dissolved concentration and compare to historical records to determine the lakes current status. In addition, MECP will conduct lake capacity modelling work that will account for outstanding lots of record that are currently undeveloped and account for seasonal and year round use premised on information obtained from the municipality.

The retained lot:

We recognize that there is an existing dwelling and septic (to be replaced) on the northerly most lot that has been applied for severance.

While this is alright; it also means that the retained (vacant lot) with no development created by the severance(s) must also be able to support development with the appropriate setbacks as described above. There is no information included in the documentation that speaks to the ability or the suitability of this lot to support a dwelling and septic system.

Based on a review of information currently available this ministry finds consideration of this application premature at this time.

If you have any questions regarding the above comments, please do not hesitate to contact me at the coordinates below.

Regards,

Jon K. Orpana
Environmental Planner & Environmental Assessment Coordinator
Ministry of the Environment, Conservation and Parks
Kingston Regional Office
1259 Gardiners Road, PO Box 22032
Kingston, Ontario
K7M 8S5

Phone: 613 548 6918
Fax: 613 548 6908
Email: jon.orpana@ontario.ca

# Report from Public Services

**Application Number:** S-13-21-P

**Applicant's Name:** 500675 Ontario Ltd.

**Concession:** 8 **Lot:** 19 **District:** Portland

**Road:** 5356 New Morin Road

**Road Maintenance:** Year-round ☑ Seasonal ☐

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

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

Public Services have reviewed the sketch materials and has also reviewed the site in the field and is not able to conclude if the parcel can obtain a new access directly to New Morin Road that will meet the sight line requirement of 180m (Bylaw 2000-01). Proposed property line will need to be marked in the field.

**Road Conditions:**

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

   Yes ☐ No ☑

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

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

   Yes ☑ No ☐

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

**Road Widening Required?**

Yes ☐ No ☐ To be determined by an Ontario Land Surveyor ☑

Any specific requirement?

**Approved by the Public Services?**

Yes ☐ Yes, with conditions ☐ No ☑

If yes, with conditions, please describe conditions below.

Access review is inconclusive. More information required in a detailed sketch and also proposed property lines need to be marked in the field.

Signature on behalf of Public Services

September 17, 2021
Date

## Michelle Hannah

**From:** [redacted]
**Sent:** September-09-21 7:08 PM
**To:** planning
**Subject:** File No. S-13-21-P

I own the property at [redacted] at Knowlton Lake Road. I am unable to visit my property prior to Sept 14 and would like to have additional information regarding the application The owner trespassed on my property when he thought we were absent and had tried at various times to buy road allowances for 4 wheeler track.
He is not a great neighbour now and expect that it will only get worse as he encroaches on wetlands, township boundary lines etc.

[redacted]

[redacted]

## Michelle Hannah

**From:** [redacted]
**Sent:** September-08-21 8:44 AM
**To:** planning
**Subject:** File No:S-13-21-P

Noting first that this application does not specify that 5356 New Morin Road is divided by A & B.
I am the current owner and resident of [redacted] New Morin Road and have serious concerns/objections to this proposal. This application fails to list S-11-21-P
This change would cause the main entrance to my home to be blocked. Blocked for myself, my family, visitors and neighbors in 5300 New Morin Road, as well as emergency vehicles. Thus had been the entrance we have used since purchasing 5356B.
I mention emergency vehicles as my common law husband has had a heart attack, leading to open heart surgery since purchasing and moving into 5356B. Forcing us to use other entrance could cause further health issues caused by forcing us with simple tasks such as taking garbage out and having to walk up hill.
Wouldn't have purchased property if only allowed to use this other entrance due to winter driving. Entrance to our home would be at bottom of hill with a very sharp turn into our driveway or continue on down the second hill.
Have been dealing with the new owners and contractors for the better part of 2 years on a renovation. Can't imagine having to deal with them during construction of a new driveway for them. The contractors have been a nuisance with the debris they leave behind to them parking on the roadway of this entrance since the beginning. A new driveway for them would mean continuous noise, dust, debris and disruption to our lives.
My concerns also include disruption of the land so close to my well.
Since taking over 5356A the new owners have not done any maintenance to this upper piece or its entrance. This has been maintained by us and the owners of 5300 New Morin.
Not only would this cause problems within the driveway but to new Morin Road itself with the extra vehicles going in and out. More damages to the road itself caused by the large vehicles driving in and out.

Should you need to contact me, my name is Wendy Sproule and my number is [redacted]

Thank you for taking you time to take my concerns/ objections into consideration.

Wendy Sproule

# REPORT TO COMMITTEE OF ADJUSTMENT
# PLANNING DEPARTMENT

**Report Date:** October 8, 2021

**Application No:** S-13-21-P
**Owner:** 5006755 Ontario Ltd
**Agent:** Gary Beach
**Location of Property:** 5356 New Morin Road, Portland District
**Purpose of Application:** Consent for the creation of a new residential lot
**Date of Hearing:** October 14, 2021

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**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** | Rural | Rural |
| **Zoning** | Rural | Rural |
| **Area** | +/- 0.9 hectares (+/- 2.4 acres) | +/- 14.9 hectares (+/-37 acres) |
| **Frontage on Road** | +/- 86 metres (+/-282 feet) on New Morin Road | +/- 559 metres (1833.5 feet) on New Morin Road |
| **Frontage on Water** | N/A | N/A |

## Background

By-law 2020-27 delegates approval of undisputed consent applications to the Director of Development Services, or their designate. This application does not meet all the By-law 2020-27 criteria for an undisputed consent application as there are unresolved agency and public concerns, and it has yet to be demonstrated that the application conforms to all applicable policies. Therefore, the Director of Development Services cannot make a decision on the application. The Committee of Adjustment will hear the application at its October 14th meeting.

## Proposal

The purpose of this consent application is to create one new residential lot (Lot 3). This application is being processed concurrently with consent applications S-11-21-P (Lot 1) and S-12-21-P (Lot 2).

The subject property is located east of New Morin Road and north of Vanluven Road. The intersection of New Morin Road with Vanluven Road is located at the southwest corner of the subject property. There are two unopened road allowances adjacent to the subject property. The first

unopened road allowance is adjacent to the southern property line, and extends from Vanluven Road east to Knowlton Lake Road. The second unopened road allowance is adjacent to the eastern property line, and extends south from New Morin Road to Knowlton Lake Road.

The subject property is located east of Knowlton Lake, which is an at-capacity Lake Trout Lake. There is a large unevaluated wetland in the south-east half of the subject property. The wetland is connected to Knowlton Lake. There is a watercourse on the south portion of the subject lands. The subject lands were historically used for mineral aggregate (sand) extraction. There is residential development along New Morin Road, Vanluven Road and along the second unopened road allowance in the area of the subject lands. There is also an existing farm entrance off New Morin Road which starts at the top of the steep elevation on the severed parcel S-11-21-P and gently slopes down towards the south in the direction of the retained lands and proposed severed parcel S-12-21-P. The surrounding area consist of a mix of forest, farmland and wetlands.

The severed parcel (Lot 3) consists of a minimum of 0.9 hectares (2.4 acres) of land with approximately 86 metres (+/-282 feet) of frontage on New Morin Road. The severed parcel is located on the north side of the subject property. The severed parcel is developed with a dwelling, a pool, an unoccupied barn, and several accessory buildings. There is an existing sewage system on the severed parcel. A portion of the dwelling is located on the north-south unopened road allowance. The severed parcel is located within 300 metres of the wetland connected to Knowlton Lake.

There is a steep ridge located along the road frontage proposed along New Morin Road which drops down to a plateau where the existing buildingsare located. The severed parcel is currently accessed via the unopened road allowance. The subject road allowance which is used to access the severed parcel is entirely owned by the Township and no portion has previously been stopped up, closed and transferred.

Following the purchase of the property by the current owner, Michael Deodato, Council passed By-Law 2020-74 authorizing the Mayor and the Clerk to execute an Encroachment Agreement between the Municipality and the Owner allowing the dwelling to encroach a maximum of 5 metres. The Owner is now looking for a more permanent solution to address access and to help facilitate a consent application that will sever the existing development from the larger vacant property. They have applied for a road closing (file number RC-21-03) which is being considered by Council.

The retained parcel consists of approximately 14.9 hectares (+/-37 acres) of land with approximately 559 metres (1833.5 feet) of frontage on New Morin Road. The retained parcel is vacant. There is a steep ridge located along New Morin Road on the retained lands, which drops quickly in elevation onto a lower plateau area and then drops again in elevation into the unevaluated wetland, which is connected to Knowlton Lake. The unevaluated wetland is located on the south-east half of the retained parcel. The retained parcel is located within 300 metres of the wetland connected to Knowlton Lake.

The existing farm entrance access described above continues along the entire plateau of the retained parcel as a dirt road.

## Department, Agency and Public Comments

**Public Services** –Comments received from Public Services on September 17, 2021 indicate that staff were not able to conclude if there is an appropriate entrance location on the severed parcel (Lot 3) that will meet the sight line requirements of By-law 2000-01. They also raised concerns regarding safe access for the retained parcel as the slopes at the roadside along New Morin Road are excessive. Public Services requires the applicant to mark the proposed property lines in the field along with the desired entrance locations so that Public Services staff can properly assess entrance requirements.

**Building Services (Sewage System Review)** – A proposed new lot must be assessed to determine whether the site and soil conditions are suitable to support a sewage system.

As part of the consent application process, applicants are required to dig test holes on the severed parcel, and to book an inspection through Building Services so that a Building Inspector can assess the site conditions for a sewage system. To date, Building Services has not been contacted to arrange an inspection of test holes. Therefore, the suitability of the lots for sewage systems has not been assessed.

**Cataraqui Conservation** – Comments received from Cataraqui Conservation on September 17, 2021, identified concerns on whether there is a viable building and sewage system location on the severed parcel. Cataraqui Conservation staff noted that there does not appear to be sufficient area between New Morin Road and the top of the ridge for the building location identified in the EIA (Ecological Services, dated March 2, 2021), when zoning provisions are applied (e.g. setback from front lot line). Development should not occur on the slope without a geotechnical study to demonstrate that development can safely occur on the slope. Any development proposed outside the location identified in the EIA should require additional ecological assessment, as any other location would be located closer or within some of the features that the EIA identified as needing further study, specifically regarding potential species at risk.

Cataraqui Conservation Staff consider the wetland to be part of Knowlton Lake since the wetland is hydrologically connected to the lake. They noted that the applicant has not demonstrated that the future development on the severed parcel will be able to meet the required 300 metre setback from a highly sensitive (at-capacity) lake trout lake, being Knowlton Lake.

Cataraqui Conservation recommended deferral of this application until a plan has been prepared to demonstrate that a suitable building envelope is available on the severed parcel that conforms to current zoning and regulatory requirements.

It was noted that a permit under O. Reg 148/06 may be required for future development on the subject property. The applicant or future owner of the property must contact Cataraqui Conservation at the building permit stage.

**Ministry of Environment, Conservation and Parks** – In a letter dated April 15, 2021, the Ministry of Environment, Conservation and Parks (MECP) identified Knowlton Lake as an at-capacity lake which generally means that no development including land division should occur within 300 metres that would result in further impairment to water quality and fish habitat. MECP noted that there is a tributary creek system and a treed swamp within 300 metres of the proposed severances that would provide direct surface water connectivity to the sensitive surface water feature of Knowlton Lake and therefore impact the water quality.

In a letter dated October 6, 2021, MECP indicated that they consider the wetland to be part of the lake. Any measurement of the distance between the sewage systems on the proposed lots must therefore be taken to the western edge of the wetland boundary. MECP also requires a site diagram showing the location of the sewage system in order to determine whether the tile beds would be beyond or within 300 metres of the lake. MECP also requires a site-specific soils investigation to be prepare by a qualified professional and outlines the requirements that must be met.

**Public Comments** – The owner of 5117 Knowlton Lake Road requested more information about the application and noted concerns with respect to encroachment into the wetland and Township boundary lines (i.e. unopened road allowances). They indicated that the applicant trespassed onto their property and has tried to purchase the unopened road allowance to allow for 4 wheeler tracks.

The owner of 5356B New Morin Road indicated serious objections to the application. They the severance (Lot 3), would impact the entrance to their property and their ability and the ability of

Emergency Services to safely access their property. They also note concerns regarding nuisance from the applicants. Lastly, the neighbour indicates that they have concerns with respect to their well.

**Planning Services** – Planning Staff have reviewed the EIA submitted with the application. Township Staff note that the building location identified for the retained parcel appears to be located on the steep slope near New Morin Road. If so, a slope stability study would be required to ensure that the building envelope would be located in a safe location.

## Planning Analysis

### Rural Residential Development

Creating a lot that contains the existing development will leave the retained parcel vacant. The retained parcel is a potential building lot, so it must be demonstrated that it will comply with Township policies. It has yet to be demonstrated that the retained parcel has the ability to be serviced by a private sewage disposal system or has safe access, and a building envelope that implements the EIA and complies with zoning requirements.

There have been concerns expressed by neighbours regarding water quality and well impacts on their lots. Township Staff recommend a well draw-down test demonstrating that the well on lot 3 and the new proposed lots would not detrimentally impact the closest existing well be attached as a condition of consent.

There are concerns with entrancing including sightlines, topography challenges and safe access for the proposed severed parcel and the retained parcel. The existing entrance for Lot 3 is over an un-opened road allowance. It would need to be demonstrated that the property has legal deeded access.

### Protecting Natural Heritage & Natural Hazards

The Township of South Frontenac Official Plan has policies with respect to creation new lots within 300 metres of an at capacity lake trout lake. Based on direction from MECP, the 300 metre setback is measured from the edge of the wetland, not the edge of the lake as the wetland provides direct surface water connectivity to the sensitive surface water feature of Knowlton Lake therefore impacting local water quality. The submitted EIAs did not address the 300 metre setback to the at capacity lake trout lake. It has yet to be demonstrated that there is sufficient area on the severed parcel and retained parcel and for sewage disposal systems to be located outside the 300 metre setback from the edge of the wetland.

### Compatibility Between Uses (MDS)

There is an unoccupied barn on the subject property. Minimum Distance Separation (MDS) I Calculations have not been completed to date. It is the understanding of Staff that a demolition permit has been obtained for the barn on the retained parcel. To date, the barn has not been demolished. As long as the barn remains, MDS I calculations would be required.

### Township of South Frontenac Zoning By-law

There are concerns that the building envelope on the retained parcel identified through the EIA it appears to be located on the steep slope and may not suitable for development. It has yet to be demonstrated that the retained parcel can be developed in accordance with the applicable provisions of the Zoning By-law.

## Conclusion

There are several items that require further review and consideration before the Committee of Adjustment should make a decision on application S-13-21-P.

Therefore, 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 S-13-21-P in order to provide the applicant and/or agent an opportunity to:

1. Submit confirmation that the barn on the subject property has been demolished or to submit Minimum Distance Separation Calculations.

2. Submit a survey sketch that demonstrates that there is are suitable building and sewage system locations, and parking spaces on the severed parcels and the retained parcel. The survey sketch must identify the following:

    a. a potential location for a septic tank, tile bed, and buildings, outside of any hazards (such as the ridge and steep slopes), and that complies to current zoning and regulatory requirements

    b. the 300 metre setback from the edge of the wetland and Knowlton Lake

    c. a proposed location for sewage systems on the severed parcel and retained parcel including the distances to all property lines, watercourses and to the wetland edge and Knowlton Lake

    d. the proposed entrance location and location for parking for the severed parcel and the retained parcel

    e. confirmation of the total road frontage for each parcel and identify on severed parcel S-12-21-P the end of the travelled portion of Vanluven Road and the start of the un-opened road allowance

    f. Provide confirmation of unopened Road Allowance closure along New Morin Road to Knowlton Lake Road and/or approval by Council and access or demonstrate alternative access to existing development on the retained parcel

3. Submit any additional ecological assessment required to support the proposed identified building and sewage system locations.

4. Engage the services of a qualified professional to undertake and complete a site-specific soils investigation to the satisfaction of the Ministry of Environment, Conservation and Parks and Township Staff.

5. Demonstrate that the severed parcels and retained parcel have the ability to be serviced by a private sewage disposal system, including the digging of test holes in the proposed and identified sewage system location.

6. Engage the services of a qualified professional to undertake and complete geo-technical study to demonstrate that development can safely occur on the severed parcel and retained parcel.

**Submitted by:** Anna Geladi, Planner

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

**Date of Site Visit:** September 14, 2021

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

Date Received: _____ File No: S-17-21-B

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): WALTER P THOLEN, JANE CATHERINE CLEVE

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

Phone number of Owner(s): [redacted]

Email Address of Owner(s): [redacted]

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

Name of Authorized Agent: _____

**Full Mailing Address** of Authorized Agent: _____

_____

Phone number of Authorized Agent: _____

Email Address of Authorized Agent: _____

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

_____
Signature(s) of Owner(s)

3. The description of the subject land:

District: ☑ Bedford ☐ Portland ☐ Loughborough ☐ Storrington

(1) Concession Number: CON 7 PT Lot Number: 23

(2) " " CON 7 PT " 23 RP 13R3868
PART 2 4 5 & 6 RP 13R87 3
PART 10 11 12 BURRIDGE LAKE

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

Street Number: (1) 304 (2) 340 Name of Road/Street: HILLCREST LANE

Reference Plan Number: (see 3.) Part Number(s): (see 3.)

Roll Number: (1) 010-050-30400-0000, (2) 010-050-30503-0000

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

Frontage (on water): (1) 61m (2) 49m Frontage (on road/lane): (1) 60m (approx.) (2) 40m (approx.)

Depth: (1) 48.3m (2) 293m (irregular) Area: (1) 0.75 acres (approx.) (2) 3.55 acres (approx.)

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.

Severance of two lots that were inadvertently merged at time of purchase

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 | | Frontage On Road | |
| Frontage On Water | | Frontage On Water | |
| Depth | | Depth | |
| Area | | Area | |

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

| | Existing Uses | Proposed Uses |
|---|---|---|
| New Lot: | | |
| Retained: | | |

| | Structures Existing | Structures Proposed |
|---|---|---|
| New Lot: | _____ | _____ |
| | _____ | _____ |

| | Structures Existing | Structures Proposed |
|---|---|---|
| Retained Lot: | _____ | _____ |
| | _____ | _____ |

(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 Road: | _____ |
| Frontage On Water: | _____ | Frontage On Water: | _____ |
| Depth: | _____ | Depth: | _____ |
| Area: | _____ | Area: | _____ |

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

| | Present Use of Property | Proposed Use of Property |
|---|---|---|
| Lot Addition or R.O.W: | _____ | _____ |
| Retained: | _____ | _____ |

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

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 applicable

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

9. Name of road or lane which accesses:

The new lot (lot addition or R.O.W.): Hillcrest Lane

The retained lot:

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

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

New Lot:

Retained Lot:

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

New Lot: N/A (2) Retained Lot: Privately owned well (1)

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

New Lot: N/A (2) Retained Lot: Private septic (1)

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

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

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

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

_____

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

(b) The file #: _____ (b) The decision on the application:

_____

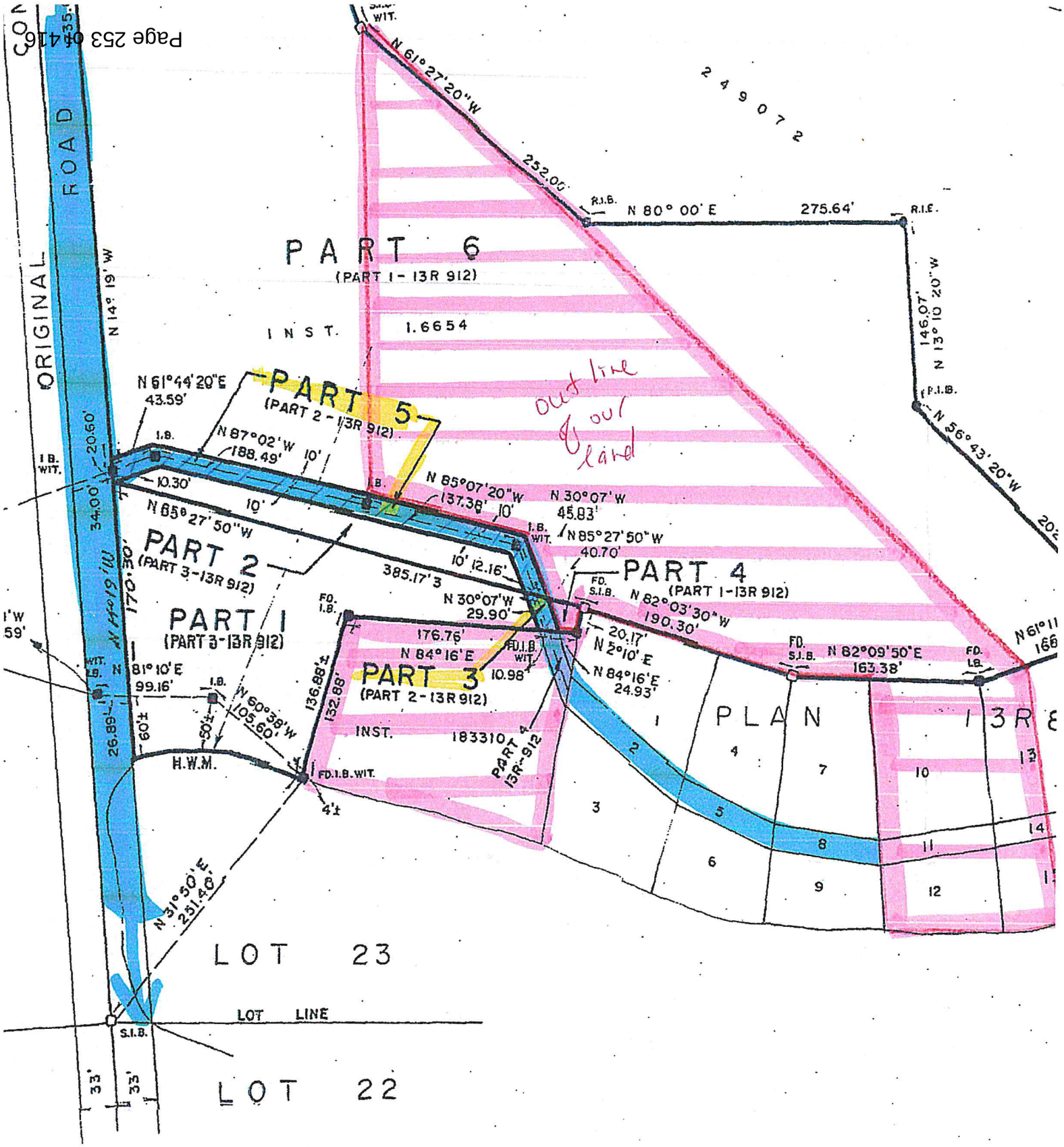
(c) The current use of the land: _____

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

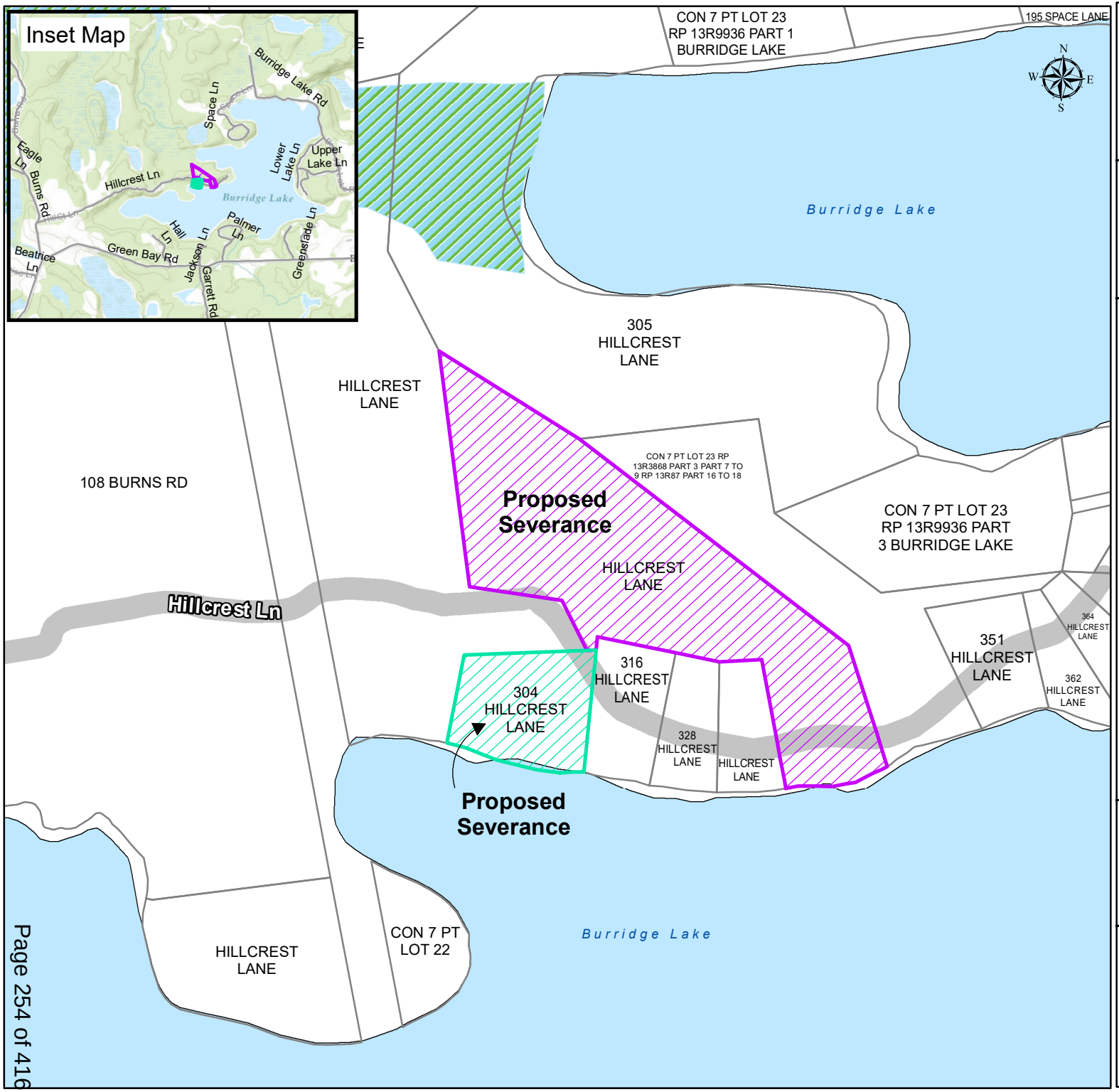
16. A **SKETCH** must be submitted showing the following:

a) The boundaries and dimensions of the subject land, the part that is to be severed and the part that is to be retained.
b) The location of all land previously severed from the parcel (if applicable) originally acquired by the current owner of the subject land.
c) The approximate location of all natural and artificial features on the subject land and on the abutting lands. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, barns, wetlands, wooded areas, wells and septic tanks. Show distance of these features from the applicant's property lines.
d) The current uses of land that is abutting the subject land, such as residential, agricultural and commercial uses (if agricultural, please indicate the approximate distance of any barn structure from the proposed new lot).
**Note: The existence of a nearby barn or other farm type structure may affect the success of your application because of incompatibility issues. Please check with the Planning Department regarding the implications of any farm structure, on your application.**
e) The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way.

f) If access to the subject land is by water only, the location of the parking and boat docking facilities to be used.
g) The location and nature of any easement affecting the subject land.
h) The location of any abandoned wells on the property.
i) **Please prepare your sketch so that North is at the top of the page.**




out line of our land




# S-17-21-B
# (THOLEN & CLEVE)
# 304 HILLCREST LANE

## Legend

- Proposed Severance
- Proposed Severance
- Parcel Fabric
- Provincially Significant Wetlands
- Wetland
- Waterbody
- Roads

Produced by the Township of South Frontenac under license with the Ontario Ministry of Natural Resources © Queen's Printer for Ontario, 2020.

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

Scale 1:2,500

0 12.5 25 50 75 100

Meters

UTM Projection NAD 83

Date: 2021-04-21

**The Township of South Frontenac**
**Building Services**
4432 George Street, PO Box 100
Sydenham, ON K0H 2T0
613-376-3027

# Consent to Sever Inspection Report

| | |
|---|---|
| **File Number:** S-17-21-B | **Receipt Number:** Receipt number |
| **Owner(s): Tholen, Walter** | **Roll #: 1029-010-050-30503** |
| **Municipality:** Township of South Frontenac | **Ward / Former Township:** Bedford |

| | | |
|---|---|---|
| **Part Lot:** 23<br>**Concession:** 7 | **Reference Plan:** 13R3868 Part 2,4,5 & 6 13R87 Part 10,11,12 Burridge Lake | **Plan of Subdivision:**<br>**Sub-lot:** |

**General Description (existing buildings, surface features, slopes, site services for water and sewage, etc)**

**Severed:** The severed portion is a heavily treed lot with rock outcrops and natural vegetation throughout. Large lot with flexibility for a sewage system based on soil coverage found on-site.

**Retained:** Existing structure with waterfront on Burridge Lake which has its own sewage system, the retained parcel slopes from Hillcrest Lane to Burridge Lake.

**Soil type, depth and water table on each part of potential leaching bed areas. Indicate water table with bar.**

| Severed | Depth of Soil | Retained |
|---|---|---|
| Sandy Soil, three test holes which varied from 0.9m to 1.5m. | 0.0 m<br>0.3 m<br>0.6 m<br>0.9 m<br>1.2 m<br>1.5 m | Description of soil |

Percolation rate (estimated): 40 min/cm

Percolation rate (estimated): min/cm

**NOTE: the approval of any new lot is based on its suitability to provide an area for a Class 4 sewage system for an average three (3) bedroom home. Approval to build a larger home on this lot will be subject to availability of sufficient area for a larger sewage system.**

**Parcel suitability for on-site sewage system:**

| | |
|---|---|
| **SEVERED Conditions:**<br>☑ Satisfactory<br>☐ Unsatisfactory<br>☑ Site Flexible<br>☐ Site Specific | 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. |
| **RETAINED Conditions:**<br>☐ Satisfactory<br>☐ Unsatisfactory<br>☐ Site Flexible<br>☐ Site Specific | Conditions |

| Inspector: | Approved: | Date: |
|---|---|---|
| Brent Hewlett | B Hewlett | June 21, 2021 |

## CONDITIONS – OFFICE USE ONLY

**SEVERED:** Satisfactory or Condition # __2, 3_____

**RETAINED:** Satisfactory or Condition # ___NONE_____

1) No objection to the proposed severance as the application states the consent is for a lot addition / easement / right of way / other.

2) Soil conditions found on the lot will require additional suitable granular soil to construct a sewage system. Specific requirements for additional soil will be indicated on an Application to Construct a Sewage System prior to site development.

3) The proposed lot is capable of providing flexibility in siting a sewage system, dependent on the proposal submitted through an Application to Construct a Sewage System.

4) Due to site limitations, the lot will only provide a specific location for the construction of the sewage system. The most suitable location for the sewage system is 30 / 15 metres from...

5) The lot is unsatisfactory for the construction of a sewage system – see attached letter.

Other conditions: _____

Rideau Valley Conservation Authority

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

July 20, 2021
21-SFR-SEV-0011 (Bedford)

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

Attention: Michelle Hannah, Secretary-Treasurer

Subject: **Tholen and Cleve** Application for Consent **S-17-21-B**
304 Hilcrest Lane; Part Lot 23, Concession 7; Geographic District of Bedford, Now the Township of South Frontenac;
Roll Number: **1029010050305030000**

---

Dear Ms. Hannah,

Further to our July 15, 2021 letter regarding the above noted application, we have received addition information from the applicant (July 16, 2021 letter from Mr. Tholen to Christine Woods). We have also discussed the application further with the Township; particularly the availability of a suitable building envelope on the severed parcel. This letter provides the Rideau Valley Conservation Authority's (RVCA) revised comments on the application.

The Rideau Valley Conservation Authority (RVCA) has reviewed the subject application within the context of:

- Section 2.1 Natural Heritage, 2.2 Water and 3.1 Natural Hazards of the Provincial Policy Statement under Section 3 of the Planning Act;
- The Rideau Valley Conservation Authority ("Development, Interference with Wetlands and Alteration to Shorelines and Watercourses" regulation 174/06 under Section 28 of the Conservation Authorities Act);
- The Mississippi-Rideau Source Water Protection Plan;
- The Rideau Lakes – Wolfe Lake Catchment Report

A site inspection was conducted on July 8, 2021.

**The Proposal**

The RVCA understands this proposal to be a for the severance of two parcels that merged on title upon purchase by the previous owners. The 1.4 hectare parcel to be severed (340 Hillcrest Lane) has approximately 49 metres of frontage on Burridge Lake and 65 metres of frontage on Hillcrest Lane. There is an existing camping trailer on the waterfront portion of the lot. The 0.3 hectare retained parcel (304 Hillcrest Lane) has 65 metres of lake frontage and 12 metres of frontage on the lane. There is an existing residence and accessory structure on this lot.

**The Property**

The lot to be served is characterized by highly variable topography. Please refer to the attached map on which we have included contour information. The portion of the lot north of the laneway has two distinct high points which drop over a height of approximately 22 metres at a steep gradient to lake. The 10 metre high bedrock slope immediately north of the laneway is almost vertical with evidence of historical failure. There is an additional 7 metre drop from the laneway to the lake (32% slope). On the lake side of the road, there is a small flat area occupied by a camping trailer, which has a deck extending beyond the lakefront slope. There is an outhouse on the north side of the road, which appears to service the trailer. There is a flatter area on the opposite side of the road from the retained parcel. This portion of the lot rises gently from the road at an elevation of 178.5 metres to a high point of 182.0 metres (elevation are approximate based on contour mapping – Map 2 attached). The flatter area is approximately 1950 – 2000 square metres. The retained parcel also has a distinct slope from the rear of the residence to the lake. The grade drops about 8.5 metres over a distance of 30 metres (28% slope).

A review of desktop mapping products for the subject property also reveals the following:

- Both the proposed severed and retained lands are adjacent Burridge Lake which is considered to be a watercourse for the purposes of our regulation;
- The Michael's Creek Marsh Provincially Significant Wetland (PSW) is located just to the north of the lot to be severed. The northern section of the lot to be severed is situated within the 120 metre adjacent lands to this wetland. The adjacent lands are subject to regulation by the Conservation Authority (see below).
- The site overlies a highly vulnerable aquifer as identified by the Mississippi-Rideau Source Protection Plan;

Our review did not reveal the presence of leda clays nor organic soils on the subject lands.

**Review Comments**

*Provincial Policy Statement*

Other than the 120 metre adjacent lands to the PSW, we have not identified any other natural heritage features for this application. We understand the application did not trigger an environmental impact statement (EIS). However, depending on the outcome of this application and the development intentions for the severed parcel, an EIS may be triggered under Ontario Regulation 174/06 if any development or site alteration is proposed in the adjacent lands. RVCA does have concerns with respect to Section 2.2 Water of the PPS. As noted below, the application of development setbacks and the buffers these setbacks create, contribute to the protection/enhancement of lake water quality and related aquatic habitat. The waterfront portion (south of Hillcrest) of the lot to be severed does not have development opportunity whereby the minimum development setback could be achieved. However, as noted in the above description of the property, there is a flatter area on the north side of the road that provides development opportunity that exceeds the minimum 30 meter development setback from the lake.

*Ontario Regulation 174/06*

The shoreline of Burridge Lake and the 120 metre adjacent lands of the Michael's Creek Marsh PSW are regulated by Ontario Regulation 174/06 under Section 28 of the *Conservation Authorities Act*. Any development or interference with these natural features requires the prior written permission of our office. Development or interference activities include, but are not limited to, shoreline alteration (including erosion control works), dock installation, placement of fill or grading activities and construction of buildings or structures.

*The Rideau Lakes – Wolfe Lake Catchment Report*

The water quality rating for Burridge Lake is "fair", due to a moderate concentration of nutrients. Nutrient exceedances may be partially attributed to the natural aging of a lake and basin characteristics. The catchment report notes that Burridge Lake is fairly shallow; the shallow basin and organic rich soils make internal loading of nutrients likely as oxygen becomes depleted from the deep waters. Adherence to a minimum 30 metre development setback is a standard practice to protect lake environments. Greater setbacks may be applicable in areas with shallow soils, bedrock outcropping and steep slopes. Efforts such as the diversion of runoff away from the lake and enhanced shoreline buffers are important to continue to protect and enhance water quality. All residents can help reduce their impact on the lake by reducing nutrient inputs through practices such as proper maintenance of septic systems, keeping shorelines natural and using phosphate free soaps and detergents.

*Mississippi Rideau Source Water Protection Plan*

This area has been identified as overlying a highly vulnerable aquifer as stated in the catchment report and indicated in the Mississippi-Rideau Source Water Protection Plan. These are aquifers that are vulnerable to surface contaminants due to thin or absent soils overlying bedrock that may be fractured. Where these conditions exist, it may be possible for contaminants to enter drinking ground water supplies. For this reason, care should be taken to avoid land uses and practices that may inadvertently lead to undesirable effects on groundwater. Some best practices that could be considered include:

- increased well casing depths;
- increased distance of septic systems from drinking water wells;
- ensuring wells are located upgradient of septic sewage disposal systems
- ensuring that wells and septic systems are property maintained,
- avoiding use of pesticides, herbicides and fertilizers

**Discussion/Recommendation**

The section of the lot to be severed on the south side of Hillcrest Lane does not have a suitable development area for a residence and sewage system given the limited width between the laneway and the lake and the slope to the shoreline. As noted in the property description above, the flatter area on the north side of the laneway, opposite the retained lot, is suitable of modest scale development. We understand the Township's Building Department is satisfied that sufficient area is available to accommodate a three bedroom residence and a Class 4 sewage system.

The RVCA has no objection to this application. We respectfully request that our comments about Ontario Regulation 174/06 with respect to the Burridge Lake shoreline and the 120 metre adjacent lands to the Michael's Creek Marsh, and the highly vulnerable aquifer (Mississippi Rideau Source Water Protection Plan), be included as notes on the Committee's decision. We also request that the following additional statements be included as a note in the decision:

- Burridge Lake is sensitive to nutrient loading. To minimize impact on the water quality and aquatic habitat in the lake, vegetation removal should be limited to only that which is necessary for the building and sewage system envelopes,
- erosion and sediment controls should be in place during the period of construction and until such time as all disturbed areas have been revegetated and stabilized,
- consideration should be given to use of a tertiary sewage treatment system which have enhanced phosphorous removal from the effluent,
- roof leaders should be directed to areas that promote infiltration rather than direct runoff,
- the shoreline section of the lot to be severed would benefit from enhancement with suitable species of groundcover and shrubs (the

current or future owner are encouraged to contact the RVCA for assistance in this regard).

**Conclusions**

In conclusion, the RVCA has no objection to the application and recommends that the Committee's decision include the notes as referenced above.

Thank you for the opportunity to comment and please do not hesitate to contact the undersigned at 613-692-3571 ext. 1133 should you have any questions. Please advise us on the Committee's decision respecting this application or any changes in the status of the application.

Yours truly,

Glen McDonald
Director of Planning and Watershed Science

cc – W. Tholen, J. Cleve, Owners
cc – C. Woods, Planner

Attachment - maps

# REPORT TO COMMITTEE OF ADJUSTMENT
# PLANNING DEPARTMENT

**Report Date:** October 7, 2021

**Application No:** S-17-21-B
**Owner:** Walter Tholen and Jane Cleve
**Agent:** Colleen Emmerson
**Location of Property:** 304 and 340 Hillcrest Lane, Bedford District
**Purpose of Application:** Consent for the creation of a new residential lot
**Date of Hearing:** October 14, 2021

---

**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** | Rural | Rural |
| **Zoning** | Rural | Rural |
| **Area** | +/- 1.4 hectares (+/- 3.5 acres) | +/- 0.3 hectares (+/- 0.75 acres) |
| **Frontage on Road** | +/- 65 metres (+/- 213 feet) on Hillcrest Lane | +/- 12 metres (+/- 39 feet) on Hillcrest Lane |
| **Frontage on Water** | +/- 49 metres (160 feet) on Burridge Lake | +/- 65 metres (213 feet) on Burridge Lake |

**Review**:

This application:

✓ Conforms to 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 to the County of Frontenac Official Plan (3.3 & 7.1);

✓ Conforms to the Township of South Frontenac Official Plan (5.2.7, 5.7.7 & 7.1); and

✓ Complies with Zoning By-law No. 2003-75 (or will comply subject to a standard condition of rezoning or minor variance).

X Has unresolved objections/concerns raised from agencies, the public or the applicant.

This application does not meet all the By-law 2020-27 criteria for an undisputed consent application. Therefore, the Director of Development Services cannot make a decision on the application. The Committee of Adjustment will hear the application at its October 14th meeting.

## Proposal

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

The subject property is located on Burridge Lake and Hillcrest Lane, which is off Burns Road near Green Bay Road. Hillcrest Lane services several undersized waterfront properties.

The subject property consists of two parcels that merged on title under a previous ownership. The parcels are connected by a small area of land approximately 4 metres wide. The applicants propose to re-create the two original parcels.

The severed parcel (340 Hillcrest Lane) consists of approximately 1.4 hectares (3.5 acres) of land. It has approximately 65 metres of frontage on Hillcrest Lane at the southwest corner of the parcel (north of the retained parcel). It also has approximately 49 metres of waterfrontage on Burridge Lake in the southeast portion of the parcel. The waterfrontage on the severed parcel is separated from the retained parcel by three privately-owned properties. A large bedrock ridge runs parallel to the lake. Hillcrest Lane is located at the toe of the ridge, within 20 metres of the lake. The lands then continue to slope down from the lane to the shoreline. The lands between the toe of the ridge and the lake contain a camping trailer with decking, an outhouse and a dock. North of the ridge, the severed parcel consists mostly of a gentler forested slope and low-lying area with ephemeral streams and ponds. There is generally level land at the southwest corner of the parcel, opposite the retained parcel.

The retained parcel (304 Hillcrest Lane) consists of approximately 0.3 hectares (0.75 acres) of land. It has approximately 65 metres of waterfrontage on Burridge Lake and 12 metres of frontage on Hillcrest Lane. The land has a distinct slope from the dwelling to the shoreline. The parcel contains an existing dwelling, an accessory building and a dock. The dwelling and its sewage system meet the minimum 30 metre setback from the highwater mark of Burridge Lake.

## Department, Agency and Public Comments

Comments from Township departments, agencies and the public are summarized in this section of this report.

**Building Services (Sewage System Review)** – Building Services reported on June 21, 2021, that the severed parcel is capable of providing flexibility in siting a sewage disposal system. They verbally clarified for Planning staff that this flexibility is limited to the southwest corner of the parcel where the test holes were dug. The report also indicated that soil conditions found on the lot will require additional suitable granular soil to construct a sewage disposal system; specific requirements for additional soil will need to be addressed prior to site development. The retained parcel has an existing sewage system. Building Services have no objection to the approval of the application.

**Rideau Valley Conservation Authority** – In a letter dated July 15, 2021, Rideau Valley Conservation Authority (RVCA) identified limited development potential due to physical constraints on the severed parcel. They recommended that further consideration of the application be deferred until a plan has been prepared to demonstrate that a suitable building envelope is available on the severed parcel that conforms to current zoning and regulatory requirements. The applicants responded on July 16, 2021, that the southwest corner of the parcel offers a desirable potential future building site for a residence because of its flat ground, a substantial layer of soil above bedrock, and its ample distance to the lake. It was noted that this is where the sewage system test holes were located and evaluated.

In a letter dated July 20, 2021, RVCA concurred that the flatter area on the north side of the laneway, opposite the retained parcel is suitable for a modest scale of development. RVCA made several recommendations for actions that can be taken to minimize impact on water quality and aquatic habitat. These include minimal vegetation removal, erosion and sediment controls, stormwater management, and enhancement of shoreline vegetation. It was noted that a permit from RVCA under O. Reg. 174/06 may be required for development and site alteration on the severed and retained parcels.

**Public Comments** – Shawn McIlroy (108 Burns Road) owns a majority of the right-of-way that Hillcrest Lane is located on. They requested clarification on whether the right-of-way would have been relinquished for one or both of the properties when they merged on title, and whether they would need to reapply for a right-of-way and who would pay for all the legal costs. Planning staff noted that rights-of-way are generally only extinguished by a Transfer, Abandonment and Release and all parties that enjoy the right-of-way must agree. It was suggested that they could have their lawyer complete a title search to determine if the right-of-way still exists for the subject properties. They appeared to be satisfied with staff's explanations and did not raise further concerns. In addition, Planning staff requested the applicants to provide confirmation of whether the severed and retained parcels continue to have legal access over the right-of-way. The applicants' lawyer confirmed on July 27, 2021, that the parcels do have legal access over the right-of-way.

## Planning Analysis

The Provincial Policy Statement (2020) allows growth and development to be directed to rural lands, including resource-based recreational uses, as well as residential lot creation and development that is compatible with the rural landscape (section 1.1.5). The County of Frontenac Official Plan and the Township of South Frontenac Official Plan also permit residential development in the Rural designation.

Section 5.7.7 of the Township Official Plan requires the frontage, size and shape of any lot created for limited service residential purposes through the severance approval process to be appropriate for the proposed use and to conform to the provisions of the zoning by-law. A minimum lot area of 1 hectare (2.5 acres) with a minimum of 91 metres of water frontage and 76 metres of frontage on a private road is prescribed.

Section 7.1(c) of the Official Plan provides an exception to minimum sizes for parcels created for technical reasons. Re-establishing lots that unintentionally merged on title is considered a technical consent.

The frontage of the severed parcel would be less than what is required. Planning staff were able to confirm through property file searches and reference plans that the severed parcel was originally created around 1969 and expanded around 1979. The severed parcel would maintain its 1979 frontage, size and shape. It has been demonstrated that the severed parcel has a suitable building envelope that has the ability to be serviced by a private sewage disposal system, and that it can be developed in accordance with the applicable provisions of the Zoning By-law. This includes exceeding the minimum 30 metre setback from the highwater mark required by section 5.2.7(b) of the Official Plan. The Owner would need to demonstrate that there is a potable water source at the building permit stage. This would satisfy the Official Plan policies on private water services (i.e., sections 5.7.7(d), 6.10 and 7.1(s)). The severed parcel is considered to be appropriate for its intended use.

The severed parcel is zoned Limited Service Residential – Waterfront (RLSW). The permitted uses in the RLSW zone are a seasonal dwelling, a single detached dwelling, a dock, accessory buildings or uses, and a home occupation. The travel trailer on the parcel is not a permitted use, and does not

have a licence under By-law 2004-93 (Trailer By-law). A principal use (i.e. seasonal dwelling or single detached dwelling) is not established on the severed parcel. This means that the accessory structures (i.e. outhouse and three decks) on the property would not be permitted to exist on the severed parcel once it is created. Also, these structures do not meet the applicable provisions of the Zoning By-law (e.g. 30 metre setback from highwater mark), and were constructed without building permits. It is recommended that the removal of all buildings and structures (except the dock) and the trailer from the severed parcel prior to signing the Certificate of Official be required as a condition of consent.

The Owner is agreeable to removing the trailer, outhouse and two of the decks as a condition of consent. However, in their letter dated September 30, 2021, they have requested that the middle deck (6 feet by 15 feet) and staircase be permitted to remain, as they believe these structures are instrumental in providing easy and safe access to the dock. The deck is not a permitted use as explained previously. However, a staircase and a landing would be permitted through the Zoning By-law, subject to a building permit. The landing would need to be no wider than the stairs (e.g. the deck would need to be reduced in length).

As noted above, RVCA made several recommendations for actions that can be taken to minimize impact on water quality and aquatic habitat. Planning staff recommend the development agreement incorporate RVCA's recommendations as a condition of consent. RVCA's recommendations support the intent of Official Plan policies on development adjacent to waterbodies (i.e., 5.2.7).

The frontage and size of the retained parcel is less than what is required by the policies of the Official Plan. Planning staff were able to confirm through property file searches and reference plans that the retained parcel would maintain its original frontage and size from when it was created around 1968. As indicated previously, the retained parcel contains an existing dwelling, and accessory building and a dock. The dwelling and its sewage system were permitted in 2000, and they meet the minimum 30 metre setback from the highwater mark of Burridge Lake. The retained parcel is considered to be appropriate for its existing use.

It was determined that the severed parcel and retained parcel do not need to be rezoned to recognize the deficient lot areas and/or lot frontages as the consent will re-establish the original areas and lot frontages of the two parcels. Section 5.12 of Zoning By-law 2003-75 permits the development of undersized lots that existed prior to the passing of the by-law if certain criteria are met. A suitable building envelope was identified on the severed parcel, outside of any hazards, which is appropriate for the intended use and which minimizes environmental impacts. It was also demonstrated that there are suitable soil conditions for a sewage system. As indicated above, a condition of consent approval will be to require demonstration that the severed parcel has the ability to be serviced by a private well (i.e. availability of an adequate supply of potable water). As indicated above, the retained parcel is already developed.

The severed parcel and retained parcel comply with the land division policies (section 7.1) of the Township of South Frontenac Official Plan.

## Conclusion

This application will be heard by the Committee of Adjustment because the application does not meet the criteria for an undisputed consent application listed in By-law 2020-27. The Owner raised a concern that was unresolved regarding a recommended condition requiring the removal of the trailer and all structures on the severed parcel. Planning staff modified the recommended condition to permit the staircase and a landing the width of the staircase to remain, subject to a building permit. The Owner will consider this recommendation prior to the meeting.

It is recommended that application S-17-21-B be **approved** for the consent to create a new residential lot in Part of Lot 23, Concession 7, District of Bedford, Township of South Frontenac, municipally known as 304 and 340 Hillcrest Lane, subject to conditions.

## Recommended Conditions for Consent Application S-17-21-B

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-17-21-B shall be for the creation of one new residential lot +/- 1.4 hectares (+/- 3.5 acres) in area and with +/- 65 metres (+/- 213 feet) on Hillcrest Lane and +/- 49 metres (160 feet) on Burridge Lake.

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)].

Municipal Requirements

4. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. This includes all taxes levied as of the date of the issuance of the Certificate of Official.

5. In the event that there are abandoned wells located on the severed parcel or the retained property, 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.

6. Legal deeded access to the severed and retained parcels shall be provided over the Hillcrest Lane right-of-way from the public road. The lawyer for the Owner shall submit the pertinent documentation in draft form for review prior to registration.

7. The applicant shall enter into a Development Agreement with the Township to be registered on title to the severed parcel to address the development of the lot, including:
   - providing demonstration of a potable water source at the building permit stage,
   - a lot grading and drainage plan to be submitted prior to the issuance of a building permit,
   - roof leaders directed to areas that promote infiltration rather than direct runoff,
   - the use of appropriate erosion and sediment control measures,
   - limiting vegetation removal to that which is necessary for the building and sewage system envelopes, and

- preparing and implementing a planting plan to create and enhance the natural vegetative buffer between Hillcrest Lane and Burridge Lake to the satisfaction of RVCA and the Township.

8. All buildings and structures, but excluding the dock and the staircase used to access the dock (with a landing the width of the stairs), on the severed parcel shall be removed through demolition permits obtained under the Ontario Building Code, to the satisfaction of the Township Chief Building Official or his designate. The Owners shall apply for and obtain a building permit for the staircase and a landing.

9. The trailer on the severed lot shall be removed in accordance with By-law 2004-93 (Trailer By-law).

Zoning

10. Where a violation of Zoning By-law No. 2003-75 is evident, the appropriate minor variance or rezoning be obtained to the satisfaction of the Township.

**Submitted by:** Christine Woods, MCIP RPP, Senior Planner

**Reviewed by:** Claire Dodds, MCIP, RPP, Director of Development Services

**Date of Site Visit:** March 26, 2021

**TOWNSHIP OF SOUTH FRONTENAC**
**APPLICATION FOR CONSENT**
**Updated January, 2021**

The Committee of Adjustment is a Committee of Eight persons appointed by Township Council. The Committee is formed under Section 53 of the *Planning Act,* R.S.O. 1990 Chapter P.13. to authorize the division of property.

The Committee, in considering Consent (Severance), shall have regard, among other matters, to the health, safety, convenience and welfare of the present and future inhabitants of the municipality and to:

- The effect of development on matters of provincial interest as referred to in Section 2 of the Planning Act.
- Whether the proposed severed lot is premature or in the public interest.
- Whether the consent conforms to the intent of the Official Plan.
- The suitability of the land for the purposes for which it is being severed.
- The number, width, location and proposed grades and elevations of roadways and their adequacy in relation to any proposed roadway linking the proposed severed area with the established roadway system.
- The dimensions and shape of the proposed lot.
- Any restrictions on the subject land (or on the buildings and structures to be erected on it) and any restrictions on abutting lands.
- Conservation of natural resources and flood control.
- The adequacy of utilities and municipal services.
- The adequacy of schools.
- The area of land, if any, exclusive of roadways, that is to be conveyed or dedicated for public purposes (such as for parks).
- The physical configuration of the new lot having regard to energy conservation.

**Application Requirements**

1. It is required that one (1) copy of this application be filed with the Secretary-Treasurer of the Committee of Adjustment/Land Division Committee, together with the **SKETCH** referred to in Note 3 (below), accompanied by a **NON-REFUNDABLE FEE of $984.00** ($890.00 application fee plus $94.00 Building Department consultation fee) in cash or cheque made payable to the Township of South Frontenac.

| **Application Type:** | **Planning Fee:** | **Building Admin Fee:** | **TOTAL:** |
|---|---|---|---|
| Consent Application | $908.00 | ~~$94.00~~ $97.00 | ~~$1,002.00~~ $1,005.00 |
| Change of conditions | $204.00 | Nil | $204.00 |
| Change of conditions requiring re-circulation | $357.00 | $94.00 | $451.00 |
| Pre-consultation meeting fee | $102.00 | Nil | $102.00 |

2. It is required that a Fee be provided for the Township with respect to on-site sewage disposal and/or Conservation Authority (where applicable) when submitting an application. A separate cheque, payable to the applicable Conservation Authority, is to be submitted to the Township with the completed application, the fee for the onsite sewage disposal review can be added to the application fee.
   Please Note: These fees are for consultation on this application only; these agencies may require additional permit applications and fees prior to any construction.

| | |
|---|---|
| Township of South Frontenac onsite sewage disposal review *(per new lot)* | ~~$500~~ $515 |
| Cataraqui Region Conservation Authority (*per new lot or lot addition)* | ~~$400~~ $420 |
| Quinte Conservation Authority (*per new lot*)<br>(*lot addition*) | $344<br>$173 |
| Rideau Valley Conservation Authority (*per new lot or lot addition)* | $480 |

3. **PLEASE READ THIS ITEM CAREFULLY:**

   Each applicant shall provide a **sketch** showing the dimensions of the subject land and of all abutting lands as outlined in question 17 of the application. The sketch should be accurately dimensioned and scaled in either Imperial or Metric measures. This sketch, in conjunction with the Application Form, is the basis for the analysis of the Consent Application by the Land Division Committee. It is strongly recommended that the applicant spend the necessary time to carefully and thoroughly assemble the data and transfer the data to the sketch. It is important that the sketch be drawn with accurate dimensions and measurements. Any application which does not include the above required information may not be accepted. In this regard, the applicant may wish to secure the assistance of a person who specializes in the drafting of such sketches. A Reference Plan (survey) is not necessarily required for the Committee to consider the application but will be required at a later date prior to the stamping of the deeds.

4. **Collection of Personal Information:**

   Personal information requested herein is required under the Planning Act, 1990 as amended. This information will be used by the Committee of Adjustment/Land Division Committee for the purpose of reviewing the above referenced application, and may be made available to those boards, Commissions, Authorities, Agencies and Persons having an interest in this matter. Any questions regarding the collection of this information should be directed to the Secretary Treasurer of the Committee of Adjustment/Land Division Committee. (P.O. Box 100, Sydenham, Ont., K0H 2T0, Phone 613-376-3027 ext. 2224)

**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): AUTOMATX INC. c/o Julian Kreho

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

   _____

   Phone number of Owner(s): [redacted]

   Email Address of Owner(s): [redacted]

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

   Name of Authorized Agent: _____

   **Full Mailing Address** of Authorized Agent: _____

   _____

   Phone number of Authorized Agent: _____

   Email Address of Authorized Agent: _____

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

   _____
   Signature(s) of Owner(s)

3. The description of the subject land:

   District: ☐ Bedford ☐ Portland ☐ Loughborough ☒ Storrington

   Concession Number: 8 Lot Number: 15 and 16

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

Street Number: 4071 Name of Road/Street: Hiawatha Lane

Reference Plan Number: 13R-22055 Part Number(s): 1 to 31

Roll Number: 102906006004200

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

Frontage (on water): 534.4 m Frontage (on road/lane): 1,604.8 m

Depth: irregular Area: 52.2 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.

Severance / Creation of 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 | 551.1 m | Frontage On Road | 1,053.7 m |
| Frontage On Water | 201.8 m | Frontage On Water | 332.6 m |
| Depth | irregular | Depth | irregular |
| Area | 16 acres | Area | 36.2 acres |

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

| | Existing Uses | Proposed Uses |
|---|---|---|
| New Lot: | RRC-4 | RLSW |
| Retained: | RRC-4 | RRC-4 |

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

| | Structures Existing | Structures Proposed |
|---|---|---|
| New Lot: | none | none |
| | | |

| | Structures Existing | Structures Proposed |
|---|---|---|
| Retained Lot: | 5 | none |
| | | |

(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 Road: | |
| Frontage On Water: | | Frontage On Water: | |
| Depth: | | Depth: | |
| Area: | | Area: | |

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

| | Present Use of Property | Proposed Use of Property |
|---|---|---|
| Lot Addition or R.O.W: | | |
| Retained: | | |

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

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***):

SELF

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***):

All existing easements to be retained with the new lot.

9. Name of road or lane which accesses:

The new lot (lot addition or R.O.W.): Hiawatha Lane and Hood Lane

The retained lot: Hiawatha Lane and Hewett Lane

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

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

New Lot: _____

Retained Lot: _____

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

New Lot: Well Retained Lot: Well

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

New Lot: Septic Retained Lot: Septic

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

RRC-4

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

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

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

    _____

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

    (b) The file #: _____ (b) The decision on the application:

    _____

    (c) The current use of the land: _____

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

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

    a) The boundaries and dimensions of the subject land, the part that is to be severed and the part that is to be retained.
    b) The location of all land previously severed from the parcel (if applicable) originally acquired by the current owner of the subject land.
    c) The approximate location of all natural and artificial features on the subject land and on the abutting lands. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, barns, wetlands, wooded areas, wells and septic tanks. Show distance of these features from the applicant's property lines.
    d) The current uses of land that is abutting the subject land, such as residential, agricultural and commercial uses (if agricultural, please indicate the approximate distance of any barn structure from the proposed new lot).
    **Note: The existence of a nearby barn or other farm type structure may affect the success of your application because of incompatibility issues. Please check with the Planning Department regarding the implications of any farm structure, on your application**.
    e) The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way.

f) If access to the subject land is by water only, the location of the parking and boat docking facilities to be used.
g) The location and nature of any easement affecting the subject land.
h) The location of any abandoned wells on the property.
i) **Please prepare your sketch so that North is at the top of the page.**

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

### 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:

DATED AT THE TOWNSHIP OF SOUTH FRONTENAC

THIS 30 DAY OF April, 20 21

I, Julian Kreho OF Battersea Ontario

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

[redacted]

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

## A GUIDE TO COMPLETING YOUR APPLICATION FORM

1. The names of **at least one** owner must appear in this section, and the address(es) should be the **full mailing address, complete with postal code**.

2. If there is someone acting on behalf of the listed owner(s) (e.g. a solicitor, a consultant, or a family member) then that person would be the agent, and the owner(s) must sign part (e) to indicate that the agent has the authorization to act on behalf of the owner(s).

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

3. Please indicate the purpose of this consent application from among the choices provided.

4. Please complete all sections that pertain to your application.
   If your application is for a new lot please complete section (a).
   If your application is for a lot addition or a right-of-way, please complete section (b).

5. If you know the person who will be purchasing the new lot or lot addition, please indicate. Otherwise, indicate "self".

6. This question is asking about such things as a 20 ft. wide Bell or Ontario Hydro easement, a registered right-of-way to access another property, or something like someone having a life-long interest in the property.

7. Please indicate what road or lane will be used to access the new lot and the retained parcel.

8. If the new lot can be accessed by water only, we will need to know where you access it from, and what arrangements exist for permanent mainland parking, as access to mainland parking is a requirement of creating a new water access only lot.

9. In most cases, your answer will be private well, or lake, depending on where the lot is located.

10. The majority of cases will be private septic, but there may also be some privies or other situations.

11. If you do not know how your property is zoned, leave this question blank until you have talked to the planning staff.

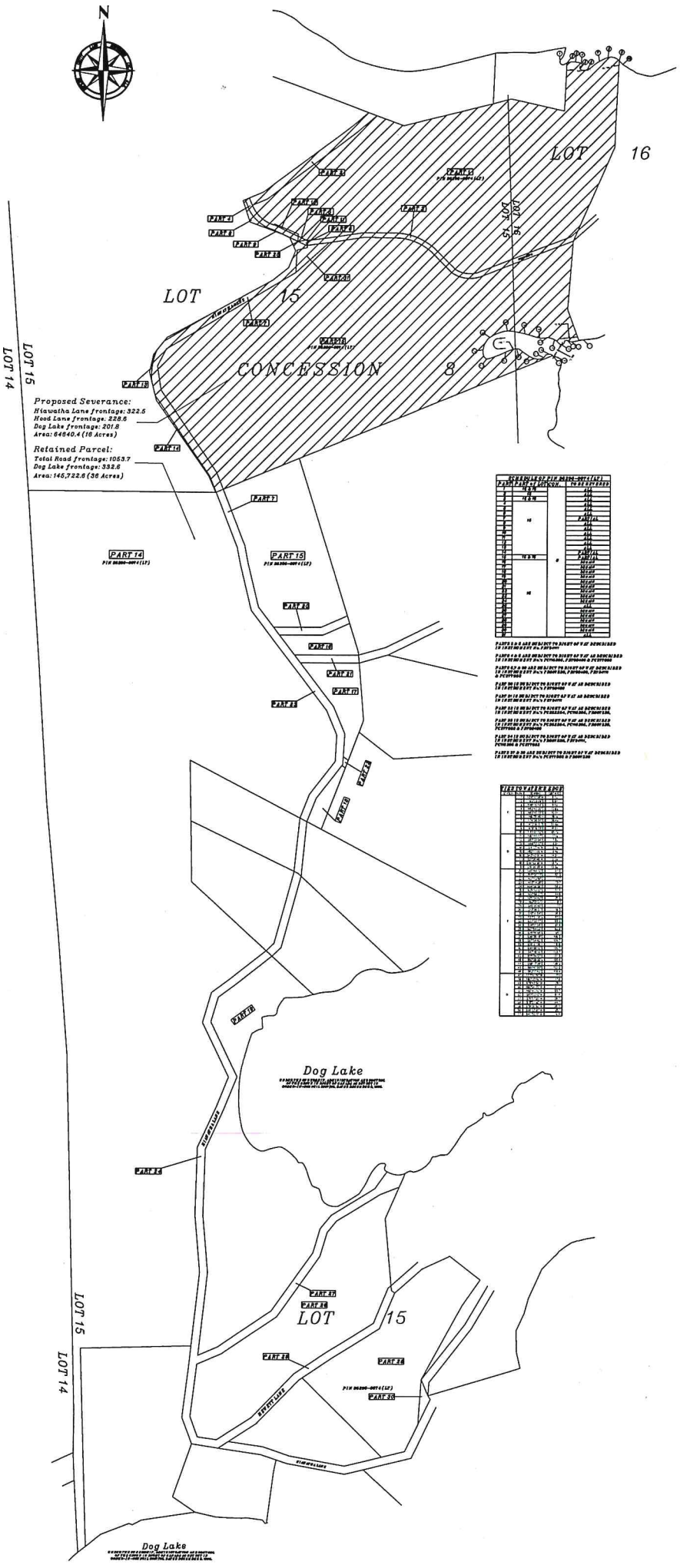
12. Please indicate if you have ever applied for a severance application or a plan of subdivision or a plan of condominium for the subject land since September 5, 2000.

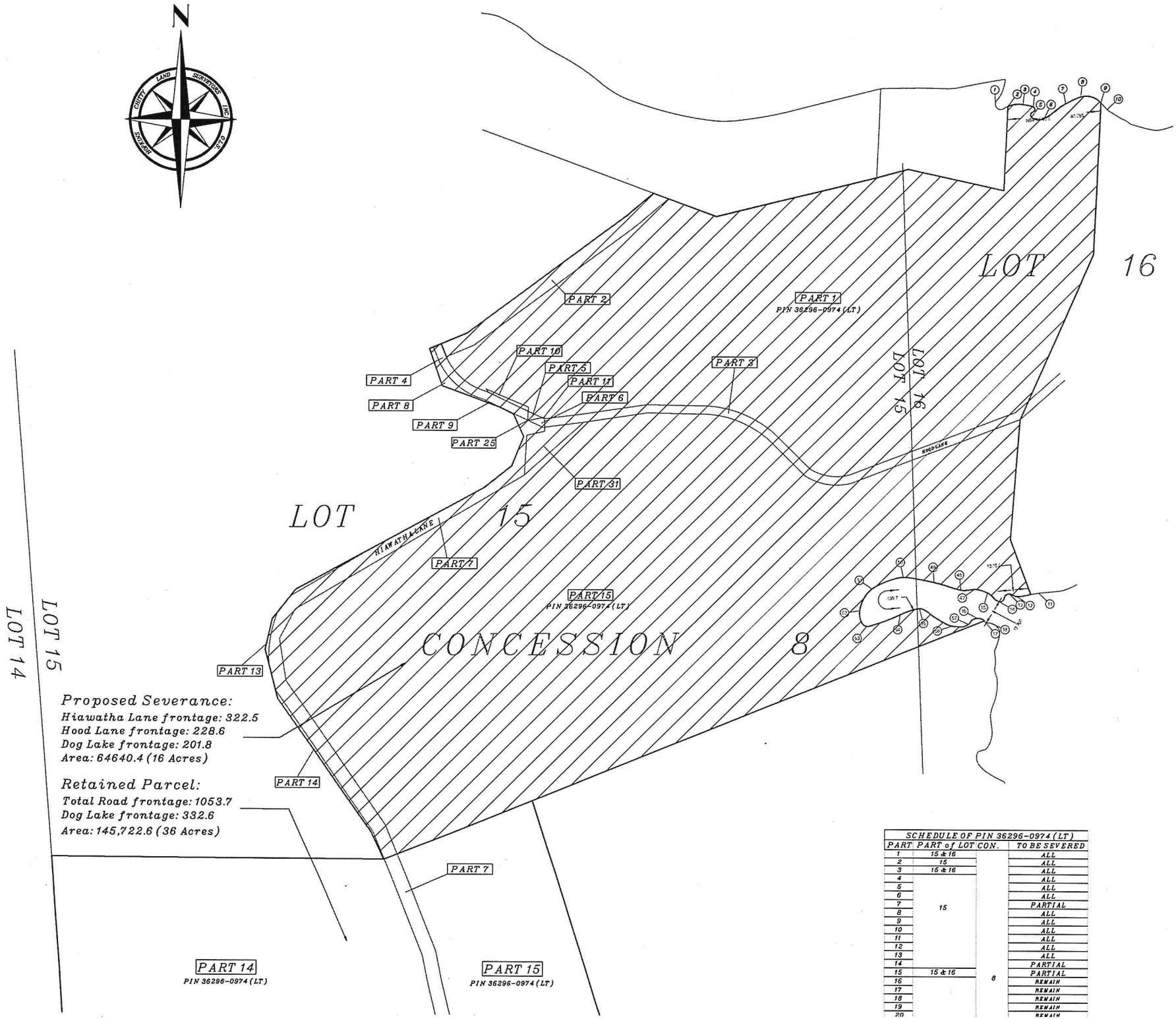
13. Please indicate if you have applied for a zoning by-law amendment, an official plan amendment, or a minor variance, and if so, indicate the file # (or date) and the purpose of the application.

14. This question is asked because no new lot will be created unless the Committee is satisfied that any abandoned wells on the property have been properly sealed in accordance with Ministry of Environment guidelines.

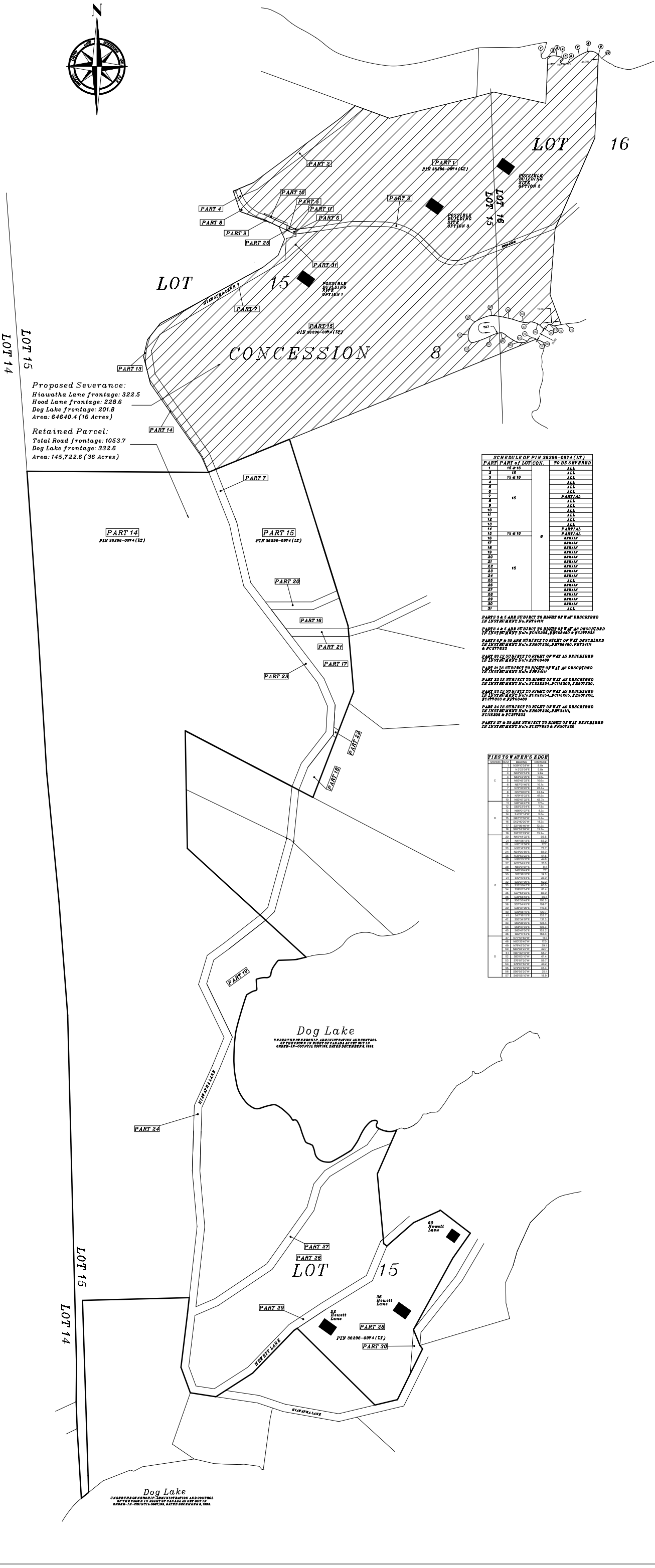
15. **The Sketch is probably the most important part of your application. You do not need to pay a professional to prepare it for you, but it must be drawn to scale; it must contain all of the information outlined; and it must be drawn with north direction at the top of the sketch.**

16. The Agreement to Indemnify is your agreement that your application will be processed at your expense, and that any additional expenses will be your responsibility. If there is more than one owner, both owners must sign the application, unless one person has been appointed as agent for purposes of processing the application. The signature(s) can be witnessed at the Township Office, or you can have a commissioner.


N
LOT 16
LOT 15
CONCESSION 8
LOT 15
LOT 14
Proposed Severance:
Hiawatha Lane frontage: 322.5
Hood Lane frontage: 228.6
Dog Lake frontage: 201.8
Area: 64840.4 (16 Acres)
Retained Parcel:
Total Road frontage: 1053.7
Dog Lake frontage: 332.6
Area: 145,722.6 (36 Acres)
PART 14
PART 15
Dog Lake
LOT 15
LOT 14
Dog Lake




| SCHEDULE OF PIN 36296-0974 (LT) | | | |
|---|---|---|---|
| PART | PART of LOT | CON. | TO BE SEVERED |
| 1 | 15 & 16 | | ALL |
| 2 | 15 | | ALL |
| 3 | 15 & 16 | | ALL |
| 4 | | | ALL |
| 5 | | | ALL |
| 6 | | | ALL |
| 7 | 15 | | PARTIAL |
| 8 | | | ALL |
| 9 | | | ALL |
| 10 | | | ALL |
| 11 | | | ALL |
| 12 | | | ALL |
| 13 | | | ALL |
| 14 | | | PARTIAL |
| 15 | 15 & 16 | 8 | PARTIAL |
| 16 | | | REMAIN |
| 17 | | | REMAIN |
| 18 | | | REMAIN |
| 19 | | | REMAIN |
| 20 | | | REMAIN |




SCHEDULE OF PIN 36296-0974 (LT)

| PART | PART of LOT | CON. | TO BE SEVERED |
|---|---|---|---|
| 1 | 15 & 16 | | ALL |
| 2 | 16 | | ALL |
| 3 | 15 & 16 | | ALL |
| 4 | | | ALL |
| 5 | | | ALL |
| 6 | | | ALL |
| 7 | 15 | | PARTIAL |
| 8 | | | ALL |
| 9 | | | ALL |
| 10 | | | ALL |
| 11 | | | ALL |
| 12 | | | ALL |
| 13 | | | ALL |
| 14 | | | PARTIAL |
| 15 | 15 & 16 | 8 | PARTIAL |
| 16 | | | REMAIN |
| 17 | | | REMAIN |
| 18 | | | REMAIN |
| 19 | | | REMAIN |
| 20 | | | REMAIN |
| 21 | | | REMAIN |
| 22 | | | REMAIN |
| 23 | 15 | | REMAIN |
| 24 | | | REMAIN |
| 25 | | | ALL |
| 26 | | | REMAIN |
| 27 | | | REMAIN |
| 28 | | | REMAIN |
| 29 | | | REMAIN |
| 30 | | | REMAIN |
| 31 | | | ALL |

PARTS 2 & 5 ARE SUBJECT TO RIGHT OF WAY DESCRIBED IN INSTRUMENT No. FB734111

PARTS 4 & 5 ARE SUBJECT TO RIGHT OF WAY AS DESCRIBED IN INSTRUMENT No.'s FC115205, FB766480 & FC277833

PARTS 6,7 & 30 ARE SUBJECT TO RIGHT OF WAY DESCRIBED IN INSTRUMENT No.'s FB507220, FB766480, FB734111 & FC277833

PART 20 IS SUBJECT TO RIGHT OF WAY AS DESCRIBED IN INSTRUMENT No.'s FB766480

PART 21 IS SUBJECT TO RIGHT OF WAY AS DESCRIBED IN INSTRUMENT No.'s FB734111

PART 22 IS SUBJECT TO RIGHT OF WAY AS DESCRIBED IN INSTRUMENT No.'s FC232254, FC115205, FB507220,

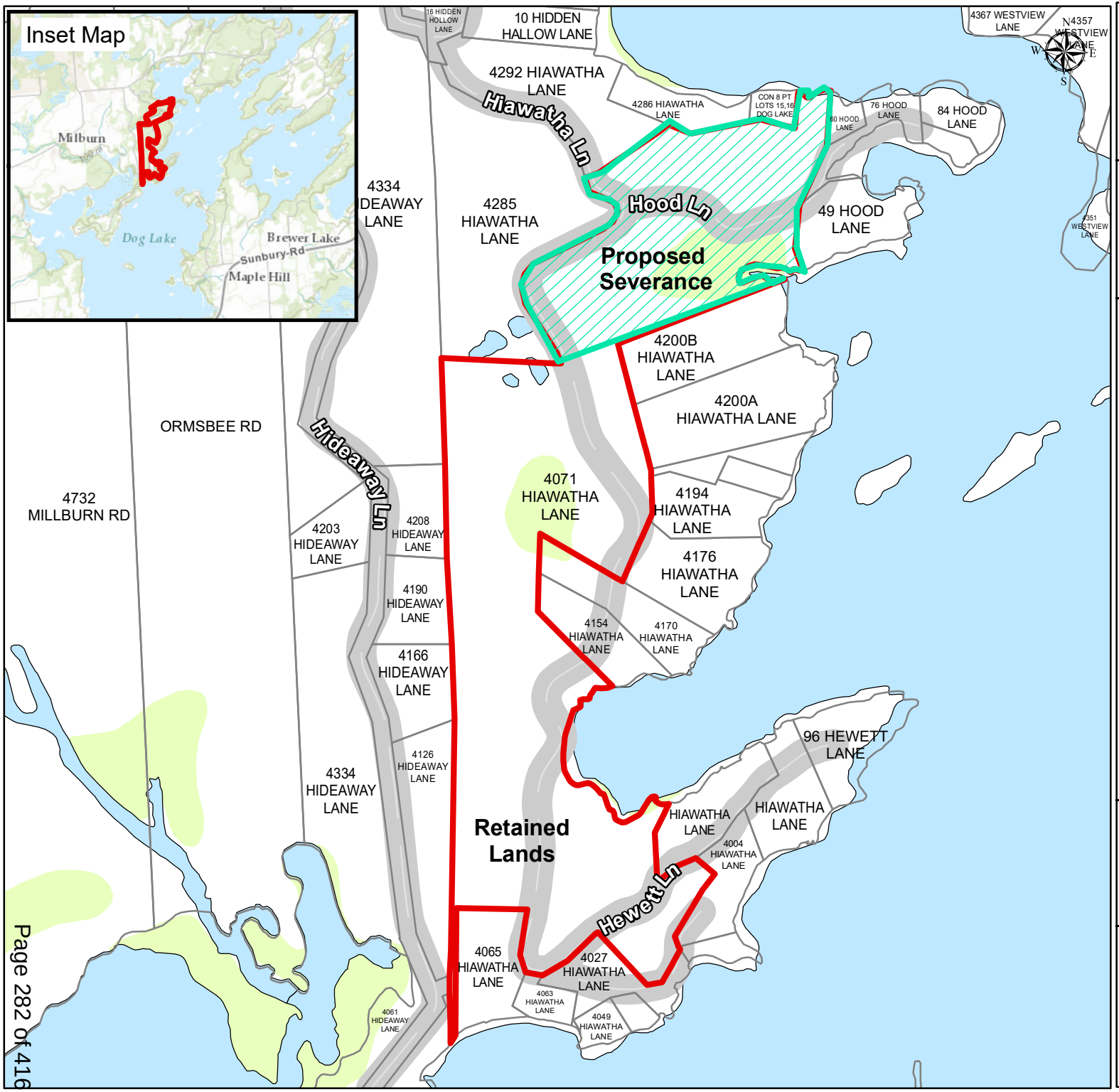
PART 23 IS SUBJECT TO RIGHT OF WAY AS DESCRIBED IN INSTRUMENT No.'s FC232254, FC115205, FB507220, FC277833 & FB766480

PART 24 IS SUBJECT TO RIGHT OF WAY AS DESCRIBED IN INSTRUMENT No.'s FB507220, FB734111, FC115205 & FC277833

PARTS 27 & 30 ARE SUBJECT TO RIGHT OF WAY DESCRIBED IN INSTRUMENT No.'s FC277833 & FB507220

TIES TO WATER'S EDGE

| STATION | BALL | BEARING | DISTANCE |
|---|---|---|---|
| C | 1 | N39°10'39"W | 8.0± |
| | 2 | N 2°23'58"E | 5.8± |
| | 3 | N46°20'54"E | 9.6± |
| | 4 | N63°42'25"E | 12.6± |
| | 5 | N83°57'33"E | 10.6± |
| | 6 | N87°31'48"E | 16.1± |
| | 7 | N74°29'20"E | 26.4± |
| | 8 | N72°02'07"E | 33.6± |
| | 9 | N79°19'33"E | 41.5± |
| | 10 | N83°47'33"E | 43.7± |
| D | 11 | N87°44'47"E | 17.1± |
| | 12 | S89°33'54"E | 7.8± |
| | 13 | N86°57'33"E | 4.3± |
| | 14 | S 4°27'14"W | 3.0± |
| | 15 | N87°11'56"W | 5.4± |
| | 16 | S42°48'00"W | 14.3± |
| | 17 | S31°09'46"W | 13.3± |
| | 18 | S26°53'28"W | 11.7± |
| | 19 | S16°02'29"W | 13.2± |
| E | 20 | N45°44'32"E | 83.5 |
| | 21 | N4°26'13"E | 83.2 |
| | 22 | N37°13'58"E | 77.7 |
| | 23 | N33°58'28"E | 73.7 |
| | 24 | N34°50'56"E | 58.0 |
| | 25 | N25°53'22"E | 51.5 |
| | 26 | N32°55'27"E | 44.6 |
| | 27 | N25°54'52"E | 26.5 |
| | 28 | N63°21'57"E | 8.1 |
| | 29 | S40°30'49"E | 7.7 |
| | 30 | S13°36'57"E | 19.3 |
| | 31 | S10°15'54"E | 38.9 |
| | 32 | S23°07'38"E | 62.2 |
| | 33 | S37°50'57"E | 67.0 |
| | 34 | S38°07'54"E | 81.4 |
| | 35 | S37°54'02"E | 83.9 |
| | 36 | S38°56'48"E | 88.1 |
| | 37 | S36°51'49"E | 105.3 |
| | 38 | S37°54'45"E | 109.7 |
| | 39 | S36°37'06"E | 116.8 |
| | 40 | S39°56'15"E | 109.7 |
| | 41 | S47°16'15"E | 123.7 |
| | 42 | S55°34'07"E | 131.3 |
| | 43 | S60°28'00"E | 136.4 |
| | 44 | S58°47'39"E | 139.3 |
| | 45 | S60°47'50"E | 153.2 |
| | 46 | S62°17'43"E | 156.4 |
| F | 47 | N27°51'50"W | 11.1 |
| | 48 | N67°24'45"W | 17.0 |
| | 49 | N79°43'30"W | 29.1 |
| | 50 | N80°09'20"W | 42.7 |
| | 51 | N87°42'10"W | 55.7 |
| | 52 | S85°53'10"W | 61.4 |
| | 53 | S76°07'20"W | 59.7 |
| | 54 | S76°07'50"W | 44.2 |
| | 55 | S79°35'50"W | 35.4 |
| | 56 | S56°03'20"W | 25.1 |
| | 57 | S45°55'10"W | 18.9 |




# S-28-21-S (Automatx Inc.)

## 4071 HIAWATHA LANE

## Legend

- Proposed Severance
- Subjet Property
- Parcel Fabric
- Roads
- Provincially Significant Wetlands
- Waterbody
- Wetland

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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 1:6,500

0 30 60 120 180 240

Meters

UTM Projection NAD 83

Date: 2021-05-21

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

# Consent to Sever Inspection Report

| File Number: | | | Roll Number: | | |
|---|---|---|---|---|---|
| S-28-21-S | | | 102906006004200 | | |
| **Owner(s):** AUTOMAX INC. c/o Julian Keho | | | | | |
| **Municipality:** Township of South Frontenac | | | **Ward / Former Township:** Storrington | | |
| **Lot:** 15 and 16 | **Concession:** 8 | **Registered Plan:** 13R-22055 | **Part(s):** 1 to 31 | **Plan of Subdivision:** | **Sublot:** |

**General Description (existing buildings, surface features, slopes, site services for water and sewage, etc.)**

**Severed:** The proposed severed lot consists of forested area with heavy brushy under growth and rock ridge to the north. The proposed severed lot is bordered by private properties to the north and east, the retained lot to the south and Hiawatha Lane to the west. Hood Lane is located within the property running from east to west. The test pits were located near the center of the property approximately 15m south of Hood Lane and excavated to 1.9 meters in depth.

**Retained:** N/A

**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.**

| Severed | | Depth of Soil | Retained |
|---|---|---|---|
| Top soil and organics | ----------> | 0.2 m | N/A |
| Clay | | | |
| Test pit #1- Bedrock | ----------> | 1.9 m | |
| Test pit #2 -Bedrock | ----------> | 1.9 m | |

Percolation rate (estimated): >50 cm/min  Percolation rate (estimated): min/cm

**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.**

**Suitability for on-site sewage disposal:**

**SEVERED**

- [x] Satisfactory
- [ ] Unsatisfactory
- [x] Site Flexible
- [ ] Site Specific

**Conditions:** The Building Department has no objection to the proposed severance as the application states the consent is for a lot creation. 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.

**RETAINED**

- [ ] Satisfactory
- [ ] Unsatisfactory
- [ ] Site Flexible
- [ ] Site Specific

**Conditions:** N/A

| **Inspector:** Chris Beeg | **Approved:** | **Date:** August 16, 2021 |
|---|---|---|

Rideau Waterway Development Review Team

July 28, 2021 File: SEV/FRS/257/2021

**Sent by E-mail**

Ms. Michelle Hannah, Planning Assistant
Township of South Frontenac
P.O. Box 100
Sydenham, ON K0H 2T0

Dear Ms. Hannah:

**Re: Application for Consent to Sever S-28-21-S (Automatx Inc.)**
**Part Lots 15, 16, Concession 8; 4071 Hiawatha Lane**
**Storrington District, Township of South Frontenac**
**Waterbody: Dog Lake**

The Rideau Waterway Development Review Team (RWDRT), made up of staff from Cataraqui Conservation and Parks Canada, has reviewed the technical circulation for the above-noted application for severance and provide the following comments for the Committee of Adjustment's consideration.

**Summary of Proposal**

The applicant has requested severance of a 6.5 hectares parcel of land (lot to be severed) from a property located on Hiawatha Lane in South Frontenac Township. It is proposed that the lot to be severed will have approximately 551 metres of road frontage and 202 metres of water frontage. The lot to be retained would be approximately 14.65 hectares in area with 1,054 metres of road frontage and 333 metres of water frontage.

**Site Description**

The property is located on the west side of Dog Lake, east of Hideaway Lane. The proposed lot to be severed and the retained parcel have water frontage onto Dog Lake. The proposed lot to be severed is presently vacant and the retained lot is developed with five buildings noted in the application. The severed lot is proposed to be used for residential development in the future.

The property is currently designated ‘Rural’ in the Official Plan and ‘Recreational Resort Commercial’ (RRC-4) in the implementing Zoning By-law for South Frontenac Township.

**Discussion**

The main interests of the RWDRT in this application are the avoidance of natural hazards (e.g. flooding and erosion) associated with the shoreline of Dog Lake, the protection of the water quality of the lake, and the conservation of the cultural and natural heritage and scenic values of the Rideau Canal National Historic Site and UNESCO World Heritage Site.

Natural Hazards

**Flooding:** The maximum recorded water level for Dog Lake is 98.95 metres geodetic. For Dog Lake, the maximum recorded water level is used in lieu of an engineered flood plain. Cataraqui Conservation’s Guidelines for Implementing Ontario Regulation 148/06 (see description below) requires that all development be set back a minimum of 6 metres from the regulatory floodplain of a waterbody. Based upon available mapping information, staff have concluded that there is significant area for development to occur beyond the required setback from the flood plain for the lot to be severed and the retained lot. Therefore, staff have no concerns with the application from a flooding perspective.

**Erosion:** Section 5.8.2.b) of the Zoning By-law specifies that no building or structure or septic tank installation shall be located within a minimum of 15 metres horizontal of the top of bank of any embankment, the slope of which is greater than 30% from horizontal. Cataraqui Conservation defines the extent of potential erosion hazards to include an allowance for toe erosion, a stable slope allowance of 3(h):1(v) for till and 1(h):1(v) for rock, plus an erosion access allowance of 6 metres. Based upon available mapping information, staff have concluded that there is significant area for future development to occur outside of the erosion hazard setbacks described above on the severed and retained lots. Therefore, staff have no concerns with the applications from an erosion perspective.

Water Quality

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

Cataraqui Conservation's Environmental Planning Policy (2021) contains provisions that seek to support these objectives.

The Official Plan recognizes the need to minimize impacts to water quality 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.

Policy 6.1.6 of Cataraqui Conservation's Environmental Planning Policy suggests that development setbacks should be based on the findings of lake management plans and site evaluation guidelines if available. For Precambrian shield lakes such as this one, Appendix G of the Planning Policy is used to establish an appropriate setback for future development. Appendix G was developed in consideration of the findings of a report entitled "Assessment of Municipal Site Evaluation Guidelines for Waterfront Development in Eastern Ontario's Lake Country" completed by Hutchinson Environmental Sciences Ltd. (April 2014). These guidelines define a horizontal water setback distance based upon site characteristics such as soil texture and depth, slope and vegetation along the shoreline. Based upon the criteria discussed above, the recommended minimum depth of shoreline buffer for development for the lot to be severed should be a minimum of 40 metres to protect the water quality of Dog Lake. Staff note that the retained lot is already developed so a setback for water quality protection is not provided for the retained lot.

In order to ensure that future residential development is consistent with the above noted setback recommendation, staff recommend that additional development controls be placed on the proposed lot to be severed. This is typically accomplished through site specific zoning or site plan agreement.

<u>Rideau Canal National Historic Site and UNESCO World Heritage Site</u>
Similarly, RWDRT staff strive to preserve and enhance the cultural, natural and scenic values of the national historic site and world heritage site so that all Canadians can enjoy this legacy into the future. This can be achieved through the maintenance of a natural shoreline, the maintenance and enhancement of vegetation on the property, development which complements the visual character of the landscape, and the maintenance of a minimum 30 m setback of all development from the water. The recommended 40 metre water setback will help to meet these objectives.

**Recommendation**

RWDRT staff have no objection to the approval of application S-28-21-S based on our consideration for natural hazards, natural and cultural heritage, and water quality protection policies *provided that future development on the severed lot is a minimum distance of 40 metres in accordance with the findings of the Hutchinson Site Evaluation Guidelines for Waterfront Development to protect water quality.*

Regulatory Requirements

Parks Canada - Rideau Canal Office oversees all in-water and shoreline works along the Canal system. If the landowner wishes to carry out any in-water or shoreline works in the future, the Rideau Canal Office must be contacted and written approval obtained prior to the commencement of construction.

Ontario Regulation 148/06 - Cataraqui Conservation, under Ontario Regulation 148/06: *Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses,* regulates development within 15 metres of a flood plain or erosion hazard, and within 15 metres of the top of valley. Therefore, a permit may be required for proposed development on the severed and retained lots. The applicant or future owners of the lands 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 with regard to these applications. If you have any questions, please contact Andrew Schmidt at (613) 546-4228 extension 244 or by e-mail at aschmidt@crca.ca.

Yours truly,

Andrew Schmidt

Andrew Schmidt
Supervisor, Development Review

c.c. Anna Geladi, Planner. South Frontenac Township (via e-mail)
Christine Woods, Senior Planner, South Frontenac Township (via e-mail)
Susan Millar, Planner, Parks Canada (via e-mail)

# REPORT TO COMMITTEE OF ADJUSTMENT
# PLANNING DEPARTMENT

**Report Date:** October 8, 2021

**Application No:** S-28-21-S
**Owner:** Automatx Inc.
**Location of Property:** 4071 Hiawatha Lane, Storrington District
**Purpose of Application:** Consent for the creation of a new residential lot
**Date of Hearing:** October 14, 2021

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**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** | Rural | Rural |
| **Zoning** | Recreational Resort Commercial – Special Provision (RRC-4) | Recreational Resort Commercial – Special Provision (RRC-4) |
| **Area** | +/- 6.4 hectares (+/- 16 acres) | +/- 14.6 hectares (+/- 36.2 acres) |
| **Frontage on Road** | +/- 551 metres (+/- 1807 feet) on Hiawatha Lane | +/- 1053 metres (+/- 3454 feet) on Hiawatha Lane |
| **Frontage on Water** | +/- 40 metres (+/- 131 feet) (north) and +/- 24 metres (+/- 78 feet) (south) on Dog Lake | +/- 332 metres (+/- 1089 feet) on Dog Lake |

**Review**:

This application:

✓ Conforms to 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 to the County of Frontenac Official Plan (3.3 & 7.1);

✓ Conforms to the Township of South Frontenac Official Plan (5.7.7); and

✓ Does not comply with Zoning By-law No. 2003-75 (but would comply subject to a condition requiring a rezoning).

X Has unresolved objections/concerns raised from agencies or the public.

This application does not meet all the By-law 2020-27 criteria for an undisputed consent application. Therefore, the Director of Development Services cannot make a decision on the application. The Committee of Adjustment will hear the application at its October 14th meeting.

## Proposal

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

The subject property is located on Hiawatha Lane, which is off Ormsbee Road. Hiawatha Lane, Hood Lane and Hewett Lane cross the property. Several waterfront properties are accessed from these lanes.

The subject property is approximately 21 hectares in area, and has multiple separate frontages on Dog Lake. A tourist establishment, consisting of two cottages and two accessory buildings, is established on the subject property in compliance with the RRC-4 zone.

The severed parcel consists of approximately 6.4 hectares of vacant land. It has approximately 551 metres of frontage on Hiawatha Lane. Hood Lane runs through the severed parcel. A wide bedrock ridge runs parallel to Dog Lake on the north side of Hood Lane. The severed parcel would have approximately 40 metres of frontage on Dog Lake north of Hood Lane. The shoreline consists of an exposed bedrock outcrop. There are bedrock outcrops, as well as land with a gentler slope on the south side of Hood Lane. The severed parcel would have approximately 24 metres of frontage on Dog Lake south of Hood Lane. This waterfrontage is located at the mouth of a small watercourse/wetland.

The retained parcel consists of approximately 14.6 hectares of land. It has approximately 1053 metres of frontage on Hiawatha Lane, and approximately 332 metres of frontage on Dog Lake. The tourist establishment, consisting of two cottages and two accessory buildings, would remain on the retained parcel. These buildings are setback a minimum of 50 metres from the highwater mark of Dog Lake.

## Department, Agency and Public Comments

Comments from Township departments, agencies and the public are summarized in this section of this report.

**Building Services (Sewage System Review)** – Building Services reported on August 16, 2021, that the severed parcel is capable of providing flexibility in siting a sewage disposal system. The report also indicated that soil conditions found on the lot will require additional suitable granular soil to construct a sewage disposal system; specific requirements for additional soil will need to be addressed prior to site development. Building Services have no objection to the approval of the application.

**Rideau Waterway Development Review Team (RWDRT)** – RWDRT consists of Cataraqui Conservation and Parks Canada – Rideau Canal Office staff. In a letter dated July 28, 2021, RWDRT indicated that there is significant area for development to occur beyond required setbacks from floodplains and erosion hazards on both the severed and retained parcels.

RWDRT applied site evaluation guidelines (per Hutchinson Environmental Sciences Ltd. (April 2014) in order to recommend an appropriate setback from the highwater mark of Dog Lake to protect water quality. The guidelines consider site characteristics including soil texture and depth, slope, and vegetation along the shoreline. RWDRT recommended a minimum 40 metre setback from the highwater mark for future development on the severed parcel based on the site characteristics. They recommended that this setback be implemented through zoning.

The Rideau Canal is a National Historic Site and an UNESCO World Heritage Site. Parks Canada strives to preserve and enhance the cultural, natural and scenic values of the Rideau Canal. This can be achieved through the maintenance of a natural shoreline, the maintenance and enhancement of vegetation on the property, development which complements the visual character of the landscape, and the maintenance of a minimum 30 m setback of all development from the water. RWDRT indicated that the recommended 40 metre setback from the highwater mark would help achieve Parks Canada's objectives for the Rideau Canal.

Finally, it was noted that written approval must be obtained from the Parks Canada - Rideau Canal Office for any future in-water or shoreline works. Also, a permit under Cataraqui Conservation's O. Reg. 148/06 may be required for any development on the severed and retained parcels. Parks Canada indicated by email on September 16, 2021, that the water depth is shallow. A water depth of at least one metre (three feet) is typically recommended in order to accommodate navigation of the average size watercraft. Their navigation charts show that this property does not have one metre of water depth. There are observations of Species at Risk in the vicinity of the property. The review of any in-water and shoreline work applications will include a review for potential impacts on Species at Risk.

**Public Comments –** Comments were received from two members of the public during the initial review period for this application.

Richard Gibson (PIN 36296-0406) owns land, whose deed includes a right-of-way over the subject property. The right-of-way became unregistered during the conversion of his property from the paper Registry System to the Electronic Land Titles System. This can happen when the deed includes a vague description of a right-of-way. Mr. Gibson does not object to the application. However, he requested that the right-of-way be shown on the survey of the severed parcel and be re-deed to his property as a condition of consent.

Planning staff shared this request with the applicant for their consideration, as the Township cannot make this request a condition of approval of the subject application. The applicant indicated to staff that they and Mr. Gibson had previously discussed the matter. The applicant is not agreeable to amending their application to request a right-of-way in favour of this property. Mr. Gibson would need to apply separately for a consent for a right-of-way, with the landowner's authorization to do so.

Robert Keating (4176 Hiawatha Lane) raised concerns that there is insufficient waterfrontage for a residential zone on the severed parcel, and that the development and water access would be directed to the southern shoreline which is an environmentally sensitive marshland. He indicated that his concerns stem from the high volume of waterfront connected development that is taking place on Hiawatha Lane and in the south part of Dog Lake in general. He also indicated that the waterways have become extremely busy in recent years and the shoreline development is growing along with it. He also mentioned that it is important to enforce the 91 metre minimum waterfront requirement as it is meant to help protect the shorelines and the water habitat. Planning staff spoke with Mr. Keating to understand his concerns, which cannot be addressed if the application is approved.

## Planning Analysis

There are two main policy themes that apply to the proposed severance. These are limited service residential development and development near an environmentally sensitive area.

The Provincial Policy Statement (2020) allows growth and development to be directed to rural lands, including resource-based recreational uses, as well as residential lot creation and development that is compatible with the rural landscape (section 1.1.5). The County of Frontenac Official Plan and the Township of South Frontenac Official Plan also permit residential development in the Rural designation.

There has been two previous severances from the subject property since the adoption of the Township Official Plan in September of 2000. In accordance with Section 5.7.7 of the Official Plan, the severed parcel is eligible as a third limited service residential severance.

The Owner demonstrated that the severed parcel would have the ability to be serviced by a private sewage disposal systems. Township policies do not generally require a well driller's report for the creation of waterfront lots since water could be drawn from the lake. However, it is anticipated that the parcel will be serviced by a private well given the RWDRT recommendation to require a minimum 40 metre setback from the highwater mark and due to poor lake water quality (e.g. regular blue green algae blooms can contaminate the water making it non-potable). The applicant will be required to demonstrate of a potable water source at the building permit stage.

Section 5.7.7 requires the frontage, size and shape of any lot created for limited service residential purposes through the severance approval process to be appropriate for the proposed use and to conform to the provisions of the zoning by-law. A minimum lot area of one hectare with a minimum of 91 metres of water frontage and 76 metres of frontage on a private road is established.

Section 5.7.7(ii)(a) indicates that the Township may consider reductions to the minimum lot size and frontage requirements provided the overall intent of the Official Plan is maintained. The severed parcel, with an area of 6.4 hectares would exceed the required minimum lot area. It would also exceed the minimum frontage required on a private lane. However, the severed parcel would be deficient in waterfrontage as the waterfrontage would consist of remnant sections of shoreline from historical severances. There is no contiguous waterfrontage that meets the minimum 91 metre length required for the severed parcel.

Minimum waterfrontages are required in order to ensure safe boating and swimming conditions, to avoid an overdeveloped appearance, and to help ensure a reasonable separation between residential uses.

RWDRT recommended a minimum 40 metre setback from the highwater mark for future development on the severed parcel based on the Assessment of Municipal Site Evaluation Guidelines for Waterfront Development in Eastern Ontario's Lake Country (Hutchinson Environmental Ltd., 2014). These site evaluation guidelines can be used to implement section 5.2.7(b)(ii)(1) of the Official Plan, which intends that newly created lots which have a steep slope, minimal woody vegetation cover, thin soils and/or soils with poor phosphorus retention, may require a setback of 90 metres from the highwater mark. The site evaluation guidelines take into consideration site characteristics including soil texture and depth, slope and vegetation to determine an appropriate horizontal setback between development and the shoreline of lakes on the Precambrian Shield. Dog Lake is on the Precambrian Shield.

The subject property has limited development options in its current configuration due to the number and location of historical waterfront residential lots that were created and the resulting remnant lengths of shoreline. Given the topography and location of Hood Lane on the severed parcel, applying a minimum 40 metre setback from the highwater mark would result in future development being located towards the middle of the parcel away from either of the waterfrontages. This would help avoid an overdeveloped appearance of the shoreline and help ensure a reasonable separation between residential uses. The Parks Canada - Rideau Canal Office regulates in-water or shoreline works, and would have consideration for water depth (i.e. safe boating) and potential aquatic species at risk in approval any such works. The proposed severance rationalizes the remnant lengths of shoreline, meeting the intent of the Official Plan. It also represents good planning by addressing the overall development of the subject property in a way that is more viable over the long term.

The severed parcel is zoned Recreational Resort Commercial – Special Provision (RRC-4). The parcel would need to be rezoned to Limited Service Residential – Waterfront – Special Provision (RLSW-XX) in order to recognize that the parcel would be a waterfront property accessed by a private

lane, to permit residential development, and to require a minimum 40 metre setback from the highwater mark.

The retained parcel would continue to comply with the RRC-4 zone, and meet the requirements of the overarching RRC zone, including lot area, unit density, and minimum usable waterfront per unit.

The severed parcel and retained parcel comply with the land division policies (section 7.1) of the Township of South Frontenac Official Plan.

## Conclusion

This application does not meet the criteria for an undisputed consent application listed in By-law 2020-27. There was also an unresolved concern raised by a member of the public regarding the severed parcel having less than the minimum waterfrontage. It is the opinion of Planning staff that the application is appropriate for the reasons outlined in this report.

The recommended conditions were reviewed with the Applicant. The Applicant advised Staff on October 8, 2021 that they are agreeable to the conditions.

It is recommended that application S-28-21-S be **approved** for the consent to create a new residential lot in Part of Lots 15 and 16, Concession 8, District of Storrington, Township of South Frontenac, municipally known as 4071 Hiawatha Lane, subject to conditions.

## Recommended Conditions for Consent Application S-28-21-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-28-21-S shall be for the creation of one new residential lot +/- 6.4 hectares (+/- 16 acres) in area and with +/- 551 metres (+/- 1807 feet) frontage on Hiawatha Lane, +/- 40 metres (+/- 131 feet) frontage on its northern shoreline of Dog Lake, and +/- 20 metres (+/- 65.5 feet) frontage on its southern shoreline of Dog Lake.

Survey/Reference Plan or Registerable Description

3. An acceptable reference plan or legal description of the severed lands, inclusive of all rights-of-way, in duplicate [*Registry Act*, s.81, *Land Titles Act*, s. 150], the deed or instrument conveying the severed lands and rights-of-way, 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 including an area calculation noting frontage along the road electronically or in paper form for review and approval by planning staff prior to depositing the Reference Plan with the Land Registry Office.

5. Legal deeded access to the severed and retained parcels shall be provided over the existing right-of-way known as Hiawatha Lane, beginning at the public road. The lawyer for the Owner shall submit the pertinent documentation in draft form for review prior to registration noting all servient and dominant lands. The documentation provided shall include any necessary rights-of-way with respect to Hood Lane to ensure proper deeded access is maintained for all dominant lands. All reference plans noted in the documentation shall be provided electronically, if they are different from the reference plan in Condition #3.

Municipal Requirements

6. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. This includes all taxes levied as of the date of the issuance of the Certificate of Official.

7. The Township of South Frontenac shall receive 5% of the value of the severed parcel, 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 property, 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.

9. The applicant shall enter into a Development Agreement with the Township to be registered on title to the severed parcel to address the development of the lot, including:
   - providing demonstration of a potable water source at the building permit stage,
   - a lot grading and drainage plan to be submitted prior to the issuance of a building permit,
   - roof leaders directed to areas that promote infiltration rather than direct runoff,
   - the use of appropriate erosion and sediment control measures, and
   - limiting vegetation removal to that which is necessary for the building and sewage system envelopes.

Zoning

10. The applicant is required to rezone the severed parcel from Recreational Resort Commercial – Special Provision (RRC-4) to Limited Service Residential – Waterfront – Special Provision (RLSW-XX) to establish a minimum 40 metre setback from the highwater mark and to acknowledge the reduced waterfrontage on the severed parcel. Please contact the Township Planning Department to begin this process.

11. Where a violation of Zoning By-law No. 2003-75 is evident, the appropriate minor variance or rezoning be obtained to the satisfaction of the Township.

**Submitted by:** Christine Woods, MCIP RPP, Senior Planner

**Reviewed by:** Claire Dodds, MCIP, RPP, Director of Development Services

**Date of Site Visit:** July 20, 2021

**TOWNSHIP OF SOUTH FRONTENAC**
**APPLICATION FOR MINOR VARIANCE OR PERMISSION**
Updated January, 2021

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

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

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

**Application Requirements**

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

| Application Type: | Planning Fee: | Building Admin Fee: | TOTAL: |
|---|---|---|---|
| 1-3 Variances | $959.00 | $97.00 | $1,056.00 |
| 4+ Variances | $1,316.00 | $97.00 | $1,413.00 |
| After building without a permit | $2,010.00 | $97.00 | $2,107.00 |

2. It is required that a Fee be provided for the Township to review onsite sewage disposal and Conservation Authority (where applicable) when submitting an application (Separate **cheques**, payable to the applicable Conservation Authority, are to be submitted to the Township with the completed application).

| | |
|---|---|
| Township of South Frontenac<br>*Minor Variance Only*<br>*Minor Variance WITH Performance Review*<br>*Minor Variance in combination with a new Class 2, 3, 4, or 5 sewage system other than a Class A system* | $463.00<br>$720.00<br>$1,183.00 |
| Cataraqui Region Conservation Authority | $420.00 |
| Quinte Conservation Authority | $344.00 |
| Rideau Valley Conservation Authority | $390.00 |

Please Note: These fees are for **consultation** on this application only; these agencies may require additional permit applications and fees prior to any construction.

3. **PLEASE READ THIS ITEM CAREFULLY**

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

4. **Collection of Personal Information**

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

Date Received: August 3, 2021 File No: MV-34-21-B

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

1. Name of Owner(s): PATRICIA RITA OUTTRIM AND BRUCE JOHN OUTTRIM

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

Phone number of Owner(s): [redacted]

Email Address of Owner(s): [redacted]

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

Name of Authorized Agent: _____

**Full Mailing Address** of Authorized Agent: _____

_____

Phone number of Authorized Agent: _____

Email Address of Authorized Agent: _____

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

_____
Signature(s) of Owner(s)

3. The description of the subject land:

District: ☒ Bedford ☐ Portland ☐ Loughborough ☐ Storrington

Concession Number: 3 Lot Number: PT LOT 20

Street Number: 0000 Name of Road/Street: ATTWOOD LANE

Reference Plan Number: 13R7915 Part Number(s): 1 2 and 3

Roll Number: 0129 010 - 020 - 22030 - 0000

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

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

Frontage (on water): 198' Frontage (on road/lane): 300'

Depth: 331.25' Area: 1.84 ACRES

5. The current zoning of the subject land:

RW - WATERFRONT RESIDENTIAL ZONE

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

WE ARE ASKING TO BE 65'6" FROM THE HIGH WATER MARK VERSES 97'6" (30 METERS) PER THE ZONING BY-LAW.

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

THE PLACEMENT OF THE EXISTING SEPTIC SYSTEM AND THE PRIVATE ROAD, THE HYDRO LINE AND ROAD SETBACKS AS WELL AS THE TERRAIN OF THE OTHER AREAS ON THE PROPERTY BEING UNSUITABLE.

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

Name of Road/Lane:

ATTWOOD LANE / GREEN BAY ROAD

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

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

VACANT LAND RECREATIONAL

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

☒ Yes ☐ No

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

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

| Type of Structure (E.g. residence) | (1) SHED | (2) SEPTIC | (3) | (4) |
|---|---|---|---|---|
| **Setback from Front Lot Line** | 119' | 115' | | |
| **Setback from Rear Lot Line** | 165' 9" | 195' 6" | | |
| **Setback from Side Lot Line** | 22' | 101' | | |
| **Height of Building** (Also indicate if it is one story or two story) | 10' 8" | N/A | | |
| **Dimensions of Floor Area** | 10' x 10' | N/A | | |
| **Setback from High Water Mark (If applicable)** | 119' | 115' | | |

13. The proposed uses of the subject land:

RESIDENTIAL

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

☒ Yes ☐ No

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

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

| | | | | |
|---|---|---|---|---|
| **Type of Structure (E.g. residence)** | (1) RESIDENCE | (2) SHED | (3) DECK | (4) |
| **Setback from Front Lot Line** | 71' 6" | 187' | 65' 6" | |
| **Setback from Rear Lot Line** | 187' | 106' 3" | 221' | |
| **Setback from Side Lot Line** | 46' 9" | 80' 9" | 44' 7" | |
| **Height of Building** (Also indicate if it is one story or two story) | 1 STORY WITH BASEMENT 28' 10" | 8' 6" | 12' | |
| **Outside Dimensions of Building/Structure** | WITHOUT DECK 43' 4" x 32' 6" WITH DECK 43' 4" x 38' 6" | 13' 6" x 25' 6" | 40' 4" x 7' 6" | |
| **Setback from High Water Mark (If applicable)** | 71' 6" | 187' | 65' 6" | |

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

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

If yes, please provide details:

_____

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

If yes, please provide details:

18. What are the uses of the proposed development?

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

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

AUGUST 16, 2018

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

APPROXIMATELY 20 YEARS

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

APPROXIMATELY 20 YEARS

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

CURRENTLY USING THE LAKE AND ARE LOOKING INTO A WELL

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

PRIVATE SEPTIC SYSTEM - SEE TOM BERRIAULT FOR DOCUMENTATION

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

OTHER MEANS, NATURAL DRAINAGE.

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

☐ Yes ☒ No

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

---

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

☐ Yes ☒ No

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

---

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

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

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

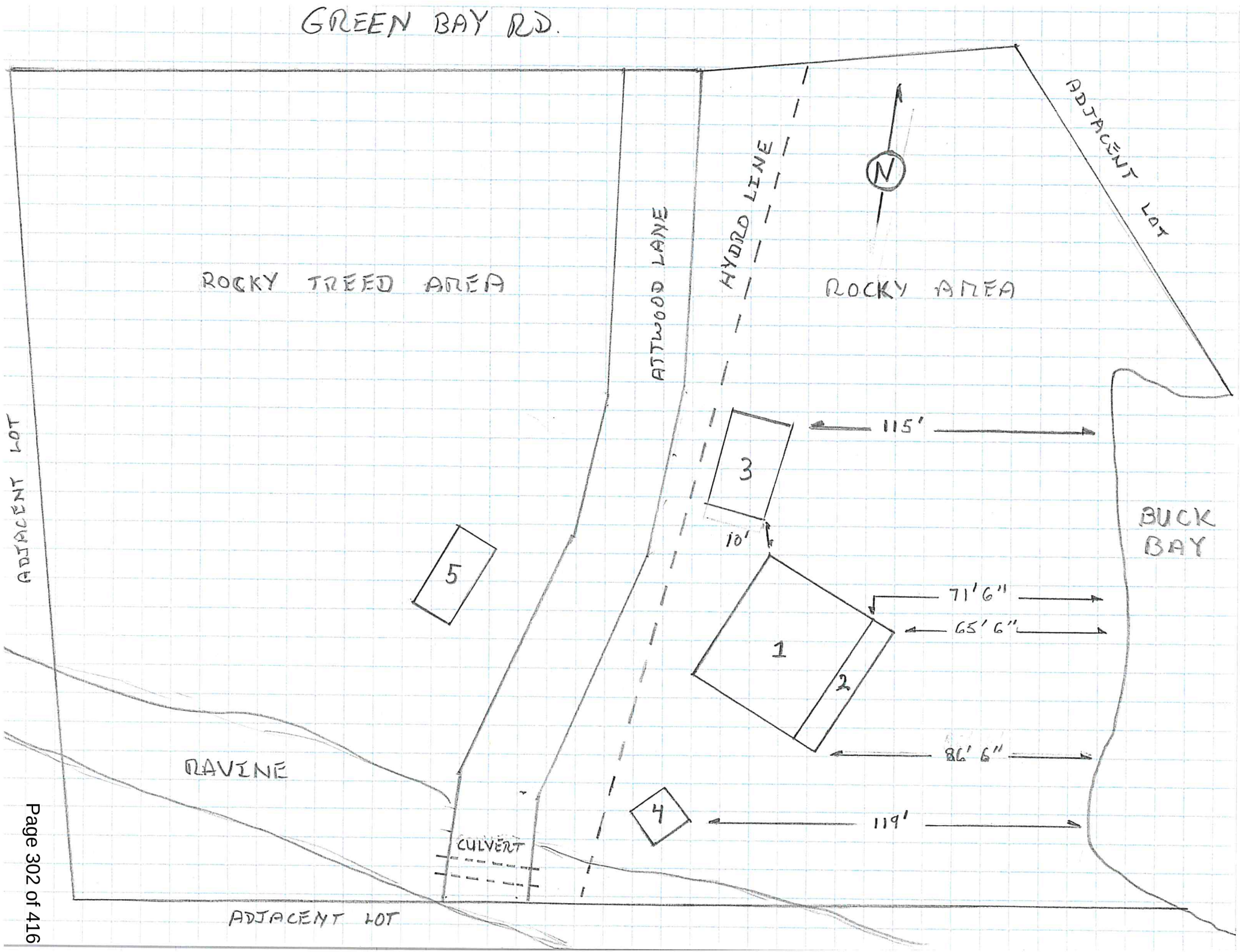
iii) The location of a reference point……i.e. distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing.

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

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

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

**AGREEMENT TO INDEMNIFY**


GREEN BAY RD.
ROCKY TREED AREA
ATTWOOD LANE
HYDRO LINE
ROCKY AREA
ADJACENT LOT
N
ADJACENT LOT
115'
3
10'
BUCK BAY
5
71'6"
65'6"
1
2
RAVINE
86'6"
4
119'
CULVERT
ADJACENT LOT

Application for Variance
Patricia Owttrim and Bruce Owttrim
Roll Number 0129-010-020-22030-0000
0 Attwood Lane

**ADDENDUM**

1. Proposed residence 2 bedroom, 1 bathroom 43' 4" x 32' 6". One story plus basement
2. 6 foot deck
3. Existing septic system - see Tom Berriault for documentation
4. Existing 10 x 10 shed
5. Proposed 12 x 24 shed

Question 29, point v)

- 2263 Green Bay Road
  - Well: 282' from our property line
  - Septic: 148' from our property line

- 22 Attwood Lane
  - Well: None - N/A
  - Septic: None - N/A

- Lot 20 on west property line, vacant land
  - Well: None - N/A
  - Septic: None - N/A

Township of South Frontenac
BUILDING DEPARTMENT
RECEIVED
AUG 25 2021
TOWNSHIP OF SOUTH
FRONTENAC
BUILDING DEPARTMENT
REVISED
SEPTIC
ROCKY TREED AREA
ROCKY AREA
ATTWOOD LANE
HARDING LANE
DAVINE
CULVERT
ADJACENT LOT
ADJACENT LOT
BUCK BAY
GREEN BAY RD.
N
1
2
3
4
5
119'
82' 6"
65' 6"
71' 6"
115'
18'
18'
18'
37'

← Back
Guildcrest > Models > Calabogie
My favorites 1
Request more information

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

| **Type of Structure (E.g. residence)** | **(1)** RESIDENCE | **(2)** SHED | **(3)** DECK | **(4)** |
|---|---|---|---|---|
| **Setback from Front Lot Line** | 71' 6" | 187' | 65' 6" | |
| **Setback from Rear Lot Line** | 187' | 106' 3" | 221' | |
| **Setback from Side Lot Line** | 46' 9" | 80' 9" | 44' 7" | |
| **Height of Building (Also indicate if it is one story or two story)** | 1 STORY WITH BASEMENT 28' 10" | 8' 6" | 12' | |
| **Outside Dimensions of Building/Structure** | WITHOUT DECK 43' 4" x 32' 6" WITH DECK 43' 4" x 38' 6" | ~~13' 6" x 25' 6"~~ 12' x 24' P.D. | 40' 4" x 7' 6" | |
| **Setback from High Water Mark (If applicable)** | 71' 6" | 187' | 65' 6" | |

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

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

If yes, please provide details:

_____

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

# MV-34-21-B (Owttrim) ATTWOOD LANE

## Legend

- Subject Property
- Parcels
- Roads
- 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 1:800

0 3.75 7.5 15 22.5 30

Meters

UTM Projection NAD 83

Date: 2021-08-10

Rideau Valley Conservation Authority

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

October 5, 2021
21-SFR-MVA-0016 (BEDFORD)

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

Attention: Anna Geladi, Planner

Subject: **Owttrim, Patricia Rita & Bruce John**; Minor Variance Application – File **No. MV-23-21B** – Attwood Lane., Lot 20, Concession 3, Former Township of Bedford, Now the Township of South Frontenac; Roll Number: 0129010020220300000

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Dear Ms. Geladi,

This letter should be ready in conjunction with our letter sent September 3, 2021 under the same heading.

**New information**

Following the deferral of this application an additional detailed site visit was conducted by Township planning staff and this reviewer on Sep 17, 2021. At that time a detailed walk of the property was conducted and alternative locations for the proposed dwelling considered. The following details were noted:

- The low-lying areas on the west portion of the property have wet soils
- A dry stream bed was noted adjacent to the south lot line
- Bedrock and the identified wet areas constrain suitable building areas west of Attwood Lane

**Effect of New Information**

Following the additional site visit Township and RVCA staff agreed that the original proposed dwelling location was the most suitable site for development. The presence of wet soils on the

west portion of the lot indicates that this is likely an important drainage area and sensitive ephemeral habitat. It was noted that east of Attwood Lane the area has been disturbed with much of the vegetation cleared resulting in exposed sandy soils. Any development of the property would result in intensification of use in this nearshore area. Thus, it is the opinion of this reviewer that protecting habitat conditions west of Attwood Lane and establishing a robust shoreline buffer between Bobs Lake and the proposed cottage location will provide the greatest environmental gain. It is recommended that within 20m of the high watermark that a native vegetation buffer be re-established to minimize runoff, erosion and promote infiltration to protect and improve water quality in Bobs Lake. Additionally, it is recommended that the portion of land west of Attwood Lane be protect from future development or alteration to ensure that habitat conditions are protected and drainage patterns to Bobs Lake are not altered.

**Recommendations**

Given the constraints on the property and that it is an existing lot of record, it is the opinion of the planner that the applicants are maximizing the setback from Bobs Lake and protecting important ecological features by minimizing development west of Attwood Lane. The proposed location of the dwelling at an angle also helps to achieve a greater setback, as the south-east corner is approximately 28 m from the highwater mark as measured in the field. Should the Township allow the variance, our office would have the following recommendations for conditions of any development agreement or notes to be included in the Committee's notice of decision:

- A planting plan showing existing and improved shoreline vegetation adjacent to Bobs Lake should be provided and implemented. The planting plan should take the form of a drawing showing where the vegetation would be improved along the shoreline to an area a minimum of 20m from the high-water mark. It should be noted that this would not preclude the removal of dead or diseased trees. The applicant is encouraged to discuss this with our office if assistance is required. RVCA staff can assist in planning and planting shoreline vegetation, whether trees or shrubs, and would be willing to discuss grant programs that the applicants may wish to consider. If the applicants are interested in this service, they should contact Meaghan MacDonald (Meaghan.mcdonald@rvca.ca or 613-692-3571 x 1192) at our Manotick office.

-The portion of the lot west of Attwood Lane should protected from future development or site alteration, this excludes the shed proposed in the subject application.

- All materials from construction (such as demolished materials or excess soil) will be disposed of 30 metres or more from the normal highwater mark of Bobs Lake at a proper disposal site.

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

- All roof leaders should be directed to the rear and side of proposed structures, to an area of appropriate soil depth, and away from services to promote maximum infiltration of stormwater runoff and lessen any erosion from concentrated runoff. The applicant should consult with our office if assistance is required for this condition.

- Erosion and sediment control measures shall be implemented during construction of the dwelling between it and Bobs Lake. These controls should be either silt fencing or straw bales properly staked into the ground and should remain in place until the disturbed area has revegetated. Removal of sediment and erosion controls should be done carefully and all trapped sediment should be disposed of at least 30 metres or more from the normal highwater mark of Bobs Lake at a proper disposal site.

**Conclusions**

In conclusion our office has not objection to this application. We would like our comments and recommendations included on any decision from the Committee.

Thank you for the opportunity to comment and please do not hesitate to contact the undersigned at (613) 692-3571 x1109 should you have any questions.

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

Yours Truly,

Sarah MacLeod-Neilson
Planner, RVCA

cc – Patricia & John Owttrim, owners
cc – Meaghan McDonald, RVCA

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

# Sewage System Review Comments

| | |
|---|---|
| **To:** | Planning Department |
| **Application Number:** | MV-34-21-B |
| **Type of Application or Proposal:** | Minor Variance |
| **Applicant Name(s):** | Patricia & Bruce Owttrim |
| **Location:** | 7 Attwood Lane |
| **Planning Department or Agency:** | Township of South Frontenac |
| **Comments:** | The existing sewage system will be adequate to serve the proposed dwelling and is located more than 30 m. from the lake<br><br>The proposed dwelling will need to be located a minimum 24 ft. (7.3 m.) from the distribution piping of the existing tile bed.<br><br>We have no objections to the minor variance being approved. |
| **Building Inspector:** | Tom Berriault |
| **Date:** | August 25, 2021 |

# REPORT TO COMMITTEE OF ADJUSTMENT
# PLANNING DEPARTMENT

**Report Date:** October 8, 2021

**Application No:** MV-34-21-B
**Owner & Applicant:** Bruce and Patricia Owttrim
**Location of Property:** Part Lot 20, Concession 3, being Parts 1 – 3 on Plan 13R7915, District of Bedford, Township of South Frontenac, municipally known as Attwood Lane.
**Purpose of Application:** To vary Sections 5.8.2(a) and 8.3.2 of Zoning By-law No. 2003-75
**Date of Hearing:** September 9, 2021 & October 14, 2021

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**Recommendation**: That provisional approval be:

✓ granted with conditions (attached)

___ deferred

___ denied

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

___ zoning relief for replacement of an existing structure

___ zoning relief for other

| **Official Plan Designation**: Rural | **Zoning:** Residential Waterfront (RW) |
|---|---|
| **Zoning Relief Requested:** | |
| **Section 5.8.2a):** Flooding and Shoreline Erosion Hazards | **Relief:** To permit a single detached dwelling with attached deck to be setback 20 metres (65.6 feet) from the highwater mark of Buck Bay, whereas the Zoning By-law requires a 30 metre (98.4 feet) setback from the highwater mark for all buildings and structures. |
| **Section 8.3.1:** RW Zone - Principal Building | **Relief:** To permit a single detached dwelling with attached deck to be setback 20 metre (65.6 feet) from the highwater mark of Buck Bay, whereas the Zoning By-law requires a 30 metre (98.4 feet) setback from the highwater mark for the principal building. |

**Review**:

This application:

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

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

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

✓ Maintains the general intent and purpose of Zoning By-law No. 2003-75;

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

✓ Is minor.

## Proposal

An application for minor variance was received to permit a reduced highwater mark setback for a single detached dwelling with an attached deck.

The subject property is the first property located off Attwood Lane, which is off Green Bay Road. The subject property is divided by Attwood Lane which runs north to south through the lot. The subject property is 1.84 acres (0.7 hectares) in size. There are hydro lines that run parallel to Attwood Lane through the subject property. There is a ravine located on the south end of the subject property and large bedrock outcrops on the north east, near Green Bay Road. The subject property has frontage on Buck Bay of Bob's Lake, and contains an existing shed, sewage system and trailer.

The applicants are seeking to construct a single detached dwelling with an attached deck. The proposed dwelling will be 13.2 metres x 10.3 metres (43.3 feet x 32.5 feet) for a total area of 136 square metres (1415 square feet). A 1.8 metre (6 foot) wide deck is proposed along the waterside of the dwelling. The proposed dwelling will be setback 21.5 metres (71 feet) and the deck will be 20 metres (65.6 feet) from the highwater mark of Buck Bay. The total size of the dwelling and deck is proposed to be 13.2 metres x 11.8 metres (43.4 feet x 38.6 feet) with a total size of 156 square metres (1679 square feet). The dwelling will be one storey plus basement, in compliance with the height allowed for dwellings in the Waterfront Residential Zone. The dwelling will comply with setbacks from the private lane and hydro lines.

The existing sewage system is located to the north of the proposed dwelling location and is indicated to be approximately 3 metres (10 feet) from the dwelling.

The applicants have also indicated that they proposed to construct a new shed on the west side of the lane. This shed and its location will comply with all applicable zoning provisions.

## Department, Agency and Public Comments

Public Services Department – This application did not meet the criteria for circulation.

Building Department (Buildings) – The Building Department noted that at the time of reviewing the application for a building permit, all approved setbacks may need to be confirmed by an Ontario Land Surveyor.

Building Department (Sewage System Review) – The Building Department provided comments on August 25, 2021, indicating that they have no objection to the approval of the application. It was noted that the existing sewage system will be adequate to serve the proposed dwelling and is located more than 30 metres from the lake. Furthermore, the proposed dwelling will need to be located a minimum of 7.3 metres (24 feet) from the distribution piping of the existing tile bed.

Rideau Valley Conservation Authority –On September 3, 2021, Rideau Valley Conservation Authority (RVCA) recommended deferral of the application to provide an opportunity to visit the site with the applicants based on the public and Township Staff comments that were received.

Comments received from RVCA on October 5, 2021, indicate that they have no objection to the approval of the application. RVCA staff noted that the original proposed dwelling location is the most suitable location based on observations made during the site visit. Low-lying areas on the west side of Attwood Lane have wet soils which indicates that this likely an important drainage area and sensitive ephemeral habitat. It was noted that east of Attwood Lane the area has been disturbed with much of the vegetation cleared resulting in exposed sandy soils. Any development of the property would result in intensification of use in this nearshore area. RVCA staff noted that protecting habitat conditions west of Attwood Lane and establishing a robust shoreline buffer between Bob's Lake and the proposed dwelling location will provide the greatest environmental gain. It was noted that given the constraints on the property and that it is an existing lot of record, it is the opinion of RVCA staff that the applicants are maximizing the setback from Bob's Lake. RVCA recommends that a native vegetation buffer be re-established within 20 metres of the highwater mark, and that the land west of Attwood Lane be protected from future development or alteration to ensure that habitat conditions are protected and drainage patterns to Bob's Lake are not altered.

It was noted that a permit under O. Reg 174/06 will be required for the proposed development as it is located within a regulated area. The applicant must contact Rideau Valley Conservation Authority at the building permit stage.

Public Comments – Two comments were received from the public expressing concerns for the lake and climate change. The members of the public who submitted comments both expressed the opinion that they believe there is a building envelope that is able to meet the 30 metre setback from the lake.

## Planning Analysis Summary

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

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

The 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 adjacent to a lake. The proposed dwelling is consistent with the permitted residential use of the property and maximizes the setback from the highwater mark to Buck Bay, Bob's Lake.

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

The variances maintain the general intent and purpose of the Zoning By-law as the proposed dwelling is a permitted use on the subject property and complies with the setback requirements of the Waterfront Residential Zone, with the exception of the reduced highwater mark setback. The proposed dwelling is located as far back from the highwater mark as possible while taking into account the site constraints. The dwelling would not exceed the maximum permitted lot coverage for the RW zone, having a lot coverage of 5%.

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

Yes, the variances are desirable for the appropriate development of the subject property, as it would facilitate development of the property with a modest-sized dwelling in a location that is practical given the physical constraints.

During a site visit it was noted that the west side of Attwood Lane, the area located more than 30 metres from of Bob's Lake, is physically constrained by low-lying areas and bedrock outcrops, as well as a seasonal watercourse. Planning staff agree with RVCA staff that this area should be protected from development and site alteration.

The east side of Attwood Lane is consists of already disturbed vegetation with exposed sandy soils and large areas of bedrock. Developing on the east side of Attwood Lane, while within the 30 metre setback from the lake, would protect the lands west of the lane, which in turn has environmental benefits for the lake.

In order to protect the lands west of Attwood Lane, it is recommended that a development agreement be a condition of approval, The development agreement would outline that the lands west of Attwood Lane, with the exception of the already cleared location for the shed, must be protected from future development or site alteration to ensure that the habitat conditions are protected and drainage patterns present on the site are not altered.

In order to alleviate concerns and impact to water quality of Bob's Lake, the recommended development would also require a shoreline buffer and shoreline naturalization within 20 metres of the highwater mark on the east side of Attwood Lane.

The proposed dwelling is a one storey with a walk-out basement which will be built into the natural slope of the property. The location is also proposed to be at an angle which helps to maximize the setback from the highwater mark of the lake.

4. Is the variance minor?

Yes, the variances are minor as they maintain the general intent of the Official Plan and Zoning By-law, and are desirable for the appropriate development of the land.

## Conclusion

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-34-21-B, subject to conditions.

## Recommended Conditions

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

1. The Minor Variance is for a 156 square metres (1679 square feet) single detached dwelling with an attached deck. The single detached dwelling is permitted to establish a minimum 20 metre (65.6 feet) setback from the highwater mark of Buck Bay, Bob's Lake, all as per the drawings received by the Township on August 05, 2021, that will be attached to the Decision as Schedule "A".

2. The applicant is required to enter into a Development Agreement to be registered on the title of the property to the satisfaction of the Township to address Township environmental policies and recommendations outlined by Rideau Valley Conservation Authority in their letter dated October 5, 2021 including:

    - A planting plan showing existing and improved shoreline vegetation adjacent to Bobs Lake should be provided and implemented. The planting plan should take the form of a drawing showing where the vegetation would be improved along the shoreline to an area a minimum of 20m from the high-water mark. It should be noted that this would not preclude the removal of dead or diseased trees. The applicant is encouraged to discuss this with RVCA Staff if assistance is required.
    - The portion of the lot west of Attwood Lane should protected from future development or site alteration, this excludes the shed proposed in the subject application.
    - All materials from construction (such as demolished materials or excess soil) will be disposed of 30 metres or more from the normal highwater mark of Bobs Lake at a proper disposal site.
    - Should any work be undertaken along the shoreline of Bobs Lake permits would be required by the Rideau Valley Conservation Authority in accordance with Ontario Regulation 174/06 ("Development, Interference with Wetlands and Alteration to Shorelines and Watercourses").
    - All roof leaders should be directed to the rear and side of proposed structures, to an area of appropriate soil depth, and away from services to promote maximum infiltration of stormwater runoff and lessen any erosion from concentrated runoff. The applicant should consult with our office if assistance is required for this condition.
    - Erosion and sediment control measures shall be implemented during construction of the dwelling between it and Bobs Lake. These controls should be either silt fencing or straw bales properly staked into the ground and should remain in place until the disturbed area has revegetated. Removal of sediment and erosion controls should be done carefully and all trapped sediment should be disposed of at least 30 metres or more from the normal highwater mark of Bobs Lake at a proper disposal site.

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

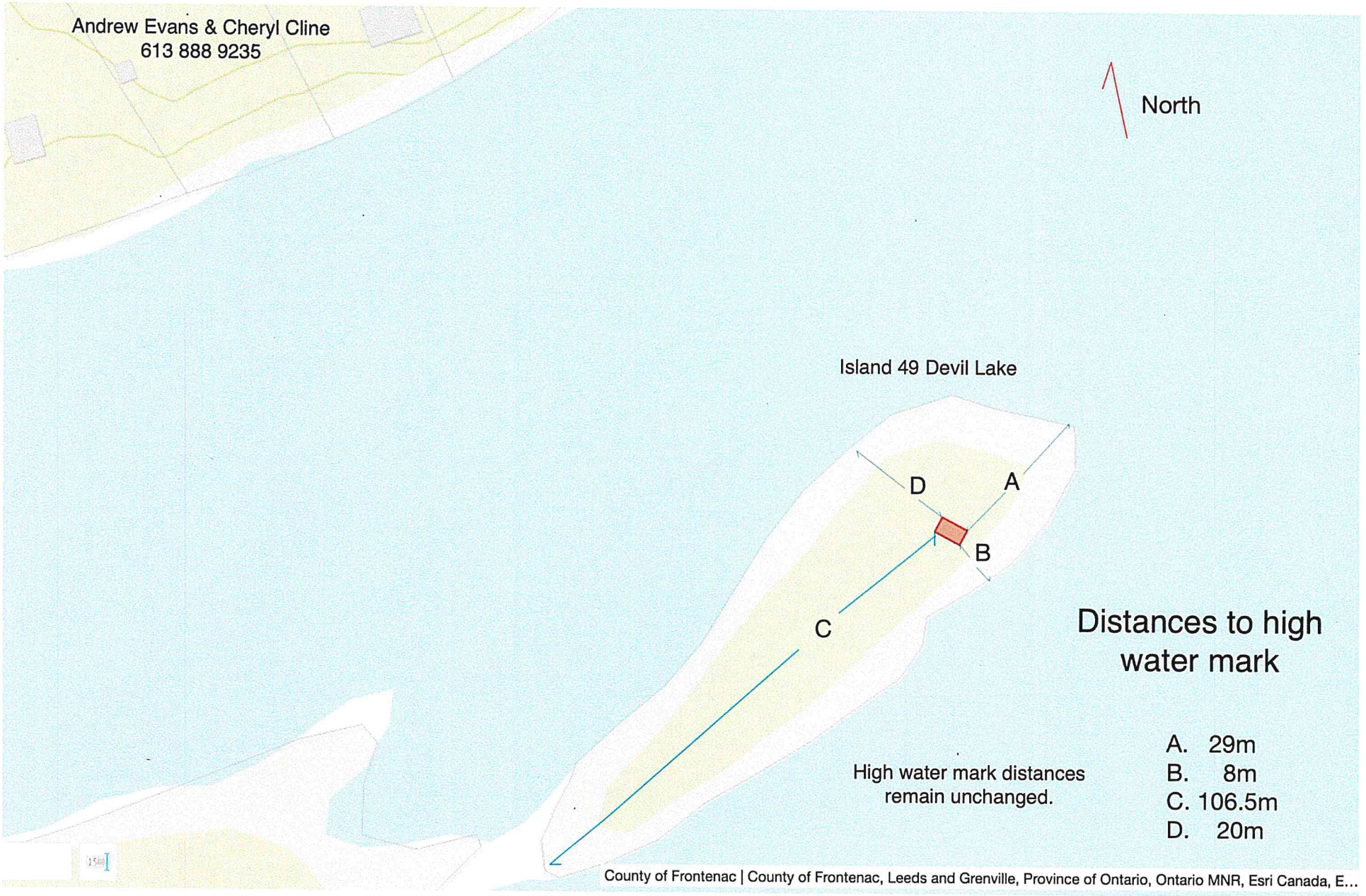
4. The trailer on the property shall be removed in accordance with By-law 2004-93 (Trailer By-law). The applicant may, at their expense, enter into a temporary trailer agreement with the Building Department to retain the trailer until the construction of the seasonal dwelling is complete.

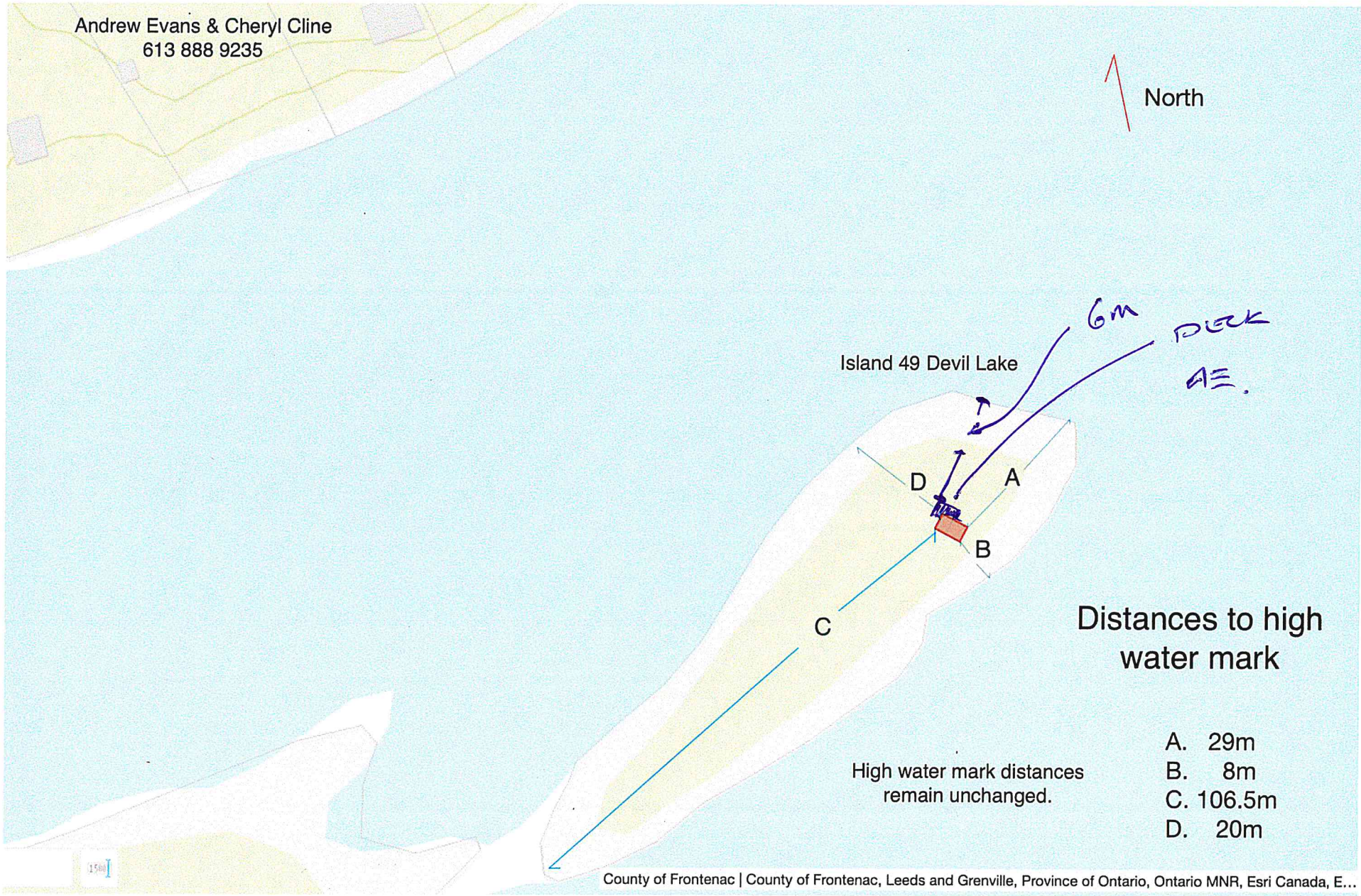
5. Minor variance MV-34-21-B is applicable only to Zoning By-law No. 2003-75 and not to any subsequent zoning by-laws.

**Submitted by:** Anna Geladi, Planner

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

**Date of Site Visit:** September 17, 2021


Andrew Evans & Cheryl Cline
613 888 9235
North
Island 49 Devil Lake
D
A
B
C
Distances to high water mark
High water mark distances remain unchanged.
A. 29m
B. 8m
C. 106.5m
D. 20m
County of Frontenac | County of Frontenac, Leeds and Grenville, Province of Ontario, Ontario MNR, Esri Canada, E...


Andrew Evans & Cheryl Cline
613 888 9235
North
Island 49 Devil Lake
6m
DECK
AE.
D
A
B
C
Distances to high water mark
High water mark distances remain unchanged.
A. 29m
B. 8m
C. 106.5m
D. 20m
County of Frontenac | County of Frontenac, Leeds and Grenville, Province of Ontario, Ontario MNR, Esri Canada, E...

Island 49 Devil Lake Cabin
N
Cabin
New cabin rotates 90° clockwise
to increase setback on the northside from 7m to 9m
(As requested by CRCA)
and maintains setback on the southside.
The footprint size remains the same
and no trees need be removed.
Andrew Evans & Cheryl Cline
613 888 9235

Proposed Cabin Setback
Island 49 Devil Lake
North
Setback increased to 8m
Out House
10m
8m
4x8 Shed
12'x20' Cabin
10m
Andrew Evans & Cheryl Cline
613 888 9235

**TOWNSHIP OF SOUTH FRONTENAC**
**APPLICATION FOR MINOR VARIANCE OR PERMISSION**
Updated January, 2021

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

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

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

**Application Requirements**

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

| Application Type: | Planning Fee: | Building Admin Fee: | TOTAL: |
|---|---|---|---|
| 1-3 Variances | $959.00 | $94.00 | $1,053.00 |
| 4+ Variances | $1,316.00 | $94.00 | $1,410.00 |
| After building without a permit | $2,010.00 | $94.00 | $2,104.00 |

1056.00

2. It is required that a Fee be provided for the Township to review onsite sewage disposal and Conservation Authority (where applicable) when submitting an application (Separate **cheques**, payable to the applicable Conservation Authority, are to be submitted to the Township with the completed application).

| | |
|---|---|
| Township of South Frontenac<br>*Minor Variance Only*<br>*Minor Variance WITH Performance Review*<br>*Minor Variance in combination with a new Class 2, 3, 4, or 5 sewage system other than a Class A system* | $450<br>$700<br>$1,150 |
| Cataraqui Region Conservation Authority | $420 |
| Quinte Conservation Authority | $344 |
| Rideau Valley Conservation Authority | $390 |

Please Note: These fees are for **consultation** on this application only; these agencies may require additional permit applications and fees prior to any construction.

3. **PLEASE READ THIS ITEM CAREFULLY**

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

4. **Collection of Personal Information**

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

Date Received: Aug. 4, 2021 File No: MV-35-21-B

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

1. Name of Owner(s): ANDREW EVANS + CHERYL CLINE

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

Phone number of Owner(s): [redacted]

Email Address of Owner(s): [redacted]

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

Name of Authorized Agent: _____

**Full Mailing Address** of Authorized Agent: _____

_____

Phone number of Authorized Agent: _____

Email Address of Authorized Agent: _____

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

_____
Signature(s) of Owner(s)

3. The description of the subject land: ISLAND 49 IN FRONT OF .

District: ☒ Bedford ☐ Portland ☐ Loughborough ☐ Storrington

Concession Number: 10 Lot Number: 8

Street Number: _____ ~~Name of Road/Street~~: DEVIL LAKE .

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

Roll Number: 010-010-16300-0000

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

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

Frontage (on water): 292 m Frontage (on road/lane): Ø

Depth: Ø Area: 3240 $m^2$

5. The current zoning of the subject land:

SEASONAL / RECREATIONAL DWELLING

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

RAISE ROOF TO MAX. FOR ANCILLARY BUILDING (19 FT)
INCREASE LIVING SPACE FROM 209 $ft^2$ TO 418 $ft^2$

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

THE CABIN PRE DATES CURRENT BY-LAWS
WITH REGARDS TO SETBACKS. TO HIGH WATER MARK.

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

Name of Road/Lane:

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.

PARKING + DOCK AT 552 WEST DEVIL LAKE LANE
500m FROM ISLAND.

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

RECREATIONAL.

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

☒ Yes ☐ No

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

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

| | (1) | (2) | (3) | (4) |
|---|---|---|---|---|
| **Type of Structure (E.g. residence)** | CABIN | DECK. | | |
| **Setback from Front Lot Line** | NA | – | | |
| **Setback from Rear Lot Line** | NA. | – | | |
| **Setback from Side Lot Line** | NA. | – | | |
| **Height of Building** (Also indicate if it is one story or two story) | TWO STORY. 19 FT / 5.7m. | – | | |
| **Outside Dimensions of Building/Structure** | 12'X 20' 3.6m X 6.1m | 8X12 | | |
| **Setback from High Water Mark (If applicable)** | 29m EAST 8m SOUTH 106m WEST 20m NORTH AE | 6m AE | | |

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:

THE EXISTING CABIN WILL BE DISMANTLED + REMOVED FROM THE ISLAND.

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

If yes, please provide details:

ROOF HEIGHT TO RAISE 8FT FOUNDATION TO REMAIN THE SAME HEIGHT
SEE PAGE 7a.

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 | 2ND FLOOR AE |
| (d) | Will the addition or structure encroach on the existing septic system? | ☐ Yes | ☒ No | |

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

NOVEMBER 2015.

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

1961 (MPAC)

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

1960's.

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

LAKE 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:

NO SEPTIC

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

N/A.

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

Question 17: Do your plans include the raising of an existing structure? If yes, please provide the details

We are proposing to raise the roof height to the maximum height permitted for an ancillary building (19 feet). While our cabin is a designated *principal dwelling* and sits in a treed location not visible to anyone, we are using the ancillary building height as our reference point so that the new height of the building will be in keeping with the modest dimensions of the cabin.

The cabin is currently one semi-divided room with an exterior dimension of 12 x 20 feet. We would like to raise the height of the roof to add one second floor room. This change in volume would double our interior living space from approximately 209 square feet to approximately 418 square feet. We are asking to increase the height rather than add on a new extension in order to remain in the same location and within the existing footprint, so that we are maintaining all current distances to the high-water mark.

☐ 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.

**AGREEMENT TO INDEMNIFY**

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

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 and, where applicable, the appropriate Conservation Authority, may enter onto the subject property for the purpose of determining the appropriateness of the site for the proposed development.

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

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

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

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

DATED AT THE TOWNSHIP OF SOUTH FRONTENAC

THIS 4th DAY OF August, 2021

I, Cheryl Cline OF Battersea

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

[redacted]

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

Frontage (on water): 292 m Frontage (on road/lane): Ø

Depth: Ø Area: 3240 $m^2$

5. The current zoning of the subject land:

SEASONAL / RECRATIONAL DWELLING

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

RAISE ROOF TO 19ft (MAX FOR ANCILLARY BUILDING) INCREASE LIVING SPACE 209$FT^2$ > 418$'^2$ / ROTATE FOOTPRINT RE CRCA REQUEST.

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

THE CABIN PREDATES CURRENT BY-LAWS WITH REGARDS TO SETBACKS FROM HIGH WATER MARKS

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.

PARKING + DOCK AT 552 WEST DEVIL LAKE LANE 500 M FROM ISLAND.

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

RECREATIONAL.

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

☑ Yes ☐ No

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

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

| **Type of Structure (E.g. residence)** | **(1)** CABIN | **(2)** DECK | **(3)** STORAGE SHED | **(4)** OUT HOUSE |
|---|---|---|---|---|
| **Setback from Front Lot Line** | NA | ~ | ~ | ~ |
| **Setback from Rear Lot Line** | NA | ~ | ~ | ~ |
| **Setback from Side Lot Line** | NA. | ~ | ~ | ~ |
| **Height of Building** (Also indicate if it is one story or two story) | 1 STORY 10' | ~ | 8' | 6' |
| **Dimensions of Floor Area** | 12'X20' | 10'X12' | 4'X8' | 3'9"X6' |
| **Setback from High Water Mark (If applicable)** | 6m | 6m | 10.4m | 10m |

13. The proposed uses of the subject land:

RECREATIONAL

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

☑ Yes ☐ No

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

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

| Type of Structure (E.g. residence) | (1) CABIN | (2) | (3) | (4) |
|---|---|---|---|---|
| Setback from Front Lot Line | NA | | | |
| Setback from Rear Lot Line | NA | | | |
| Setback from Side Lot Line | NA. | | | |
| Height of Building (Also indicate if it is one story or two story) | 2 STORY. 19'/5.7m | | | |
| Outside Dimensions of Building/Structure | 12' X 20' 3.6m X 6.1m | | | |
| Setback from High Water Mark (If applicable) | 8m. | | | |

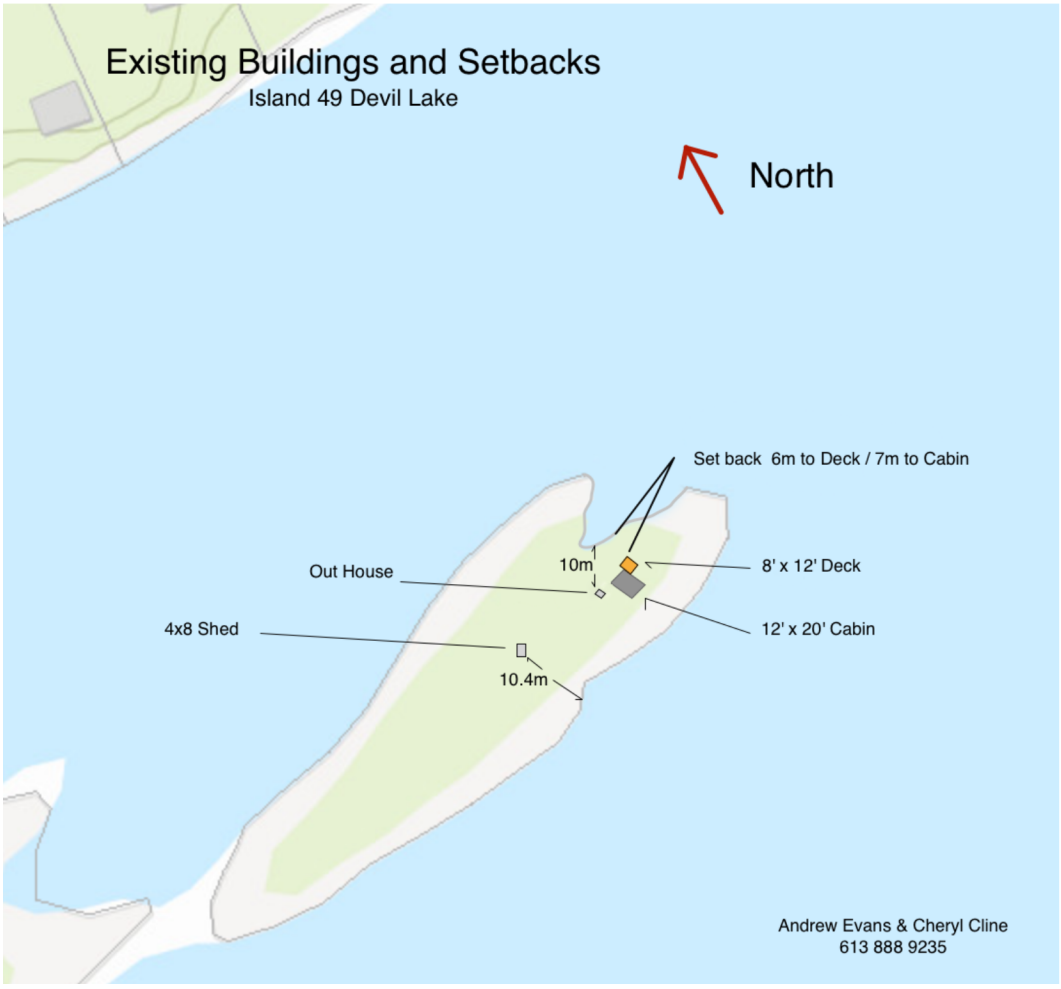
NOTES: 1) If the subject property is on waterfront, and on a private lane, the setback from the front lot line and the setback from the high water mark will be the same.
2) The dimensions required in this question relate to the **NEW CONSTRUCTION ONLY**, and **NOT** to the total size of the completed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

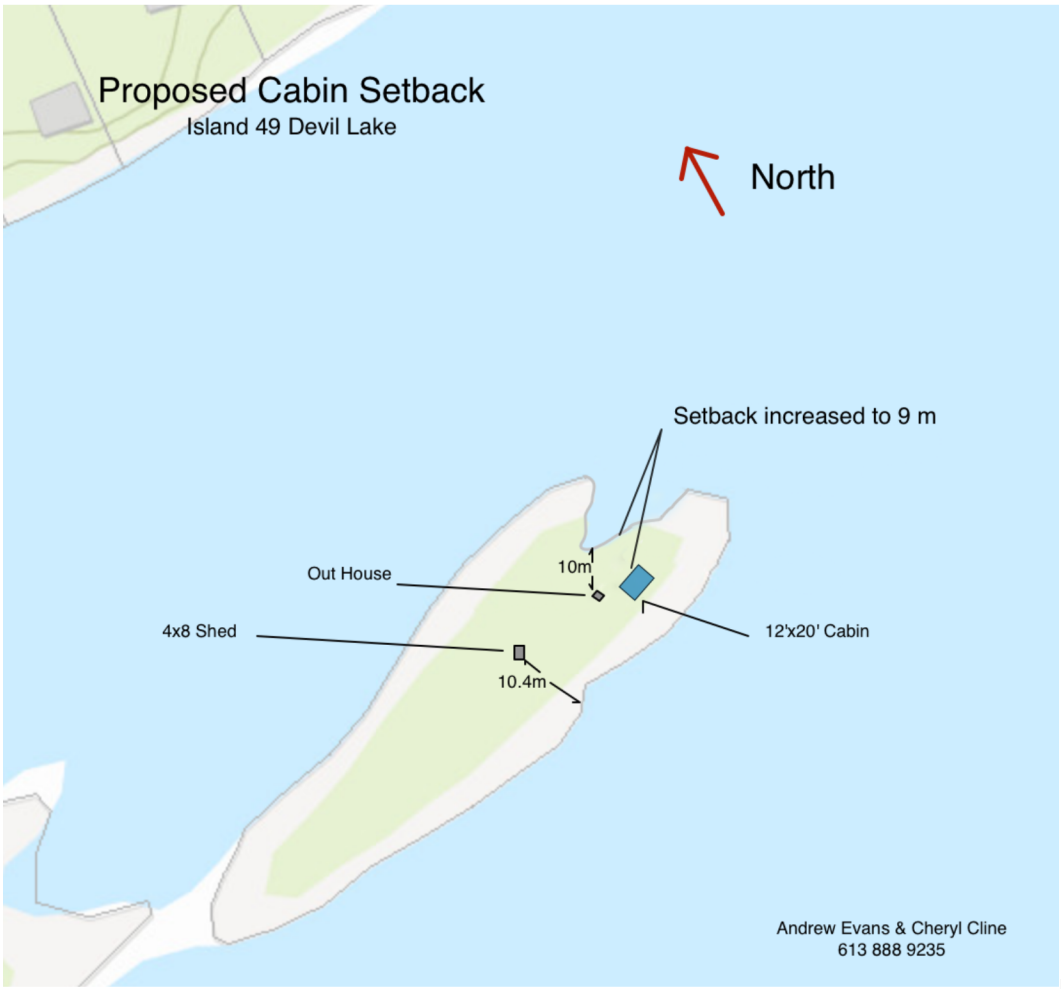
16. Do your plans include any **DEMOLITION** of existing structures? ☑ Yes ☐ No

If yes, please provide details:

EXISTING CABIN TO BE DISMANTLED + REMOVED FROM ISLAND.

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


Existing Buildings and Setbacks
Island 49 Devil Lake
North
Set back 6m to Deck / 7m to Cabin
10m
Out House
8' x 12' Deck
12' x 20' Cabin
4x8 Shed
10.4m
Andrew Evans & Cheryl Cline
613 888 9235


Proposed Cabin Setback
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Setback increased to 9 m
10m
Out House
12'x20' Cabin
4x8 Shed
10.4m
Andrew Evans & Cheryl Cline
613 888 9235

August 24, 2021 File: MV/FRS/235/2021

**Sent by E-mail**

Ms. Michelle Hannah, Planning Assistant
Township of South Frontenac
P.O. Box 100
Sydenham, ON K0H 2T0

Dear Ms. Hannah:

**Re: Application for Minor Variance MV-35-21-B (Evans / Cline)**
**Part of Lot 8, Concession 10; Island 49**
**Bedford District, Township of South Frontenac**
**Waterbody: Devil Lake**

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

## Summary of the Proposal

The proposal involves the re-construction and enlargement of a cabin on the subject property. The variance is requested to:

- Reduce the required setback from the highwater mark from 30 metres, as required by Section 5.8.2.1. of the South Frontenac Zoning By-law, to 8 metres in order to permit the re-construction of a cabin.
- Reduce the required setback from the top of bank from 15 metres, as required by Section 5.8.2.2 of the South Frontenac Zoning By-law, to 8 metres in order to permit the re-construction of a cabin.

## Site Description

The property is an island described as Island 49 located in the western portion of Devil Lake. The topography of the property can be described as rising up approximately 1 to 2 metres along the southern shoreline, then continuing to rise slowly toward the centre of the island. The slope at the shoreline in this location is primarily bedrock outcrop. Currently, the property contains a cabin located approximately 8 metres from the shoreline.

The property is designated ‘Rural’ in the Official Plan for South Frontenac Township and zoned ‘Limited Service Residential - Island’ (RLSI) in the implementing Zoning By-law. Devil Lake itself is designated as a moderately sensitive Lake Trout lake in the Official Plan.

**Discussion**

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

Natural Hazards

**Flooding:** The maximum recorded water level for Devil Lake is 131.96 metres geodetic. For Devil Lake, the maximum recorded water level is used in lieu of an engineered flood plain. Cataraqui Conservation’s Guidelines for Implementing Ontario Regulation 148/06 (see description below) requires that all development be set back a minimum of 6 metres from the regulatory floodplain of a waterbody. Based upon a review of relevant mapping data, the proposed development will be located outside of the setback from the regulatory flood plain.

**Erosion:** Cataraqui Conservation defines the extent of potential erosion hazards to include an allowance for toe erosion, a stable slope allowance for bedrock shorelines of 1(h):1(v), plus an erosion access allowance of 6 metres. Since there is evidence of shoreline erosion, staff have applied a toe erosion allowance of 0.5 metres. Based on an estimated average 1.5 metre high slope, the total erosion hazard allowance is anticipated to be approximately 8.0 metres (0.5 +1.5 + 6 m) measured horizontally inland from the stable toe of slope at the shoreline. Based upon the information provided and relevant mapping information, it appears that the proposed development will be located outside of the 8 metre erosion hazard allowance.

Water Quality

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

Similarly, Cataraqui Conservation's Environmental Planning Policy (2021) contains provisions that seek to support these objectives. The 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.

Staff recognize that the property is constrained due to the size of the island. Thus, in the opinion of staff, the development proposal is located in a reasonable location since there is already an existing cabin there and the only available area to move it would limit the ability to place a future septic system on the property. Also, the cabin will not be closer than existing development, and the development complies with the maximum lot coverage provisions of the Zoning By-law. *Staff recommend that roof runoff be directed away from the closest shoreline to protect the water quality of the lake.*

**Recommendation**

Staff have no objection to the approval of application MV-35-21-B based on our consideration for natural hazards, natural heritage, and water quality and quantity protection policies.

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 Cataraqui 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 owner will need to contact Cataraqui 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

c.c. Anna Geladi, South Frontenac Township (via e-mail)

## Michelle Hannah

**From:** Andrew Schmidt <aschmidt@crca.ca>
**Sent:** September-18-21 7:46 AM
**To:** Anna Geladi
**Subject:** RE: High Priority: Setback Change for September meeting
**Attachments:** New Deck Setback.pdf

Hello Anna.

Cataraqui Conservation is satisfied with the attached deck proposal and have no other concerns.

Regards,

**Andrew Schmidt**
Supervisor, Development Review

Cataraqui conservation

1641 Perth Road, PO Box 160, Glenburnie ON, K0H 1S0
**Phone:** (613) 546-4228 ext. 244
**Toll-Free:** 1-877-956-2722
**Web**: www.CataraquiConservation.ca

*Please consider the environment before printing this e-mail.*

---

**From:** Anna Geladi <ageladi@southfrontenac.net>
**Sent:** September 17, 2021 3:27 PM
**To:** Andrew Schmidt <aschmidt@crca.ca>
**Subject:** FW: High Priority: Setback Change for September meeting

Hi Andrew,

Please see attached new proposal for MV-35-21-B Evans and Cline. They are meeting the required 8 metre setback as per your previous comments. Please let me know that this is satisfactory or if you have any other concerns.

Thank you,
Anna Geladi

**Anna Geladi,**
**Planner**
Township of South Frontenac

p: +613-376-3027 ext. 2350
e: ageladi@southfrontenac.net
a: 4432 George St., Box 100, Sydenham, ON
www.southfrontenac.net

Please consider the environment before printing this email

**From:** Andrew [mailto:evansa@pm.me]
**Sent:** August 29, 2021 3:45 PM
**To:** Anna Geladi <ageladi@southfrontenac.net>
**Subject:** High Priority: Setback Change for September meeting

Hi Anna,

I discussed it with Cheryl, and we are going to proceed by moving the deck as you and I discussed. Here are the updated drawings, as you requested. I know that the deadline for re-submission for the September meeting was end of day Friday. Would it be possible to squeeze this in early Monday morning in the hope that we can still be on the agenda for the September Committee meeting?

Thank you,
Andrew

Sent with ProtonMail Secure Email.

Confidential: This email and any attachments transmitted with it are confidential and intended solely for the use of the individual or entity to which they are addressed. If you have received this email in error, please notify the sender by return email and delete the email immediately. If you are not the intended recipient, be aware that disclosing, copying, distributing or using the contents of this transmission is strictly prohibited.

# REPORT TO COMMITTEE OF ADJUSTMENT
# PLANNING DEPARTMENT

**Report Date:** October 8, 2021

**Application No:** MV-35-21-B
**Owners:** Andrew Evans & Cheryl Cline
**Location of Property:** Island 49 in front of Lot 8, Concession 10, Devil Lake, District of Bedford, Township of South Frontenac
**Purpose of Application:** To request permission to enlarge a legal non-conforming dwelling
**Date of Hearing:** October 14, 2021

---

**Recommendation**: That provisional approval be:

_✓_ granted with conditions (attached)

___ deferred

___ denied

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

___ zoning relief for replacement of an existing structure

___ zoning relief for other

_✓_ permission to enlarge a legal non-conforming building

## Proposal

The application seeks permission to enlarge an undersized seasonal dwelling within the required setback from the highwater mark and top of bank.

The subject property is a 0.6 acre (0.24 hectare) island located in the western portion of Devil Lake. The island is approximately 33 metres wide at the widest location. The island is flat with areas of low vegetation and exposed bedrock and contains a cedar and pine forest. The bedrock shoreline rises 2 metres from the water and then continues to rise slowly toward the centre of the island. There is an indentation of the shoreline on the north portion of the property creating a shallow swamp. The north end of the island, near the indentation, contains an existing seasonal dwelling with attached deck, a storage shed and a privy. The dock to access the island is located near the development.

The existing dwelling is 23 square metres (240 square feet) in size and one storey, or 3 metres (10 feet) in height. It is setback 6 metres (19.8 feet) from the highwater mark of the lake and the top of bank along the shoreline. The 11 square metre (120 square foot) attached deck is located on the north side of the dwelling, 6 metres (19.8 feet) from the highwater mark and the top of bank. The dwelling and deck are located between the indentation and the eastern shoreline.

The storage shed and privy are located to the south of the dwelling and are setback approximately 10 metres (32.8 feet) from the highwater mark.

The applicants are proposing to demolish the existing dwelling and deck and to build a new dwelling. The new dwelling would be located in the same location as the existing dwelling. It would have the same footprint area as the existing dwelling, 23 square metres (240 square feet), but it would be two storeys, or 5.8 metres (19 feet) in height. It would have a gross floor area of 39 square metres (418 square feet). The new dwelling will be rotated 90 degrees and will be set back 8 metres (26 feet) from the highwater mark and top of bank. The deck is not proposed to be replaced.

The island has legal deeded mainland parking and docking area on a property on West Devil Lake Lane.

## Department, Agency and Public Comments

Public Services Department – This application did not meet the criteria for circulation.

Building Department (Sewage System Review) – This application did not meet the criteria for circulation.

Cataraqui Conservation – Comments received from Cataraqui Conservation on August 24, 2021 indicate that the proposed development, setback 8 metres from the highwater mark, will be located outside the setback from the regulatory floodplain and outside the erosion hazard allowance as required by O. Reg. 148/06. Cataraqui Conservation Staff recommend that roof runoff be directed away from the closest shoreline to protect the water quality of the lake. Cataraqui Conservation confirmed by e-mail on October 5, 2021 that they have no objection to the approval of the application.

It was noted that a permit under O. Reg 148/06 will be required for the proposed development as it is located within a regulated area. The applicant must contact Cataraqui Conservation at the building permit stage.

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

## Planning Analysis

The property is zoned Limited Service Residential - Island (RLSI). The RLSI zone requires a minimum gross floor area of 59 sq. metres (635.1 sq. feet) for a seasonal dwelling. Staff determined through their review of this application that the seasonal dwelling is undersized at 23 square metres (240 square feet). The dwelling was constructed in 1961, according to MPAC records. Early Bedford Township By-laws permitted seasonal dwellings of this size. This means that the dwelling is a legal non-conforming building to Zoning By-law 2003-75.

In this situation, the Committee of Adjustment should consider whether to grant permission to enlarge the legal non-conforming building under Section 45(2) the *Planning Act*.

The proposed dwelling is consistent with the existing and permitted seasonal residential use of the property. The proposal to enlarge the undersized dwelling by replacing it with a two-storey dwelling with the same footprint area brings the proposed dwelling closer to conformity with Zoning By-law No. 2003-75. The modest dwelling size is appropriate for the small island, and represents a lot coverage less than one percent.

Rotating the orientation of the proposed dwelling 90 degrees will increase the set back from 6 metres to 8 metres (26 feet) from the highwater mark and the top of bank. The proposed dwelling is located outside the floodplain and the erosion hazard limit.

It is not practical to locate the proposed dwelling in another location on the island. As indicated previously, the island is less than 33 metres wide. Pushing the development farther from the highwater mark on one side of the island would bring the development closer to the highwater mark on the other side. In addition, the dwelling could not be moved to the centre of the island as that is the only location for a sewage system, should one be required in the future. Building on the similar footprint will result in the least disturbance to the island.

Requiring a development agreement as a condition of approval will ensure that the proposed development is undertaken in accordance with the Township environmental standards, including how to manage roof runoff to reduce its velocity and encourage infiltration.

It is the opinion of staff that it is appropriate for the Committee of Adjustment to grant permission to enlarge the legal non-conforming building, as described in this report. It is also appropriate to grant permission for the continued use of the established storage shed and privy on the property.

## Conclusion

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** application MV-35-21-B, subject to conditions.

## Recommended Conditions

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

1. Permission is granted to enlarge a legal non-conforming building on the subject property. The existing seasonal dwelling is permitted to be replaced with a seasonal dwelling with a ground floor area of 23 square metres (240 square feet), a gross floor area of 39 square metres (418 square feet), and a height of 5.8 metres (19 feet). The seasonal dwelling is permitted to be setback a minimum of 8 metres (26 feet) from the highwater mark of Devil Lake and the top of bank of the shoreline. The approval also grants the continued use of the established storage shed and privy. All as per the revised application received by the Municipality on September 23, 2021 , and revised drawings received by the Municipality on October 1, 2021 that will be attached to the Decision as Schedule “A”.

2. The applicant is required to enter into a Development Agreement to be registered on the title of the property to the satisfaction of the Township to address Township environmental policies including how to manage roof runoff to reduce its velocity and encourage infiltration.

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

# REPORT TO COMMITTEE OF ADJUSTMENT
# PLANNING DEPARTMENT

**Submitted by:** Anna Geladi, Planner

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

**Date of Site Visit:** August 18, 2021

**TOWNSHIP OF SOUTH FRONTENAC**
**APPLICATION FOR MINOR VARIANCE OR PERMISSION**
Updated January, 2021

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

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

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

**Application Requirements**

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

| Application Type: | Planning Fee: | Building Admin Fee: | TOTAL: |
|---|---|---|---|
| 1-3 Variances | $959.00 | $94.00 | $1,053.00 |
| 4+ Variances | $1,316.00 | $94.00 | $1,410.00 |
| After building without a permit | $2,010.00 | $94.00 | $2,104.00 |

2. It is required that a Fee be provided for the Township to review onsite sewage disposal and Conservation Authority (where applicable) when submitting an application (Separate **cheques**, payable to the applicable Conservation Authority, are to be submitted to the Township with the completed application).

| | |
|---|---|
| Township of South Frontenac<br>*Minor Variance Only*<br>*Minor Variance WITH Performance Review*<br>*Minor Variance in combination with a new Class 2, 3, 4, or 5 sewage system other than a Class A system* | $450<br>$700<br>$1,150 |
| Cataraqui Region Conservation Authority | $420 |
| Quinte Conservation Authority | $344 |
| Rideau Valley Conservation Authority | $390 |

Please Note: These fees are for **consultation** on this application only; these agencies may require additional permit applications and fees prior to any construction.

3. **PLEASE READ THIS ITEM CAREFULLY**

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

4. **Collection of Personal Information**

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

RECEIVED
AUG 26 2021
TOWNSHIP OF
SOUTH FRONTENAC
PLANNING DEPARTMENT

Date Received: _____ File No: MV-40-21-B

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

1. Name of Owner(s): RUSSELL MARTIN CROOK and PATRICIA ALLEN-CROOK

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

Phone number of Owner(s): [redacted]

Email Address of Owner(s): [redacted]

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

Name of Authorized Agent: N/A

**Full Mailing Address** of Authorized Agent: _____

Phone number of Authorized Agent: _____

Email Address of Authorized Agent: _____

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

_____
Signature(s) of Owner(s)

3. The description of the subject land:

District: ☒ Bedford ☐ Portland ☐ Loughborough ☐ Storrington

Concession Number: 7 Lot Number: PT 32

Street Number: 22 Name of Road/Street: COLESCOTT LANE

Reference Plan Number: 13R 10488 PART 1 Part Number(s): 1 BOBS LAKE
BOBS LAKE

Roll Number: 1029 - 030 - 020 - 87700 - 0000

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

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

Frontage (on water): 723 feet Frontage (on road/lane): 467 feet

Depth: 100 feet Area: 1.94 acres

5. The current zoning of the subject land:

residential

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

Increasing final height of structure by approx. 2 feet within 30 metres of the high water mark. Purpose: to stabilize deteriorating foundation and to gain access to beneath south end of building for plumbing maintenance + repair.

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

Existing structure is already closer than 30 metres to the high water mark.

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

Name of Road/Lane:

Colescott Lane

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

N/A

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

Seasonal residential / recreational (cottage)

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

☒ Yes ☐ No

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

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

| Type of Structure (E.g. residence) | (1) cottage residence | (2) boathouse | (3) privy / shed | (4) |
|---|---|---|---|---|
| **Setback from Front Lot Line** (high water mark) | ~ 36 feet | 0 | ~ 35 feet | |
| **Setback from Rear Lot Line** (Road) | ~ 146 feet | ~ 256 feet | ~ 105 feet | |
| **Setback from Side Lot Line** | ~ 135 feet | ~ 191 feet | ~ 63 feet | |
| **Height of Building** (Also indicate if it is one story or two story) | ~ 18 feet (north end) ~ 15 feet (south end) plus 2 one story 10 fts * | ~ 17 feet 2 stories | ~ 10 feet one story | |
| **Dimensions of Floor Area** | 27' x 48' | guestimate ~ 16' x 20' | guestimate ~ 4' x 15' | |
| **Setback from High Water Mark (If applicable)** | ~ 36' | 0 | ~ 35' | |

* the 2 lofts, one at south end and one at north end serve as storage areas and overflow sleeping spaces

13. The proposed uses of the subject land:

seasonal residential / recreational

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

☐ Yes ☒ No

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

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

| **Type of Structure (E.g. residence)** | **(1)** co Hage residence | **(2)** | **(3)** | **(4)** |
|---|---|---|---|---|
| **Setback from Front Lot Line** | ~ 36 feet | | | |
| **Setback from Rear Lot Line** | ~ 146 feet | | | |
| **Setback from Side Lot Line** | ~ 135 feet | | | |
| **Height of Building (Also indicate if it is one story or two story)** | ~ 20 feet north ~ 17 feet south | | | |
| **Outside Dimensions of Building/Structure** | 27' x 48' | | | |
| **Setback from High Water Mark (If applicable)** | ~ 36' | | | |

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:

If unable to repair existing foundation structures (concrete post, blocks, etc) to remove them and replace with new structures. Debris will be removed by contractor (Levelit)

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

If yes, please provide details:
Raising the cottage by approx. 2 feet to allow crawlspace access to plumbing, electrical etc under the house.

18. What are the uses of the proposed development?

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

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

October 22, 1991

20. The date the existing buildings and structures were constructed on the subject lands:
The house was built in three phases. We don't know the dates of construction but the date on the electrical panel in the middle section is dated Oct 1965 so it can be presumed that the structure predates that time.

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

greater than 50 years.

22. Indicate whether water is provided to the subject land by a publicly owned and operated piped water system, a privately owned and operated individual or communal well, a lake, or other water body, or other means: There is a well on the property but it has not been used in recent years. The reason is that the cottage is not used regularly in past years. If that changed, the well would likely be considered for use. Currently, bottled water is brought in manually and water is pumped from lake for non-drinking purposes.

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: Sewage is removed by a private sewage company

There is a privy on the property which is used but only in exceptional circumstances.

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

no

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

no

☐ 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 (as far as we are aware)

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.

Our neighbours are not close enough that our proposed structural levelling of our cottage would have any impact on their water or septic systems. (Please see enclosed RVCA Aerial View and surveyor plan. We do not know the particulars of their wells and septic beds.

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

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 and, where applicable, the appropriate Conservation Authority, may enter onto the subject property for the purpose of determining the appropriateness of the site for the proposed development.

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

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

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

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

DATED AT THE TOWNSHIP OF SOUTH FRONTENAC

THIS 26 DAY OF August, 2021

I, Patricia Allen-Crook Russell Crook OF Scarborough, Ontario

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

[redacted]

LAKE

BOB'S

(MUD) BAY)

(us) 22 Colescott Lane

(neighbour) 60 Colescott Lane

(neighbour) 59 Colescott Lane

Adjacent property owned by 450 Badour Road)

Frame Boat House & Guest House

Mark

Water

Controlled

High

SIB (1054)

SSIB WIT (1296)

SSIB (1296)

IB (1054)

Found Steel Rod

Found Angle Steel Iron Set IB

Hydro & Bell Pole Line

Remains of fence posts

INST. 394498

INST. 104646

INST. 6604

INST. 220241

INST. 187183

INST. 215634

PART 1

N22°41'05"E 147.93'

N 34° 09' 55" E 118.71'

N 11° 25' 10" E 156.60

N 67° 34' 50" W 213.57

N 27° 54' 40" E 150.74'

N 32° 13' 40" E 99.34' (D&m)

50.79' (D&m) 300.16'(m)

N 32° 11' 30" E 300.33'(p2)

N 39° 31' 20" E(m)

N 39° 40' 20" E(p) 117.66'(p&m)

N 81° 13' 20" E(m)

N 81° 10' 20" E(p) 108.97'(p&m)

N 69° 09' 20" E 183.34'(p&m)

N26°17'40"W(p3&m) 129.31'(m) 128.80'(p3)

N59°07'35"W 11.26'

N58°14'35"W 8.74'

N38°30'40"W 5.87'

PLAN OF SURVEY BY G.W. BRACKEN, O.L.S. DATED SEPTEMBER 9, 1969 ATTACHED TO INSTRUMENT 215634

PLAN OF SURVEY BY G.W. BRACKEN, O.L.S. DATED FEBRUARY 21, 1969 ATTACHED TO INST. 187183

Scale 1" = 60'

N

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

. . . . . 199 .

BRIAN W. KERR
ONTARIO LAND SURVEYOR

PLAN 13R-
RECEIVED AND DEPOSITED

. . . . . 199 .

LAND REGISTRAR FOR THE REGISTRY DIVISION OF FRONTENAC (N° 13)

SCHEDULE

| PART | LOT | CONCESSION | INSTRUMENT | AREA(ac) | REMARKS |
|---|---|---|---|---|---|
| 1 | Part of 32 | 7 | 6604, 104646 & 140447 | 1.94± | |
| 2 | Part of 32 & 33 | | 220241 | 0.83 | Subject to Right-of-way |
| 3 | Part of 32 | | 168742 | 0.004 | |

PLAN OF SURVEY OF

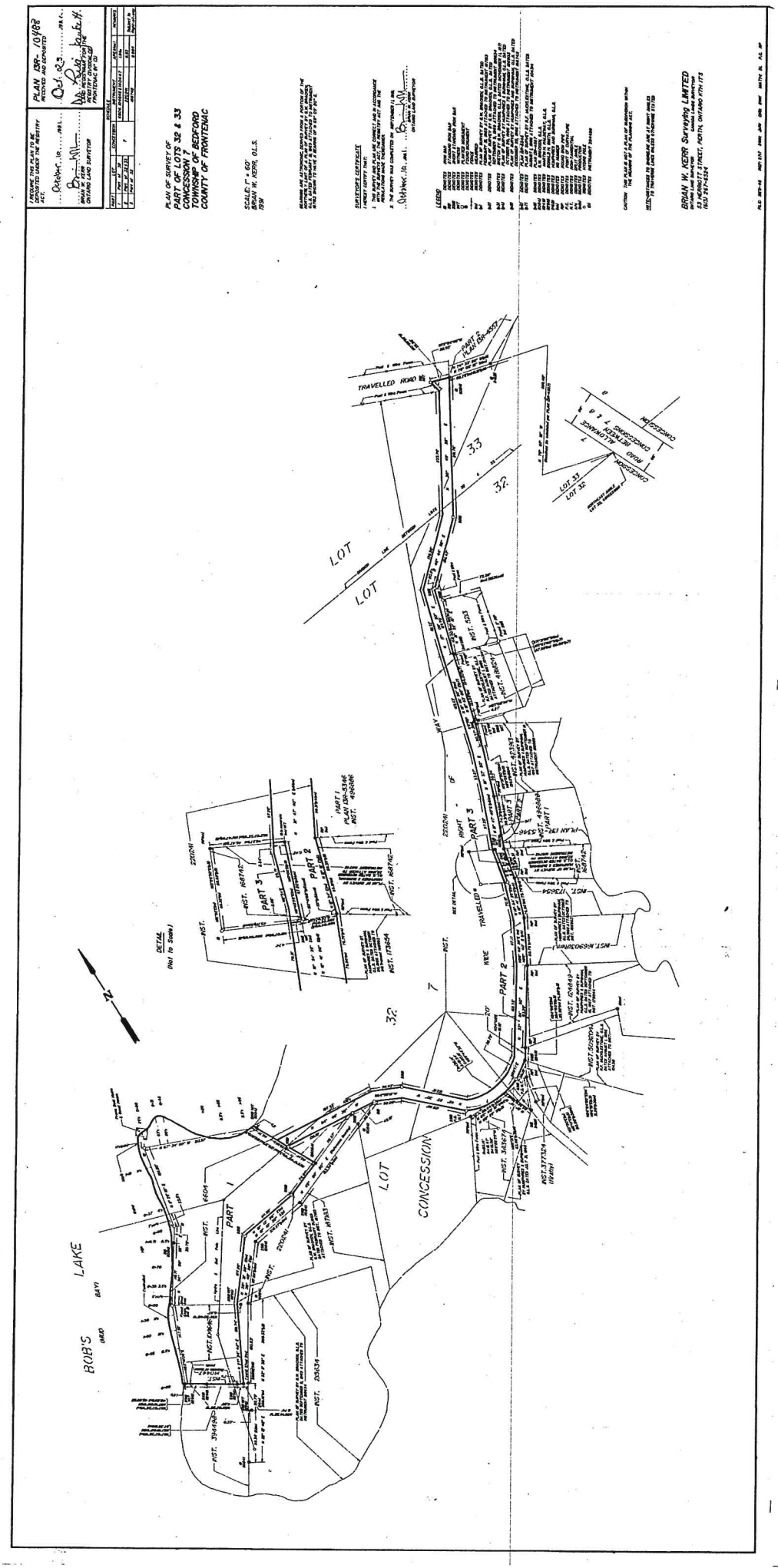
# PART OF LOTS 32 & 33
# CONCESSION 7
# TOWNSHIP OF BEDFORD
# COUNTY OF FRONTENAC

SCALE: 1" = 60'
BRIAN W. KERR, O.L.S.
1991

PRELIMINARY PRINT

BEARINGS ARE ASTRONOMIC, DERIVED FROM A PORTION OF THE NORTHERLY LIMIT OF A PLAN OF SURVEY BY G.W. BRACKEN, O.L.S. DATED FEBRUARY 21, 1969 ATTACHED TO INSTRUMENT 187183 SHOWN TO HAVE A BEARING OF N 69° 09' 20" E.

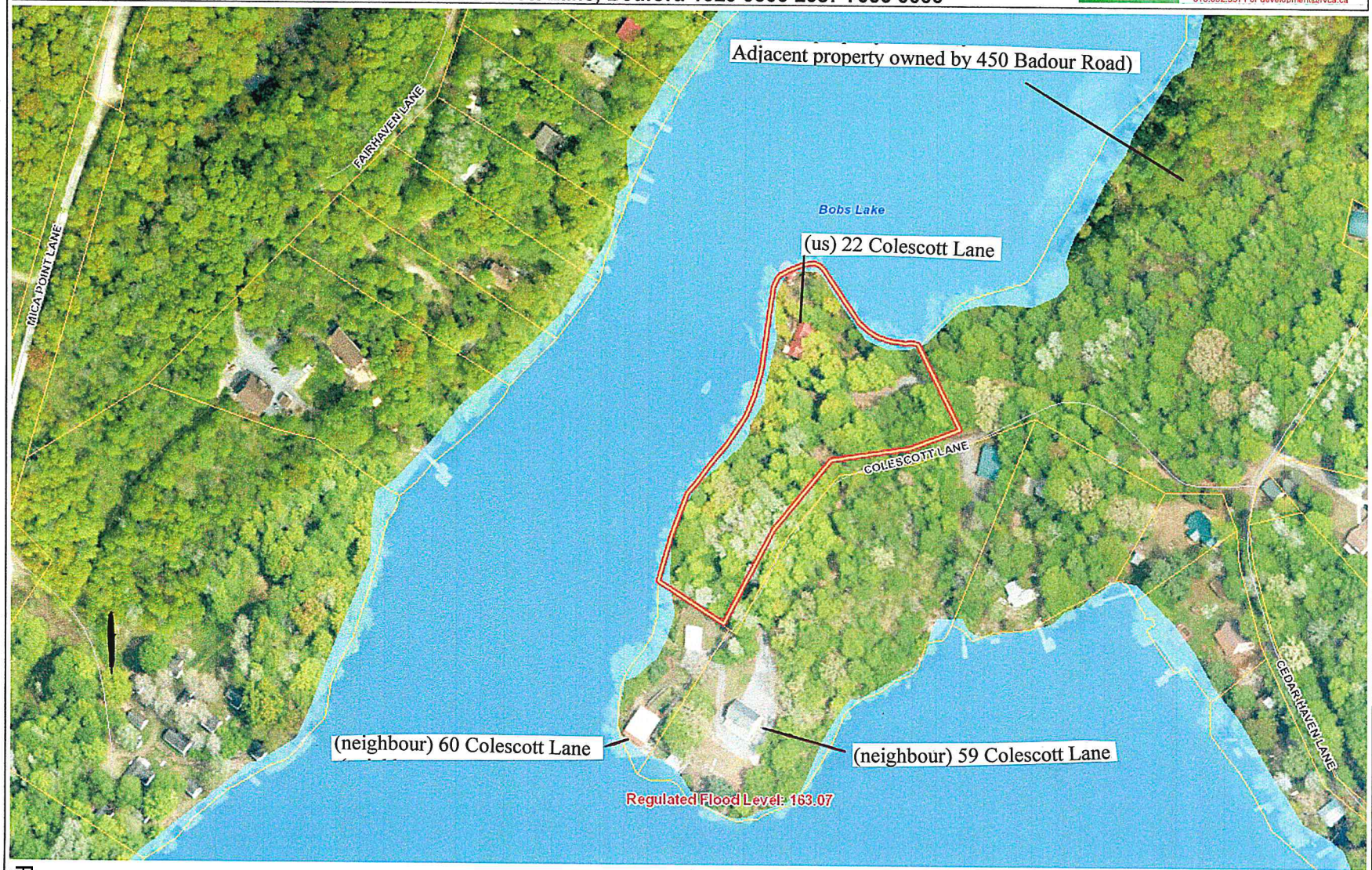
Re: Neighbours



# RVCA Regulations Limit Map
## 22 Colescott Lane, Bedford 1029 0300 2087 7000 0000

RIDEAU VALLEY CONSERVATION AUTHORITY

This map tool is for information screening purposes only. In all cases, please contact RVCA Planning Staff for confirmation: 613.692.3571 or development@rvca.ca




**Legend**

- Parcel - Assesment
- Area of Reduced Flood Risk
- Regulation Limit
- 100yr Floodline
  - Floodplain
  - Area of Reduced Flood Risk
  - Area of Shallow Flooding
- Reg Limit Dominant Hazard
  - Floodplain
  - Geo-technical Hazard Limit
  - Meander Belt
  - Spill Line
  - Stable-Toe Slope
  - Top of Slope
  - Unstable-Toe Slope
  - Wetland
- Regulated Wetlands
- RVCA Sub-Watersheds
- RVCA Catchments
- MNRF Wetlands
  - Evaluated-Provincial (PSW)
  - non-PSW Wetlands
- Waterbody

1: 1,596

WGS_1984_Web_Mercator_Auxiliary_Sphere

-81.1 0 40.54 81.1 Meters

© Rideau Valley Conservation Authority

Map created: 7/23/2021

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**Notes**

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SOUTH FRONTENAC

# MV-40-21-B

# (CROOK) 22 COLESCOTT LANE

## Legend

- Subject Property
- Provincially Significant Wetlands
- Wetland
- Wooded Area
- Water
- Parcel Fabric
- Road
- Railway

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

Scale 1:1,000

0 10 20 40

Meters

UTM Zone 18 NAD 83

Date: 2021-09-22

Rideau Valley Conservation Authority

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

October 4, 2021
21-SFR-MVA-0023 (BEDFORD)

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

Attention: Anna Geladi, Planner

Subject: **Crook, Russell & Allen-Crook, Patricia**; Minor Variance Application – File **No. MV-40-21B** – 22 Colescott Lane., Pt Lot 32, Concession 7, Former Township of Bedford, Now the Township of South Frontenac; Roll Number: 0129003002087700000

---

Dear Ms. Geladi,

The Rideau Valley Conservation Authority (RVCA) has reviewed the subject application within the context of:

- Section 2.1 Natural Heritage, 2.2 Water and 3.1 Natural Hazards of the Provincial Policy Statement under Section 3 of the Planning Act;
- The Rideau Valley Conservation Authority ("Development, Interference with Wetlands and Alteration to Shorelines and Watercourses" regulation 174/06 under Section 28 of the Conservation Authorities Act);
- The Bobs-Crow Lake Catchment Report;
- The Mississippi-Rideau Source Protection Plan.

**The Proposal**

The Rideau Valley Conservation Authority understands this application to be seeking relief from the 30m setback to allow construction to occur that will stabilize the existing foundation and allow access beneath a portion of the building for plumbing maintenance. As a result of this work the height of the structure will be increased by approximately 0.61m (2 ft).

**The Property**

The property is 0.78 hectares. It is indicated that the existing cottage is setback approximately 11m from the high-water mark. A boathouse and shed with privy are also present on the property

A review of our records and mapping indicates the following natural hazards or natural heritage features:

-Our office has a regulated flood level of 163.07 metres above sea level associated with Bobs Lake
-Bobs Lake is considered to be a watercourse for the purpose of our regulation
-A watercourse is also present on the south portion of the lot
-The property overlies a highly vulnerable aquifer

A review of our records did not reveal the presence of leda clays, steep slopes nor organic soils.

**Discussion**

*Provincial Policy Statement*

The reviewing planner has no concern with Section 2.1 of the PPS as a result of this application.

Regarding Section 2.2 should the application be approved by the Committee, our office has some concerns and would recommend conditions for implementation of erosion and sediment controls during construction as a result of this application.

In respect of Section 3.1 it is noted that the 1:100 flood level on Bobs Lake is 163.07 m above seal level. Map contours indicate that existing cottage is at approximately 164.25 m above sea level. The application should consider the 1:100 year flood elevation in the design of the foundation and its drainage system.

*Ontario Regulation 174/06*

Currently our office regulates the shoreline of Bobs Lake. Should any development be proposed along the shoreline of Bobs Lake (including, but not limited to, grading, site alteration, dock installation or erosion protection works) the prior written permission is required from our office in accordance with our regulation (Development, Interference with Wetlands, Alterations to Shoreline and Watercourses) made under Section 28 of the Conservation Authorities Act.

*Bobs Lake-Crow Lake Catchment Report*

This lot is located on Mud Bay in Bobs Lake, the 2017 report indicates that Buck Bay has a water quality rating that ranges from “Fair” to “Good”. Few nutrient exceedances, occasional periods of limited fish habitat conditions in late summer, and generally clear water contributed to the rating. There are two shoreline monitoring sites in the vicinity of

the property (RVL19C and RVL19D) that indicate total phosphorus concentrations are below the Provincial Water Quality Objective of 0.020 mg/l, low nutrient concentrations are important to protect against algal blooms and excessive vegetations growth.

The catchment report notes that well vegetated shorelines are critically important in protecting water quality, habitat conditions and reducing the potential for erosion; and highlights the importance of shoreline protection particularly where water setbacks cannot be met.

*Source Water Protection*

Most of RVCA's watershed has been identified as a highly vulnerable aquifer as stated in the catchment report and indicated in the Mississippi-Rideau Source Water Protection Plan. These are aquifers that are vulnerable to surface contaminants due to thin or absent soils overlying bedrock that may be fractured. Where these conditions exist, it may be possible for contaminants to enter drinking ground water supplies. For this reason, care should be taken to avoid land uses and practices that may inadvertently lead to undesirable effects on groundwater. Some best practices that could be considered include:

- increased well casing depths;
- increased distance of septic systems from drinking water wells;
- ensuring wells are located upgradient of septic sewage disposal systems
- ensuring that wells and septic systems are property maintained,
- avoiding use of pesticides, herbicides and fertilizers.

**Recommendations**

Given that the proposed work is to repair the existing foundation our office is satisfied that any impacts on Bobs Lake can be mitigated by the recommendations below.

Should the Township allow the variance, our office would have the following recommendations for conditions of any implementing agreement or notes to be included in the Committee's notice of decision:

-It is recommended that the underside of the finished floor be 0.3 m above the flood elevation of 163.07 m and confirmation is provided to the Township. The area below the main floor should remain unfinished, contain no habitable space or utilities and that all mechanical, electrical or heating and cooling units or ductwork be located above the regulatory flood level.

- All materials from construction (such as demolished materials or excess soil) will be disposed of 30 metres or more from the normal highwater mark of Bobs Lake at a proper disposal site.

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

- Erosion and sediment control measures shall be implemented around the construction site upland of the lake. These controls should be either silt fencing or straw bales properly staked into the ground and should remain in place until the disturbed area has revegetated. Removal of sediment and erosion controls should be done carefully and all trapped sediment should be disposed of at least 30 metres or more from the normal highwater mark of Bobs Lake at a proper disposal site.

- Existing vegetation should be retained or enhanced on site to protect water quality and reduce the potential for erosion.

**Conclusions**

In conclusion our office has no objection to the subject application. We would like its comments and recommendations included on any decision from the Committee.

Thank you for the opportunity to comment and please do not hesitate to contact the undersigned at (613) 692-3571 x1109 should you have any questions.

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

Yours Truly,

Sarah MacLeod-Neilson
Planner, RVCA

cc – Russell Crook & Patricia Allen-Crook, owners

# REPORT TO COMMITTEE OF ADJUSTMENT
# PLANNING DEPARTMENT

**Report Date:** October 8, 2021

**Application No:** MV-40-21-B
**Owners:** Russell Crook and Patricia Allen-Crook
**Location of Property:** 22 Colescott Lane, Bob's Lake, District of Bedford.
**Purpose of Application:** To request permission to enlarge a legal non-conforming dwelling.
**Date of Hearing:** October 14, 2021

---

**Recommendation**: That provisional approval be:

_✓_ granted with conditions (attached)

___ deferred

___ denied

**Purpose:** ___ zoning relief for construction of a new structure

___ zoning relief for replacement of an existing structure

___ zoning relief for other

_✓_ permission to enlarge a legal non-conforming building

## Proposal

The application seeks permission to enlarge a seasonal dwelling within the required setback from the highwater mark.

The subject property is 1.94 acres (0.78 hectares), and is located on the north side of Colescott Lane, which is accessed from Cedar Haven Lane, off Badour Road. It has frontage on Bob's Lake. The subject property is flat and is predominantly forested. A hydro line runs parallel to Colescott Lane on the subject property.

The existing dwelling is located on a small peninsula at the north end of the property. The seasonal dwelling is 121 square metres (1296 square feet) in size and is setback 11 metres (36 feet) from the highwater mark. The dwelling is one storey with lofts. The dwelling has a building height of 5.5 metres (18 feet). The development is serviced by a privy that is setback approximately 10.7 meters (35 feet) from the highwater mark. The property also contains a boathouse.

The applicants are proposing to raise the existing dwelling by 0.6 metres (2 feet) in order to repair or replace the existing foundation and to allow access beneath a portion of the building for plumbing maintenance and repairs. There will be no added living space as a result of this alteration.

## Department, Agency and Public Comments

Public Services Department – This application did not meet the criteria for circulation.

Building Department (Sewage System Review) – This application did not meet the criteria for circulation.

Rideau Valley Conservation Authority – Comments received on Rideau Valley Conservation Authority (RVCA) on October 4, 2021 indicate that the application should consider the 1:100 year flood elevation in the design of the foundation and its drainage system. It is noted that raising the dwelling so that the underside of the finished floor will be 0.3 metres above the flood elevation of 163.07 metres is recommended, that the area below the finished floor should remain unfinished, and contain no habitable space or utilities, and that all mechanical, electrical or heating and cooling units or ductwork be located above the regulatory flood level. RVCA staff noted that since the proposed development is to repair the existing foundation, they are satisfied that any impacts on Bobs Lake can be mitigated by the recommendations outlined in their letter dated October 4, 2021. These recommendations include:

- that all materials from construction (such as demolished materials or excess soil) should be disposed of 30 metres or more from the normal highwater mark of Bobs Lake at a proper disposal site;
- that erosion and sediment control measures must be implemented around the construction site, and
- that existing vegetation should be retained or enhanced on site to protect water quality and reduce the potential for erosion.

RVCA staff have no objection to the approval of the application.

It was noted that a permit under O. Reg 174/06 will be required for the proposed development as it is located within a regulated area. The applicant must contact Rideau Valley Conservation Authority at the building permit stage.

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

## Planning Analysis

Section 5.10.2 of Zoning By-law 2003-75 states that existing buildings with less than the minimum 30 metre setback from the highwater mark of a waterbody may be repaired, renovated or strengthened to a safe condition provided there is no enlargement of the gross floor area or increase in height. Typically, a proposal to increase the gross floor area or the building height would trigger a requirement for a minor variance.

The proposal associated with this application would result in an increase in building height to the dwelling that is within 30 metres of the highwater mark. However, the increased building height would comply with the RLSW zone provision. There would be no enlargement of the gross floor area to warrant a minor variance.

Staff determined through their review of this application that since the seasonal dwelling on the subject property was constructed prior to the passing of Zoning By-law No. 2003-75 it may be considered a legal non-conforming building. In this situation, the Committee of Adjustment should

consider whether to grant permission to enlarge the legal non-conforming building, by increasing its height, under Section 45(2) of *the Planning Act*.

The proposed increase in the height of the dwelling is the result of raising the existing building in order to repair or replace the existing foundation and to allow for access underneath the building for plumbing maintenance and repair is appropriate. The increase in building height will not affect surrounding properties as the development is located on a peninsula and there is a large open space located between the dwelling and the closest neighbouring property to the south. There are trees that will conceal the increase in height from neighbouring properties to the east. The boathouse as well as surrounding trees along the shoreline will screen views from the north and the east.

The existing setback to the highwater mark will be maintained. Raising the dwelling on the existing footprint will result in the least disturbance to the natural features on the subject property.

Requiring a development agreement on the property will ensure that the development is undertaken in accordance with the Township environmental standards, and will implement the RVCA recommendations listed above.

It is the opinion of staff that it is appropriate for the Committee of Adjustment to grant permission to enlarge the legal non-conforming building, as described in this report.

## Conclusion

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** for application MV-40-21-B, subject to conditions.

## Recommended Conditions

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

1. Permission is granted to enlarge a legal non-conforming building on the subject property. The existing dwelling is permitted to be raised 0.6 metres (2 feet) to a maximum height of 6 metres (20 feet), as per the drawings and application submitted with MV-40-21-B, that will be attached to the Decision as Schedule “A”.

2. The applicant is required to enter into a Development Agreement to be registered on the title of the property to the satisfaction of the Township to address Township environmental policies and Rideau Valley Conservation Authority recommendations outlined in their letter dated October 4, 2021.

    - It is recommended that the underside of the finished floor be 0.3 m above the flood elevation of 163.07 m and confirmation is provided to the Township. The area below the main floor should remain unfinished, contain no habitable space or utilities and that all mechanical, electrical or heating and cooling units or ductwork be located above the regulatory flood level.

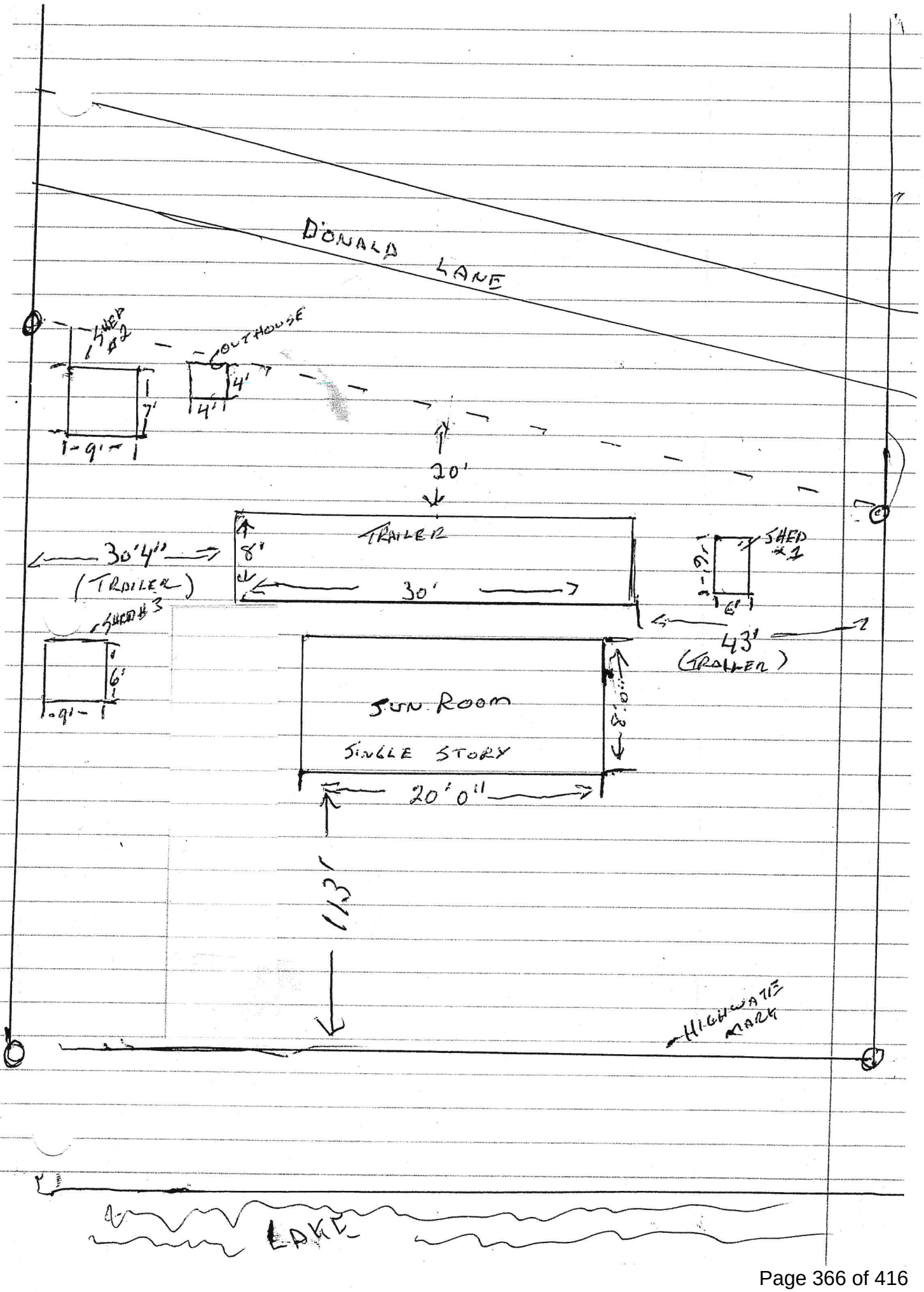
- All materials from construction (such as demolished materials or excess soil) will be disposed of 30 metres or more from the normal highwater mark of Bobs Lake at a proper disposal site.
- Should any work be undertaken along the shoreline of Bobs Lake permits would be required by the Rideau Valley Conservation Authority in accordance with Ontario Regulation 174/06 ("Development, Interference with Wetlands and Alteration to Shorelines and Watercourses").
- Erosion and sediment control measures shall be implemented around the construction site upland of the lake. These controls should be either silt fencing or straw bales properly staked into the ground and should remain in place until the disturbed area has revegetated. Removal of sediment and erosion controls should be done carefully and all trapped sediment should be disposed of at least 30 metres or more from the normal highwater mark of Bobs Lake at a proper disposal site.
- Existing vegetation should be retained or enhanced on site to protect water quality and reduce the potential for erosion.

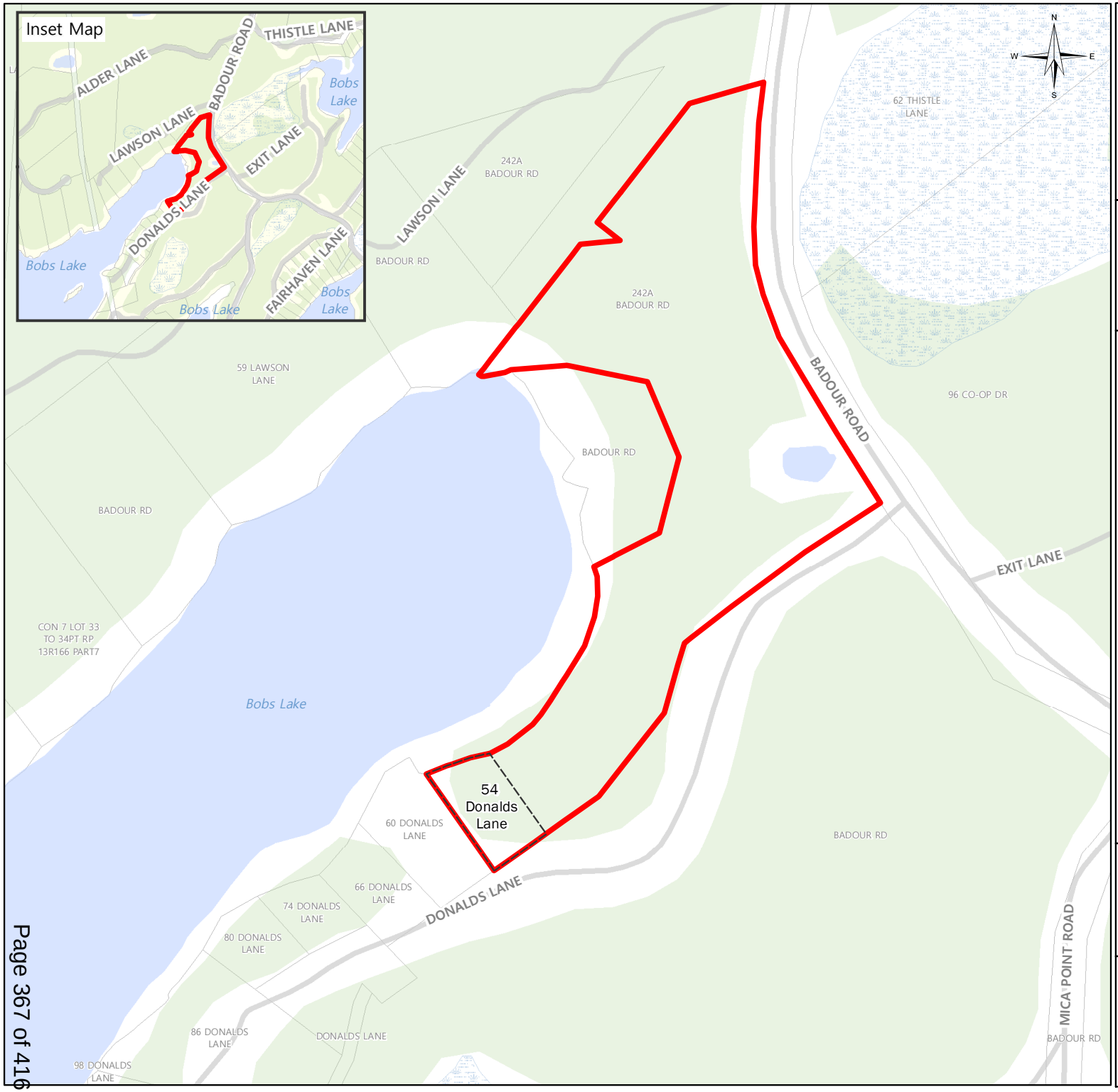
3. A building permit is required for ALL demolition and construction on the property. There shall be no additional development, or demolition of existing structures, on the property without the approval from the Township of South Frontenac.

**Submitted by:** Anna Geladi, Planner

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

**Date of Site Visit:** October 5, 2021


DONALD LANE
SHED #2
7'
1-9'-1
OUTHOUSE
4'
4'-1"
20'
TRAILER
8'
30'
30'4"
(TRAILER)
SHED #1
9'
6'
43'
(TRAILER)
SHED #3
6'
-9'-
SUN ROOM
SINGLE STORY
8'-8"
20'0"
113'
HIGHWATER MARK
LAKE




SOUTH FRONTENAC

# MV-41-21-B

# (BOB'S LAKE CO-OP) 54 DONALDS LANE

## Legend

- 54 Donalds Lane
- Subject Property
- Provincially Significant Wetlands
- Wetland
- Wooded Area
- Water
- Parcel Fabric
- Road
- Railway

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Scale 1:2,500

0 25 50 100

Meters

UTM Zone 18 NAD 83

Date: 2021-09-23

RECEIVED
SEP 28 2021
TOWNSHIP OF SOUTH FRONTENAC PLANNING DEPARTMENT

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

1. Name of Owner(s): TRACEY WILSON C/O BOBS LAKE CO-OP

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

Phone number of Owner(s): [redacted]

Email Address of Owner(s): N/A

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: BOBS LAKE CO-OP

**Full Mailing Address** of Authorized Agent [redacted]

Phone number of Authorized Agent: [redacted]

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.

[redacted]

Signature(s) of Owner(s)

3. The description of the subject land:

District: ☑ Bedford ☐ Portland ☐ Loughborough ☐ Storrington

Concession Number: 7 Lot Number: 33 / 34

Street Number: 54 Name of Road/Street: DONALDS LANE

Reference Plan Number: Part Number(s):

Roll Number: 1029030020 72400

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

Frontage (on water): _____ Frontage (on road/lane): _____

Depth: _____ Area: _____

5. The current zoning of the subject land:

RECREATIONAL.

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

TO INSTALL A NEW TRAILER

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

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

Name of Road/Lane:

DONALDS LANE

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

N/A

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

RECREATIONAL.

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

☑ Yes ☐ No

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

THE OLD TRAILER IS 29'
(THIS TRAILER WAS REMOVED FROM THE LOT
IN THE SUMMER OF 2020)

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

| Type of Structure (E.g. residence) | (1) STEEL SHED | (2) STEEL SHED | (3) OUT HOUSE | (4) SHED |
|---|---|---|---|---|
| **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) | 1-STORY | 1-STORY | | |
| **Dimensions of Floor Area** | 8' X 10' | 8' X 10' | | |
| **Setback from High Water Mark (If applicable)** | 100 + FT | 100 + FT | 100 + FT. | 100 + FT |

13. The proposed uses of the subject land:

RECREATIONAL.

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

☐ Yes ☑ No

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

THE NEW TRAILER IS 32' AND WILL BE LOCATED ON THE LOT IN THE SAME POSITION AS THE PREVIOUS TRAILER.

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

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

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

If yes, please provide details:

_____

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

If yes, please provide details:

18. What are the uses of the proposed development?

| | | | |
|---|---|---|---|
| (a) | Increase in number of bedrooms | ☐ Yes | ☑ No |
| (b) | Increase in plumbing fixtures | ☐ Yes | ☑ No |
| (c) | Increase in living space | ☑ Yes | ☐ No (75 SQ FT.) |
| (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:

2001

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

2001

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

20 YRS.

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

COMMUNAL WELL

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

OUT HOUSE

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

NO

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

☐ Yes ☑ No

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

---

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

☑ Yes ☐ No

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

IN PROCESS OF 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.

**AGREEMENT TO INDEMNIFY**

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

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 and, where applicable, the appropriate Conservation Authority, may enter onto the subject property for the purpose of determining the appropriateness of the site for the proposed development.

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

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

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

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

DATED AT THE TOWNSHIP OF SOUTH FRONTENAC

THIS 31 DAY OF AUG, 2021

I, LEE FRETTE OF C/O BOB'S LAKE INC.
solemnly declare that all the statements contained in this application are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made

[redacted]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

THERE WILL BE NO WATER HOOK-UP TO THE TRAILER AND THERE IS AN EXICTING OUT HOUSE ON THE LOT.

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

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

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

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

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

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

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

Christine Woods MCIP, RPP
Senior Planner
**Township of South Frontenac**
Box 100, Sydenham ON K0H 2T0
Phone: 613-376-3027 Ext 2221
Fax: 613-376-6657

Dear Christine,

This letter is to inform you that Tracy and Scott Wilson (#54 Donald's Lane) have a licence to occupy a trailerable lot as members of Bob's Lake Cooperative Camps Inc. I trust that this is the information you require for the Wilson's to proceed with their application of a minor variance to replace their trailer.

Sincerely,

Karen Niman

Karen Niman
President of Bob's lake Cooperative Camps Inc./ on behalf of the Board of Directors

Co-op copy

**BOB'S LAKE CO-OP CAMPS INC.**
Application for Board Approval to Obtain a Building Permit
Or Replace / Install a Trailer

Date August 1st 2021 Members Name Tracy and Scott Wilson

Co-op Lot # 54 Donald's Lane Daytime Phone [redacted]

I hereby request approval of the Building Committee, and or to obtain a Building Permit from The Township of South Frontenac for the following.

**Please check the appropriate description below:**
~~Build an Add~~-a-room ☐ Build a Deck over 100 sq ft. ☐ Demolish a trailer or other building on above lot.
☐ Replace ☐ Install Trailer ☐ Other Structure _____

Please see the procedures on reverse.

[redacted] Note: Prior to obtaining a building permit from The Township Building Department, you must first submit this form to the Building Committee, along with a drawing or plans for the proposed building / structure.

Signature [redacted] Date Aug 22 / 2021

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Building Department
Township of South Frontenac
Box 100, Sydenham
Ontario K0H 2T0

To Whom it May Concern,

This is to inform you that the Building Committee Members of the Board of Directors of Bob's Lake Co-op Camps Inc. has reviewed the attached plans.

Approved ☐ Submit an application for a minor variance to replace an existing trailer

The building committees' approval acknowledges that have complied with the bylaws of Bob's Lake Co-op Camps Inc

Not Approved ☐ Reason _____

Yours sincerely,

[redacted]

Date: 01/08/2021

Building Committee Members of Bob's Lake Co-op Camps Inc.

***Please see attached letter to support the above members in the application for a minor variance to replace their trailer.

*Created 2014/08/31*
*Revised 2015/05/26*
*Modified 2020/07/01*

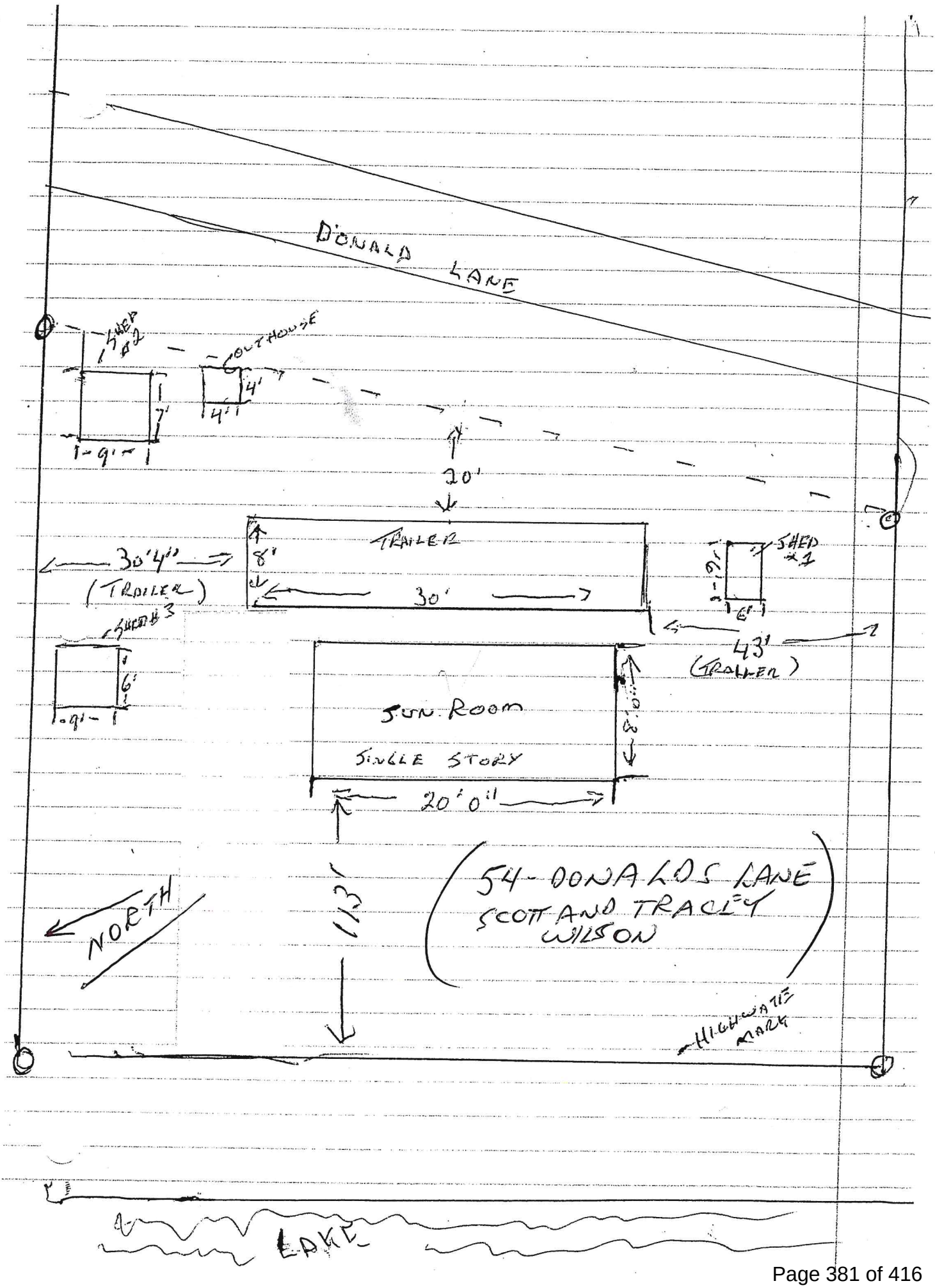
*Procedure*

- *Prepare a site plan of the proposed structure ensuring that dimensions are included.*
- *Prepare this Request form.*
- *Provide a copy of the proposed plan and this form to a Building Committee Member.*
- *Within 10 to 15 business days, Building Committee Members will review and advise of acceptability by providing a formal approval letter or completing and signing this form.*
- *A minimum of two building committee members must approve / not approve the plan.*
- *Should a building permit from the township be required, the approval letter and or this form, must accompany the proposed plans.*
- *The Building Committee approval acknowledges that have complied with the bylaws of Bob's Lake Co-op Camps Inc.*
- *In the event the Township Building Department make changes to the plans, these changes must be provided for file.*
- *Advise upon approval or non-approval from the Township for file and future reference.*
- *If approved proceed as directed from the Township.*
- *Upon completion – Enjoy!*

*Note:*

- *If not sure whether a building permit is required, please check with the building committee and / or*
- *Research and check with the South Frontenac Township.*
- *Website below to Townships Building Department Forms and Applications.*
- *Add – A - Rooms must not exceed the square footage of the existing trailer and be no more than 10 feet wide. With the total square footage of the trailer and add a room, not to exceed the amount stated in the Rules and Regulations,*
- *Keep in mind that, the onus is on you to adhere to the Townships / Ontario building codes.*

*http://www.southfrontenac.net/en/living-here/building-permits.asp?_mid_=13003BOB'S LAKE CO-OP CAMPS INC.*


DONALD LANE
SHED #2
OUTHOUSE
4'
4'
7'
9'
20'
TRAILER
8'
30'
30'4"
(TRAILER)
SHED #1
9'
6'
43'
(TRAILER)
SHED #3
6'
9'
SUN ROOM
SINGLE STORY
20'0"
113'
NORTH
54 - DONALDS LANE
SCOTT AND TRACEY
WILSON
HIGH WATER MARK
LAKE

**Minor Variance Application MV-41-21-B**

Bob's Lake Co-Operative c/o Lee Fretts

54 Donald Lane

September 27, 2021

Lee,

I reviewed this application, and found that it is missing several items that are needed for the application to be ready for review and public circulation.

Please answer the following questions / add the following information to the application form:

1. The drawing shows a single story sunroom. Is this sunroom detached from the trailer? (YES)
2. What is the length of the old trailer? The trailer information needs to be included in section 12 on the form. There is not much room, so you can add it to the side or under the table. 29'
3. What is the length of the new trailer? The trailer information needs to be included in section 15 on the form. Please also confirm that the new trailer will be in the same location as the old trailer. 32'
4. In section 18, you checked that there would be an increase in living space. How much of an increase will there be in living space? SLIDE OUTS (36" x 12') (5'2 x 36") 15.5 sq ft
5. How is the greywater and blackwater from the trailer disposed of? This information needs to be included in section 23 on the form.

Please add the following information to the drawing:

1. The address of the trailer (54 Donald Lane).
2. The name of the applicant.
3. The direction of North.

As I mentioned when we spoke last week, I will need to receive this information as soon as possible this week so that I can prepare the public hearing notice for the October 14th Committee of Adjustment meeting. The notices would need to be mailed and the signs posted by October 4th at the latest.

Please call me if you have any questions. My telephone number is 613-376-3027 extension 2221.

Christine Woods MCIP, RPP
Senior Planner
Township of South Frontenac

# REPORT TO COMMITTEE OF ADJUSTMENT
# PLANNING DEPARTMENT

**Report Date:** October 8, 2021

**Application No:** MV-41-21-B
**Applicant:** Tracey Wilson
**Agent:** Bob's Lake Co-Operative
**Location of Property:** 54 Donalds Lane, Bob's Lake, Bedford District
**Purpose of Application:** To vary Section 10.3.1 of Zoning By-law No. 2003-75
**Date of Hearing:** October 14, 2021

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**Recommendation**: That provisional approval be:

✓ granted with conditions (attached)

___ deferred

___ denied

**Purpose:**

__ zoning relief for an addition to an existing building

✓ zoning relief for replacement of an existing building

___ zoning relief for other

| **Official Plan Designation**<br><br>Rural | **Zoning**<br><br>Limited Service Residential – Waterfront – Special Provision (RLSW-3) |
|---|---|
| **Zoning Relief Requested** | |
| **Section 10.3.1: Rear Yard** | To permit a 6 metre rear yard depth for a travel trailer, whereas the Zoning By-law requires a minimum 10 metre rear yard for the principal building/structure. |

## Review:

This application for a variance:

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

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

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

✓ Maintains the general intent and purpose of Zoning By-law No. 2003-75;

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

✓ Is minor.

## Proposal

54 Donalds Lane is a campsite on one of several properties owned by the Bob's Lake Co-Operative. The subject property is zoned RLSW-3, which permits a maximum of 10 of campsites for recreational vehicles on this specific property. The RLSW-3 zone requires that the replacement of any existing trailers on the property be subject to a minor variance application to determine the appropriateness of the size and location of the replacement trailer.

An application for minor variance was received for the campsite (civic address 54 Donalds Lane) to replace the existing 29 foot long trailer with a 32 foot long trailer. The existing trailer was recently

removed from the site due to its derelict condition. The replacement trailer would be placed in the same location as the existing trailer. The replacement trailer would exceed all required setbacks, except from the rear lot line. The trailer would be setback 6 metres (20 feet) from the rear lot line, whereas a minimum 10 metre (32.8 foot) rear yard is required in the RLSW zone. This is the same setback as the existing trailer.

54 Donalds Lane is located at the west end of the Co-op's property on Bob's Lake. It is one of ten campsites on the subject property. In addition to the trailer, the campsite contains a privy (outhouse), a sunroom, and three sheds.

The lands within approximately 25 metres of Bob's Lake are generally level and low-lying. The land then rises steeply by approximately 5 metres. All of the accessory buildings and structures on campsite are located beyond the top of the ridge, at least 35 metres from the highwater mark. The replacement trailer would be setback approximately 37 metres from the highwater mark.

## Department, Agency and Public Comments

The application did not meet the criteria for circulation to Public Services and Rideau Valley Conservation Authority.

Building Services was asked to clarify the sewage system requirements for site. The site is currently serviced by a privy. The replacement trailer would need to be connected to a sewage system, or have its plumbing removed.

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

## Planning Analysis Summary

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

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

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

- The proposed variance maintains the general intent and purpose of the Official Plan related to development adjacent to environmentally sensitive areas.

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

- The proposed variance for the replacement trailer maintains the general intent and purpose of the Zoning By-law. The trailer is on one of ten campsites permitted on the subject property by the RLSW-3 zone.

- The RLSW-3 zone only permits the replacement of existing trailers through a minor variance application in order to determine the appropriateness of the size and location of the replacement trailer. The trailer exceeds all required setbacks, except for the rear yard, which remains the same as the existing trailer. Planning staff have determined that the size and placement of the trailer is appropriate.

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

- The variance is desirable for the appropriate development of the land, as it would allow the existing, derelict trailer to be replaced with a similar sized trailer, in the same location on the property.

Is the variance minor?

- The requested variances are minor as they maintain the general intent of the Official Plan and Zoning By-law, and are desirable for the appropriate development of the land.

## Conclusion

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-41-21-B, subject to conditions.

## Recommended Conditions

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

1. The minor variance is for a 32 foot travel trailer.  The travel trailer is permitted to establish a minimum 6.0 metre rear yard.  All as per the submitted application and sketch.

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

3. The applicant shall apply for and obtain a permit for a sewage system under the Ontario Building Code, or remove the plumbing from the trailer to the satisfaction of the Township.

4. Minor variance MV-41-21-B is applicable only to Zoning By-law No. 2003-75 and not to any subsequent zoning by-laws.

**Submitted by:** Christine Woods, MCIP RPP, Senior Planner

**Reviewed by:** Claire Dodds, MCIP, RPP, Director of Development Services

**Date of Site Visit:** September 30, 2021

TOWNSHIP OF SOUTH FRONTENAC
APPLICATION FOR MINOR VARIANCE OR PERMISSION
Updated January, 2021

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

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

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

Application Requirements

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

| Application Type: | Planning Fee: | Building Admin Fee: | TOTAL: |
|---|---|---|---|
| 1-3 Variances | $959.00 | $94.00 | $1,053.00 |
| 4+ Variances | $1,316.00 | $94.00 | $1,410.00 |
| After building without a permit | $2,010.00 | $94.00 97. | $2,104.00 2107 |

2. It is required that a Fee be provided for the Township to review onsite sewage disposal and Conservation Authority (where applicable) when submitting an application (Separate cheques , payable to the applicable Conservation Authority, are to be submitted to the Township with the completed application).

| | |
|---|---|
| Township of South Frontenac<br>Minor Variance Only<br>Minor Variance WITH Performance Review<br>Minor Variance in combination with a new Class 2, 3, 4, or 5 sewage system other than a Class A system | <br>$450<br>$700<br>$1,150 |
| Cataraqui Region Conservation Authority | $420 |
| Quinte Conservation Authority | $344 |
| Rideau Valley Conservation Authority | $390 |

Please Note: These fees are for consultation on this application only; these agencies may require additional permit applications and fees prior to any construction.

3. PLEASE READ THIS ITEM CAREFULLY

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

4. Collection of Personal Information

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

Date Received: _____ File No: _____

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

1. Name of Owner(s): Kathleen Thomas

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

Phone number of Owner(s): [redacted]

Email Address of Owner(s): [redacted]

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

Name of Authorized Agent: Andrew Philip Heid

**Full Mailing Address** of Authorized Agent: [redacted]

Phone number of Authorized Agent: [redacted]

Email Address of Authorized Agent: [redacted]

A[redacted]act on behalf of the owners for purposes of pr[redacted]

Signature(s) of Owner(s)

3. The description of the subject land:

District: ☒ Bedford ☐ Portland ☐ Loughborough ☐ Storrington

Concession Number: 10 Lot Number: 9

Street Number: Unassigned Name of Road/Street: West Devil Lake Lane

Reference Plan Number: 13R-14253 Part Number(s): 1&2

Roll Number: 102901001014000

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

Frontage (on water): 73m Frontage (on road/lane): 6.6m

Depth: 223m Area: 5417sqm

5. The current zoning of the subject land:

RLSW

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

Reduction to 6m setback from top of bank line; To build open structures such as stairs and dock within 30m waterfront setback.

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

There is not enough buildable area if we don't apply to reduce setback from top of bank;

We would like to have access to water so we want stairs and dock within 30m setback from waterfront.

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

Name of Road/Lane:

West Devil Lake 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?

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

☐ Yes ☒ No

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

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

13. The proposed uses of the subject land:

Seasonal Dwelling

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

☒ Yes ☐ No

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

| Type of Structure (E.g. residence) | (1) Dwelling | (2) Accessory Structure (Sleeping Cabin) | (3) Decks (4) (Attached to Buildings) | (4) Septic |
|---|---|---|---|---|
| **Setback from Front Lot Line** | 34.6 m | 56.1 m | A: 29 m<br>B: 31.4 m<br>C: 49.2 m<br>D: 52.8 m | 39 m |
| **Setback from Rear Lot Line** | 11.5 m | 7.4 m | A: 36 m<br>B: 21.9 m<br>C: 9.8 m<br>D: 3.6 m | 7 m |
| **Setback from Side Lot Line** | 58.3m [NW]<br>5.6 m [SE] | 45.6 m [NW]<br>15.1 m [SE] | A: 64 m [NW] 3.05 m [SE]<br>B: 55.9 m [NW] 3 m [SE]<br>C: 55 m [NW] 4.7 m [SE]<br>D: 44 m [NW] 14 m [SE] | 3m [NW]<br>60m [SE] |
| **Height of Building** (Also indicate if it is one story or two story) | 3.5m<br>(single story) | 3m<br>(single story | - | - |
| **Outside Dimensions of Building/Structure** | 8.7 m x 7.3 m+<br>6.7 m x 5.4 m+<br>7.5 m x 5.1 m | 3.4 m x 4.1 m+<br>3.4 m x 4 m | A: 8.8 m x 4.0 m<br>B: 12.6 m x 11.3 m<br>+ 9.1m x 7.8 m<br>C: 7.3 m x 10 m<br>D: 9.4 m x 9.7 m +<br>3.7m x 3.2 m | 14 m X 6.1 m |
| **Setback from High Water Mark (If applicable)** | 34 m | 54 m | A: 30 m<br>B: 51.6 m<br>C: 48 m<br>D: 51 m | 39 m |

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

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

If yes, please provide details:

_____

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

If yes, please provide details:

18. What are the uses of the proposed development?

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

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

April 6, 1998

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:

Privately owned and operated pump from lake

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

Privately owned and operated septic system on land

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

Swales

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

☐ Yes ☒ No

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

N/A

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

☐ Yes ☒ No

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

N/A

29. A SKETCH must be submitted showing the following:

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

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

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

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

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

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

AGREEMENT TO INDEMNIFY

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

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 and, where applicable, the appropriate Conservation Authority, may enter onto the subject property for the purpose of determining the appropriateness of the site for the proposed development.

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

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

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

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

DATED AT THE TOWNSHIP OF SOUTH FRONTENAC

THIS 4TH DAY OF AUGUST, 20 21

I, ANDREW HEID OF NEW YORK

solemnly declare that all the statements contained in this application are true and I make this solemn

[redacted]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PROJECT:
DEVIL LAKE HOUSE
390 WEST DEVIL LAKE LANE,
SOUTH FRONTENAC, ON, CANADA

OWNER:
KATHLEEN THOMAS
133 WOOSTER ST,
NEW YORK, NY 10012 USA

ARCHITECT:
NO ARCHITECTURE, PLLC
ANDREW HEID, AIA
178 ELIZABETH STREET #2A
NEW YORK NY 10012 USA
TEL +1.646 662 9881
ANDREW@NOARCHITECTURE.COM

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STRUCTURAL ENGINEER

GENERAL CONTRACTOR

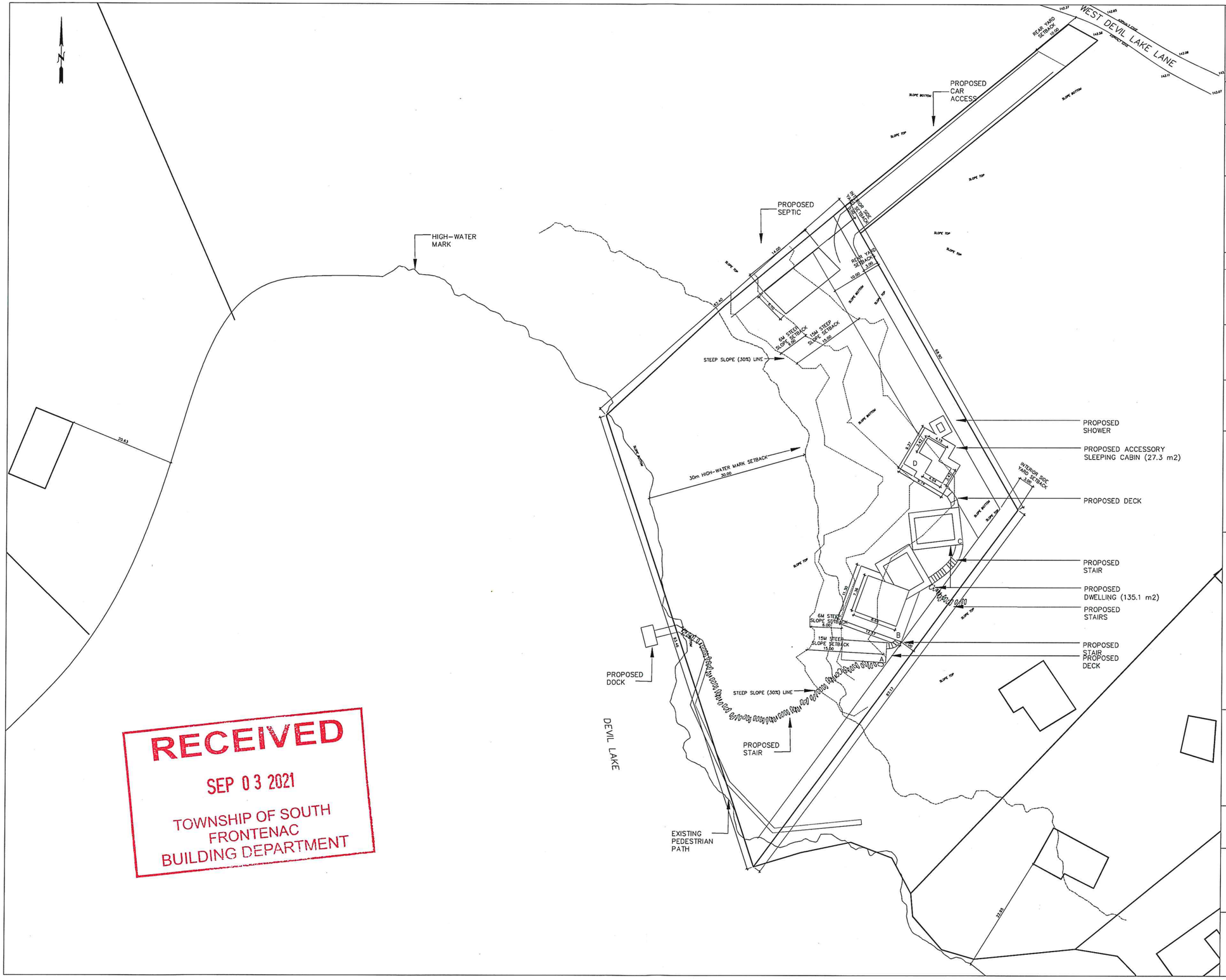
NOTES

| ISSUE DATE | COMMENTS |
|---|---|
| 02 SEP 21 | SITE PLAN, MINOR VARIANCE APP |

DRAWING TITLE
SITE PLAN

PROJECT
SCALE 1:200
FORMAT 30x42
DATE 02 SEPTEMBER 2021

DRAWING NUMBER
A0.03

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SEP 03 2021
TOWNSHIP OF SOUTH FRONTENAC
BUILDING DEPARTMENT

PROJECT:
DEVIL LAKE HOUSE
390 WEST DEVIL LAKE LANE,
SOUTH FRONTENAC, ON, CANADA

OWNER:
KATHLEEN THOMAS
133 WOOSTER ST,
NEW YORK, NY 10012 USA

ARCHITECT:
NO ARCHITECTURE, PLLC
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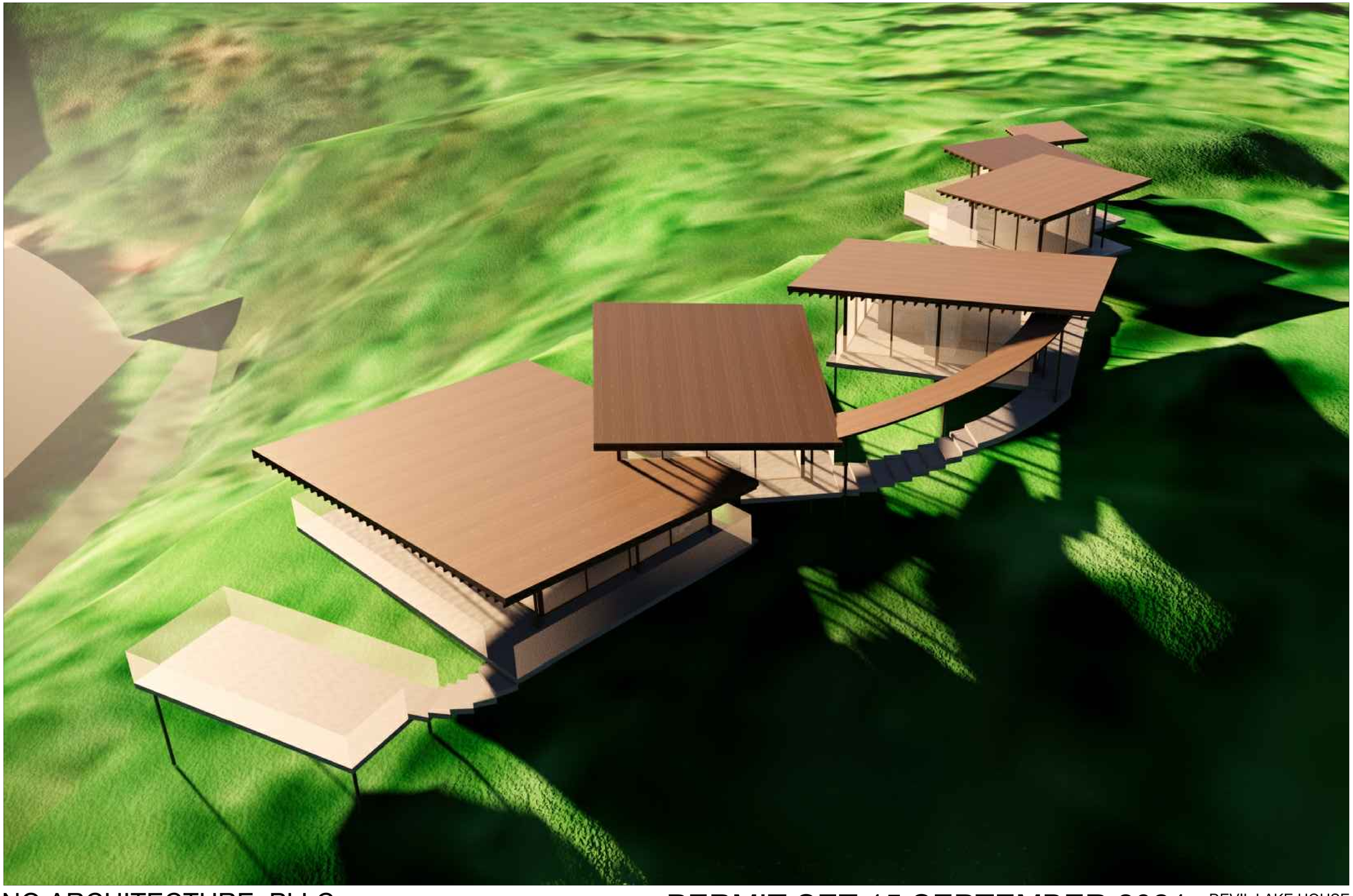

NO ARCHITECTURE, PLLC
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176 ELIZABETH STREET, 2ND FLOOR
NEW YORK NY 100012 USA
TELEPHONE +1.646.662.9881

# PERMIT SET 15 SEPTEMBER 2021

DEVIL LAKE HOUSE
390 WEST DEVIL LAKE LANE
SOUTH FRONTENAC, ON, CANADA

# GENERAL NOTES

1. ALL WORK SHALL COMPLY WITH THE RULES AND REGULATIONS OF SOUTHERN FRONTENAC TOWN, AND ALL OTHER AUTHORITIES HAVING JURISDICTION.

2. ALL MO
RK IS TO BE PERFORMED IN ACCORDANCE WITH THE AIA GENERAL CONDITIONS FOR CONSTRUCTION.

3. ALL WORK SHALL CONFORM TO THE CONTRACT DOCUMENTS WHICH INCLUDE SPECIFICATIONS, THE DRAWINGS, ALL ADDENDUMS AND MODIFICATIONS ISSUED BY THE ARCHITECT.

4. THE GENERAL CONTRACTOR (GC) SHALL REVIEW ALL DOCUMENTS AND VERIFY ALL DIMENSIONS AND FIELD CONDITIONS AND SHALL CONFIRM THAT WORK IS BUILDABLE AS SHOWN. ANY CONFLICTS OR OMISSIONS, ETC., SHALL BE IMMEDIATELY REPORTED TO THE ARCHITECT FOR CLARIFICATION PRIOR TO THE PERFORMANCE OF ANY WORK IN QUESTION. THE GC SHALL ARRANGE FOR INSPECTIONS NECESSARY TO OBTAIN A CERTIFICATE OF OCCUPANCY.

5. IN CASE OF CONFLICT BETWEEN ARCHITECTS AND CONSULTANTS DRAWINGS IN LOCATING MATERIALS / EQUIPMENT, THE ARCHITECT SHALL BE NOTIFIED FOR CLARIFICATION.

6. ALL WORK SHALL BE PERFORMED DURING REGULAR BUSINESS HOURS WHENEVER POSSIBLE. WORK INVOLVING EXCESSIVE NOISE OR DUST, OR WHICH WOULD OTHERWISE INTERFERE WITH THE NORMAL OPERATION OF THE FACILITY / TENANTS SHALL BE DONE ON AN OVERTIME, NON-REGULAR BUSINESS HOUR BASIS TO BE COORDINATED WITH LANDLORD.

7. GENERAL CONTRACTOR SHALL NOTIFY THE ARCHITECT OF ANY UTILITIES NOT COVERED IN THE CONSTRUCTION / DEMOLITION DOCUMENTS, WHICH MAY INTERFERE WITH COMPLETING THEIR SCOPE OF WORK. THE ARCHITECT & GENERAL CONTRACTOR SHALL INSPECT, TEST AND DISCONNECT THE SPECIFIED UTILITY, CUT BACK TO SOURCE (OR PERIMETER OF LEASE SPACE) AND CAP. ALL PENETRATIONS RESULTING FROM THE REMOVAL SHALL BE SEALED WITH NEW CONSTRUCTION TO MATCH ADJACENT BUILDING FINISHES. UTILITY SERVICE SHALL BE DEFINED AS PLUMBING, HVAC, ELECTRICAL.

8. THE CONTRACTOR'S COST IS TO INCLUDE THE REMOVAL, TEMPORARY DISCONNECTION, RELOCATION, AND/OR REROUTING OF ALL EXPOSED ELECTRICAL, MECHANICAL, PLUMBING AND COMMUNICATION LINES, DUCTS, PIPES, UNITS, AND DEVICES, WHETHER SPECIFICALLY NOTED OR NOT IN THE CONTRACT DOCUMENTS, IN ORDER TO INSTALL, INSERT, OR PASS BY A SPECIFIED NEW OR RELOCATED EXISTING LINE, DUCT, CIRCUIT, PIPE, AND/OR DEVICE AS REQUIRED BY THE CONTRACT DOCUMENTS. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY ALL EXPOSED EXISTING STRUCTURAL, ELECTRICAL, MECHANICAL, AND PLUMBING CONDITIONS AND INTERFERENCE PRIOR TO BIDDING, AND INCLUDE IT AS PART OF THE COST OF THE NEW WORK.

9. ALL WORKMAN EMPLOYED BY GC OR ANY SUBCONTRACTORS SHALL BE SKILLED AT THE WORK TO WHICH IS ASSIGNED; ALL TRADES MUST PROVIDE EVIDENCE OF WORKMAN'S COMPENSATIONS AND LIABILITY INSURANCE IN FORCE.

10. ALL MATERIAL STORED ON THE SITE SHALL BE ADEQUATELY PROTECTED AGAINST DAMAGE FROM OTHER WORK IN PROGRESS, REPAIR OF COMPLETED WORK DAMAGED IN THE COURSE OF THE PROJECT WILL BE THE GC'S RESPONSIBILITY AT NO COST TO THE OWNER.

11. AFTER MAKING REMOVAL, RELOCATION, ADDITIONS, ETC., TO EXISTING ELEMENTS, SURFACES AND FINISHES THAT DESTROY THOSE SURFACES AND FINISHES, PATCH SUCH ELEMENTS TO PREEXISTING ADJACENT CONDITIONS. THIS PATCHING WORK IS CONSIDERED PART OF THE PROJECT.

12. UPON COMPLETION OF THE WORK, THE GC IS RESPONSIBLE FOR THE FINAL ADJUSTMENTS OF WINDOWS, DOORS, HARDWARE, DEVICES, AND THOSE ITEMS DEEMED BY THE ARCHITECT TO MAKE THE PROJECT HABITABLE.

13. THOSE ITEMS NOT NOTED, BUT IMPLIED AS NECESSARY FOR THE COMPLETION OF THE WORK ARE TO BE PART THEREOF. THE GC SHALL VERIFY ALL DIMENSION, QUANTITIES, AND DETAILS IN THE FIELD.

14. "FLUSH" SHALL MEAN ACCURATELY LOCATE FINISH FACES IN THE SAME PLANE.

15. "TYPICAL" OR "TYP." SHALL MEAN THAT THE CONDITION IS REPRESENTATIVE FOR SIMILAR CONDITIONS THROUGHOUT, UNLESS OTHERWISE NOTED. DETAILS ARE USUALLY KEYED AND NOTED "TYP" ONLY ONCE, WHEN THEY FIRST OCCUR.

16. "SIMILAR" OR "SIM" MEANS COMPARABLE CHARACTERISTICS FOR THE CONDITIONS NOTED. VERIFY DIMENSIONS AND ORIENTATION ON PLANS AND ELEVATIONS.

17. WORK AREAS TO REMAIN SECURE AND LOCKABLE DURING CONSTRUCTION. THE GENERAL CONTRACTOR SHALL COORDINATE WITH THE LANDLORD TO ENSURE SECURITY.

18. ALL WORK MUST BE LEVEL AND/OR PARALLEL TO EXISTING ELEMENTS AS SHOWN ON DRAWINGS.

19. THE GC SHALL VERIFY THAT THE EXISTING FLOORS ARE LEVEL AND FREE FROM SCALING. GC TO REPORT ANY VARIATIONS IN FINISH FLOOR LEVEL GREATER THAN 1/4" IN 10'-0" (NON-ACCUMULATIVE) TO ARCHITECT. CONCRETE / SUB-FLOOR TO RECEIVE STONE FLOOR TO BE LEVEL TO 1/8" IN 10'-0" NON ACCUMULATIVE.

20. THE CONTRACT DOCUMENTS ARE COMPLEMENTARY. WHAT IS SHOWN OR REFERRED TO, AT A GIVEN LOCATION, SHALL BE PROVIDED AS THOUGH SHOWN ON ALL (U.N.O.)

21. APPROVAL OF MINOR CHANGES OR CLARIFICATION TO PLANS MAY BE ACCOMPLISHED BY ISSUANCE OF REVISED PLANS, PARTIAL SKETCH, OR INITIALING AND DATING OF CHANGE BY ARCHITECT ON EXISTING PLANS.

22. NO CHANGE BY ARCHITECT WILL BE MADE BY THE GC UNLESS AUTHORIZED BY AN AIA CHANGE ORDER, AND SIGNED BY ALL PARTIES, PRIOR TO AFFECTING THE CHANGE.

23. UNLESS OTHERWISE NOTED, ALL EXPOSED NEW AND EXISTING ELECTRICAL, MECHANICAL, PLUMBING, AND COMMUNICATIONS LINES, DUCTS, PIPES, AND DEVICES ARE TO PRIMED AND PAINTED THE SAME COLOR AS THE WALL AND/OR CEILING SURFACE ON WHICH THEY RUN, OR ARE TO BE LOCATED ON, IN ORDER TO BLEND IN.

24. SUBSTITUTIONS, REVISIONS, OR CHANGES MUST BE SUBMITTED TO ARCHITECT FOR REVIEW (IN CONFORMANCE WITH SPECIFIED PROCEDURES) PRIOR TO PURCHASE, FABRICATION, OR INSTALLATION. REFER TO PROJECT MANUAL FOR SPECIFIC PROCEDURES.

25. ALL WORK SHALL BE COORDINATED BY THE GC INCLUDING, SCHEDULING TIME AND LOCATIONS FOR DELIVERIES, BUILDING ACCESS, BUILDING FACILITIES, ETC.

26. THE SCOPE OF WORK AND ADJACENT AREAS (INCLUDING ACCESSIBLE PATH' AND LOBBY WHERE IT APPLIES TO THIS WORK) SHALL BE PROTECTED FROM ANY DAMAGE THAT OCCURS BECAUSE OF THIS WORK. ANY DAMAGE THAT OCCURS SHALL BE THE FINANCIAL RESPONSIBILITY OF THE GC.

27. ALL MANUFACTURED ARTICLES, MATERIALS AND EQUIPMENT SHALL BE APPLIED, INSTALLED, CONNECTED, ERECTED, CLEANED, AND CONDITIONED PER MFR.'S INSTRUCTION. IN CASE OF DIFFERENCES BETWEEN THE MANUFACTURER'S INSTRUCTIONS AND CONTRACT DOCUMENTS, THE GC SHALL NOTIFY THE ARCHITECT BEFORE PROCEEDING.

28. ACCESS PANELS, CLEANOUTS, AND THE LIKE SHALL BE MAINTAINED FOR EXISTING BUILDING SYSTEMS.

29. THE GC SHALL HAVE A FULL-TIME REPRESENTATIVE ON SITE AT ALL TIMES WHILE CONSTRUCTION ACTIVITIES ARE OCCURRING ON SITE.

30. THE GC SHALL COMPLY WITH ALL CODES, LAWS, ORDINANCES, AND REGULATIONS OF PUBLIC AUTHORITIES GOVERNING THE WORK.

31. DO NOT SCALE DRAWINGS. WRITTEN DIMENSIONS GOVERN PARTITION LOCATIONS, DIMENSIONS AND TYPES. DOOR AND WINDOW LOCATIONS SHALL BE AS SHOWN ON CONSTRUCTION PLAN. IN CASE OF CONFLICT, NOTIFY ARCHITECT FOR WRITTEN CLARIFICATION PRIOR TO PROCEEDING WITH CONSTRUCTION.

32. COMMENCEMENT OF WORK SHALL BE DEEMED AS THE GC'S ACKNOWLEDGEMENT OF ALL WORK TO COMPLETE PROJECT IN CONFORMANCE WITH CONTRACT DOCUMENTS AND SCHEDULE. IT IS THE RESPONSIBILITY OF THE GC TO COORDINATE ORDERS, SUBMITTALS AND IMPLEMENTATION OF LONG LEAD ITEMS. SUBSTITUTIONS WILL NOT BE CONSIDERED RESULTING FROM THE GC'S FAILURE TO MAKE LONG LEAD ITEM ORDERS IN A TIMELY FASHION.

33. OWNER WILL PROVIDE WORK NOTED BY OWNER' OR 'N.I.C.' OR 'O.F.O.I.' UNDER SEPARATE CONTRACT. INCLUDE SCHEDULE REQUIREMENTS IN CONSTRUCTION PROGRESS SCHEDULE AND COORDINATE TO ASSURE ORDERLY SEQUENCE OF INSTALLATION.

34. MAINTAIN EXITS, EXIT LIGHTING, FIRE PROTECTIVE DEVICES, AND ALARMS IN CONFORMANCE WITH CODES AND ORDINANCES.

35. COORDINATE AND PROVIDE BACKING FROM MILLWORK AND ITEMS ATTACHED OR MOUNTED TO WALLS OR CEILINGS.

36. WHERE EXISTING ACCESS PANELS CONFLICT WITH THE CONSTRUCTION, RELOCATE PANELS TO ALIGN WITH AND FIT WITHIN NEW CONSTRUCTION.

37. UNDERCUT DOORS TO CLEAR TOP OF FLOOR FINISHES BY 3/8", UNLESS NOTED OTHERWISE.

38. TEMPORARY BARRICADE(S) SHALL NOT BE REMOVED AND TENANT SHALL NOT OPEN FOR BUSINESS UNTIL ALL TRADES INSPECTORS, FIRE INSPECTOR, AND THE BUILDING INSPECTOR APPROVES FINAL INSPECTION.

39. THE GC SHALL OBTAIN AND PAY FOR PERMITS AND INSPECTIONS REQUIRED BY PUBLIC AUTHORITIES GOVERNING THE WORK.

40. ALL COSTS REQUIRED FOR PERMITS, INSPECTIONS, AND TESTS AS REQUIRED BY LOCAL, STATE, OR FEDERAL AGENCIES OTHER THAN GENERAL BUILDING PERMIT SHALL BE THE RESPONSIBILITY OF THE SUBCONTRACTOR.

41. SITE INFORMATION SHOWN ON THE ARCHITECTURAL DOCUMENTS IS FOR INFORMATIONAL PURPOSES ONLY. EXISTING SITE CONDITIONS ARE TO BE VERIFIED BY CONTRACTOR PRIOR TO EXECUTING WORK.

42. THE CONTRACTOR SHALL CONSULT PLANS OF ALL TRADES FOR ALL OPENINGS AND ROUGH-OUTS THROUGH SLAB WALLS, CEILINGS AND ROOFS FOR DUCTS, PIPES, CONDUITS, CABINETS AND EQUIPMENT, AND SHALL VERIFY SIZE AND LOCATION BEFORE PROCEEDING WITH WORK.

43. MATERIALS, EQUIPMENT, ETC., NOT INDICATED ON DRAWINGS OR SPECIFIED HEREIN BUT REQUIRED FOR THE SUCCESSFUL AND EFFICIENT COMPLETION OF THE INSTALLATION SHALL BE HELD TO BE IMPLIED AND SHALL BE FURNISHED AND INSTALLED FOR NO ADDITIONAL COST.

44. CONSTRUCTION MATERIALS SHALL BE SPREAD OUT IF PLACED ON FRAMED FLOORS OR ROOF. LOAD SHALL NOT EXCEED THE DESIGN LIVE LOAD PER SQUARE FOOT.

45. ERRORS OR OMISSIONS IN ANY SCHEDULE OR DRAWING DO NOT RELIEVE THE CONTRACTOR FROM INCLUDING THE WORK INTENDED IN THE DRAWING OR DESCRIBED IN THE SPECIFICATIONS.

46. ALL EXTERIOR EXPOSED WORK TO BE INSTALLED IN A WEATHER TIGHT MANNER; CAULK AND PROVIDE WEATHER BARRIER MATERIALS AS REQUIRED FOR WEATHER TIGHT CONSTRUCTION.

47. STRUCTURAL FIRE RESISTIVE AND SOUND RESISTIVE INTEGRITY IS TO BE MAINTAINED AT PENETRATIONS FOR ELECTRICAL, MECHANICAL, PLUMBING AND CONDUITS, PIPES AND SIMILAR SYSTEMS AND IS TO BE
IN ACCORDANCE WITH THE REQUIREMENTS OF GOVERNING CODES AND AUTHORITIES.

48. THE GC IS SOLELY RESPONSIBLE FOR ALL CONSTRUCTION MEANS AND METHODS AND SHALL MAINTAIN THE STRUCTURAL INTEGRITY OF ANY CONSTRUCTION UNTIL ALL FINAL LATERAL AND VERTICAL CARRYING SYSTEMS ARE COMPLETED.

49. TRADE PERMITS, INCLUDING BUT NOT LIMITED TO, MECHANICAL, ELECTRICAL, EXTERIOR SIGNAGE, ETC., SHALL BE THE RESPONSIBILITY OF THE GC.

50. WHERE COMPONENTS, ASSEMBLIES, ITEMS, EQUIPMENT, ETC. ARE BASED UPON A PARTICULAR SUPPLIER, FABRICATOR AND / OR MANUFACTURER, THE GC SHALL ENSURE, PROVIDE OPTIONS / ALLOW FOR, AND SHALL MAKE ANY CHANGES REQUIRED FOR THE APPROVED ALTERNATE TO MEET THE DESIGN INTENT OF THE DOCUMENTS.

51. PROVIDE ACCESS PANELS AS REQUIRED. LOCATION, FINISH AND TYPE SHALL BE APPROVED BY THE ARCHITECT PRIOR TO OBTAINING AND INSTALLING. DOOR LOCATIONS NOT APPROVED BY ARCHITECT SHALL BE SUBJECT TO MODIFICATION AT NO ADDITIONAL COST TO THE OWNER. PROVIDE RATED WALL PANELS (MATCHING WALL RATING) WHERE REQUIRED TO PENETRATE A RATED ASSEMBLY.

52. THESE DRAWINGS DO NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY. SAFETY OF ALL PARTIES PRESENT ON THE JOB SITE IS SOLELY THE GC'S RESPONSIBILITY.

53. THE GC SHALL NOTIFY IN WRITING 10 WORKING DAYS IN ADVANCE OF ANY RESTRICTION OF OWNER'S OR TENANT'S ACCESS OR UTILITY OUTAGES.

54. THE GC SHALL PROVIDE ADEQUATE MEANS TO PROTECT EXISTING AND NEW CONSTRUCTION AND EQUIPMENT AGAINST DAMAGE FROM ANY CAUSE DURING THE PROGRESS OF THE WORK AND UNTIL ACCEPTANCE BY THE OWNER.

55. WHERE DESIGN/BUILD IS THE METHOD OF CONSTRUCTION, ALL SUB CONTRACTORS SHALL COORDINATE THE LOCATIONS OF ALL VISIBLE EQUIPMENT WITH THE ARCHITECT PRIOR TO EXECUTION. IF EQUIPMENT IS PLACED WITHOUT APPROVAL OF THE ARCHITECT, RELOCATION MAY BE PERFORMED WITH NO ADDITIONAL EXPENCE TO THE OWNER.

56. AT PROJECT COMPLETION, CONTRACTOR TO PROVIDE THE OWNER WITH OPERATIONS AND MAINTENANCE MANUAL.

57. THE ARCHITECT AND/OR DESIGNER HAS NO RESPONSIBILITY FOR ANY ACTIONS OR OMISSIONS OF THE GC, OR HIS SUBCONTRACTORS, OR THE FAILURE OF THEM TO PERFORM WORK ACCORDING TO THE CONTRACT DOCUMENTS.

58. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR ALL LABOR AND MATERIALS AND MAKE GOOD ANY DEFECTS THEREIN WHICH ARE DISCOVERED OR OCCUR WITHIN ONE YEAR AFTER THE COMPLETION OF THE PROJECT. HE SHALL BE RESPONSIBLE FOR REPAIRING OR REPLACING ANY MATERIAL OR EQUIPMENT CONSIDERED PART OF THE CONTRACT AND UNDER GUARANTEE PERIODS SPECIALLY NOTED BY THE MANUFACTURER THEREOF.

## FINISH NOTES

## FIRE DEPARTMENT NOTES

# ABBREVIATIONS

| | |
|---|---|
| ABV. | ABOVE |
| A.C. TILE | ACOUSTIC TILE |
| ACOUS. | ACOUSTICAL |
| ADJ. | ADJACENT |
| A.F.F. | ABOVE FINISHED FLOOR |
| AGGR. | AGGREGATE |
| ALUM. | ALUMINUM |
| APPROX. | APPROXIMATE |
| ARCH. | ARCHITECTURAL |
| A.D. | AREA DRAIN |
| ASB. | ASBESTOS |
| ASPH. | ASPHALT |
| BM. | BEAM |
| BITUM. | BITUMINOUS |
| BLK. | BLOCK |
| BLKG. | BLOCKING |
| BD. | BOARD |
| B.O. | BOTTOM OF |
| BTM. | BOTTOM |
| BLDG. | BUILDING |
| CAB. | CABINET |
| C.B. | CATCH BASIN |
| C.L. | CENTER LINE |
| CLKG. | CAULKING |
| CLG. | CEILING |
| CLR. | CLEAR |
| CEM. | CEMENT |
| CTR. | CENTER |
| CER. | CERAMIC |
| C.T. | CERAMIC TILE |
| CLO. | CLOSET |
| COL. | COLUMN |
| COM. | COMPACT |
| CONC. | CONCRETE |
| CONN. | CONNECTION |
| CONSTR. | CONSTRUCTION |
| CONT. | CONTINUOUS |
| CORR. | CORRIDOR |
| CNTR. | COUNTER |
| CTSK. | COUNTERSUNK |
| DBL. | DOUBLE |
| DEPT. | DEPARTMENT |
| DET. | DETAIL |
| DIA. | DIAMETER |
| DIM. | DIMENSION |
| D.O. | DOOR OPENING |
| DN. | DOWN |
| DS. | DOWNSPOUT |
| DWG. | DRAWING |
| D.F. | DRINKING FOUNTAIN |
| D.S.P. | DRY STANDPIPE |
| (E) | EXISTING |
| EA. | EACH |
| E. | EAST |
| E.W.C. | ELECTRIC WATER COOLER |
| ELEC. | ELECTRICAL |
| E.P. | ELECTRICAL PANEL |
| EL. | ELEVATION |
| ELEV. | ELEVATOR |
| EMER. | EMERGENCY |
| ENCL. | ENCLOSURE |
| EQ. | EQUAL |
| EQPT. | EQUIPMENT |
| EXG. | EXISTING |
| EXP. | EXPANSION |
| E.J. | EXPANSION JOINT |
| EXPO. | EXPOSED |
| EXT. | EXTERIOR |
| F.O. | FACE OF |
| F.O.C. | FACE OF CONCRETE |
| F.O.F. | FACE OF FINISH |
| F.O.S. | FACE OF STUDS |
| FT. | FEET |
| F.A. | FIRE ALARM |
| F.E.C. | FIRE EXTINGUISHER CABINET |
| F.H.C. | FIRE HOSE CABINET |
| FPRF. | FIRE PROOF |
| FLASH. | FLASHING |
| F.B. | FLAT BAR |
| FL. | FLOOR |
| F.D. | FLOOR DRAIN |
| FLUOR. | FLUORESCENT |
| FT. | FOOT |
| FTG. | FOOTING |
| FDN. | FOUNDATION |
| F.S. | FULL SIZE |
| FURR. | FURRING |
| FUT. | FUTURE |
| GALV. | GALVANIZED |
| GA. | GAUGE |
| GL. | GLASS |
| G.B. | GRAB BAR |
| GR. | GRADE |
| GND. | GROUND |
| GYP. | GYPSUM |
| G.W.B. | GYPSUM WALLBOARD |
| HC. | ACCESSIBLE |
| HDWD. | HARDWOOD |
| H.M. | HOLLOW METAL |
| HORIZ. | HORIZONTAL |
| H.B. | HOSE BIBB |
| HR. | HOUR |
| I.D. | INSIDE DIAMETER |
| INSUL. | INSULATION |
| INT. | INTERIOR |
| JAN. | JANITOR |
| JT. | JOINT |
| LAM. | LAMINATE |
| LAV. | LAVATORY |
| L.T. | LIGHT |
| LKR. | LOCKER |
| M.H. | MANHOLE |
| MFR. | MANUFACTURER |
| M.O. | MASONRY OPENING |
| MAX. | MAXIMUM |
| MECH. | MECHANICAL |
| M.C. | MEDICINE CABINET |
| MEMBR. | MEMBRANE |
| MTL. | METAL |
| MIN. | MINIMUM |
| MIR. | MIRROR |
| MISC. | MISCELLANEOUS |
| MTD. | MOUNTED |
| MUL. | MULLION |
| NOM. | NOMINAL |
| N. | NORTH |
| N.I.C. | NOT IN CONTRACT |
| N.T.S. | NOT TO SCALE |
| OFF. | OFFICE |
| O.C. | ON CENTER |
| O.H. | OPPOSITE HAND |
| OPNG. | OPENING |
| OPP. | OPPOSITE |
| O.D. | OUTSIDE DIAMETER |
| O.A. | OVERALL |
| P.T.D. | PAPER TOWEL DISPENSER |
| P.T.D./R. | PAPER TOWEL DISPENSER & RECEPTACLE COMBINATION |
| P.T.R. | PAPER TOWEL RECEPTACLE |
| PTN. | PARTITION |
| PLAS. | PLASTER |
| P. LAM. | PLASTIC LAMINATE |
| PL. | PLATE |
| PLYWD. | PLYWOOD |
| PT. | POINT |
| PTD. | PAINTED |
| Q.T. | QUARRY TILE |
| RAD. | RADIUS |
| R.W.L. | RAIN WATER LEADER |
| REF. | REFERENCE |
| REFR. | REFRIGERATOR |
| RGTR. | REGISTER |
| REINF. | REINFORCED |
| REQ. | REQUIRED |
| RESIL. | RESILIENT |
| R. | RISER |
| R.D. | ROOF DRAIN |
| RM. | ROOM |
| R.O. | ROUGH OPENING |
| SCHED. | SCHEDULE |
| SCD. | SEE CONSULTANT DRAWINGS |
| SECT. | SECTION |
| SED. | SEE ELECTRICAL DRAWINGS |
| S.S. | STAINLESS STEEL |
| S.S.K. | SERVICE SINK |
| SHT. | SHEET |
| SH. | SHELF |
| SHR. | SHOWER |
| SIM. | SIMILAR |
| S.D. | SOAP DISPENSER |
| S.C. | SOLID CORE |
| S. | SOUTH |
| SMD. | SEE MECHANICAL DRAWINGS |
| SPD. | SEE PLUMBING DRAWINGS |
| SPEC. | SPECIFICATION |
| SQ. | SQUARE |
| SSD. | SEE STRUCTURAL DRAWINGS |
| SST. | STAINLESS STEEL |
| STD. | STANDARD |
| STA. | STATION |
| STL. | STEEL |
| STOR. | STORAGE |
| STRUCT. | STRUCTURAL |
| SUSP. | SUSPENDED |
| SYM. | SYMMETRICAL |
| TER. | TERRAZZO |
| THK. | THICK |
| T.C. | TOP OF CURB |
| T.G. | TOP OF GRATE |
| T.O.C. | TOP OF CURB |
| T.O.P. | TOP OF PAVEMENT |
| T.O.W. | TOP OF WALL |
| T.B. | TOWEL BAR |
| T. | TREAD |
| TYP. | TYPICAL |
| U.O.N. | UNLESS OTHERWISE NOTED |
| VERT. | VERTICAL |
| VEST. | VESTIBULE |
| W.C. | WATER CLOSET |
| WP. | WATERPROOF |
| WT. | WEIGHT |
| W. | WEST |
| W/ | WITH |
| W/O | WITHOUT |
| WD. | WOOD |

# GRAPHIC SYMBOLS

GRID LINE MARKERS — 1 1.5

SECTION — A5.00

DETAIL SECTION — A5.00

DETAIL CALL-OUT — A5.00

ELEVATION SYMBOL — 2 A9.01 4

ROOM NUMBER — ROOM 000.0

DOOR NUMBER — 123

PARTITION TYPE — 1

MATCH SYMBOL

DATUM SYMBOL

BREAK LINE

EXIT LIGHT

FIRE EXTINGUISHER — FE

NORTH ARROW

DELTA (REVISION NUMBER) — 1

FINISH FLOOR LEVEL — ±1'-0"
FINISH SLAB LEVEL — +0'-9"

FINISH TAG — CO-5

DRAIN, SEE PLUMBING — MB

WALL-MOUNTED DUPLEX OUTLET

WALL-MOUNTED QUAD OUTLET

FLOOR-MOUNTED DUPLEX OUTLET

FLOOR-MOUNTED QUAD OUTLET

WALL-MOUNTED TELECOM OUTLET

WALL-MOUNTED DATA OUTLET

FLOOR-MOUNTED TELECOM OUTLET

FLOOR-MOUNTED DATA OUTLET

# MATERIAL SYMBOLS

REINFORCED CONCRETE

METAL STUD WALL

GLASS

RIGID INSULATION

BATT INSULATION

NON COMBUSTIBLE BLOCKING

STEEL

ALUMINUM

PLYWOOD

# PROJECT INFORMATION

PROJECT ADDRESS- 390 WEST DEVIL LAKE LANE
PROJECT
TOWN- SOUTHERN FRONTENAC
COUNTY- FRONTENAC
PROVINCE- ONTARIO

DISTRICT: BENFORD
CONCESSION NUMBER: 10 LOT NUMBER: 9
NAME OF ROAD/STREET: WEST DEVIL LAKE LANE
REFERENCE PLAN NUMBER: 13R-14253
PART NUMBER(S): 1&2
ROLL NUMBER: 102901000101400

# SCOPE OF WORK

NEW CONSTRUCTION OF SINGLE FAMILY PRIVATE RESIDENCE

# AREA/ OCCUPANT LOAD

| | |
|---|---|
| TOTAL AREA | 166.1 $m^2$ |
| LEVEL 1: DECK | 0 $m^2$ |
| LEVEL 2: DWELLING | 65.1 $m^2$ |
| LEVEL 3: DWELLING | 33.4 $m^2$ |
| LEVEL 4: SHOWER | 2.0 $m^2$ |
| LEVEL 5: DWELLING | 38.3 $m^2$ |
| LEVEL 6: ACCESSORY SLEEPING CABIN | 27.3 $m^2$ |

# PROJECT DIRECTORY

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OWNER
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NEW YORK, NY 10012 USA
EMAIL: KATHLEENYTHOMAS@HOTMAIL.COM

# DRAWING LIST

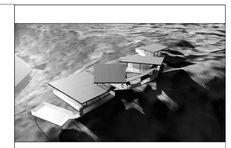
ARCHITECTURAL

| | | |
|---|---|---|
| A0.00 | COVER SHEET | NONE |
| A0.01 | GENERAL NOTES, ZONING DATA, DRAWING INDEX | NONE |
| A0.03 | SITE PLAN | 1:200 |
| A1.01 | FLOOR PLAN | 1:100 |
| A2.01 | WEST & EAST ELEVATIONS | 1:50 |
| A2.02 | SOUTH & NORTH ELEVATIONS | 1:50 |
| A3.01 | SECTION AA | 1:50 |

STRUCTURAL

| | | |
|---|---|---|
| S1.00 | FLOOR/ROOF FRAMING PLAN | 1:50 |

ELECTRICAL



PROJECT:
DEVIL LAKE HOUSE
390 WEST DEVIL LAKE LANE,
SOUTH FRONTENAC, ON, CANADA

OWNER:
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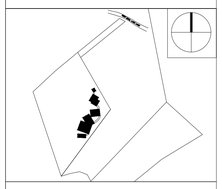
GENERAL CONTRACTOR

NOTES

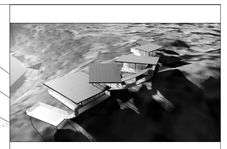
ISSUE DATE COMMENTS



DRAWING TITLE
GENERAL NOTES , ZONING DATA & DRAWING LIST

PROJECT
SCALE
FORMAT 30x42
DATE 15 SEPTEMBER 2021

DRAWING NUMBER
A0.01



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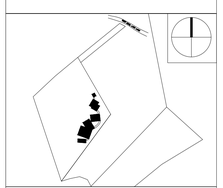


DRAWING TITLE

SITE PLAN

PROJECT

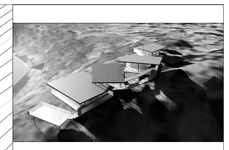
SCALE 1:200

FORMAT 30x42

DATE 15 SEPTEMBER 2021

DRAWING NUMBER

A0.03



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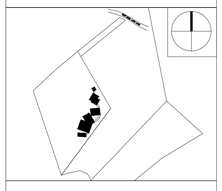
NOTES

| ISSUE DATE | COMMENTS |
|---|---|



DRAWING TITLE

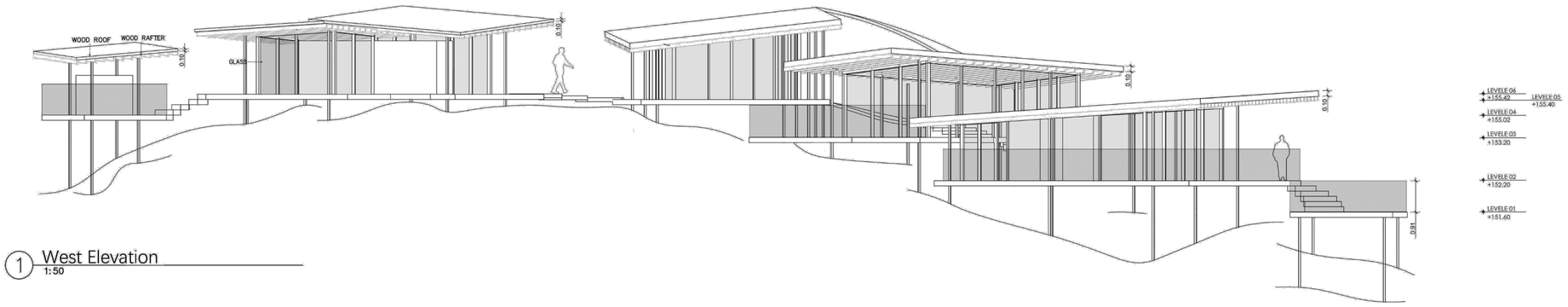
FLOOR PLAN

PROJECT

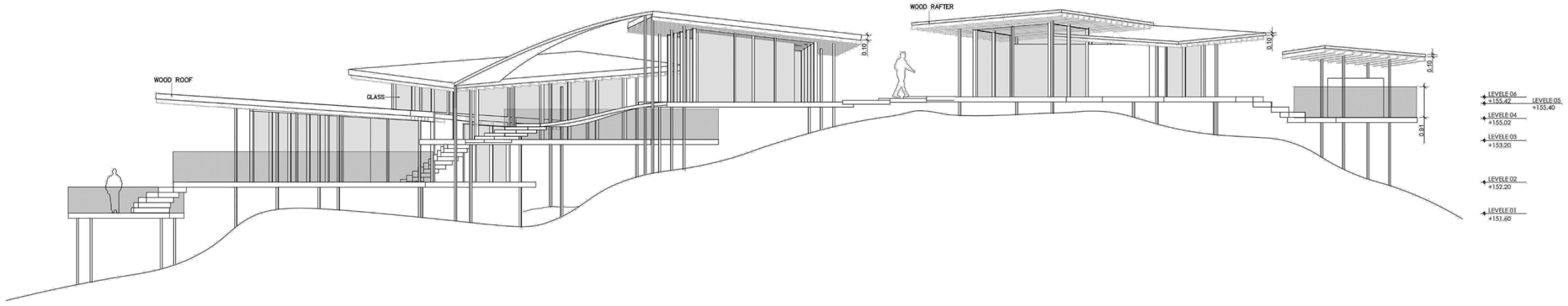
SCALE 1:100
FORMAT 30x42
DATE 15 SEPTEMBER 2021

DRAWING NUMBER

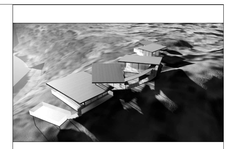
A1.01




1 West Elevation
1:50




2 East Elevation
1:50



PROJECT:

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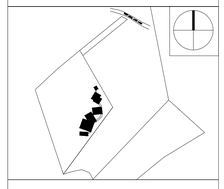


DRAWING TITLE

W&E ELEVATIONS

PROJECT

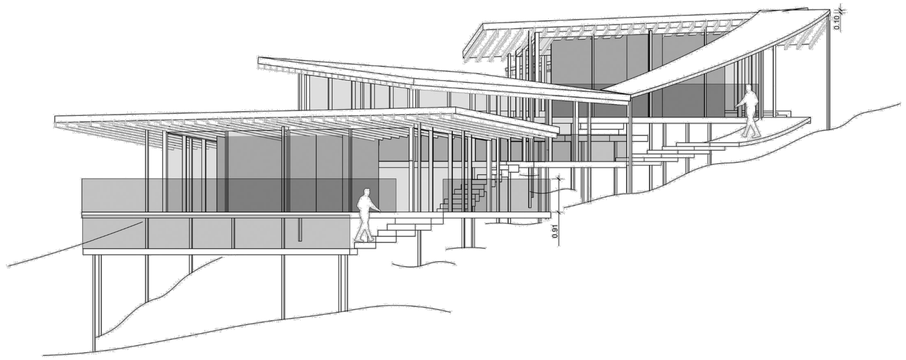
SCALE 1:50

FORMAT 30x42

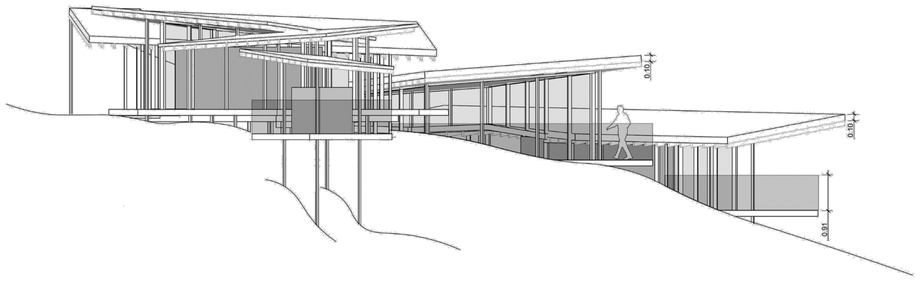
DATE 15 SEPTEMBER 2021

DRAWING NUMBER

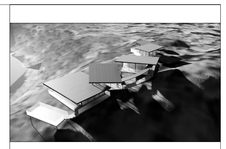
A2.01




3 South Elevation
1:50




4 North Elevation
1:50



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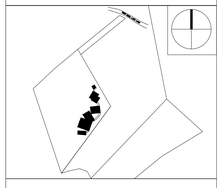


DRAWING TITLE

S&N ELEVATIONS

PROJECT

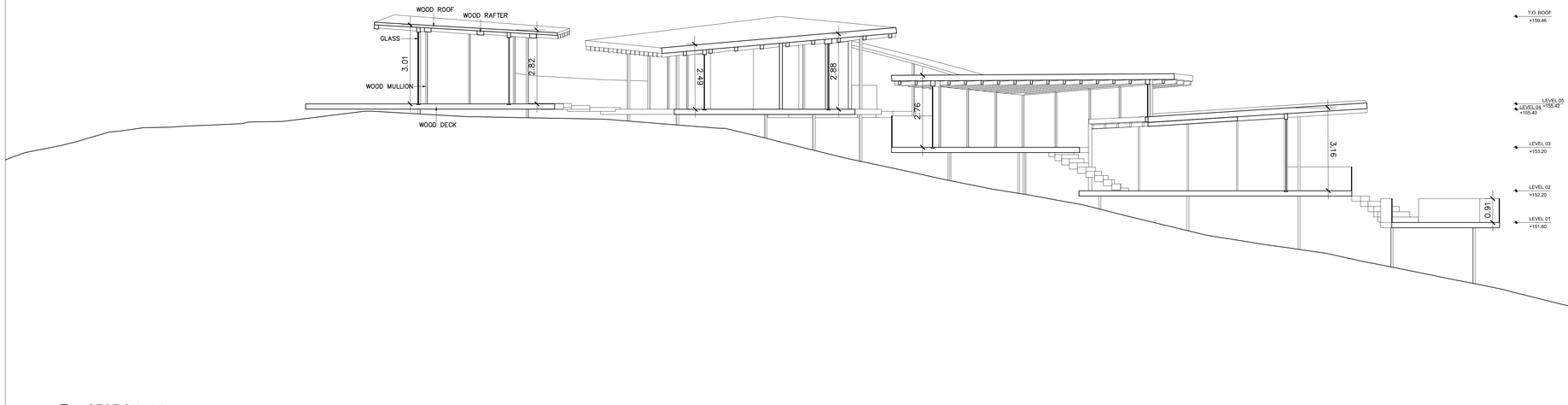
SCALE 1:50

FORMAT 30x42

DATE 15 SEPTEMBER 2021

DRAWING NUMBER

A2.02




1 SECTION AA
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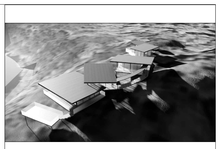

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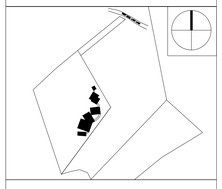


DRAWING TITLE

SECTION AA

PROJECT

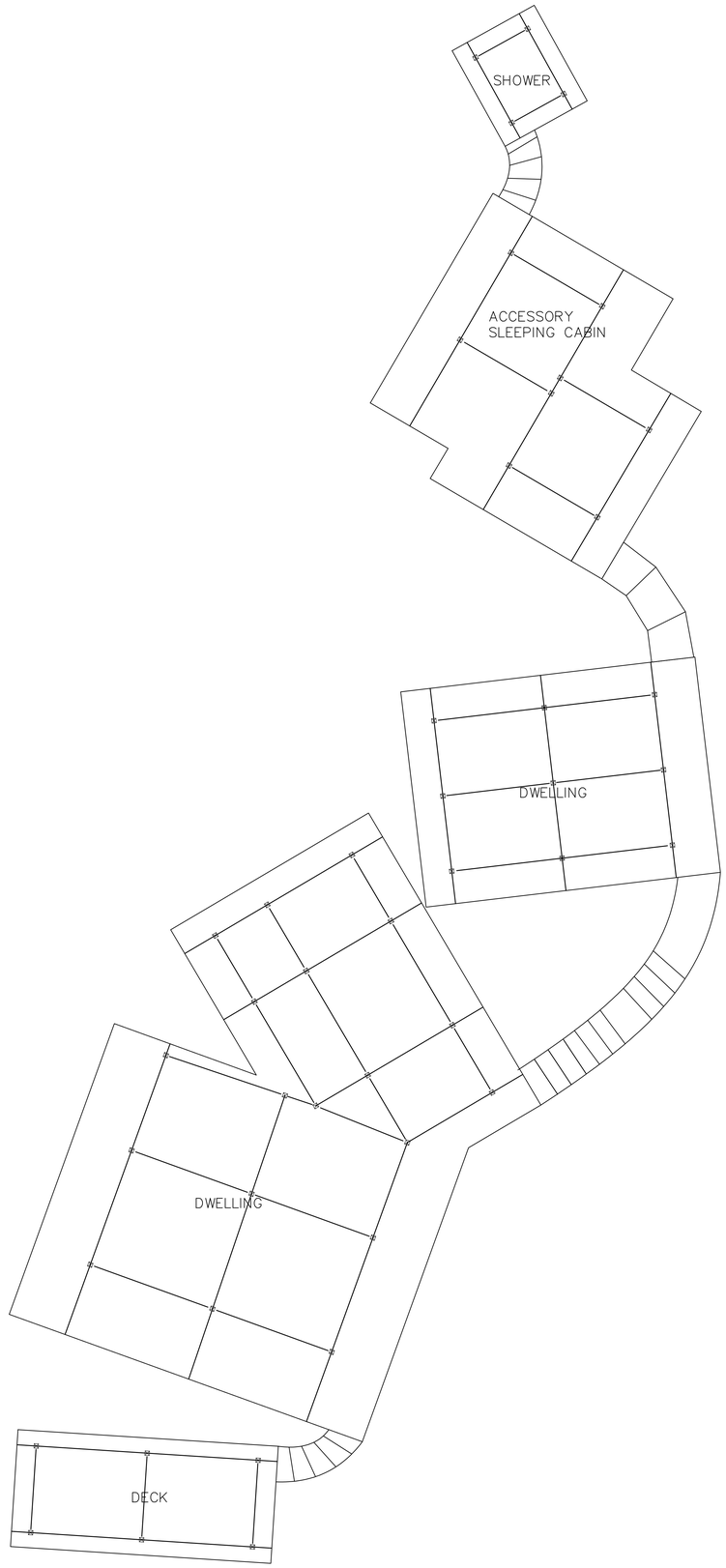
SCALE 1:50

FORMAT 30x42

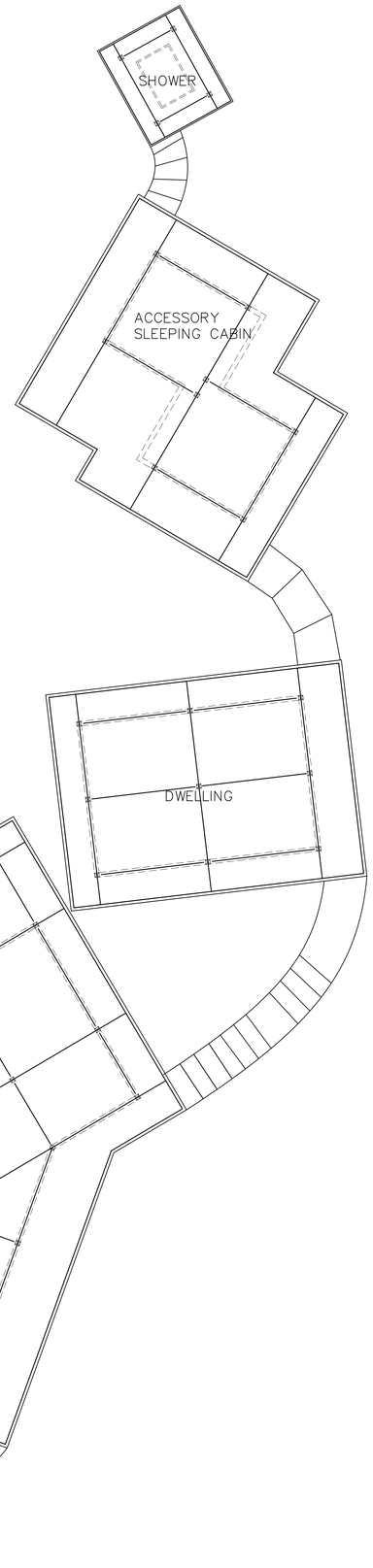
DATE 15 SEPTEMBER 2021

DRAWING NUMBER

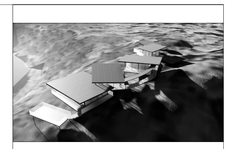
A3.01




1 FLOOR FRAMING PLAN
1:50




2 ROOF FRAMING PLAN
1:50



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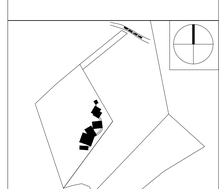


DRAWING TITLE

FLOOR FRAMING PLAN
ROOF FRAMING PLAN

PROJECT

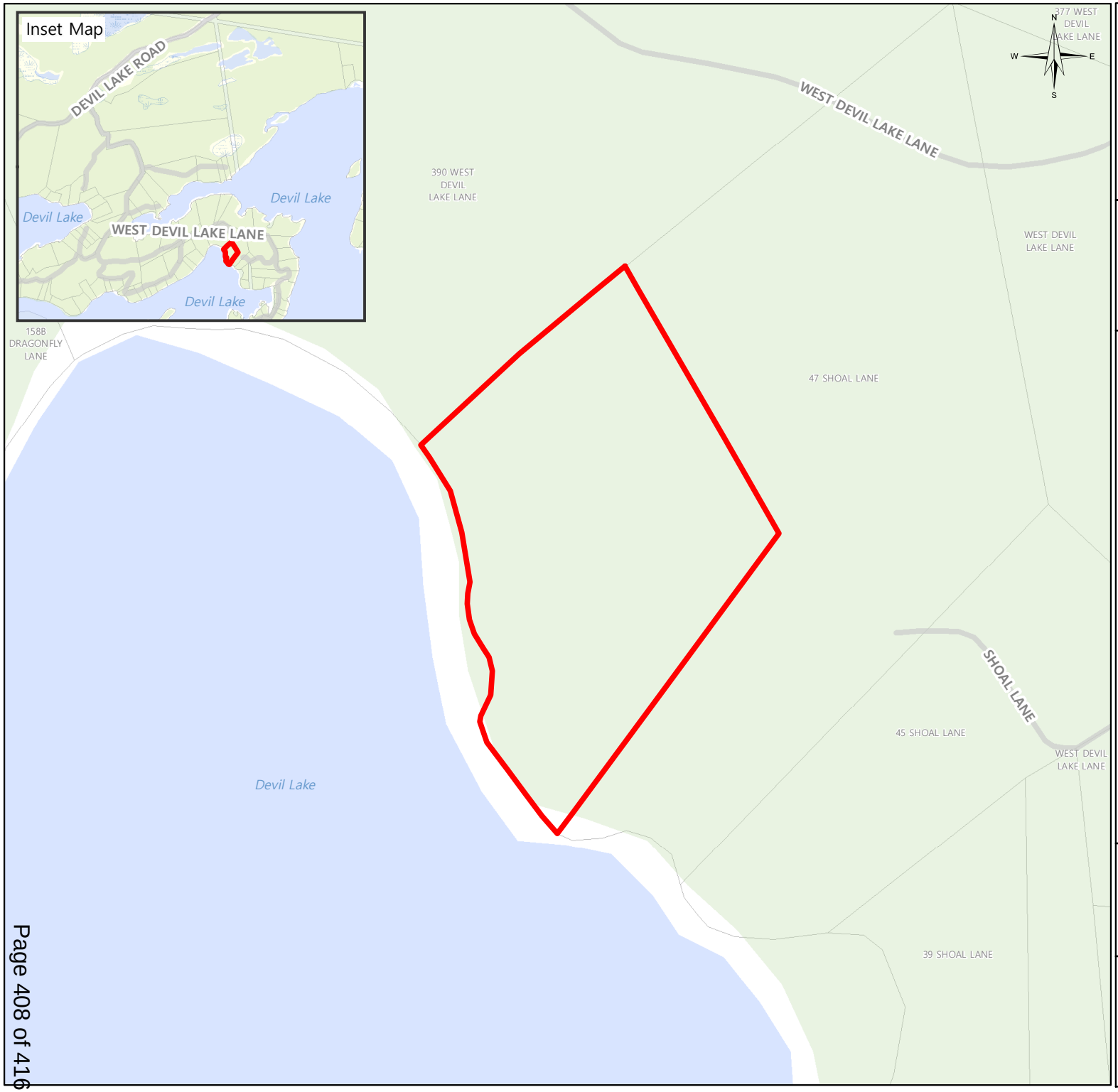
SCALE 1:50

FORMAT 30x42

DATE 15 SEPTEMBER 2021

DRAWING NUMBER

S1.00




SOUTH FRONTENAC

# MV-42-21-B

# (THOMAS) (HEID) WEST DEVIL LAKE LANE

## Legend

- Subject Property
- Provincially Significant Wetlands
- Wetland
- Wooded Area
- Water
- Parcel Fabric
- Road
- Railway

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

Scale 1:1,200

0 12.5 25 50

Meters

UTM Zone 18 NAD 83

Date: 2021-09-22

September 30, 2021 File:MV/FRS/324/2021

**Sent by E-mail**

Ms. Michelle Hannah, Planning Assistant
Township of South Frontenac
P.O. Box 100
Sydenham, Ontario
K0H 2T0

Dear Ms. Hannah:

**Re: Application for Minor Variance MV-42-21-B (Thomas / Heid)**
**Lot 9, Concession 10; 0 West Devil Lake Lane**
**Bedford District, Township of South Frontenac**
**Waterbody: Devil Lake**

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

## Summary of the Proposal

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

- Reduce the required setback from the top of bank from 15 metres, as required by Section 5.8.2 of the South Frontenac Zoning By-law, to 6 metres in order to permit the construction of a dwelling.

Staff note that the proposed dwelling will be located outside of the 30 metre water setback required by Section 5.8.2 of the Zoning By-law.

## Site Description

The property is located on north shore of Devil Lake. The topography of the property can be described as rising very quickly from the shoreline, then continuing to rise steadily toward the east where the dwelling is proposed to be located. Currently, the property is vacant.

The property is designated 'Rural' in the Official Plan and zoned 'Limited Service Residential – Waterfront Zone' (RLSW) in the implementing Zoning By-law. Devil Lake is designated as a moderately sensitive Lake Trout Lake in the Official Plan and this is reflected in the Zoning By-law.

**Discussion**

The main interest of Cataraqui Conservation with respect to this application is the avoidance of erosion hazards associated with the shoreline of Devil Lake.

Natural Hazards
**Erosion:** Cataraqui Conservation defines the extent of potential erosion hazards to include an allowance for toe erosion, a stable slope allowance for bedrock shorelines of 1(h):1(v), plus an erosion access allowance of 6 metres, or 6 metres from the stable top of slope. In this instance, the slope is terraced, having a very steep slope along the shoreline, a fairly steep slope and then a less steep slope where development is proposed. Based upon the topographic information provided in support of the application, staff are satisfied that the proposed location for the dwelling will be a minimum of 6 metres from the stable top of the steep slope identified on the property. Therefore, the proposed development will be located outside of the erosion hazard allowance associated with the shoreline of Devil Lake.

**Recommendation**

Staff have no objection to the approval of application MV-42-21-B based on our consideration for natural hazards, natural heritage, and water quality and quantity protection policies.

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 Cataraqui 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. Within a regulated area, written permission must be obtained from Cataraqui 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. Christine Woods, South Frontenac Township (via e-mail)

# REPORT TO COMMITTEE OF ADJUSTMENT
# PLANNING DEPARTMENT

**Report Date:** October 8, 2021

**Application No:** MV-42-21-B
**Applicant:** Kathleen Thomas
**Agent:** Andrew Heid
**Location of Property:** vacant property (roll number 102901001014000) between 390 West Devil Lake Lane and 47 Shoal Lane, Devil Lake, Bedford District
**Purpose of Application:** To vary Section 5.8.2(b) of Zoning By-law No. 2003-75
**Date of Hearing:** October 14, 2021

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**Recommendation**: That provisional approval be:

- ✓ granted with conditions (attached)
- ___ deferred
- ___ denied

**Purpose:**

- __ zoning relief for an addition to an existing building
- ___ zoning relief for replacement of an existing building
- ✓ zoning relief for other (construction of new building and sewage system)

| **Official Plan Designation** | **Zoning** |
|---|---|
| Rural | Limited Service Residential – Waterfront (RLSW) |
| **Zoning Relief Requested** | |
| **Section 5.8.2(b): Top of Bank** | To permit a 6 metre setback from the top of bank for a dwelling, a sewage system and a detached deck, whereas the Zoning By-law requires a minimum 15 metre top of bank setback for all buildings and structures. |

## Review:

This application for a variance:

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

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

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

✓ Maintains the general intent and purpose of Zoning By-law No. 2003-75;

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

✓ Is minor.

## Proposal

An application for minor variance was received to permit a reduced setback from the top of bank for a dwelling, a sewage system and a detached deck.

The 5723 square metre (1.4 acres) property on Devil Lake has 6.6 metres of frontage on West Devil Lake Lane. However, the property is accessed by an existing driveway over a separately owned private property. The subject lands consist of an approximately 20 metre high, steep slope within 30

metres of the lake, then a more gentle slope inland to the eastern property line. From the property line, the lands slope down toward the lane.

The original application was for a 459.5 square metre dwelling consisting of multiple buildings connected by a series of decks and stairways, as well as a 130 square metre sleeping cabin with an attached deck.

The proposed development was revised based on feedback received from Planning staff to reduce the footprint of the dwelling and the sleeping cabin. The proposed 286.5 square metre dwelling consists of multiple buildings connected by a series of decks and stairways. The lot coverage of this principal building would be 5%. The dwelling would be setback a minimum of 34 metres from the highwater mark of Devil Lake, and a minimum of 6 metres from the top of bank. The sewage system would also be setback approximately 39 metres from the highwater mark, and a minimum of 6 metres from the top of bank.

Four accessory structures are proposed: a shower, a 27.3 square metre sleeping cabin, a 5.8 square metre detached deck and a 27.6 square metre detached deck. These accessory structures would meet all applicable zone provisions, except the 27.6 square metre detached deck would be setback a minimum of 6 metres from the top of bank. The lot coverage of accessory structures would be 1.3%.

## Department, Agency and Public Comments

**Building Services (Sewage System Review)** – Comments are anticipated prior to the Committee of Adjustment meeting. A verbal report of the results of the sewage system review from Building Services will be provided at the public hearing.

**Cataraqui Conservation** – In a letter dated September 30, 2021, Cataraqui Conservation staff noted that the proposed dwelling would be located a minimum of 6 metres from the top of a stable slope, and more than 30 metres from highwater mark of Devil Lake. They have no objection to the approval of this application. The applicant would need to confirm with Cataraqui Conservation whether a permit under O. Reg. 148/06 would be required for the proposed development prior to the building permit stage.

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

## Planning Analysis Summary

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

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

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

- The proposed variances maintain the general intent and purpose of the Official Plan related to limited service residential development, and development adjacent to environmentally sensitive areas. The dwelling and sewage system would be setback a minimum of 34 metres and 39 metres, respectively, from the highwater mark of Devil Lake. The 27.6 square metre detached deck would also be setback a minimum of 34 metres from the highwater mark. This satisfies the Official Plan policies for development adjacent to an at-capacity lake trout lake on an existing lot

of record. In addition, Cataraqui Conservation confirmed that the proposed development would be setback a minimum of 6 metres from a stable slope, thus is not subject to an erosion hazard.

- The proposed design of the dwelling, a series of small buildings connected by decks and stairs, is unique. It attempts to minimize vegetation removal and site alteration, and provide for views and ventilation, consistent with the intent of section 5.2.7(b) of the Official Plan on development adjacent to waterbodies. The design of the proposed dwelling was shared with Building Services staff and it was determined that the proposed dwelling design is considered one principal building.

- Section 5.2.8 of the Official Plan requires all development on or adjacent to an at-capacity lake trout lakes to be subject to site plan control to help ensure that the lake is protected. Site plan control is a recommended condition of approval to ensure the property is developed as presented.

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

- The proposed variances for the dwelling, sewage system and 27.6 square metre detached deck maintain the general intent and purpose of the Zoning By-law. The development would meet or exceed all applicable zone provisions, with the exception of the required minimum setback from the top of bank. As indicated above, Cataraqui Conservation confirmed that the proposed development would be setback a minimum of 6 metres from a stable slope, thus is not subject to an erosion hazard.

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 it would facilitate a modest sized dwelling as well as a sewage system at a setback greater than 30 metres from the highwater mark and outside an area subject to erosion hazards. The unique design of the dwelling attempts to minimize impact on the landscape and environment.

Is the variance minor?

- The requested variances are minor as they maintain the general intent of the Official Plan and Zoning By-law, and is desirable for the appropriate development of the land.

## Conclusion

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-42-21-B, subject to conditions.

## Recommended Conditions

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

1. The minor variance is for a 286.5 square metre dwelling consists of multiple buildings connected by a series of decks and stairways, a sewage system, and a 27.6 square metre detached deck. The dwelling, sewage system and 27.6 square metre detached deck are permitted to be set back a minimum of 6 metres from the top of bank. All as per the revised site plan and table (received October 8, 2021), that would be attached to the decision as Schedule A.

2. The Owner is required to enter into a Site Plan Control Agreement to be registered on the title of the property to the satisfaction of the Township to address the following matters and environmental standards of the Township prior to the issuance of a building permit:

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

    b. Roof runoff will be directed away from top of bank the shoreline of Devil Lake and discharged to natural or constructed leaching pits/areas to maximize infiltration or onto coarse rock rubble splash pads to reduce the velocity of runoff.

    c. Maintain a natural vegetated buffer following construction of the sewage system and dwelling, especially between the development and the top of the bank.

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

4. Minor variance MV-42-21-B is applicable only to Zoning By-law No. 2003-75 and not to any subsequent zoning by-laws.

**Submitted by:** Christine Woods, MCIP RPP, Senior Planner

**Reviewed by:** Claire Dodds, MCIP, RPP, Director of Development Services

**Date of Site Visit:** September 30, 2021

Township of South Frontenac

# Staff Report

| | |
|---|---|
| **To:** | Committee of Adjustment |
| **Prepared by:** | Development Services Department |
| **Date of Meeting:** | August 17, 2021 |
| **Subject:** | **Decisions on Delegated Consents** |


## Summary

This report is an information report to the Committee of Adjustment summarizing the Consents that have been approved by Delegated Authority since the last Committee of Adjustment Meeting.


## 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.

## Discussion/Analysis

### a) S-45-21-S (Kot) (Bovey)

**Location**: Immediately south of 3851 Davidson Road, Inverary, District of Storrington

This undisputed consent was granted provisional consent on September 9, 2021.

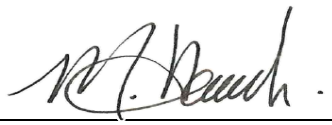
The purpose and effect of this application is for the creation of a lot addition with an area of approximately 0.5 hectare (+/- 1.5 acres) of land and +/- 15 metres (+/- 49 feet) on Perth Road to be conveyed to the adjacent lands municipally known as 3851 Davidson Road.

## Attachments

None.

**Approvals**

Submitted By:



Michelle Hannah

Planning Assistant

Approved By:

Claire Dodds

Director of Development Services