



**TOWNSHIP OF SOUTH FRONTENAC
Committee Of Adjustment Meeting
Agenda**



TIME: 7:00 PM,
DATE: Thursday, October 13, 2022
PLACE: Council Chambers/Virtual via Zoom.

1 Call to Order

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a Resolution

)

2 Adoption of Agenda

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a Resolution

)

3 Electronic Meeting Information

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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 Staff has prepared a PowerPoint Presentation that 3 -
) will be displayed on the screen of the meeting, you can also follow along 56
with the PDF version that is in the attachment of this agenda item.

4 Declaration of pecuniary interest - none declared

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5 Approval of Minutes – September 8, 2022

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a Resolution

)

6 New Minor Variance /Permission Applications:

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a PL-ZNA-2022-0124 (Boyd) 57

) Location: 46 Devils Cove Lane, Devil Lake, Bedford -

The applicant is requesting to enlarge a legal non-conforming structure by building a new deck and screened porch located within the 30 metres of the highwater mark of Devil Lake. The new deck and screened porch will be in the location of the existing deck, set back 21.48 metres from the high water mark. The proposed deck and screened porch will not be any closer to the high water mark than the existing deck. 82

b	PL-ZNA-2022-0130 (Hounsell) (NovaTech)	83
)	3115 Lakehead Road, Storrington	-
	To request permission under section 45(2) of the Planning Act to enlarge a legal non-	13
	conforming dwelling within 30m of the highwater mark of Loughborough Lake. The existing 632 square foot dwelling is setback 10.3m from the highwater mark. This building would be replaced with a dwelling that has a 1100 square foot ground floor area and a 2520 square foot total floor area. The new dwelling would be setback 12.1m from the highwater mark.	8
7	<u>Other Business</u>	
.		
a	Delegated Consent Report	13
)		9
b	December Committee of Adjustment Meeting	14
)		0 -
		14
		2
8	<u>Adjournment</u>	
.		
a	Resolution	
)		



**SOUTH
FRONTENAC**

Committee of Adjustment Meeting

Thursday, October 13, 2022

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)
- Alan Revill
- Norm Roberts
- Mike Nolan
- Doug Morey
- Mike Howe
- Tom Bruce
- Ken Gee

Township Staff

- Christine Woods (Senior Planner)
- Sarah Cadue (Planner)
- Michelle Hannah (Secretary Treasurer & Planning Assistant)

Adoption of Agenda

- Call to Order
- Adoption of Agenda
- Declaration of Pecuniary Interests
- Approval of Minutes of Previous Meeting
- Hearings for Applications
- Consent Granting Authority Report
- Other Business
- Adjournment

Format for Each Hearing

1. The Chair will introduce the file
2. The Planner will provide an overview of the application
3. The Planner will make a recommendation on the application
4. Questions or comments from the Applicant / Agent / Members of the Public
5. Committee deliberation and vote
6. The Chair will state whether the vote was carried

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.

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

In Case of Technical Difficulties

- If a Committee member joining virtually disconnects from the meeting, the meeting will proceed if there is still quorum. The Committee member will attempt to reconnect.
- If quorum cannot be met 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 if the meeting is postponed.

Agenda

- Call to Order
- Adoption of Agenda
- Declaration of Pecuniary Interests
- Approval of Minutes of Previous Meeting
- Hearings for Applications
- Consent Granting Authority Report
- Other Business
- Adjournment

Application PL-ZNA-2022-0124

Permission to Enlarge a Legal Non-Conforming Use

Applicant: Michael Boyd

Property: 46 Devils Cove Lane

Property Description

- On Devil Lake
- Lot area approximately 14,256 square feet (1324.4 square metres)
- RLSW Zone
- Developed with a cottage with attached decks, private well, septic system and shed





Legend

- Parcels
- PIN Labels
- Lot / Concession
- Waterbody

10.6 m → PRIVATE ROAD.

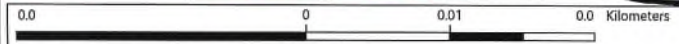
7.10 m → SIDE LOT LINE

21.48 m → PROPERTY LINE NEAR WATER

41.56 → WATERBODY (DEVIL LAKE)

→ SEPTIC.

→ PROPOSED SANDY PORCH DECK.



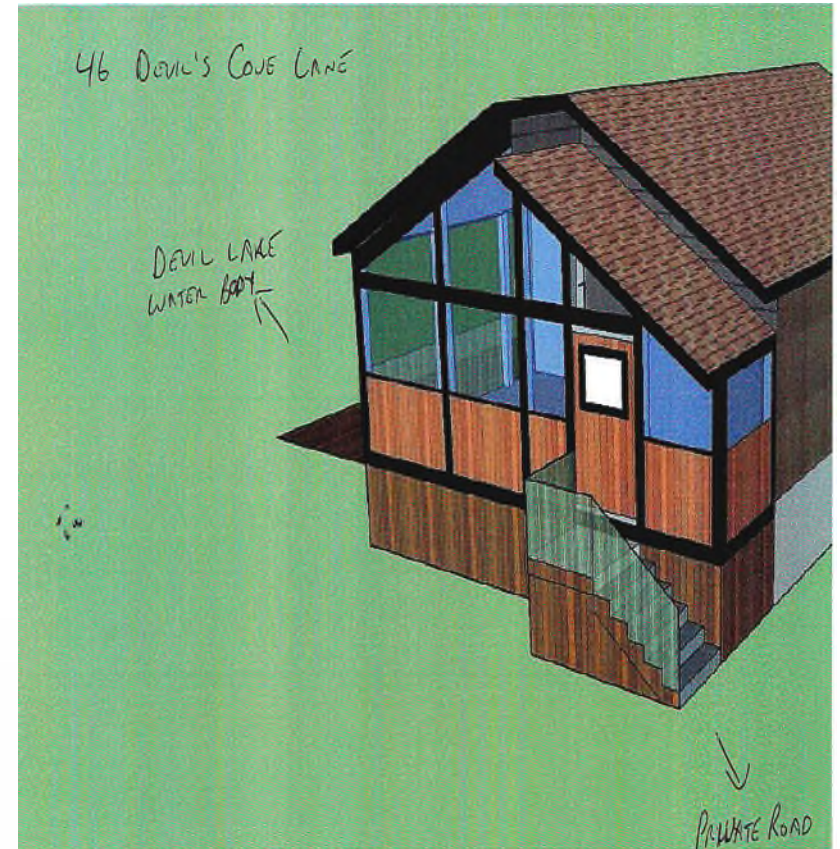
WGS_1984_Web_Mercator_Auxiliary_Sphere
Includes Material © 2019 of the Queen's Printer for Ontario. All Rights Reserved.

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes
→ 5.37 m (NEW SETBACK INCLUDING STAIR CASE)

Proposal

- Permission under section 45(2) of the Planning Act to enlarge the legal non-conforming dwelling on the property within 30 metres of the highwater mark
- Demolish existing deck on west side of cottage and replace with a screened porch
- Existing deck is 21.5 metres from highwater mark, screened porch 21.5 metres from high water mark
- Screened porch will be 5 metres in height - No increase in height



Proposed screened porch DEVIL'S COVE LANE



Existing Deck



Existing Deck



View from waterfront to cottage



View from waterfront (west side of cottage, location of screened porch)



Views of the shoreline

Department, Agency and Public Comments

Building Services – Did not meet criteria

Cataraqui Conservation Authority – no objection

- Reviewed the application – recommended maintenance and enhancement of a healthy buffer of native vegetation between all buildings and structures and the water & use of runoff controls
- Proposed development is located within their required 6 metres access allowance from the top of bank. Since the proposal is not anticipated to aggravate the hazard, CRCA staff have no concerns from an erosion perspective
- Permit will be required

Public Comments – none received

Planning Analysis - Permission

- Dwelling is legal non-conforming
- The screened would be no closer to the highwater mark of than the deck that currently exists (21.5 metres to the highwater mark of Devil Lake)
- No increase in height
- The Gross Floor Area will increase a difference of approximately 83 square feet (7.71 square metres)
- The enlargement allows for more activity without requiring significant vegetation removal as its being constructed in the same area as the existing deck, with a similar construction method
- A Development Agreement is being proposed as a condition of approval

Recommendation

- Approval
- Pending any comments received
- Subject to conditions
 - The application is approved in accordance with submitted plans
 - Building permit is required for ALL demolition and construction on the property
 - Development Agreement

Public Questions and Comments

If you would like to speak:

- Use “Raise Hand” feature at the bottom of your screen.
- Dial*9 (star nine) for phone.
- Please wait to speak until you hear your name and your microphone has been unmuted.

PL-ZNA-2022-0124

Committee Deliberation and Vote

Application PL-ZNA-2022-0130

Permission to Enlarge Legal Non-Conforming Use

Applicant: Steven and Rebekah Hounsell

Agent: Novatech

Property: 3115 Lakehead Road

3115 Lakehead Road South Frontenac Permission Application

Committee of Adjustment – October 13, 2022



Loughborough Lake

Subject Property

Lakehead Road

Existing Building





Subject Property

Approximate 30m Setback From Highwater Mark

Detached Dwelling Within 30m Setback from Highwater Mark

30.0 m



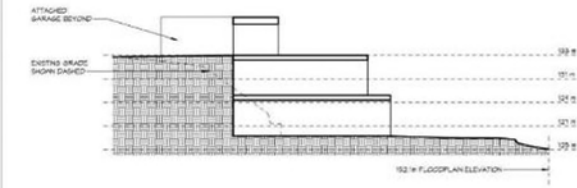
Requested Permission Application

- Permission from the Committee is required to reconstruct and expand a legally non-conforming building within the 30m setback from the highwater mark and within the 30m required front yard setback.

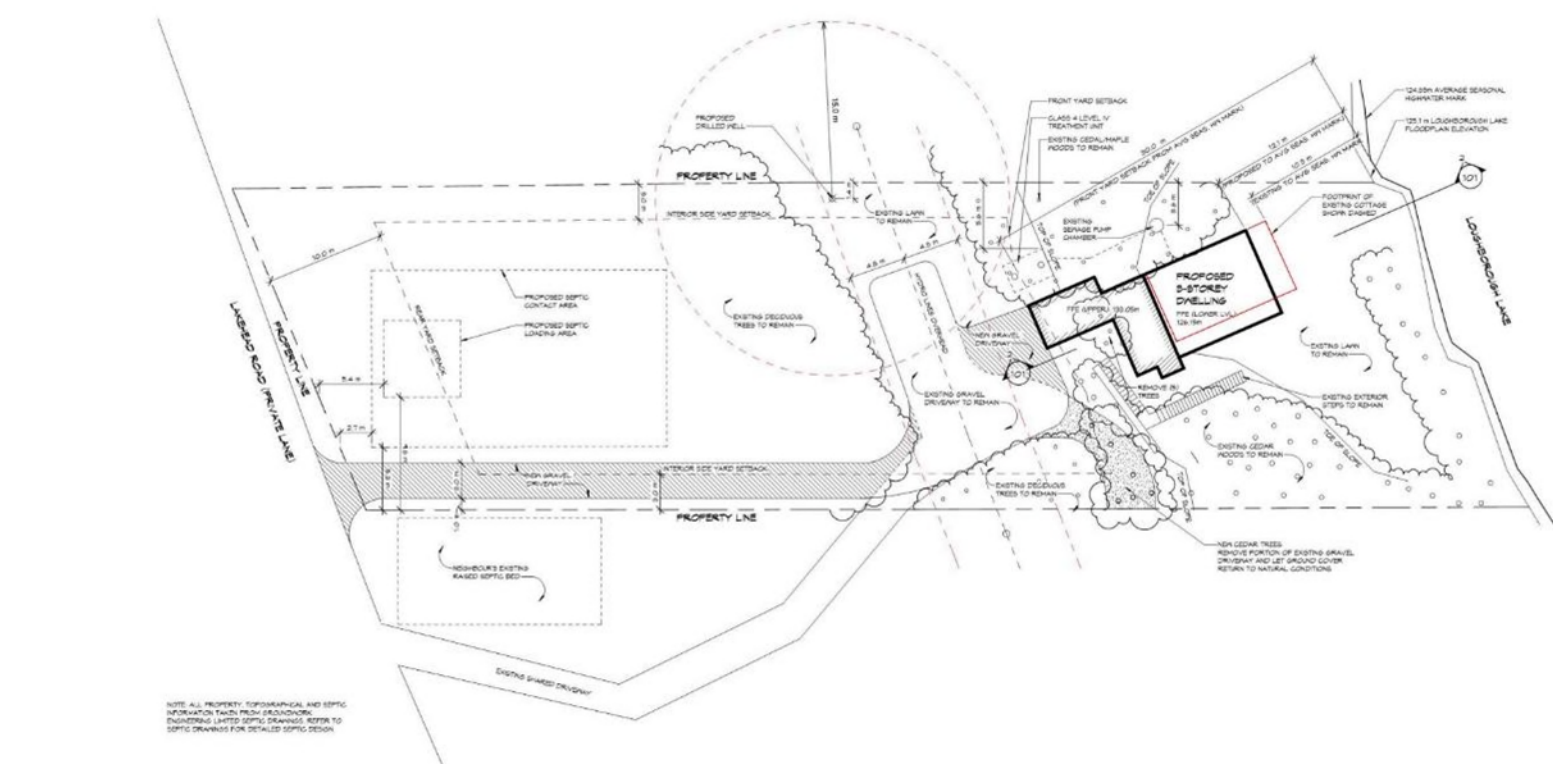


3 FLOOR PLANS
SCALE: 1:200

TOTALS
HOUSE AREA: 278.8 M² (2980 SQ FT)
GARAGE AREA: 28.2 M² (305 SQ FT)
SFA: 307.0 M² (3320 SQ FT)



2 SECTION
SCALE: 1:200



1 SITE PLAN
SCALE: 1:200

NOTE: ALL PROPERTY TOPOGRAPHICAL AND SETBACK INFORMATION TAKEN FROM ARCHITECTURAL ENGINEERING LIMITED (AEL) DRAWINGS. REFER TO SETBACK DRAWINGS FOR DETAILED SETBACK DESIGN.

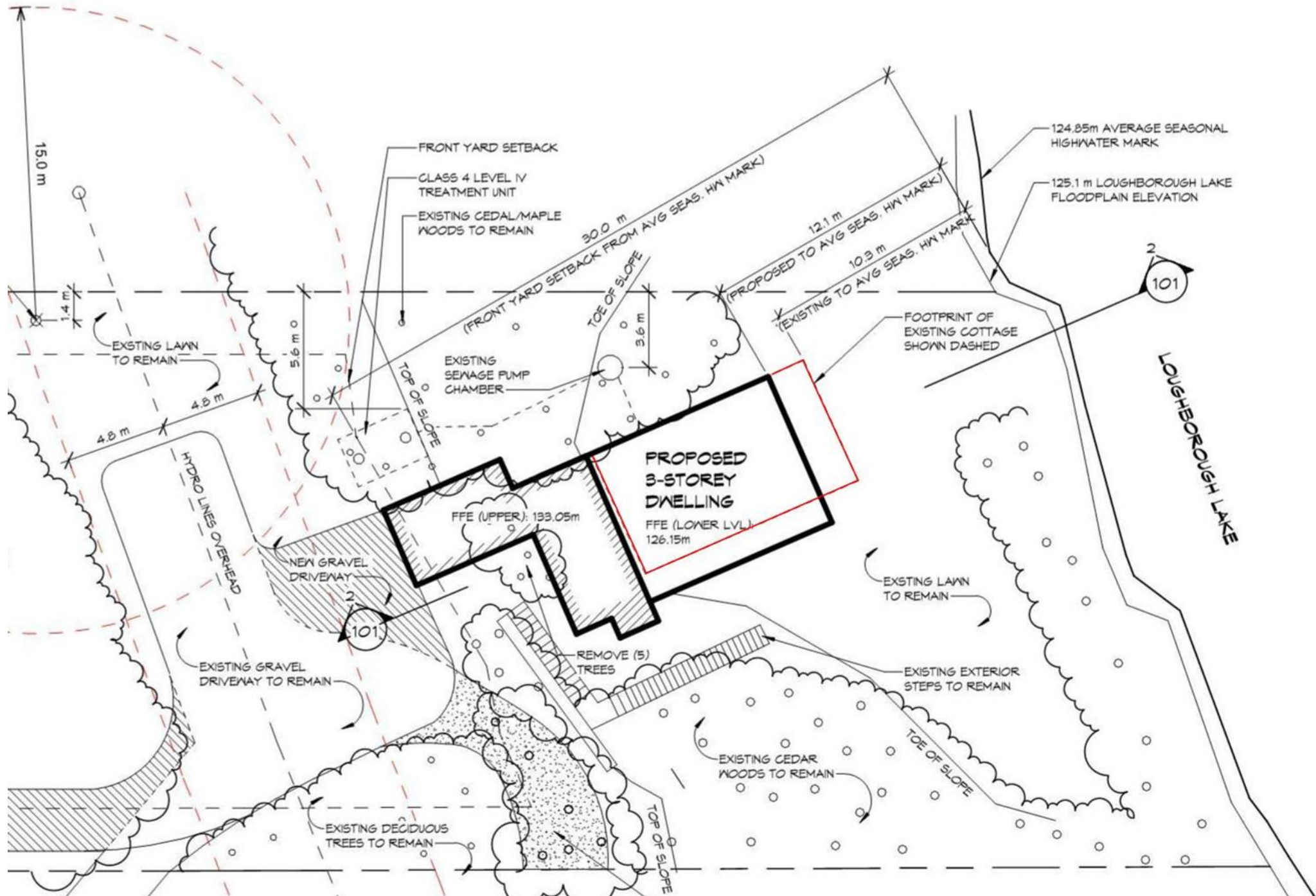
NOTES
THIS DOCUMENT IS PREPARED BY THE CONSULTANT FOR THE PRODUCTION OF THE DRAWING & IS NOT TO BE USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN PERMISSION OF THE CONSULTANT. THE CONSULTANT SHALL NOT BE RESPONSIBLE FOR ANY DAMAGE OR INJURY TO PERSONS OR PROPERTY CAUSED BY THE USE OF THIS DRAWING. DRAWINGS MUST NOT BE SCALED. VERIFY DIMENSIONS ON SITE.

NO.	BY	REVISION/DESCRIPTION	DATE
1	JC	REVISED FOR REVIEW	2022-06-17
2	JC	REVISED FOR REVIEW	2022-09-10
3	JC	REVISED FOR REVIEW	2022-04-14
4	TC	REVISED FOR REVIEW	2022-04-14

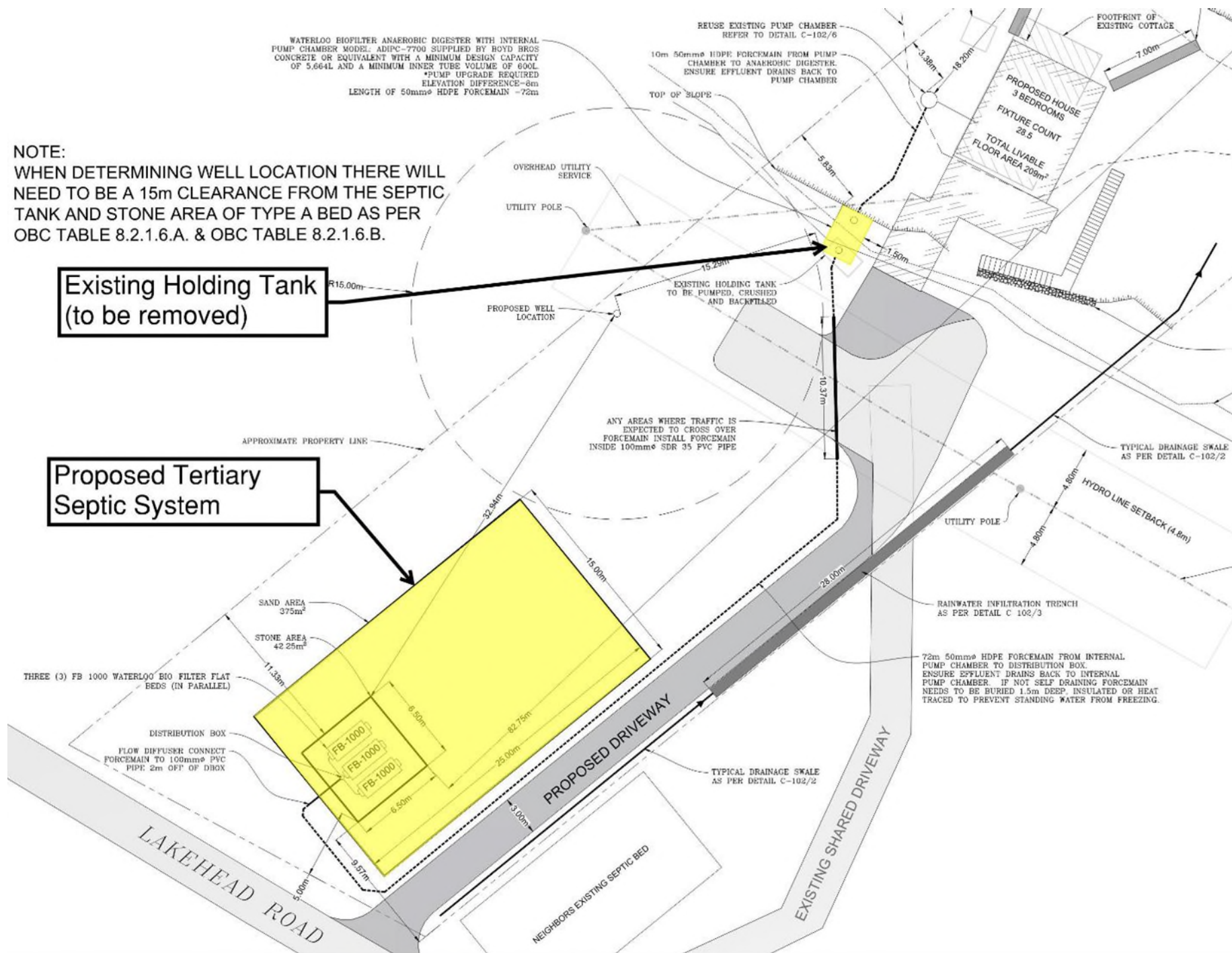


PROJECT: **Hounsell Residence**
Project Address: 315 Lakeshore Road
DRAWING: **SITE PLAN**

SCALE: 1:200	PROFESSIONAL SEAL:	DESIGNER: JC	DATE: APR 2022
		PROJECT: HRS	PP
		REVISION: TC	2022/04/14
		PROJECT NO: 20098	101



NOTE:
 WHEN DETERMINING WELL LOCATION THERE WILL
 NEED TO BE A 15m CLEARANCE FROM THE SEPTIC
 TANK AND STONE AREA OF TYPE A BED AS PER
 OBC TABLE 8.2.1.6.A. & OBC TABLE 8.2.1.6.B.



Rationale

- Expansion of a legal non-complying structure is permitted under Section 45(2) of the Planning Act.
- There are no tests in the Planning Act for applications under Section 45(2).
- *Sims et al. v. Daschko* - “*there must always be a prior consideration of whether what is intended is indeed desirable for the appropriate development or use of the land, building or structure. The effect of any concession made must always be weighed in the light of the impact it could have upon neighbouring properties enjoying a different classification”.*

Desirable for the appropriate development or use of the land, building or structure

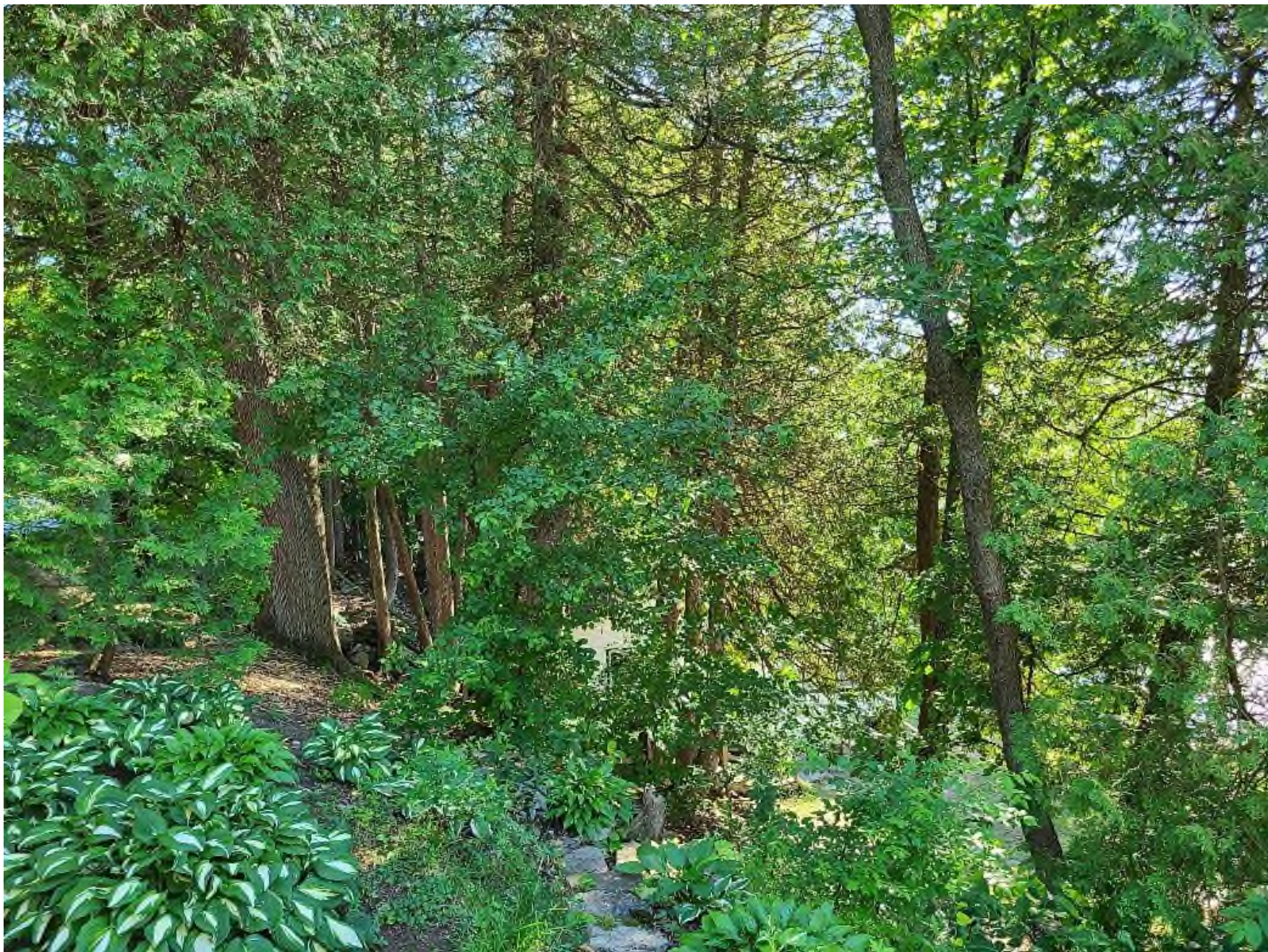
- No change of use (single detached to single detached)
- Proposed dwelling conforms to min. floor area in Zoning By-law
- Proposed dwelling conforms to maximum lot coverage
- Proposed dwelling conforms to interior side yard and rear yard setbacks
- Proposed dwelling increases the non-conforming watercourse setback and front yard setback from 10.3m to 12.1m

Desirable for the appropriate development or use of the land, building or structure

- Proposed septic system replaces an existing holding tank currently located 11.9m from the Lake with a new tertiary septic located approximately 50m from the lake (65m to proposed biofilters)
- The Environmental Site Assessment prepared by Ecological Services concludes the proposed development has no net negative impacts on Loughborough Lake and its associated fish habitat.
- Proposed development is considered appropriate development and use of the land

Impact to Neighbours

- Of the immediate five neighbours on Lakehead Road, two other lots have detached dwellings within the 30m setback from the watercourse
- The proposed dwelling replaces an existing legally non-conforming detached dwelling in its current location
- The proposed dwelling will be further from the watercourse and front lot line than the existing dwelling
- The proposed dwelling will appear as a single storey building when viewed from Lakehead Road



View from East Neighbour's house towards existing dwelling



View from West Neighbour's house towards existing dwelling

Thank you





Existing cottage



Ridge behind cottage



View from hydro easement to sewage system location and treed area to be retained



View from hydro easement to top of ridge and proposed garage location

Department, Agency and Public Comments

- **Building Services** – sufficient area for sewage system
- **Cataraqui Conservation** – recommended deferral for owners to consider alternate building location
- **Public Comments** – support received from two individuals

Planning Analysis

- A dwelling is a permitted use in the RLSW zone
- The existing dwelling is legal non-conforming because it is less than 30m from the highwater mark
- Alternate location would require larger footprint, more site disturbance and vegetation removal
- Increase in setback from highwater mark from 10.1m to 12.1m
- Enlargement to the rear and constructed into slope
- No adverse visual impacts anticipated
- New tertiary sewage system more than 50m from highwater mark
- Appropriate to grant permission to enlarge dwelling

Recommendation

- Approval
- Pending any comments received
- Subject to conditions
 - In accordance with submitted plans
 - Building permit is required for all demolition and construction
 - Will be subject to site plan control per By-law 2022-58

Public Questions and Comments

If you would like to speak:

- Use “Raise Hand” feature at the bottom of your screen.
- Dial*9 (star nine) for phone.
- Please wait to speak until you hear your name and your microphone has been unmuted.

PL-ZNA-2022-0130

Committee Deliberation and Vote

Supplemental Slides for PL-ZNA-2022-0130



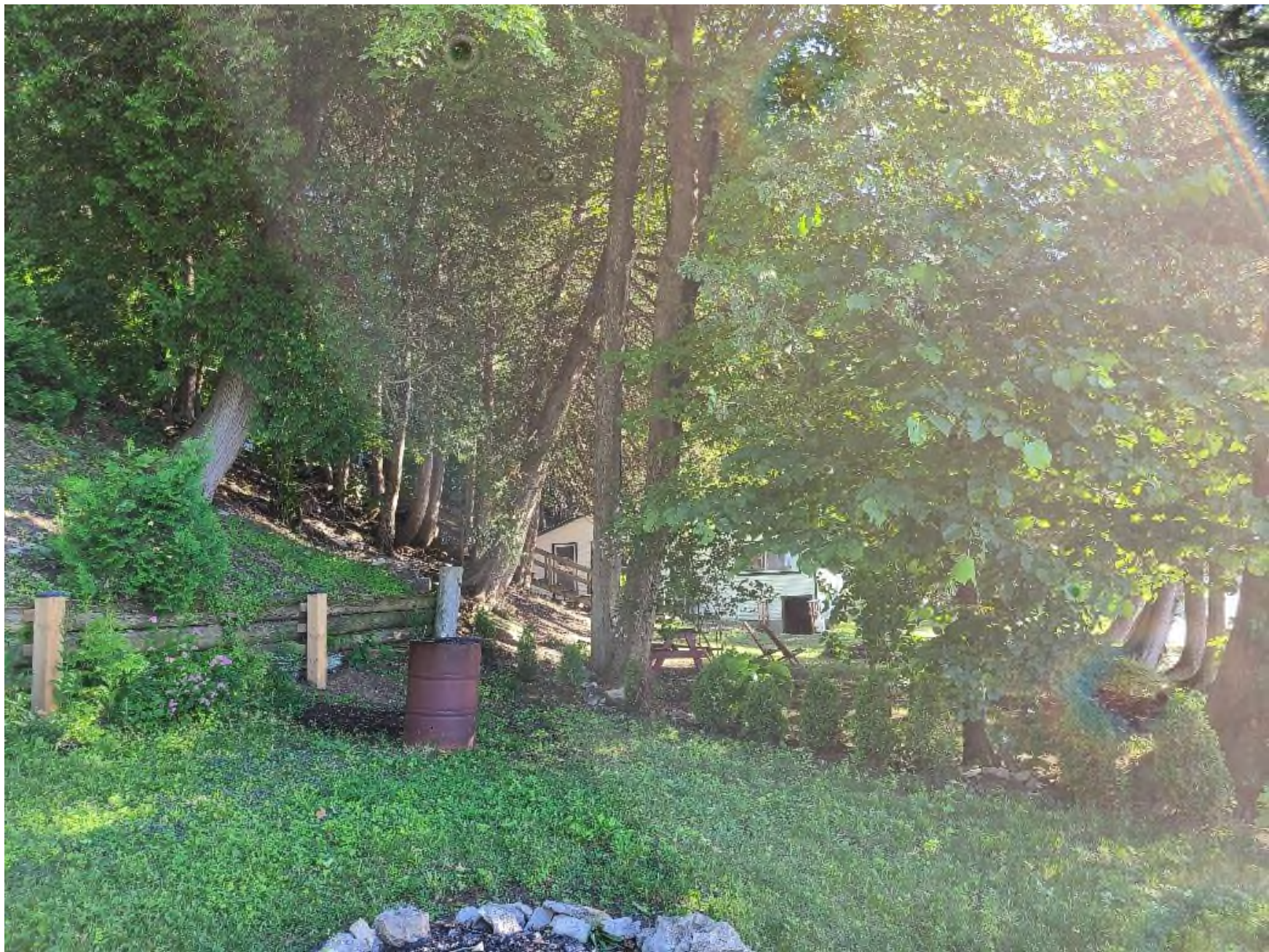
View of Shoreline and Existing Dwelling from Loughborough Lake



View of Shoreline from the Existing Dock



Graphic Representation of Proposed Dwelling from Loughborough Lake

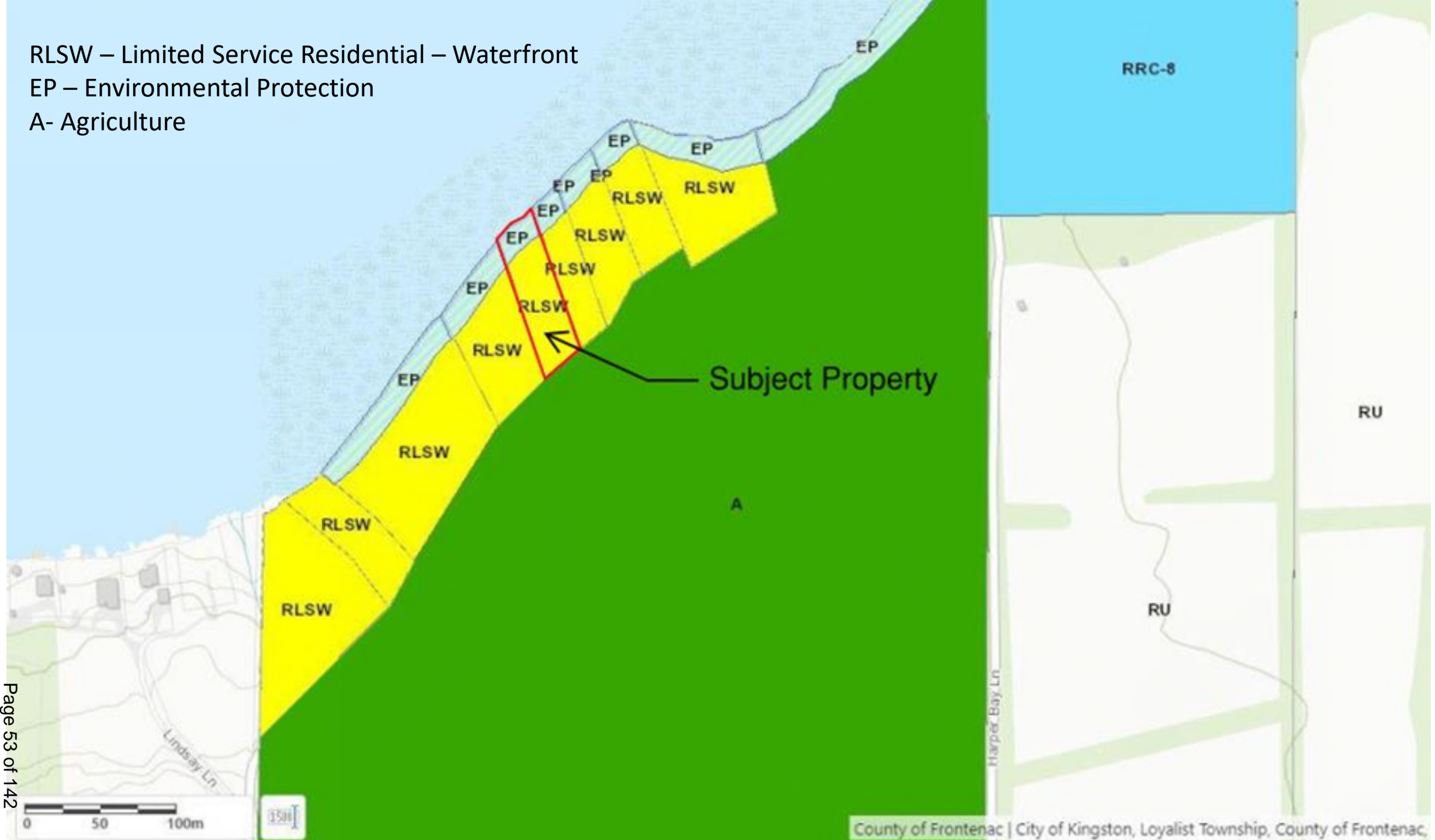


View from East Neighbour's waterfront towards existing dwelling



View from West Neighbour's waterfront towards existing dwelling

RLSW – Limited Service Residential – Waterfront
EP – Environmental Protection
A- Agriculture



Consent Granting Authority

- Michelle to add approved applications

Other Business

- Next Meeting – November 10

Conclusion/Adjournment

Committee of Adjustment Meeting



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 <i>Minor Variance Only</i>	\$463.00
<i>Minor Variance WITH Performance Review</i>	\$720.00
<i>Minor Variance in combination with a new Class 2, 3, 4, or 5 sewage system other than a Class A system</i>	\$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.

** WILL MAKE PAYMENT UPON RECEIPT OF APPLICATION NUMBER.*

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

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): MICHAEL + MARY BOYD.

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: 12 Lot Number: PT LOT 11

Street Number: 46 Name of Road/Street: DEVIL'S COUG LANE

Reference Plan Number: 13R357 Part Number(s): 19 OFF McANDREWS ROAD.

Roll Number: 010-030-26100-0000

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): 95.37' (ft) Frontage (on road/lane): 113.58' (ft)
Depth: 108.13' (ft) + 147.98' (ft) (IRREGULAR) Area: 13,013 ft²

5. The current zoning of the subject land:

RLSW

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

BUILDING EXCEEDS 5% OF TOTAL LOT COVERAGE AND SETBACK IS LESS THAN 30M FROM HIGH WATER MARK.

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

THE EXISTING BUILDING AND DECK IS ALREADY MORE THAN 5% LOT COVERAGE AND IS LESS THAN 30M FROM 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:

DEVILS COVE 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?

RECREATION / COTTAGE / RESIDENTIAL

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

Yes No

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

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)	(2)	(3)	(4)
Setback from Front Lot Line	21.48m			
Setback from Rear Lot Line	10.6m			
Setback from Side Lot Line	6.4m			
Height of Building (Also indicate if it is one story or two story)	1 STORY 5m	1 story 3.5m		
Dimensions of Floor Area	72m ² INSIDE 111m ² OUTSIDE	2.5m x 4m 10m ² (INCLUDES DECK)		
Setback from High Water Mark (If applicable)	21.48m			

13. The proposed uses of the subject land:

COTTAGE / RESIDENCE

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

Yes No

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

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) DECK AND SCREEN PORCH	(2)	(3)	(4)
Setback from Front Lot Line	21.48m			
Setback from Rear Lot Line	10.6m			
Setback from Side Lot Line	5.8m (DECK) 4.5m (STAIRS)			
Height of Building (Also indicate if it is one story or two story)	1 STORY 5m			
Outside Dimensions of Building/Structure	12m LONG. 7.3m WIDE			
Setback from High Water Mark (If applicable)	21.48m			

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

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

If yes, please provide details:

REMOVE ORIGINAL DECK AND REPLACE WITH NEW DECK AND SCREEN PORCH.

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

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

If yes, please provide details:

18. What are the uses of the proposed development?

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

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

MAY 2021

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

1996

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

26 YEARS

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

PRIVATE WELL

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

PRIVATE SEPTIC SYSTEM

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

DITCH / SWALE (NATURAL??)

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.

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

Yes No

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

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

Yes No *UNKNOWN*

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

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

- i) THE SKETCH **MUST** HAVE A NORTH ARROW AT THE TOP OF THE PAGE.
- ii) The boundaries and dimensions of the subject land including the location of any existing and proposed buildings.
- iii) The location of a reference point.....i.e. distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing.
- 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.

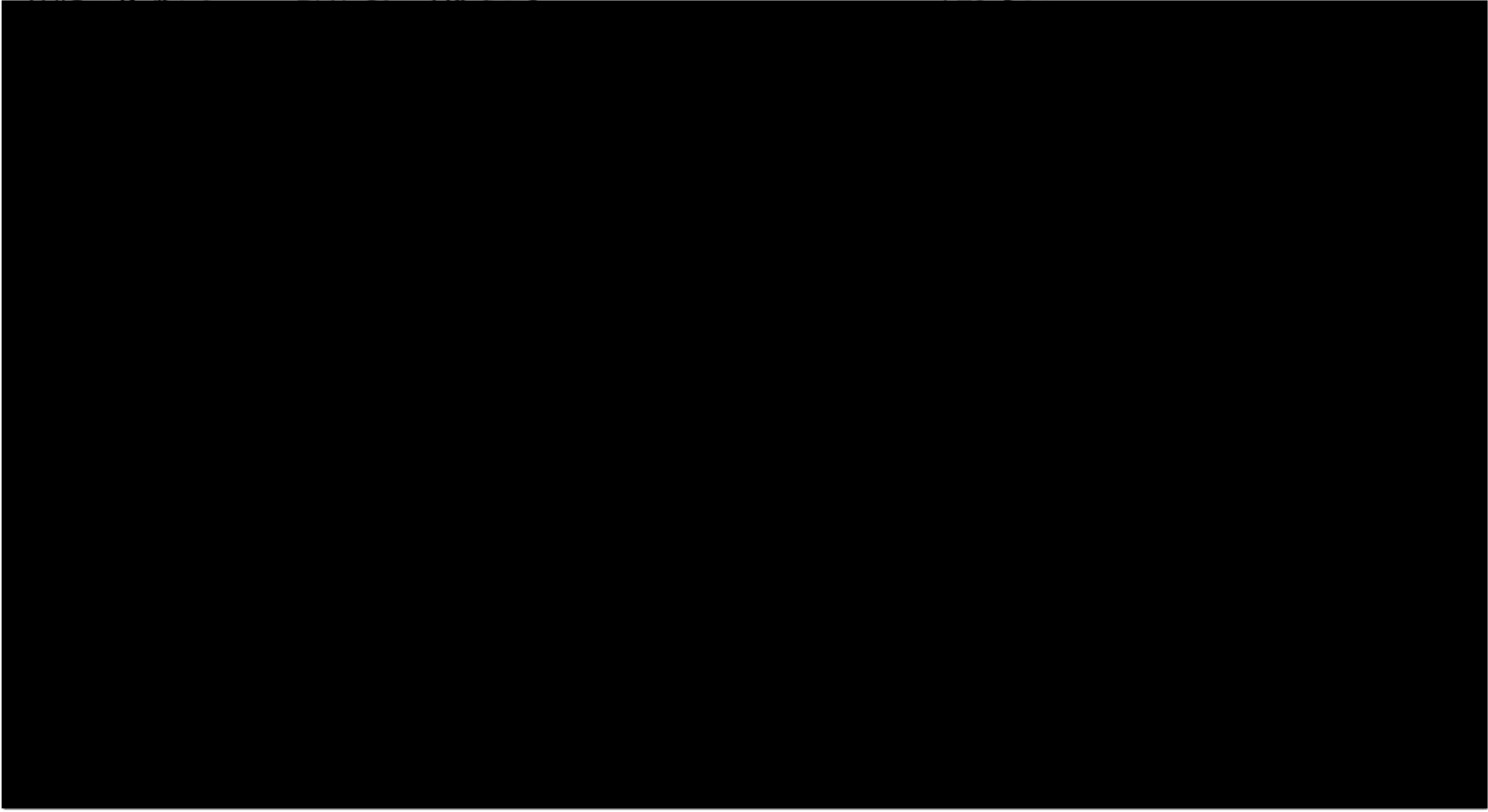
Without limiting the foregoing, such fees and expenses shall include the fees and expenses of consultants, planners, engineers, lawyers and such other professional and technical advisors as the municipality may, in its absolute discretion acting reasonably, consider necessary or advisable to more properly 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 23RD DAY OF August, 2022



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.

TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE
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- 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.

TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE
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- 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.

MICHAEL + MARY BOYD
46 DEVIL'S COVE LANE WESTPORT, ON.



Legend

- Parcels
- PIN Labels
- Lot / Concession
- Waterbody

10.6M → PRIVATE ROAD.
7.10M → SIDE LOT LINE
21.48M → PROPERTY LINE NEAR WATER
41.56 → WATERBODY (DEVIL LAKE)

SEPTIC.
PROPOSED SCISSOR PORCH DECK.

Notes
S.37 M (NEW SETBACK INCLUDING STAKE CASE)



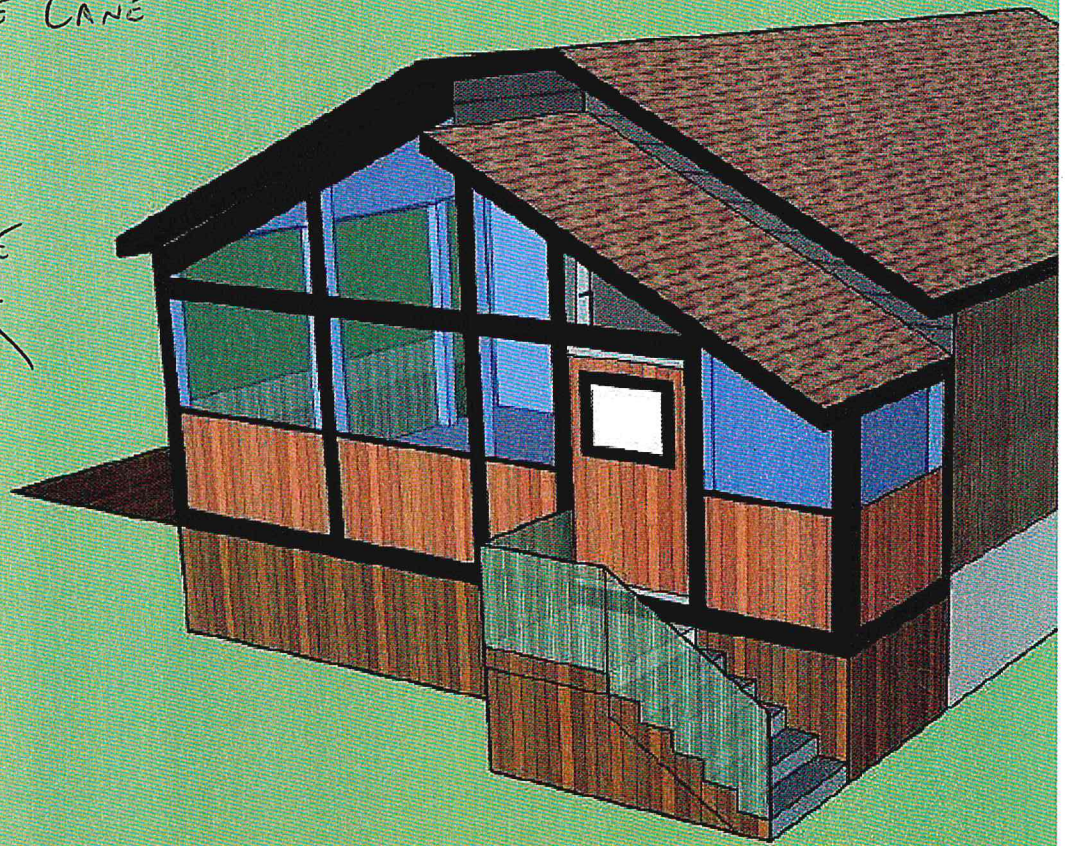
1: 564

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION



46 DEVIL'S COVE LANE

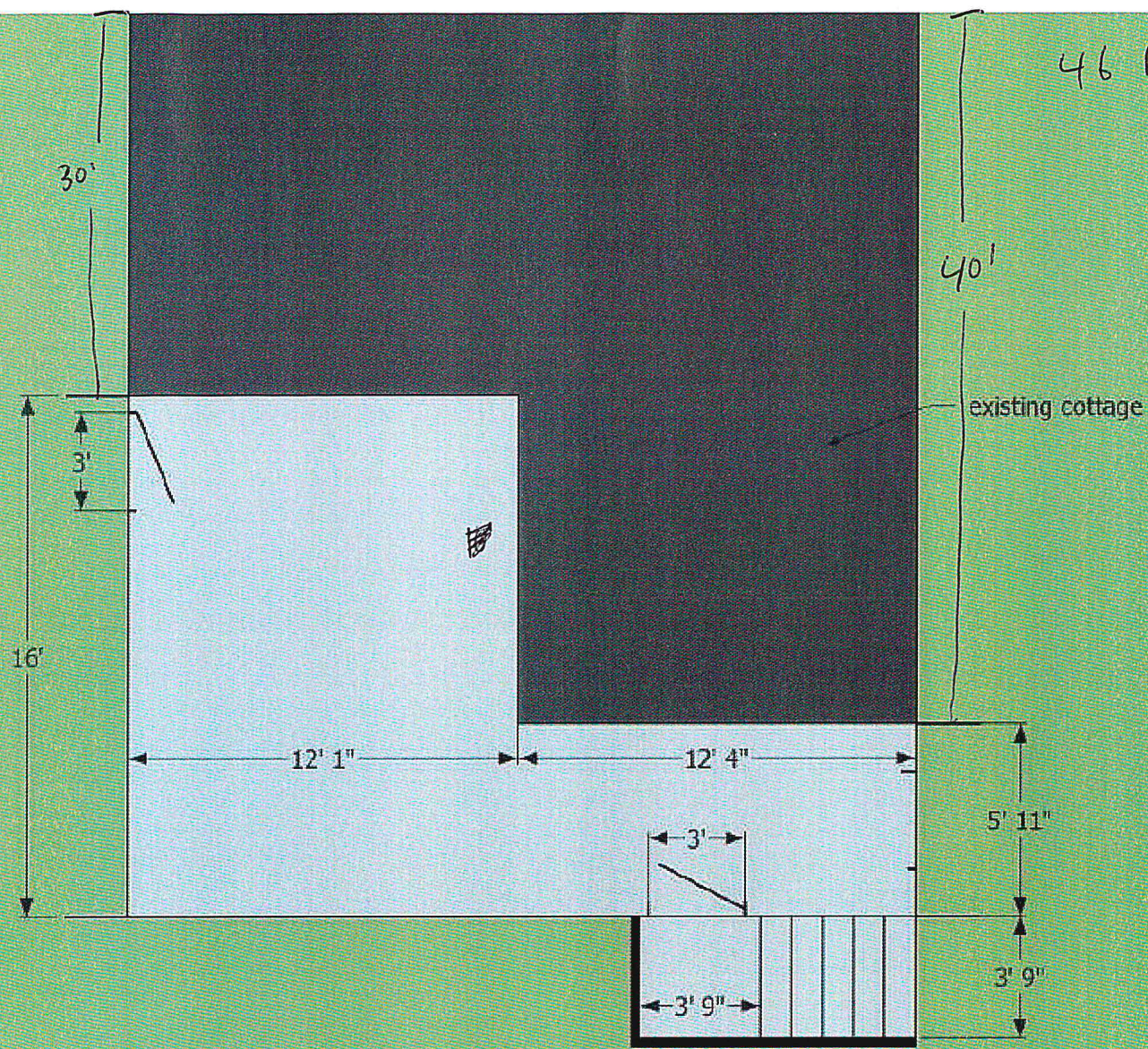
DEVIL LAKE
WATER BODY

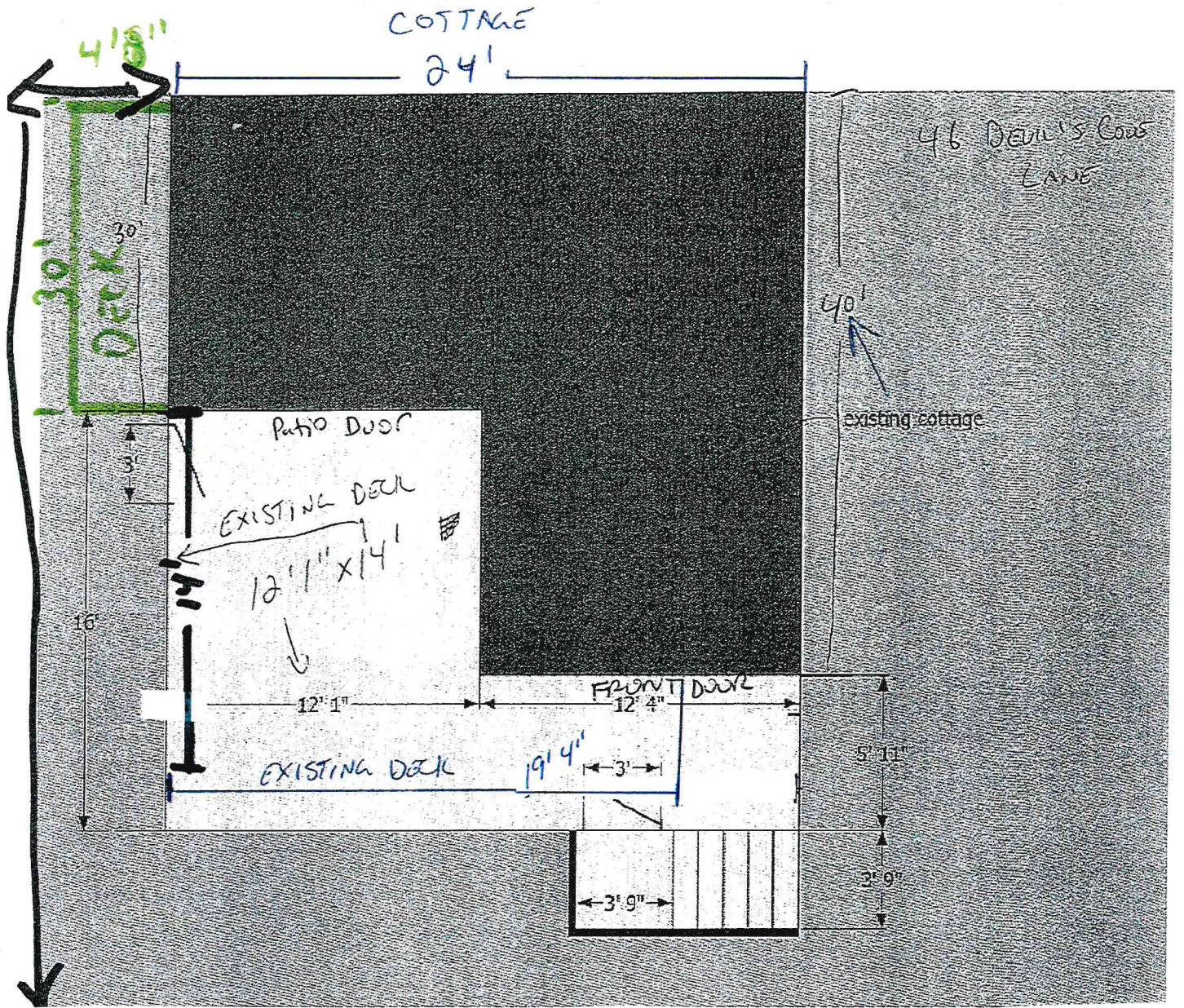


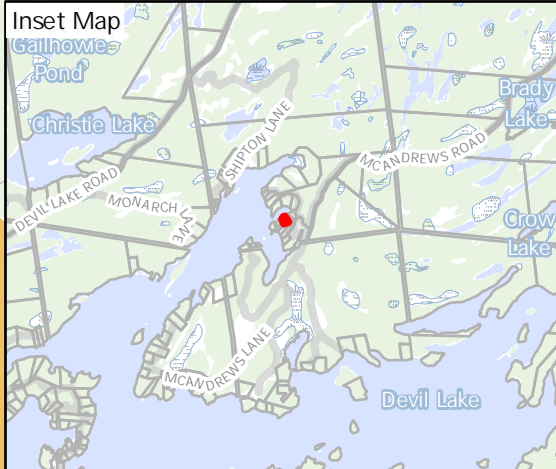
PRIVATE ROAD

DEVIL'S COVE LANE

46 DEVIL'S COWS
LANE

















SOUTH FRONTENAC

**PL-ZNA-2022-0124
(BOYD)**

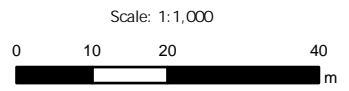
46 DEVIL'S COVE LANE

Legend

-  Subject Property
-  Township Boundary
-  Lake Trout Lake - At Capacity
-  Lake Trout Lake - Not at Capacity
-  Non-Lake Trout Lake - At Capacity
-  Wooded Area
-  Waterbody
-  Provincially Significant Wetland
-  Wetland
-  Road

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.



UTM Zone 18 NAD 83
Date: 2022-09-08

September 29, 2022

File: MV/FRS/289/2022

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 PL-ZNA-2022-0124 (Boyd)
Pt Lot 11, Concession 12; 46 Devil's Cove 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 consideration of the Committee of Adjustment.

Proposal

The proposal involves the replacement of an existing deck with a new deck and screened in porch. The minor variance is requested to reduce the required setback from the highwater mark from 30 metres, as required by section 5.8.2(a) of the South Frontenac Zoning By-law, to 21.5 metres to permit the construction of the new deck and porch.

Site Description

The property is located on the north shore of Devil Lake. The topography of the property can be described as rising steadily from the shoreline toward the south of the lot where the existing dwelling is located. There is also an existing shed located next to the dwelling. The property is densely covered in mature tree and vegetation growth.

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 is zoned Environmental Protection' (EP) in the implementing Zoning By-law.

Discussion

The main interests of CRCA in this proposal are the protection of the water quality of Devil Lake and the avoidance of natural hazards (e.g. flooding and erosion) associated with the shoreline.

Water Quality

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

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

Staff recognize that the existing residential dwelling is in non-compliance with the current zoning by-law for the Township of South Frontenac and is entirely situated within the required 30 metre setback from the highwater mark of Devil Lake. We understand the existing development also exceeds the maximum lot coverage provisions of the Zoning By-Law, which require a maximum lot coverage of 5 percent for the principal building and 5 percent for accessory structures. Based on our estimation, the total lot coverage for the existing dwelling, deck, and shed is approximately 9 percent, and the proposed development may increase the total lot coverage for the site to approximately 10 percent.

Staff note that there is limited opportunity to move the development further away from the water as the site is constrained by a private lane the south and septic system to the east. Additionally, the proposal is not encroaching closer to the water than the closest point of the existing dwelling, which is 21.5 metres measured inland from the highwater mark. The proposed increase in lot coverage is, in the opinion of CRCA, a negligible increase, and is not anticipated to negatively impact the ecologic or hydrologic integrity of Devil Lake. Staff therefore have no concerns from a water quality perspective.

In order to protect the shoreline and water quality in the long-term, **staff recommend maintenance and enhancement of a healthy buffer of native vegetation between all buildings/structures and the water and use of runoff controls to direct stormwater from hardened surfaces (e.g. rooftops) away from the lake where natural infiltration can occur.**

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. CRCA planning and permitting policies require all development and site alteration to be set back a minimum of 6 metres from the regulatory floodplain of a waterbody. Based upon

Ms. Hannah (PL-ZNA-2022-0124 (Boyd))
September 29, 2022

relevant aerial and elevation mapping data, the proposed development will be located outside of any area that may be subject to potential flood risk.

Erosion: The CRCA, in accordance with provincial technical standards, defines the extent of potential erosion hazards to be 6 metres from the stable top of bank. CRCA policies and guidelines require that this 6 metre setback is applied for all new development, including decks. The purpose of this setback is to ensure that regular maintenance or repair of buildings and structures, or that bank stabilization and shoreline protection works can occur, and that emergency personnel have the ability to access shoreline areas.

Based on relevant aerial and elevation mapping, the proposed development is located within the 6 metre access allowance from the top of bank. CRCA policies and guidelines can permit a reduction of the access setback for the proposed addition on the existing building since the deck does not encroach further into the setback than the existing building and access is not further restricted. Since the proposal is not anticipated to aggravate the hazard, staff have no concerns from an erosion perspective.

If approved, **staff recommend that proper sediment and erosion controls be incorporated into construction plans.**

Recommendation

In summary, staff have no objection to the approval of the proposed development under application PL-ZNA-2022-0124.

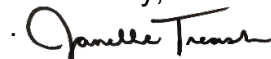
We also recommend implementation of the above-noted environmental mitigation measures (in bold text).

Ontario Regulation 148/06

Please note that portions of the subject lands are subject to Ontario Regulation 148/06: *Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses*, which is administered by the CRCA. 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. For this property, any development (buildings and structures) and site alteration (excavation, grading, placement of fill) within 15 metres of the floodplain of Devil Lake (131.96 metres geodetic) or 15 metres of the top of bank is subject to O. Reg. 148/06. Therefore, a permit will be required from our office should the application be approved.

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. 239, or by e-mail at jtreash@crca.ca.

Yours truly,



Janelle Treash

Ms. Hannah (PL-ZNA-2022-0124 (Boyd))
September 29, 2022

Resource Planner

cc: Sarah Cadue, Planner, South Frontenac Township, via e-mail

Township of South Frontenac Staff Report



To: Committee of Adjustment

Prepared by: Development Services Department

Date of Meeting: October 13, 2022

Subject: **Permission Application (S. 45(2) of the Planning Act)**
PL-ZNA-2022-0124 (Boyd) – 46 Devils Cove Lane, Devil Lake

Summary

This application is requesting permission to construct a screened porch within 30 metres of the highwater mark of Devil Lake, thereby enlarging a legal non-conforming building. This report recommends that the Committee of Adjustment grant approval of this application for permission to enlarge a legal non-conforming building, per section 45(2) of *the Planning Act*, subject to conditions.

Background

Official Plan Designation: Rural

Zoning: Limited Service Residential Waterfront – RLSW

Relief Requested

The application seeks permission under Section 45(2) of *the Planning Act* to enlarge a dwelling within 30 metres of the highwater mark by increasing its gross floor area through the addition of a screened porch.

Discussion/Analysis

Property Description

The subject property is located at 46 Devils Cove Lane. Devils Cove Lane is accessed from McAndrews Road. The property has an lot area of approximately 14256 square feet (1324.4 square metres) with 95.37 feet (29 metres) of waterfrontage on Devil Lake.

The property is developed with a cottage with attached decks, private well, septic system and shed. The cottage is built into the slope of the property. The cottage on the property is a single storey, setback approximately 21.5 metres to Devil Lake.

The cottage has two decks on the north and west sides of the dwelling.

The vegetation on the property consists of grass and mature trees scattered around the property. There is exposed bedrock throughout. The property contains a gravel driveway which leads down to the waterfront.

Summary of Proposal

The applicant is proposing to demolish the existing deck that is approximately 198.16 square feet (18.40 metres squared) on the west side of the cottage and replace it with a screened porch that is approximately 281 square feet (26.10 metres squared). The screened porch would be constructed on post foundations, similar to the existing deck. The existing deck is set back 21.5 metres from highwater mark, and the proposed screened porch will be setback 21.5 metres from the high water mark. The screened porch will be 5 metres in height, the same height of the cottage. There will be no increase in height for the proposed screened porch.

The proposed screened porch will be constructed to almost to the same dimensions as the existing deck, the increase in square footage versus the existing deck is approximately 83 square feet (7.71 metres). The screened porch will increase in width towards the west lot line, not the water. The existing deck is aging, and the applicant wishes to increase their activity area and repair it to a safe condition.

The current footprint of the existing cottage and existing decks cover an area of approximately 1194.79 square feet (111 square metres) with a lot coverage of approximately 8.4%. Including the existing shed on the property the lot coverage is at approximately 9.1%.

Department and Agency Comments

This application did not meet the criteria for circulation to Building Services for a sewage review because the proposed increase in living space is less than 15%. The subject property also has an existing septic system and private well. The screened porch will not have any plumbing fixtures or encroach on the existing septic system.

Cataraqui Conservation provided comments on September 29th, 2022, which indicate that staff have no objection to the approval of the proposed development. However, in relation to water quality staff recommended maintenance and enhancement of a healthy buffer of native vegetation between all buildings and structures and the water and use of runoff controls to

direct stormwater from the hardened surfaces (e.g., rooftops) away from the lake where natural infiltration can occur.

CRCA also noted that the proposed development is located within their required 6 metres access allowance from the top of bank. CRCA policies and guidelines can permit a reduction of the access setback for the proposed addition on the existing building since the screened porch does not encroach further into the setback than the existing building and access is not further restricted. Since the proposal is not anticipated to aggravate the hazard, CRCA staff have no concerns from an erosion perspective. If approved, CRCA staff recommend that proper sediment and erosion controls be incorporated into construction plans. These recommendations will be included in a development agreement that is a proposed condition of approval.

Lastly, CRCA noted that a permit under O. Reg. 148/06 would be required from their offices should the application be approved. The applicant must initiate this application process prior to the building permit stage.

Public Comments

No comments have been received from the public to date.

Planning Analysis

Section 5.10.2 of Zoning By-law No. 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. This provision does not allow the enlargement of these existing buildings. This makes them legal non-conforming structures. Permission is then required to make changes to legal non-conforming buildings.

The dwelling was constructed before the zoning bylaw was passed in 2003. The proposal would result in the enlargement of a legal non-conforming dwelling and the screened porch would be 21.5 metres to the highwater mark of Devil Lake. The proposed screened porch would be no closer to the highwater mark (21.5 metres) of than the deck that currently exists (21.5 metres) on the west of the property and would not be increasing the height of the dwelling.

With the addition of the screened porch, the gross floor area of the cottage will increase from 198.16 square feet to 281 square feet, a difference of approximately 83 square feet (7.71 square metres).

The increase in the area of the screened porch will result in lot coverage increasing by about 0.6%.

Staff agree with Cataraqui Conservation that the proposed increase in lot coverage is negligible, and not anticipated to negatively impact the ecologic or hydrologic integrity of Devil Lake.

There is limited ability to enlarge the deck in any other location as the site is constrained by a private lane to the south and the septic system to the east of the cottage.

The proposal is designed to cause minimal disturbance to the waterfront as the enlargement is going towards the western property line, not the water. The proposed screened porch will exceed the interior side yard setback as it's at 5.8 metres.

The proposed enlargement represents appropriate and desirable development of the lot given the site constraints (e.g., private lane and septic system on the east side). The proposed screened porch will allow for more activity area without requiring significant vegetation removal or site alteration as it's being constructed in the same area as the existing deck, and with a similar construction method (e.g., post foundation). The proposed enlargement from the existing deck is modest in size and will conform to the aesthetic of the existing dwelling and the waterfront.

The proposal is not anticipated to increase the nutrient loading associated with the septic system as no bedrooms and plumbing is being added as part of the proposal.

A development agreement is being proposed as a condition of approval to address environmental standards of the Township as well as to implement Cataraqui Conservation's recommendations on sediment and erosion controls, and shoreline preservation.

The Committee may permit an enlargement or extension to an existing legal nonconforming building or structure wherein the use of such building or structure does not conform with the provisions of the Zoning By-law but legally has been in continuous existence before and following the date the Zoning By-law was passed.

It is the opinion of staff that it is appropriate for the Committee of Adjustment to grant permission to enlarge the legal non-conforming dwelling, as described in this report.

Notice/Consultation

Notice of the Statutory Public Hearing was given pursuant to the requirements of the Planning Act, at least 10 days in advance of the Public Hearing. This included notice given:

- by mail to every owner of land within 60 metres of the subject lands
- by posting notice signs on the subject lands
- by posting on the Township's Current Planning Application webpage
- by e-mail to prescribed persons and public bodies

Recommendation

That the Committee of Adjustment receive comments from the public and, pending comments received, approve application PL-ZNA-2022-0124, subject to the following conditions:

1. Permission is granted to enlarge the legal non-conforming dwelling on the subject property by adding a 281 square foot (26.10 metres squared) screened porch on the west side of the dwelling, setback 21.5 metres from the highwater mark of Devil Lake, as per the drawings submitted with PL-ZNA-2022-0124, received on August 29, 2022, that will be attached to the Decision as Schedule “A”.
2. A building permit is required for ALL construction and demolition on the property. There shall be no additional development, or demolition of existing structures, on the property without the approval from the Township of South Frontenac.
3. The applicant is required to enter into a development agreement to be registered on the title of the property to the satisfaction of the Township to address the following matters and environmental standards of the Township:
 - a. The use of appropriate erosion control measures (e.g., silt fence, straw bales) during construction.
 - b. Roof runoff will be discharged into infiltration trenches or onto coarse rock rubble splash pads.
 - c. Efforts shall be made to maintain and enhance a healthy buffer of native vegetation between all buildings and structures and the lake.

Report Prepared By:

Sarah Cadue, M.PL., Planner

Reviewed By:

Christine Woods, MCIP RPP, Senior Planner



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

July 12, 2022

Mr. Steve Hounsell
513 Deerview Drive
Kingston, Ontario K7L 4V3

Dear Mr. Hounsell:

**RE: ENVIRONMENTAL SITE ASSESSMENT
3115 LAKEHEAD ROAD
LOUGHBOROUGH LAKE
SOUTH FRONTENAC TOWNSHIP**

Ecological Services was retained to assess the subject lot, upon which you have proposed to enlarge an existing residence and upgrade the sewage disposal facilities. This letter has been amended from that of November 30, 2021, to provide up-to-date survey and plan information and to address an additional issue raised by the Township of South Frontenac.

1.0 SITE DESCRIPTION

The subject property is a small lot (approximately 0.28 hectares/0.68 acres) in a row of small lots located along the south shore of Loughborough Lake (Attachment 1). It is located at the far west end of the lake, approximately 462 m from its western outlet. The existing cottage is set back from the lake approximately 11.5 m. The lot slopes down toward the lake with a significant elevation change, of approximately 10 m from the rear of the lot to the lakefront. The lot is generally characterized by overhead deciduous tree cover, but there is clear evidence of its long-term use for seasonal residential purposes, particularly around the cottage and in its immediate area of lawn, and in the depauperate ground conditions beneath the treed areas.

1.1 Ecological Land Classification

We visited the site on July 26, 2021, from which ELC mapping was prepared (after Lee et al. 1998¹) – see Attachment 2. The northern 40% of the lot was the most impacted by

¹ Lee, H.T., W.D. Bakowsky, J. Riley, J. Bowles, M. Puddister, P. Uhlig and S. McMurray. 1998. Ecological Land Classification for Southern Ontario. First Approximation and Its Application. Ontario Ministry of Natural Resources, Southcentral Science Section, Science Development and Technology Transfer Branch. SCSS Field Guide FG-02. 225 pp.

the current land-use. We observed Cultural (CU) areas associated with the road/driveway access to the site and with the cottage and mowed lawn along the shoreline. The approximately 3 m closest to the shoreline was characterized by a raised berm and a line of trees (7 White Cedar, 2 Eastern Hemlock, and 1 Yellow Birch). The reason for the berm is unknown, but it may be associated with the roots of these trees. This polygon was too small to map as a separate ELC area, but it is essentially cultural in nature. The band of coniferous woodland between the two cultural areas is a fairly steep slope that is characterized by White Cedar vegetation. This ELC category of a Dry – Fresh White Cedar Coniferous Forest Type (FOC2-2) can have variable site conditions and substrate types, here steeply sloped (see also site photographs in Attachment 3) with little to no vegetation below. The entire site slopes downward from the road to the lake, but this White Cedar strip is the area with the steepest drop. The existing cottage is nestled against the base of the drop, on the western side of the lot.

The southern portion of the lot (approximately 60%) is treed. We mapped this as a Dry – Fresh Sugar Maple Deciduous Forest Ecosite (FOD5). Here we observed Sugar Maples as the dominant tree cover. There were a number of Eastern Hemlock observed as well, but with insufficient canopy to deem this a Mixed Forest type. Other trees noted included Bitternut Hickory, Black Cherry, Ash (most in decline due to Emerald Ash Borer infestation), and White Cedar. There was no notable shrub layer, but ground species included Garlic Mustard, *Carex pennsylvanica*, Trillium spp., Helleborine, *Oryzopsis*, False Solomon's-seal, Downy Solomon's-seal, and Lady Fern. There was evidence of human activity in the area (tree cutting, trash, burning, etc.), which may contribute to the sparse under-canopy layers.

The upland at the waterfront has little in the way of natural vegetation other than the trees (see Attachment 3). The nearshore water area slopes gently, is characterized by shallow water (to approximately 1 m depth) out well past the dock, and is dominated by Chara, a type of freshwater, multi-cellular algae also known as Musk Grass or Skunkweed. The total dock length is approximately 16 m. At approximately 8 m from shore, the aquatic vegetation becomes more diverse, particularly on the north side, with *Vallisneria americana*, Water Lilies, *Myriophyllum spicatum*, *Potamogeton zosterformis* and *P. richardsonii*. Fish were observed, but were not sampled directly. Centrarchids (sunfish) and minnow species were present.

2.0 PLANNING FRAMEWORK

The subject property is adjacent to a portion of Loughborough Lake South wetland. The provincial Policy Statement (PPS 2020²) states that:

2.1.4 Development and site alteration shall not be permitted in . . . significant wetlands in Ecoregions 5E, 6E and 7E.

² Provincial Policy Statement. 2020. Issued under Section 3 of the *Planning Act*. Province of Ontario. 53 pp.

The main issue originally identified by planning authorities, however, is related to fish habitat, and specifically to Lake Trout. The PPS states that:

2.1.6 Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal regulations.

The PPS defines provincial and federal requirements as follows:

a) in regard to policy 2.1.6, legislation and policies administered by the federal and provincial governments for the purpose of fishery protection (including fish and fish habitat), and related, scientifically established standards such as water quality criteria for protecting lake trout populations.

The PPS also addressed lands adjacent to natural heritage areas of importance:

2.1.8 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, . . . and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

While the PPS is largely silent with respect to Lake Trout specifically, the Natural Heritage Reference Manual (NHRM, OMNR 2010³) provides more detailed guidance on the implementation of the Natural Heritage policies of the PPS. Here, the width of adjacent lands is defined on “inland lake trout (at capacity) on the Canadian Shield [as] 300 m” and “all other fish habitat 120 m.”

The subject property is located at the west end of Loughborough Lake. As pointed out in the Cataraqui Region Conservation Authority’s Lake Fact Sheet (CRCA 2017⁴), the *east* basin of the lake is on Canadian Shield, but “limestone underlies the *west* basin.” It is also “much deeper (maximum 38.4 m) and cooler and favours species such as trout.”

- As the subject lot is located at the far west end of the lake, and the west basin does not lie on Canadian Shield, it appears that the adjacent land distance of 300 m is not justified by the provincial policy or guidance documents. In this case, the more typical 120 m should be taken as the width of adjacent lands, as set out in the NHRM.

Section 11.0 of the NHRM provides further guidance. To be consistent with policies 2.1.6 and 2.1.8 of the PPS, planning authorities shall protect fish habitat by:

³ Ontario Ministry of Natural Resources. 2010. Natural Heritage Reference Manual for Natural Heritage Policies of the Provincial Policy Statement, 2005. 2nd edition. Toronto: Queen’s Printer for Ontario. 248 pp.

⁴ Cataraqui Region Conservation Authority. 2017. Lake fact sheet: Loughborough Lake. CRCA, Glenburnie, Ontario. 13 pp. Available online at: <<https://cdn.shopify.com/s/files/1/0496/7242/1533/files/2017-FactSheet-LoughboroughLake.pdf?v=1613617498>>

- *not permitting development and site alteration in fish habitat except in accordance with other applicable legislation, policies and standards administered by the federal or provincial governments for the purpose of the protection of fish and their habitat;*
- *identifying special considerations for land adjacent to lake trout lakes that are a development capacity on the Canadian Shield; and*
- *not permitting development and site alteration on adjacent lands unless the ecological function has been evaluated and there will be no negative impacts on the feature or its ecological function.*

Reference is also made to the Lakeshore Capacity Assessment Handbook (Ontario 2010⁵). This resource is subtitled “Protecting Water Quality in Inland Lakes on Ontario’s Precambrian Shield,” and that intent is reiterated in the statement of purpose. In that document, they describe the scientific basis of the guidelines, which were indeed developed for lakes on the Canadian Shield. The guidelines were supposed to provide clear and consistent guidance to municipal planning authorities.

- Again, it is clear from the PPS and the supporting NHRM that, as the west basin of Loughborough Lake does not lie on the Canadian Shield, this aspect of Policy 2.1.6 does not apply.

Township of South Frontenac:

Section 5.2.8 of the Township’s Official Plan (South Frontenac 2003) identifies the west basin of Loughborough Lake as a “highly sensitive Lake Trout lake.” The basis of this identification is not revealed, but it is assumed that this comes from the then-current listings (MOE/MNR 1993⁶), in which the west basin of Loughborough Lake is identified as highly sensitive, and in which the province further identifies the basin as a “holding basin” in which there is no natural reproduction. This is consistent with work done by Ecological Services in 1998⁷ and 1999⁸. We undertook Spring Littoral Index Netting for the Ministry of Natural Resources on several Lake Trout lakes in the area, and found no natural reproduction in either of these sampling years in Loughborough Lake.

⁵ Ontario Lakeshore capacity assessment handbook: protecting water quality in inland lakes. Available online at: <https://www.ontario.ca/document/lakeshore-capacity-assessment-handbook-protecting-water-quality-inland-lakes> and < <https://www.ontario.ca/page/lakeshore-capacity-assessment-handbook-protecting-water-quality-inland-lakes-ontarios-precambrian-0>>

⁶ Ministry of the Environment and Ministry of Natural Resources. 1992. Inland Lake Trout management in southeastern Ontario. 160 pp.

⁷ Ecological Services. 1998. The 1998 spring littoral index netting for Lake Trout in Devil and Loughborough Lakes, and the 1997 creel census of Loughborough Lake. Produced for the Ministry of Natural Resources, Kingston Management Area. 74 pp.

⁸ Ecological Services. 1999. The 1999 spring littoral index netting for Lake Trout in Eagle and Loughborough Lakes. Prepared for the Ministry of Natural Resources, Kingston Management Area. 61 pp.

The Official Plan goes on to apply a 300 m setback and the following policies 5.2.8 (a):

(i) Existing lots of record may be developed in accordance with Section 5.2.7 b) ii) 3). Consideration may be given to servicing the lot with a new technology, other than an approved class 4 sewage disposal system, where it has been demonstrated that the use of such technology will not impact on water quality over the long term.

(ii) Generally, the creation of new lots, through the severance consent process, within 300 metres (984.3 feet) 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.

(iii) Notwithstanding (ii) above, Council may consider the creation of new lots through the severance consent process in special or unique circumstances where it can be proven to the satisfaction of Council, in consultation with the Ministry of Environment and the Ministry of Natural Resources, that one or more of the following conditions exists:

a) the drainage of the proposed lot flows to a separate, non-sensitive, watershed as a result of existing topographical or physical features;

b) it can be demonstrated, through hydrogeological studies, that the drainage of the sewage effluent will effectively result in a circuitous setback of at least 300 metres (984.3 feet);

c) that new technologies in sewage disposal systems, acceptable to the Ministry of Environment, will be utilized resulting in no adverse effects on lake water quality;

d) a conventional septic system (tile bed) will be located outside 300 metres (984.3 feet) from the highwater mark, provided that the total nutrient loading resulting from proposed buildings, construction and land clearing does not adversely affect the water quality of the lake.

(e) the proposal is supported by detailed site-specific hydrogeological and soil studies which assess phosphorus distribution, migration velocity and long-term soil retention capabilities.

(iv) Minor variance applications shall be accompanied by an Environmental Impact Assessment prepared in accordance with Section 5.2.11 of this Plan.

The first of these policies appears to be the one most applicable in this case. The Official Plan policy [5.2.7 b) ii) 3)] that is specified to guide development in the case of existing lots of record states:

3) Proposals to construct additions to existing dwellings that are already within the 30 metre setback may be permitted but will be evaluated on the merits of the proposal based on the following:

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

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

3.0 THE PROPOSAL

The property has an existing cottage (area, including the shed, approximately 710 sq. ft.) on the site that dates back to the 1950s or earlier (exact date unknown). It is proposed that the cottage be rebuilt to create an all-season residence. The general concept is illustrated in Attachment 4. The new structure will be larger (approximately 1,100 sq. ft., plus a garage of 250 sq. ft.), but will be no closer to the lake; in fact, it will be very slightly (approximately 1.8 m) further away from the lake. A small shed located beside the cottage will be removed.

The other aspect of the development proposal is the removal of the existing holding tank, and its replacement by a modern, tertiary septic treatment system, something recognized as beneficial in the Official Plan [5.2.8 (a) (i), noted above]. The existing tank is located approximately 21.5 m from the lake. While holding tanks can be highly effective at keeping nutrients from entering adjacent waters, they are generally not preferred, as their integrity depends on proper maintenance by landowners (we have no reason to suspect that has not been the case). As a replacement, Groundwork Engineering have recommended a Waterloo Biofilter system, which will be set back as far as possible on the lot, the biofilters at approximately 68 m from the lake, and the surrounding bed at a minimum distance of approximately 50 m from the lake (see Attachment 4). This system has been proven in thousands of installations across North America. In addition, Operation and Maintenance agreements are a regulatory requirement in Ontario for all residential, tertiary treatment systems such as this. This agreement is between the system owner and an approved Service Provider, and certifies that the system will be inspected and maintained annually.

There are a number of constraints to development on the site, including an area with steep slopes and a hydro easement through the property (Attachment 3).

4.0 SIGNIFICANT WETLAND

The subject property fronts on a portion of Loughborough Lake South wetland. This area of the wetland is depicted in provincial mapping as completely associated with the lake, which is consistent with our observations on site. This means that the wetland here is characterized by a community composed of underwater aquatic plants (*Chara* in the area close to the shoreline, with increasing diversity (species such as *Vallisneria americana*, Water Lilies, *Myriophyllum spicatum*, *Potamogeton zosterformis* and *P. richardsonii*) further out into the lake.

The proposal will not be located within the wetland, but will be located within 120 m of the wetland, or within adjacent lands.

5.0 FISH HABITAT

We examined the nearshore area to make some assessment of the fish habitat adjacent to the property. The habitat appears to be open water wetland, dominated primarily by underwater vegetation (*Chara* dominant, but with *Valisneria americana*, *Myriophyllum spicatum*, *Potamogeton zosterformis*, and *P. richardsonii*). There were a few floating-leaved water lilies, but species could not be determined because flowering was past. As well, there was one small patch of emergent plants in front of the cottage (probably soft-stemmed bullrushes). The nearshore water was shallow and very gently sloped. It appeared to be 1.0 m in depth or less out beyond the end of the dock (estimated at least 20 m). There was little cover or structure observed, other than the cover provided by the dock itself. Although we did not directly sample for fish, Loughborough Lake is known to support a wide variety of fish species⁹ and the characteristics of the site offered several good habitat features.

5.1 Lake Trout

Lake Trout (*Salvelinus namaycush*) are a relatively common species in Ontario, ranked as S5, or very common in the province. They are widely distributed across the province, in Lake Ontario, Lake Huron, Lake Superior and across the deep cold lakes of the Canadian Shield. Their habitat requirements include water depths of at least 15 m (50 ft). The reason that Lake Trout lakes are of concern in the province is due to the Lake Trout requirement for cold, deep, oxygen-rich water. The unrestricted input of nutrients into a lake can increase algal growth and biological oxygen demand (BOD). As BOD increases, waters can consequently hold less dissolved oxygen. For lakes in southern Ontario, this may be an issue, particularly as the climate continues to warm.

The province has long considered Loughborough Lake to be a holding basin, to be managed as a so-called “put-and-take” fishery, and have stocked it for many years in

⁹ Fish ON-line. Database created by the Ontario Ministry of Natural Resources and Forestry.
<<https://www.gisapplication.lrc.gov.on.ca/FishONLine/Index.html?site=FishONLine&viewer=FishONLine&locale=en-US>>

order to take angling pressure off healthier Lake Trout lakes such as Devil Lake, further north on Canadian Shield. From 1990 until 2003, approximately 35,000 to 40,000 trout were released yearly. Following our SLIN work in 1998 and 1999, it became apparent that there was no natural regeneration in Loughborough Lake. We spoke with Mark Ferguson (personal communication¹⁰), who managed to stocking program for the Ministry of Natural Resources at that time, and he confirmed that no natural regeneration was observed. Fall index netting was conducted by the Ministry, as well, and again no natural regeneration could be confirmed. More recently, stocking has continued as a partnership between the Ministry and the Battersea Loughborough Lake Association (though not in 2020 or 2021, due to COVID; the Ministry placed 15,000 fingerlings each of those years). According to the Loughborough Lake Association, “the project is designed to increase the trout population for those who fish the lake,” which statement is consistent with the Ministry’s management goals for this waterbody.

6.0 DISCUSSION AND RECOMMENDATIONS

We considered the following points:

- it is our opinion that the subject property is not subject to a 300 m adjacent land structure, based on the PPS and NHRM, but rather to the standard 120 m width. The Township’s Official Plan, however, specifies 300 m of adjacent lands for the west Basin of Loughborough Lake. The recommendations of the province are limited to lakes located on the Canadian Shield because this is the area for which research was done (Muskoka Lakes area), and for which the recommendations were developed. Lands that are not located on the Shield are very different in nature, particularly with respect to topography, soil chemistry, and soil depths. The municipality does not state its reasons, but in our opinion, they have not demonstrated the scientific validity of applying these stringent setbacks to lands outside the Canadian Shield.
- the proposed site redevelopment will enlarge an existing use, marginally improving the setback from the water, but clearly meeting the Official Plan requirement set out in section 5.2.7 b: ii) 3), in which the municipality states there should be no encroachment further into the setback of an existing use, and also section 5.2.8(a)(i), in which consideration of better septic technology is suggested. The site is entirely impacted by its long-term residential use, but has retained a reasonable amount of natural vegetation cover. In general, the northern part of the lot is cultural in nature, while the rear (southern part) of the lot is more natural in nature.
- Official Plan policy [5.2.7 b: ii) 3)] also speaks about considering the capacity of the lot to accommodate new development at a greater setback from the high-water mark. Of the two proposed features, it is far more beneficial to lake water quality to have the septic treatment facilities set back as far as possible. We considered the possible placement of both, at the rear (south end) of the lot, the dwelling immediately north of the septic field, and the net benefit of this option. This would result in essentially the same benefit to lake

¹⁰ Mark Ferguson. Retired Fisheries Biologist. Long career with the Ministry of Natural Resources and with Fisheries and Oceans Canada.

water quality, as the new septic would be of the same type in the same location. It would be of greater impact to the ecology of the area, however, as it would result in additional if not complete loss of the only area of the lot sustaining relatively natural vegetation cover (i.e., the FOD5 woodland). We considered the potential for re-naturalization. The southern CU area will not be allowed to regenerate because this supports an access road, a hydro line and right-of-way. The nearshore area (currently mowed lawn) could be revegetated, but the reality is that that is the area that best allows the property to be used for water-related purposes. We would anticipate that little if any would be restored to natural vegetation cover, as it is a reasonable expectation that someone living on a lake-front property would wish to access the water and use the waterfront. Overall, given the lot size and constraints, and given the significant improvement associated with the proposed septic treatment, we are not persuaded that there would be a benefit to the lake environment through forcing all development to the south.

- the redevelopment will affect lands that are already altered from their natural state. We acknowledge that there will be some loss of woodland associated with the installation of a separated driveway and the septic facilities. We note that the plans have been revised to minimize the loss of trees, but add that this woodland is of modest diversity, with poor understory habitat; the ash component present is dying due to the impact of Emerald Ash Borers. Here, we would consider the benefits to water quality to outweigh the loss of a portion of the deciduous woodland.

- the negative impacts associated with residential development adjacent to *wetland habitat* result primarily from the production of waste and the potential for those nutrients to enter the wetland, and direct conflicts with wetland species that require adjacent uplands for part of their life cycle. The nature of the wetland here is characterized by submerged aquatic vegetation, and this type of wetland is primarily used by species that are fully aquatic. We consider the proposed redevelopment to be essentially identical to the existing situation (with a minor improvement in the setback), and find a low probability of increased conflicts. The installation of a Waterloo Biofilter type of septic system located at the rear of the property represents a substantial improvement in the potential for waste runoff into the wetland.

- the negative impacts associated with residential development adjacent to *fish habitat* result primarily from the production of waste, and the potential for those nutrients to enter the lake waters. The dwelling itself is largely inert, so the anticipated impact in that respect would be in the additional amount of hardened surface adjacent to the lake (expanded building footprint, less the area of the small shed being removed). So, there is potential for an increased amount of runoff from hardened surfaces, which could carry particulate matter into Loughborough Lake. We do note two points, however: the berm that fronts this lot would act to physically slow and prevent particulates from entering the lake; and the subject property is located close to lake outflows, meaning that any runoff from this lot will flush quickly out of the lake and making it unlikely that runoff from the site could affect the portions of the lake where Lake Trout occur. Additionally, as a mitigation measure, three infiltration trenches are proposed (along the driveway and to capture roof runoff – see Attachment 6).

- with respect to the holding tank, these structures are generally not considered to be a preferred solution due to the lack of oversight, and the reliance upon private landowners to maintain them in an appropriate fashion. We are fully supportive of the proposal here to install a Waterloo Biofilter type of tertiary septic system at the rear of the lot, increasing the setback of the nutrient load associated with the waste substantially (approximately 50 m from the lake), and its maintenance assured by the required maintenance contracts. It is our opinion that this will be an improvement from the existing situation, and that it would represent greater security with respect to water quality protection.

- the assessment of Loughborough Lake's at-capacity status was determined with the existing development in place. Redevelopment of the lot, particularly considering the proposed Waterloo Biofilter septic system, will not create further impact.

- there are a number of mitigation or enhancement measures that should be implemented to further minimize the potential for impact prior to, during, and after construction. These are set out below:

- the removal of any woody vegetation prior to development should be subject to timing restrictions, to minimize the potential for impacts to native species using the habitat, and to ensure compliance with the Migratory Birds Convention Act. We recommend that there be no removal of trees or shrubs from April 1 to August 30.

- during construction, standard best management practices should be put in place; in particular, keep machinery well away from the water's edge, particularly when refueling, and establish means (e.g., sediment fencing or staked haybales) to ensure that disturbed sediments are unable to reach the lake. Such measures should be continued or left in place until work is completed and all disturbed soils have been permanently stabilized (e.g., with vegetation). These measures should be checked regularly by the landowner or site manager.

- in making final design decisions, we recommended that rainwater falling on the hardened surface of the dwelling be directed such that it maximizes the distance of overland flow or that overland flow is avoided. The elected proposal for infiltration trenches is shown in Attachment 6.

- recognizing the limited area available for shoreline restoration, we recommend that shoreline naturalization efforts be made on the raised berm area (approximately 3 m in width) at the water's edge. While there are a number of native trees along this area, there is little else. We recommend further vegetation of the area, specifically shrubs and/or ground-level plants, with an emphasis on the use of native species. This will not only improve the ability of the area to slow runoff, but will provide some habitat opportunities, a modest degree of lake buffering, as well as potentially improve shading of the water at the edge of the berm.

- consider enhancement of the nearshore fish habitat. While this area of the lake is not Lake Trout habitat, trout are piscivorous carnivores, so any enhancement of fish habitat would be beneficial to them as well. We noted the relative lack of cover and structure in the area in front of the cottage. Something as simple as dropping a mature tree into the nearshore water can be highly beneficial to fish, and we note that the clearing on the upland will necessitate the removal of some trees that could supply this material.

7.0 SUMMARY

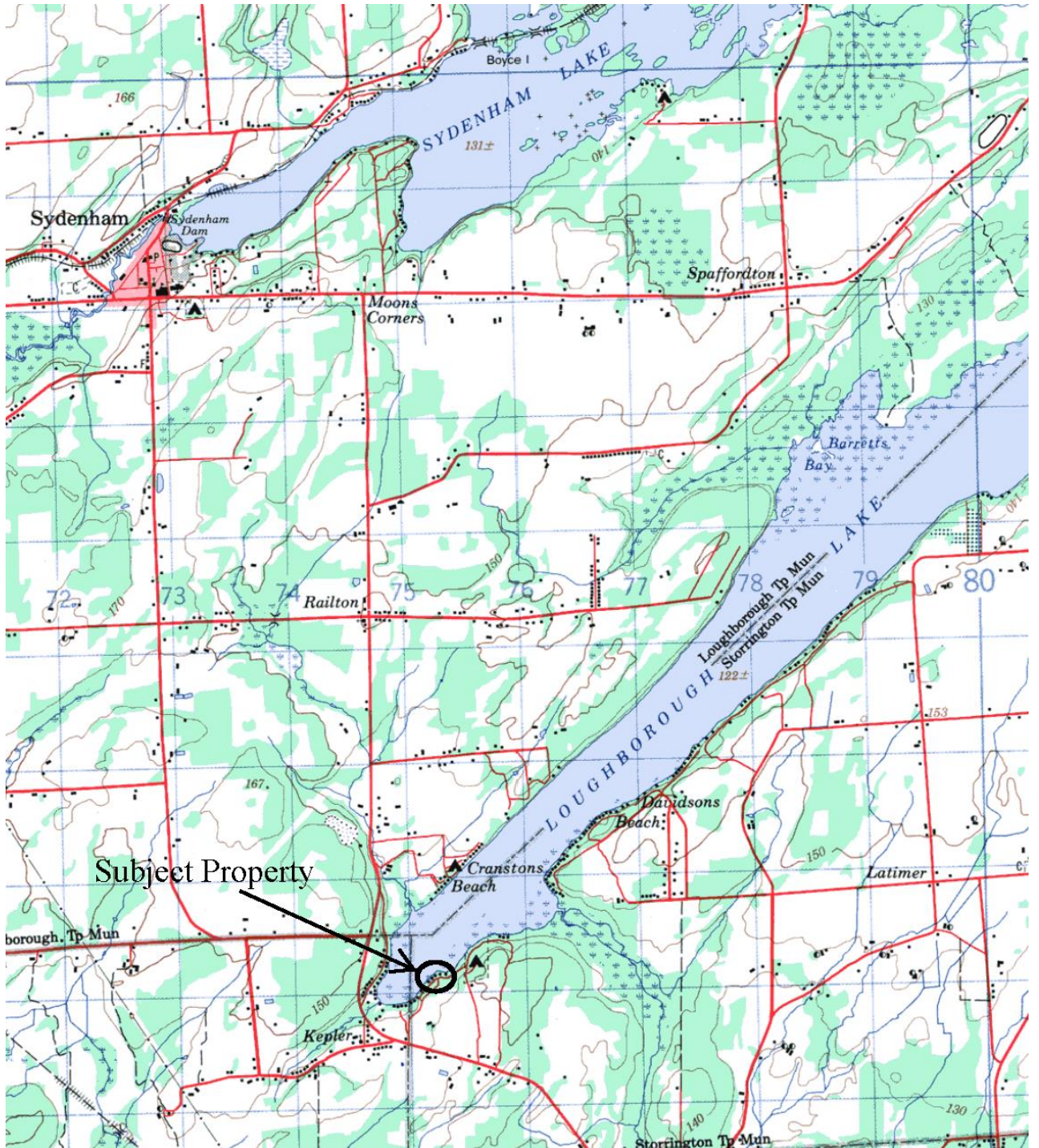
The proposal on this lot is to expand an existing use, and the proposal includes the establishment of a tertiary septic system that will provide long-term security with respect to potential nutrient input that could potentially affect fish habitat and water quality, as well as wetland. Impacts include some loss of upland vegetation, and an increased in hardened surfaces that could contribute additional sedimentation/nutrients into the adjacent lake, potentially affecting fish habitat. The proposed replacement of the existing holding tank with a tertiary septic system at a greater setback is a net gain, in our opinion, and provides greater security with respect to water quality protection. With the additional implementation of recommended mitigation and enhancement measures, it is our opinion that the proposal will have no net negative impact on Loughborough Lake and its associated fish habitat or wetland habitat.

Respectfully submitted,



Mary Alice Snetsinger

Attachment 1. Annotated detail from topographic map 31 C/9 (Sydenham) showing the general area of the subject property.



Attachment 2. Ecological Land Classification (ELC) after Lee et al. (1998). See text for discussion. Base satellite view is 2008 imagery from <frontenacmaps.ca>



Attachment 3. Site photographs. Taken by report author July 26, 2021.



Photo 1. From southwest corner, looking northward onto the property. Deciduous woodland cover with relatively sparse vegetation cover below.



Photo 2. From the northern end of the FOD5 area, looking southward. Note the rise in the land toward the road, and evidence of tree cutting or cleanup.



Photo 3. Example of some of the trash observed in the FOD5 area.



Photo 4. Portion of the cultural area associated with the access road and hydro line. Looking WSW.



Photo 5. Looking northeast along the White Cedar slopes. Note that lack of vegetation below, which allows a good view of the moderately steep slope here.



Photo 6. Looking southwest along the White Cedar slope, from the access stairs. Again, note lack of vegetation below. Cottage located at the base of the slope.



Photo 7. View of mowed Cultural area near the cottage, looking northeast. Note the sloped White Cedar area on the right, and Loughborough Lake on the left.



Photo 8. View of Cultural area near the cottage, looking southwest. Note here the evidence of most intensive use: cottage, picnic table, mowed lawn, dock, etc.



Photo 9. View to the southwest along the raised berm discussed in the report. Note the presence of trees along the berm, with little other vegetation.



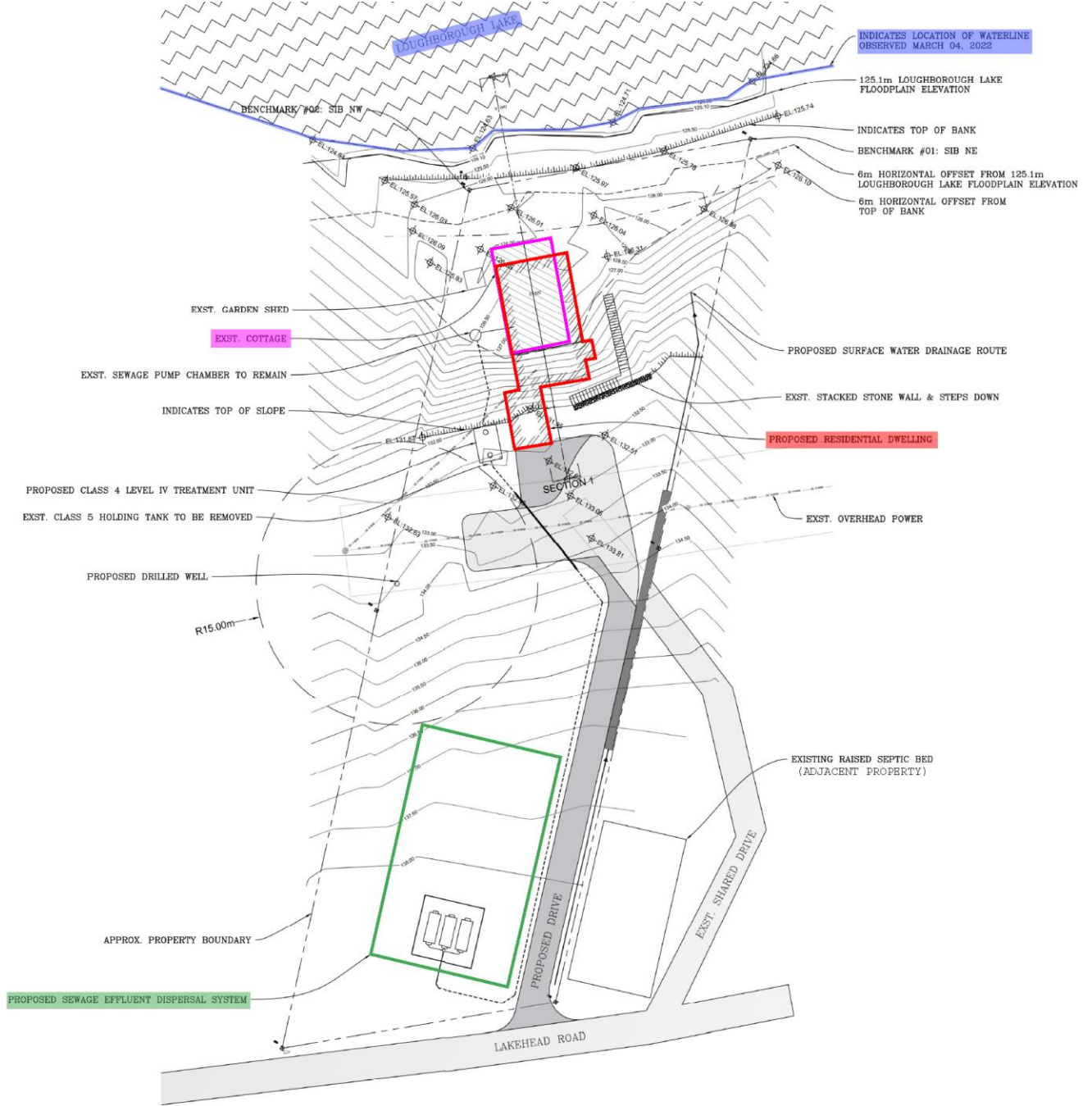
Photo 10. View to the northeast along the property shoreline on Loughborough Lake. Note the thin line of trees along the water's edge, and the patch of emergent vegetation in the nearshore area.



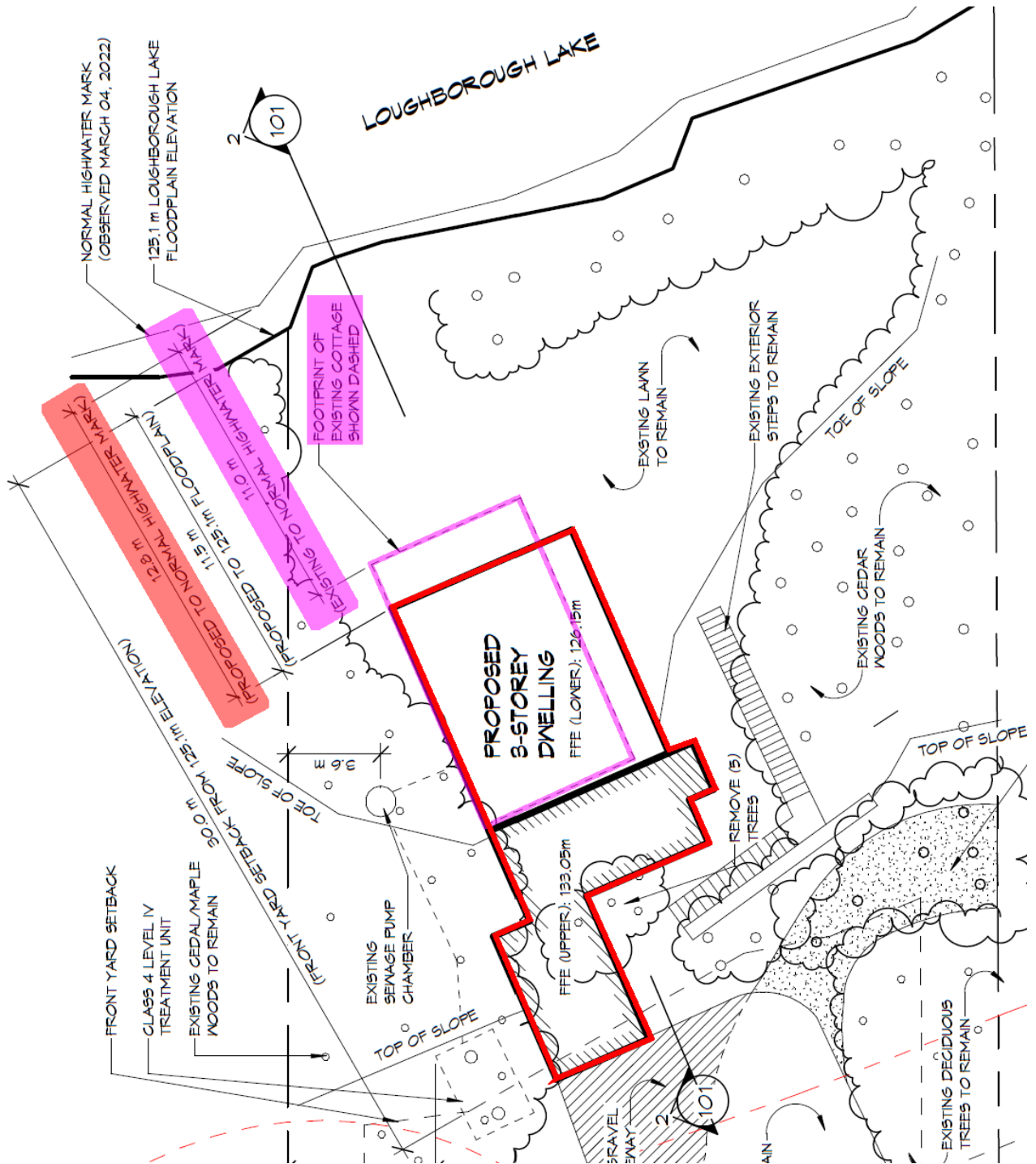
Photo 11. View from the end of the dock, looking southerly back toward the property. Note the shallow water adjacent to the shoreline with aquatic vegetation. The stump at the right is approximately the property edge.



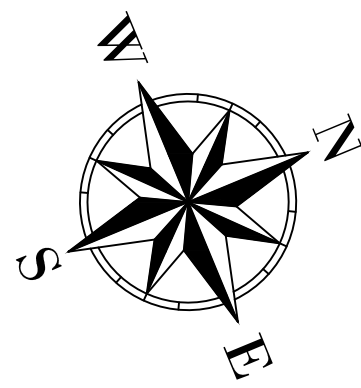
Photo 12. View to the southwest along the property shoreline on Loughborough Lake. Note the well vegetated shoreline on the adjacent property.



Attachment 4. Site plan of the proposed site redevelopment. Annotated detail from Groundwork Engineering Ltd. C-101, dated March 15, 2022, last revision date April 19, 2022. Scale 1:250. The existing cottage is highlighted in pink, the proposed dwelling in red. The area of the proposed septic is shown in green.



Attachment 5. Detail from site plan by Colbourne & Kembel, Architects Inc., dated April 2022, confirming water setbacks. Scale 1:200.



1 SEPTIC SITE PLAN
C-101 1:150

INDICATES LOCATION OF WATERLINE OBSERVED MARCH 04, 2022

125.1m LOUGHBOROUGH LAKE FLOODPLAIN ELEVATION CONTOUR

INDICATED TOP OF BANK

6m HORIZONTAL OFFSET FROM 125.1m LOUGHBOROUGH LAKE FLOODPLAIN ELEVATION

6m HORIZONTAL OFFSET FROM TOP OF BANK

LOUGHBOROUGH LAKE

ATTACH DOWNSPOUTS TO 7m LONG RAINWATER INFILTRATION TRENCHES CONSTRUCTED AS PER DETAIL C-102/3

EXISTING SHED

FOOTPRINT OF EXISTING COTTAGE

WATERLOO BIOFILTER ANAEROBIC DIGESTER WITH INTERNAL PUMP CHAMBER MODEL: ADIPC-7700 SUPPLIED BY BOYD BROS CONCRETE OR EQUIVALENT WITH A MINIMUM DESIGN CAPACITY OF 5,664L AND A MINIMUM INNER TUBE VOLUME OF 600L. PUMP UPGRADE REQUIRED ELEVATION DIFFERENCE=6m LENGTH OF 50mmØ HDPE FORCEMAIN =72m

REUSE EXISTING PUMP CHAMBER REFER TO DETAIL C-102/6

10m 50mmØ HDPE FORCEMAIN FROM PUMP CHAMBER TO ANAEROBIC DIGESTER. ENSURE EFFLUENT DRAINS BACK TO PUMP CHAMBER

TOP OF SLOPE

PROPOSED HOUSE 3 BEDROOMS

FIXTURE COUNT 28.5

TOTAL LIVABLE FLOOR AREA 209m²

OVERHEAD UTILITY SERVICE

UTILITY POLE

EXISTING HOLDING TANK TO BE PUMPED, CRUSHED AND BACKFILLED

R15.00m

PROPOSED WELL LOCATION

ANY AREAS WHERE TRAFFIC IS EXPECTED TO CROSS OVER FORCEMAIN INSTALL FORCEMAIN INSIDE 100mmØ SDR 35 PVC PIPE

EXISTING STACKED STONE WALL & STEPS DOWN

30m HORIZONTAL OFFSET FROM 125.1m LOUGHBOROUGH LAKE FLOODPLAIN ELEVATION

TYPICAL DRAINAGE SWALE AS PER DETAIL C-102/2

HYDRO LINE SETBACK (4.9m)

OVERHEAD UTILITY WIRES

RAINWATER INFILTRATION TRENCH AS PER DETAIL C-102/3

72m 50mmØ HDPE FORCEMAIN FROM INTERNAL PUMP CHAMBER TO DISTRIBUTION BOX. ENSURE EFFLUENT DRAINS BACK TO INTERNAL PUMP CHAMBER. IF NOT SELF DRAINING FORCEMAIN NEEDS TO BE BURIED 1.5m DEEP, INSULATED OR HEAT TRACED TO PREVENT STANDING WATER FROM FREEZING.

TYPICAL DRAINAGE SWALE AS PER DETAIL C-102/2

APPROXIMATE PROPERTY LINE

SAND AREA 375m²

STONE AREA 42.25m²

THREE (3) FB-1000 WATERLOO BIO-FILTER FLAT BEDS (IN PARALLEL)

DISTRIBUTION BOX

FLOW DIFFUSER CONNECT FORCEMAIN TO 100mmØ PVC PIPE 2m OFF OF DBOX

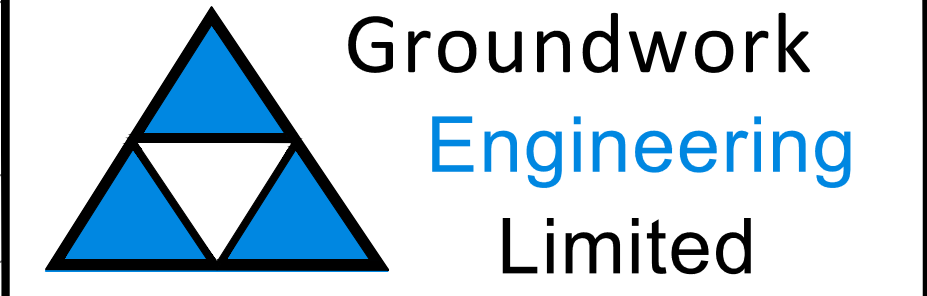
LAKEHEAD ROAD

PROPOSED DRIVEWAY

EXISTING SHARED DRIVEWAY

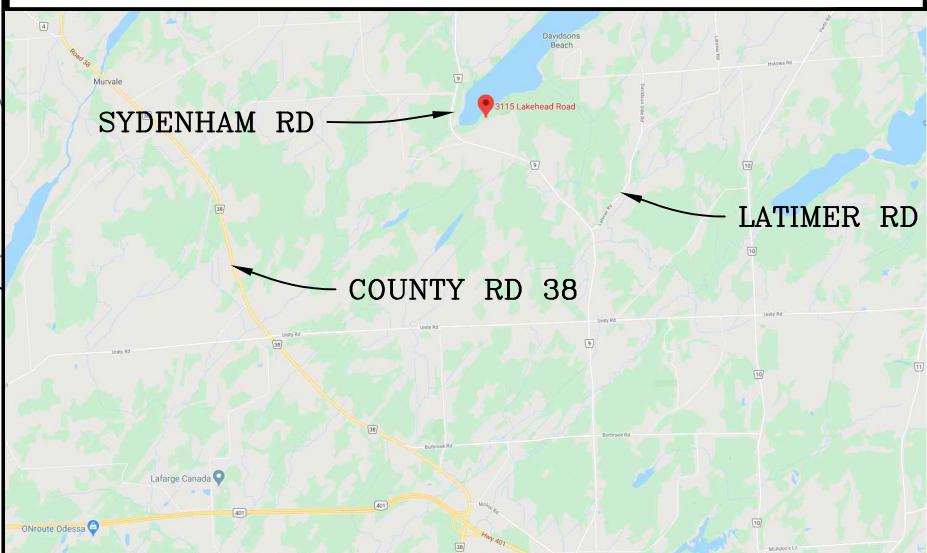
NEIGHBORS EXISTING SEPTIC BED

NOTE:
WHEN DETERMINING WELL LOCATION THERE WILL NEED TO BE A 15m CLEARANCE FROM THE SEPTIC TANK AND STONE AREA OF TYPE A BED AS PER OBC TABLE 8.2.1.6.A. & OBC TABLE 8.2.1.6.B.



GEOTECHNICAL • CIVIL • STORMWATER • ONSITE WASTEWATER

UNIT 640 - 654 NORRIS COURT
KINGSTON, ONTARIO
OFFICE (613) 634-1789



CALCULATIONS AS PER ONTARIO BUILDING CODE PART 8 DAILY SEWAGE FLOW DETERMINATION

- MAIN HOUSE
- 3 BEDROOMS = 1,600 L/D
- FIXTURES NUMBER 28.5 > 20 = 425 L/D
- TOTAL FLOOR AREA = 209.02m² > 200m² = 100 L/D
USE LARGER OF 2 NUMBERS FOR FIXTURES/FLOOR AREA
TOTAL = 2,025 L/DAY → **3,000 L/DAY***
*UPSIZED AT THE REQUEST OF OWNER

ANAEROBIC DIGESTER SIZING
3000L/DAY X 1.89 = 5,670L
MINIMUM ANAEROBIC DIGESTER VOLUME = **5,664L***
MINIMUM INNER TUBE VOLUME = 600L*
*AS PER WATERLOO BIOFILTER 2020 DESIGN & INSTALLATION GUIDE

LOADING
EXISTING SOIL:
T-TIME > 50 (TOPSOIL OVER BEDROCK)

TYPE A BED CALCULATIONS
FLOW RATE < 3000L/DAY
THEREFORE RATE IS 75L/m²

STONE AREA = 42.25m² → $Q/75 \rightarrow \frac{3000}{75} = 40m²$ (REQ'D)
SAND AREA = 375m² → $QXT/400 \rightarrow \frac{3000 \times 5.50}{400} = 375m²$ (REQ'D)

REVISIONS		
No.	Description	Date
1	ISSUED FOR REVIEW	SEP 8, 2021
2	ISSUED FOR PERMIT APPLICATION	APR 22, 2022

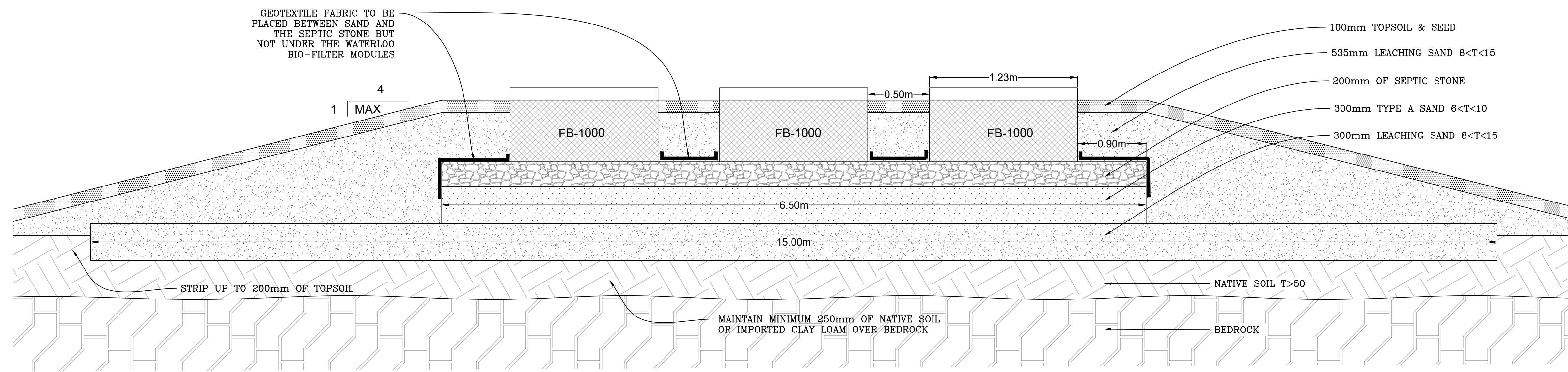
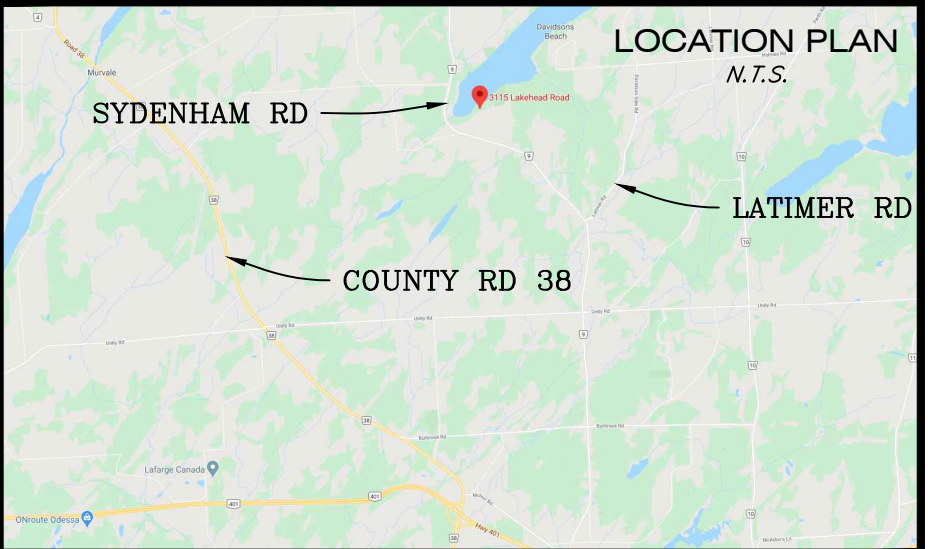
BENCHMARK:		
No.	DESCRIPTION	ELEVATION
01.	SIB NE	125.654m
02.	SIB NW	126.133m



GEODEIC ELEVATIONS ESTABLISHED USING CAN-NET GNSS REAL-TIME CORRECTION NETWORK
Client / Land Owner:
STEVE HOUNSELL

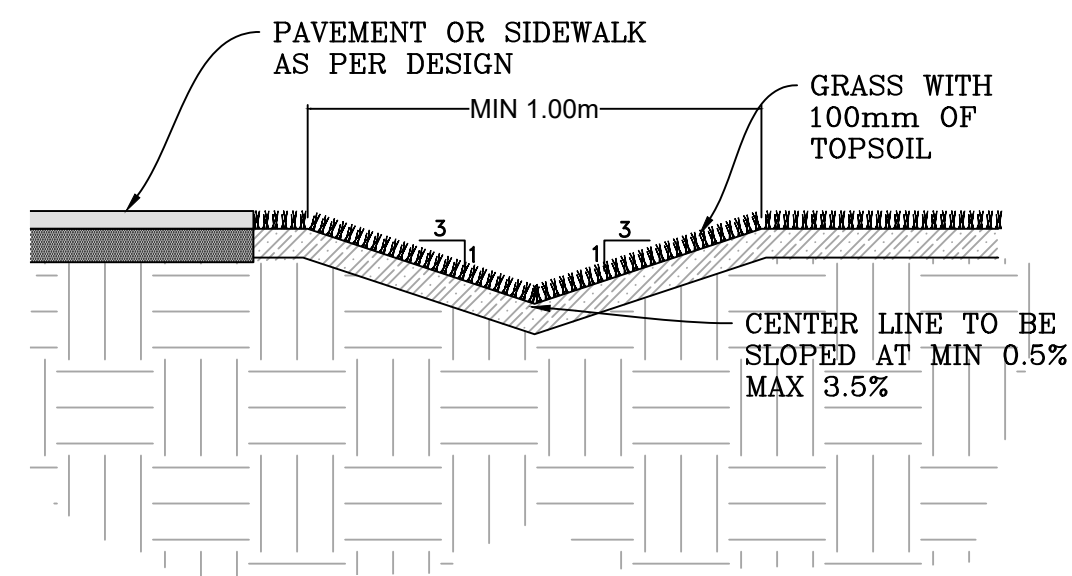
Project:
3115 LAKEHEAD ROAD
ELGINBURG ONTARIO
Drawing Title:
SEPTIC PLAN

Drawn by: M.A.B. Project Number:
Checked By: MB. **GW-20002-29**
Page Size: 24"x36" Drawing Number:
Scale: AS NOTED **C-101**
Date: SEPTEMBER 8, 2021 SHEET 1 of 2



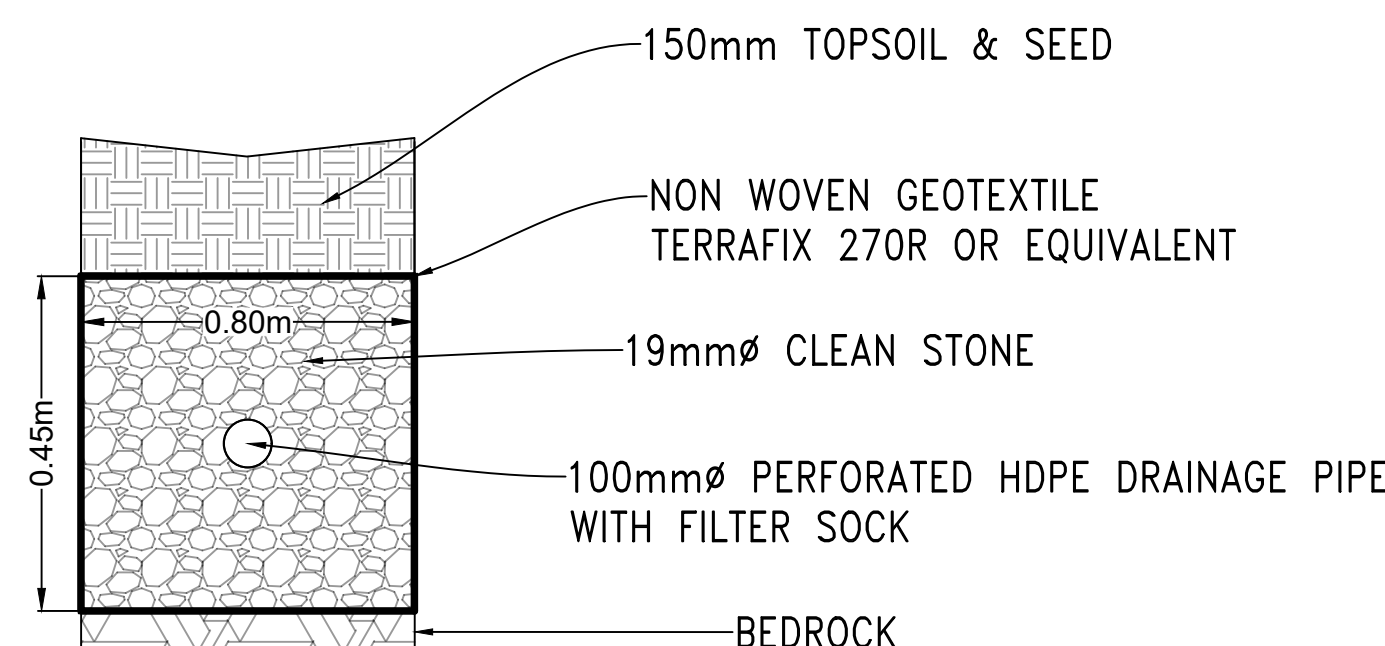
1 TYPE A BED PROFILE VIEW

C-102 NTS



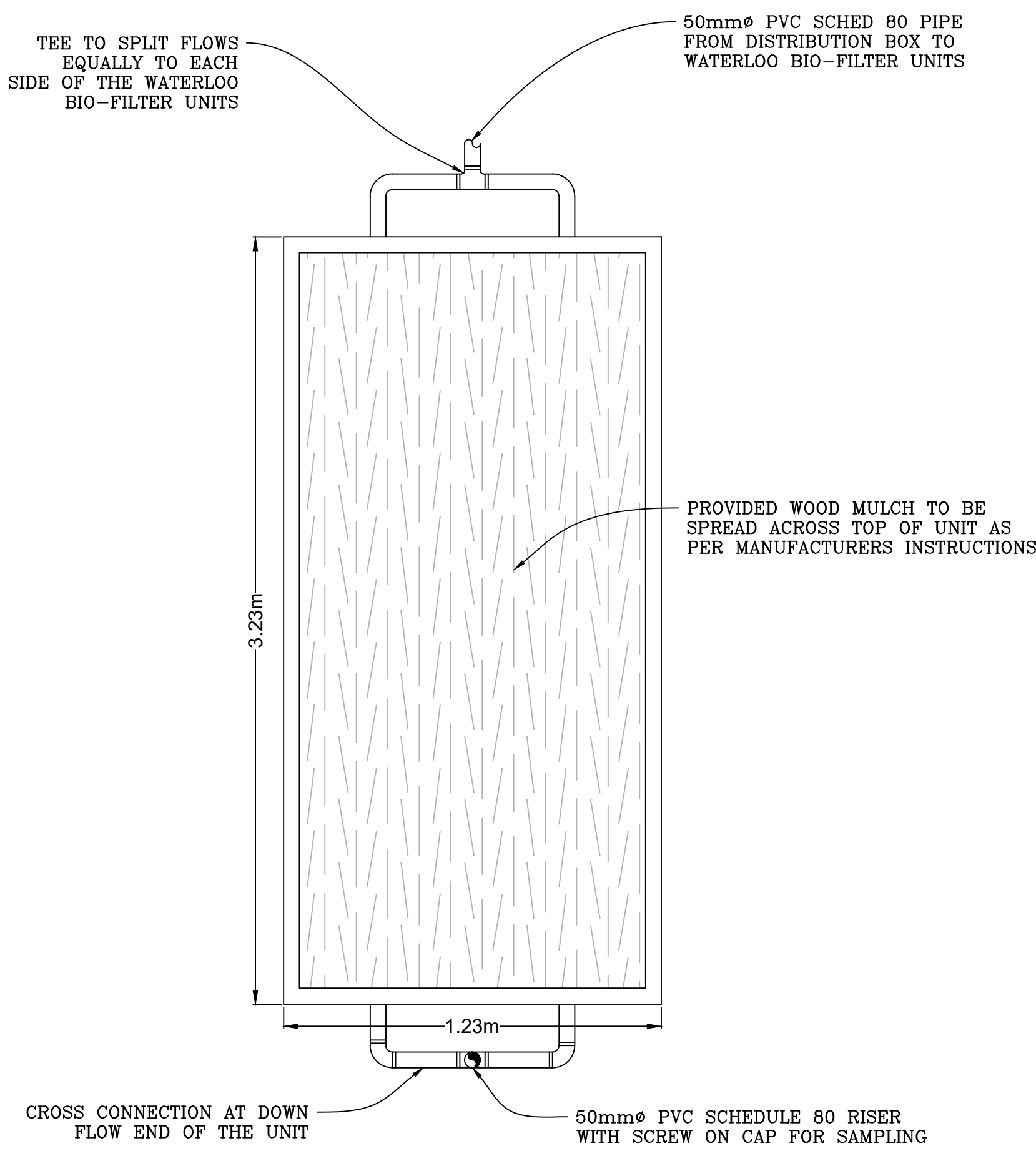
2 TYPICAL SWALE PROFILE

C-102 NTS



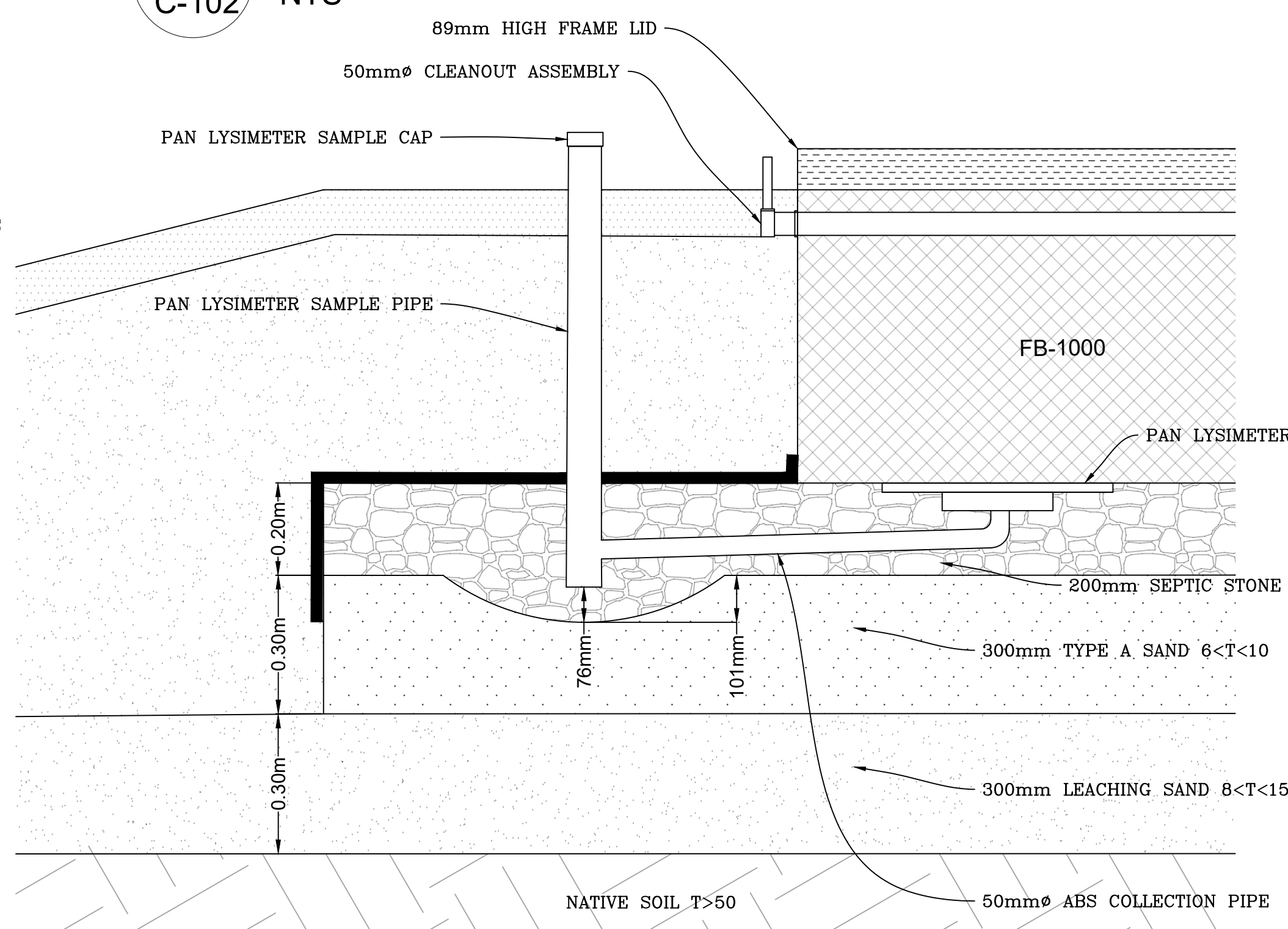
3 INFILTRATION TRENCH

C-102 NTS



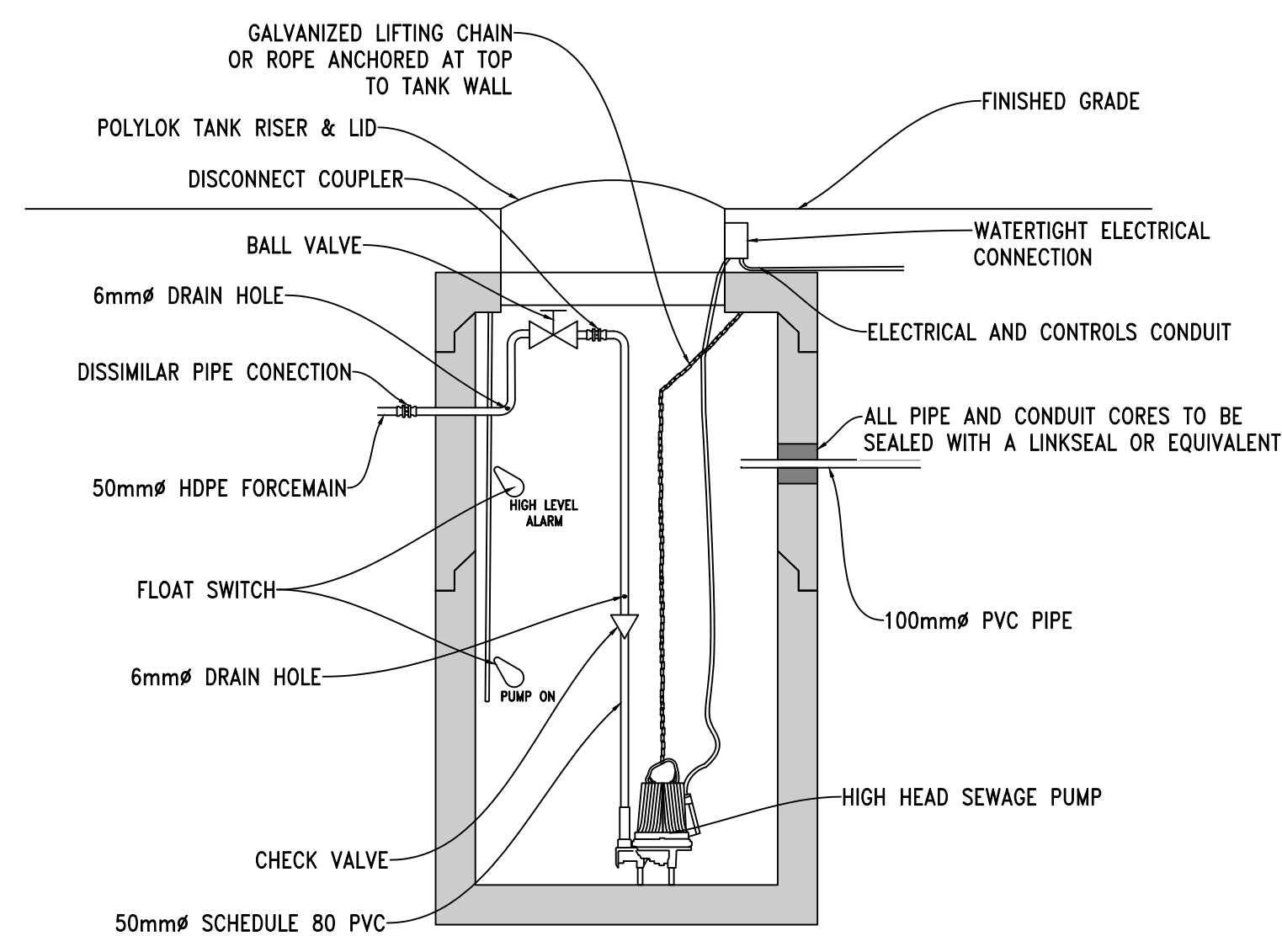
4 UNIT PIPE DIAGRAM

C-102 NTS



5 PAN LYSIMETER DIAGRAM

C-102 NTS



6 PUMP CHAMBER

C-102 NTS

- NOTES:**
1. TYPE A DISPERSAL BED TO BE CONSTRUCTED AS PER OBC 8.7.7.1.
 2. TYPE A SAND TO BE 6<T<10 WITH A MAXIMUM 5% OF PARTICLES WITH A DIAMETER OF 75µm OR LESS, PASSING THROUGH A 0.074mm (No. 200) SIEVE. AS PER OBC 8.7.7.1.4(a).
 3. SEPTIC STONE AS PER OBC 8.7.7.1.6), 8.7.3.3(2) AND TABLE 8.7.3.3.
 4. STRIP ALL EXISTING TOPSOIL IN AREA OF TYPE A BED.
 5. GEOTEXTILE TO BE NON WOVEN NEEDLE PUNCHED POLYPROPYLENE TERRAFIX 270R OR EQUIVALENT.
 6. FORCEMAIN IF NOT SELF DRAINING NEEDS TO BE BURIED 1.5m DEEP, INSULATED OR HEAT TRACED TO PREVENT STANDING WATER FROM FREEZING.
 7. WATERLOO BIOFILTER ANAEROBIC DIGESTER & (3) FLATBEDS FB-1000 TO BE INSTALLED AS PER WATERLOO BIOFILTER 2020 DESIGN & INSTALLATION GUIDELINES.
 8. WATERLOO BIOFILTER ANAEROBIC DIGESTER TO HAVE A MINIMUM WORKING VOLUME OF 5.664L WITH A MINIMUM INNER TUBE VOLUME OF 600L.
 9. SIMPLEX TIMER CONTROL PANEL WITH AUDIBLE AND VISUAL ALARM TO BE MOUNTED ON 100mm x 100mm x 1.5m PRESSURE TREATED WOOD POST ADJACENT TO ANAEROBIC DIGESTER OR ON SIDE OF BUILDING FOR EASIER SERVICING.
 10. PUMP UPGRADE REQUIRED. CONTACT WATERLOO BIOFILTER WITH THE FOLLOWING INFORMATION:
ELEVATION DIFFERENCE = 8m
LENGTH OF 50mmØ FORCEMAIN = 72m
 11. ALL ELECTRICAL WORK MUST BE COMPLETED IN ACCORDANCE WITH ELECTRICAL CODE & BE PERFORMED BY A LICENCED ELECTRICIAN IN GOOD STANDING WITH THE ESA.

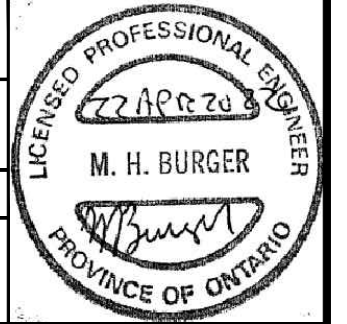
REVISIONS

No.	Description	Date
1	ISSUED FOR REVIEW	SEP 8, 2021
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BENCHMARK:

No.	DESCRIPTION	ELEVATION
01.	SIB NE	125.654m
02.	SIB NW	126.133m

GEODETIC ELEVATIONS ESTABLISHED USING CAN-NET GNSS REAL-TIME CORRECTION NETWORK



Client / Land Owner:
STEVE HOUNSELL

Project:
3115 LAKEHEAD ROAD
ELGINBURG ONTARIO

Drawing Title:
DETAILS & NOTES

Drawn by: JH
Checked by: MB
Page Size: 24"x36"
Scale: AS NOTED
Date: SEPTEMBER 8, 2021

Project Number:
GW-20002-29

Drawing Number:
C-102

SHEET 2 of 2

**TOWNSHIP OF SOUTH FRONTENAC
APPLICATION FOR MINOR VARIANCE OR PERMISSION
Updated January, 2022**

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	\$979.00	\$97.00	\$1,076.00
4+ Variances	\$1,343.00	\$97.00	\$1,440.00
After building without a permit	\$2,058.00	\$97.00	\$2,155.00

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 <i>Minor Variance Only</i>	\$463.00
<i>Minor Variance WITH Performance Review</i>	\$720.00
<i>Minor Variance in combination with a new Class 2, 3, 4, or 5 sewage system other than a Class A system</i>	\$1,183.00
Cataraqui Region Conservation Authority	\$425.00
Quinte Conservation Authority	\$358.00
Rideau Valley Conservation Authority	\$400.00

Please Note: These fees are for **consultation** on this application only; these agencies may require additional permit applications and fees prior to any construction.

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

3. PLEASE READ THIS ITEM CAREFULLY

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

4. Collection of Personal Information

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

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

Date Received: _____

File No: _____

1. Name of Owner(s): Rebekah and Steven Hounsell

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: Adam Thompson - NOVATECH

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: 12

Street Number: 3115 Name of Road/Street: Lakehead Road

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

Roll Number: PIN 362781154

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

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

Frontage (on water): Approx. 32 m Frontage (on road/lane): Approx. 30 m

Depth: Approx. 100 m Area: Approx. 0.3 ha

5. The current zoning of the subject land:

RLSW - Limited Service Residential Waterfront

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

Permission under Section 45(2) of the Planning Act is required from the Committee to reconstruct and expand a legally non-complying building within the 30m setback from the highwater mark of a watercourse.

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

see cover letter

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

Name of Road/Lane:

Lakehead Road

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

N/A

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

Residential

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

Yes No

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

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

Type of Structure (E.g. residence)	(1)	(2)	(3)	(4)
	<i>Detached Dwelling</i>			
Setback from Front Lot Line	<i>10.3 metres</i>			
Setback from Rear Lot Line	<i>69.1 metres (dwelling) 57.8 metres (garage)</i>			
Setback from Side Lot Line	<i>3.3 metres & 14.2 metres</i>			
Height of Building (Also indicate if it is one story or two story)	<i>5.5 metres (two storeys)</i>			
Dimensions of Floor Area	<i>69.8 sq metres (dwelling) 12.2 sq. metres (garage)</i>			
Setback from High Water Mark (If applicable)	<i>10.3 metres</i>			

13. The proposed uses of the subject land:

Residential

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

Yes No

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

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

Type of Structure (E.g. residence)	(1)	(2)	(3)	(4)
	<i>Detached Dwelling</i>			
Setback from Front Lot Line	<i>12.1 metres</i>			
Setback from Rear Lot Line	<i>58.8 metres</i>			
Setback from Side Lot Line	<i>4.0 metres & 11.1 metres</i>			
Height of Building (Also indicate if it is one story or two story)	<i>9.0 (three storeys)</i>			
Outside Dimensions of Building/Structure	<i>234 sq. metres</i>			
Setback from High Water Mark (If applicable)	<i>12.1 metres</i>			

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:

Expansion of legally non-complying use

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

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

If yes, please provide details:

18. What are the uses of the proposed development?

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

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

2019

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

Unknown (1950s)

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

Unknown (Estimated to be 65+ years)

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

Private

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

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

Swales and overland flow

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

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

Yes No

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

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

Yes No

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

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

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

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

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

AGREEMENT TO INDEMNIFY

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

The Owner/Applicant/Agent agrees that the information recorded in this Minor Variance Application Form is accurate. The Owner/Applicant/Agent agrees that representatives of the Township 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.

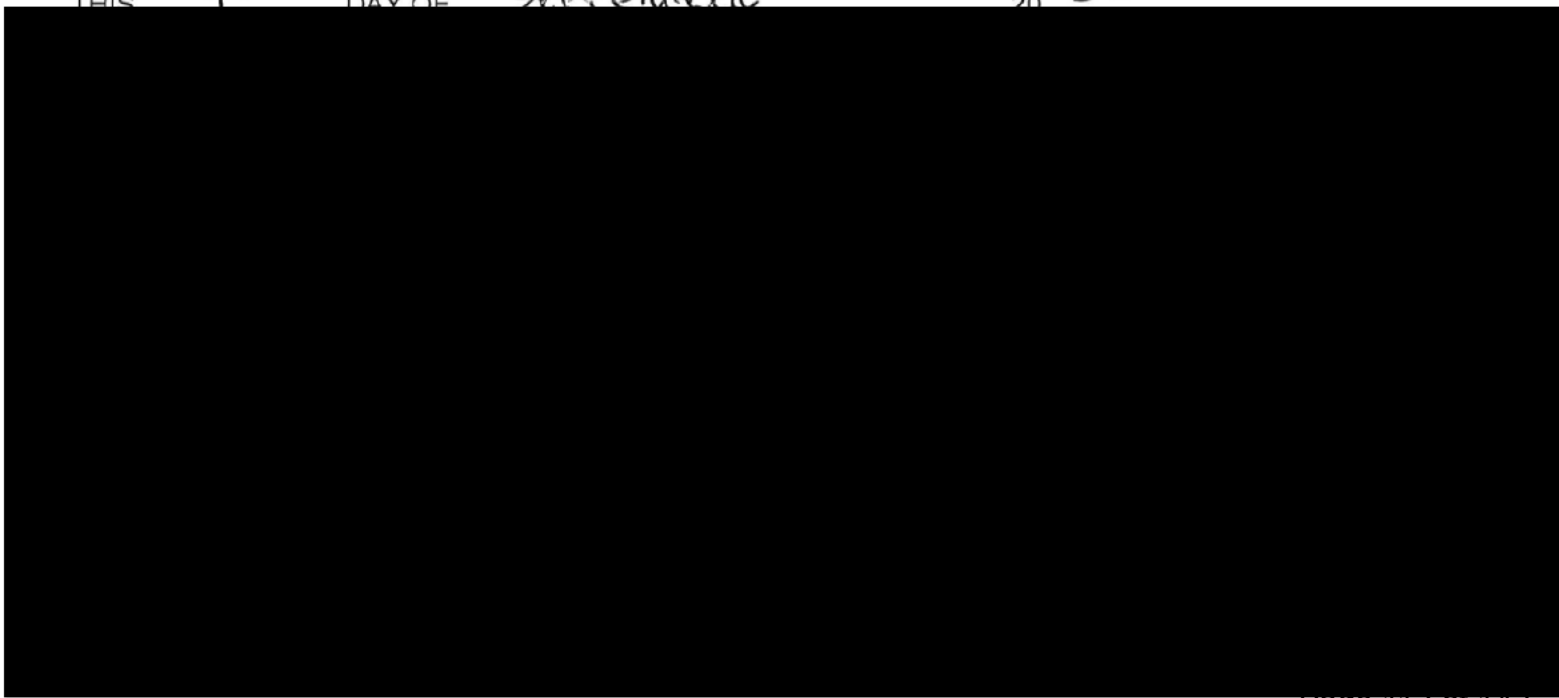
Without limiting the foregoing, such fees and expenses shall include the fees and expenses of consultants, planners, engineers, lawyers and such other professional and technical advisors as the municipality may, in its absolute discretion acting reasonably, consider necessary or advisable to more properly 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 9th DAY OF SEPTEMBER 2022.



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

A Guide to Completing the Minor Variance Form

- 1) The names of **all** owners must appear in this section, even if they live in separate residences, and the address(es) should be the **full mailing address, complete with postal code**.
- 2) You may wish to appoint someone to act on your behalf during the variance process. If so, that person's name, address and phone number should appear here All owner's must sign the authorization.
- 3) Description of the Subject Land:
 - a. District: The Districts are the same as the former Townships. If you are not sure, check the roll number (the long number beginning with 1029) on your tax bill. If the numbers are 010, 020 or 030, your district is Bedford; if the numbers are 040-050, your district is Loughborough; if the numbers are 060 or 070, your district is Storrington; and if the numbers are 080, your district is Portland.
 - b. Concession and Lot Numbers: if you are not sure, check your tax bill
 - c. Street Number: Your civic address – if a civic number has not been assigned, leave this space blank.
 - d. Name of Road/Street: This question applies whether or not you are on a private lane or a public road.
 - e. Reference Plan No: If your property has been surveyed, it will have a plan number, and one or more parts on that plan. If your property has not been surveyed, leave this space blank.
 - f. Roll No: This is the number beginning with '1029' which appears on your tax bill. Please take time to look it up before submitting the application.
- 4) Frontage, depth, area, acres: All parts of this question must be completed.
- 5) Current zoning: You may not be aware of the zoning on your property and this can be determined when you come in for pre-consultation with planning staff.
- 6) Nature and Extent of Relief: This question is asking what you are asking to do that requires the variance – for example, it could be that you are asking to be 25 m rather than 30 m from the high water mark, or that you are asking to increase the height of a structure within 30 m of the high water mark, or that you are seeking a variance to construct an accessory building closer to the front lot line than the principal building.
- 7) Reason why you can't comply: In other words, why can you not meet the required setbacks. It could be, for example, because you are seeking a variance to add on to an existing structure that is already too close to the water, or that developing further from the water would be impossible because of a steep embankment.
- 8) Roads: Municipally maintained roads are looked after by the Township; private roads are lanes that residents maintain themselves (not private driveways, but lanes that provide access to your property and that are generally shared with others).

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

- 9) Parking and Docking: This question is only relevant if 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.

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

- 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.

September 9, 2022

Committee of Adjustment
Township of South Frontenac
4432 George Street,
Sydenham, Ontario
K0H 2T0

To Ms. Christine Woods:

**Reference: 3315 Lakehead Road
Application for Permission under Section 45(2) of the *Planning Act*
Our File No. 121144**

Novatech has been retained by the owner of the property municipally known as 3115 Lakehead Road (the "Subject Property") to prepare an application for permission to expand a legally non-complying use.

This amended cover letter has been prepared to address Township comments, dated February 15th, 2022.

This letter describes the existing conditions of the site, the proposed reconstruction, and the rationale in support of the application.

Existing Conditions

The Subject Property is located on the west side of Lakehead Road, within the Township of South Frontenac. Specifically, the Subject Property is located on Loughborough Lake (See Figure 1). The Subject Property has an area of approximately 0.3 hectares and a depth of approximately 100 metres. The Subject Property has approximately 32 metres of frontage on Loughborough Lake. The existing detached dwelling is legally non-complying with respect to setbacks from the highwater mark of the watercourse, and minimum front yard setback. The existing detached dwelling is to be replaced with a new dwelling. The existing holding tank will be replaced with a tertiary septic system as a part of the proposed development.

The Subject Property is legally known as Part Lot 12, Concession 7, within the Geographic Township of Storrington/Kingston. The Subject Property is zoned Limited Service Residential - Waterfront (RLSW) under the Township of South Frontenac Comprehensive Zoning By-law 2003-75.

The context of the Subject Property is shown on Figure 1. The existing detached dwelling is shown on Figure 2.



Figure 1. Site Location



Figure 2. Existing Building

“there must always be a prior consideration of whether what is intended is indeed desirable for the appropriate development or use of the land, building or structure. The effect of any concession made must always be weighed in the light of the impact it could have upon neighbouring properties enjoying a different classification”.

The decision of *Sims et al. v. Daschko* found that the expansion of a legally non-complying use must:

1. Be appropriate and desirable for the area, and
2. The impacts of expanding the legally non-conforming use on neighboring properties must be examined.

There are other court cases for permission applications under Section 45 (2) (a) of the Planning Act that are relevant to this application.

In the case of *TDL Group*, the City of Ottawa established a comprehensive Zoning By-law that sought to limit legal non-conforming uses. The comprehensive Zoning By-law sought to remove the legal non-conforming rights where a non-complying building was damaged, demolished, or removed voluntarily and the building was not repaired or re-occupied within two years. The Ontario Municipal Board found that property owners had an absolute right to demolish all, or part of a building, and reconstruct within the same buildable envelope provided that there is an intention to continue the use.

In the case of *Brougham v. South Frontenac (Township)*, the proponent sought to demolish and reconstruct a dwelling that was considered legally non-conforming. In this case, the dwelling was located within a 30m setback of a shoreline which did not comply with the Township of South Frontenac’s Zoning By-law. The Ontario Municipal Board sided with the appellants and determined that the appellants had an absolute right to demolish and reconstruct the dwelling within the same building envelope. The proponent was permitted to demolish the non-conforming use and reconstruct the dwelling within the 30m setback to the shoreline.

In the case of *Fraser v. Rideau Lakes (Township)*, the proponent sought to demolish, reconstruct, and expand a dwelling that was considered legally non-conforming. In this case, the dwelling was located within a 30m setback of a waterfront, which did not comply with the Township of Rideau Lakes Zoning By-law. The proponent proposed to demolish and replace with a larger dwelling on the approximate footprint of the previous dwelling. The new dwelling would have an increased floor area, mostly on the second floor. The Committee of Adjustment reviewed the application under the “four tests” of a Minor Variance Application under Section 45(2)(a)(ii) of the Planning Act, and the application was refused. The Local Planning Appeal Tribunal confirmed that permission applications are not subject to the “four tests” of Minor Variance Applications and are subject to the tests outlined above. The Local Planning Appeal Tribunal confirmed that the intent and purpose of the Official Plan does not need to be considered when reviewing permission applications. The Local Planning Appeal Tribunal confirmed that the test for undue adverse impacts should only consider the proposed expansions, and not the use in its entirety.

The decisions for the above cases have been included with this permission application.

The first test for expanding a legal non-complying use is that it is appropriate.

The current use of the property is a single detached dwelling. The proposed development is a single detached dwelling. The reconstruction and expansion of the legally non-complying use is appropriate as there will be no change in use of the Subject Property.

The minimum gross floor area of the RLSW zone is 635.1 square feet. The gross floor area of the existing detached dwelling is 630 square feet. The existing detached dwelling does not meet the minimum required gross floor area of the RLSW zone. The proposed detached dwelling has a gross floor area of approximately 2,520 square feet. The proposed detached dwelling conforms to the minimum gross floor area requirement of the RLSW zone.

The maximum lot coverage under the RLSW zone is 5% of the total lot area. The proposed development has a lot coverage of 3.5%. The proposed development conforms to the maximum lot coverage requirement of the RLSW zone.

The minimum interior side yard setback of the RLSW zone is 3 metres. The western interior side yard has a setback of approximately 5m. The eastern interior side yard has a setback of approximately 10m. The proposed detached dwelling exceeds the minimum interior side yard setback requirement of the RLSW zone.

The minimum front yard setback of the RLSW zone is 30 metres. Since the proposed development fronts onto a private road (Lakehead), the watercourse is deemed to be the front lot line. The proposed development is located further from Loughborough Lake than the existing detached dwelling.

The minimum setback from a detached dwelling to the highwater mark in the RLSW zone is 30m. The existing detached dwelling is located 10.3m of the highwater mark. The proposed development is located 12.1m from the highwater mark. The proposed development is located 1.8m further from Loughborough Lake than the existing detached dwelling. The proposed design and orientation of the dwelling is appropriate as it increases the distance between a detached dwelling, and Loughborough Lake.

As part of the reconstruction, a new septic system will be installed. The existing holding tank will be removed and replaced with a modern tertiary septic treatment system. The existing tank is located approximately 11.9m from Loughborough Lake. The proposed biofilters will be located more than 65m from the lake. The associated bed will be located approximately 50m from the lake. The location of the existing holding tank, and the proposed septic system is shown on Figure 4.

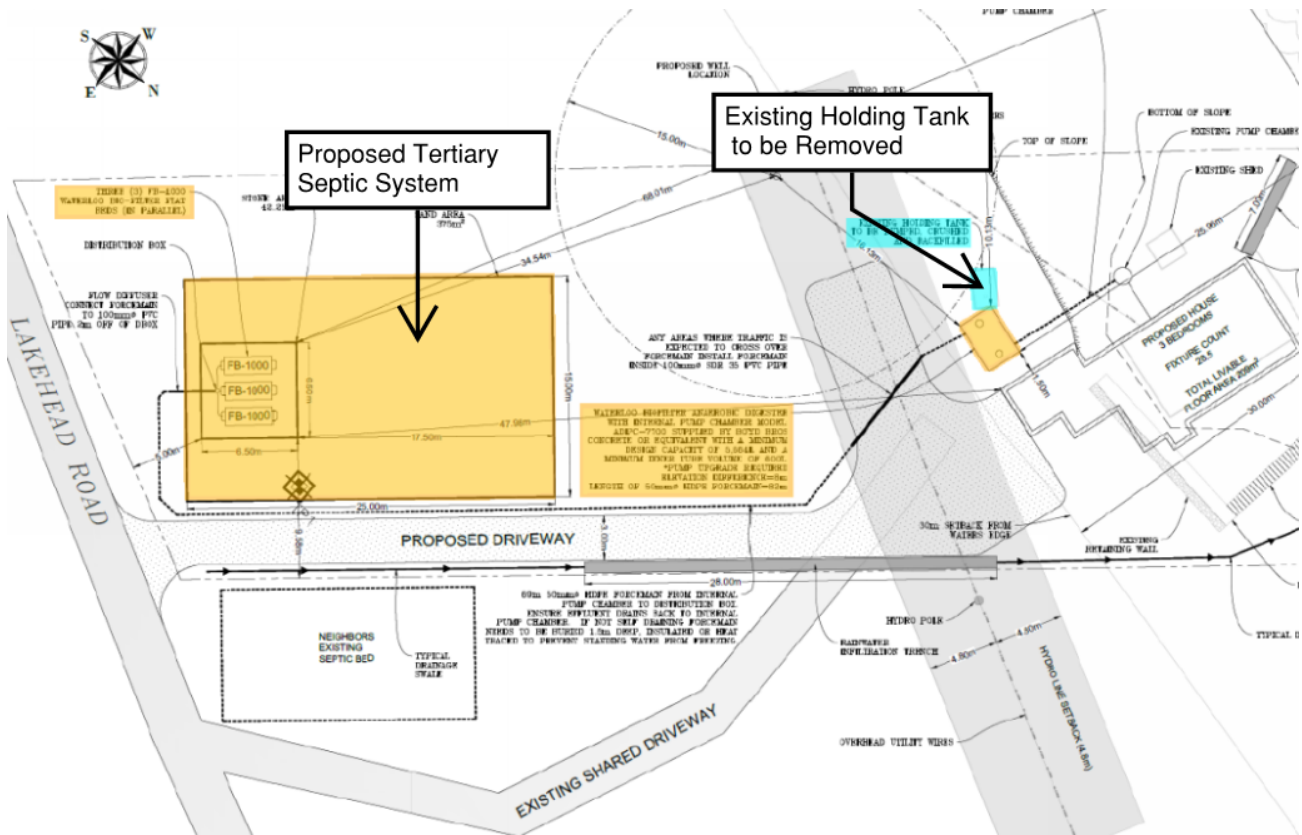


Figure 4. Location of Existing Holding Tank (Blue) and Proposed Tertiary Septic System (Orange)

The replacement of the holding tank located close to the lake, with a modern system located far from the lake reduces any potential impact associated with failure of a private wastewater system. The replacement of the holding tank with a tertiary septic system provides greater security with respect to the protection of water quality.

An Environmental Site Assessment was prepared by Ecological Services and has been submitted with this application. The report notes that although the proposed development has the potential to direct water to the lake, there is an existing berm located between the existing detached dwelling and the lake. The existing berm will be maintained and will slow or stop particulate from entering the lake. The proposed development includes infiltration trenches that will interrupt overland flow to the lake. The report outlines mitigation measures and enhancement measures that should be implemented to minimize potential impacts pre, and post construction. Subject to the implementation of these measures, the report concludes that the proposal will have no net negative impacts on Loughborough Lake and its associated fish habitat.

The proposed development is considered appropriate, as it increases the setback from Loughborough Lake. The proposed development meets and exceeds many performance standards of the RLSW zone with respect to setbacks from lot lines. The proposed tertiary septic system is an improvement over the existing holding tank. The proposed development has no net negative impacts on Loughborough Lake, and its associated fish habitat, subject to the implementation of the mitigation measures of the Environmental Site Assessment.

The second test for expanding a legal non-complying use is impact on neighbours.

There is already a detached dwelling present on the Subject Property within the 30m setback from the highwater mark of Loughborough Lake, and within the minimum 30m required front yard setback. The proposed detached dwelling is situated in a similar location as the existing structure but has been moved further away from Loughborough Lake.

The reconstruction and expansion of the legally non-complying use will have little to no impact on neighbouring properties. The proposed development is located further from Loughborough Lake than the existing detached dwelling. It should be noted that within the grouping of five adjacent lots to the Subject Property, two other lots have detached dwellings located within the 30m setback from the watercourse and within 30m of the required front yard setback. The 30m setback from the watercourse is shown on Figure 5.



Figure 5. Approximate 30m Setback from Highwater Mark

Figure 5 demonstrates that half of the lots in this grouping of lots on Lakehead Road are located within 30m of the highwater mark. The reconstruction of the detached dwelling on the Subject Property further away from the highwater mark and further away from the front lot line will have no impact on the neighboring properties.

The use will remain residential, which is consistent with the character of the area. The proposed expanded dwelling complies with and exceeds all Zoning By-law provisions for a detached dwelling, except for the legally non-conforming setback from a waterbody and front lot line. The proposed reconstruction will have no impact on any neighbors.

The application for permission conforms to Section 45(2) of the Planning Act. The proposed development is appropriate and desirable for the use of land and the surrounding area. The proposed development will improve the existing situation by locating the reconstructed and expanded dwelling further from the lake, and by replacing the existing holding tank with a tertiary septic system far from the lake. The expansion will have little to no impact on surrounding properties. The permission to expand legal non-complying rights represents good land use planning.

In support of the application for Permission, please find enclosed:

- Permission Application Form;
- Site Plan;
- Environmental Site Assessment, prepared by Ecological Services;
- OMB Decision: Sims et al. v. Daschko;
- OMB Decision: TDL Group;
- OMB Decision: Brougham v. South Frontenac (Township);
- Div Court Decision TDL Group
- LPAT Decision: Fraser v. Rideau Lakes (Township);

Should you have any questions regarding this application, please do not hesitate to contact either Murray Chown or the undersigned.

Yours truly,

NOVATECH

Prepared By:



Adam Thompson, BES
Senior Project Manager | Planning &
Development

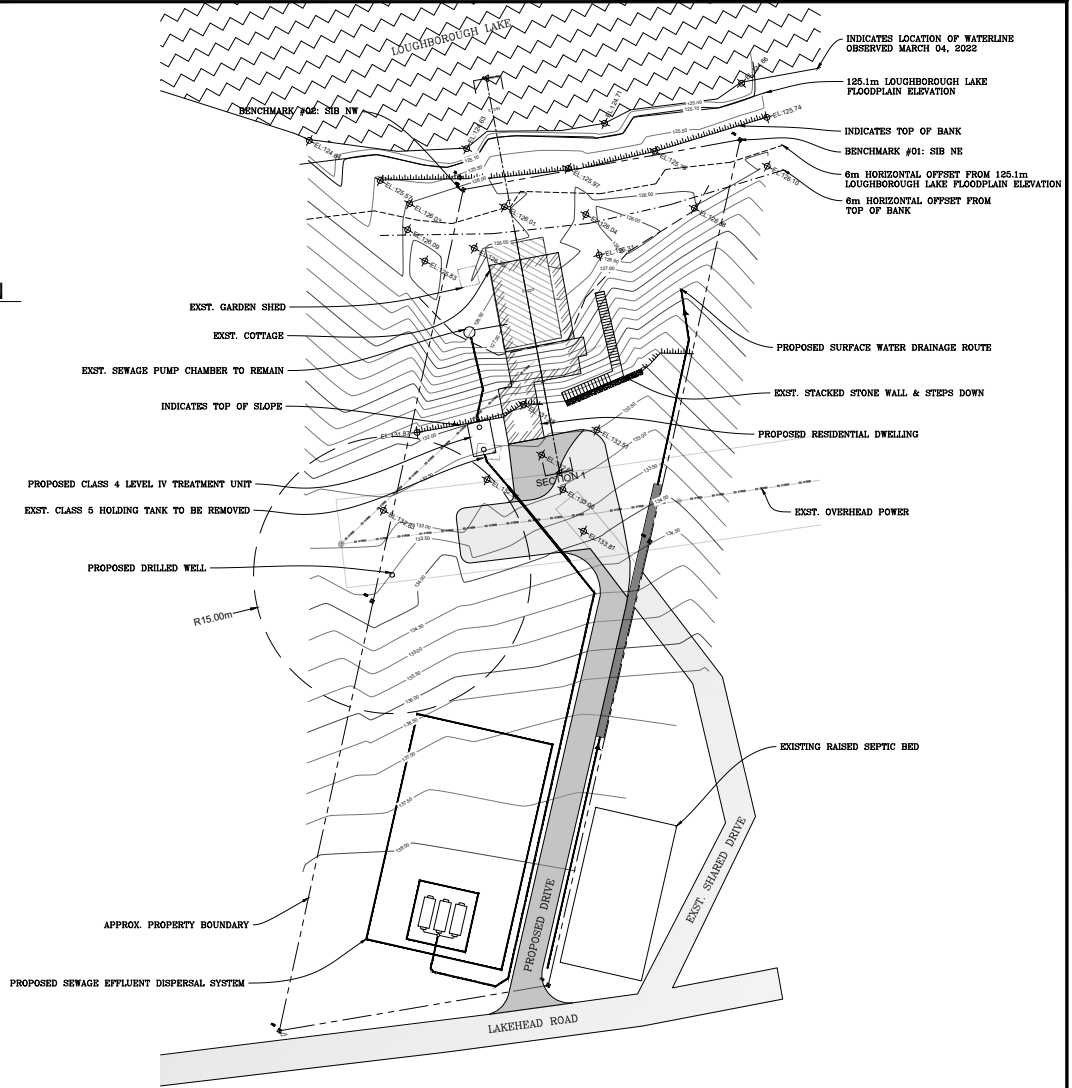
Reviewed By:



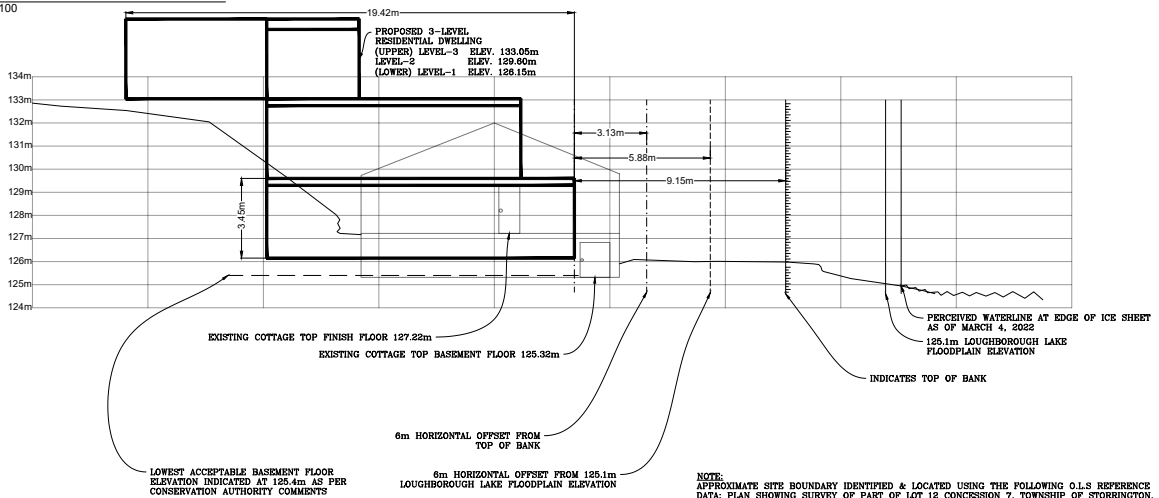
Murray Chown, RPP, MCIP
Director | Planning & Development



1 SITE PLAN
C-101 1:250



2 PROFILE DETAIL
C-101 1:100



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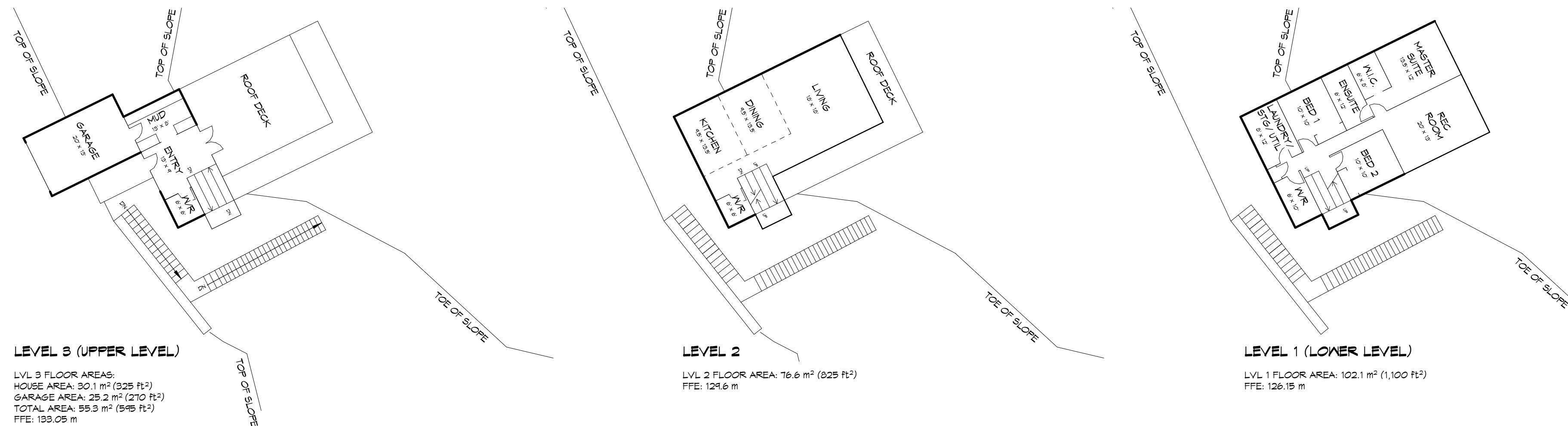
Client / Land Owner: STEVE HOUNSELL	
Project: 3115 LAKEHEAD ROAD ELGINBURG ONTARIO	
Drawing Title: SITE PLAN AND PROFILE	
Drawn by: M.A.B.	Project Number: GW-20002-29
Checked by: M.B.	Drawing Number: C-101
Page Size: 24x36"	Scale: AS NOTED
Date: MARCH 15, 2022	SHEET 1 of 1

No.	Description	Date
01	PRELIMINARY	2022/03/15
02	REVISED AS PER ARCH. DRAWINGS	2022/04/19

No.	DESCRIPTION	ELEVATION
01	SIB NE	125.054m
02	SIB NW	126.133m

LOCATION PLAN K/S

Professional Engineer
M.H. BURGER
77 A.C.S. 215
PROFESSIONAL ENGINEER
ON ONTARIO



LEVEL 3 (UPPER LEVEL)

LVL 3 FLOOR AREAS:
HOUSE AREA: 90.1 m² (975 Ft²)
GARAGE AREA: 25.2 m² (270 Ft²)
TOTAL AREA: 115.3 m² (1245 Ft²)
FFE: 133.05 m

LEVEL 2

LVL 2 FLOOR AREA: 76.6 m² (825 Ft²)
FFE: 124.6 m

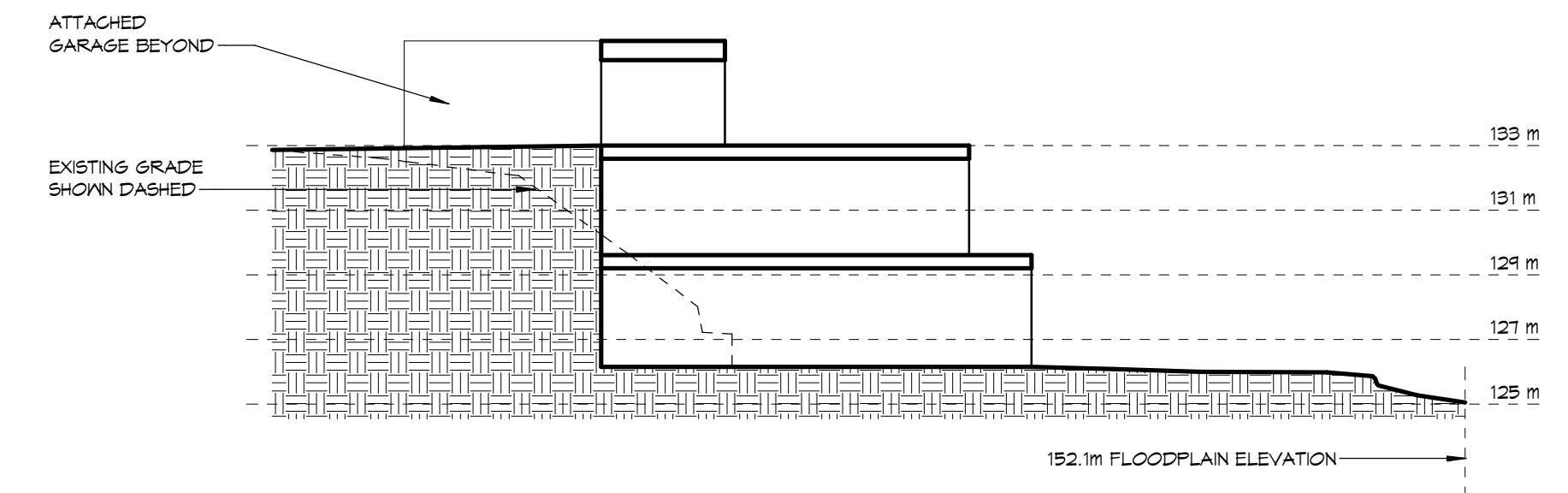
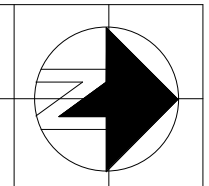
LEVEL 1 (LOWER LEVEL)

LVL 1 FLOOR AREA: 102.1 m² (1,100 Ft²)
FFE: 126.15 m

TOTALS:
HOUSE AREA: 208.8 m² (2,250 Ft²)
GARAGE AREA: 25.2 m² (270 Ft²)
GFA: 234.0 m² (2,520 Ft²)

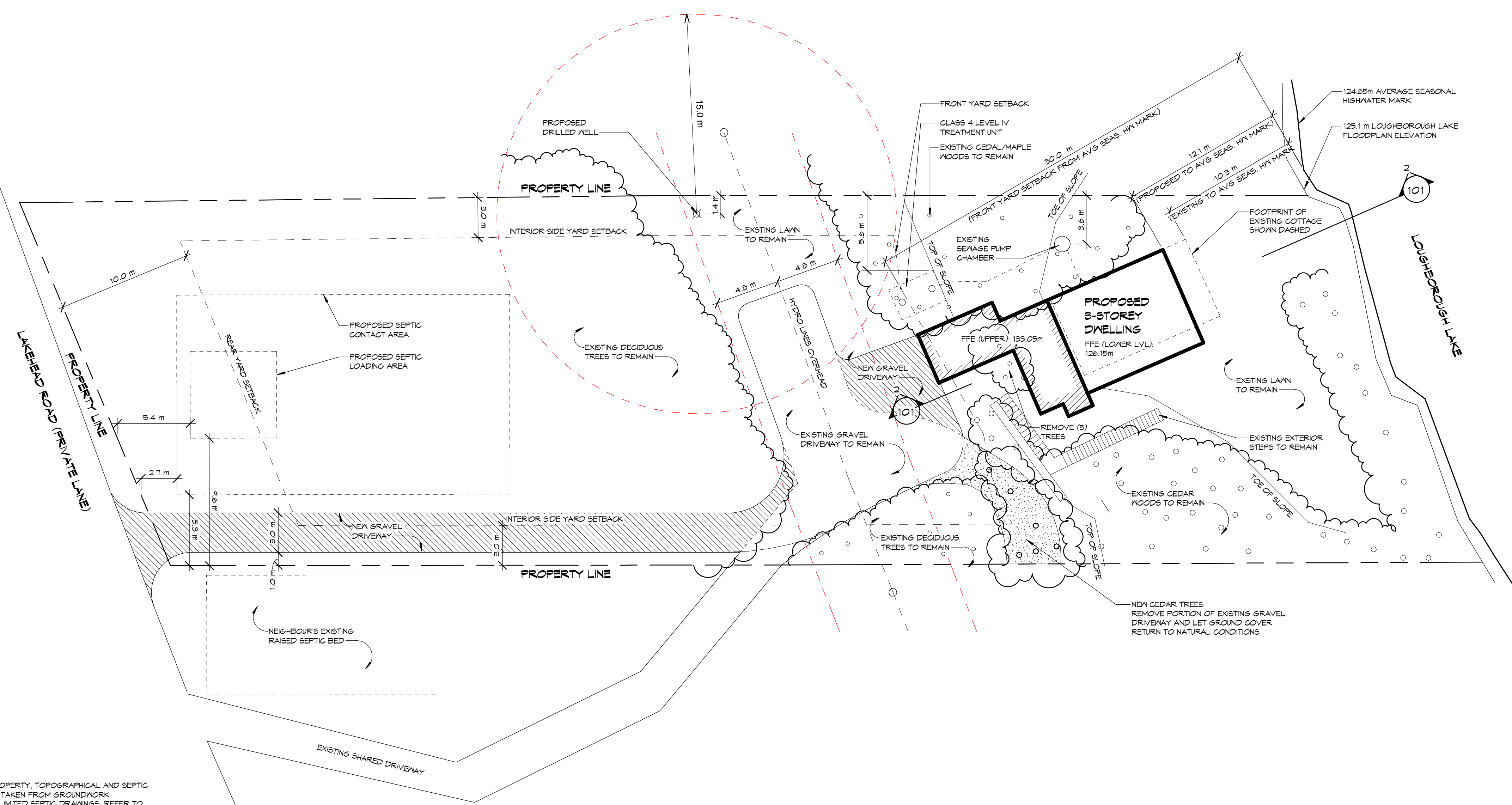
3 FLOOR PLANS

SCALE: 1:200
0m 6m 12m 18m 24m 30m



2 SECTION

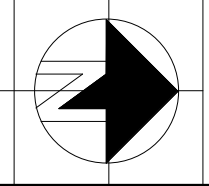
SCALE: 1:200
0m 4m 8m 12m 16m 20m



NOTE: ALL PROPERTY, TOPOGRAPHICAL AND SEPTIC INFORMATION TAKEN FROM GROUNDWORK ENGINEERING LIMITED SEPTIC DRAWINGS. REFER TO SEPTIC DRAWINGS FOR DETAILED SEPTIC DESIGN.

1 SITE PLAN

SCALE: 1:200
0m 4m 8m 12m 16m 20m



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DRAWINGS MUST NOT BE SCALED. VERIFY DIMENSIONS ON SITE

3	JC	RE-ISSUED FOR REVIEW	2022-09-31
2	JC	RE-ISSUED FOR REVIEW	2022-05-10
1	JC	ISSUED FOR REVIEW	2022-04-12
NO.	BY	REVISIONS/SUBMISSIONS	DATE

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info@ckai.ca www.ckai.ca

PROJECT: **Hounsell Residence**

Project Address: 3115 Lakehead Road

SITE PLAN

SCALE: 1:200

PROFESSIONAL SEAL	DRAWN: JC	DATE: APR 2022
	CHECKED: JC	PRINTED: ??
	REVIEWED: TC	DRAWING No.:
	PROJECT No. 20055	101

NOT FOR PERMIT OR CONSTRUCTION WITHOUT SEAL AND ISSUED NOTE

September 30, 2022

File: MV/FRS/297/2022

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 S.45(2) Permission PL-ZNA-2022-0130 (Hounsell)
Pt Lot 12, Concession 7; 3115 Lakehead Road
Storrington District, Township of South Frontenac
Waterbody: Loughborough Lake / Loughborough Lake South PSW**

Cataraqui Conservation staff have reviewed the above-noted application for permission and provide the following comments for the consideration of the applicant, Township staff, and the Committee of Adjustment.

Proposal

This application for permission is for the reconstruction and expansion of a legally non-conforming dwelling, as required under Section 45(2) of the Planning Act. The permission is requested to reduce the required setback from the highwater mark from 30 metres, as required by section 5.8.2(a) of the South Frontenac Zoning By-law, to 12.1 metres.

Site Description

The subject property is located on the south shore of the west basin of Loughborough Lake. Currently, there is an existing dwelling on the lot set back approximately 10.3 metres from the water. The topography can be described as sloping gently from the low till bank, up towards the level area where the existing dwelling is located, then moderately sloping up towards the south/interior of the lot. The property is mostly cleared with some pockets of deciduous trees along the shoreline and in the interior of the lot behind the dwelling. The woodlands on the lot have been identified as significant woodlands in the Central Cataraqui Region Natural Heritage Study (CRCA, 2006).

The property is designated 'Environmental Protection,' and 'Provincially Significant Wetlands' on Schedule A of the Township of South Frontenac Official Plan, and zoned 'Limited Service Residential – Waterfront' (RLSW) and 'Environmental Protection' (EP) in the implementing Zoning By-law. The boundary for the EP zone coincides with the Loughborough Lake South Provincially Significant Wetland along the shoreline. Loughborough Lake (west basin) is designated as a highly sensitive Lake Trout Lake in the Official Plan and is zoned 'Environmental Protection' (EP) in the implementing Zoning By-law.

Discussion

The main interests of CRCA in this proposal are the protection natural heritage features (e.g. wetlands and woodlands), the protection of the water quality of Loughborough Lake and the avoidance of natural hazards (e.g. flooding and erosion) associated with the shoreline.

Water Quality

In accordance with the PPS, CRCA staff strive to maintain, and where possible, enhance water quality in our review of development proposals. CRCA is also concerned about protecting the overall ecological integrity of waterbodies, shorelines, and riparian areas.

Loughborough Lake (west basin) has been identified as an at-capacity, highly sensitive Lake Trout Lake by the Ontario Ministry of Natural Resources and Forestry. The Official Plan recognizes this classification and requires that development occur at a minimum setback of 30 metres from the highwater mark.

A minimum 30 m development setback is particularly important in protecting sensitive surface water features such as Loughborough Lake from nutrient input, sedimentation and erosion, and loss of riparian habitat. Maintaining a minimum 30 m setback is also important as a way to avoid cumulative impacts and consistent implementation of this setback sets a positive precedent.

Consistent with the intent of the Township Official Plan, and, more importantly in this case, consistent with the intent of Section 2.2.1 of the PPS, Cataraqui Conservation's Environmental Planning Policies (EPP) considers new development within the 30 metre water setback area under certain circumstances with the purpose of avoiding adverse impacts and, where possible, achieving net environmental gains. Section 6.1.9 of the EPP states: *development may be supported within the water setback area on existing, constrained lots, where the proposed development expands or replaces an existing building or structure, and only if the new building or structure is set back as far as possible from the highwater mark of a waterbody, the footprint of the building is minimized, and suitable methods to minimize negative impacts on water quality are incorporated into the development.*

An Environmental Impact Assessment was prepared in support of the application for permission (Ecological Services, July 12, 2022). The EIA notes that the negative impacts associated with the proposed development are a loss of upland vegetation, the production of waste and potential for those nutrients to enter the lake, and the increased runoff from hardened surfaces which carry particulate matter into the lake. The EIA states that with the dwelling located no closer to the water than the existing building, and with the tertiary septic system pushed back from the water to the furthest extent possible (approximately 50 metres from the water), the proposed development is not anticipated to negatively impact the water quality of Loughborough Lake and its associated fish and wetland habitat. The EIA also states that while there is room for the dwelling to be located at the south of the lot next to the septic system, this would involve a loss in the woodland vegetation cover, which would not provide a net benefit to the quality of the lake. Moreover, the EIA notes that the berm that fronts the lot would physically slow and prevent particulates from entering the lake, and the subject property's close proximity to lake outflows means runoff from the site will quickly flush out of

the lake, making it is unlikely to affect the habitat for Lake Trout. Other mitigation measures, such as three infiltration trenches, are also proposed to capture runoff from the roof and driveway. The EIS states that naturalization of the shoreline buffer is not proposed, as the front lawn is anticipated to continue to be used for shoreline recreational purposes.

Staff recognize that the design and location of the proposed septic system represents an improvement to the site in some respects. Staff also recognize that there are constraints on the lot, such as the presence of the hydro corridor, and efforts are being made to push the dwelling a modest distance (1.8 m) further from the water.

However, given the particular sensitivity of the south shore of the west basin of Loughborough Lake (as noted, both an at-capacity lake trout lake and part of the Loughborough Lake South Provincially Significant Wetland) and given the need to consistently apply water protection policies in accordance with Section 2.2.1 of the PPS, it is our opinion that there are opportunities to make additional ecologic improvements to the site.

In this instance, the proposal involves a complete redevelopment of the site where the existing dwelling and structures will be removed, allowing the opportunity to achieve improvements in terms of compliance with water protection policies. Based on a review of the site plan and the information provided by the EIA, there is room at the rear/south of the lot for both the dwelling and septic system, with the dwelling immediately north of the septic field. While this would require the removal of some deciduous trees, doing so would result, in our opinion, in a true ecological net benefit as it allows for the opportunity for a better (currently non-existing) buffer of vegetation between the lake and development, and, in our opinion, would be more consistent with the intent of the Township's waterbody protection policies.

As currently proposed, staff cannot support a proposal that would result in the expansion of a building footprint and impervious surfaces (i.e. larger driveway) at an inadequate setback from a highly sensitive lake trout lake where there is a clear opportunity to achieve a greater setback that would result in a net environmental improvement.

Natural Hazards

Flooding: The maximum recorded water level for Loughborough Lake is 125.1 metres geodetic. For Loughborough Lake, the maximum recorded water level is used in lieu of an engineered flood plain. CRCA planning and permitting policies require all development and site alteration to be setback a minimum of 6 metres from the regulatory floodplain of a waterbody. Based upon elevation mapping data and site observations, the proposed development will be located outside of any area that may be subject to potential flood risk.

Erosion: CRCA Planning Policy defines the extent of potential erosion hazards for the shoreline associated with Loughborough Lake as the sum of an allowance for toe erosion, a stable slope allowance of 3(h):1(v) for till shorelines and a minimum erosion access allowance of 6 metres. For a 1 metre high till slope, the erosion hazard would extend approximately 11 metres inland from the toe of slope. Based on the site plan submitted and available LiDAR data, the proposed dwelling will be located outside the erosion hazard limit.

If approved, **staff recommend that proper sediment and erosion controls be incorporated into construction plans.**

Natural Heritage

Loughborough Lake South Provincially Significant Wetland

As noted, the subject lands are located adjacent to the Loughborough Lake South PSW. This wetland is designated Provincially Significant in the Township's Official Plan and zoned 'Environmental Protection' in the implementing Zoning By-Law. These designations highlight the heightened environmental sensitivity of the subject lands, and the protection of the ecologic and hydrologic functions of the PSW are important in terms of protecting the local environment and overall ecological health in the Township. A suitable buffer area is necessary between any new development on the subject lands and the PSW, as a buffer acts to protect the environmental function of this feature by maintaining a riparian corridor.

Through this proposed redevelopment, staff see an opportunity to reduce the runoff from impermeable surfaces entering the PSW and to allow natural vegetation to be re-established. Since the lot has the capacity to accommodate development at a greater setback from the water, staff recommend that this option be pursued through reconfiguration of the development. Doing so will help protect the hydrologic functions and ecologic integrity of the PSW in the long-term.

Significant Woodlands

As noted, the subject lands contain significant woodlands, as identified in the Central Cataraqui Region Natural Heritage Study (CRCA, 2006). The woodlands appear to meet the applicable criteria in the Natural Heritage Reference Manual (MNRF, 2010) to be considered 'Significant,' based on their proximity to the Loughborough Lake South Provincially Significant Wetland, which receives ecologic benefit from the woodland.

The EIA states that the proposed plan is designed to minimize the loss of trees, and that the loss of woodland associated with the installation of a separated driveway and septic facilities is considered acceptable given the modest diversity of the woodland, poor understory habitat, and presence of dying ash.

In the opinion of staff, although it will result in some loss of upland woodlands, moving the dwelling to the south of the lot allows the environmental function of the woodland to be retained, as it increases and enhances the riparian corridor between the PSW and the development. This option opens up additional opportunities for the planting of native trees and vegetation, which contributes to the health of the natural heritage system.

Recommendation

As currently proposed, staff recommend deferral of application PL-ZNA-2022-0130. The existing dwelling is located at an inadequate setback from Loughborough Lake, a highly sensitive lake trout lake. Since the proposal involves complete redevelopment of the site there

Ms. Hannah (PL-ZNA-2022-0130 (Hounsell))
September 30, 2022

is an opportunity to achieve a true environmental net gain and greater compliance with water protection and natural heritage protection policies, including better consistency with Section 2.2.1 of the Provincial Policy Statement which directs planning authorities to protect, **improve or restore** water resources.

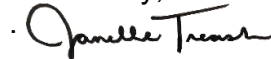
Specifically, we recommend that the dwelling be shifted further from the lake to the south of the lot next to the proposed septic system. It is our opinion that there is a suitable area at the rear of the lot to achieve this.

Ontario Regulation 148/06

Please note that portions of the subject lands are subject to Ontario Regulation 148/06: *Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses*, which is administered by the CRCA. 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. For this property, any development (buildings and structures) and site alteration (excavation, grading, placement of fill) within 120 metres of the Loughborough Lake South PSW is subject to O. Reg. 148/06. Therefore, a permit will be required from our office should the application be approved.

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. 239, or by e-mail at jtreash@crca.ca.

Yours truly,



Janelle Treash
Resource Planner

cc: Christine Woods, Planner, South Frontenac Township, via e-mail

Township of South Frontenac Staff Report



To: Committee of Adjustment

Prepared by: Development Services Department

Date of Meeting: October 13, 2022

**Subject: Permission Application (S. 45(2) of the Planning Act)
PL-ZNA-2022-0130, Hounsell, 3115 Lakehead Road, Storrington
District**

Summary

This report recommends that the Committee of Adjustment grant approval of this application for permission to enlarge a legal non-conforming dwelling under section 45(2) of the Planning Act, subject to conditions.

Background

Official Plan Designation: Rural

Zoning: Limited Service Residential – Waterfront (RLSW)

Relief Requested

The applicant seeks permission under section 45(2) of the Planning Act to enlarge the legal non-conforming dwelling on the property within 30 metres of the highwater mark of the West Basin of Loughborough Lake.

Related Applications

The lands are not subject to any additional applications under the Planning Act.

Discussion/Analysis

Property Description

The 0.68 acre (0.3 ha) property is located on Lakehead Road and has frontage on the West Basin of Loughborough Lake. The existing 630 square foot dwelling is setback 10.1 metres from the highwater mark of the lake. The dwelling is 5.5 metres in height according to the application form. The dwelling and a small storage shed are located on lands that are generally level. There are several trees along the shoreline, but otherwise this area is cleared. There is a 6-metre high bedrock ridge behind the dwelling and shed. Beyond this

slope is a narrow, cleared and level area through which an overhead hydro line passes. Beyond this level area, the forested land slopes up to the road.

Summary of Proposal

The owners propose to demolish the existing dwelling and to construct a new dwelling that includes an attached garage. The new dwelling would be setback a minimum of 12.1 metres from the highwater mark. It would have a 1370 square foot footprint, and a total floor area of 2520 square feet. The new dwelling would be 9 metres in height. The building, consisting of three levels, would be constructed into the ridge. The existing sewage holding tank would be replaced with a tertiary sewage system that would be setback more than 50 metres from the lake. The property currently shares a driveway with the property to the east. A new, separate driveway would be installed on the subject property.

Supporting Documentation

The covering letter prepared by Novatech (September 9, 2022) describes the existing conditions of the property and the proposed development. It also provides a rationale and planning opinion on the application.

An Environmental Site Assessment (Ecological Services, July 12, 2022) was submitted in support of the application. Loughborough Lake contains a provincially significant wetland (Loughborough Lake South Wetland). The lake is also an at-capacity lake trout lake. The consultant assessed the potential impact of the proposal on the wetland and fish habitat. They concluded that the site is entirely impacted by its long-term residential use, that the proposed dwelling would marginally improve the setback from the lake and wetland, and that the proposed advanced sewage treatment system would help protect water quality.

The consultant recommended several mitigation or enhancement measures to be implemented to further minimize potential for environmental impact. The measures include timing restrictions for tree and shrub removal, construction best management practices (e.g. erosion and sediment control measures), infiltration trenches for roof runoff, and shoreline naturalization efforts.

Agency Comments

Public Services did not provide comments on the application because the property is accessed from a private lane.

Building Services confirmed that there appears to be sufficient space on the property to accommodate the proposed sewage system within the required setbacks. Soil conditions found on the lot indicate that additional suitable granular soil may be needed to construct a

sewage system. This would be addressed through the application to construct a sewage system. Building Services have no objection to the approval of the planning application.

Cataraqui Conservation staff, in a letter dated September 30, 2022, recognized that the design and location of the proposed septic system represents an improvement to the site in some respects. They also recognized that there are constraints on the lot, such as the presence of the hydro corridor, and efforts are being made to push the dwelling a modest distance (1.8 m) further from the water.

However, they are not supportive of the proposal as it would result in the expansion of a building footprint and impervious surfaces (i.e. larger driveway) at what they consider to be an inadequate setback from a highly sensitive lake trout lake where there is an opportunity to achieve a greater setback that would result in a net environmental improvement (e.g. between the sewage system and hydro line, more than 30 metres from the water).

In the opinion of Cataraqui Conservation staff, although it will result in some loss of upland woodlands, moving the dwelling farther south on the lot allows the environmental function of the woodland to be retained, as it increases and enhances the riparian corridor between the wetland/lake and the development. This option opens up additional opportunities for the planting of native trees and vegetation, which contributes to the health of the natural heritage system.

They recommend deferral of the application so there can be consideration for shifting the dwelling further from the lake.

Public Comments

No comments were received from the public at the time this report was written.

Planning Analysis

The Township Official Plan Schedule designates the subject property as Environmental Protection – Provincially Significant Wetland, and the Zoning By-law Schedule identifies a portion of the property in the Environmental Protection (EP) zone. The interpretation policies of the Official Plan and the Zoning By-law specify that where a designation or zone are meant to reflect the boundary of a natural feature, the edge of the natural feature is the boundary. The EP designation and zone in this location is meant to apply to the Loughborough Lake South Provincially Significant Wetland based on the available provincial wetland mapping. This wetland is entirely within the lake, and not on the property. This means the property is actually designated Rural and zoned RLSW.

The property is zoned RLSW in Zoning By-law No. 2003-75, so the dwelling is a permitted use.

Section 5.10.2 of the Zoning By-law 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. This provision prohibits the enlargement of these existing buildings, without seeking permission from the Committee of Adjustment. The existing dwelling is legal non-conforming building because it was constructed prior to the current Zoning By-law and is setback 10.3 metres (33.7 feet) from the highwater mark.

Through its powers under section 45(2) of the Planning Act, the Committee of Adjustment may grant permission to enlarge the dwelling.

The subject property was enlarged through a lot addition in 1990. The lot area increased from 0.25 acres to 0.68 acres. The properties to the east received similar lot additions. The intent of the lot additions was to provide flexibility for future development or redevelopment of the lots in terms of being able to locate a well and sewage system or a new building or structure. The subject property is the last one on this section of the lane to be redeveloped.

Cataraqui Conservation recommended deferral of the application so there can be consideration for shifting the dwelling further from the lake, as there is some space between the proposed sewage system and the hydro easement. This recommendation is based on their Environmental Planning Policies, which guide their review of proposals. The policies focus on trying to achieve greater water setbacks and ecological improvements, wherever possible, on properties that are being redeveloped. Staff note this option was raised with the owners through the pre-application meeting process and they decided to proceed with the current application.

It is the opinion of staff that although there is area farther from the highwater mark for a dwelling on the property, a dwelling in that location would require a larger footprint to accommodate the intended use of the building and to minimize visual impacts. It would also result in the removal of significant more trees and natural vegetation than reconstruction on the existing footprint.

The proposed dwelling would be located on the same general footprint of the existing dwelling, but setback an additional 2 metres from the highwater mark. The enlargement would be to the south (rear of the existing dwelling), and up. Lot coverage of the principal building will increase from 2.2% to 4.6%, which is less than the 5% permitted in the RLSW zone.

The building design minimizes the amount of site disturbance and the amount of vegetation removal that would be required. The building height will increase from 5.5 metres to 9 metres. Although the building will have three levels, the levels will be stepped back, thereby minimizing visual impact when viewed from the lake and its northern shore. The recommended additional plantings along the shoreline would provide further visual screening.

The building will be constructed into the ridge, with the garage on top of the ridge, so the view from the neighbouring properties and the lane would be of a one-storey building. Maintaining the forested area between the sewage system and the hydro easement would also help to mitigate visual impacts from neighbouring properties and from the lane.

The West Basin of Loughborough Lake is an at-capacity Lake Trout Lake, which means it is at-capacity for development with respect to additional nutrient loadings which may adversely affect water quality. A properly functioning holding tank would ensure no release of nutrients associated with sewage to the lake. However, holding tanks are not sustainable for residential properties over the long-term particularly when the use of a property changes from seasonal to year-round occupancy. A tertiary sewage system is proposed to be installed near the road, setback more than 50 metres from the lake. The existing forested area between the proposed sewage mantle and the hydro easement would be maintained. This would help with absorption of surface and subsurface water runoff. Additional plantings along the shoreline could also help with the absorption of runoff from the dwelling.

Conclusion

It is the opinion of staff that it is appropriate for the Committee of Adjustment to grant permission to expand the legal non-conforming dwelling on the property, as described in this report.

If the application is approved by the Committee of Adjustment, the proposed development would be subject to site plan control per By-law 2022-58.

Notice/Consultation

Notice of the Statutory Public Hearing was given pursuant to the requirements of the Planning Act, at least 10 days in advance of the Public Hearing. This included notice given:

- by mail to every owner of land within 60 metres of the subject lands
- by posting notice signs on the subject lands
- by posting on the Township's Current Planning Application webpage

- by e-mail to prescribed persons and public bodies

Recommendation

That the Committee of Adjustment receive comments from the public and, pending comments received, **approve** for application PL-ZNA-2022-0130 for 3115 Lakehead Road, subject to the following conditions.

1. Permission is granted to enlarge the legal non-conforming dwelling on the subject property. The replacement dwelling is permitted to have a 1370 square foot footprint, a gross floor area of 2520 square feet, and a maximum 9 metre building height, consistent with the submitted Site Plan (Colbourne & Kembel Architects Inc., No. 3, dated 2022-05-31) that will be attached to the Decision as Schedule "A".
2. The applicant is required to apply for, and enter into, a Site Plan Agreement that would 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.
 - b. The removal of any excavated materials from the site so that it is not used as fill within 30 metres of the lake.
 - c. Roof runoff will be discharged into infiltration trenches or onto coarse rock rubble splash pads.
 - d. Proper decommissioning of the existing sewage holding tank.
 - e. Entering into a maintenance and service agreement with an authorized representative of the manufacturer of the septic treatment unit, and providing annual proof of maintenance to the Township.
 - f. Preparation of a shoreline remediation plan. The purpose of the plan is to create and enhance the natural vegetative buffer within at least 5 metres of the highwater mark of Loughborough Lake. The plan shall be reviewed by the Township prior to the issuance of an occupancy permit under the Ontario Building Code. The plan shall be implemented within 6 months of an occupancy permit being issued for the dwelling approved through application PL-ZNA-2022-0130.
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 Prepared By:

Christine Woods, MCIP RPP, Senior Planner

Township of South Frontenac Staff Report



To: Committee of Adjustment

Prepared by: Development Services Department

Date of Meeting: October 13, 2022

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) PL-BDJ-2022-0119 (Abrams) (Turcotte)

This undisputed consent was granted provisional consent on September 29, 2022.

The purpose of this consent application was to create one new residential lot.

Attachments

None.

Approvals

Report Prepared By:

Michelle Hannah, Planning Assistant

Township of South Frontenac Staff Report



To: Council

Prepared by: Development Services Department

Date of Meeting: September 20, 2022

Subject: **December 8th, 2022, Committee of Adjustment Meeting**

Summary

This report is for information with respect to the December 8, 2022, Committee of Adjustment meeting.

Recommendation

This report is for information purposes only.

Background

In January 2019, Council adopted the Terms of Reference for the South Frontenac Committee of Adjustment. The Terms of Reference set out the schedule for the Committee of Adjustment meetings. The Terms of Reference indicates that meetings are to be held once each month with the exception of January, unless otherwise directed by Council.

The Terms of Reference for the Committee of Adjustment also states that the term of the public members on the Committee is for a period of 4 years, coincident with the term of Council.

Discussion/Analysis

The monthly Committee of Adjustment meeting for December, 2022 is scheduled to be held on December 8th, 2022, however, the meeting date falls after the end of the current term for Council and as such the meeting will not proceed.

The meeting will be cancelled as members of the new Council will not yet be appointed to Committee of Adjustment. Appointments will take place at a Council meeting in January, 2023. Additionally, the recruitment for the Public Members to the Committee of Adjustment will take place between December 2022 and January, 2023. Further information regarding this matter will be circulated at a later date.

It is anticipated that there will be a Committee of Adjustment training session for Council and Committee members in January 2023. Additionally, in accordance with the Terms of

Reference for Committee of Adjustment, there will not be a January meeting. February 9th, 2023 will be the first Committee of Adjustment meeting for the new term of Council.

Financial Implications

None.

Relationship to Strategic Plans

- Not applicable to this report.
- This initiative is supported by the following priorities of the 2019-2022 Strategic Plan.
 - Priority: Choose an item.
 - Action Item (if applicable): *ENTER SPECIFIC ACTION ITEM HERE*

Climate Considerations

- Not applicable to this report.
- This initiative supports climate change mitigation/adaption efforts in South Frontenac; and/or impacts the Township's resilience to climate change.

Note: Once a Climate Change Mitigation and Adaptation Strategy is established, specific action items/priorities will be added to this section of the report for staff to utilize.

Notice/Consultation

- All Planning Staff
- Angela Maddocks, Clerk
- Louise Fragnito, CAO

Attachments

None.

Approvals

Submitted By:



Michelle Hannah,
Planning Assistant, Secretary Treasurer,
Committee of Adjustment

Approved By:



Shelley Stedall, Dipl. B. Admin, AMCT
Acting Chief Administrative Officer