SOUTH FRONTENAC

Committee of Adjustment Meeting Agenda

TIME: 7:00 PM,
DATE: Thursday, April 14, 2022
PLACE: Council Chambers/Virtual via Zoom.

1. *Call to Order*

a) Resolution

2. *Adoption of Agenda*

a) Resolution

3. *Electronic Meeting Information*

a) The meeting will be live streamed at the following link: http://www.facebook.com/SouthFrontenacTwp/

Please visit the Virtual Committee of Adjustment Meetings page on the Township website for the link to register to be a participant in this meeting: https://www.southfrontenac.net/en/open-for-business/virtual-committee-of-adjustment-meetings.aspx

Instructions about participating via Computer, Laptop, Smartphone, Tablet and Telephone can be found at the above noted link as well.

b) PowerPoint Presentation Staff has prepared a PowerPoint Presentation that will be displayed on the screen of the meeting, you can also follow along with the PDF version that is in the attachment of this agenda item. 4 - 85

4. *Declaration of pecuniary interest*

a) None declared

5. *Minor Variance Applications from Previous Meetings:*

a) MV-51-21-L (McKay) (Snelgrove) 86 - 111
Location:
82 Labelle Lake Lane, Big Clear Lake, Loughborough
Purpose of Application:
To permit a deck attached to a single detached dwelling to be set back a minimum of 26 metres from the highwater mark of a wetland connected to Big Clear Lake, whereas a minimum 30 metre setback is required for all buildings and structures.

6. *New Minor Variance Applications:*

a) PL-ZNA-2022-0008 (Wirsig) 112 - 141
Location:
Roll number: 102904004003200, Kismet Lane, Loughborough District

Purpose of the Application:
To vary section 5.29.10 of Zoning By-law No. 2003-75 to permit a home industry (an E-commerce business) in an existing building that is setback 11 metres from the northern interior side lot line, whereas 20 metres is required. Also, to permit this building within the front yard of a dwelling. Also, to vary section 5.24.2 to permit the home industry building, a detached garage and a sleeping cabin in the front yard of a dwelling.

b) PL-ZNA-2022-0021 (Barry) 142 - 165
Location:
547 West Devil Lake Lane, Bedford
Purpose of Application:
This application is requesting permission to enlarge a legal non-conforming building by increasing its height located within 30 metres of the highwater mark of Devil Lake.

c) PL-ZNA-2022-0025 (Jinapriya & Irrcher) (IBI Group) 166 - 207
Location:
4508 Red Maple Lane, Loughborough Lake, Loughborough
Purpose of Application:
The applicants are proposing to demolish the existing single detached dwelling and build a new single-detached dwelling in the same general footprint.
Variances are required for the highwater mark, front yard, top of bank and lot coverage. The new dwelling will be 2 storeys and have a walk-out basement. It will have a height of 8.7 metres and have a floor area of 183 square metres. It will be located 23.7 metres to the existing highwater mark of Loughborough Lake and 6 meters from the top of bank. There will be an increase of 1.1% for lot coverage.

d) PL-ZNA-2022-0026 (Heyler & Miguel) 208 - 237
Location:
3835 Hideaway Lane, Dog Lake, Storrington
Purpose of Application:
To request permission under section 45(2) of the Planning Act to enlarge the legal non-conforming dwelling and garage on the property. These buildings are within 30m of the highwater mark of Dog Lake. The dwelling would be raised 1.2m (4ft) to turn the existing crawlspace into a full basement. The area under the 432 square foot waterside deck would be enclosed. Some of the existing decking would be removed from the dwelling. The garage was enlarged with the addition of a carport by a previous owner without any approvals. The current owners are seeking to have the location of the carport legally recognized.

e) PL-ZNA-2022-0027 (Taylor) (Di Cesare) 238 - 264
Location:
106 Sandpit Lane, Crow Lake, Bedford
Purpose of Application:
To request permission to enlarge a legal non-conforming building by enclosing a portion of the existing deck located within 30 metres of the highwater mark of Crow Lake.

f) PL-ZNA-2022-0028 (Pickett) 265 - 281
Location:
219 Garrett Road, Bedford
Purpose of Application:

The property contains two dwellings, whereas the Rural (RU) zone only permits one dwelling. The purpose of the application is to request permission under section 45(2) of the Planning Act to enlarge one of the dwellings on the property. The effect would be to permit a 300 square foot addition to the dwelling for an accessible, main floor bedroom.

g) PL-ZNA-2022-0033 (Gagne) 282 - 301

Location:
2926 Forest Road, Loughborough

Purpose of the Application:
To permit an accessory structure (detached garage) to be located in front of the projected front wall of the dwelling whereas the Zoning By-law requires an accessory building to be erected to the rear of the projected front or exterior side wall of the main building.

7. *Other Business*

a) Consents Approved by Delegated Authority 302 - 304

8. *Adjournment*

a) Resolution

Committee of Adjustment Meeting

Thursday, April 14, 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)
- Anna Geladi (Planner)
- Michelle Hannah (Planning Assistant & Secretary Treasurer)

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Format for Each Hearing

1. The Chair will introduce the file
2. The Planner will provide an overview of the application
3. Questions of clarification for the Planner or Applicant
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

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Appeal Rights

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

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How to Speak to an Application

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

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In Case of Technical Difficulties

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

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Agenda

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

Application MV-51-21-L

Minor Variance

Applicant: Doug and Romey McKay

Agent: Paul Snelgrove

Property: 82 Labelle Lake Lane

Recommendation: Approval

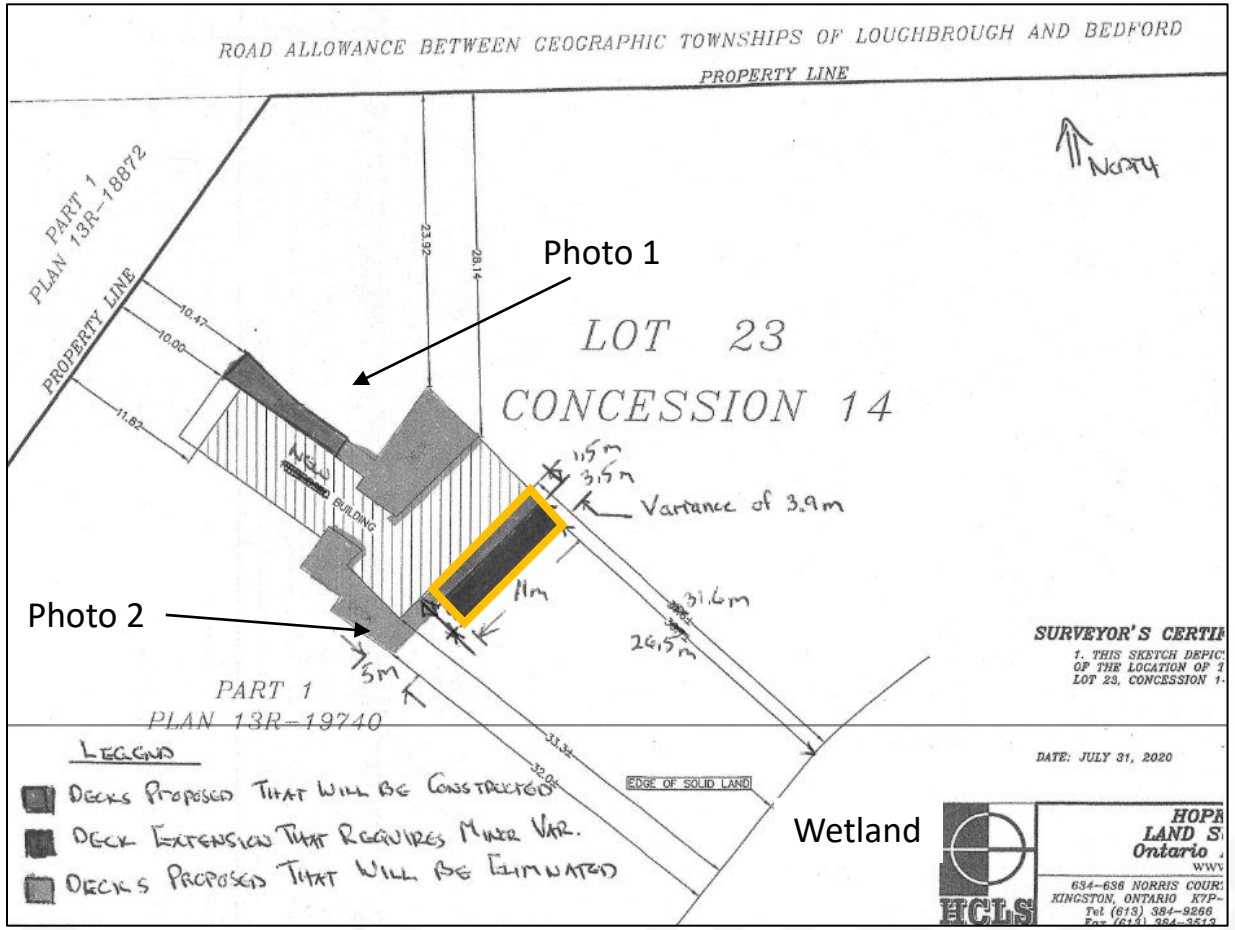
- Pending public comment
- Subject to conditions

Property Description

- Rural designation
- RLSW-81 zone
- 3.7 ha
- Existing dwelling

Proposal

- 5 metre by 11 metre deck attached to dwelling
- Setback 26 metres from highwater mark of wetland connected to Big Clear Lake



Inner courtyard

View for driveway

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Department, Agency and Public Comments

- **Public Services** – did not meet criteria for circulation
- **Building Services** – did not meet criteria for circulation
- **Cataraqui Conservation** – no objection
- **Public Comments** – two individuals are supportive

Planning Analysis

Variance meets four tests of a minor variance

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

Recommendation

- It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** application MV-51-21-L, subject to conditions.
- Conditions:
  - The application is approved in accordance with plans submitted
  - Building permit is required for ALL construction on the property

1. Questions of Clarification for Staff or Applicant

2. Public Questions or Comments

3. Committee Deliberation & Vote

Upon the Chair asking if any member of the Committee is opposed to the Resolution, please advise if you are opposed.

The Chair will call if the vote is carried or is lost.

If you would like to speak:

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Application PL-ZNA-2022-0008

Minor Variance

Applicant: Jay and Margaret Wirsig

Agent: David Nanton, Fotenn

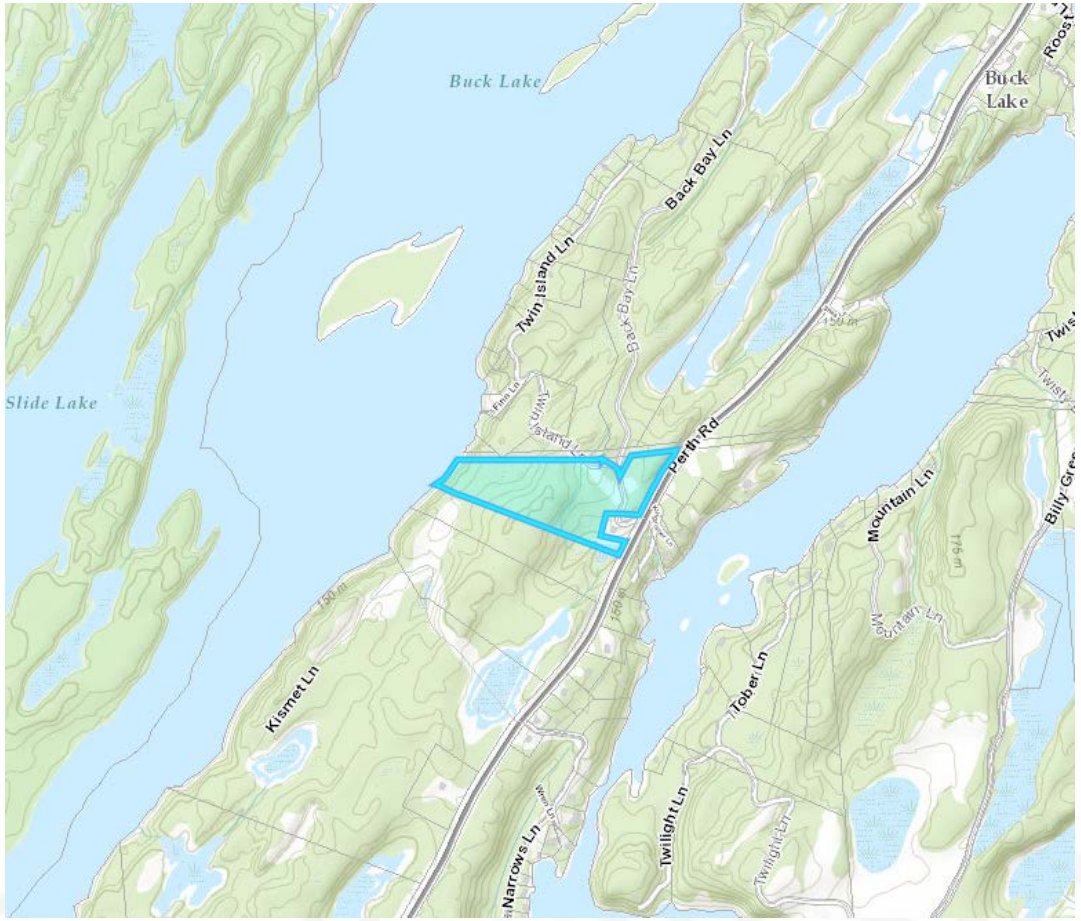
Property: 102904004003200, on Kismet Lane

Recommendation: Approval

- Pending public comment
- Subject to conditions

Property Description

- Rural designation
- RU zone
- 7.6 ha (18.8 acres)
- Accessed from Kismet Lane
- Existing cottage, sleeping cabin, garage



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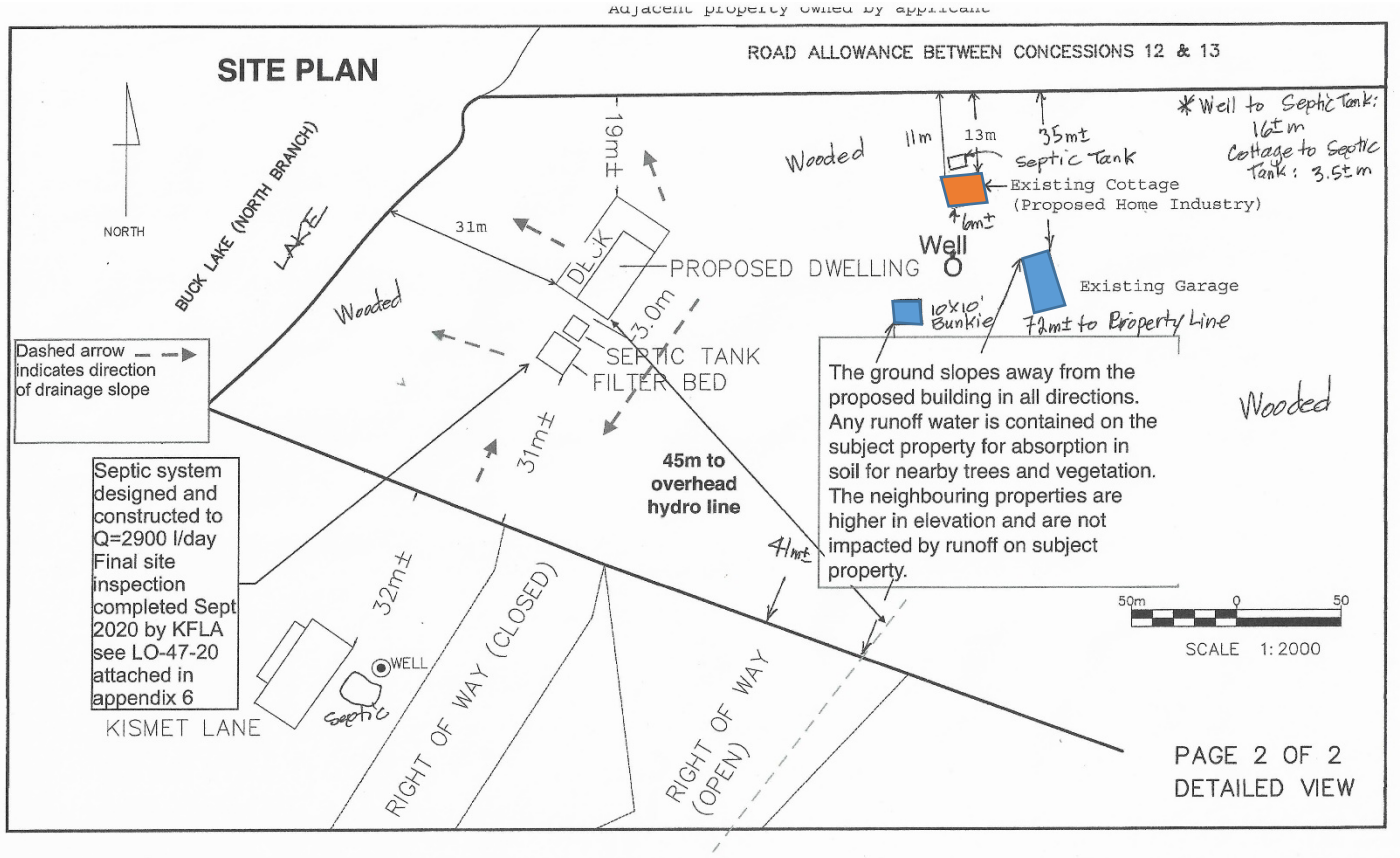
Proposal

- Construct dwelling
- Convert cottage to home industry (e-commerce)
- Home industry building setback 11 metres from property line
- Three existing buildings will be in front yard of dwelling



View of home industry building from end of lane

Garage

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Home industry building (left) and sleeping cabin (right) viewed from location of new house

View of home industry building from northern (closest) property line

Department, Agency and Public Comments

- **Building Services** – building permits will be required for the existing and proposed buildings and structures
- **Public Services** – did not meet criteria for circulation
- **Cataraqui Conservation** – did not meet criteria for circulation
- **Public Comments** – one neighbour indicated support

Planning Analysis

Variance meets four tests of a minor variance

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

Recommendation

- It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** application PL-ZNA-2022-0008, subject to conditions.
- Conditions:
  - The application is approved in accordance with plans submitted
  - Building permits shall be obtained for the existing buildings on the property within one year of minor variance approval
  - Building permit is required for ALL proposed construction on the property

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1. Questions of Clarification for Staff or Applicant

2. Public Questions or Comments

3. Committee Deliberation & Vote

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Application PL-ZNA-2022-0021

Permission to Enlarge Legal Non-conforming Use

Applicant: Timothy and Patricia Barry

Agent: DM Structural Inc.

Property: 547 West Devil Lake Lane

Recommendation: Approval

- Pending public comment
- Subject to conditions

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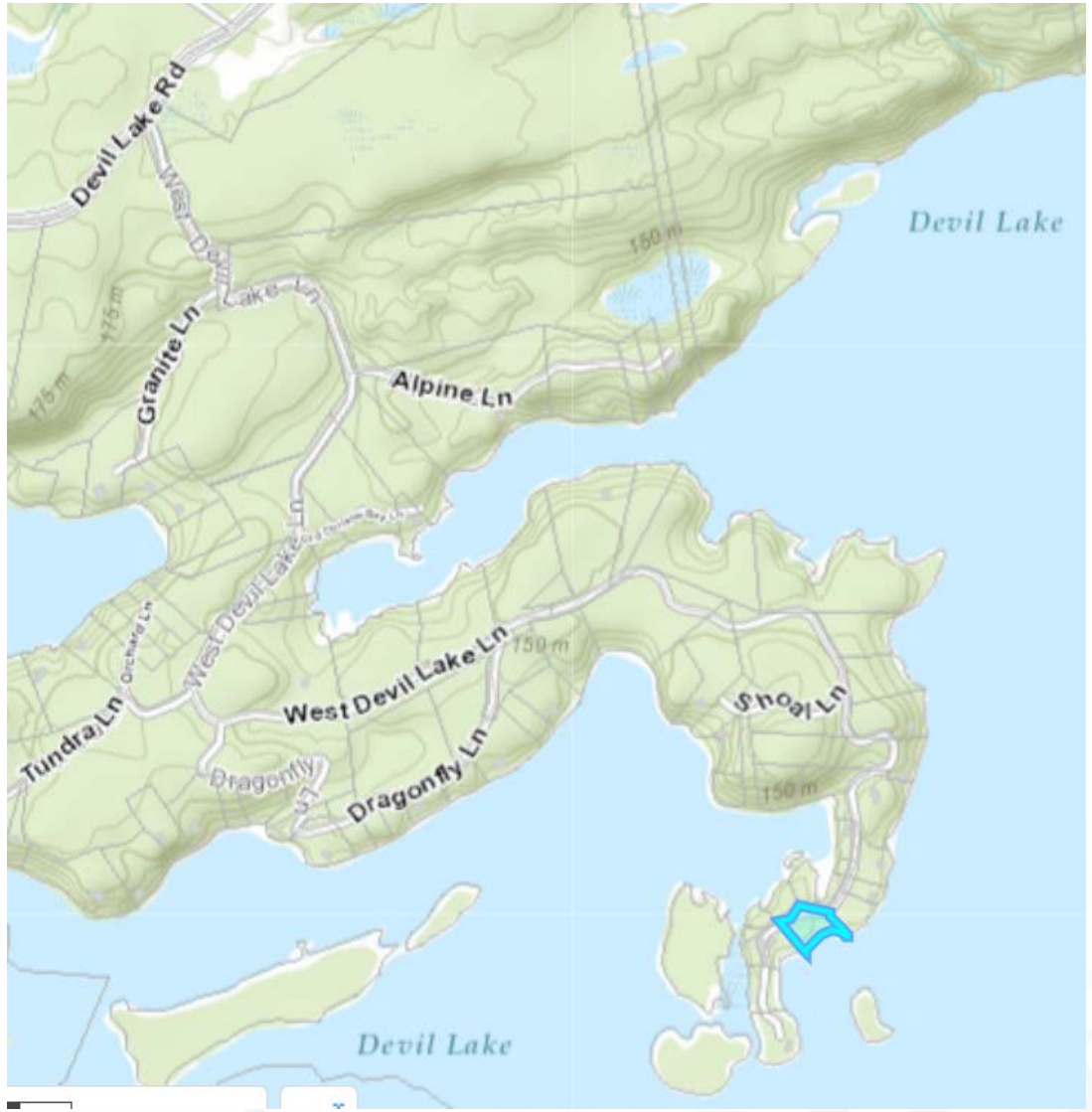
Property Description

- Rural designation
- RLSW Zone
- 0.8 acres
- Developed with a dwelling
- Devil Lake



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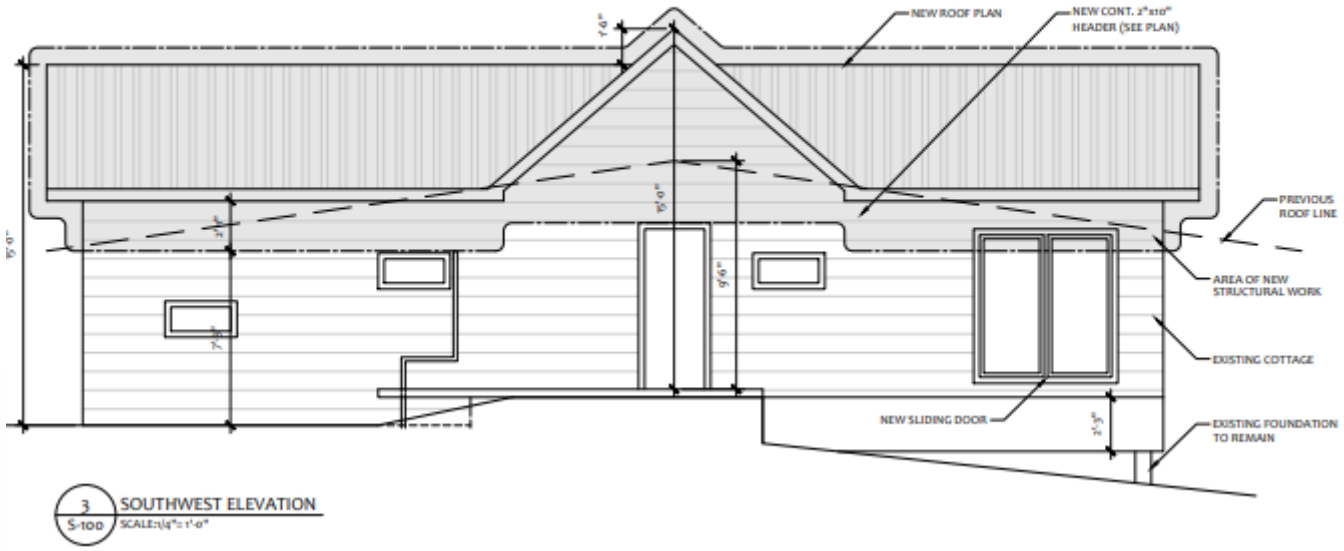
Proposal

- Increase the height of a seasonal dwelling
- This proposal is being applied for to repair, renovate and strengthen the roof of the seasonal dwelling to a safe condition.
- The increase in roof pitch will provide a more structurally sound, resilient and durable roof
- Retroactively seeking permission
- The roof has already been replaced



View of the proposed cottage

View of the proposed cottage from the lake

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View of the proposed cottage from the lane

View of the proposed cottage from the lake

Department, Agency and Public Comments

- **Building Services –** No objections.
  - The applicants will need to submit a building permit.
- **Cataraqui Conservation –** No objections.
  - It is their opinion that because the dwelling is already existing, the proposal to increase the height will not restrict access to the floodplain or slope and will not further aggravate the existing situation relative to natural hazards.
  - They recommend that due to the close proximity of the development to the shoreline of Devil Lake, that roof run-off be directed away from the waterfront to protect the water quality of the lake
- **Public Comments** – none received.

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Planning Analysis

- The dwelling is a legal non-conforming building & is a permitted use
- Use of the property is not changing
- Increase in height is considered minimal
- No addition of floor area or living space
- Additional height will not aggravate the situation
  - is not anticipated to have any negative impacts on vegetation, water quality nor visual impacts than what currently exists
  - will not result in land use incompatibility
- Not anticipated to have any adverse impacts on the neighbouring properties
  - compatible with the established built form and character of the surrounding properties
- Development agreement as a condition to address roof run-off

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Recommendation

- It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** application PL-ZNA-2022-0021, subject to conditions.
- Conditions:
  - The application is approved in accordance with plans submitted
  - Development Agreement (roof run-off)
  - Building permit is required for ALL construction on the property

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1. Questions of Clarification for Staff or Applicant

2. Public Questions or Comments

3. Committee Deliberation & Vote

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Application PL-ZNA-2022-0025

Minor Variance

Applicant: Delan Jinapriya & Isabella Irrcher

Agent: IBI Group

Property: 4508 Red Maple Lane, District of Loughborough

Recommendation: Approval

- Pending any comments received
- Subject to conditions

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Property Description

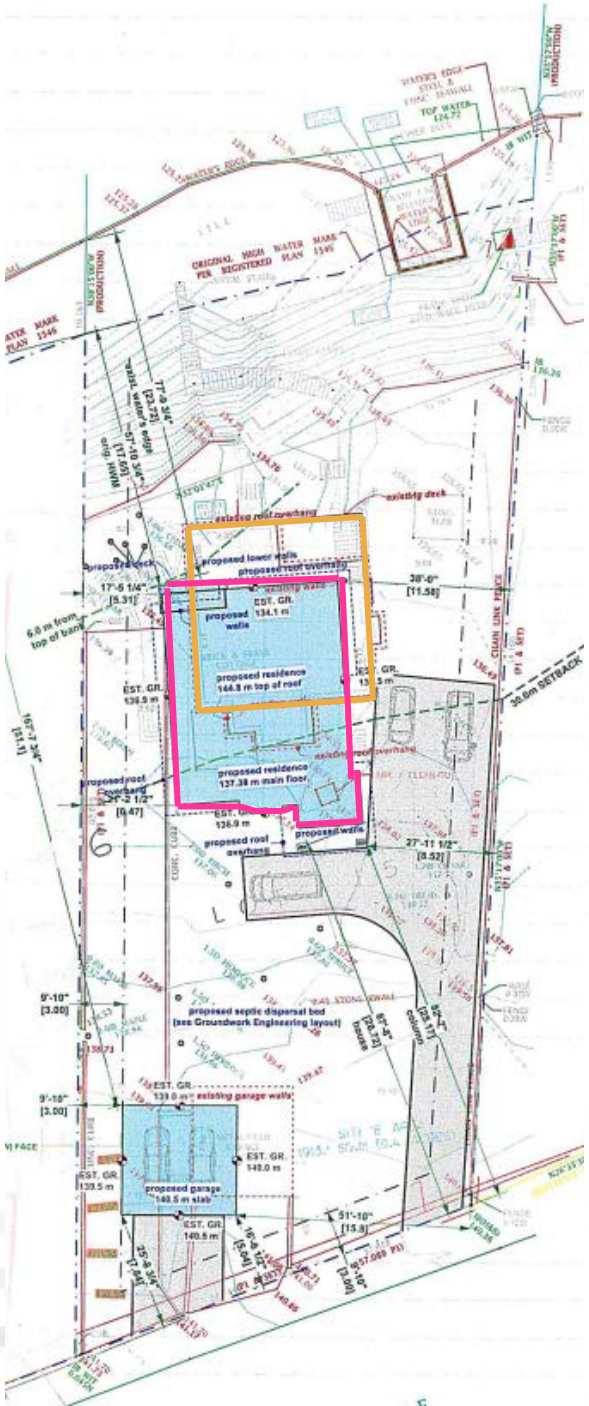
- Rural Designation
- RLSW Zone
- 0.47 acres
- Loughborough Lake
- Developed with dwelling, garage & sewage system

Proposal

Build a new single-detached dwelling on the same general footprint as existing

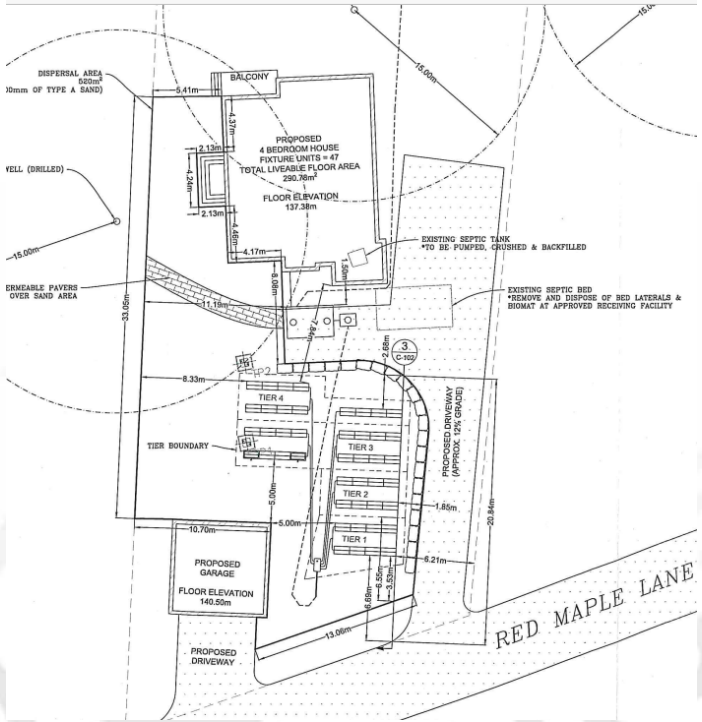
New Dwelling will be:

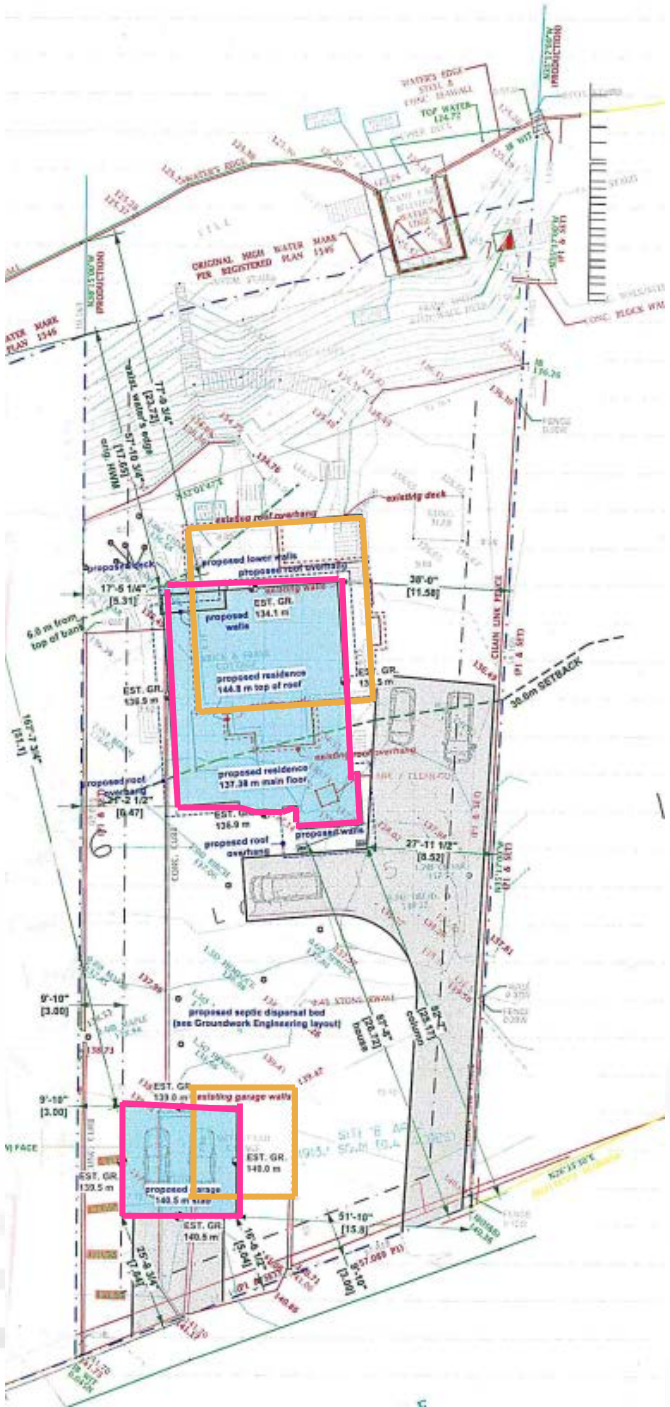
- Setback 23.7 metres from the Lake
  - 3.2 metres further than existing
- 8.7 metres high
- Setback 6 metres from top of bank
- Ground Floor Area: 1970 square feet
- Increase in lot coverage by 1.1%
  - Increase of 22.1 square metres (238 square feet)



Proposal

- Upgrade sewage system
- Re-construct driveway and garage





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View from the Lane & Behind the Garage

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View from the Water side

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Department, Agency and Public Comments

- **Building Services** – No objection. Sewage system has been designed to accommodate the proposed development.
- **Cataraqui Conservation** – Deferral to address lot coverage. Note that the development is setback as far as possible from the lake.
- **Public Comments** – No comments received

Planning Analysis

Variance meets four tests of a minor variance

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

Recommendation

- It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** application PL-ZNA-2022-0025, subject to the following conditions
  - The Minor Variance is for a single detached dwelling permitted to establish 23.7 metres setback from the lake and 6 metre setback from top of bank and have a maximum lot coverage of 9.5%.
  - Site Plan Control & Site Plan Agreement
  - Building permit is required for ALL construction on the property
  - Only applicable to Zoning By-Law No. 2003-75 and not to any subsequent zoning by-laws

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1. Questions of Clarification for Staff or Applicant

2. Public Questions or Comments

3. Committee Deliberation & Vote

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Application PL-ZNA-2022-0026

Permission to Enlarge Legal Non-conforming Use

Applicant: Steve Helyer and Mila Miguel

Property: 3835 Hideaway Lane

Recommendation: Approval

- Pending public comment
- Subject to conditions

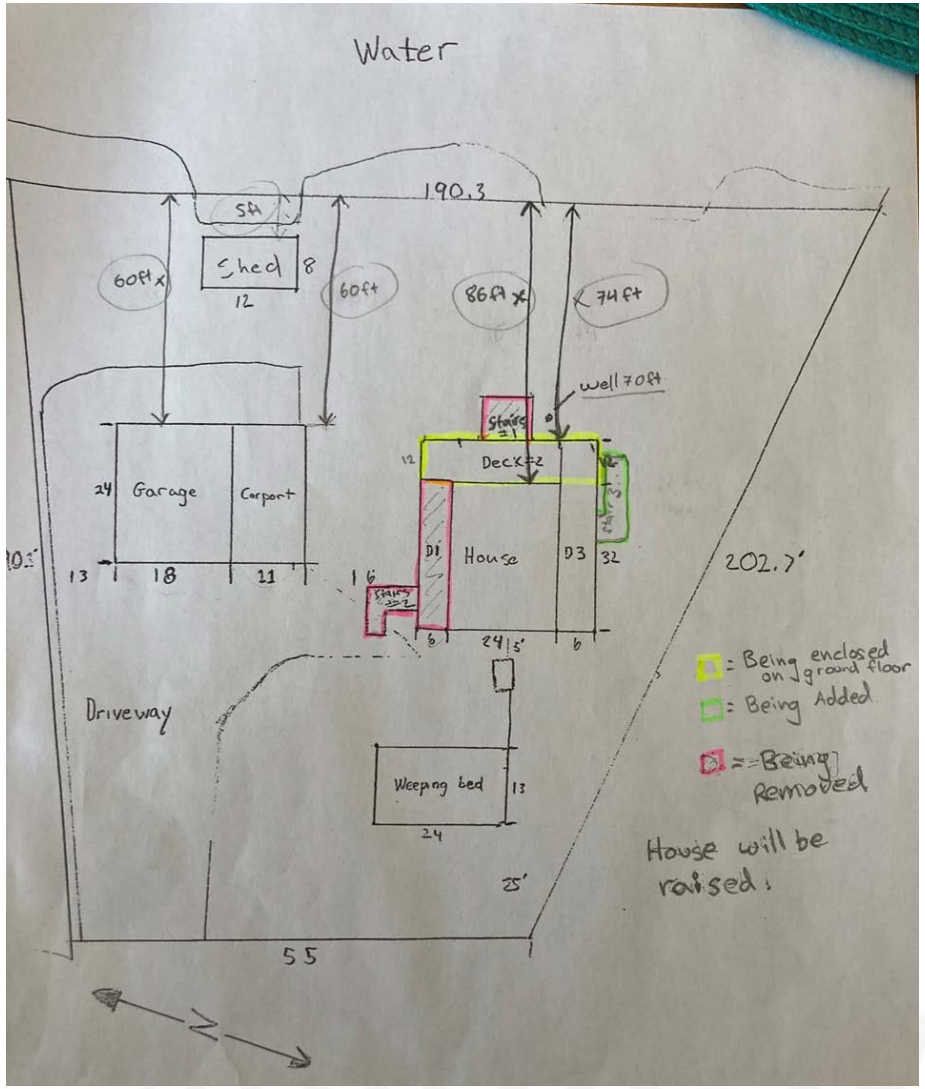
SOUTH FRONTENAC

Property Description

- Rural designation
- RLSW zone
- 0.66 acres
- Existing dwelling, garage, shed

Proposal

- Raise dwelling 1.2 metres (4 feet) to turn crawlspace into full basement for living space
- Enclose 432 square foot area under waterside deck
- Recognize garage addition (264 square foot carport)



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View of house and garage from lane side of property

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View from shoreline

Department, Agency and Public Comments

- **Building Services** – the internal renovation plans were updated to ensure the existing sewage system will be sufficient
- **Public Services** – did not meet criteria for circulation
- **Rideau Waterway Development Review Team** – no objection
- **Public Comments** – none received

Planning Analysis

- A dwelling and accessory garage are permitted uses in the RLSW zone
- These existing buildings are legal non-conforming because they are less than 30 metres from the highwater mark
- Dwelling
  - 16.5 metre setback from highwater mark maintained
  - No adverse visual impact from increasing height by 1.2 metres
  - No adverse impact from enclosing a 432 square foot area under the waterside deck
  - A staircase and portion of a deck would be removed.
- Garage
  - 264 square foot carport on garage constructed by a previous owner without approvals
  - 14.5 metre setback from highwater mark maintained
  - No adverse impact
- Appropriate to grant permission to enlarge the dwelling and garage

SOUTH FRONTENAC

Recommendation

- It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** application PL-ZNA-2022-0026, subject to conditions.
- Conditions:
  - The application is approved in accordance with revised plans submitted
  - Building permit is required for ALL proposed construction on the property
  - A building permit shall be obtained for the carport that is attached to the garage

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1. Questions of Clarification for Staff or Applicant

2. Public Questions or Comments

3. Committee Deliberation & Vote

Upon the Chair asking if any member of the Committee is opposed to the Resolution, please advise if you are opposed.

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Application PL-ZNA-2022-0027

Permission to Enlarge Legal Non-conforming Use

Owner: Estate of Bruce Taylor (c/o Kelly Di Cesare)

Applicant: Kelly and Walter Di Cesare

Property: 106 Sandpit Lane, District of Bedford

Recommendation: Approval

- Pending any comments received
- Subject to conditions

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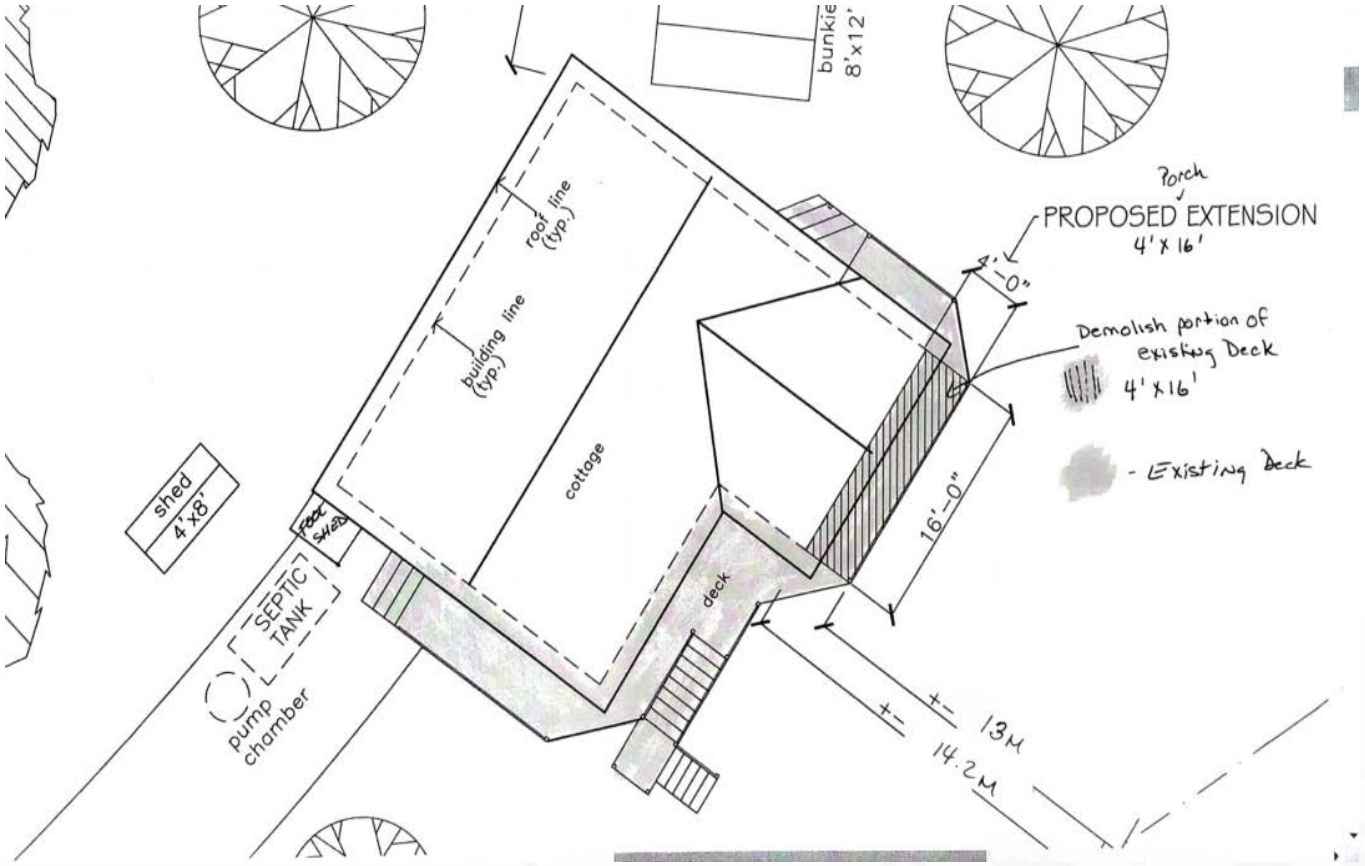
Property Description

- OP Designation: Rural
- RLSW Zone
- 0.6 acres
- Crow Lake
- Developed with Dwelling, 2 sleeping cabins, an outhouse, a shed and sewage system

Proposal

- Demolish a 64 square feet section of the deck and replace it with a 64 square feet extension of the existing enclosed porch.
- Permission required to allow enlargement of gross floor area of the dwelling within 30 metres of the lake.
  - Setback 13 metres at its closest point
- Increase in height on the south side.



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View from the Lake

View looking south

View looking north

Department, Agency and Public Comments

- **Rideau Valley Conservation Authority** – No objection - the proposal will not encroach further into the setback and that it is not a significant change of use and will not negatively impact Crow Lake. Provided mitigation measures.
- **Public Comments** – One comment received in support.

Planning Analysis

- The dwelling is a legal non-conforming building & permitted use
- Use is not changing
- Footprint of dwelling is not changing and is going no closer to the highwater mark of Crow Lake
- Not anticipated to increase the nutrient loading associated with the septic system.
- Development agreement will address roof run-off and revegetation
- Not anticipated to have any adverse impacts on the neighbouring properties
  - Compatible with built form and character of surrounding properties
  - Buffering of trees surrounding the property
- Will not aggravate the situation
  - is not anticipated to have any negative impacts on vegetation than what currently exists and will not result in land use incompatibility

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Recommendation

- It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** application PL-ZNA-2022-0027, subject to the following conditions
  - Permission is granted to enlarge the legal non-conforming dwelling on the subject property as per the drawings and application submitted
  - Development agreement
    - Planting Plan
  - Building permit is required for ALL construction on the property

1. Questions of Clarification for Staff or Applicant

2. Public Questions or Comments

3. Committee Deliberation & Vote

Upon the Chair asking if any member of the Committee is opposed to the Resolution, please advise if you are opposed.

The Chair will call if the vote is carried or is lost.

If you would like to speak:

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Application PL-ZNA-2022-0028

Permission to Enlarge Legal Non-conforming Use

Applicant: Carole Pickett

Property: 217-219 Garrett Road

Recommendation: Approval

- Pending public comment
- Subject to conditions

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Property Description

- Rural designation
- RU zone
- 206 acres
- Two dwellings, two sheds, two barns
- Primary dwelling has 2,612 square feet gross floor area
- Secondary dwelling has 1,408 square feet gross floor area

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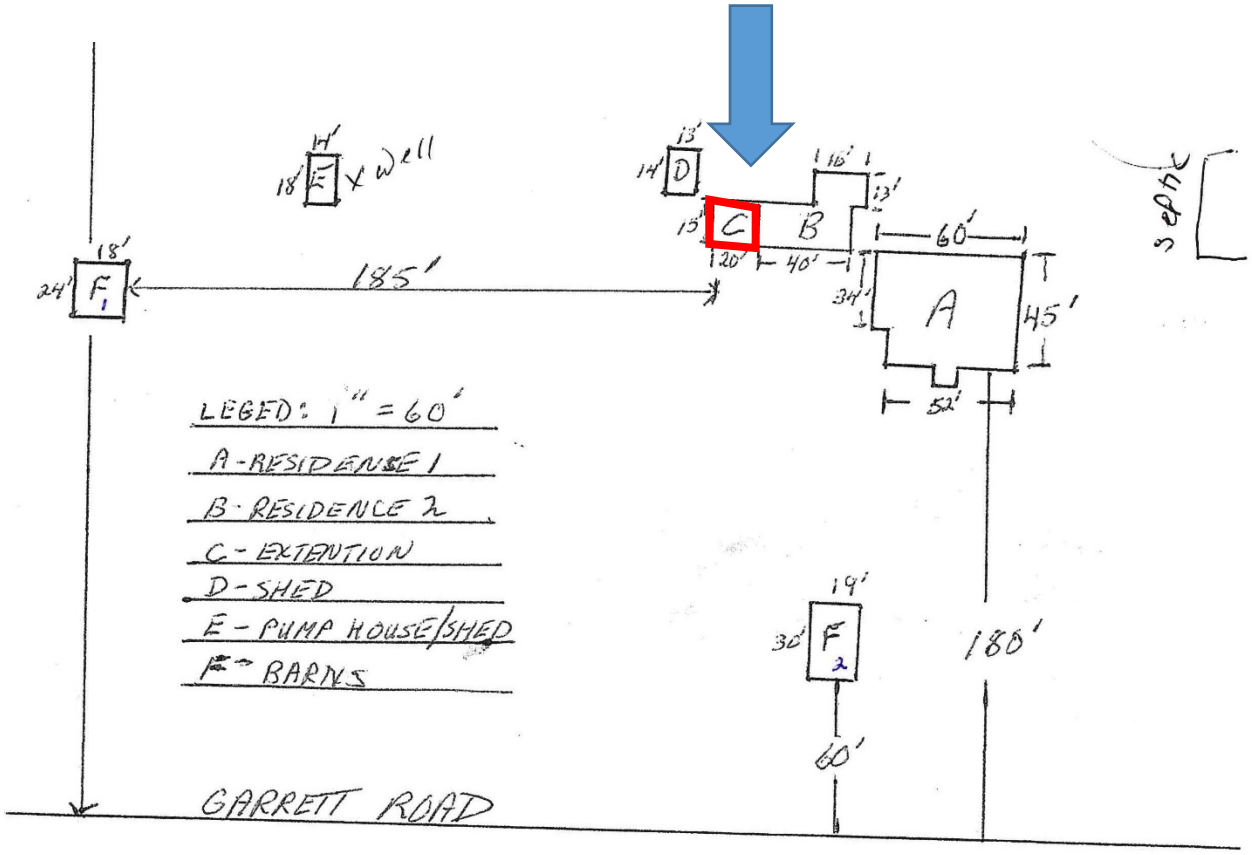
Proposal

- 300 square foot addition on secondary dwelling
- Accessible, main floor bedroom



View of houses from road and end of driveway

Addition would be in location of deck

Department, Agency and Public Comments

- **Building Services** – the existing sewage system will be reviewed as part of building permit application process
- **Public Services** – no comment
- **Rideau Valley Conservation Authority** – no objection
- **Public Comments** – none received

Planning Analysis

- RU zone permits one dwelling per property
- The two dwellings are more than 100 years old
- The secondary dwelling is legal non-conforming
- Addition would make the dwelling more physically accessible
- Adequate water and sewage disposal systems
- More than 55 metres from road and visually screened
- More than 90 metres from wetland
- Appropriate to grant permission to enlarge the secondary dwelling

SOUTH FRONTENAC

Recommendation

- It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** application PL-ZNA-2022-0028, subject to conditions.
- Conditions:
  - The application is approved in accordance with the plans submitted
  - Building permit is required for ALL proposed construction on the property

1. Questions of Clarification for Staff or Applicant

2. Public Questions or Comments

3. Committee Deliberation & Vote

Upon the Chair asking if any member of the Committee is opposed to the Resolution, please advise if you are opposed.

The Chair will call if the vote is carried or is lost.

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.

SOUTH FRONTENAC

Application PL-ZNA-2022-0033

Minor Variance

Applicant: Robin Gagne

Property: 2926 Forest Road, District of Loughborough

Recommendation: Approval

- Pending any comments received
- Subject to conditions

Property Description

- OP Designation: Rural
- Rural Zone
- 2.09 acres
- Developed with dwelling, garage, shed and sewage system

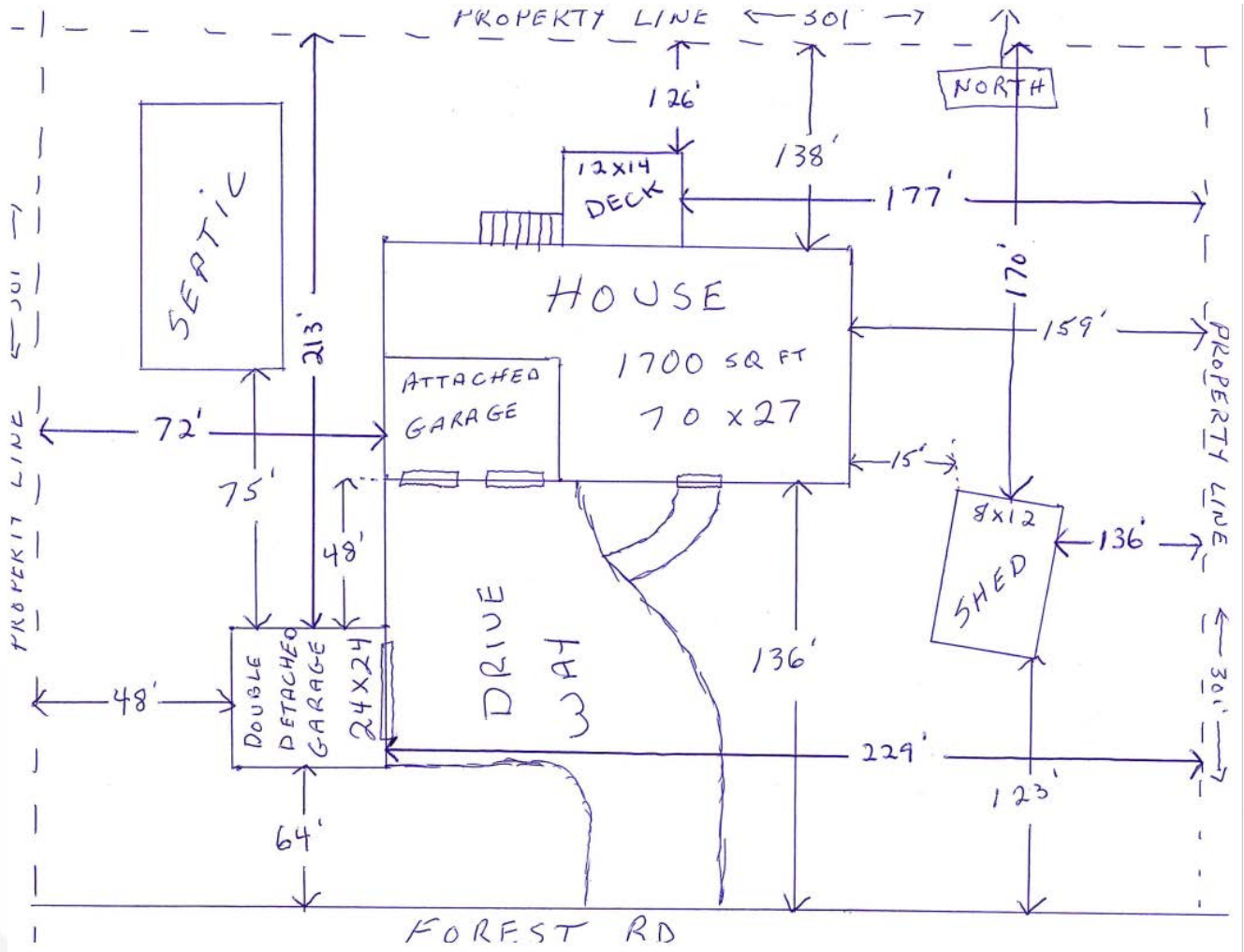
Proposal

Locate detached garage in front yard

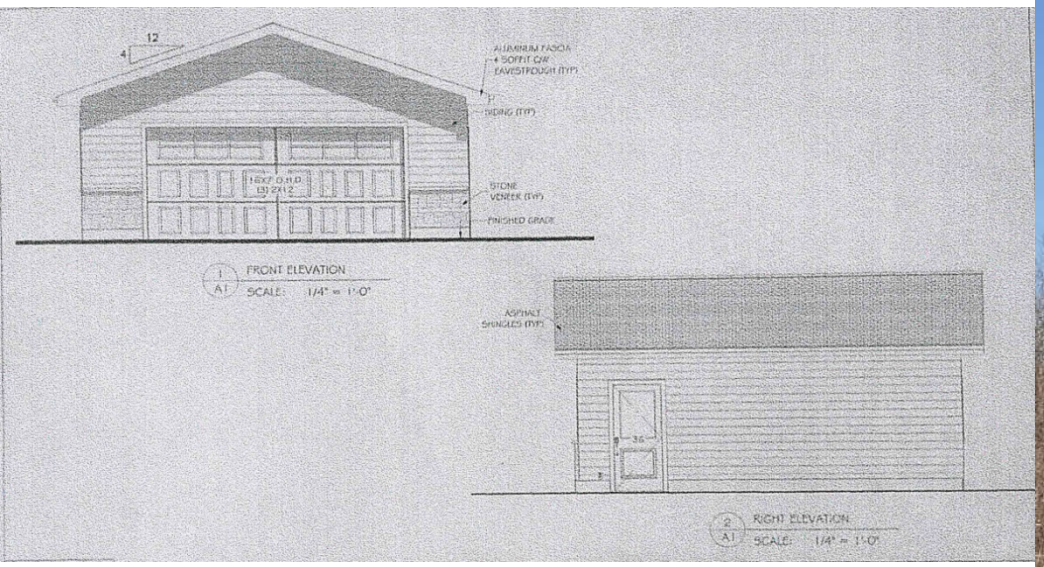
Garage will be:

- 24 feet x 24 feet
- 4.5 metres high
- Located 19.5 metres from Forest Road off existing driveway

Permission is also requested to allow existing shed to be in the front yard



SOUTH FRONTENAC



View from the Road

SOUTH FRONTENAC

View from the road

Department, Agency and Public Comments

- This application did not meet the criteria for circulation to any departments nor agencies.
- No comments have been received from the public.

Planning Analysis

Variance meets four tests of a minor variance

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

Recommendation

- It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** application PL-ZNA-2022-0033, subject to the following conditions
  - The Minor Variance is to permit a detached garage and a shed to be located in the front yard. Detached garage is permitted to be 19 metres from Forest Road and the shed is permitted to be 20 metres from Forest Road as per drawings submitted.
  - Building permit is required for ALL construction on the property
  - Only applicable to Zoning By-Law No. 2003-75 and not to any subsequent zoning by-laws

SOUTH FRONTENAC

1. Questions of Clarification for Staff or Applicant

2. Public Questions or Comments

3. Committee Deliberation & Vote

Upon the Chair asking if any member of the Committee is opposed to the Resolution, please advise if you are opposed.

The Chair will call if the vote is carried or is lost.

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.

SOUTH FRONTENAC

Consent Granting Authority

New Lot Creation (11)

- S-51-21-P Allan
- S-65-21 Prikker
- S-78-21-S Moreland
- S-82-21-L, S-83-21-L & S-84-21-L Murphy
- S-85-21-L Nature Conservancy of Canada
- S-87-21-S & S-88-21-S Blake & Williams
- S-93-21-L Bachelder
- PL-2022-0017 Platenius

Lot Addition & Right of Way (6)

- S-86-21-L Nature Conservancy of Canada
- S-91-21-B Thomas
- S-94-21-P Allan
- S-95-21-P Dixon & Allan
- PL-2022-0004 Swarthout & Metcalfe
- PL-2022-0016 Vandenberg

SOUTH FRONTENAC

Conclusion/Adjournment

Committee of Adjustment Meeting

SOUTH FRONTENAC

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

RECEIVED
NOV 08 2021
TOWNSHIP OF SOUTH FRONTENAC
BUILDING DEPARTMENT

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 *Minor Variance Only* *Minor Variance WITH Performance Review* *Minor Variance in combination with a new Class 2, 3, 4, or 5 sewage system other than a Class A system*	 $463.00 $720.00 $1,183.00
Cataraqui Region Conservation Authority	$420.00
Quinte Conservation Authority	$344.00
Rideau Valley Conservation Authority	$390.00

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

3. PLEASE READ THIS ITEM CAREFULLY

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

4. Collection of Personal Information

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

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): Doug & Romey (Nitsh) Mckay

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: Paul Snelgrove

Full Mailing Address of Authorized Agent: [redacted]

Phone number of Authorized Agent: [redacted]

Email Address of Authorized Agent: [redacted]

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

_____
Signature(s) of Owner(s)

3. The description of the subject land:

District: ☐ Bedford ☐ Portland ☒ Loughborough ☐ Storrington

Concession Number: 14 Lot Number: 23

Street Number: 82 Name of Road/Street: Labelle Lake Lane

Reference Plan Number: 13R-19740 Part Number(s): 1

Roll Number: 1029040040231600

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): Doug & Romey (Nitsh) Mckay

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: Paul Snelgrove

Full Mailing Address of Authorized Agent: [redacted]

Phone number of Authorized Agent: [redacted]

Email Address of Authorized Agent: [redacted]

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

Signature(s) of Owner(s)

3. The description of the subject land:

District: ☐ Bedford ☐ Portland ☒ Loughborough ☐ Storrington

Concession Number: 14 Lot Number: 23

Street Number: 82 Name of Road/Street: Labelle Lake Lane.

Reference Plan Number: 13R-19740 Part Number(s): 1

Roll Number: 1029040040231 60

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): 947 ft. Frontage (on road/lane): 300 ft

Depth: 407 ft. Area: 9.32 acres

5. The current zoning of the subject land:

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

RLSW-72

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

Encroachment of deck into the 30m set back from a wetland

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

Name of Road/Lane:

Labelle Lake Lane

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

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

Single family dwelling

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

☑ Yes ☐ No

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

Type of Structure (E.g. residence)	**(1)** Single family dwelling	**(2)**	**(3)**	**(4)**
Setback from Front Lot Line	30.1m			
Setback from Rear Lot Line	Corner of house: 10 m | Deck: 34m			
Setback from Side Lot Line	House: 24m | Subject Deck: 31m			
Height of Building (Also indicate if it is one story or two story)	6.3 m			
Dimensions of Floor Area	196 m^2			
Setback from High Water Mark (If applicable)	30 m			

13. The proposed uses of the subject land:

single family dwelling

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

☑ Yes ☐ No

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

	(1)	(2)	(3)	(4)
Type of Structure (E.g. residence)	Deck			
Setback from Front Lot Line	26.2m			
Setback from Rear Lot Line	10m Corner of house 24m Subject Deck			
Setback from Side Lot Line	24 m corner of house 31 m Subject Deck			
Height of Building (Also indicate if it is one story or two story)	4.3 m			
Outside Dimensions of Building/Structure	196 m2			
Setback from High Water Mark (If applicable)	26 m			

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

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

If yes, please provide details:

_____

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

If yes, please provide details:

18. What are the uses of the proposed development?

(a)	Increase in number of bedrooms	☐ Yes	☑ No
(b)	Increase in plumbing fixtures	☐ Yes	☑ No
(c)	Increase in living space	☐ Yes	☑ No
(d)	Will the addition or structure encroach on the existing septic system?	☐ Yes	☑ No

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

June 13, 2019

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

2020 - 2021

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

1 year

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:

Drilled Well

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

Sewage System

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

Ditches and swales

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

☐ Yes ☑ No

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

---

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

☐ Yes ☑ No

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

---

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

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

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

iii) The location of a reference point……i.e. distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing.

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

v) The approximate location of all natural and artificial features on the subject land and on the land that is adjacent to the subject land. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, barns, wetlands, wooded areas, wells and septic tanks. Show distance of these features from the applicant's property lines.

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

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

AGREEMENT TO INDEMNIFY

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

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

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

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

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

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

[redacted]

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

A Guide to Completing the Minor Variance Form

1) The names of **all** owners must appear in this section, even if they live in separate residences, and the address(es) should be the **full mailing address, complete with postal code.**

2) You may wish to appoint someone to act on your behalf during the variance process. If so, that person's name, address and phone number should appear here All owner's must sign the authorization.

3) Description of the Subject Land:
   a. District: The Districts are the same as the former Townships. If you are not sure, check the roll number (the long number beginning with 1029) on your tax bill. If the numbers are 010, 020 or 030, your district is Bedford; if the numbers are 040-050, your district is Loughborough; if the numbers are 060 or 070, your district is Storrington; and if the numbers are 080, your district is Portland.
   b. Concession and Lot Numbers: if you are not sure, check your tax bill
   c. Street Number: Your civic address – if a civic number has not been assigned, leave this space blank.
   d. Name of Road/Street: This question applies whether or not you are on a private lane or a public road.
   e. Reference Plan No: If your property has been surveyed, it will have a plan number, and one or more parts on that plan. If your property has not been surveyed, leave this space blank.
   f. Roll No: This is the number beginning with '1029' which appears on your tax bill. Please take time to look it up before submitting the application.

4) Frontage, depth, area, acres: All parts of this question must be completed.

5) Current zoning: You may not be aware of the zoning on your property and this can be determined when you come in for pre-consultation with planning staff.

6) Nature and Extent of Relief: This question is asking what you are asking to do that requires the variance – for example, it could be that you are asking to be 25 m rather than 30 m from the high water mark, or that you are asking to increase the height of a structure within 30 m of the high water mark, or that you are seeking a variance to construct an accessory building closer to the front lot line than the principal building.

7) Reason why you can't comply: In other words, why can you not meet the required setbacks. It could be, for example, because you are seeking a variance to add on to an existing structure that is already too close to the water, or that developing further from the water would be impossible because of a steep embankment.

8) Roads: Municipally maintained roads are looked after by the Township; private roads are lanes that residents maintain themselves (not private driveways, but lanes that provide access to your property and that are generally shared with others).

9) Parking and Docking: This question is only relevant is you can only access your property by water.

10) Existing Uses: e.g. residential, retail business, vacant recreational land

11) Buildings: If there are **ANY** buildings or structures on the property now, the answer to this question is "yes".

12) Description of buildings and structures: You must complete all sections of this question for each structure on your property. **If there is a deck on your dwelling, please describe it separately from the residence.**

13) Proposed Uses: Generally, the answer to this question will be the same as the answer to #10, but if, for example, the land is currently vacant, and you are planning to construct a dwelling, then the use to be described in section 10 would be "vacant recreational land", and the use described in section 13 would be "residential"

14) Proposed structures: If you are planning to build **ANYTHING** on the property, the answer to this question is "yes" – This includes additions, decks, garages, septic systems.

15) Description of new construction: **ALL** proposed new development must be described here. If you are proposing to construct an addition to a dwelling, and to add a deck, please show this information in separate columns.

16) **Demolition: All demolition requires a permit from the building department.** In some instances, a proposed addition or increase in height cannot be accomplished without the removal of existing walls. If this is not made clear to the Committee at the beginning of the process, you may find that, although you are granted permission to add on to your residence, you can't actually do it because you have not made it clear that there is demolition involved.

17)Raising of Structure: In other words, are you proposing to raise the building in order to construct a basement under it.

18)Uses of Development: Please answer each part of this question. An increase in living space would include anything with walls – e.g. a screened porch would involve an increase in living space.

19)Date land acquired: When did you take possession of the property?

20)Date of existing buildings: If you are not sure, provide your best estimate.

21) Length of existing uses: For example, has the land been used for residential purposes for 30 years, or 18 months?

22) Water supply: in most cases the answer will be private well, but some waterfront properties take their water from a lake.

23) Septic: in most cases the answer will be private sewage system, but there may be some privies.

24) Drainage: Are there specific ditches that have been constructed to deal with drainage; is there natural drainage, etc.?

25) Application for consent: Is there currently an application for consent (severance) being proposed for the property?

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

27) Minor variance: Has there ever been a minor variance granted on the property? If you are long-time owner of the property, you will probably be aware of any other special permission granted for a variance to the zoning by-law. If you are a new owner, the seller will probably have made you aware of this.

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

29) **SKETCH: We cannot stress enough the importance of a detailed, accurate, and complete sketch. You do not necessarily need to contract with a professional to draw the sketch, but sketches that are not drawn to scale, do not show dimensions and distances, or are not drawn neatly (PLEASE USE A RULER), will not be accepted.**

30) **Agreement to Indemnify**: Must be signed in front of a commissioner of oaths – you may have this done before submitting the application, or sign the application in front of staff who can sign as commissioners. All owners must sign the application, or it can be signed by an agent if one has been appointed.

From: Christine Woods
Sent: November 25, 2021 4:08 PM
To: snelgrov@kingston.net
Subject: Fwd: 82 Labelle Lake Lane Minor Variance Application MV-51-21-L

Christine Woods
Senior Planner, MCIP, RPP
Township of South Frontenac
Box 100, Sydenham ON K0H 2T0
Phone: 613-376-3027 ext 2221
Fax: 613-376-6657
www.southfrontenac.net

From: Christine Woods <cwoods@southfrontenac.net>
Sent: Tuesday, November 23, 2021 5:07:47 PM
To: snelgrove@kingston.net <snelgrove@kingston.net>
Subject: 82 Labelle Lake Lane Minor Variance Application MV-51-21-L

Paul,

Thank you for taking my call this afternoon about the minor variance application for 82 Labelle Lake Lane. As I noted, I require some clarification and additional information for the application and/or sketch in order to be able to deem the application complete and ready for circulation.

1. Please provide a survey or drawing that shows the location of the house relative to the entire property.
2. The house on the sketch is labeled "proposed building". My understanding is that the house was constructed. Please relabel so that there is no confusion on the existence of the house.
3. Include the proposed deck dimensions on the sketch as well as in the table in Section 15 of the application form.
4. Usually the front lot line and the highwater mark are one and the same. However, that is not the case on this property. I estimated that the house is about 80 metres from the front lot line. Verify the setback from the front lot line for the house and the proposed deck and update the tables in Section 12 and 15.

The last day to post notice signs and mail notices for the December Committee of Adjustment meeting is Monday, November 29th. Please provide the required information before then.

I will let you know when I will stop at the property on Thursday so that you can join me if you able. If I receive the above information in time, I may be able to bring the notice signs with me.

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) Single Family dwelling	(2)	(3)	(4)
Setback from Front Lot Line	190 m			
Setback from Rear Lot Line	Corner of house 10 m | Deck 34m			
Setback from Side Lot Line	House 24m | Subject Deck 35m			
Height of Building (Also indicate if it is one story or two story)	6.3 m			
Dimensions of Floor Area	196 m^2			
Setback from High Water Mark (If applicable)	30 m			

13. The proposed uses of the subject land:

single family dwelling

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

☑ Yes ☐ No

VARIANCE FOR NEW DECK
82 Labelle Lake Lane.

LABELLE LAKE

54.344

186.030

981

LABELLE LAKE LANE

EXISTING DRIVEWAY

190m

PROPOSED
NEW SEPTIC

10m

28m

DECK

5' 3.3m DECK

PROPOSED
NEW COTTAGE

109' [33.23]

31.5m to Building
26.5m to Deck

ARROWS REPR
NATURAL
RUNOFF
DIRECTIO

Proposed Deck
5m x 11m

EDGE OF
WETLAND

292'-8" [89.21]
CORNER OF DECK TO EDGE OF LAKE

121.012

B I G C L E A R L A K E

ROAD ALLOWANCE BETWEEN GEOGRAPHIC TOWNSHIPS OF LOUGHBROUGH AND BEDFORD

PROPERTY LINE

PART 1
PLAN 13R-18872

PROPERTY LINE

10.47

10.00

11.82

23.92

28.14

NORTH

LOT 23

CONCESSION 14

1.5m

3.5m

Variance of 3.9m

NEW BUILDING

DECK

DECK

11m

31.6m

26.5m

5m

PART 1
PLAN 13R-19740

33.3±

32.0±

EDGE OF SOLID LAND

EDGE OF WETLAND

LEGEND

- DECKS PROPOSED THAT WILL BE CONSTRUCTED
- DECK EXTENSION THAT REQUIRES MINOR VAR.
- DECKS PROPOSED THAT WILL BE ELIMINATED

SURVEYOR'S CERTIF

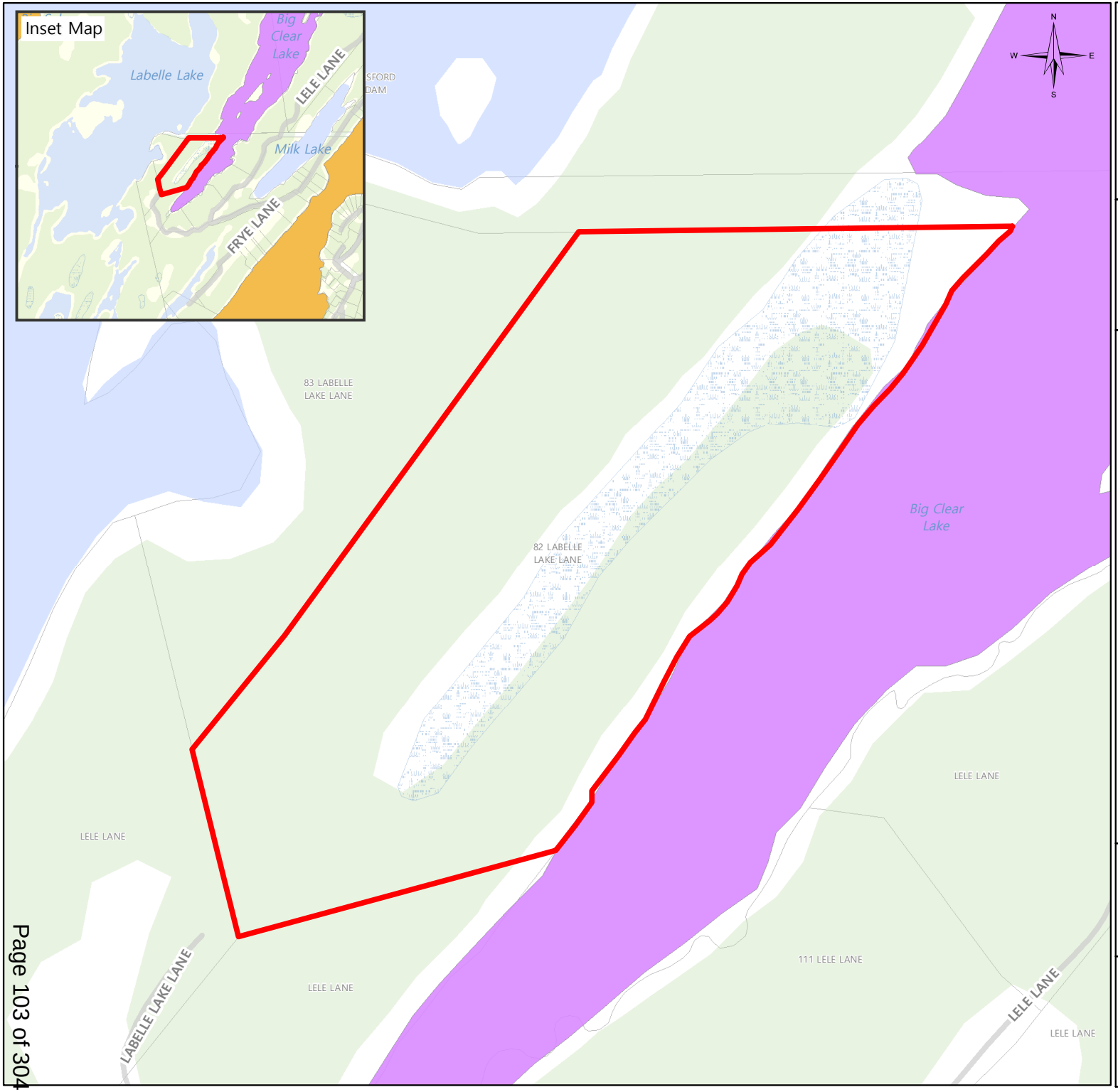
1. THIS SKETCH DEPIC
OF THE LOCATION OF T
LOT 23, CONCESSION 1

DATE: JULY 31, 2020

HCLS

HOPK
LAND S
Ontario
WWW

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



SOUTH FRONTENAC

MV-51-21-L

(MCKAY) (SNELGROVE) 82 LABELLE LAKE LANE

Legend

- Subject Property
- Provincially Significant Wetlands
- Wetland
- Wooded Area
- Lake Trout Lake - At Capacity
- Lake Trout Lake - Not at Capacity
- Non-Lake Trout Lake - At Capacity
- Water
- Parcel Fabric
- Road
- Railway

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

Scale 1:2,000

0 15 30 60

Meters

UTM Zone 18 NAD 83

Date: 2021-11-12

April 8, 2022 File:MV/FRS/400/2021

Sent by E-mail

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

Dear Ms. Hannah:

Re: Application for Minor Variance MV-51-21-L (McKay / Snelgrove)
Lot 23, Concession 14; Roll Number 102904004023160
Loughborough District, Township of South Frontenac
Waterbody: Unevaluated Wetland

Cataraqui Conservation staff have reviewed the above-noted application for minor variance and provide the following comments for the Committee of Adjustment's consideration. The property was visited by staff on April 8, 2022.

Summary of the Proposal

The proposal involves the construction of a deck on the subject property. The variance is requested to:

- Reduce the required setback from the highwater mark (wetland) from 30 metres, as required by Section 5.8.2.a) of the South Frontenac Zoning By-law, to 26.5 metres in order to permit the construction of a deck.

The deck is proposed to be built on the southern end of an existing structure.

Site Description

The property is located on the east side of Labelle Lake Lane, north of Big Clear Lake and south of Labelle Lake. The topography of the property can be described as being a high ridge of land that rises up quickly on both sides of a plateau table land area where the existing dwelling is located.

The property is designated 'Rural' in the Official Plan and zoned 'Limited Service Residential – Waterfront Zone' (RLSW) in the implementing Zoning By-law. Big Clear Lake is designated as a moderately sensitive Lake Trout Lake in the Official Plan.

Discussion

The main interests of Cataraqui Conservation with respect to this application are the protection of the unevaluated wetland natural heritage feature and its water quality.

Natural Heritage / Water Quality
Section 2.2 of the Provincial Policy Statement (PPS) suggests that planning authorities should seek to protect, improve or restore the quality and quantity of water. Accordingly, the Official Plan and Zoning By-law for the Township of South Frontenac provide guidance with respect to how development should occur in consideration of protecting, improving and restoring water quality within the municipality. Similarly, Cataraqui Conservation's Environmental Planning Policy (EPP, 2021) contains provisions that seek to support these objectives.

Section 5.2.7 b)(i) of the Official Plan for South Frontenac Township suggests that a 30 metre setback from the high water mark is required to be maintained as a buffer in order to protect water quality. Similarly, Cataraqui Conservation's Environmental Planning Policy recommends that new development and site alteration within 30 metres of a wetland should not generally be supported. However, Section 5.2.6 of the EPP suggests that a reduction in the 30 metre setback may be supported provided that there will be no negative impacts on the wetland or its ecological and hydrologic function, and the proposed development is in accordance with applicable requirements under Ontario Regulation 148/06.

In this instance, the encroachment into the setback is minor (3.5 metres) and, in the opinion of staff, there will be no negative impacts to the ecological or hydrologic function of the wetland. Additionally, the development can be supported under Section 9.4.2.1 10) of the Guidelines for Implementing Ontario Regulation 148/06 which states that minor encroachments into the 30 metre wetland setback may be permitted provided that there is minimal disturbance to the soil mantle and existing vegetation and that the ecological and hydrologic function of the wetland is maintained.

Recommendation

Staff have no objection to the approval of application MV-51-21-L based on our consideration for natural hazards, natural heritage, and water quality and quantity protection policies.

Ontario Regulation 148/06
Please note that a portion of the property is subject to Ontario Regulation 148/06: Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses, which is administered by Cataraqui Conservation. The purpose of the regulation is to ensure that proposed changes (e.g. development and site alteration) to a property are not affected by natural hazards, such as flooding and erosion, and that the changes do not put other properties at greater risk from these hazards, and to protect wetlands. *Since the proposed development will be within 30 metres of an*

unevaluated wetland feature, a Cataraqui Conservation permit is required prior to development taking place.

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

Yours truly,

Andrew Schmidt

Andrew Schmidt
Supervisor, Development Review

/as
c.c. Christine Woods, Senior 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:	April 14, 2022
Subject:	**Minor Variance Application (S. 45(1) of Planning Act) MV-51-21-L, Doug and Romey McKay, 82 Labelle Lake Lane, Loughborough District**

Summary

This report recommends that the Committee of Adjustment grant approval of this application for zoning relief for the addition of a deck to a single detached dwelling, subject to conditions, as this application meets the four tests of a minor variance outlined in section 45(1) of the Planning Act.

Background

Previous Public Hearing

The Committee of Adjustment first heard this application on December 9, 2021. The Committee deferred making a decision on this application to provide time for agencies to review the proposal and to provide comment, and for Planning staff to consider those comments in making a recommendation to the Committee.

Official Plan Designation: Rural

Zoning: Limited Service Residential – Waterfront – Special Provision (RLSW-81). The RLSW-81 zone requires the lot to have a minimum 213 metres of water frontage.

Zoning Relief Requested

Sections 5.8.2(a) and 10.3.1 Highwater Mark – to permit a deck attached to a single detached dwelling to be set back a minimum of 26 metres from the highwater mark of a wetland connected to Big Clear Lake, whereas a minimum 30 metre setback is required for all buildings and structures.

Related Applications

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

Discussion

Property Description

The 3.7 hectare property on Big Clear Lake is accessed from Labelle Lake Lane, which is off a series of private lanes from Frye Road. The lands consist of two high bedrock ridges that run parallel to the lake. The valley between the ridges contains a long, linear wetland that is connected to the lake at the north end of the property. The property abuts an unopened road allowance to the north. The lands north of the road allowance are part of Frontenac Provincial Park.

The north end of the property is developed with a single detached dwelling. The 196 square metre dwelling is setback 31.6 metres from the highwater mark of the wetland. It is more than 20 metres from the road allowance. The dwelling was constructed over a bedrock ridge such that the centre of the dwelling is at grade on top of the ridge and the ends of the dwelling are elevated on either side of the ridge.

Summary of Proposal

The 2020 building permit for the dwelling included approximately 150 square metres of attached decking. This approved decking would have been setback a minimum of 30.1 metres from the wetland. The majority of the approved decking, which was intended to provide access to the centre access points of the dwelling, was not constructed because it was no longer needed due to the final grades around the dwelling.

A 16.5 square metre (1.5 metre by 11 metre) portion of the decking was approved, through the building permit, to be constructed on the waterside of the single detached dwelling and setback a minimum of 30.1 metres from the wetland. The applicant now proposes to construct a 55 square metre (5 metre by 11 metre) deck on the waterside of the single detached dwelling.

An application for minor variance was received to permit a 55 square metre deck that would be attached to the dwelling, to be setback a minimum of 26 metres from the highwater mark of the wetland.

Agency Comments

Cataraqui Conservation indicated in a letter dated April 8, 2022, that they have no objection to the approval of this application. They consider the proposed encroachment into the highwater mark setback to be minor, and do not foresee there will be negative impacts to the ecological or hydrologic function of the wetland.

The subject property is in an area regulated by Cataraqui Conservation under O. Reg. 148/06. A permit under this regulation would be required for the proposed deck.

Public Comments

No comments were received from the public at the time of the writing of this report.

Planning Analysis

The proposal needs to be assessed against the four tests of a minor variance outlined in Section 45(1) of the Planning Act. It is the opinion of Planning staff that the proposal meets the four tests as explained below.

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

The subject lands are designated 'Rural' in the Official Plan on Schedule A. The type and amount of development on 'Rural' lands must maintain the rural character, natural heritage, and cultural landscape in the Township. The proposed deck would be connected to the permitted residential use of the property.

Section 5.2.7(b) of the Official Plan requires buildings and structures to be setback a minimum of 30 metres from the highwater mark of lakes and rivers. Vegetation within this area should be disturbed as little as possible and the soil mantle is also not to be altered. The purpose of these measures is to minimize environmental and visual lake impacts by reducing phosphorus inputs, preventing erosion and by maintaining a natural appearance of shorelines.

Section 5.7.7(ii)(e) requires limited service residential development to be designed to preserve as much as possible a site's physical attributes, such as tree coverage, varying topography, scenic views, etc. for the benefit of future residents.

The subject property was created subsequent to the approval of the Official Plan. As such, the dwelling was setback a minimum of 31.6 metres from the wetland that is connected to Big Clear Lake. The dwelling is located on a ridge more than 50 metres from the lake itself, and is visually screened from the lake by elevation, a second ridge, and an extensive natural vegetated/treed buffer. The dwelling is similarly screened from Labelle Lake to the west. The proposed deck, setback a minimum of 26 metres from the highwater mark of the wetland, would also be visually screened by the same physical features. The encroaching section of the deck would be a modest projection.

It is the opinion of Township staff that the proposed variances maintain the general intent and purpose of the Official Plan, specifically the policies on limited service residential development, and development within environmentally sensitive areas.

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

The proposed variance maintains the general intent and purpose of the Zoning By-law as the proposed attached deck is a permitted use on the subject property, is within the maximum lot coverage permitted, and the proposed location complies with the setback requirements of the RLSW zone, with the exception of the reduced setback from the high water mark.

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

The variance is desirable for the appropriate development or use of the dwelling as it would facilitate a modest sized deck off a portion of the dwelling where there is a significant difference in elevation between the existing doors on that side of the building and the ground.

Is the variance minor?

The requested variance is minor as it maintains the general intent and purpose of the Official Plan and Zoning By-law, and is desirable for the appropriate development or use of the dwelling. The variance is not anticipated to cause adverse environmental or visual impact as the deck would be visually screened from the lake by distance, elevation, a second ridge, and an extensive natural vegetated/treed buffer. Nor would there be visual impact on neighbouring properties as the nearest residence is on the opposite side of the dwelling, at a lower elevation to the west. The deck would be designed to minimize impact on the environment (e.g. post supported, open underneath).

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 December 2021 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

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application MV-51-21-L for the property at 82 Labelle Lake Lane, subject to the following conditions.

1. The minor variance is to permit a 55 square metre (5 metre by 11 metre) deck that would be attached to the single detached dwelling to be setback a minimum of 26 metres from the highwater mark of the wetland on the subject property, consistent with drawings submitted at the time of application.

2. A building permit is required for ALL proposed demolition and construction on the property. There shall be no additional development on the property without the approval from the Township of South Frontenac.

3. Minor variance MV-51-21-L is applicable only to Zoning By-law No. 2003-75 and not to any subsequent zoning by-laws.

Report Prepared By:
Christine Woods, MCIP RPP, Senior Planner

Reviewed By:
Claire Dodds, MCIP, RPP, Director of Development Services

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 *Minor Variance Only* *Minor Variance WITH Performance Review* *Minor Variance in combination with a new Class 2, 3, 4, or 5 sewage system other than a Class A system*	$463.00 $720.00 $1,183.00
Cataraqui Region Conservation Authority	$420.00
Quinte Conservation Authority	$344.00
Rideau Valley Conservation Authority	$390.00

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

3. **PLEASE READ THIS ITEM CAREFULLY**

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

4. **Collection of Personal Information**

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

Date Received: _____ 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): Margaret and Jay Wirsig

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: Dave Nanton of Fotenn Planning & Design

Full Mailing Address of Authorized Agent: [redacted]

Phone number of Authorized Agent: [redacted]

Email Address of Authorized Agent: [redacted]

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

Signature(s) of Owner(s)

3. The description of the subject land:

District: ☐ Bedford ☐ Portland ☒ Loughborough ☐ Storrington

Concession Number: 12 Lot Number: 22 and 23

Street Number: 92 Name of Road/Street: Kismet Lane

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

Roll Number: 102904004003200

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

Frontage (on water): 79 m Frontage (on road/lane): 220 m +/- (broken)

Depth: 480 m (irregular) Area: 7.6 hectares (18.8 acres)

5. The current zoning of the subject land:

Rural (RU)

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

See report.

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

See report.

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

Name of Road/Lane:

Frontage on Perth Road - accessed from Kismet Lane (private lane)

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

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

Residential with accessory structures seeking permission for a home industry.

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

☒ Yes ☐ No

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

Type of Structure (E.g. residence)	**(1)** Cabin	**(2)** Bunkie	**(3)** Garage	**(4)**
Setback from Front Lot Line	400 m +/-	380 m +/-	390 m +/-	
Setback from Rear Lot Line	72 m	70 m	88 m	
Setback from Side Lot Line	11 m and 13 m	38 m	35 m	
Height of Building **(Also indicate if it is one story or two story)**	< 6m 1 story	< 6m 1 story	< 6m 1 story	
Dimensions of Floor Area	816 sf	100 sf	1,375 sf	
Setback from High Water Mark (If applicable)	72 m	70 m	88 m	

13. The proposed uses of the subject land:

Residential (primary) with home industry in accessory structure

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

☒ Yes ☐ No

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

Type of Structure (E.g. residence)	**(1)** Single detached dwelling	**(2)**	**(3)**	**(4)**
Setback from Front Lot Line	440 m +/=			
Setback from Rear Lot Line	31 m			
Setback from Side Lot Line	19 m			
Height of Building **(Also indicate if it is one story or two story)**	< 6m 1 story			
Outside Dimensions of Building/Structure	3,432 sf			
Setback from High Water Mark (If applicable)	31 m			

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

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

If yes, please provide details:

_____

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

If yes, please provide details:

_____

18. What are the uses of the proposed development?

(a)	Increase in number of bedrooms	☒ Yes	☐ No
(b)	Increase in plumbing fixtures	☒ Yes	☐ No
(c)	Increase in living space	☒ Yes	☐ No
(d)	Will the addition or structure encroach on the existing septic system?	☐ Yes	☒ No

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

June 12, 2007

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

Cabin 2006, Garage 2012, Bunkie 2013

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

Since 2007 (9-14+ 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:

Site is servied by a private well.

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

Privately owned individual septic system.

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

Storm drainage is provided by natural topography on property.

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

☐ Yes ☒ No

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

_____

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

☐ Yes ☒ No

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

_____

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

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

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

iii) The location of a reference point……i.e. distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing.

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

v) The approximate location of all natural and artificial features on the subject land and on the land that is adjacent to the subject land. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, barns, wetlands, wooded areas, wells and septic tanks. Show distance of these features from the applicant's property lines.

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

AGREEMENT TO INDEMNIFY

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 _____DAY OF_____, 20_____

I, _____ OF _____
solemnly declare that all the statements contained in this application are true and I make this solemn

[redacted]

1) The names of **all** owners must appear in this section, even if they live in separate residences, and the address(es) should be the **full mailing address, complete with postal code**.

2) You may wish to appoint someone to act on your behalf during the variance process. If so, that person's name, address and phone number should appear here All owner's must sign the authorization.

3) Description of the Subject Land:
    a. District: The Districts are the same as the former Townships. If you are not sure, check the roll number (the long number beginning with 1029) on your tax bill. If the numbers are 010, 020 or 030, your district is Bedford; if the numbers are 040-050, your district is Loughborough; if the numbers are 060 or 070, your district is Storrington; and if the numbers are 080, your district is Portland.
    b. Concession and Lot Numbers: if you are not sure, check your tax bill
    c. Street Number: Your civic address – if a civic number has not been assigned, leave this space blank.
    d. Name of Road/Street: This question applies whether or not you are on a private lane or a public road.
    e. Reference Plan No: If your property has been surveyed, it will have a plan number, and one or more parts on that plan. If your property has not been surveyed, leave this space blank.
    f. Roll No: This is the number beginning with '1029' which appears on your tax bill. Please take time to look it up before submitting the application.

4) Frontage, depth, area, acres: All parts of this question must be completed.

5) Current zoning: You may not be aware of the zoning on your property and this can be determined when you come in for pre-consultation with planning staff.

6) Nature and Extent of Relief: This question is asking what you are asking to do that requires the variance – for example, it could be that you are asking to be 25 m rather than 30 m from the high water mark, or that you are asking to increase the height of a structure within 30 m of the high water mark, or that you are seeking a variance to construct an accessory building closer to the front lot line than the principal building.

7) Reason why you can't comply: In other words, why can you not meet the required setbacks. It could be, for example, because you are seeking a variance to add on to an existing structure that is already too close to the water, or that developing further from the water would be impossible because of a steep embankment.

8) Roads: Municipally maintained roads are looked after by the Township; private roads are lanes that residents maintain themselves (not private driveways, but lanes that provide access to your property and that are generally shared with others).

9) Parking and Docking: This question is only relevant is you can only access your property by water.

10) Existing Uses: e.g. residential, retail business, vacant recreational land

11) Buildings: If there are **ANY** buildings or structures on the property now, the answer to this question is “yes”.

12) Description of buildings and structures: You must complete all sections of this question for each structure on your property. **If there is a deck on your dwelling, please describe it separately from the residence.**

13) Proposed Uses: Generally, the answer to this question will be the same as the answer to #10, but if, for example, the land is currently vacant, and you are planning to construct a dwelling, then the use to be described in section 10 would be “vacant recreational land”, and the use described in section 13 would be “residential”

14) Proposed structures: If you are planning to build **ANYTHING** on the property, the answer to this question is “yes” – This includes additions, decks, garages, septic systems.

15) Description of new construction: **ALL** proposed new development must be described here. If you are proposing to construct an addition to a dwelling, and to add a deck, please show this information in separate columns.

16) **Demolition: All demolition requires a permit from the building department.** In some instances, a proposed addition or increase in height cannot be accomplished without the removal of existing walls. If this is not made clear to the Committee at the beginning of the process, you may find that, although you are granted permission to add on to your residence, you can’t actually do it because you have not made it clear that there is demolition involved.

17) Raising of Structure: In other words, are you proposing to raise the building in order to construct a basement under it.

18) Uses of Development: Please answer each part of this question. An increase in living space would include anything with walls – e.g. a screened porch would involve an increase in living space.

19) Date land acquired: When did you take possession of the property?

20) Date of existing buildings: If you are not sure, provide your best estimate.

21) Length of existing uses: For example, has the land been used for residential purposes for 30 years, or 18 months?

22) Water supply: in most cases the answer will be private well, but some waterfront properties take their water from a lake.

23) Septic: in most cases the answer will be private sewage system, but there may be some privies.

24) Drainage: Are there specific ditches that have been constructed to deal with drainage; is there natural drainage, etc.?

25) Application for consent: Is there currently an application for consent (severance) being proposed for the property?

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

27) Minor variance: Has there ever been a minor variance granted on the property? If you are long-time owner of the property, you will probably be aware of any other special permission granted for a variance to the zoning by-law. If you are a new owner, the seller will probably have made you aware of this.

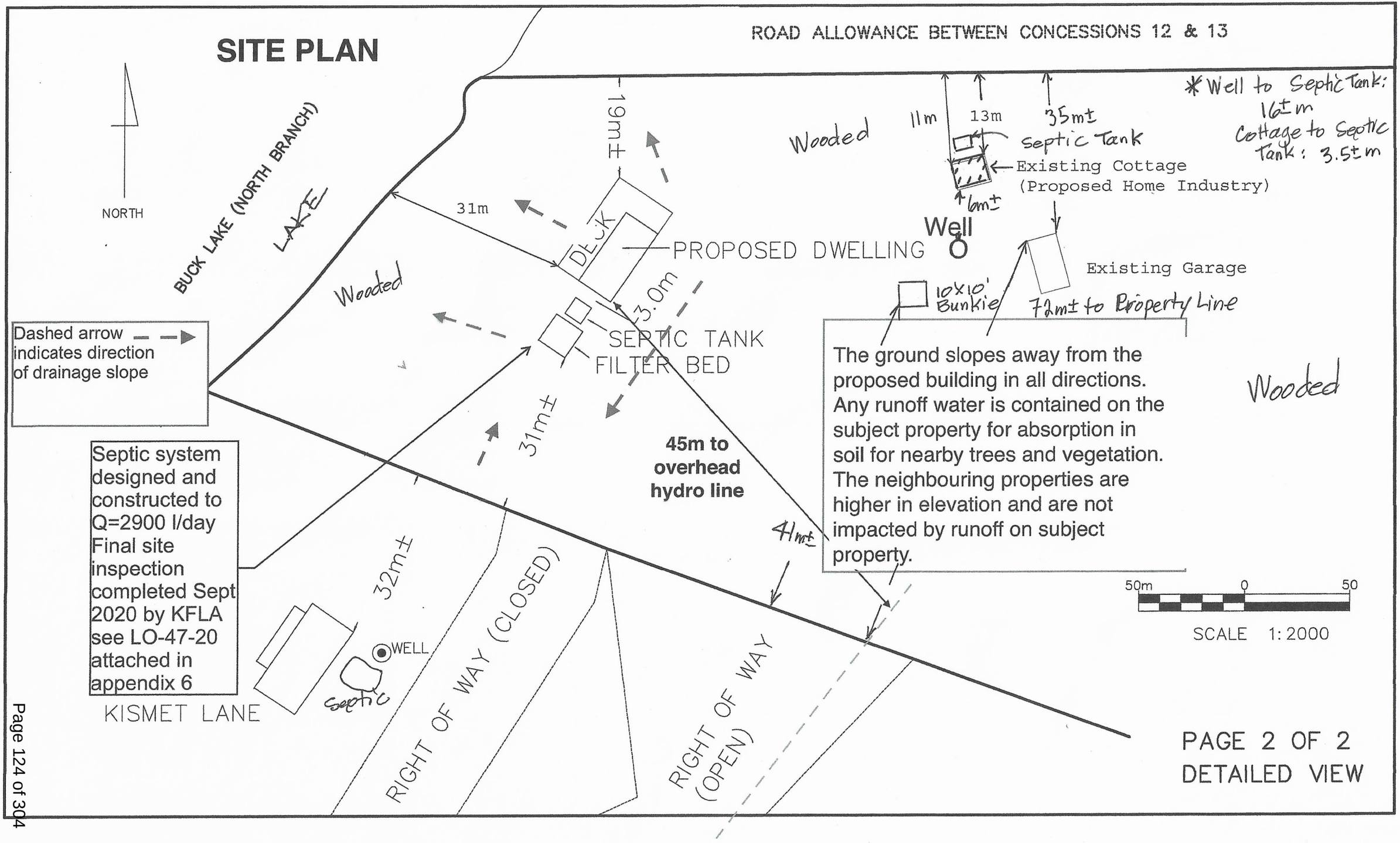
28) If yes: If there has been a previous variance granted on the property, please indicate the application number if known, and what the details of the variance were.

29) **SKETCH: We cannot stress enough the importance of a detailed, accurate, and complete sketch. You do not necessarily need to contract with a professional to draw the sketch, but sketches that are not drawn to scale, do not show dimensions and distances, or are not drawn neatly (PLEASE USE A RULER), will not be accepted.**

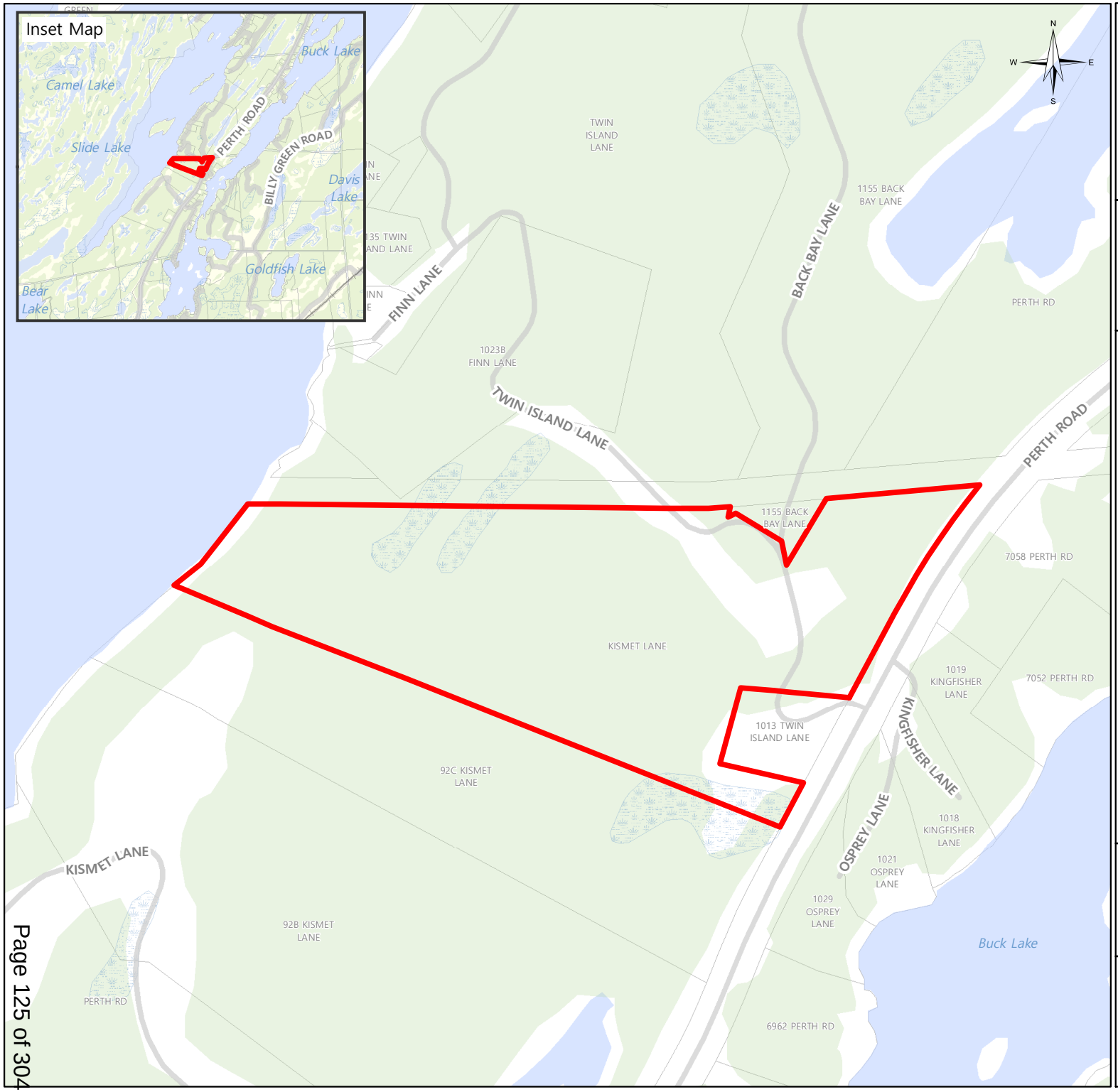
30) **Agreement to Indemnify**: Must be signed in front of a commissioner of oaths – you may have this done before submitting the application, or sign the application in front of staff who can sign as commissioners. All owners must sign the application, or it can be signed by an agent if one has been appointed.

Adjacent property owned by applicant

SITE PLAN



PAGE 2 OF 2
DETAILED VIEW



SOUTH FRONTENAC

PL-ZNA-2022-0008 (WIRSIG)

92 KISMET LANE

Legend

- Subject Property
- Road
- Railway
- Provincially Significant Wetlands
- Wetland
- Wooded Area
- Water
- Assessment Parcel
- Township Boundary

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

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

Scale 1:4,000

0 25 50 100

Meters

UTM Zone 18 NAD 83

Date: 2022-02-08

March 10, 2022

Ms. Christine Woods
Senior Planner
Development Services (Building and Planning)
Township of South Frontenac

Via Email: cwoods@southfrontenac.net

RE: 92 Kismet Lane
Minor Variance Application

Dear Ms. Woods,

Fotenn Planning + Design has been retained by the property owners of 92 Kismet Lane, Margaret and Jay Wirsig, to prepare this planning justification letter in support of an application for minor variance. This report provides the planning rationale in support of the application, the purpose of which is to allow for the adaptive reuse of the existing cottage on the subject site to accommodate a home industry and permit a new single detached dwelling. A minor variance application is required to address non-compliance resulting from the proposed development and conversion of the existing cottage with respect to property line setbacks and building orientation of accessory structures. The subject property is designated Rural on Schedule A – Land Use Plan of the Township of South Frontenac Official Plan and zoned Rural (RU) Zone in the Township of South Frontenac Zoning By-law 2003-75.

Site Description + Surrounding Context

The subject site is located in the Township of South Frontenac (the township) and is accessed by Kismet Lane, a private lane; and has approximately 220 +/- metres of frontage on Perth Road (County Road 10). The property also contains approximately 79 metres for shoreline frontage on Buck Lake and is approximately 7.6 hectares in size. The property is currently developed with a bunkie, garage, and cottage which is proposed to be converted to accommodate a home industry. In addition to the current development on the subject site, a new single detached dwelling is proposed and building permits from the township are being pursued.

Lands adjacent to the subject site along Kismet Lane and Perth Road are predominately residential uses which vary in size.

Figure 1: Site Context (Source: AG Maps, Annotated by Fotenn)

Development Proposal

The application seeks to change the use of the existing cottage from being the principal dwelling to a home industry. This change of use will work in concert with a building permit application to establish a new single detached dwelling.

The business intending to operate on the subject site is KayaArm. KayaArm is a patented Kayak Stabilization device that allows one to enter/exit their Kayak safely. The company is an E-commerce business where individual components are machined and welded at a local fabrication shop and packaged at the home industry site. The primary operations to be performed on the subject site include internet sales, telephone and internet customer support, bookkeeping and final packaging assembly & quality assurance activities. The nature of the business use is not anticipated to result in traffic impacts related to shipping and deliveries. In addition, given the product is preassembled and the primary tasks are related to sales, support, bookkeeping, and final packaging there is not expected to be noxious affects (e.g., noise or odors) for adjacent properties.

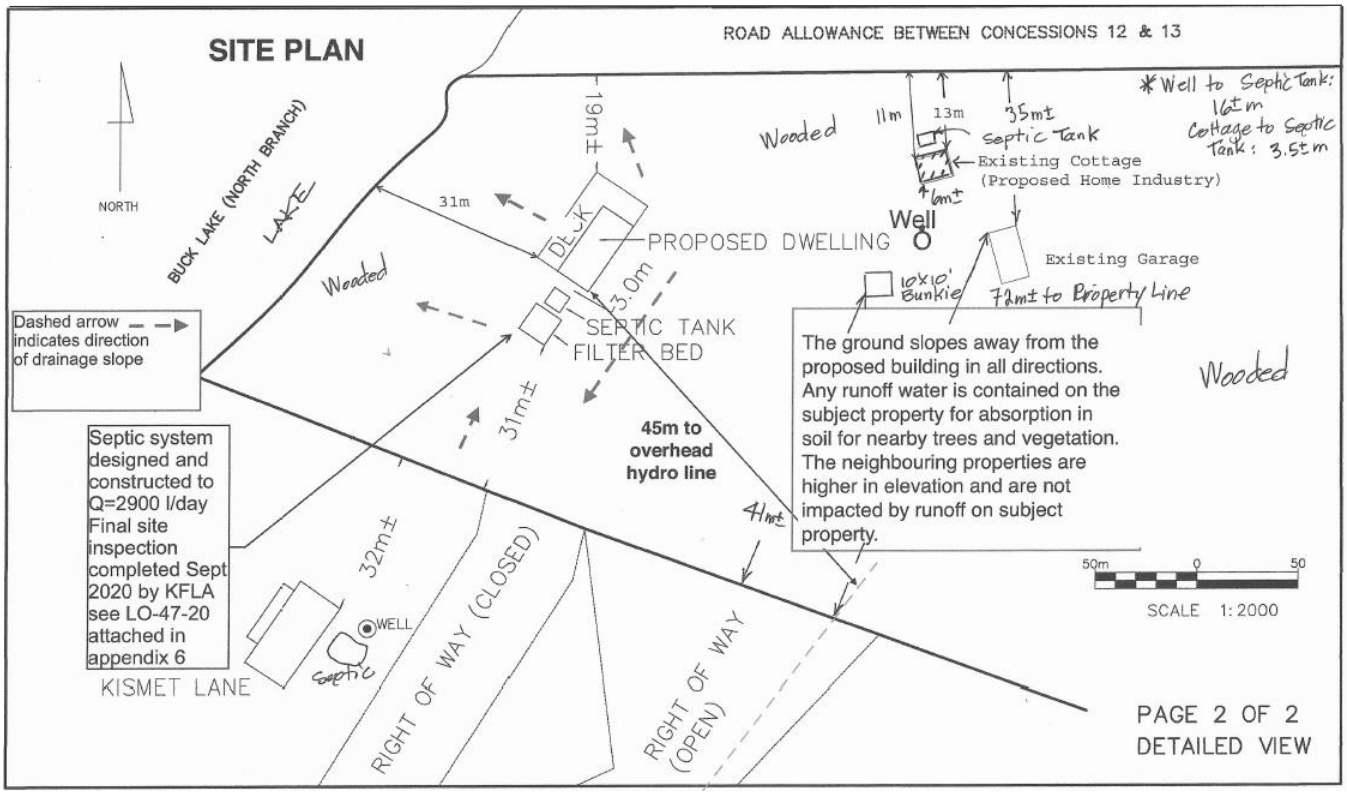


Figure 2: Site Plan prepared for Township building permit submission (Source: Margaret Wirsig - Survey Technologist / CAD Draftsperson (retired))

Regulatory Review

Provincial Policy Statement (PPS), 2020

The 2020 Provincial Policy Statement (PPS) provides high-level land use policy direction on matters of provincial interest as they relate to land use planning in Ontario municipalities. Decisions of municipal councils must be consistent with the PPS, which provides direction for issues such as the efficient use of land and infrastructure, the protection of natural and cultural heritage resources, maintaining a housing stock that appropriately addresses the demographic and economic diversity of households, and preserving natural resources for their future use. In relation to the proposed consent, the 2020 PPS includes the following considerations:

Section 1.1.1 Healthy, liveable and safe communities are sustained by:

a) Promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term.

The proposal will allow the for the adaptive reuse of an existing cottage to contain a home industry. The retention of a local business contributes to efficient development and land use patterns by utilizing an existing serviced building to accommodate the proposed use.

c) Avoiding development and land use patterns which may cause environmental or public health and safety concerns.

The property is located on rural lands with no known natural or human-made hazards. There is an existing entrance which will permit access to the home industry and new primary dwelling.

e) *Promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs.*

The proposal will allow for the adaptive reuse of the existing cottage to a home industry after the new principal dwelling is constructed. The development will be serviced by private servicing. The site is located on rural lands, an area intended for residential and home occupation uses.

Section 1.1.4.1 Healthy, integrated and viable rural areas should be supported by:

a) *Building upon rural character, and leveraging rural amenities and assets.*

The proposal will see the creation of a new home industry providing a financial benefit to the township through the retention of a local business and the adaptive reuse of an existing building.

f) *Promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources.*

The proposal will promote diversification of the economic base through accommodating an E-Commerce home industry within the township.

Section 1.1.5.2 On rural lands located in municipalities, permitted uses are:

a) *Home occupations and home industries.*

The proposal will see the creation of a new home industry in an existing privately serviced building. The home industry being E-Commerce is not expected to have any adverse traffic, noise, or odour impacts.

1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

The proposal will be compatible with the existing rural landscape of the area. The home industry will utilize an existing privately serviced building consistent with the rural area.

1.1.5.7 Opportunities to support a diversified rural economy should be promoted by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.

The proposal diversifies the economy by accommodating a home industry which utilizes an existing serviced building. The subject site is not located near agricultural or other resource-related uses.

Section 1.3.1 Planning authorities shall promote economic development and competitiveness by:

a) *Providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses.*

The proposal provides the opportunity for a diversified economic base through supporting an E-Commerce home industry which supports the local employment base.

Section 1.6.6.4 Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not available, planned or feasible, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts. In settlement areas, individual on-site sewage services and individual on-site water services may be used for infilling and minor rounding out of existing development.

The development is currently serviced with private individual on-site services.

Section 1.7.1. Long-term economic prosperity should be supported by:

a) Promoting opportunities for economic development and community investment-readiness.

The proposal will see the establishment of a home industry not expected to pose any adverse affects on neighbouring property's which will help diversify the economic base of the rural area.

This proposal is consistent with the 2020 Provincial Policy Statement in that it is located on rural lands, will contribute to the economic development without adverse effects, and will not require any unwarranted expansion of municipal services.

Minor Variance

A minor variance application is required to address the zoning compliance matters for the proposed home industry on the subject site. The site is zoned Rural (RU) Zone in the Township of South Frontenac Zoning By-law 2003-75. The proposed home industry and accessory structures will generally meet zoning requirements prescribed in the by-law with the exception of lot line setback, and the positioning of the home industry and additional accessory structures. This is primarily the result of utilizing the existing building stock through the redevelopment of the site.

Description of Requested Variances

In order to permit the proposed development, relief from the following provision is being requested:

1) 5.24 (2) Accessory Buildings: Any accessory building which is not part of the main building shall be erected to the rear of the projected front or exterior side wall of the main building.

   Relief is required to permit accessory structures be in front of the front or exterior wall of the main building.

2) 5.29 (10) Home Industry Lot Line Setback: The building containing a home industry shall be located no closer than 20 metres from any lot line.

   Relief is required to permit a home industry be located within 11 metres of the interior lot line.

3) 5.29 (10) Location of Home Industry: Home Industry shall be located behind the dwelling on the lot.

   Relief is required to permit a home industry in front of the principal dwelling.

Four Tests

The assessment of the proposed variance is undertaken following the tests as described in Section 45(2) of the Planning Act, as follows:

Test #1: Is the general intent and purpose of the Official Plan maintained?
Test #2: Is the general intent and purpose of the Zoning By-law maintained?
Test #3: Is the variance minor?
Test #4: Is the variance desirable for the appropriate development or use of the lands in question?

Test #1: Is the general intent and purpose of the Official Plan maintained?

The Official Plan provides guidance for determining the desirability of a minor variance. The proposed relief is necessary to allow the proposed Home Industry. The following Official Plan policies are associated with the proposed Home Industry use:

Section 4.3 The Rural and Agricultural Goal of this Official Plan is to preserve the Township's established rural character and agricultural industry:

(a)(iv) To protect the established rural character of the Township from uncontrolled strip development.

The proposal protects the rural character of the Township through the adaptive reuse of an existing building for a home industry. The proposal protects the rural character through the redevelopment of an existing lot of record.

Section 5.7.4 It is the general intent of this Plan that the majority of permanent non-agricultural residential development be encouraged to locate in the Township's Settlement Areas. However, limited non-agricultural residential development may also be permitted within the Rural area so as to provide a variety of living accommodation for the residents of the Township. Subdivisions and severances to permit new residential uses shall be appropriately separated from incompatible agricultural areas, existing and proposed waste disposal, mineral extraction site and resource areas, natural heritage features and areas and natural hazards

(i) Permitted Uses: Rural residential development including group homes established in accordance with the provisions of Section 6.5, home occupations and home industries may be permitted in the form of single detached dwellings developed on lots created by plan of subdivision or severance by the Committee of Adjustment in accordance with the policies of this Plan

The proposed home industry is permitted by the Official Plan.

Section 5.7.4 (ii) (b) Rural residential development shall be serviced by private water and sanitary sewage disposal systems approved by the appropriate authority

The proposal will involve the adaptive reuse of an existing development which is already serviced by private water and sanitary sewage disposal systems. The new residential development on the property will be serviced by private water and sanitary systems approved by the appropriate authority.

Section 6.6 Home occupations, home industries, trades and professional uses may be permitted accessory to any residential use provided they are small scale and compatible with residential uses. Specific provisions relating to home occupations shall be included in the Zoning By-law.

The proposal is seeking to accommodate a home industry which will see the adaptive reuse of the existing serviced cottage on the subject site. This cottage will be an accessory building to the principal dwelling once constructed. The home industry will be small in scale with its employees being the residents of the subject site. The existing structure is small, being less than half of the size of the new dwelling which is currently in the building permit phase. This home industry is expected to be compatible with the existing residential uses in the area as it does not require further development and is not expected to pose any adverse traffic, noise, or odour impacts.

Section 6.9 In order to reduce or eliminate the adverse effects of one land use upon another or overcome the conflicts between land uses, the Township will require buffering to be provided. A buffer may be defined as any space or feature placed between two conflicting uses in order to reduce or eliminate conflicts. A buffer may be open space where distance is relied upon to produce the desired results, or it may be a berm, wall, fence, planting strip or land use different from the two conflicting ones but compatible with both, or any combination sufficient to achieve the intended purpose. Buffering provisions will generally be implemented through site plan control and through provisions in the Zoning By-law

The proposal is sufficiently buffered by separation and vegetation from the surrounding land uses. In addition, as the proposed home industry activities relate to sales, customer support, bookkeeping, and final packaging there is not expected to be any adverse affects on adjacent land uses.

Section 6.10.1 It is the intent of this plan that private on-site sanitary sewage disposal systems primarily consist of septic tanks and leaching beds/tile fields. However, consideration may be given to the use of other proven systems subject to the approval of the Ministry of the Environment and Council.

The proposal will utilize an existing building through adaptive reuse on the subject site which is already serviced by a private on-site sanitary sewage disposal system.

Based on this review, it is our professional opinion that the proposed variance maintains the general purpose and intent of the Official Plan.

Test #2: Is the general intent and purpose of the Zoning By-law maintained?
The site is zone Rural (RU) Zone in the Township of South Frontenac Zoning By-law 2003-75. The existing cottage on the subject site is to be converted to a home industry following the construction of the new principal dwelling. The following table outlines the necessary variance required to permit the proposed development.

Provision	Requirement	Proposed	Variance Required?
Rural (RU) Zone – Section 7			
Permitted uses	• A single detached dwelling • Accessory building or uses to permitted uses of the zone • A home industry (in accordance with section 5.29 of this by-law)	Home Industry Single Detached dwelling	No No
Lot Coverage (max)	20%	< 20 %	No
Rear Yard (min) for accessory buildings	3 metres	> 3 m	No
Interior Side Yard (min) for accessory buildings	3 metres	11 m	No
Building height (max) for accessory buildings	6 m	< 6 m	No
Setback from Highwater Mark (min)	30 m	> 30 m	No
General Provisions – Section 5			
Setback from Private Lane (5.6.1)	5 m	84 m*	No
Accessory Buildings – Lot Coverage (5.24.1)	5 % (max)	< 5%	No
	The lot coverage of all accessory dwellings shall not exceed the lot coverage of the existing principal dwelling	New Primary Dwelling: 319 m^2 Accessory Total: 212 m^2	No
Accessory Buildings - Location (5.24.2)	Any accessory building not part of the main building is to be located to the rear or exterior side yard of the main building	**All accessory structures will be located in front of the main building**	**Yes**
Accessory Buildings – Habitation	No accessory dwelling shall be used for human habitation unless a dwelling is permitted as an accessory dwelling	No human habitation will occur in the	No

Provision	Requirement	Proposed	Variance Required?
(5.24.3)		proposed home industry	
Accessory Buildings – Setbacks (5.24.4)	An accessory building shall not be built closer to any lot line than the minimum distance required by this By-law	Conforms with the zone, deficient regarding (5.29.10)	No
Accessory Buildings – Building Process (5.24.5)	Except in accordance with Section 5.16 no accessory building shall be erected prior to the erection of a principal building or structure	The proposed use which requires a change of use permit will not be enacted until the erection of the new dwelling is complete. The new dwelling is currently in the building permit process.	No
Accessory Buildings – Setback from Principal Dwelling (5.24.6)	The minimum distance between any building on a lot including accessory buildings and principal buildings shall be 3.0 metre	> 3 m	No
Home Industry – External Storage (5.29.1)	There is to be no storage of goods or materials	All materials are to be contained within the building	No
Home Industry – Signage (5.29.2)	Maximum Sign Size: 0.3 m^2 Sign Setback: 3 m	No signs to be erected	No
Home Industry – Residential Character (5.29.3)	The home industry is clearly secondary to the main residential use and does not change the residential character of the dwelling or lot nor create or become a public nuisance; in particular in regard to noise, noxious odours, emission of smoke, traffic or parking	The proposed home industry will remain consistent with the residential character of the structure and will not create a public nuisance	No
Home Industry – Employment (5.29.4)	No more than 1 person who is not a resident in the dwelling shall be employed	There are no employee's who will not be a resident of the property	No
Home Industry – Television and Radio (5.29.5)	The home industry does not interfere with television or radio reception	The nature of the home industry is not anticipated to interfere with television or radio reception	No
Home Industry – Location of Goods (5.29.6)	There are no goods, wares or merchandise, publicly offered or exposed for sale on the premises outside of any buildings	All merchandise to be contained to the building containing the proposed home industry	No

Provision	Requirement	Proposed	Variance Required?
Home Industry – Parking (5.29.7)	On-site parking in accordance with section 5.30	Addressed with regard to section 5.30	No
Home Industry – Size (5.29.8)	Maximum size of accessory structure used for home industry: 111.48 m^2	< 111.48 m^2	No
Home Industry – Lot Size (5.29.9)	The minimum lot size is 2 ha	7.6 ha	No
Home Industry – Setbacks and Orientation (5.29.10)	The accessory structure or building within which the home industry is located is not closer than 20 m (65.5 ft.) from any lot line Shall be located behind the dwelling on the lot.	**11 m (interior yard)** **Located in front yard**	**Yes** **Yes**
Parking Requirements – Home Industry (5.30.1.23)	1 space / 18 m^2 devoted to use = 4 **spaces required**	4 spaces	No

* Measured Using AG Maps

Accessory Dwelling Location
The relief requested is to permit two accessory structures (e.g., a bunkie and a garage) to be located in front of the main building. The requested relief will accommodate the retention of existing building stock through the redevelopment of the site which are compatible for the site and rural area.

Home Industry Setback
The home industry setback is proposed to be reduced from 20 metres from a property line to 11 metres This reduction is a product of the utilization of the former principal dwelling on the subject site. The requested relief from this setback is reasonable given the proposed home industry has significant buffering in the form of separation and vegetation, will result in the adaptive reuse of an existing building on the subject site, and the day-to-day operations of the home industry are not expected to create any adverse affects (e.g., traffic, noise, odors) for adjacent land uses.

Home Industry Location
The home industry is proposed to be in front of the dwelling rather than behind it. Relief for the location of the home industry in front of the proposed new dwelling is required to recognize the location of the existing cottage to be utilized for the home industry.

Based on this review, it is our professional opinion that the proposed variance maintains the general purpose and intent of the zoning by-law.

Test #3: Is the variance minor?
The assessment of whether a proposed variance is minor is not a mathematical calculation. Rather, the test is intended to assess the degree of any impact resulting from the proposed variance. The requested variance would be limited to the site, limiting the scope of any impacts, in addition to being sufficiently buffered through separation and vegetation. The proposed home industry will promote local economic development and given the proposed home industry is primarily related to sales, support, bookkeeping, and final packaging there is not expected to be any adverse affects on adjacent land uses.

Based on this review, it is our professional opinion that the proposed variance is minor in nature.

Test #4: Is the variance desirable for the appropriate development or use of the lands in question?
The proposal seeks to establish a home industry through utilization and adaptive reuse of the existing serviced cottage in accordance with the Official Plan's goals regarding rural development. The proposed home industry is appropriate and desirable on the subject site as it will provide financial benefit without impacting the rural character of the Township. The proposal retains a local business on a lot that is sufficiently buffered through separation and vegetation from abutting land uses and is sized appropriately to accommodate the proposed use. The relief requested through the application will result in desirable development outcomes for the township which produce no adverse impacts on adjacent properties.

Based on this review, it is our professional opinion that the variance is desirable for the appropriate development of the site in question.

Conclusion

The applicant is seeking approval from the Township of South Frontenac to allow for the existing cottage to be converted to a home industry and permit accessory structures to be located in front of the main building. The proposal consists of an application for a minor variance to address zoning compliance issues noted in this report. The application will allow for the creation of a home industry through the adaptive reuse of an existing serviced building which will help grow the rural economy.

The minor variance application maintains the intent and purpose of the Official Plan and zoning by-law, is minor in nature, and is desirable for the appropriate development of the site. It is our opinion that the proposed application for minor variance is appropriate for the property in question and represents good land use planning. Should you have any questions or comments, please do not hesitate to contact us at 613.542.5454.

Respectfully submitted,

Mike Keene, MCIP, RPP
Principal, Planning + Development
Fotenn Planning + Design

Dave Nanton
Planner
Fotenn Planning and Design

Township of South Frontenac

Staff Report

To:	Committee of Adjustment
Prepared by:	Development Services Department
Date of Meeting:	April 14, 2022
Subject:	**Minor Variance Application (S.45(1) of the Planning Act) PL-ZNA-2022-0008, Jay and Margaret Wirsig, 102904004003200, Kismet Lane, Loughborough District**

Summary

The subject application seeks zoning relief to permit a home industry in an existing building, and to permit the home industry building, a detached garage and a sleeping cabin in the front yard of a dwelling. This report recommends that the Committee of Adjustment grant approval of this application subject to conditions, as this application meets the four tests of a minor variance outlined in section 45(1) of Planning Act.

Background

Official Plan Designation: Rural

Zoning: Rural (RU)

Zoning Relief Requested

Section 5.29.10 – to permit a home industry (an E-commerce business) in an existing building that is setback 11 metres from the northern interior side lot line, whereas 20 metres is required.

Section 5.24.2 – to permit three accessory buildings (the home industry building, a detached garage and a sleeping cabin) to be located in front of the projected front wall of the dwelling whereas the Zoning By-law requires an accessory building to be erected to the rear of the projected front or exterior side wall of the main building.

Related Applications

The subject property is not subject to any other applications under the Planning Act.

Discussion/Analysis

Property Description

The 7.6 hectare (18.8 acre) property is located on Perth Road along the southern shoreline of the North Basin of Buck Lake. The property abuts an unopened road allowance to the north. The topography consists of a series of bedrock ridges and valleys from the shoreline to Perth Road. Some of the valleys contain seasonal ponds. The property is accessed from Kismet Lane.

The property is developed with a cottage, a detached garage, a sleeping cabin and several small sheds and structures. The cottage and garage are close to a seasonal pond and watercourse. The sleeping cabin is near the edge of a ridge. There is a sewage system approximately 30 metres from the highwater mark of the lake.

According to the application, the approximate floor area of the cottage is 816 square feet, of the garage is 1,375 square feet and of the sleeping cabin is 100 square feet. All the buildings are setback more than 360 metres from Perth Road and more than 60 metres from Buck Lake. According to the application, there is a septic tank near the cottage.

Summary of Proposal

The owners propose to construct a new single detached dwelling that would be compliant with all applicable zoning provisions, including being 31 metres from the highwater mark and a minimum of 15 metres from the top of bank. The placement of the new dwelling will result in the existing buildings being in the front yard of the dwelling (i.e. between the dwelling and Perth Road).

The owners propose to convert the existing cottage into an accessory building for a home industry. The home industry is an E-commerce business, KayaArm. The primary operations to be performed on the site are internet sales, internet and telephone customer support, bookkeeping, and final packaging, assembly and quality assurance activities.

An application for minor variance was received to permit the home industry in a building that is less than 20 metres from the property line, and to permit three accessory buildings (the home industry building, the detached garage and the sleeping cabin) to be located in front of the projected front wall of the new dwelling.

Department and Agency Comments

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

Building Services confirmed that no building permits had been issued for the existing cottage, garage, sleeping cabin and septic tank, all of which have been constructed since 2006. The Owners will be required to apply for, and obtain building permits, for all existing and proposed buildings and structures on the property. KFL&A Public Health issued a permit for the sewage system that is setback approximately 30 metres from the highwater mark of the lake. Building Services will verify the capacity of this sewage system as part of their review of any building permit application for the proposed single detached dwelling, the proposed home industry, and the existing sleeping cabin.

Cataraqui Conservation was not circulated the application since it relates to the use of existing buildings on the property. They confirmed that a permit under O. Reg. 148/06 will not be required for the proposed dwelling.

Public Comments

No comments were received from the public at the time of the writing of this report.

Planning Analysis

The proposal needs to be assessed against the four tests of a minor variance outlined in Section 45(1) of the Planning Act. It is the opinion of Planning staff that the proposal meets or does not meet the four tests as explained below.

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

- The proposed variances maintain the general intent and purpose of the Official Plan.
- The subject lands are designated Rural in the Official Plan on Schedule A. The proposed home industry and accessory buildings are uses associated with the permitted residential use of the property.
- Buck Lake is an at-capacity lake trout lake. The Official Plan permits a lot of record adjacent to this lake to be developed in accordance with the standard waterfront policies (i.e. minimum 30 metre setback from highwater mark of lake). The new dwelling and its existing sewage system would conform to this policy. The accessory buildings were constructed more than 60 metres from the lake.

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

- The proposed variances maintain the general intent and purpose of the Zoning By-law. The proposed home industry and accessory buildings are uses associated with the permitted residential use of the property.

- The placement of the new dwelling will result in the existing buildings being in the front yard of the dwelling (e.g. between the dwelling and Perth Road). However, these buildings are more than 60 metres from the highwater mark and more than 360 metres from Perth Road, which far exceed the setbacks required for the dwelling.

- A home industry is permitted in the Rural zone provided that it meets several conditions listed in section 5.29. The home industry would meet the majority of the conditions. For example, the property is more than 2 hectares in size, and the square foot of the building does not exceed 1,200 square feet. The home industry is not anticipated to have noxious affects (e.g. noise, odour, smoke) for adjacent properties and the lake because the product is preassembled (e.g. manufactured off-site) and the primary tasks are related to sales, support, bookkeeping and final packaging. The nature of the business is not anticipated to result in traffic impacts to Kismet Lane because shipping and deliveries would not be made to/from the property by couriers, and there would be no customer pickups.

- Section 5.29 requires the accessory building within which the home industry is located to be not closer than 20 metres from any lot line, and to be located behind the dwelling on the lot. The intent is to ensure physical separation between the home industry and sensitive adjacent uses such as other dwellings, and to ensure the home industry is not the focal point of a residential property. The existing cottage that would be converted to the home industry is setback 11 metres from the northern interior lot line. It is noted that the northern property line abuts an unopened road allowance, and the applicants own the property to the north of the road allowance. The nearest dwelling is 100 metres to the north. Also, the home industry will be more than 360 metres from Perth Road.

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

- The requested variances are desirable for the appropriate development of the land. The location of the accessory buildings between the new dwelling and Perth Road protects the environmentally sensitive lands between the dwelling and the lake. The buildings are visually screened from both the lake and the road by both distance and existing tree cover. They are similarly screened from adjacent properties. Converting the existing cottage for the home industry allows the adaptive reuse of this building.

Is the variance minor?

- The requested variances are minor as they maintain the general intent and purpose of the Official Plan and Zoning By-law, and are desirable for the appropriate development of the land. They are not anticipated to impact the existing or planned functionality of the property and adjacent properties. Nor are they anticipated to cause adverse environmental, nuisance (noise, vibration, dust, etc.), or visual impacts.

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

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application PL-ZNA-2022-0018 for the property with Assessment Roll Number 102904004003200, subject to the following conditions.

1. The minor variance is to permit a home industry to be established in a building that is setback 11 metres from the northern interior lot line. The minor variance also permits three accessory buildings (i.e. the home industry building, the detached garage and the sleeping cabin) to be located in front of the projected front wall of the single detached dwelling.

2. A building permit shall be obtained for the existing buildings on the subject property (i.e. the home industry building, the detached garage and the sleeping cabin) to the satisfaction of the Chief Building Official within one (1) year of obtaining this minor variance approval.

3. A building permit is required for ALL proposed demolition and construction on the property. There shall be no additional development on the property without the approval from the Township of South Frontenac.

4. Minor variance PL-ZNA-2022-0008 is applicable only to Zoning By-law No. 2003-75 and not to any subsequent zoning by-laws.

Report Prepared By:
Christine Woods, MCIP RPP, Senior Planner

Reviewed By:
Claire Dodds, MCIP, RPP, Director of Development Services

BARRY 547 W. DEVIL LAKE LN.

TOWNSHIP OF SOUTH FRONTENAC
APPLICATION FOR MINOR VARIANCE OR PERMISSION
Updated January, 2021

The Committee of Adjustment is a Committee of eight persons appointed by Township Council. The Committee is formed under Section 45 of the Planning Act R.S.O. 1990, Chapter P.13, to authorize a minor variance from a zoning by-law.

The Committee may vary Zoning By-law provisions provided the Committee is of the opinion that the variance:

- Is desirable for the appropriate development or use of the land, building or structure
- Maintains the general intent and purpose of the Official Plan.
- Maintains the general intent and purpose of the Zoning By-law.
- Is minor in nature

Application Requirements

1. It is required that one (1) copy of this application be filed with the Secretary-Treasurer of the Committee of Adjustment, together with the **SKETCH** referred to in Note 3 (below), accompanied by a **NON-REFUNDABLE FEE in accordance with the chart below** in cash, debit or by cheque made payable to the Township of South Frontenac.

Application Type:	Planning Fee:	Building Admin Fee:	TOTAL:
1-3 Variances	$959.00	$94.00	$1,053.00
4+ Variances	$1,316.00	$94.00	$1,410.00
After building without a permit	$2,010.00	$94.00	$2,104.00

2. It is required that a Fee be provided for the Township to review onsite sewage disposal and Conservation Authority (where applicable) when submitting an application (Separate **cheques**, payable to the applicable Conservation Authority, are to be submitted to the Township with the completed application).

Township of South Frontenac *Minor Variance Only* *Minor Variance WITH Performance Review* *Minor Variance in combination with a new Class 2, 3, 4, or 5 sewage system other than a Class A system*	$450 $700 $1,150
Cataraqui Region Conservation Authority	$420
Quinte Conservation Authority	$344
Rideau Valley Conservation Authority	$390

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

BARRY 547 W. DEVIL LK. LANE

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): TIMOTHY J & PATRICIA E. BARRY

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: COLIN DAVIES / DM STRUCTURAL, INC

Full Mailing Address of Authorized Agent: [redacted]

Phone number of Authorized Agent: [redacted]

Email Address of Authorized Agent: [redacted]

Age[redacted]f the owners for purposes of proc[redacted]

Sig[redacted]

3. The description of the subject land:

District: ☒ Bedford ☐ Portland ☐ Loughborough ☐ Storrington

Concession Number: 11 Lot Number: PT LOT 8

Street Number: 00547 Name of Road/Street: WEST DEVIL LAKE LANE

Reference Plan Number: 13R6953 Part Number(s): PART 1 DEVIL LAKE

Roll Number: 010-030-10800-0000

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

BARRY 547 W. Devil Lk. Ln.

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

Frontage (on water): 289 ft. Frontage (on road/lane): 287 Ft.

Depth: 175 FT. Area: 0.82 ACRE

5. The current zoning of the subject land:

RESIDENTIAL

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

APPLICANT REQUESTS RELIEF FROM ZONING BY-LAW 5.10.2 (EXISTING BUILDINGS WITHIN 30 METRES OF A WATERBODY). AS REQUIRED TO INCREASE ROOF PITCH TO PROVIDE A MORE STRUCTURALLY SOUND, RESILIENT AND DURABLE ROOF. RESULTING INCREASE IN HEIGHT = 6 FT.

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

ROOF PITCH CAN NOT BE INCREASED AS REQUIRED TO SUPPORT NEW ROOFING WITHOUT INCREASING OVERALL HEIGHT OF THE STRUCTURE THE COTTAGE IS CONSIDERED LEGAL NON COMPLYING DUE TO PROXIMITY TO LAKE.

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

Name of Road/Lane:

WEST DEVIL LAKE LANE

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

N/A.

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

SEASONAL COTTAGE

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

☒ Yes ☐ No

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

Barry 547 W. Devil Lk Ln.

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

Type of Structure (E.g. residence)	(1) RESIDENCE (COTTAGE)	(2) SHED	(3) DECK (attached to Cottage)	(4)
Setback from Front Lot Line (LAKE SIDE)	6'-6"	100'-0"	18'-6"	
Setback from Rear Lot Line (ROAD SIDE)	43'-0"	20'-0"	60'-0"	
Setback from Side Lot Line	21'-0" (EAST) 172'-1" (WEST)	75'-0" (EAST) 155'-0" (WEST)	38'-0" (east) 163'-0" (west)	
Height of Building (Also indicate if it is one story or two story)	12-6" from grade @ center Single Storey	13'-0" from grade to peak) Single Storey	APPROX. 3FT. ABOVE GRADE	
Dimensions of Floor Area	44'x 16' 704 SQ.FT.	10' x 10' (100SQ.FT.)	8' x 16' (128 SQ.FT.)	
Setback from High Water Mark (If applicable)	6'-6" (same as High Water)	100'-0"	18'-6"	

13. The proposed uses of the subject land:

RESIDENTIAL SEASONAL COTTAGE

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

☒ Yes ☐ No

* NO SQUARE FOOTAGE IS BEING ADDED TO THE FLOOR PLAN. ONLY THE ROOF WILL BE REMOVED AND REPLACED WITH PROPER 5/12 PITCH.

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

Barry 547W Devil Lake Ln.

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) EXISTING COTTAGE W/ NEW ROOF STRUCT.	(2)	(3)	(4)
Setback from Front Lot Line	60'-6" (unchanged)			
Setback from Rear Lot Line	43'-0" (unchanged)			
Setback from Side Lot Line	21'-0" (east) 172'-1" (west) (unchanged)			
Height of Building (Also indicate if it is one story or two story)	19'-6" from grade @ center single story < added 6' height >			
Outside Dimensions of Building/Structure	44' x 16' 704 SQ FT (unchanged)			
Setback from High Water Mark (If applicable)	6'-6" (unchanged)			

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

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

If yes, please provide details: THE EXISTING ROOF STRUCTURE ONLY WILL BE REMOVED. EXISTING WALLS TO REMAIN. NEW HEADER INSTALLED ON EXISTING WALL FRAMING TO SUPPORT NEW ROOF STRUCTURE. EXISTING WALL FRAMING TO BE PRESERVED AND REINFORCED. REFER TO DRAWING S-100 IN THE APPLICATION.

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

* NOTE NOT RAISING ENTIRE STRUCTURE. INCREASING ROOF HEIGHT ONLY. *

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

(* NOT PROPOSING TO LIFT OR RAISE ENTIRE STRUCTURE *)

If yes, please provide details:
IN ORDER TO PROVIDE A ROOF STRUCTURE CAPABLE OF ACCEPTING A DURABL
LONG LASTING ALUMINUM ROOF, ROOF PITCH MUST BE INCREASE TO A MINIMUM
OF 5 12 SLOPE; THEREBY INCREASING OVERALL ROOF HEIGHT BY 6

18. What are the uses of the proposed development? FEE

(a)	Increase in number of bedrooms	☐ Yes	☒ No
(b)	Increase in plumbing fixtures	☐ Yes	☒ No
(c)	Increase in living space	☐ Yes	☒ No
(d)	Will the addition or structure encroach on the existing septic system?	☐ Yes	☒ No

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

MAY, 1999

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

MAY - JULY 1964. (cottage) APPROX: 1990 SHED AND DECK

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

THE LAND HAS BEEN USED AS A SEASONAL COTTAGE CONTINUOUSLY SINCE 1964.
TOTAL # OF YEARS = 37.

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

WATER IS OBTAINED FROM DEVIL LAKE

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

SEWAGE DISPOSAL VIA PRIVATELY OWNED SEPTIC SYSTEM ON PROPERTY

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

STORM DRAINAGE @ ROAD-SIDE BY SWALES. ON PROPERTY BY NATURAL RUNOFF.

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.

Barry 547 W. Devil Lake Ln.

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

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

Barry 547 W. Devil Lake Ln.

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

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

1) The names of **all** owners must appear in this section, even if they live in separate residences, and the address(es) should be the **full mailing address, complete with postal code.**

2) You may wish to appoint someone to act on your behalf during the variance process. If so, that person's name, address and phone number should appear here All owner's must sign the authorization.

3) Description of the Subject Land:
   a. District: The Districts are the same as the former Townships. If you are not sure, check the roll number (the long number beginning with 1029) on your tax bill. If the numbers are 010, 020 or 030, your district is Bedford; if the numbers are 040-050, your district is Loughborough; if the numbers are 060 or 070, your district is Storrington; and if the numbers are 080, your district is Portland.
   b. Concession and Lot Numbers: if you are not sure, check your tax bill
   c. Street Number: Your civic address – if a civic number has not been assigned, leave this space blank.
   d. Name of Road/Street: This question applies whether or not you are on a private lane or a public road.
   e. Reference Plan No: If your property has been surveyed, it will have a plan number, and one or more parts on that plan. If your property has not been surveyed, leave this space blank.
   f. Roll No: This is the number beginning with '1029' which appears on your tax bill. Please take time to look it up before submitting the application.

4) Frontage, depth, area, acres: All parts of this question must be completed.

5) Current zoning: You may not be aware of the zoning on your property and this can be determined when you come in for pre-consultation with planning staff.

6) Nature and Extent of Relief: This question is asking what you are asking to do that requires the variance – for example, it could be that you are asking to be 25 m rather than 30 m from the high water mark, or that you are asking to increase the height of a structure within 30 m of the high water mark, or that you are seeking a variance to construct an accessory building closer to the front lot line than the principal building.

7) Reason why you can't comply: In other words, why can you not meet the required setbacks. It could be, for example, because you are seeking a variance to add on to an existing structure that is already too close to the water, or that developing further from the water would be impossible because of a steep embankment.

8) Roads: Municipally maintained roads are looked after by the Township; private roads are lanes that residents maintain themselves (not private driveways, but lanes that provide access to your property and that are generally shared with others).

9) Parking and Docking: This question is only relevant is you can only access your property by water.

10) Existing Uses: e.g. residential, retail business, vacant recreational land

11) Buildings: If there are **ANY** buildings or structures on the property now, the answer to this question is "yes".

12) Description of buildings and structures: You must complete all sections of this question for each structure on your property. **If there is a deck on your dwelling, please describe it separately from the residence.**

13) Proposed Uses: Generally, the answer to this question will be the same as the answer to #10, but if, for example, the land is currently vacant, and you are planning to construct a dwelling, then the use to be described in section 10 would be "vacant recreational land", and the use described in section 13 would be "residential"

14) Proposed structures: If you are planning to build **ANYTHING** on the property, the answer to this question is "yes" – This includes additions, decks, garages, septic systems.

15) Description of new construction: **ALL** proposed new development must be described here. If you are proposing to construct an addition to a dwelling, and to add a deck, please show this information in separate columns.

16) **Demolition: All demolition requires a permit from the building department.** In some instances, a proposed addition or increase in height cannot be accomplished without the removal of existing walls. If this is not made clear to the Committee at the beginning of the process, you may find that, although you are granted permission to add on to your residence, you can't actually do it because you have not made it clear that there is demolition involved.

17)Raising of Structure: In other words, are you proposing to raise the building in order to construct a basement under it.

18)Uses of Development: Please answer each part of this question. An increase in living space would include anything with walls – e.g. a screened porch would involve an increase in living space.

19)Date land acquired: When did you take possession of the property?

20)Date of existing buildings: If you are not sure, provide your best estimate.

21) Length of existing uses: For example, has the land been used for residential purposes for 30 years, or 18 months?

22) Water supply: in most cases the answer will be private well, but some waterfront properties take their water from a lake.

23) Septic: in most cases the answer will be private sewage system, but there may be some privies.

24) Drainage: Are there specific ditches that have been constructed to deal with drainage; is there natural drainage, etc.?

25) Application for consent: Is there currently an application for consent (severance) being proposed for the property?

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

27) Minor variance: Has there ever been a minor variance granted on the property? If you are long-time owner of the property, you will probably be aware of any other special permission granted for a variance to the zoning by-law. If you are a new owner, the seller will probably have made you aware of this.

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

29) **SKETCH: We cannot stress enough the importance of a detailed, accurate, and complete sketch. You do not necessarily need to contract with a professional to draw the sketch, but sketches that are not drawn to scale, do not show dimensions and distances, or are not drawn neatly (PLEASE USE A RULER), will not be accepted.**

30) **Agreement to Indemnify**: Must be signed in front of a commissioner of oaths – you may have this done before submitting the application, or sign the application in front of staff who can sign as commissioners. All owners must sign the application, or it can be signed by an agent if one has been appointed.

LOCATION OF
COTTAGE

NOTE: DIMENSIONS SHOWN ARE APPROXIMATE BASED ON INFORMATION PROVIDED BY OWNER

D+M STRUCTURAL ENGINEERING

D+M Structural Ltd.
120-17 Aberdeen Street, Ottawa, ON, K1S 3J3
Phone: (613) 651-9490

THIS DRAWING IS PROVIDED BY AND IS THE PROPERTY OF D+M STRUCTURAL LTD. COPYRIGHT RESERVED. NOT TO BE USED FOR CONSTRUCTION UNLESS STAMPED AND SIGNED BY ENGINEER. CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS ON SITE AND REPORT ANY DISCREPANCIES TO THE ENGINEER BEFORE PROCEEDING. ALL WORK TO BE COMPLETED IN COMPLIANCE WITH APPLICABLE BUILDING CODES, REGULATIONS, AND BY-LAWS. DO NOT SCALE DRAWINGS

#	DATE	DESCRIPTION
2	2021/12/06	ISSUED FOR PERMIT/ VARIANCE
1	2021/12/02	ISSUED FOR CLIENT REVIEW

STAMP:

LICENSED PROFESSIONAL ENGINEER
C.L. DAVIES
2021/12/06
PROVINCE OF ONTARIO

NORTH ARROW:

PROJECT NAME AND ADDRESS:
DEVIL LAKE COTTAGE
547 WEST DEVIL LAKE ROAD

DRAWING NAME:
SITE PLAN

DESIGNED BY: C. DAVIES
DRAWN BY: A. WITTICH
DATE: 2021-11-19
PROJECT #: 20-129

S-000

GENERAL REQUIREMENTS

GENERAL

1. DO NOT SCALE THESE DRAWINGS.
2. ALL WORK MUST COMPLY WITH THE PROVISIONS OF THE ONTARIO BUILDING CODE, OCCUPATIONAL HEALTH & SAFETY ACT, RELEVANT CODES AND STANDARDS, AND REQUIREMENTS OF AUTHORITIES HAVING JURISDICTION.
3. DETAILS OF EXISTING CONDITIONS AND CONSTRUCTION ARE SHOWN BASED ON INFORMATION AVAILABLE AT THE TIME OF PREPARING DESIGN DRAWINGS. IF, PRIOR TO OR DURING CONSTRUCTION, CONDITIONS ARE REVEALED THAT DIFFER FROM CONDITIONS SHOWN, ADVISE THE STRUCTURAL ENGINEER BEFORE PROCEEDING.
4. THESE DRAWINGS SHOW THE COMPLETED STRUCTURE. THE CONTRACTOR IS RESPONSIBLE FOR SAFETY ON THE JOB SITE AND THE DESIGN, INSTALLATION AND SUPERVISION OF ALL TEMPORARY WORKS REQUIRED TO SAFELY COMPLETE THE PROJECT.
5. DO NOT IMPOSE CONSTRUCTION LOADS ON THE STRUCTURE IN EXCESS OF THE DESIGN LOADS.
6. DO NOT CUT OR MAKE ADDITIONAL HOLES OR OPENINGS IN STRUCTURAL ELEMENTS WITHOUT APPROVAL OF STRUCTURAL ENGINEER.
7. SPECIFIC NOTES AND DETAILS ON THE DRAWINGS SHALL TAKE PRECEDENCE OVER GENERAL NOTES AND TYPICAL DETAILS.
8. FEATURES OF CONSTRUCTION NOT FULLY SHOWN SHALL BE AS INDICATED FOR SIMILAR CONDITIONS.

DESIGN NOTES

1. THE STRUCTURE INDICATED ON THESE DRAWINGS HAS BEEN DESIGNED IN ACCORDANCE WITH THE ONTARIO BUILDING CODE - ONTARIO REGULATION 332/12 (AS AMENDED), AND THE FOLLOWING CANADIAN DESIGN STANDARDS:
   - CONCRETE STRUCTURE: CSA A23.3-14 (DESIGN OF CONCRETE STRUCTURES)
2. UNIT LOADS AND PRESSURES GIVEN ARE SPECIFIED (UNFACTORED).
3. IMPORTANCE CATEGORY FOR STRUCTURAL DESIGN: NORMAL.

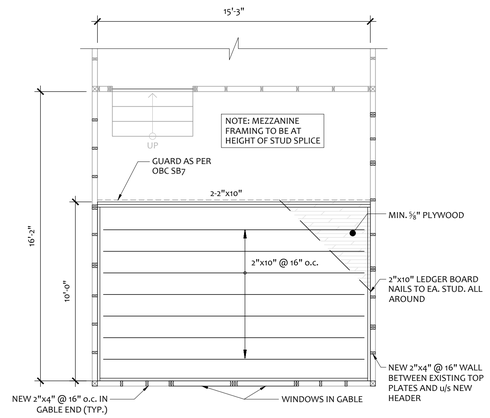
GRAVITY LOADS

ROOF:		STORAGE LOFT:	
DEAD LOAD:	0.8kPa	DEAD LOAD:	0.8kPa
SNOW LOAD:	1.6 kPa	SNOW LOAD:	1.9 kPa

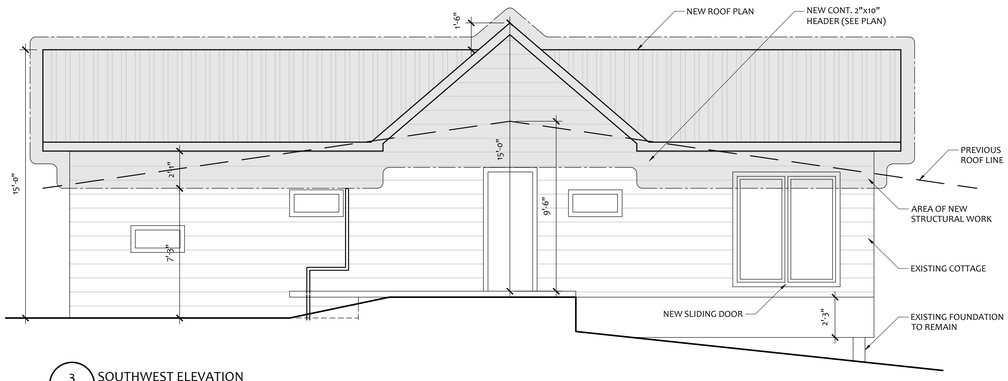
WOOD

GENERAL

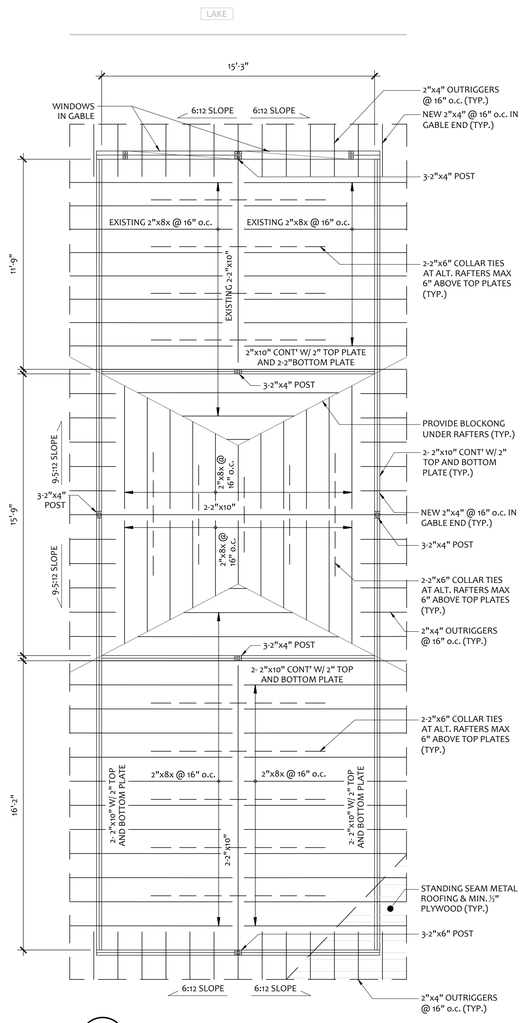
1. VERIFY ALL DIMENSIONS WITH EXISTING CONDITIONS.
2. ALL WOOD FRAMING TO BE S.P.F. No. 2 OR BETTER, SURFACE DRY AT 19% MOISTURE CONTENT.
3. SAWN LUMBER SHALL CONFORM TO CSA 086-14 AND SHALL IDENTIFY LUMBER BY OFFICIAL GRADE MARKS
4. NAILS SHALL BE ZINC COATED CONFORMING TO CSA B111.
5. UNLESS NOTED OTHERWISE, JOISTS, TIMBER BEAMS, BUILT-UP BEAMS, BUILT-UP POSTS AND STUD FRAMING INCLUDING TOP AND BOTTOM PLATES SHALL BE KD S.P.F. No. 2 OR BETTER.
6. ALL STRUCTURAL WOOD FRAMING MEMBERS IN ADDITION TO LUMBER USED IN THE MANUFACTURING OF STRUCTURAL COMPONENTS TO BE S.P.F. No. 2 OR BETTER, STAMPED SD OR KD WITH MAXIMUM 19% MOISTURE CONTENT
7. FRAMING ANCHORS SHALL BE ZINC. COATED SHEET STEEL CONFORMING TO CSA STANDARDS
8. NAILING OF FRAMING MEMBERS MUST CONFORM TO TABLE 0.23.3.4. AND TABLE 9.23.13.8 WITH MINIMUM PENETRATION IN SUPPORT MEMBER OF 38mm. GYPSUM BOARD TO BE FASTENED TO SUPPORTING MEMBER WITH NAILS OR SCREWS CONFORMING THE GUIDELINES IN SECTION 9.29.5.
9. THE USE OF FINGER JOINTED STUDS WILL NOT BE PERMITTED IN LOAD-BEARING WALLS.
10. ALL LVL MUST BE 2.0E 3100FB UNLESS OTHERWISE NOTED
11. UNLESS NOTED OTHERWISE, ALL FRAMING, BRIDGING, BLOCKING AND NAILING SHALL BE IN ACCORDANCE WITH PART 9 OF THE ONTARIO BUILDING CODE. PROVIDE 38mmx38mm (2"x2") BRIDGING AT 2100mm (7'-0") ON CENTER FOR ALL SPANS GREATER THAN 3000mm (10'-0"), WITH 13mm (½") GAP BETWEEN BRIDGING.
12. BUILT-UP BEAMS AND POSTS SHALL CONSIST OF MINIMUM 2 MEMBERS. MINIMUM LINTEL SHALL BE 2-38mmx235mm (2"x10") UNLESS NOTED OTHERWISE.
13. TWO- AND THREE- PLY CONVENTIONAL BEAMS TO BE ATTACHED TOGETHER USING 3" 10Ø SPIRAL WIRE NAILS @ 12" o.c. IN 2, 3, AND 4, ROWS FOR 2x6, 2x8 AND 2x10 AND DEEPER BEAMS TO BE ATTACHED TOGETHER USING 2 ROWS OF 6" LONG SSDS SCREWS @ 24"o.c. ON BOTH SIDES, STAGGERED UNLESS NOTED OTHERWISE
14. TWO- AND THREE- PLY BUILT-UP COLUMNS TO BE ATTACHED TOGETHER USING ONE ROW OF 3" 10Ø NAILS @ 12" o.c., FOUR- AND FIVE- PLY BUILT UP COLUMNS TO BE ATTACHED TOGETHER USING ONE ROW OF 6" LONG SSDS SCREWS @ 24" o.c. ON BOTH SIDES, STAGGERED//
15. IN WALLS PROVIDE CONTINUOUS 2x6 TOP PLATE AND STAGGER LAPS AT HOLES OR BREAKS IN CONTINUOUS TOP PLATE PROVIDE 1 ⅛"x 20" x 1/16" WITH 4-3" LONG NAILS EACH SIDE (8" TOTAL)
16. INSTALL DOUBLE CRIPPLES UNDER LINTELS UNLESS NOTED OTHERWISE.
17. SHEATHING - UNLESS NOTED OTHERWISE: ALL SHEATHING SHALL BE ORIENTED STRAND BOARD (OSB) CONFORMING TO CSA-0325-16 & CSA 0437. AND THE ONTARIO BUILDING CODE (PART 9)



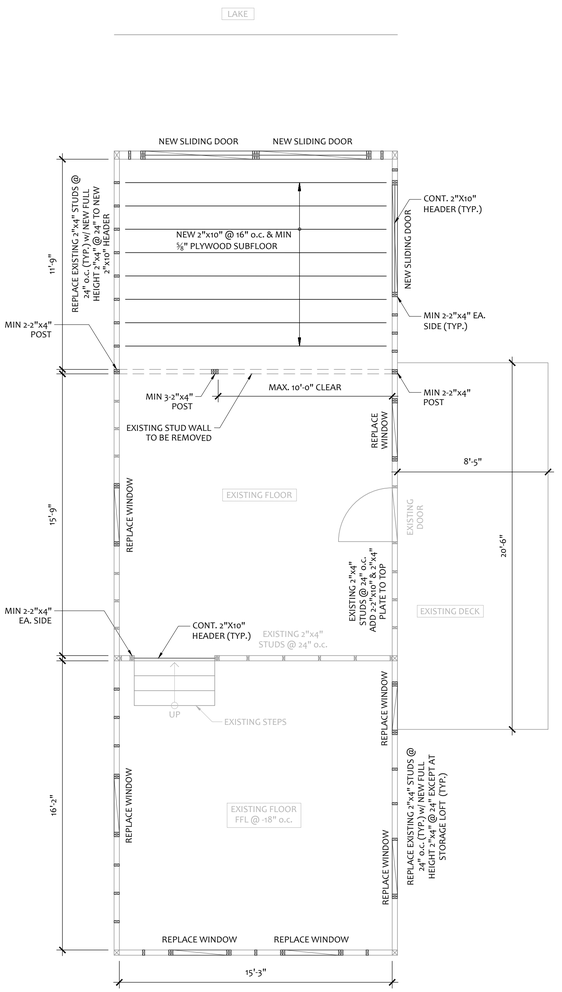
4 S-100 PLAN: STORAGE LOFT
SCALE:1/4"= 1'-0"



3 S-100 SOUTHWEST ELEVATION
SCALE:1/4"= 1'-0"



2 S-100 PLAN: ROOF
SCALE:1/4"= 1'-0"



1 S-100 PLAN: GROUND FLOOR
SCALE:1/4"= 1'-0"

D+M STRUCTURAL ENGINEERING

D+M Structural Ltd.
120-17 Aberdeen Street, Ottawa, ON, K1S 3J3
Phone: (613) 651-9490

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#	DATE	DESCRIPTION
2	2021/12/06	ISSUED FOR PERMIT/ VARIANCE
1	2021/12/02	ISSUED FOR CLIENT REVIEW

STAMP:

LICENSED PROFESSIONAL ENGINEER
C.L. DAVIES
2021/12/06
PROVINCE OF ONTARIO

NORTH ARROW:

PROJECT NAME AND ADDRESS:

DEVIL LAKE COTTAGE
547 WEST DEVIL LAKE ROAD

DRAWING NAME:

PLANS AND ELEVATION

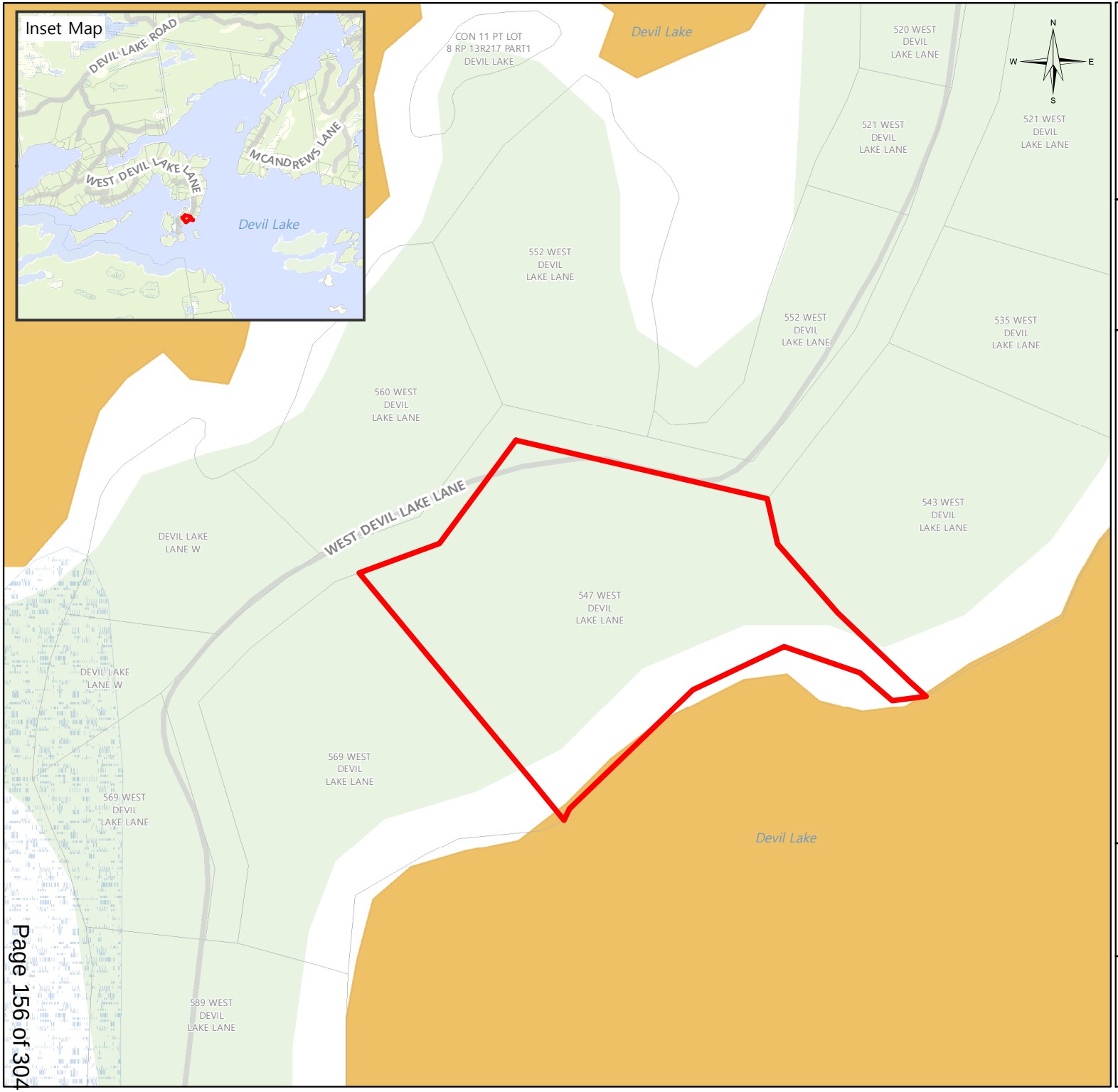
DESIGNED BY: C. DAVIES

DRAWN BY: A. WITTICH

DATE: 2021-11-19

PROJECT #: 20-129

S-100



SOUTH FRONTENAC

PL-ZNA-2022-0021
(BARRY)

547 WEST DEVIL LAKE LN

Legend

- Subject Property
- Road
- Railway
- Assessment Parcel
- Provincially Significant Wetlands
- Wetland
- Wooded Area
- Lake Trout Lake - At Capacity
- Water
- Township Boundary

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

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

Scale 1:1,000

0 10 20 40

Meters

UTM Zone 18 NAD 83

Date: 2022-02-16

February 25, 2022 File: MV/FRS/47/2022

Sent by E-mail

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

Dear Ms. Hannah:

Re: Application for Minor Variance PL-ZNA-2022-0021 (Barry)
Part of Lot 8, Concession 11; 547 West Devil Lake Lane
Bedford District, Township of South Frontenac
Waterbody: Devil Lake

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

Summary of the Proposal

The proposal involves increasing the pitch of a cottage roof by raising it approximately 1.8 metres in height. The variance is requested to:

- Increase the height of a structure by approximately 1.8 metres, contrary to Section 5.10.2 of the South Frontenac Zoning By-law.

Site Description

The property is located on the north shore of Devil Lake. The topography of the property can be described as rising slowly from the shoreline toward the existing dwelling at approximately a 4 (horizontal) to 1 (vertical) slope. Currently, the property contains the cottage and a shed.

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 itself is designated as a moderately sensitive Lake Trout Lake in the Official Plan.

Discussion

The main interests of Cataraqui Conservation with respect to this application are the avoidance of natural hazards (e.g. flooding and erosion) associated with the shoreline of Devil Lake, and the protection of the water quality of the lake.

Natural Hazards

Flooding: The maximum recorded water level for Devil Lake is 131.96 metres geodetic. For Devil Lake, the maximum recorded water level is used in lieu of an engineered flood plain. Cataraqui Conservation's Guidelines for Implementing Ontario Regulation 148/06 (see description below) requires that all development be set back a minimum of 6 metres from the regulatory floodplain of a waterbody. Staff note that the existing structure is located within the 6 metre adjacent lands to the hazard (flood plain) and not within the flood plain hazard itself. Since the structure is already there, staff do not believe that the proposal will further restrict access to the flood plain, and thus not further aggravate the hazard.

Erosion: Cataraqui Conservation defines the extent of potential erosion hazards to include an allowance for toe erosion, a stable slope allowance for bedrock shorelines of 3(h):1(v), plus an erosion access allowance of 6 metres. Based on an estimated 0.5 metre high slope, the total erosion hazard allowance is anticipated to be approximately 7.5 metres measured horizontally inland from the stable toe of slope at the shoreline. Staff note that the existing structure is located within the 6 metre adjacent lands to the hazard (stable slope allowance) and not within the stable slope hazard itself. Since the structure is already there, staff do not believe that the proposal will further restrict access to the slope, and thus not further aggravate the hazard.

Staff have no concerns with the proposal from a natural hazard perspective.

Water Quality

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

Similarly, Cataraqui Conservation's Environmental Planning Policy (EPP, 2021) contains provisions that seek to support these objectives. The Planning Policy

recommends that new development and site alteration, including septic system tile fields and open or enclosed decks/patios attached to the main dwelling, be set back a minimum distance of 30 metres from the highwater mark of a waterbody. However, the Planning Policy also suggests that new development within the water setback may be considered when there are no reasonable alternatives for locating the development outside of the water setback area, the development is no closer to the water than existing buildings or structures on the property the development complies with the maximum lot coverage provisions of the Zoning By-law, and suitable methods to minimize negative impacts on water quality are incorporated into the development.

The development proposal is in a reasonable location since the proposal simply involves raising a roof on an existing structure, the proposed development will not be closer to the water than existing development, and there will be no change to lot coverage. *Due to the close proximity of the development to the shoreline of Devil Lake, staff recommend that roof runoff be directed away from the waterfront to protect the water quality of the lake.*

Recommendation

Staff have no objection to the approval of application PL-ZNA-2022-0021 based on our consideration for natural hazards, natural heritage, and water quality and quantity protection policies.

Ontario Regulation 148/06

Please note that the development is subject to Ontario Regulation 148/06: Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses, which is administered by Cataraqui Conservation. The purpose of the regulation is to ensure that proposed changes (e.g. development and site alteration) to a property are not affected by natural hazards, such as flooding and erosion, and that the changes do not put other properties at greater risk from these hazards. Within a regulated area, written permission must be obtained from Cataraqui Conservation prior to development taking place.

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

Yours truly,

Andrew Schmidt

Andrew Schmidt
Supervisor, Development Review

c.c. Anna Geladi, South Frontenac Township (via e-mail)

Township of South Frontenac

Staff Report

To:	Committee of Adjustment
Prepared by:	Development Services Department
Date of Meeting:	April 14, 2022
Subject:	**Permission Application (S. 45(2) of the Planning Act) PL-ZNA-2022-0021 (Barry) – 547 West Devil Lake Lane, District of Bedford**

Summary

This application is requesting permission to enlarge a legal non-conforming building, by increasing its height, located within 30 metres of the highwater mark of Devil Lake.

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 to enlarge a seasonal dwelling under Section 45(2) of *the Planning Act*, by increasing its height, within 30 metres of the highwater mark.

Discussion/Analysis

Property Description

The subject property is located at 547 West Devil Lake Lane and has an area of approximately 0.33 hectares (0.82 acres) and approximately 88 metres (289 feet) of water frontage on Devil Lake and 87 metres (287 feet) of frontage on West Devil Lake Lane. West Devil Lake Lane is accessed from Devil Lake Road. The property is in an area of similarly developed waterfront residential properties.

The subject property is located on the peninsula near the end of West Devil Lake Lane. The property rises slowly over the depth of the property from Devil Lake to a relatively flat area. The area on the west side of the subject property is predominantly forested.
The property is developed with a seasonal dwelling, a shed, and associated sewage system. There is an attached deck on the west side of the seasonal dwelling.

The seasonal dwelling is setback 1.8 metres (6.5 feet) from the highwater mark on the property and 19 metres from the highwater mark on the north side of the lane. It is setback 13 metres (43 feet) from West Devil Lake Lane. It is located on the east side of the property. The seasonal dwelling has a height of 3.8 metres (12.5 feet) and is a single storey.

The seasonal dwelling has a floor area of 65.4 square metres (704 square feet). The attached deck has a floor area of 11.9 square metres (128 square feet). The total floor area is 77.3 square metres (832 square feet).

The shed is located to the north-west of the dwelling, closer to West Devil Lake Lane. The shed has a floor area of 9.2 square metres (100 square feet).

The sewage system is located between the shed and the dwelling, to the west of the dwelling.

Summary of Proposal

The proposal is to increase the height of the seasonal dwelling by 2 metres (7 feet) to a maximum height of 6 metres (19.5 feet).

This proposal is being applied for to repair, renovate and strengthen the roof of the seasonal dwelling to a safe condition. The increase in roof pitch will provide a more structurally sound, resilient and durable roof. The applicants note on their application that no square footage is being added to the floor plan, all of the existing walls will remain in place and that only the roof will be removed and replaced with a proper 5/12 pitch.

The applicants are seeking permission retroactively, as the building is under active renovation and the roof has already been replaced.

It is the understanding of Planning Staff from communication with the applicant and the Chief Building Official that the roof repair was needed as it had sustained considerable damage over the two seasons the applicants were away during the pandemic travel restrictions. The CBO provided permission in the winter 2021 to finish putting the new steel roof on to protect against winter conditions. The applicants noted that they were not aware zoning permission was required to increase the height of the building as the intent was only to repair the structural integrity of the roof to a modern-day standard.

Planning staff noted during a site visit that new doors have been installed that face and provide access to the lake. The applicants indicated that the doors were installed because windows that size were not available due to the pandemic and they will be installing a metal railing outside to prevent a fall. No deck is proposed outside the new doors.

Department and Agency Comments

Building Services noted that they have no objections to the application. Building Services noted that when they came across the property and noticed that construction was happening, they left an inspection report advising the owners to obtain a building permit and that a minor variance would be required. The applicants are aware that they need to submit a building permit application whether or not the subject application is approved.

Cataraqui Conservation provided comments on February 25, 2022 which indicate that Staff have no objection to the approval of the application. It was noted that for Devil Lake, a maximum recorded water level is used in lieu of an engineering flood plain. They note that the dwelling is located within the 6 metres setback from the floodplain and erosion hazards required under O. Reg. 148/06, but is not located within the flood plain or erosion hazard itself. It is their opinion that because the dwelling is already existing, the proposal to increase the height will not restrict access to the floodplain or slope and will not further aggravate the existing situation relative to natural hazards.

Cataraqui Conservation Staff note that the development proposal is in a reasonable location since the proposal involves raising a roof on an existing structure. The proposed development will not be located any closer to the water than existing development and will not change lot coverage. They recommend that due to the close proximity of the development to the shoreline of Devil Lake, that roof run-off be directed away from the waterfront to protect the water quality of the lake.

Cataraqui Conservation Staff confirmed that a permit under O. Reg. 148/06 is required for the renovation and increase in height.
The applicant must initiate this application process prior to the building permit stage.

Public Comments

No comments were received from the public at the time of the writing of this report.

Planning Analysis

The property is zoned RLSW, so the seasonal dwelling is a permitted use. The use of the property will not change as a result of this application.

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 prohibits the enlargement of these existing buildings, making them legal non-conforming. The existing dwelling is a legal non-conforming building because it was constructed in 1964 (according to the application), and because it is setback 1.8 metres and 19 metres from the highwater mark of Devil Lake.

This application is seeking permission to increase the height of the existing dwelling from 3.8 metres (12.5 feet) to 6 metres (19.5 feet) in order to increase the pitch of the roof.

In this situation, the Committee of Adjustment should consider whether to grant permission to enlarge the legal non-conforming building under Section 45(2) of the *Planning Act*.

According to the applicants, the increase in the height of the seasonal dwelling is proposed to provide a roof structure capable of accepting a durable long-lasting aluminium roof and withstand winter conditions. To do this, the roof pitch must be increased to a minimum of 5/12 slope increasing the overall roof height. It will not result in an increase in floor area or living space.

The 2 metre increase in building height will not have an adverse visual impact, such a loss of sunlight, privacy and views, on the properties to the west and east as they are separated by a forested area. The topography and shape of the shoreline also provides separation. The dwelling is setback far enough from the lane and due to the nature and curve in the lane, the dwelling is not the focus point relative to existing surrounding development.

According to Cataraqui Conservation, although the dwelling is setback 1.8 metres (6.5 feet) from the highwater mark of Devil Lake it is located outside the floodplain and erosion hazards associated with the lake. The proposal is for an increase in height and which will not aggravate the existing situation created by the existing structure.

The slope and angle of the roof will direct water away from the lake. Township Staff support the recommendation provided by the Conservation Authority that roof runoff be directed away from the lake to protect the water quality of the lake and soil erosion. Requiring a development agreement as a condition of approval will ensure that the proposed development is undertaken in accordance with the Township environmental standards, including how to manage roof runoff.

The additional height is not expected to have an impact on the water quality of the lake. The increase in height will provide a roof structure that is more functional and structurally sound specifically when dealing with winter conditions and maintenance. This will provide for safer conditions on the subject property.

The existing dwelling is compatible with the established built form and character of the surrounding properties. Furthermore, the use of the dwelling and the property is not proposed to change through this application.

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-2022-0021, subject to the following conditions:

1. Permission is granted to enlarge the legal non-conforming dwelling on the subject property. The existing dwelling is permitted to have a maximum building height of 6 metres (19.5 feet) as per the Site Plan and Plans and Elevation drawing (both D+M Structural Engineering, revision 3, 2021/12/06, 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. A development agreement will be required to be registered on title to address Environmental Protection policies of the Township, including how to manage roof runoff.

Report Prepared By:

Anna Geladi, MCIP, RPP, Planner

Reviewed By:

Christine Woods, MCIP RPP, Senior Planner

SOUTH FRONTENAC

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	$2,1055.00

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

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): Delan Jinapriya and Isabella Irrcher

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: Tess Gilchrist, IBI Group

Full Mailing Address of Authorized Agent: [redacted]

Phone number of Authorized Agent: [redacted]

Email Address of Authorized Agent: [redacted]

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

Signature(s) of Owner(s)

3. The description of the subject land:

District: ☐ Bedford ☐ Portland ☒ Loughborough ☐ Storrington

Concession Number: Concession 2 Lot Number: Part of Lot 13

Street Number: _____ Name of Road/Street: _____

Reference Plan Number: Registered Plan 1546 Part Number(s): Lot 15

Roll Number: 102906001023400

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): 31.7 metres Frontage (on road/lane): 28.5 metres

Depth: Approx. 70 metres Area: 1913.9 square metres (0.19 ha)

5. The current zoning of the subject land:

Residential Limited Service - Waterfront (RLSW)

6. The nature and extent of the relief from the Zoning By-law:
Please see Planning Rationale for details.

Section 10.3.1 & 5.8.2 a with respect to waterbody setback; Section 5.8.2b with respect to top of bank setback and 10.3.1 with respect to lot coverage for principal building.

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

The subject property is an existing undersized waterfront lot of record which currently contains a dwelling, boathouse and detached garage.

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

Name of Road/Lane:

Red Maple Lane

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

N/A

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

Residential

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

☒ Yes ☐ No

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

Type of Structure (E.g. residence)	**(1)** Principal Dwelling	**(2)** Detached Garage	**(3)** Boathouse	**(4)**
Setback from Front Lot Line	14.43 m to original high water mark	51.4 m	0 metres	
Setback from Rear Lot Line	33.7 m	4.86 m	63.5 m	
Setback from Side Lot Line	6.93 m (west) 8.74 m (east)	7.71 m (west) 12.5 m (east)	4.15 m (east)	
Height of Building (Also indicate if it is one story or two story)	7.82 m 2-storey	Approx. 4.5 m 1.5-storey	Approx. 4.5 m 1.5-storey	
Dimensions of Floor Area	160.7 sq.m. (1730 sq. ft)	50.2 sq.m. (540 sq. ft)	40.2 sq.m. (433 sq. ft)	
Setback from High Water Mark (If applicable)	14.43 m to original high water mark	51.4 m	0 metres	

13. The proposed uses of the subject land:

Residential

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

☒ Yes ☐ No

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

Type of Structure (E.g. residence)	**(1)** Principal Dwelling	**(2)** Detached Garage	**(3)**	**(4)**
Setback from Front Lot Line	17.6 m to original high water mark	51.1 m		
Setback from Rear Lot Line	26.7 m	5.04 m		
Setback from Side Lot Line	5.31 m (west) 8.52 m (east)	3.0 m (west) 15.8 m (east)		
Height of Building (Also indicate if it is one story or two story)	8.7 m 2-storey	Approx. 4.5 m 1.5-storey		
Outside Dimensions of Building/Structure	182.8 sq.m. (1968 sq. ft)	57.3 sq.m. (617 sq. ft)		
Setback from High Water Mark (If applicable)	17.6 m to original high water mark	51.1 m		

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

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

If yes, please provide details:

The existing single dwelling is proposed to be demolished and replaced with the proposed single dwelling.

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

If yes, please provide details:

18. What are the uses of the proposed development?

(a)	Increase in number of bedrooms	Yes	☒ No
(b)	Increase in plumbing fixtures	☒ Yes	☐ No
(c)	Increase in living space	☒ Yes	☐ No
(d)	Will the addition or structure encroach on the existing septic system?	☐ Yes	☒ No

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

2010

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

Unknown.

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

Plan of Subdivision registered in 1969.

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

Private well on the waterfront side of the dwelling to remain.

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:

New sewage system proposed and concurrent permit application filed.

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

Gravity-fed swales and natural drainage patterns. Future eaves troughs and driveway grading to direct stormwater runoff away from lake.

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:

[redacted]

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

A Guide to Completing the Minor Variance Form

1) The names of **all** owners must appear in this section, even if they live in separate residences, and the address(es) should be the **full mailing address, complete with postal code.**

2) You may wish to appoint someone to act on your behalf during the variance process. If so, that person's name, address and phone number should appear here All owner's must sign the authorization.

3) Description of the Subject Land:
   a. District: The Districts are the same as the former Townships. If you are not sure, check the roll number (the long number beginning with 1029) on your tax bill. If the numbers are 010, 020 or 030, your district is Bedford; if the numbers are 040-050, your district is Loughborough; if the numbers are 060 or 070, your district is Storrington; and if the numbers are 080, your district is Portland.
   b. Concession and Lot Numbers: if you are not sure, check your tax bill
   c. Street Number: Your civic address – if a civic number has not been assigned, leave this space blank.
   d. Name of Road/Street: This question applies whether or not you are on a private lane or a public road.
   e. Reference Plan No: If your property has been surveyed, it will have a plan number, and one or more parts on that plan. If your property has not been surveyed, leave this space blank.
   f. Roll No: This is the number beginning with '1029' which appears on your tax bill. Please take time to look it up before submitting the application.

4) Frontage, depth, area, acres: All parts of this question must be completed.

5) Current zoning: You may not be aware of the zoning on your property and this can be determined when you come in for pre-consultation with planning staff.

6) Nature and Extent of Relief: This question is asking what you are asking to do that requires the variance – for example, it could be that you are asking to be 25 m rather than 30 m from the high water mark, or that you are asking to increase the height of a structure within 30 m of the high water mark, or that you are seeking a variance to construct an accessory building closer to the front lot line than the principal building.

7) Reason why you can't comply: In other words, why can you not meet the required setbacks. It could be, for example, because you are seeking a variance to add on to an existing structure that is already too close to the water, or that developing further from the water would be impossible because of a steep embankment.

8) Roads: Municipally maintained roads are looked after by the Township; private roads are lanes that residents maintain themselves (not private driveways, but lanes that provide access to your property and that are generally shared with others).

9) Parking and Docking: This question is only relevant is you can only access your property by water.

10) Existing Uses: e.g. residential, retail business, vacant recreational land

11) Buildings: If there are **ANY** buildings or structures on the property now, the answer to this question is "yes".

12) Description of buildings and structures: You must complete all sections of this question for each structure on your property. **If there is a deck on your dwelling, please describe it separately from the residence.**

13) Proposed Uses: Generally, the answer to this question will be the same as the answer to #10, but if, for example, the land is currently vacant, and you are planning to construct a dwelling, then the use to be described in section 10 would be "vacant recreational land", and the use described in section 13 would be "residential"

14) Proposed structures: If you are planning to build **ANYTHING** on the property, the answer to this question is "yes" – This includes additions, decks, garages, septic systems.

15) Description of new construction: **ALL** proposed new development must be described here. If you are proposing to construct an addition to a dwelling, and to add a deck, please show this information in separate columns.

16) **Demolition: All demolition requires a permit from the building department.** In some instances, a proposed addition or increase in height cannot be accomplished without the removal of existing walls. If this is not made clear to the Committee at the beginning of the process, you may find that, although you are granted permission to add on to your residence, you can't actually do it because you have not made it clear that there is demolition involved.

17)Raising of Structure: In other words, are you proposing to raise the building in order to construct a basement under it.

18)Uses of Development: Please answer each part of this question. An increase in living space would include anything with walls – e.g. a screened porch would involve an increase in living space.

19)Date land acquired: When did you take possession of the property?

20)Date of existing buildings: If you are not sure, provide your best estimate.

21) Length of existing uses: For example, has the land been used for residential purposes for 30 years, or 18 months?

22) Water supply: in most cases the answer will be private well, but some waterfront properties take their water from a lake.

23) Septic: in most cases the answer will be private sewage system, but there may be some privies.

24) Drainage: Are there specific ditches that have been constructed to deal with drainage; is there natural drainage, etc.?

25) Application for consent: Is there currently an application for consent (severance) being proposed for the property?

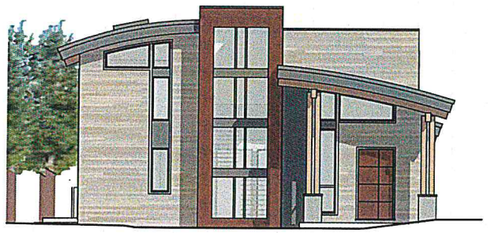
26) If yes: If there is a current application for severance or subdivision on the property, please indicate the file number. (Staff can help provide this information)

27) Minor variance: Has there ever been a minor variance granted on the property? If you are long-time owner of the property, you will probably be aware of any other special permission granted for a variance to the zoning by-law. If you are a new owner, the seller will probably have made you aware of this.

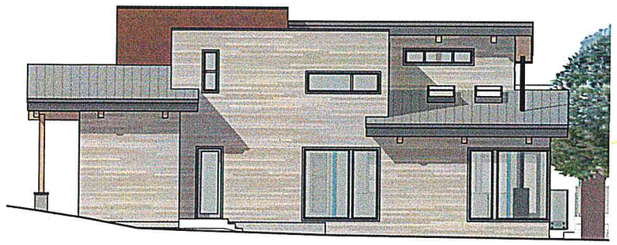
28) If yes: If there has been a previous variance granted on the property, please indicate the application number if known, and what the details of the variance were.

29) **SKETCH: We cannot stress enough the importance of a detailed, accurate, and complete sketch. You do not necessarily need to contract with a professional to draw the sketch, but sketches that are not drawn to scale, do not show dimensions and distances, or are not drawn neatly (PLEASE USE A RULER), will not be accepted.**

30) **Agreement to Indemnify**: Must be signed in front of a commissioner of oaths – you may have this done before submitting the application, or sign the application in front of staff who can sign as commissioners. All owners must sign the application, or it can be signed by an agent if one has been appointed.



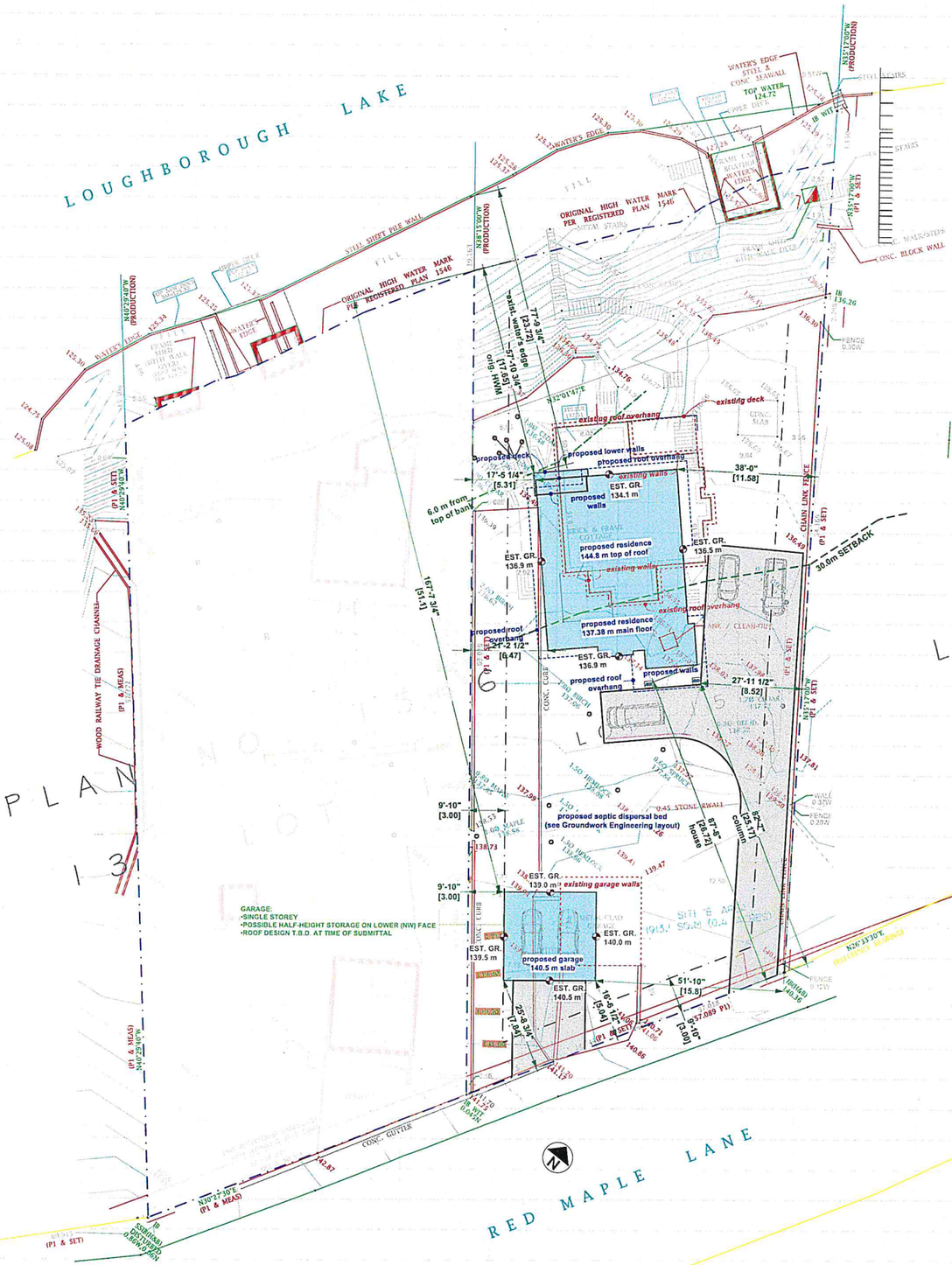
SE Front Elevation
Scale: 1/8" = 1'-0"



NE Side Elevation
Scale: 1/8" = 1'-0"

NW Rear Elevation
Scale: 1/8" = 1'-0"

SW Side Elevation
Scale: 1/8" = 1'-0"



Lot Coverage

Lot Area	1913.90 sq m	
Existing House	160.70 sq m	(1730 sq ft)
Existing Garage	50.20 sq m	(540 sq ft)
Exist. Boathouse to Lower Walls	27.60 sq m	(297 sq ft)
Exist. Boathouse incl. deck	40.20 sq m	(433 sq ft)
Proposed House	182.80 sq m	(1968 sq ft)
Proposed Garage	57.30 sq m	(617 sq ft)
Boathouse (unchanged)	see above	

Building Height

Residence

proposed	8.70 m	(28.5 ft)
allowable	10.00 m	(32.8 ft)

Grade Calculation, Residence

	ESTABLISHED GRADE	
1	134.10	
2	136.50	
3	136.90	
4	136.90	
	136.10	**Average Grade**

Grade Calculation, Garage

	ESTABLISHED GRADE	
a	139.00	
b	140.00	
c	140.50	
d	139.50	
	139.75	Average Grade

Setbacks

Accessory (Garage)

	Front (SE)	Rear (NW)
proposed	5.04 m	51.10 m
allowable	3.00 m	30.00 m
	Int. Side (NE)	**Int. Side (SW)**
proposed	15.80 m	3.00 m
allowable	3.00 m	3.00 m

Principle (House)

	Front (SE)	Rear (NW)
proposed	25.17 m	18.26 m
allowable	3.00 m	30.00 m
	Int. Side (NE)	**Int. Side (SW)**
proposed	8.52 m	5.31 m
allowable	3.00 m	3.00 m

PROJECT: **JINAPRIYA RESIDENCE**
4508 Red Maple Lane
South Frontenac

SCALE: AS SHOWN

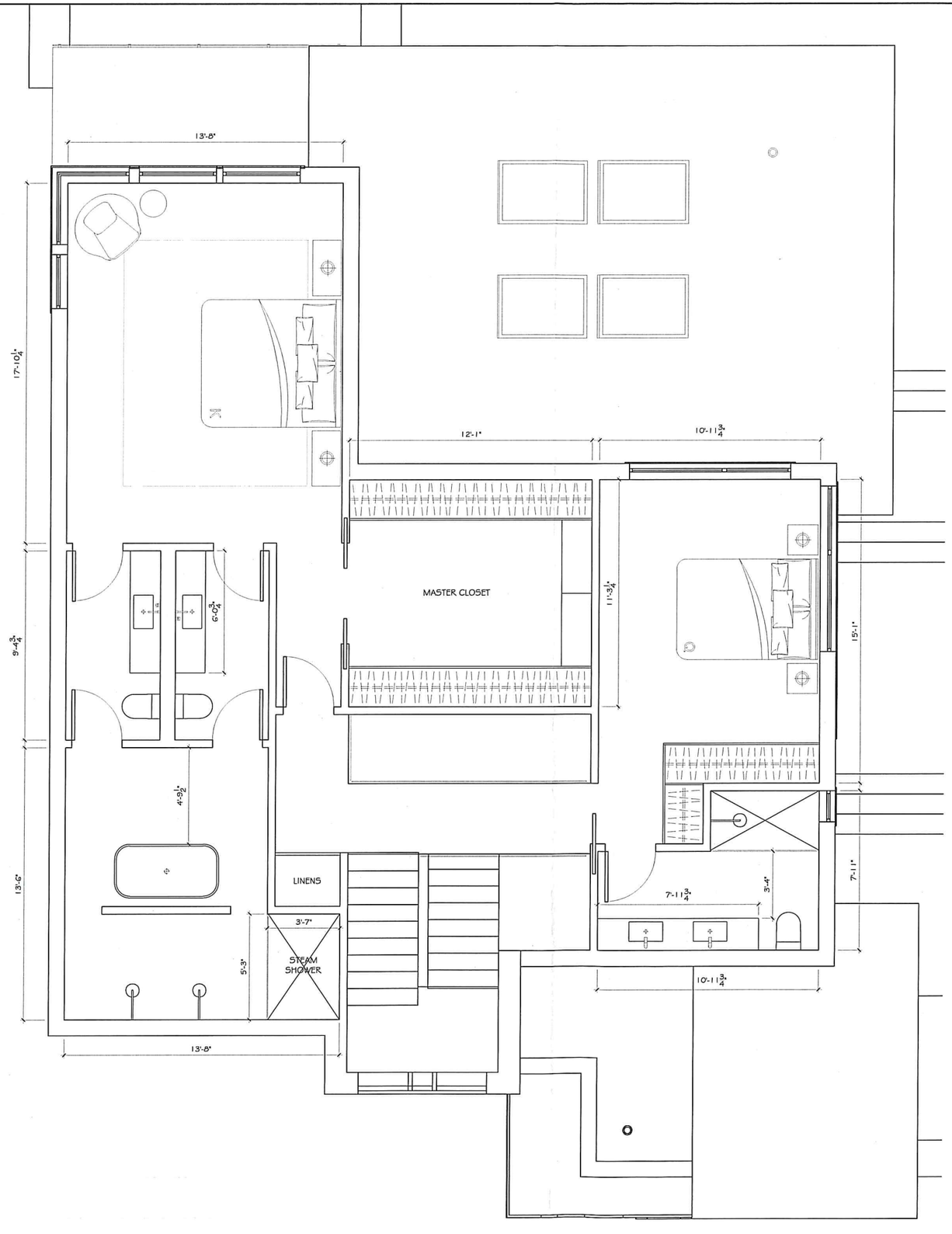
SITE PLAN OVERVIEW

DATE: Feb. 04, 2022

KB DESIGN

DRAWN BY: R. Poulin

PAGE NO: A1



THE CONTRACTOR MUST VERIFY AND CHECK ALL JOB DIMENSIONS, DRAWINGS, DETAILS AND SPECIFICATIONS ON SITE AND REPORT ANY ERRORS, DISCREPANCIES AND OMISSIONS TO THE DESIGNER BEFORE PROCEEDING WITH THE WORK.

REVISIONS

#	DATE	DESCRIPTION

PROJECT TITLE: RED MAPLE LANE
4508 RED MAPLE LANE, SOUTH FRONTENAC, ON K0H 1X0

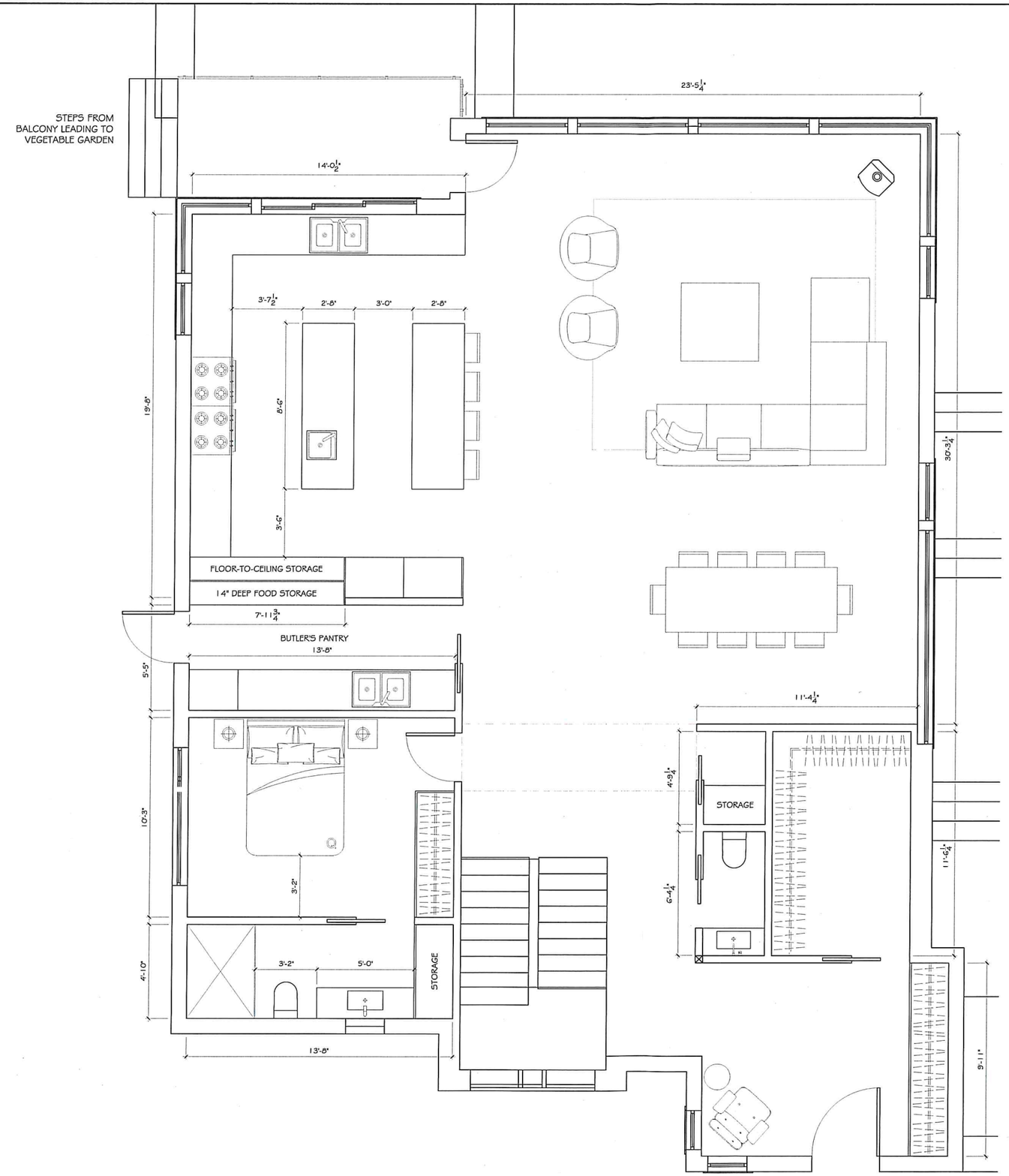
DRAWING TITLE: PROPOSED PLAN - SECOND FLOOR

Catlin Stothers Design
514.984.5122
csdesign@hotmail.ca
www.catlinstothersdesign.com

CLIENT: DELAN JINAPRIYA & ISABELLA IRRCHER

DRAWN BY: TALIA KIRSCHNER
DATE: FEB 1, 2022
SCALE: 1:70

PAGE 3



THE CONTRACTOR MUST VERIFY AND CHECK ALL JOB DIMENSIONS, DRAWINGS, DETAILS AND SPECIFICATIONS ON SITE AND REPORT ANY ERRORS, DISCREPANCIES AND OMISSIONS TO THE DESIGNER BEFORE PROCEEDING WITH THE WORK.

REVISIONS

#	DATE	DESCRIPTION

PROJECT TITLE: RED MAPLE LANE
4508 RED MAPLE LANE, SOUTH FRONTENAC, ON K0H 1X0

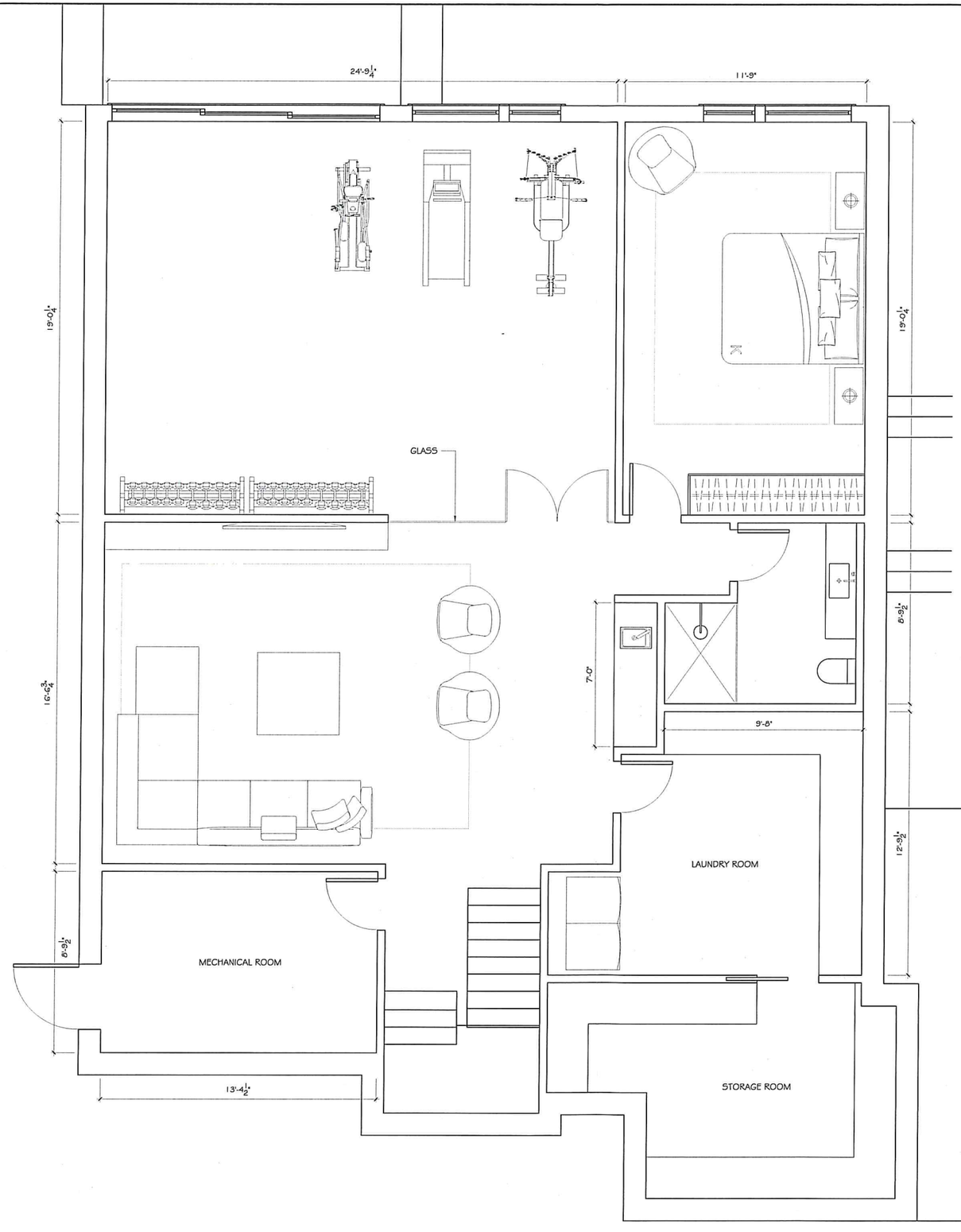
DRAWING TITLE: PROPOSED PLAN - GROUND FLOOR

Catlin Stothers Design
514.984.5122
csdesign@hotmail.ca
www.catlinstothersdesign.com

CLIENT: DELAN JINAPRIYA & ISABELLA IRRCHER

DRAWN BY: TALIA KIRSCHNER
DATE: FEB 1, 2022
SCALE: 1:70

PAGE 2



THE CONTRACTOR MUST VERIFY AND CHECK ALL JOB DIMENSIONS, DRAWINGS, DETAILS AND SPECIFICATIONS ON SITE AND REPORT ANY ERRORS, DISCREPANCIES AND OMISSIONS TO THE DESIGNER BEFORE PROCEEDING WITH THE WORK.

REVISIONS

#	DATE	DESCRIPTION

PROJECT TITLE
RED MAPLE LANE
4508 RED MAPLE LANE, SOUTH FRONTENAC, ON K0H 1X0

DRAWING TITLE
PROPOSED PLAN - BASEMENT

Catlin Stothers Design
514.984.5122
csdesign@hotmail.ca
www.catlinstothersdesign.com

CLIENT DELAN JINAPRIYA & ISABELLA IRRCHER

DRAWN BY TALIA KIRSCHNER
DATE FEB 1, 2022
SCALE 1:70

PAGE 1

IBI GROUP
650 Dalton Avenue
Kingston ON K7M 8N7 Canada
tel 613 531 4440
ibigroup.com

February 14, 2022

Anna Geladi
Township Planner
Township of South Frontenac
4432 George St. Box 100
Sydenham, ON
K0H 2T0

Dear Ms. Geladi:

APPLICATION FOR MINOR VARIANCE
4508 RED MAPLE LANE
LOT 15 PLAN 1546 GEOGRAPHIC TOWNSHIP OF LOUGHBOROUGH
IBI FILE NO. 135654

1.0 Introduction

This Planning Rationale is provided in support of an application for Minor Variance to permit the reconstruction of a single-detached dwelling and detached garage, as well as the replacement of an existing sewage system, on a waterfront parcel on Loughborough Lake. The application seeks variances to decrease the required waterbody setback from 30 metres to 17.6 metres for a principal building, reduce the required top of bank setback from 15 metres to 6 metres and increase the maximum lot coverage for a principal building from 8.4% to 9.5% (22.1 square metres).

The subject lands are municipally addressed as 4508 Red Maple Lane and are legally described as Lot 15 of Plan 1546 in the Geographic Township of Loughborough (herein referred to as the "subject property"). The subject property is developed with an existing dwelling, boathouse and detached garage.

The subject property is designated 'Rural' in the Township of South Frontenac Official Plan. The Township's Zoning By-law 2003-05 places the subject property in the Residential Limited Service – Waterfront 'RLSW' Zone. The subject property is located in the west basin of Loughborough Lake, a waterbody identified as a Highly Sensitive Lake Trout Lake.

2.0 Pre-consultation and Required Submission Materials

Initial discussions with Township staff were held with the project Architect, Keith Baker, in the spring and summer of 2021. Subsequent discussions were held with consulting planner, Tess Gilchrist of IBI Group in the fall of 2021 and most recently in February 2022. Through the pre-consultation process, the redevelopment proposal was reviewed, and submission requirements were confirmed. Township staff confirmed that a Minor Variance Application would be required given that the property is an existing under-sized lot of record and the reconstruction of the dwelling cannot achieve the 30 metre setback from the high water mark setback or the 15 metre setback from the top of bank. A variance is also required to permit the modest increase to lot coverage, as a result of a 22.1 square metre increase in the footprint of the dwelling.

IBI Group Professional Services (Canada) Inc. is a member of the IBI Group of companies

The Township identified the following materials as being required in support of the application:

- Site Plan
- Planning Rationale Letter
- Concurrent Sewage Permit

A site visit was conducted Friday, August 13, 2021 with the owner of the property, as well as Tess Gilchrist of IBI Group and Andrew Schmidt of Cataraqui Conservation. At the site visit, it was confirmed by Cataraqui Conservation that an Environmental Impact Assessment would not be required, nor a Slope Stability Study, given the characteristics of the nature of the existing shoreline and the exposed bedrock. Additionally, Cataraqui Conservation suggested that because the embankment's bedrock is visible, a slope stability assessment was not required so long as the development achieves a setback of 6 m from the top of the bank; this is Cataraqui Conservation's regulated setback for safe access (i.e. for construction equipment, etc.).

3.0 Site Characteristics

Site Overview

The subject property is an existing developed waterfront lot with a dwelling, boathouse and detached garage. It fronts the west basin of Loughborough Lake, a section of the lake which has been identified as a Highly Sensitive Lake Trout Lake. The subject property is accessed by Red Maple Lane, a private lane maintained by the residents of the lane.

The subject property has an area of approximately 0.47 acres (0.19 hectares) with approximately 31.70 metres of frontage on Loughborough Lake. The lot is approximately 70 metres deep and has 28.5 metres frontage on Red Maple Lane.

Figure 1 Aerial map of the subject property with approximate boundaries outlined in blue (Geowarehouse)

The subject property is sloped towards Loughborough Lake, with a significant downward slope near the water's edge, with an exposed rock embankment. A frame staircase provides access to the water's edge, which has been reinforced with a sheet pile wall and backfilled. It is understood that the shoreline modifications were completed by a previous owner in the 1970s or 1980s.

Surrounding Uses

Immediately north of the property is Loughborough Lake. East and west of the subject property are similarly sized waterfront parcels containing residential dwellings. South of the subject property are forested tracts and fields used for farming.

4.0 Proposed Development

The owners purchased the property in 2010 and currently reside in the existing dwelling, however the foundation is failing and the basement leaks. The owners have also discovered a radon issue that a new build would remedy. The owners wish to reconstruct the dwelling on generally the same footprint, with a deck on the northwest corner of the dwelling and a small increase of 22.1 square metres floor area on the non-waterfront side of the dwelling. The proposed dwelling and deck have been setback an additional 3.2 metres to respect a 6-metre top of bank access allowance setback. The proposed dwelling would exceed the 3-metre interior side yard setback requirement on both sides and also respects the 10 metre height limit.

Additionally, the owners wish to reconstruct the existing detached garage to function properly for the storage of two vehicles. The existing driveway is currently located on the western side of the property, is very steep and directs storm water to the bank and ultimately the lake. The proposed site layout would remove the existing asphalt driveway and locate a new driveway along the eastern property line to provide direct access to the dwelling. The reconstructed detached garage would remain in generally the same location; however, it would be setback farther to achieve the required 5 metre setback from a private lane. The proposed garage also respects the required 3-metre interior side yard setback. The detached garage and boathouse also comply with the maximum permitted 5% lot coverage for accessory buildings.

The owners are also proposing to replace the existing Class IV sewage system. The new sewage system would be located between the garage and dwelling, fully respecting the 30-metre waterbody setback.

No changes are proposed to the existing boathouse or shoreline, and the existing frame staircase providing access to the waterfront is to remain.

Additionally, the owners intend to retain a professional landscape designer to advise on how to implement stormwater management best practices such as promoting infiltration and keeping stormwater runoff from the lake, as well as maintaining and enhancing the existing vegetation on the slope to limit future erosion.

The Proposed Site Plan is shown in Figure 2 and also submitted with the Application.

Anna Geladi – February 14, 2022

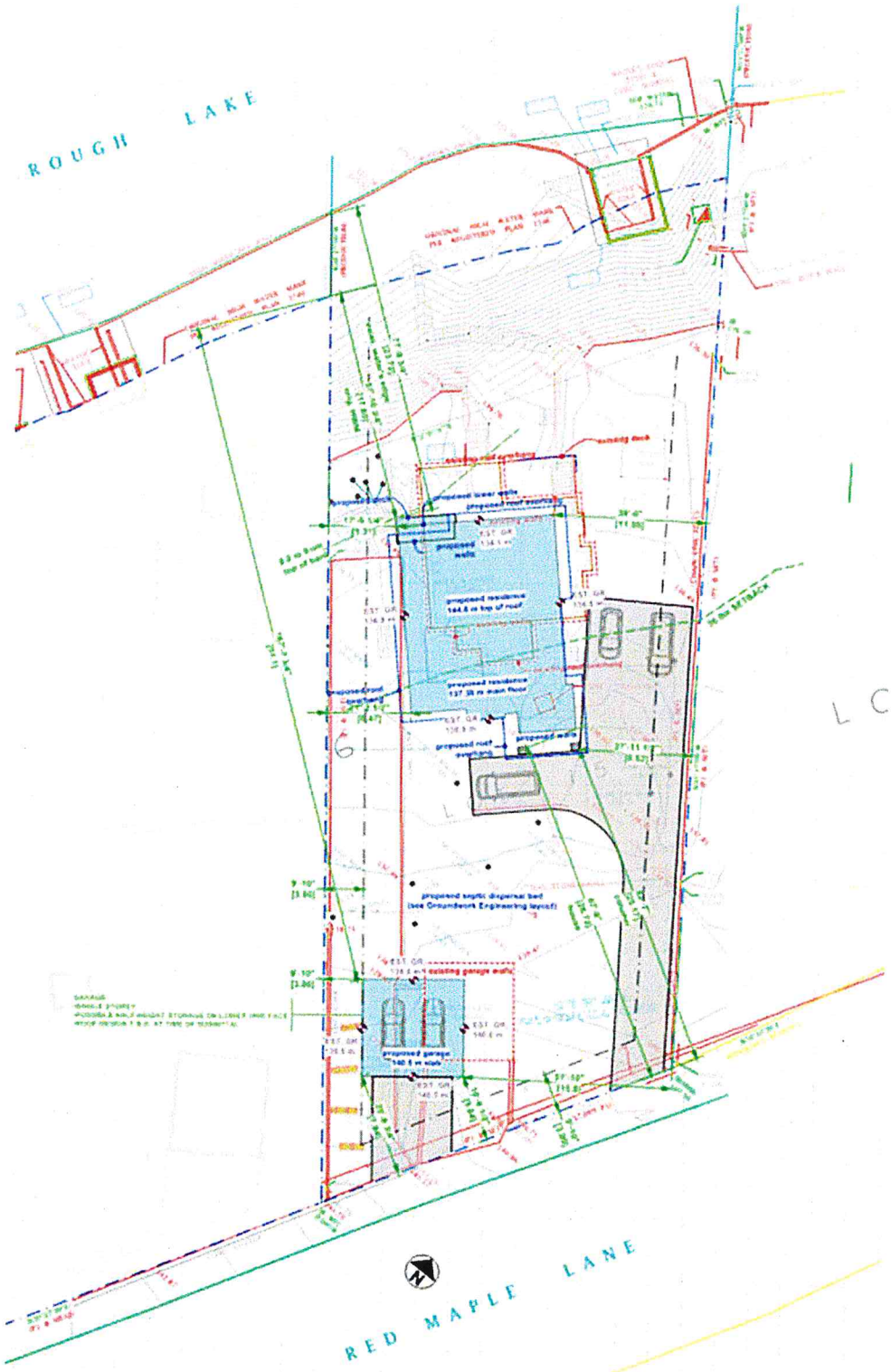


Figure 2 Site Plan (prepared by KB Design)

5.0 Policy Analysis

Provincial Policy Statement (2020)

The 2020 Provincial Policy Statement (PPS) came into effect on May 1, 2020. The PPS provides policy direction on matters of Provincial Interest. Section 3 of the *Planning Act* requires that municipal councils "be consistent" with the PPS in carrying out their responsibilities under the *Act*.

The applications are consistent with the intent of the PPS as it supports:

- The proposed uses are permitted uses within rural lands in municipalities (1.1.5.2);
- The proposed development is compatible with the rural landscape and can be sustained by rural services (1.1.5.4);
- No new public infrastructure or services are anticipated to be needed as a result of the applications (1.1.5.5);
- The development is not anticipated to negatively impact natural heritage features or their identified functions (2.1); and
- Existing development is outside areas of natural hazard and is not anticipated to negatively impact public health and safety. (3.1).

The requested Minor Variance Application is consistent with the intent of the PPS.

Official Plan for the County of Frontenac

The Official Plan for the County of Frontenac was adopted by Council on 2014 and was approved by the Ministry of Municipal Affairs and Housing on January 11, 2016.

The applicable policies of the County OP are identified below:

3.3 Rural Lands

3.3.3.4 Special Policies – Waterfront Areas

4.2.1.5 Private Services

7.1.4.4.1 Lake Trout Lakes

Planning Comment: The above noted policies are reflected in the Township of South Frontenac Official Plan (discussed below), and our comments and opinions on conformity with the local Official Plan mirror those of the County OP. In order to reduce redundancy within this report, the planning opinion for the above noted policies are discussed in detail below.

Township of South Frontenac Official Plan

The Township of South Frontenac Official Plan was adopted by Council on September 5, 2000 and approved by the Minister of Municipal Affairs & Housing April 30, 2002. Schedule A of the Official Plan designates the subject property as 'Rural' and identifies that the subject property is located on a Highly Sensitive Lake Trout Lake.

The relevant policies of the Official Plan are addressed below.

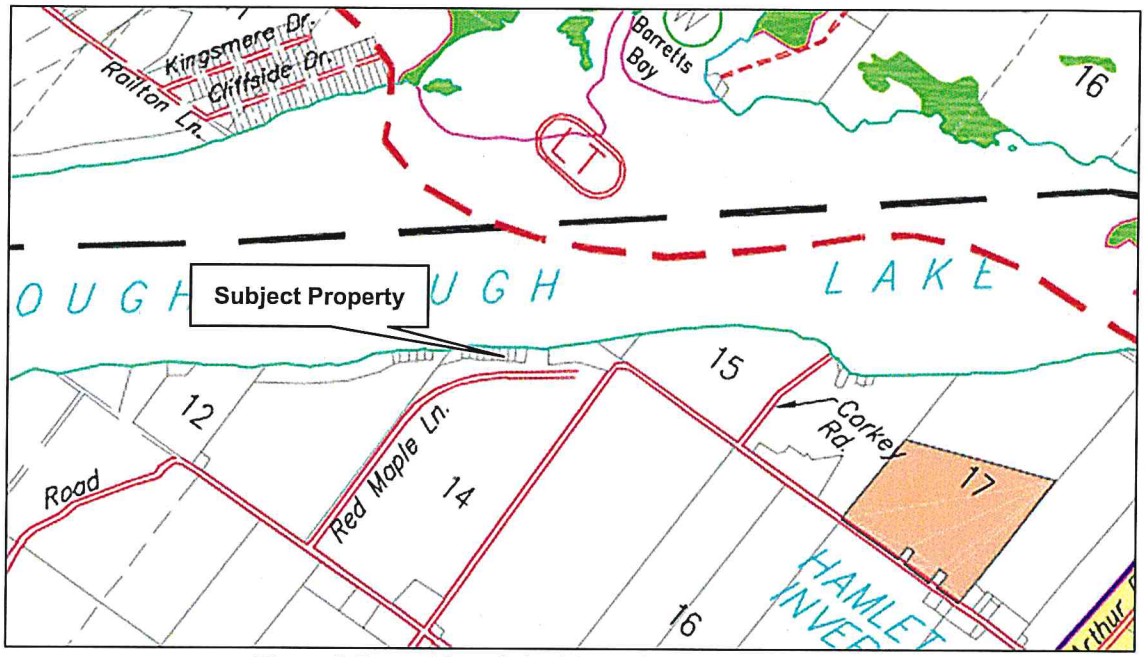


Figure 3 Excerpt from Schedule A of the Township of South Frontenac Official Plan

4.8 Servicing and Community Improvement Goal

4.8.a Objectives

iii. To require the installation of private water supply systems and private sewage treatment systems in accordance with the requirements of the appropriate governmental agencies.

Planning Comment: The proposed redevelopment includes the installation of a new Class IV sewage system set as far back from the adjacent waterbody as possible. The system has been designed to ensure that on-site sewage management is completed to the highest possible standard for waterfront residential dwellings and is essential for minimizing the risk of contaminated groundwater leeching into Loughborough Lake.

5.2.7 Environmentally Sensitive Areas

a) Policies for Development or Site Alterations in Fish Habitat, Significant Wildlife Habitat, Areas of Natural and Scientific Interest, Woodlands and Valleylands

In areas identified by Council, development and site alterations in and adjacent to significant wildlife habitat, areas of natural and scientific interest, significant woodlands and significant valleylands and in fish habitat may be permitted in accordance with the following:

i. Council may permit development and site alterations within and adjacent to Environmentally Sensitive Areas in accordance with the underlying land use designation when an Environmental Impact Assessment prepared in accordance with Section 5.2.11 indicates that no negative impacts on the natural features or the ecological functions occur.

b. Policies for Development and Site Alterations Adjacent to Lakes and Rivers

The policies of this section apply to all lakes and rivers, except where they conflict with the policies detailed in Section 2.5.8 of this Plan for Lake Trout Lakes.

i. All lands within 90 metres (295 ft.) of the highwater mark of all lakes and rivers which are not designated Environmental Protection are included as Environmentally Sensitive Areas. Where development and site alterations are proposed in Environmentally Sensitive Areas, it is the intent of this Official Plan that all buildings, campsites and structures not related to the use of the water and all sewage disposal system leaching beds be well set back from the highwater mark. More specifically, a minimum setback of 30 metres (98.4 ft.) from the highwater mark shall apply but greater setbacks may be required depending on conditions specific to individual sites. Vegetation within the setback area should be disturbed as little as possible consistent with pedestrian passage, safety, provision of views and ventilation. When considering views and ventilation, it is intended that only selective, minor tree cutting and trimming occur. The soil mantle within the setback area should not be altered. These measures are intended to minimize environmental and visual lake impacts by reducing phosphorus inputs, preventing erosion and by maintaining a natural appearance of the shorelines. No commercial or clear-cut logging shall be permitted within 90 metres o the highwater mark of all lakes and rivers or on lands sloping towards lakes within the Township.

Planning Comment: The residential dwelling currently on the property is within the 30-metre setback identified in Section 2.5.7.b. Due to the physical constraints of the subject property, the proposed new dwelling structure must be sited in generally the same location with an improved water setback to achieve the safe access allowance from top of bank. However, the new sewage system in its entirety will be located beyond the 30-metre setback. After a site visit with Cataraqui Conservation, it was determined that an Environmental Impact Assessment was not warranted because the shoreline will not be impacted by the proposal, and the new dwelling will be situated above it on a rock edge.

Understanding the existing physical constraints of the subject property, the proposed dwelling and sewage system have been located as far back as possible from the highwater mark.

5.2.8 Lake Trout Lakes

Development on or adjacent to a sensitive lake trout lake must take place in a manner which does not negatively impact water quality in order to maintain a healthy lake trout population. All development or site alterations on or adjacent to a sensitive lake trout lake will be subject to site plan control.

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

Planning Comment: Because the new structure will be similarly located on the property as the current dwelling, no clearing of rock or vegetation is needed, and the existing landscape and shoreline shall remain unaltered. The new accompanying Class IV sewage system will also be built with the greatest possible setback from the waterbody to ensure that Loughborough Lake's water quality and sensitive ecosystems are protected from any risk of harmful groundwater contamination. Additionally, as mentioned earlier, due to the dwelling's location and the site's topography, Cataraqui Conservation confirmed that an Environmental Impact Assessment was not needed.

An opinion was also sought from Rob Snetsinger, Ecological Services, on whether an EIA was warranted. It was Mr. Snetsinger's comment that, the surrounding area of Red Maple Lane was already built up and the potential for ecological significance on the property's shoreline was low. Increasing the setback for the dwelling, together with replacing the sewage system and improving its setback slightly, was also reasoning in not needing an EIA, together with mitigating any dwelling

footprint increases by implementing stormwater management best practices, such as directing downspouts away from the lake, were also factored into the opinion that an EIA was not warranted.

5.2.11 Environmental Impact Assessment

In considering any development or site alteration, including any planning amendments or variances within or adjacent to any Environmentally Sensitive Area, Provincially Significant Wetland, Significant Portions of the Habitat of an Endangered or Threatened Species, or within 300 metres (984.3 feet) of a Sensitive Lake Trout Lake, Council, in consultation with the Conservation Authority, will require a preliminary Environmental Impact Assessment.

Should the municipality determine from the results of the preliminary assessment that a more detailed Environmental Impact Assessment is required, it shall be prepared by a qualified individual.

Planning Comment: Noted. An Environmental Impact Assessment was not deemed to be required for this application given the location of redevelopment in relation to shoreline conditions and the limited potential for ecological significance.

5.7 Rural

5.7.7 Limited Service Residential Policies

Limited service residential development is generally located in the Rural area of the Township on a body of water or a natural watercourse where the primary means of access is from a private road or a navigable waterway.

(i) Permitted Uses

The uses permitted shall be single detached residential dwellings, seasonal residential dwellings, seasonal dwelling converted to permanent dwellings and home occupations.

Planning Comment: The proposed single detached residential dwelling is permitted in the Rural Area.

(ii) Limited Service Residential Development Policies

d) Limited service residential development shall be serviced by private water and sanitary sewage disposal systems. Such systems shall be approved by the appropriate authority.

Planning Comment: The proposed development will be serviced by a private well and sewage system. The owner has retained Groundwork Engineering to design an optimal Class IV septic system for the site.

e) Limited service residential development shall be designed to preserve as much as possible of a site's physical attributes, such as tree coverage, varying topography, scenic views, etc. for the benefit of future residents.

Planning Comment: The proposed development has been designed to minimize impact to the subject property wherever possible. The proposal has been prepared in a way that respects the physical attributes of the site and which preserves all existing shoreline/slope vegetation.

f) Limited service residential development shall be developed in accordance with the applicable policies of Section 5.2 of this Plan.

Planning Comment: The applicable policies of Section 5.2 of this Plan are discussed above.

Anna Geladi – February 14, 2022

Township of South Frontenac Zoning By-law 2003-05

The Township of South Frontenac Zoning By-law No. 2003-05 places the subject property in the Residential Limited Service - Waterfront 'RLSW' Zone. Table 1 identifies the areas of relief requested through this application.

Table 1 Zoning Matrix

PROVISION	SECTION	REQUIRED	PROPOSED	RELIEF REQUIRED
Permitted Uses	10.2	Single detached dwelling	Single detached dwelling	None
Lot Area (min)	10.3.1	10,000 sq. m	1913.9 sq. m	Existing
Water Frontage (min)	10.3.1	91 m	31.36 m	Existing
Front Yard (min)	10.3.1	30 m (98.4 ft.)	**House: 17.6 m**	**Yes**
Rear Yard (min)	10.3.1	10 m (32.8 ft.)	House: 26.7 m	None
Interior Side Yard (min)	10.3.1	3 m (9.8 ft.)	5.31 m (west) 8.52 m (east)	None
Gross Floor Area (min)	10.3.1	59 sq. m	182.8 sq. m	None
Lot Coverage (Principal Building) (max)	10.3.1	5%	**9.5%**	**Yes**
Building Height (max)	10.3.1	11 m (36.1 ft.)	8.7 m	None
Setback from highwater mark or floodline of a body of water (min)	10.3.1	30 m (98.4 ft.)	**House: 17.6 m** Septic: > 30 m Garage: > 30 m	**Yes**
Flooding and Shoreline Erosion Hazard	5.8.1	No building or structure shall be located within the flood plain of a watercourse or waterbody… without the written consent of the CA.	As required	None
	5.8.2.a	No building or structure or septic tank installation shall be located:	**House: 17.6 m** Septic: > 30 m Garage: > 30 m	**Yes**

		Within 30 metres horizontal of the highwater mark.		
	5.8.2.b	No building or structure or septic tank installation shall be located: Within 15 m (49.2 ft.) horizontal of the top of bank of any embankment the slope of which is greater than 30%	**House: 6.0 m** Septic: > 30 m Garage: > 30 m	**Yes**
	5.8.4	Natural vegetative buffers should be maintained within 30 m (98.4 ft.) of the highwater mark	All existing vegetation to remain.	Existing
Accessory Building Lot Coverage (max)	5.24.1	5%	5%	None
Accessory Building Location	5.24.2	Rear of the projected front or exterior side wall of the main building	Located to the rear of the front wall of the main building, being the waterfront side.	None
Accessory Building Setback	5.24.4	Not closer to any lot line than required by this by-law Front Yard: 30 m Side Yard: 3 m	Front Yard: 51.1 m Side yard: 3 m	None
Accessory Building Distance from Principal Building (min)	5.24.6	3 m	> 3 m	None
Building Height (maximum)	10.3.2	6 m	< 6 m, single-storey	None
Setback from Private Lane	5.6.1	5 m	Garage: 5.04 m	None

Parking Space Requirements (min)	5.30.1.1	Two (2) spaces for every dwelling unit	2	None

6.0 Planning Justification

Sections 5.8.2a. and 10.3.1 of the Zoning By-law require a minimum waterbody setback of 30 m whereas a minimum water setback of 17.6 m is proposed for the reconstructed dwelling and deck. Section 5.8.2b. requires a minimum setback of 15 metres from top of bank whereas a setback of 6 metres is proposed to ensure a safe access allowance. A variance is also required to Section 10.3.1 to increase the permitted lot coverage for the principal building to 9.5%. It is noted that the requested waterbody and top of bank setbacks are an improvement to the existing dwelling and deck. The new sewage system is proposed outside the 30 m setback.

1. Is the variance minor in nature?

The determination of whether an application is minor is not based on the degree of the variance requested, but rather on whether the impact of granting the request is minor. This includes how the variance could impact the existing or planned functionality of the subject lands and/or the surrounding lands.

The proposed reduction in the water setback for the dwelling and deck reconstruction represents a minor change to the existing conditions on the property. The existing dwelling and deck are setback 20.54 m from the water's edge, 14.43 metre from the original high water mark, and are proposed to be reconstructed on generally the same footprint. The proposed increase in building footprint is modest in size and is not anticipated to have any adverse impacts as it is located on the non-waterfront side of the dwelling, farthest from the water which minimizes any potential negative impacts. The proposed additional floor area also fully complies with the side yard setback requirement of the RLSW zone, as well as the 30 metre setback. The modest increase to lot coverage, from the existing 8.4 % to 9.5%, is a result of the existing lot size, which was established by Plan of Subdivision in 1969.

The proposed sewage system achieves the 30 metre setback from the high water mark. The sewage system was laid out to make best use of the space available for wastewater treatment. The replacement of the sewage system will ensure that Loughborough Lake is protected from any potential risk of contaminated groundwater leeching.

Based on the above, the proposed variances are minor in nature.

2. Is the variance desirable and appropriate?

The proposed variances are desirable and appropriate as they will facilitate the redevelopment of an existing structure on an existing undersized lot of record. The reduced water setback and increased lot coverage will allow for a modest addition to be constructed with virtually no impact on adjacent properties or the waterbody.

The redevelopment will allow for a functional sewage system to service the proposed development which is located on the lot as far as possible from the waterbody, exceeding the 30 metre minimum required. This is essential in minimizing the risk of contaminated

groundwater leaching into Loughborough Lake. Additionally, it is not feasible to relocate the dwelling any farther back than the 3. 2 metres it has been pushed back, as the new sewage system will be located in the flat area where the former system was, and the remaining area will be used for vehicle access and parking with a more manageable slope than the existing driveway and parking area.

The proposed reduction in the setbacks from the high water mark and top of bank and increase to lot coverage are appropriate given the low impact of the dwelling itself on Loughborough Lake, the modest increase to lot coverage proposed, and the proposed mitigation measures including a new sewage system and directing eavestroughs and driveway runoff away from the shoreline, which all minimize the potential impact of the proposed development.

Based on the above, we are of the opinion that the variances are desirable and appropriate.

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

The proposed variances meet the intent of the Official Plan to ensure that development is adequately set back from the water and that any disturbance to the shoreline is minimized. The proposed reconstructed dwelling and deck are located as far as possible from the water given the existing location of the dwelling, and no modifications to the shoreline are proposed. The proposed sewage system has been located based on recommendations by the engineer for most efficient and reliable layout. The proposed scale of development (single detached dwelling and detached garage) is considered limited low-density residential development and is the contemplated use for limited service residential lands. The proposed development is also anticipated to improve the property, as well as provide environmental benefits by replacing the sewage system.

As such, it is our opinion that the proposed variances maintain the general intent and purpose of the Official Plan.

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

The proposed variances meet 10the intent of the Zoning By-law to ensure that buildings and structures are appropriately placed on a property. The subject property is an existing undersized lot. Due to its size and constraints, it is not possible to locate a building envelope fully outside of the required 30 metre setback from the water while preserving a large enough area for the sewage system and parking. Understanding the existing physical constraints of the subject property, the proposed dwelling and sewage system have respectively been located as far back as possible from the highwater mark. It is not feasible to comply with the required water setback due to the location of the existing dwelling and the size of the subject property.

Due to the location of the existing dwelling, a variance is required for its proposed reconstruction, despite moving back from the top of bank to 6 metres to achieve an access allowance. The proposed building footprint increase is a modest size, which ensures that the proposed reconstructed dwelling and addition is an appropriate scale for the size of the lot.

Anna Geladi – February 14, 2022

The proposed variances are required in order to facilitate the development of a permitted use in the 'Residential Limited Service - Waterfront 'RLSW' Zone and are, in our opinion, consistent with the intent of the Zoning By-law.

Conclusion

It is our professional opinion that the requested variances satisfy the four tests under Section 45 of the *Planning Act*, constitute good land use planning, and should be approved. Should you have any questions or require further information, please do not hesitate to contact the undersigned.

Sincerely,

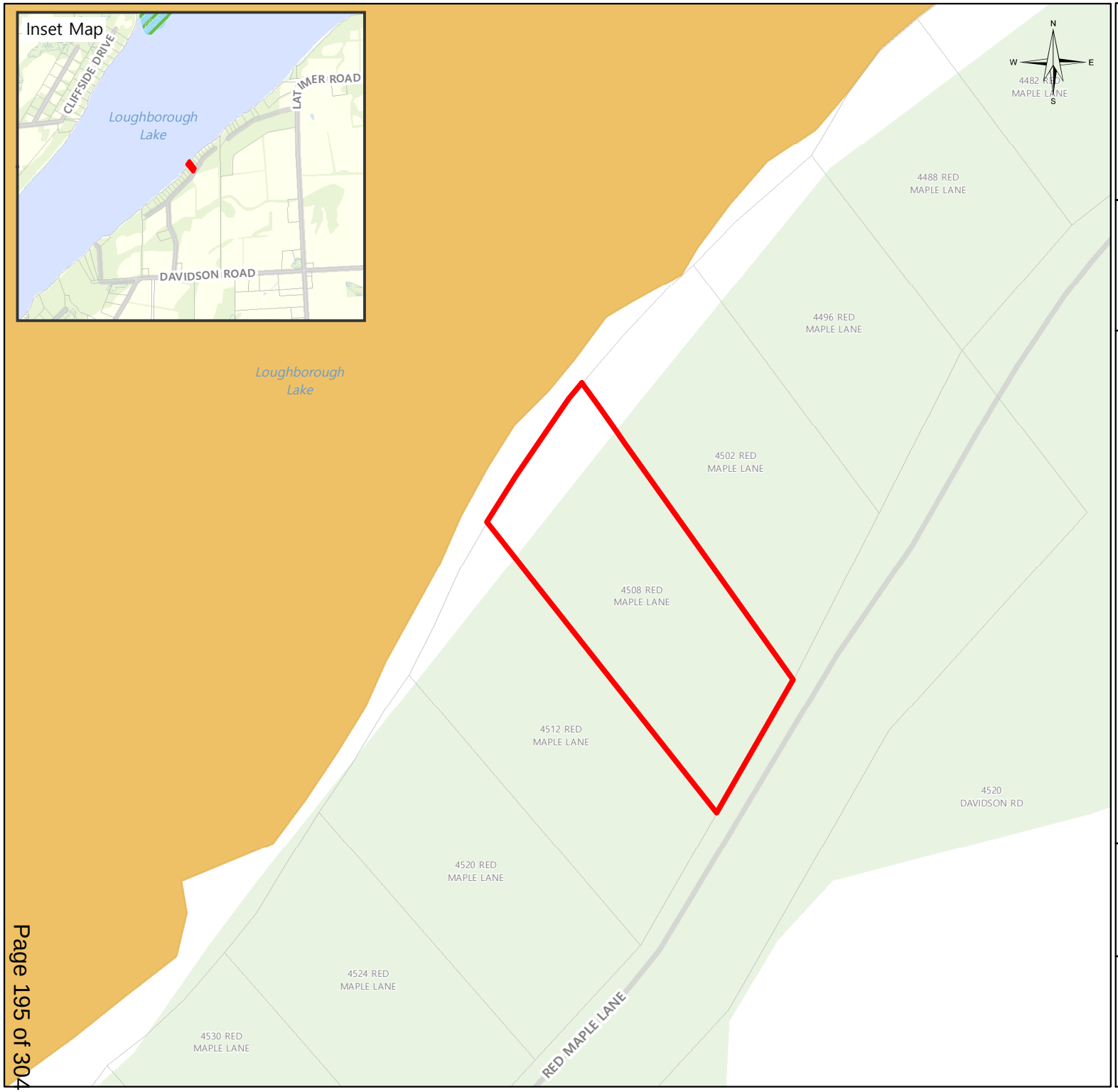
IBI GROUP

Prepared by:

Mike Janik
Planner

Reviewed by:

Tess Gilchrist MCIP, RPP
Senior Planner



SOUTH FRONTENAC

PL-ZNA-2022-0025 (JINAPRIYA & IRRCHER) (IBI GROUP) RED MAPLE LANE

Legend

- Subject Property
- Road
- Railway
- Assessment Parcel
- Provincially Significant Wetlands
- Wetland
- Wooded Area
- Lake Trout Lake - At Capacity
- Water
- Township Boundary

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

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

Scale 1:1,000

0 10 20 40

Meters

UTM Zone 18 NAD 83

Date: 2022-02-16

March 18, 2022 File: MV/FRS/50/2022

Sent by Email

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

Dear Ms. Hannah:

Re: Application for Minor Variance PL-ZNA-2022-0025 (Jinapriya / Irrcher)
Part Lot 13, Concession 2; 4508 Red Maple Lane
Loughborough District, Township of South Frontenac
Waterbody: Loughborough Lake (West Basin)

Cataraqui Conservation staff have reviewed the above-noted application for minor variance and provide the following comments for the Committee of Adjustment's consideration. The site was visited by staff on August 13, 2021.

The proposal involves the construction of a new dwelling on the subject property. The variance is requested to:

- Reduce the required setback from the highwater mark from 30 metres, as required by Section 5.8.2.a) and Section 10.3.1 of the South Frontenac Zoning By-law, to 17.6 metres in order to permit the construction of new dwelling.
- Reduce the required setback from the top of bank from 15 metres, as required by Section 5.8.2.b) of the Zoning By-law to 6 metres.
- Increase lot coverage for the principal building from 8.4% to 9.5%. Section 10.3.1 of the Zoning By-law allows for 5% lot coverage for a principal building.

Site Description

The property is located on the north side of Red Maple Lane on the south shore of the west basin of Loughborough Lake. The topography of the site can be characterized as having a high steep bedrock slope at the shoreline that levels out into a table land area where the new dwelling is proposed to be constructed. Currently, the property contains a dwelling, a detached garage and a boathouse.

The property is currently designated as ‘Rural’ in the Official Plan and ‘Limited Service Residential – Waterfront Zone’ (RLSW) in the Zoning By-law for South Frontenac Township. The west basin of Loughborough Lake is designated as a Highly Sensitive Lake Trout Lake in the Official Plan.

Discussion

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

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. Cataraqui Conservation’s Environmental Planning Policy (EPP, 2021) requires all development and site alteration to be setback a minimum of 6 metres from the regulatory flood plain of a waterbody. Based upon elevation mapping data and site observations, the development proposal complies with this policy.

Erosion: Section 5.8.2.b) of the Zoning by-law requires that no building or structure or septic tank installation shall be located within 15 metre horizontal of the top of bank of any embankment, the slope of which is greater than 30% from horizontal. Due to the bedrock shoreline, Cataraqui Conservation defines the extent of potential erosion hazards to be 6 metres from the stable top of bank. Staff note that the proposed development will be located outside of the erosion hazard limit, and in the opinion of staff, a geo-technical study is not warranted.

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.

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 m setback from the highwater mark of Loughborough Lake. In addition, there is limited opportunity to move the structure further away from the water as the site is constrained by the septic system and garage.

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

The proposed development will be located further away from the water than existing development and is set back as far as possible from the water. However, staff are concerned with the proposed increase in the dwelling size which increases lot coverage to 9.5% for the principal building. In the opinion of staff, this increase in lot coverage is exacerbating an already undesirable situation which may be detrimental to water quality on a highly sensitive Lake Trout Lake, and therefore, staff do not support the application. Staff recommend that the Township consult with the Ministry of Environment, Conservation and Parks (MECP) regarding this matter.

Recommendation

Staff recommend deferral of application PL-ZNA-2022-0025 and encourage the Township to consult with MECP regarding the above-noted lot coverage issue.

<u>Ontario Regulation 148/06</u>
Please note that a portion of the property is subject to Ontario Regulation 148/06: Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses, which is administered by Cataraqui Conservation. The purpose of the regulation is to ensure that proposed changes (e.g. development and site alteration) to a property are not affected by natural hazards, such as flooding and erosion, and that the changes do not put other properties at greater risk from these hazards. *Staff note that the proposed development will require a permit from Cataraqui Conservation prior to development taking place.*

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

Yours truly,

Andrew Schmidt

Andrew Schmidt
Supervisor, Development Review

/as
c.c. Anna Geladi, 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:	April 14, 2022
Subject:	**Minor Variance Application (S. 45(1) of the Planning Act) PL-ZNA-2022-0025 (Jinapriya & Irrcher) (IBI Group) – 4508 Red Maple Lane, District of Loughborough**

Summary

This application is a request for zoning relief for the high-water mark setback, the top of bank setback and lot coverage for a single detached dwelling. This report recommends that the Committee of Adjustment grant approval of this application, subject to conditions, as this application meets the four tests of a minor variance under section 45(1) of Planning Act.

Background

Official Plan Designation: Rural

Zoning: Limited Service Residential Waterfront – (RLSW)

Zoning Relief Requested

Section 5.8.2 (a): to permit a single detached dwelling to be setback a minimum of 23.7 metres from the high-water mark of Loughborough Lake, whereas the Zoning By-law requires a minimum 30 metre setback from the highwater mark for all buildings.

Section 5.8.2(b) – (Top of Bank): to permit a single detached dwelling to be setback a minimum of 6 metres (19.5 feet) from the top of bank whereas the Zoning By-law requires a minimum 15 metre (49.2 feet) setback.

Section 10.3.1 – (Front Yard, Highwater Mark & Lot Coverage): to permit a single detached dwelling to establish a 23.7 metre front yard and to permit a single detached dwelling to have a maximum lot coverage of 9.5%, whereas the Zoning By-law requires a minimum 30 metre front yard and setback from the highwater mark for the principal building and permits a maximum of 5% lot coverage for the principal building.

Discussion/Analysis

Property Description

The subject property is located at 4508 Red Maple Lane and has an area of approximately 0.19 hectares (0.47 acres) with frontage on Loughborough Lake. Red Maple Lane is located off Davidson Road. The subject property is located on the north side of Red Maple Lane, on the south shore of the west basin of Loughborough Lake.

The property contains a single detached dwelling, a detached garage, and a boathouse. The property rises steeply from the shoreline of Loughborough Lake to a flat area where the existing dwelling is located. The property rises again gradually from the location of the existing dwelling towards the lane, where the existing garage is located. The area between the shoreline and the flat area consists of bedrock and is predominately forested.

It is understood from conversations with the agent that the shoreline was altered. This created a flat area between where the lake exists today and where the lake existed when the property was originally created and the highwater mark was surveyed. The application references the surveyed highwater mark (original setback). The sketch reflects both the setback from the actual highwater mark and the surveyed highwater mark. All setbacks for this report have been taken from the actual highwater mark instead of the surveyed highwater mark to reflect the situation that exists on the property today.

The existing dwelling is 2 storeys and has a walk-out basement. It has a height of 7.8 metres and a ground floor area of 161 square metres. It is setback 20.5 metres from the highwater mark of Loughborough Lake and 2.8 metres from the top of bank.

The detached garage is 1.5 storeys and has a height of 4.5 metres. It is built into the slope of the property and has a workshop located below where the cars are parked. The detached garage has a ground floor area of 50.2 square metres and is located more than 30 metres from Loughborough Lake. The detached garage is located 7.71 metres from the western property line, 12.5 metres from the eastern property line and 4.86 metres from the rear property line being Red Maple Lane. There is an existing narrow driveway along the western property line that goes quite steeply from the garage to the dwelling.

A sewage system is located to the rear of the dwelling, between the dwelling and the lane. The property is in an area of similarly developed residential waterfront properties.

Summary of Proposal

The applicants are proposing to demolish the existing single detached dwelling and build a new single-detached dwelling on the same general footprint.

The new dwelling will be 2 storeys and have a walk-out basement. It will have a height of 8.7 metres and have a ground floor area of 183 square metres (1970 square feet). It will be setback a minimum of 23.7 metres to the highwater mark of Loughborough Lake and 6 metres from the top of bank.

The floor area of the new dwelling will be 22.1 square metres larger than the existing dwelling. This will result in an increase of 1.1% for lot coverage of the principal building (from 8.4% to 9.5%). The new dwelling will be located 3.2 metres further from the highwater mark and from the top of bank than the existing dwelling. Variances are required for the highwater mark, front yard, top of bank and lot coverage.

The applicants and their agent identified that the sewage system will need to be upgraded. The applicants and their agent consulted with a sewage system installer and have applied for a new class 4 sewage system to be located on the subject property. The new sewage system will be located more than 30 metres from the highwater mark, between the dwelling and the garage.

To ensure the functionality of the site, the applicants are also proposing to re-construct the existing driveway and the existing detached garage. The new driveway will be located along the easternly property line. The existing detached garage will be demolished, and a new, slightly larger garage constructed that will achieve a minimum 5 metre setback from Red Maple Lane. It will be in compliance with side-yard and rear yard setbacks, height and lot coverage for accessory structures in the RLSW zone.

No changes are proposed to the boathouse.

Department and Agency Comments

Building Services (Sewage System Review)

Building Services reviewed the proposed plans for the dwelling and the engineers site plan. They provided comments on March 11, 2022. The sewage system has been designed to accommodate the proposed dwelling and there appears to be sufficient space on the property to accommodate the sewage system within the required setbacks. The issuance of a permit will be dependent on a site inspection to verify the conditions of the soil and space provided.

They have no objections to the approval of the application.

Cataraqui Conservation

Cataraqui Conservation provided comments in a letter dated March 18, 2022. They noted that the proposed development will be located outside of the erosion hazard limit since the slope consists of stable bedrock.

They noted that the proposed dwelling is setback as far as possible from the lake and will be located further from the water than existing development, however, they expressed concerns about lot coverage on the property.

They also noted that the proposed development would require a permit from Cataraqui Conservation under O. Reg. 148/06 prior to the building permit stage.

Cataraqui Conservation Staff recommend a deferral of the application to address lot coverage.

Public Comments

No comments were received from the public at the time of the writing of this report.

Planning Analysis

The proposal needs to be assessed against the four tests of a minor variance outlined in Section 45(1) of the Planning Act. All four tests must be met for an application to be approved.

It is the opinion of Planning staff that the proposal meets the four tests as explained below.

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

The subject property is designated Rural in the Township Official Plan. The proposed development is consistent with the permitted residential use of the property, is not expected to be subject to an erosion hazard, and maximizes the setback from Loughborough Lake.

As a result of the upgrades to the proposed development, the applicants will also need to upgrade the sewage system. Upgrading the sewage system to the appropriate size and standard may result in less impact on the water quality of the lake and the environment. Section 5.2.8 of the Official Plan requires all development on or adjacent to an at-capacity lake trout lakes to be subject to site plan control to help ensure that the lake is protected.

Site plan control is a recommended condition of approval to ensure the property is developed as presented.

The proposed variance maintains the general intent and purpose of the Official Plan, specifically the policies on limited service residential development, development within environmentally sensitive areas adjacent to a lake and policies on development near Lake Trout Lakes.

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

The proposed dwelling is a permitted use on the subject property. The subject property is an undersized lot of record with an area of 0.19 hectares (0.47 acres). The proposed dwelling will be constructed on the same general footprint, 3.2 metres further away from the top of bank and the highwater mark than the existing dwelling.

The only location for the proposed sewage system is between the dwelling and the lane. The sewage system will be as far back from the highwater mark as possible, and outside of the 30 metres from Loughborough Lake. The dwelling is therefore constrained by the location of the sewage system. Due to the property size and constraints (the proposed location of the upgraded sewage system), the proposed dwelling is located as far back from the highwater mark and top of bank as possible.

The new dwelling will be located 3.2 metres further away from the top of bank than the existing dwelling, outside of the erosion access allowance and represents an improvement to the existing situation. The 6 metre top of bank setback is supported by the Conservation Authority who indicated that the exposed bedrock is stable and that the proposed location is suitable for development from an erosion hazard perspective.

The increase in lot coverage for the property is 1.1%. The increase in the area of the dwelling by 22.1 square metres (from 161 square metres of ground floor area to 182 square metres of ground floor area) is considered to be minimal. The building footprint is modest in size.

The proposed dwelling meets the interior side yard setback and rear yard setback and is within the maximum building height allowed in the RLSW zone.

The variance maintains the general intent and purpose of the Zoning By-law.

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

The proposed dwelling will be on the same general footprint as the existing dwelling where it will have minimal impact on surrounding neighbouring properties. The proposed location of the dwelling is practical on the subject property as it maximizes the setbacks from the lake and top of bank, and allows sufficient area for a sewage system. The re-development will allow for an upgraded sewage system to be located outside the 30 metre setback from Loughborough Lake resulting in less impact to water quality and the environment.

Building on the same footprint will cause minimal disturbance to the natural features on the subject property.

The proposed dwelling is not anticipated to impact the character of the waterfront as the additional building area (proposed to the rear) will be screened by the existing boathouse and the steep forested embankment. There is also a row of existing trees located between the subject property and the neighbouring property to the north-east. The dwelling will be screened from the lane because of the intervening garage and the slope of the property will provide sufficient spatial separation.

The increase in height for the dwelling will be less than 1 metre. It will continue to be a 2 storey dwelling with a walkout basement. The dwelling will be located 1.6 metres closer to the property on the south-west, but will continue to exceed the required side-yard setback. The use of the property is not changing, and it is not anticipated that the new dwelling will result in any land use incompatibilities between these two properties.

The variance is desirable for the appropriate development.

Is the variance minor?

Yes, the variance is minor as it maintains the general intent and purpose of the Official Plan and Zoning By-law, and is desirable for the appropriate development of the land. The proposed development will not cause any negative impacts as a result of its size and location on the subject property, and no shoreline buffer area alteration is proposed as part of this application.

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** minor variance application PL-ZNA-2022-0025 for 4508 Red Maple Lane, subject to the following conditions:

1. The Minor Variance is for a single detached dwelling. The dwelling is permitted to be establish a minimum 23.7 metre front yard, to be setback a minimum of 23.7 metres from the highwater mark of Loughborough Lake, and to be setback a minimum of 6 metres from the top of bank. The dwelling is also permitted to have a maximum lot coverage of 9.5%, as per the drawings and building plans titled "Site Plan Overview, KBDesign, dated February 4, 2022" which were submitted with PL-ZNA-2022-0025, attached to the Decision as Schedule "A".

2. The Owner is required to submit an application for site plan control and enter into a Site Plan Agreement to be registered on the title of the property to the satisfaction of the Township prior to the issuance of a building permit, in order 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 and until the site is stable and revegetated.

    b. Roof runoff will be directed away from top of bank the shoreline of Loughborough Lake and discharged to natural or constructed leaching pits/areas to maximize infiltration or onto coarse rock rubble splash pads to reduce the velocity of runoff.

    c. Maintain a natural vegetated buffer following construction of the sewage system and dwelling, especially between the development and the shoreline.

3. 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.

4. Minor variance PL-ZNA-2022-0025 is applicable only to Zoning By-law No. 2003-75 and not to any subsequent zoning by-laws.

Report Prepared By:

Anna Geladi, MCIP, RPP, Planner

Reviewed By:

Christine Woods, MCIP RPP, Senior Planner

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 *Minor Variance Only* *Minor Variance WITH Performance Review* *Minor Variance in combination with a new Class 2, 3, 4, or 5 sewage system other than a Class A system*	$463.00 $720.00 $1,183.00
Cataraqui Region Conservation Authority	$420.00
Quinte Conservation Authority	$344.00
Rideau Valley Conservation Authority	$390.00

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

3. **PLEASE READ THIS ITEM CAREFULLY**

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

4. **Collection of Personal Information**

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

Date Received: _____ 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): Steven Kelyes, Mila Miguel

Full Mailing Address of Owner(s): _____

_____

Phone number of Owner(s): [redacted]

Email Address of Owner(s): [redacted]

2. If the applicant is **NOT** the owner of the subject land, the written authorization of the owner that the applicant is authorized to make the application, must accompany the application.

Name of Authorized Agent: _____

Full Mailing Address of Authorized Agent: _____

_____

Phone number of Authorized Agent: _____

Email Address of Authorized Agent: _____

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

_____
Signature(s) of Owner(s)

3. The description of the subject land:

District: ☐ Bedford ☐ Portland ☐ Loughborough ☑ Storrington

Concession Number: _____ Lot Number: 13

Street Number: 3835 Name of Road/Street: Hideaway lane

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

Roll Number: _____

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): 190.3 ft Frontage (on road/lane): 55'

Depth: 202.7' Area: 22 000 sq.ft

5. The current zoning of the subject land:

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

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

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

Name of Road/Lane:

Hideaway lane

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

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

Residential dwelling

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

☑ Yes ☐ No

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

* Edited Feb 22, 2022.

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

Type of Structure (E.g. residence)	(1) Residence	(2) Garage	(3) Shed	(4) Carport *
Setback from Front Lot Line	86 ft	96 ft	175 ft	96 ft
Setback from Rear Lot Line	82 ft	60 ft *	5 ft	60 ft
Setback from Side Lot Line	64 ft	13 ft	38 ft	31 ft
Height of Building (Also indicate if it is one story or two story)	29 ft 2.5 story	14 ft	9 ft	8 ft - *
Dimensions of Floor Area	(36 x 44) * 1584 sq ft	432 sq ft	96 sq ft	264 sq ft
Setback from High Water Mark (If applicable)	86 ft	60 ft *	5 ft	60 ft

13. The proposed uses of the subject land:

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:

* Edited Feb 22 2022

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

Type of Structure (E.g. residence)	(1) Residence	(2)	(3)	(4)
Setback from Front Lot Line	86 ft			
Setback from Rear Lot Line	82 ft			
Setback from Side Lot Line	64 ft			
Height of Building (Also indicate if it is one story or two story)	3 story 33 ft			
Outside Dimensions of Building/Structure	1392 sq ft *			
Setback from High Water Mark (If applicable)	86 ft			

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

*

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

If yes, please provide details:

Deck 1 6 x 32 sq ft is being removed + stair 1 and 2.

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

If yes, please provide details:

Raising the 4.5' crawl space to an 8' full basement

18. What are the uses of the proposed development?

(a)	Increase in number of bedrooms	☑ Yes	☐ No
(b)	Increase in plumbing fixtures	☑ Yes	☐ No
(c)	Increase in living space	☑ Yes	☐ No
(d)	Will the addition or structure encroach on the existing septic system?	☐ Yes	☑ No

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

15 october 2020

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

1989

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

33 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:

60' drilled well

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

individual septic system

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

No

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

☐ Yes ☑ No

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

---

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

☐ Yes ☐ No

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

---

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

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

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

iii) The location of a reference point……i.e. distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing.

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

v) The approximate location of all natural and artificial features on the subject land and on the land that is adjacent to the subject land. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, barns, wetlands, wooded areas, wells and septic tanks. Show distance of these features from the applicant's property lines.

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

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 17 DAY OF February, 20 22.

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

[redacted]

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

1) The names of **all** owners must appear in this section, even if they live in separate residences, and the address(es) should be the **full mailing address, complete with postal code**.

2) You may wish to appoint someone to act on your behalf during the variance process. If so, that person's name, address and phone number should appear here All owner's must sign the authorization.

3) Description of the Subject Land:
   a. District: The Districts are the same as the former Townships. If you are not sure, check the roll number (the long number beginning with 1029) on your tax bill. If the numbers are 010, 020 or 030, your district is Bedford; if the numbers are 040-050, your district is Loughborough; if the numbers are 060 or 070, your district is Storrington; and if the numbers are 080, your district is Portland.
   b. Concession and Lot Numbers: if you are not sure, check your tax bill
   c. Street Number: Your civic address – if a civic number has not been assigned, leave this space blank.
   d. Name of Road/Street: This question applies whether or not you are on a private lane or a public road.
   e. Reference Plan No: If your property has been surveyed, it will have a plan number, and one or more parts on that plan. If your property has not been surveyed, leave this space blank.
   f. Roll No: This is the number beginning with '1029' which appears on your tax bill. Please take time to look it up before submitting the application.

4) Frontage, depth, area, acres: All parts of this question must be completed.

5) Current zoning: You may not be aware of the zoning on your property and this can be determined when you come in for pre-consultation with planning staff.

6) Nature and Extent of Relief: This question is asking what you are asking to do that requires the variance – for example, it could be that you are asking to be 25 m rather than 30 m from the high water mark, or that you are asking to increase the height of a structure within 30 m of the high water mark, or that you are seeking a variance to construct an accessory building closer to the front lot line than the principal building.

7) Reason why you can't comply: In other words, why can you not meet the required setbacks. It could be, for example, because you are seeking a variance to add on to an existing structure that is already too close to the water, or that developing further from the water would be impossible because of a steep embankment.

8) Roads: Municipally maintained roads are looked after by the Township; private roads are lanes that residents maintain themselves (not private driveways, but lanes that provide access to your property and that are generally shared with others).

9) Parking and Docking: This question is only relevant is you can only access your property by water.

10) Existing Uses: e.g. residential, retail business, vacant recreational land

11) Buildings: If there are **ANY** buildings or structures on the property now, the answer to this question is "yes".

12) Description of buildings and structures: You must complete all sections of this question for each structure on your property. **If there is a deck on your dwelling, please describe it separately from the residence.**

13) Proposed Uses: Generally, the answer to this question will be the same as the answer to #10, but if, for example, the land is currently vacant, and you are planning to construct a dwelling, then the use to be described in section 10 would be "vacant recreational land", and the use described in section 13 would be "residential"

14) Proposed structures: If you are planning to build **ANYTHING** on the property, the answer to this question is "yes" – This includes additions, decks, garages, septic systems.

15) Description of new construction: **ALL** proposed new development must be described here. If you are proposing to construct an addition to a dwelling, and to add a deck, please show this information in separate columns.

16) **Demolition: All demolition requires a permit from the building department.** In some instances, a proposed addition or increase in height cannot be accomplished without the removal of existing walls. If this is not made clear to the Committee at the beginning of the process, you may find that, although you are granted permission to add on to your residence, you can't actually do it because you have not made it clear that there is demolition involved.

17)Raising of Structure: In other words, are you proposing to raise the building in order to construct a basement under it.

18)Uses of Development: Please answer each part of this question. An increase in living space would include anything with walls – e.g. a screened porch would involve an increase in living space.

19)Date land acquired: When did you take possession of the property?

20)Date of existing buildings: If you are not sure, provide your best estimate.

21) Length of existing uses: For example, has the land been used for residential purposes for 30 years, or 18 months?

22) Water supply: in most cases the answer will be private well, but some waterfront properties take their water from a lake.

23) Septic: in most cases the answer will be private sewage system, but there may be some privies.

24) Drainage: Are there specific ditches that have been constructed to deal with drainage; is there natural drainage, etc.?

25) Application for consent: Is there currently an application for consent (severance) being proposed for the property?

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

27) Minor variance: Has there ever been a minor variance granted on the property? If you are long-time owner of the property, you will probably be aware of any other special permission granted for a variance to the zoning by-law. If you are a new owner, the seller will probably have made you aware of this.

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

29) **SKETCH: We cannot stress enough the importance of a detailed, accurate, and complete sketch. You do not necessarily need to contract with a professional to draw the sketch, but sketches that are not drawn to scale, do not show dimensions and distances, or are not drawn neatly (PLEASE USE A RULER), will not be accepted.**

30) **Agreement to Indemnify**: Must be signed in front of a commissioner of oaths – you may have this done before submitting the application, or sign the application in front of staff who can sign as commissioners. All owners must sign the application, or it can be signed by an agent if one has been appointed.

Christine Woods

From: mila miguel <mila.mgl@gmail.com>
Sent: March 22, 2022 9:44 AM
To: Christine Woods; Steven Helyer
Subject: Re: 3835 Hideaway Lane - planning application

Follow Up Flag: Follow up
Flag Status: Flagged

Not a problem Christine. As we mentioned this hadn't been in the forefront of our minds with regards to our renovations, however given how strong the wind is off the lake and that below the decks it is all gravel, closing this space in eventually would be helpful. Our plan would be to have framed in windows and sliding doors, with concrete flooring to be used as a transition space, sunroom or play room.

Thank you,

Mila snd Steve

Get Outlook for iOS

From: Christine Woods <cwoods@southfrontenac.net>
Sent: Monday, March 21, 2022 3:11:34 PM
To: mila miguel <mila.mgl@gmail.com>; Steven Helyer <stevehelyer@gmail.com>
Subject: RE: 3835 Hideaway Lane - planning application

Mila, I would appreciate if you would clarify how you would enclose the space and how it would be used. Thank you.

SOUTH FRONTENAC
ONTARIO ✦ CANADA

Christine Woods, MCIP, RPP
Senior Planner
Township of South Frontenac

p: +613-376-3027 ext. 2221
e: cwoods@southfrontenac.net
a: 4432 George St., Box 100, Sydenham, ON
www.southfrontenac.net

Please consider the environment before printing this email

From: mila miguel <mila.mgl@gmail.com>
Sent: March 21, 2022 10:24 AM
To: Steven Helyer <stevehelyer@gmail.com>; Christine Woods <cwoods@southfrontenac.net>
Subject: Re: 3835 Hideaway Lane - planning application

Christine Woods

From: mila miguel <mila.mgl@gmail.com>
Sent: March 21, 2022 10:24 AM
To: Steven Helyer; Christine Woods
Subject: Re: 3835 Hideaway Lane - planning application

Good morning Christine thank you for coming by this morning. As we discussed here is the final edit to our proposal, please let me know if any further clarification is needed.

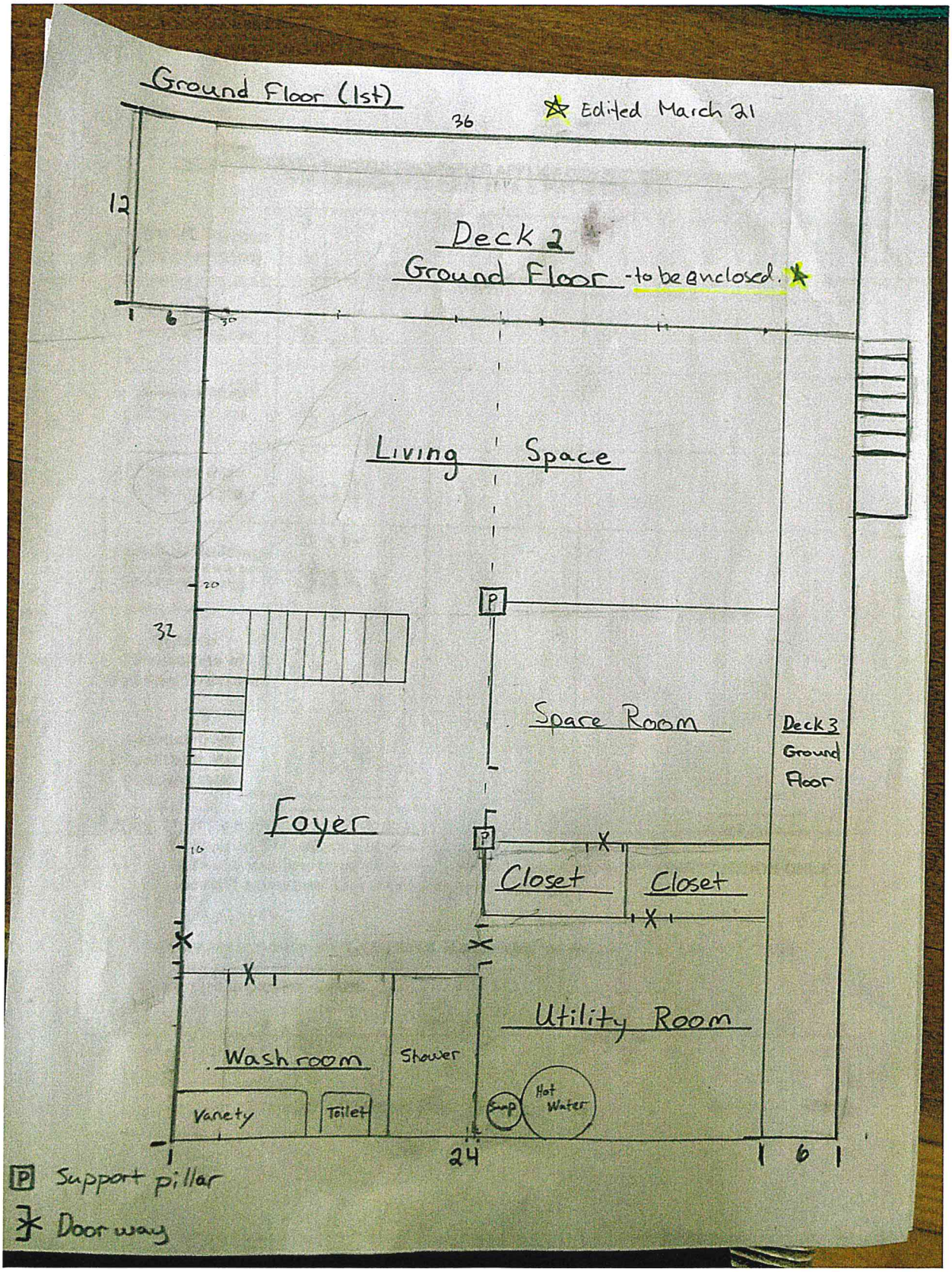

Ground Floor (1st)
Edited March 21
36
12
Deck 2
Ground Floor - to be enclosed.
1
6
30
Living Space
20
32
P
Spare Room
Deck 3
Ground
Floor
Foyer
16
P
Closet
Closet
Utility Room
Wash room
Shower
Variety
Toilet
Sump
Hot
Water
1
24
1
6
P Support pillar
Doorway

Photo 1: shown in yellow that the ground floor under deck plans to be enclosed.

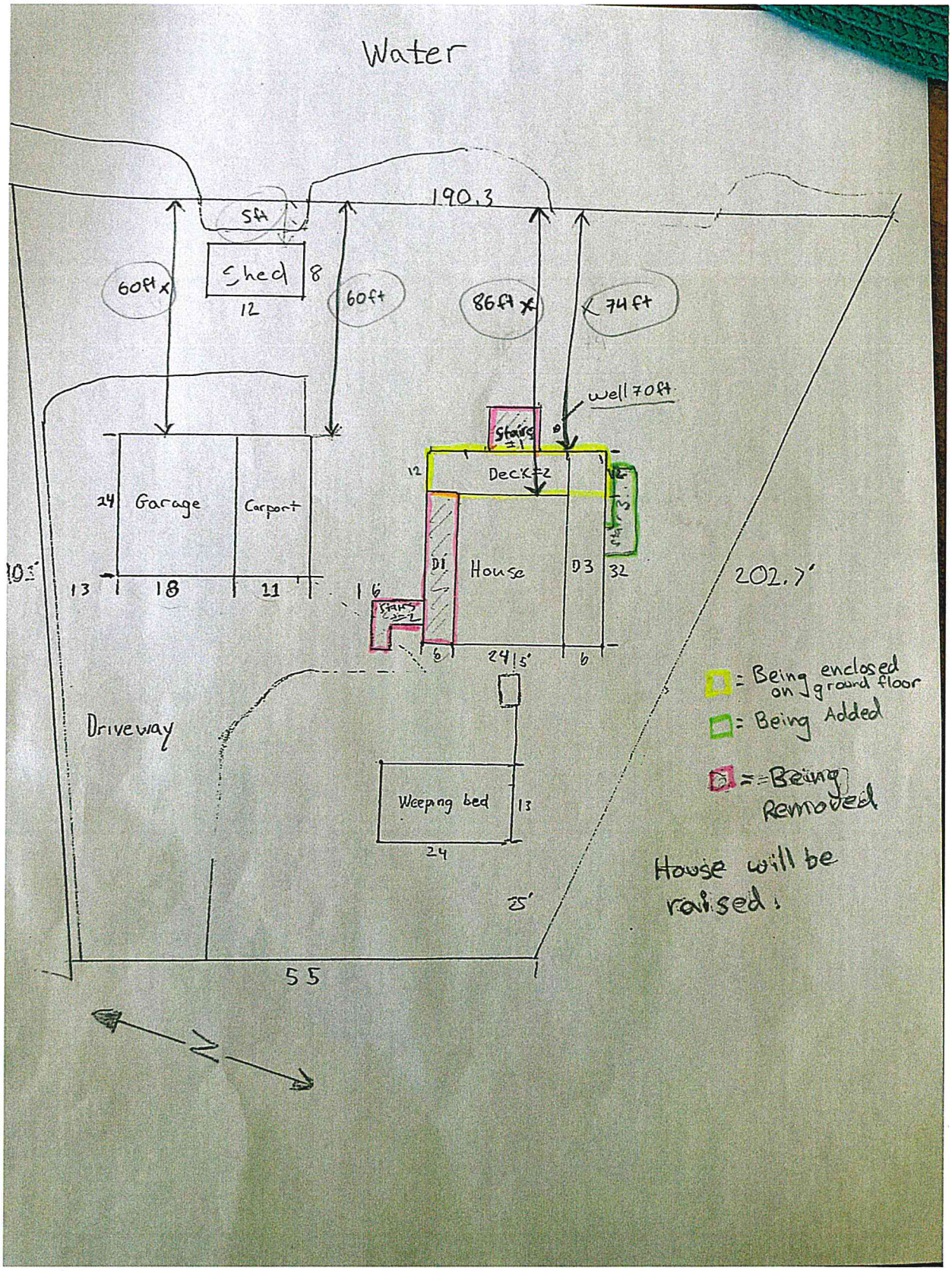

Water
190.3
5ft
Shed
8
12
60ft
60ft
86ft
74ft
well 70ft
Stairs
Deck #2
12
24
Garage
Carport
18
11
13
House
D1
D3
32
16
Stairs
#1
6
24.5'
6
202.7'
Driveway
Weeping bed
13
24
25'
55
N
= Being enclosed on ground floor
= Being Added
= Being Removed
House will be raised!

Photo 2: also highlights in yellow that the ground floor under the deck is to be enclosed.

* Edited Feb 22 2022.

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

	(1)	(2)	(3)	(4)
Type of Structure (E.g. residence)	Residence			
Setback from Front Lot Line	86 ft			
Setback from Rear Lot Line	82 ft			
Setback from Side Lot Line	64 ft			
Height of Building (Also indicate if it is one story or two story)	3 story 33 ft			
Outside Dimensions of Building/Structure	1392 sq ft *			
Se... P... ...e)	86 ft			

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:

Deck 1 6 x 32 sq ft is being removed. + stair 1 and 2.

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

Photo 3: where I am pointing on page 6 of the application is just to highlight that the 432 sq feet (12x36) under the deck that we hope to enclose is already included in the total square footage of the residence. This section was completed with guidance from Anna.

I am off tomorrow and next week Monday-Thursday and can pick up the new flyers to be posted at your convenience.

Thank you again for all your help and guidance.

Mila and Steve

Get Outlook for iOS

From: Steven Helyer <stevehelyer@gmail.com>
Sent: Thursday, March 17, 2022 12:55 PM
To: Christine Woods
Cc: mila miguel
Subject: Re: 3835 Hideaway Lane - planning application

Sounds good. See you then.

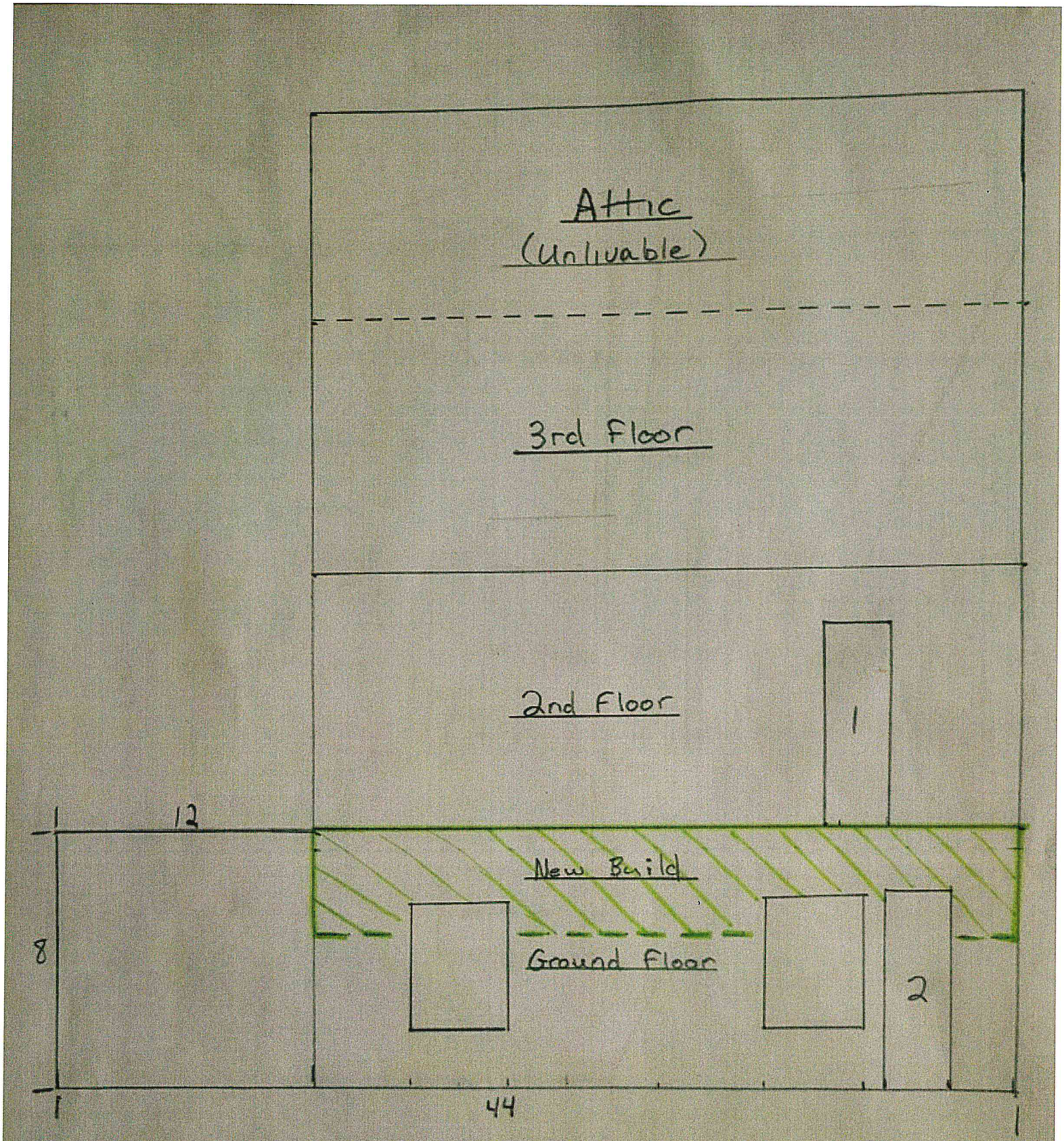
On Thu., Mar. 17, 2022, 8:26 a.m. Christine Woods, <cwoods@southfrontenac.net> wrote:

> Mila,
>
> I can come to your property on Monday morning. I usually go through Sunbury around 7:45, so I would likely be at your place around 8:00, if that is not too early.

Christine Woods, MCIP, RPP
Senior Planner
Township of South Frontenac

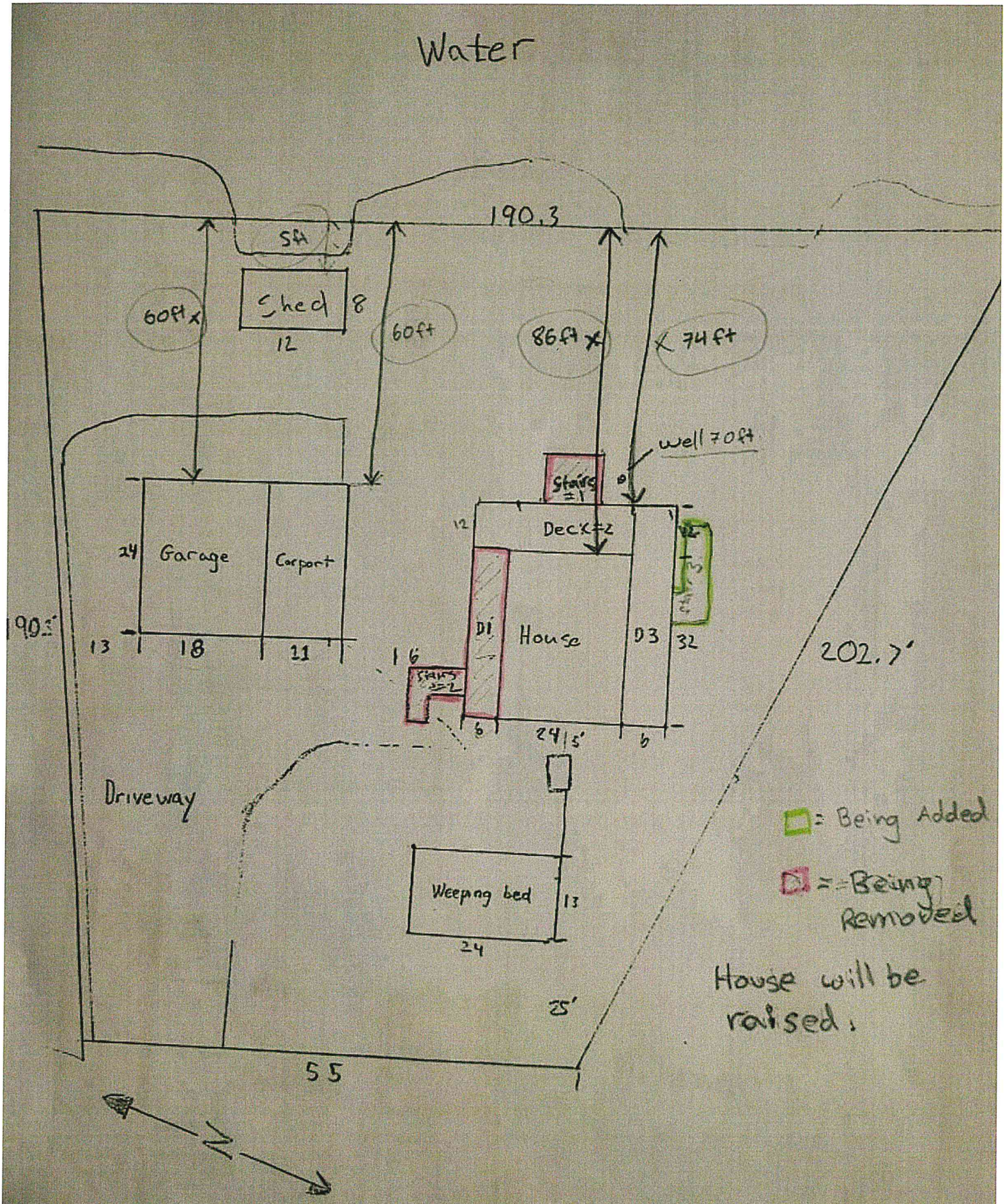
p: +613-376-3027 ext. 2221
e: cwoods@southfrontenac.net
a: 4432 George St., Box 100, Sydenham, ON
www.southfrontenac.net

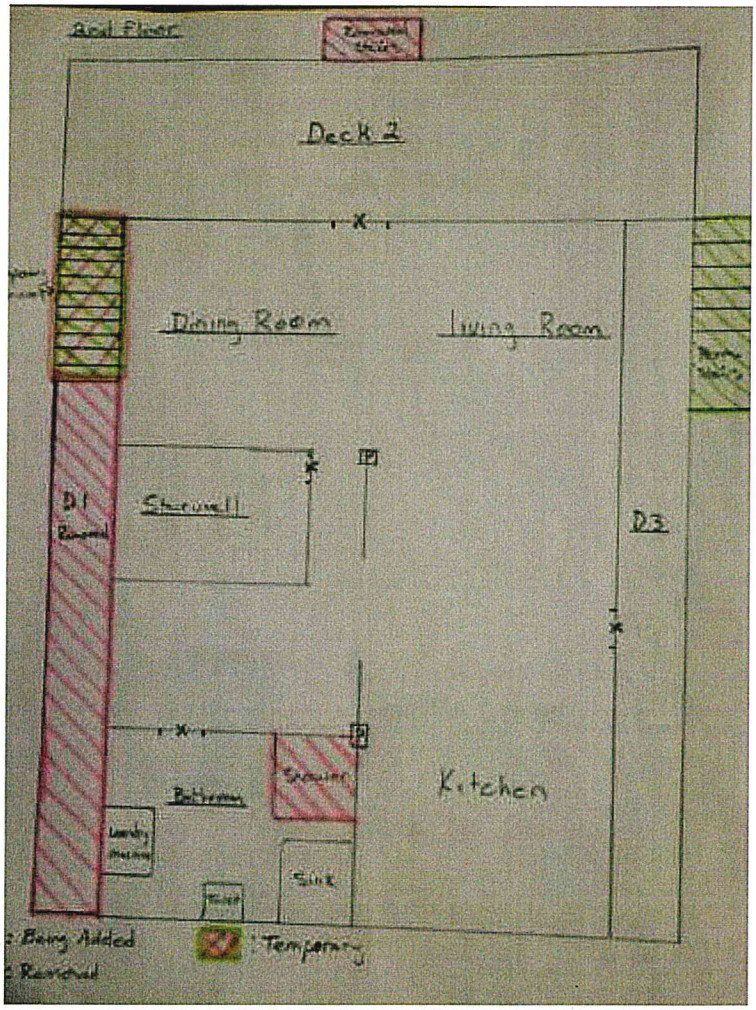
Please consider the environment before printing this email

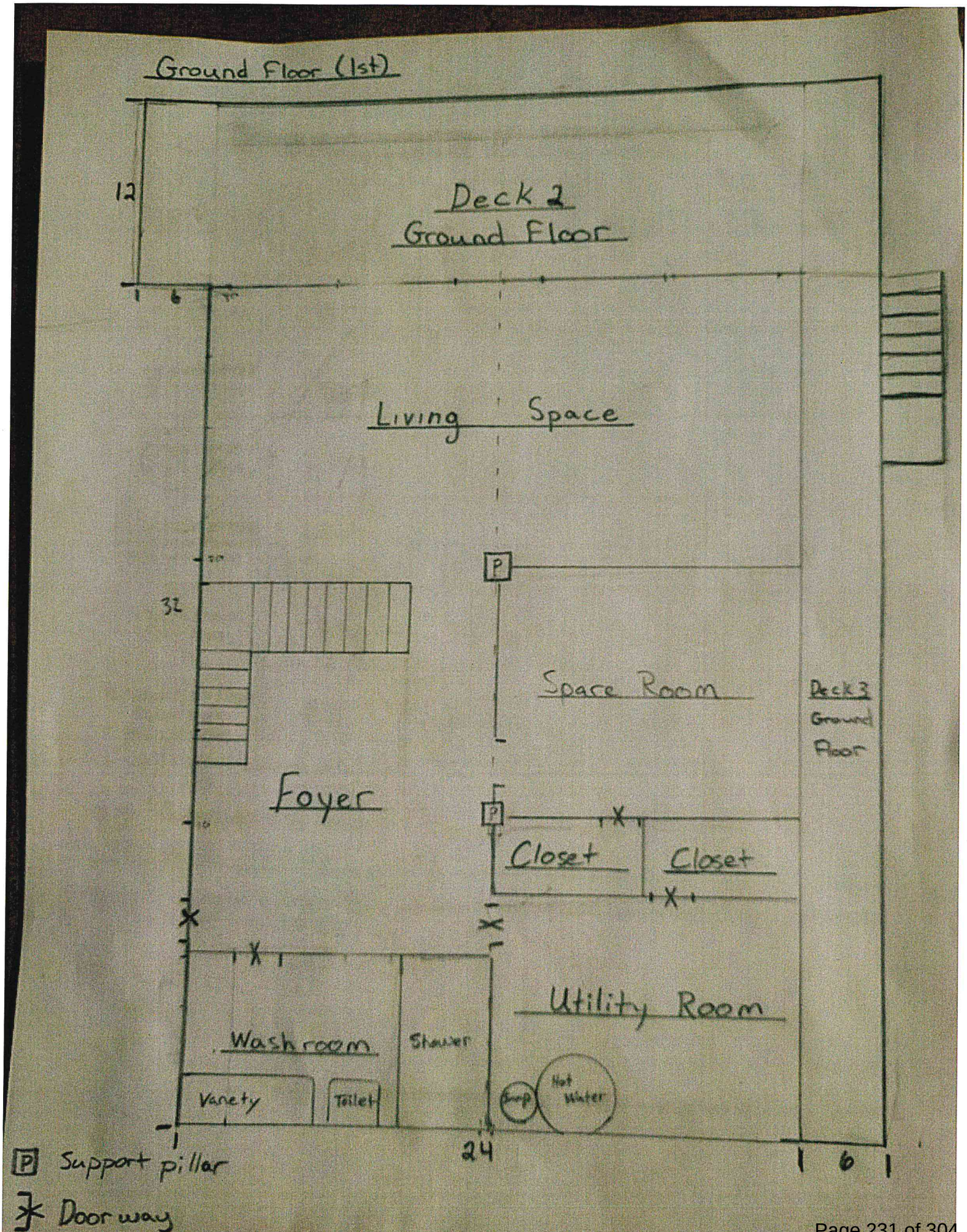


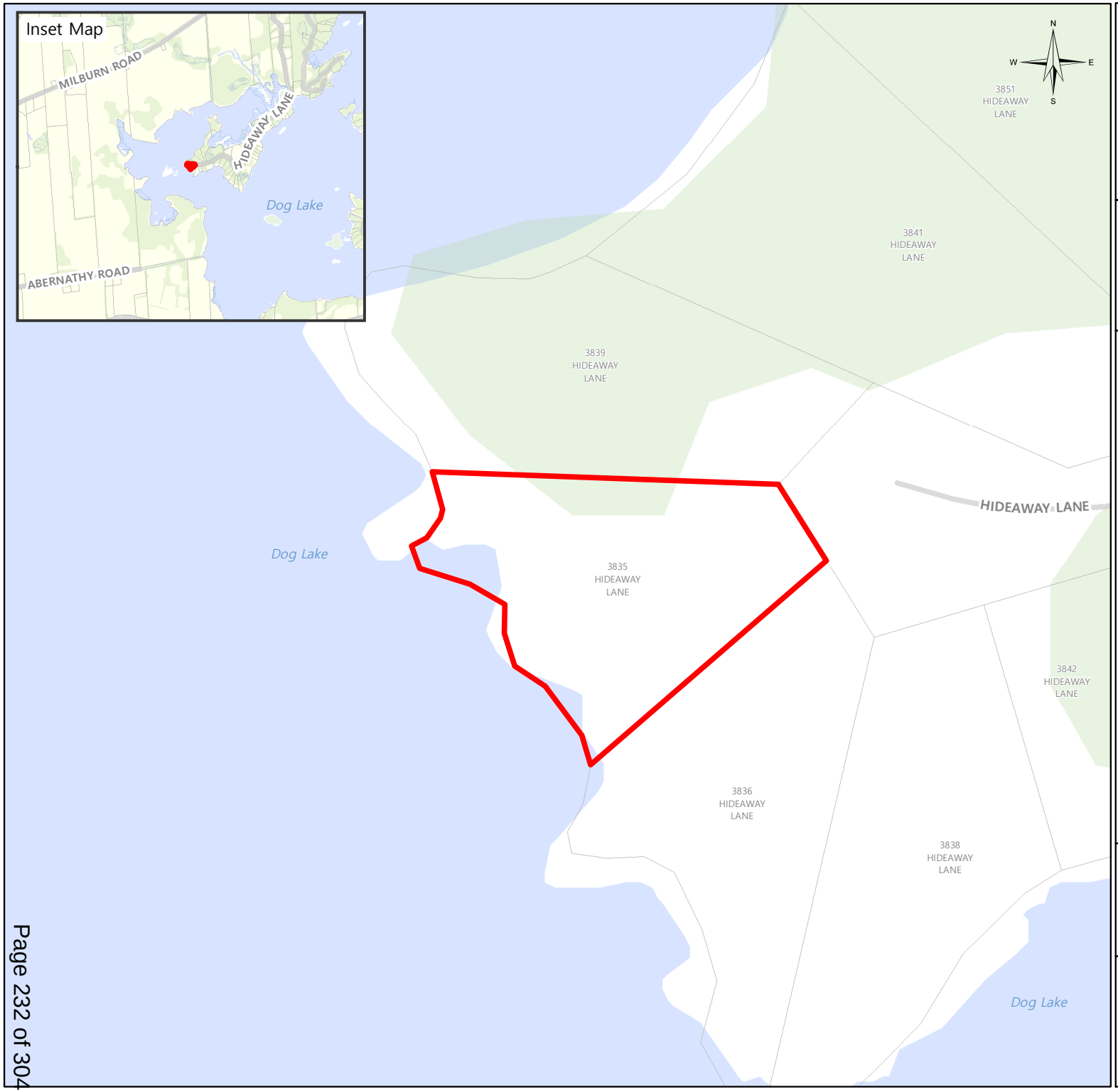
① Existing door

② New main entrance door


Water
190.3
54
Shed
8
12
60ft
60ft
86ft
74ft
well 70ft
Stairs
Deck
12
24
Garage
Carport
13
18
11
D1
House
D3
32
16
Stairs
6
24.5'
6
202.7'
Driveway
Weeping bed
13
24
25'
55
= Being Added
= Being Removed
House will be raised.


2nd Floor
Deck 2
Dining Room
Living Room
D1
D3
Kitchen
Bathroom
Sink
: Being Added
: Temporary


Ground Floor (1st)
12
Deck 2
Ground Floor
1 6
Living Space
P
32
Space Room
Deck 3
Ground
Floor
Foyer
P
Closet
Closet
Utility Room
Washroom
Shower
Variety
Toilet
Sump
Hot Water
24
1 6 1
P Support pillar
Doorway



SOUTH FRONTENAC

PL-ZNA-2022-0026 (HELYER & MIGUEL)

3835 HIDEAWAY LANE

Legend

- Subject Property
- Road
- Railway
- Assessment Parcel
- Provincially Significant Wetlands
- Wetland
- Wooded Area
- Water
- Township Boundary

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

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

Scale 1:1,000

0 12.5 25 50

Meters

UTM Zone 18 NAD 83

Date: 2022-03-01

Township of South Frontenac

Staff Report

To:	Committee of Adjustment
Prepared by:	Development Services Department
Date of Meeting:	April 14, 2022
Subject:	**Permission Application (S. 45(2) of the Planning Act) PL-ZNA-2022-0026, Helyer and Miguel, 3835 Hideaway Lane, 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 and garage 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 and garage on the property within 30 metres of the highwater mark of Dog Lake.

Related Applications

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

Discussion/Analysis

Property Description

The 0.66 acre property is located at the end of Hideaway Lane and has frontage on Dog Lake. The topography is generally level from the lane to the lake. The shoreline consists of exposed bedrock, and the remainder of the property is grassed. There are several trees on the north side of the property. The property is developed with a single detached dwelling, a detached garage and a small shed.

The 1,392 square foot dwelling has an attached deck on three sides. According to the application sketch, the deck is setback 22.5 metres (74 feet) from the highwater mark of Dog Lake. It is noted that this distance was measured to a straight line on the property survey to account for the irregular shoreline. The deck is setback approximately 16.5 metres (55 feet) from the highwater mark according to Frontenac Maps. Similarly, the dwelling itself is setback approximately 20.4 metres (67 feet) from the highwater mark based on Frontenac Maps. The 432 square foot detached garage is setback approximately 14.5 metres (47 feet) from the highwater mark. The 96 square foot shed is located between the garage and the shoreline. A sewage system is located between the dwelling and the lane.

Summary of Proposal

The dwelling would be raised 1.2 metres (4 feet) to turn the existing crawlspace into a full basement for living space. The area under the 432 square foot waterside deck would be enclosed. The staircase on the waterside of the deck as well as the staircase and deck on the south side of the dwelling would be removed. The garage was enlarged through the addition of a 264 square foot carport by a previous owner without any Committee of Adjustment and building permit approvals. The current owners are seeking to have the location of the addition to the garage (i.e. carport) legally recognized.

Agency Comments

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

Building Services reviewed the performance of the existing sewage system on the subject property. They determined that the existing sewage system is not adequately sized for the proposed development (e.g. internal renovation).

The subject property is undersized and pie-shaped, with the narrow end between the existing dwelling and Hideaway Lane. The existing sewage system takes up most of this space, so there is no area that would allow for expansion of the existing system. The applicants have since indicated that they will change their internal renovation plans to ensure the existing sewage system will be sufficient. Building Services will ensure any interior renovations will be limited to that which is able to be serviced by the existing system. Building staff will review this through the building permit process.

Rideau Waterway Development Review Team (RWDRT), made up of staff from Cataraqui Conservation and Parks Canada indicated on March 18, 2022, that they have no objection to the approval of the application to raise the dwelling and to recognize the carport. They indicated on March 24, 2022, that they also have no objection to enclosing the area beneath the deck. The RWDRT confirmed that the buildings are outside the floodplain and the shoreline erosion hazard.

Public Comments

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

Planning Analysis

The property is zoned RLSW in Zoning By-law No. 2003-75, so the dwelling and garage are permitted uses. The use of the property will not change as a result of this application.

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 and garage are legal non-conforming buildings because they were constructed prior to the current Zoning By-law and are setback 16.5 metres (55 feet) and 14.5 metres (47 feet) from the highwater mark, respectively.

Through its powers under section 45(2) of the Planning Act, the Committee of Adjustment may grant permission to enlarge the dwelling and to retroactively grant permission for the carport addition to the garage.

Dwelling

The dwelling is proposed to be raised 1.2 metres (4 feet) to turn the existing crawlspace into a full basement. This will result in an increase in living space. The increase in height is not anticipated to have an adverse visual impact, such as loss of sunlight, privacy and views, on the properties to the north and south over the existing condition. The north end of the property contains trees that provide visual screening. The existing garage is located between the dwelling and the property to the south. The main entry to the dwelling will be moved to the ground level on the south side of the dwelling, and the upper-level decking on this side will be removed. The view from the lake is also not anticipated to be noticeably different than the impact of the existing dwelling.

The area under the 432 square foot waterside deck is proposed to be enclosed to create a transition space, sunroom or playroom at a future date. This area is currently screened with lattice and used for outdoor storage. The enclosure to create living space is not anticipated have an adverse impact on neighbouring properties or the lake. The enlarged dwelling will continue to be setback approximately 16.5 metres (55 feet) from the highwater mark. It will also maintain all other existing setbacks.

The existing sewage system is located as far from Dog Lake as is physically possible, between the dwelling and the lane. There is no area on the property for expansion of the sewage system. Building Services will ensure that any internal dwelling renovations will not reduce the performance level of the existing sewage system (i.e. not exceed its capacity).

Garage

The existing detached garage is setback approximately 14.5 metres (47 feet) from the highwater mark. The 432 square foot garage was enlarged by the addition of a 264 square foot carport by a previous owner without any approvals. The carport is a roof overhang supported by posts. The carport was constructed no closer to the highwater mark than the garage.

The carport is not anticipated to have an adverse visual impact on the neighbouring property as the carport is located between the garage and the dwelling. The view from the lake is also not anticipated to be impacted over the existing condition.

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 and garage on the property, 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** for application PL-ZNA-2022-0026 for 3835 Hideaway Lane, subject to the following conditions.

1. Permission is granted to enlarge the dwelling on the subject property by increasing its height by 1.2 metres (4 feet), and by enclosing 432 square feet under the waterside deck, with setbacks to be consistent with the revised application sketch received by the Township on March 21, 2022.

2. Permission is granted for the existing 264 square foot carport that is attached to the detached garage on the subject property.

3. A building permit is required for ALL demolition and construction on the property, including the carport. There shall be no additional development, or demolition of existing structures, on the property without the approval from the Township of South Frontenac.

4. The owners shall apply for, and obtain, a building permit for the 264 square foot carport that is attached to the garage on the property.

Report Prepared By:
Christine Woods, MCIP RPP, Senior Planner

Reviewed By:
Claire Dodds, MCIP, RPP, Director of Development Services

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

RECEIVED
FEB 18 2022
TOWNSHIP OF
SOUTH FRONTENAC
PLANNING DEPARTMENT

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 *Minor Variance Only* *Minor Variance WITH Performance Review* *Minor Variance in combination with a new Class 2, 3, 4, or 5 sewage system other than a Class A system*	$463.00 $720.00 $1,183.00
Cataraqui Region Conservation Authority	$420.00
Quinte Conservation Authority	$344.00
Rideau Valley Conservation Authority	$390.00

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

3. **PLEASE READ THIS ITEM CAREFULLY**

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

4. **Collection of Personal Information**

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

Date Received: _____ 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): Estate of Bruce Taylor

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: Kelly Di Cesare

Full Mailing Address of Authorized Agent: [redacted]

Phone number of Authorized Agent: [redacted]

Email Address of Authorized Agent: [redacted]

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

Sig[redacted]

3. The description of the subject land:

District: ☒ Bedford ☐ Portland ☐ Loughborough ☐ Storrington

Concession Number: 4 Lot Number: 32

Street Number: 106 Name of Road/Street: Sandpit Lane

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

Roll Number: 10 39 003 020 67600

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): 200 feet Frontage (on road/lane): 182 feet

Depth: 122' – 168' Area: 24,300 ft²

5. The current zoning of the subject land:

RLSW

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

I am seeking to extend the existing porch by 4 feet over the existing deck. That portion of the deck would be demolish

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

By extending the porch I am enclosing a space that was previously not enclosed within 30 meters of the lake.

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

Name of Road/Lane:

Sand pit Lane

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

N/A

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

Seasonal Cottage

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

☒ Yes ☐ No

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

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

Type of Structure (E.g. residence)	(1) Cottage	(2) Deck & Stairs	(3) Porch	(4) Bunkie
Setback from Front Lot Line	14.22 M	13 M	14.22 M	23.16 M
Setback from Rear Lot Line	32 M	33.5 M	40.8 M	34.14 M
Setback from Side Lot Line	5.7 M	9.1 M	9.8 M	2.7 M
Height of Building (Also indicate if it is one story or two story)	Top of Roof to Deck → 3.6M Deck to ground - 2.5M	2.5 M	3.6M (+) 2.5 M	3.0M
Dimensions of Floor Area	70.6 M^2	27.6 M^2	11.89 M^2	8.9 M^2
Setback from High Water Mark (If applicable)	14.22 M	13 M	14.22 M	23.16 M

13. The proposed uses of the subject land:

Seasonal Cottage

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

☒ Yes ☐ No

Proposing to demolish portion of existing deck currently in front of Porch & extending porch over area where demolished porch existed. Extended Porch will be no closer to lake than existing deck.

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

Type of Structure (E.g. residence)	(1) 5 Bunkie	(2) 6 outhouse	(3) 7 wood shed	(4) 8 TOOL SHED
Setback from Front Lot Line	34.14 M	32.6 M	21.9 M	20.7 M
Setback from Rear Lot Line	9.8M	11.2 M	29.3 M	30.5 M
Setback from Side Lot Line	18.3M	15.2M	27.4M	25.9M
Height of Building (Also indicate if it is one story or two story)	3.6M	2.5 M	2.5 M	1.8M
Dimensions of Floor Area	8.9 M^2	1.86 M^2	2.97 M^2	2.23 M^2
Setback from High Water Mark (If applicable)	34.14 M	32.6 M	21.9 M	20.7M

13. The proposed uses of the subject land:

Seasonal Cottage.

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

☐ Yes ☐ No

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**

	(1)	(2)	(3)	(4)
Type of Structure (E.g. residence)	Expanded Porch			
Setback from Front Lot Line	13 M			
Setback from Rear Lot Line	33.5 M			
Setback from Side Lot Line	9.1 M			
Height of Building (Also indicate if it is one story or two story)	3.6m ⊕ 2.5 M.			
Outside Dimensions of Building/Structure	1.2 M x 4.88 M (5.95 M²)			
Setback from High Water Mark (If applicable)	13 M			

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

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

If yes, please provide details:

Demolish portion of deck in front (Lakeside) of existing Porch
1.2M x 4.88M (5.95M²)

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

We are going to change the pitch of a portion of the roof but we are not raising the roof beyond current height (12 feet from Deck)

If yes, please provide details:

18. What are the uses of the proposed development?

(a)	Increase in number of bedrooms	☐ Yes	☒ No
(b)	Increase in plumbing fixtures	☐ Yes	☒ No
(c)	Increase in living space	☒ Yes	☐ No
(d)	Will the addition or structure encroach on the existing septic system?	☐ Yes	☒ No

19. The date the subject land was acquired by the current owner: Property is being purchased by Kelly Di Cesare, daughter of Bruce Taylor who owned this family cottage for over 17 years.

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

1960s

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

1960s

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

Lake Water

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

Certificate of approval S-125 Application B-5488
Private Individual Septic System -

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

N/A

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

☐ 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.

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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

[redacted]

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

1) The names of **all** owners must appear in this section, even if they live in separate residences, and the address(es) should be the **full mailing address, complete with postal code.**

2) You may wish to appoint someone to act on your behalf during the variance process. If so, that person's name, address and phone number should appear here All owner's must sign the authorization.

3) Description of the Subject Land:
   a. District: The Districts are the same as the former Townships. If you are not sure, check the roll number (the long number beginning with 1029) on your tax bill. If the numbers are 010, 020 or 030, your district is Bedford; if the numbers are 040-050, your district is Loughborough; if the numbers are 060 or 070, your district is Storrington; and if the numbers are 080, your district is Portland.
   b. Concession and Lot Numbers: if you are not sure, check your tax bill
   c. Street Number: Your civic address – if a civic number has not been assigned, leave this space blank.
   d. Name of Road/Street: This question applies whether or not you are on a private lane or a public road.
   e. Reference Plan No: If your property has been surveyed, it will have a plan number, and one or more parts on that plan. If your property has not been surveyed, leave this space blank.
   f. Roll No: This is the number beginning with '1029' which appears on your tax bill. Please take time to look it up before submitting the application.

4) Frontage, depth, area, acres: All parts of this question must be completed.

5) Current zoning: You may not be aware of the zoning on your property and this can be determined when you come in for pre-consultation with planning staff.

6) Nature and Extent of Relief: This question is asking what you are asking to do that requires the variance – for example, it could be that you are asking to be 25 m rather than 30 m from the high water mark, or that you are asking to increase the height of a structure within 30 m of the high water mark, or that you are seeking a variance to construct an accessory building closer to the front lot line than the principal building.

7) Reason why you can't comply: In other words, why can you not meet the required setbacks. It could be, for example, because you are seeking a variance to add on to an existing structure that is already too close to the water, or that developing further from the water would be impossible because of a steep embankment.

8) Roads: Municipally maintained roads are looked after by the Township; private roads are lanes that residents maintain themselves (not private driveways, but lanes that provide access to your property and that are generally shared with others).

9) Parking and Docking: This question is only relevant is you can only access your property by water.

10) Existing Uses: e.g. residential, retail business, vacant recreational land

11) Buildings: If there are **ANY** buildings or structures on the property now, the answer to this question is "yes".

12) Description of buildings and structures: You must complete all sections of this question for each structure on your property. **If there is a deck on your dwelling, please describe it separately from the residence.**

13) Proposed Uses: Generally, the answer to this question will be the same as the answer to #10, but if, for example, the land is currently vacant, and you are planning to construct a dwelling, then the use to be described in section 10 would be "vacant recreational land", and the use described in section 13 would be "residential"

14) Proposed structures: If you are planning to build **ANYTHING** on the property, the answer to this question is "yes" – This includes additions, decks, garages, septic systems.

15) Description of new construction: **ALL** proposed new development must be described here. If you are proposing to construct an addition to a dwelling, and to add a deck, please show this information in separate columns.

16) **Demolition: All demolition requires a permit from the building department.** In some instances, a proposed addition or increase in height cannot be accomplished without the removal of existing walls. If this is not made clear to the Committee at the beginning of the process, you may find that, although you are granted permission to add on to your residence, you can't actually do it because you have not made it clear that there is demolition involved.

17)Raising of Structure: In other words, are you proposing to raise the building in order to construct a basement under it.

18)Uses of Development: Please answer each part of this question. An increase in living space would include anything with walls – e.g. a screened porch would involve an increase in living space.

19)Date land acquired: When did you take possession of the property?

20)Date of existing buildings: If you are not sure, provide your best estimate.

21) Length of existing uses: For example, has the land been used for residential purposes for 30 years, or 18 months?

22) Water supply: in most cases the answer will be private well, but some waterfront properties take their water from a lake.

23) Septic: in most cases the answer will be private sewage system, but there may be some privies.

24) Drainage: Are there specific ditches that have been constructed to deal with drainage; is there natural drainage, etc.?

25) Application for consent: Is there currently an application for consent (severance) being proposed for the property?

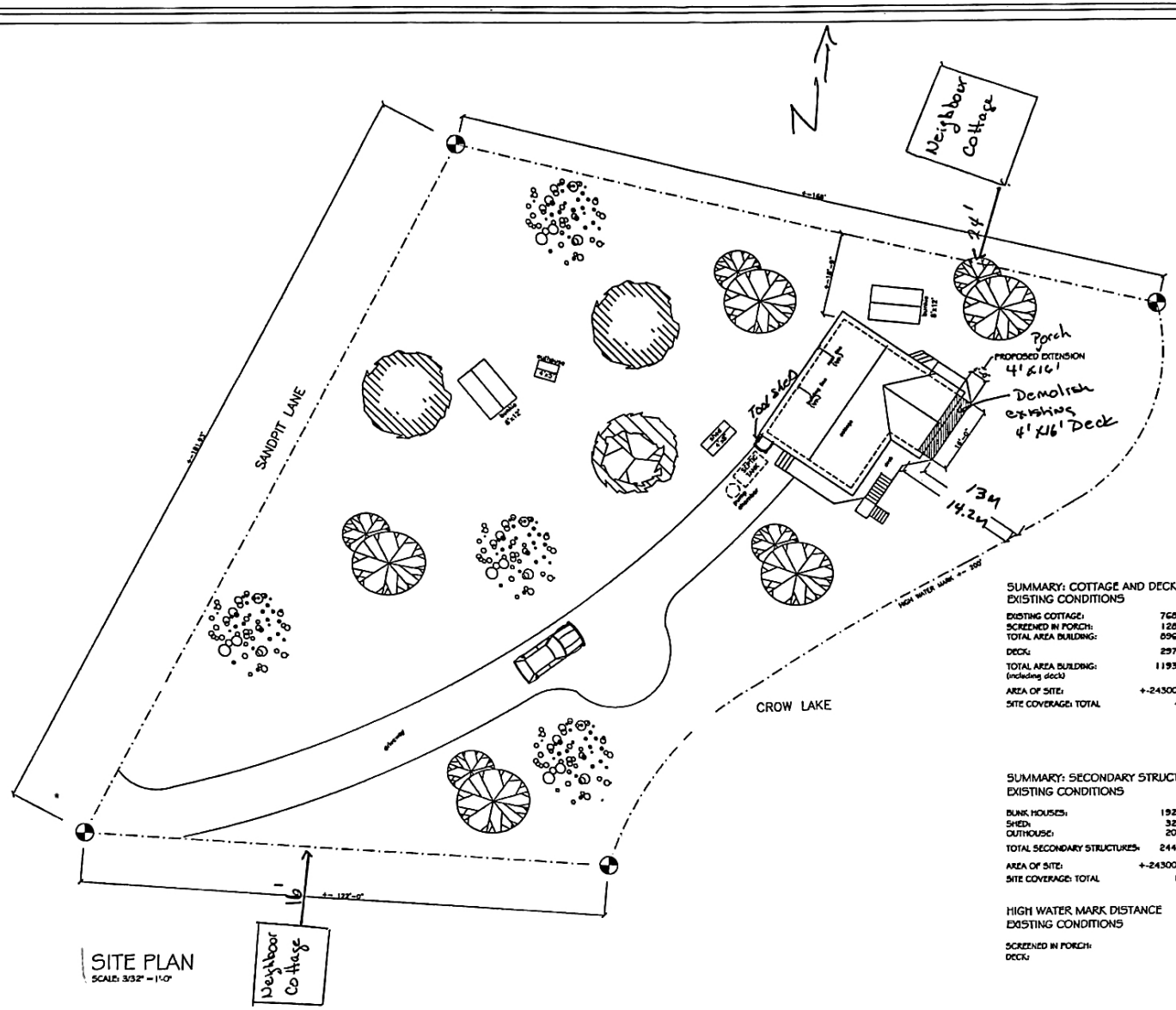
26) If yes: If there is a current application for severance or subdivision on the property, please indicate the file number. (Staff can help provide this information)

27) Minor variance: Has there ever been a minor variance granted on the property? If you are long-time owner of the property, you will probably be aware of any other special permission granted for a variance to the zoning by-law. If you are a new owner, the seller will probably have made you aware of this.

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

29) **SKETCH: We cannot stress enough the importance of a detailed, accurate, and complete sketch. You do not necessarily need to contract with a professional to draw the sketch, but sketches that are not drawn to scale, do not show dimensions and distances, or are not drawn neatly (PLEASE USE A RULER), will not be accepted.**

30) **Agreement to Indemnify**: Must be signed in front of a commissioner of oaths – you may have this done before submitting the application, or sign the application in front of staff who can sign as commissioners. All owners must sign the application, or it can be signed by an agent if one has been appointed.



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

SUMMARY: COTTAGE AND DECK
EXISTING CONDITIONS

		Metric
EXISTING COTTAGE:	768 SQ.FT.	71.55 M²
SCREENED IN PORCH:	128 SQ.FT.	11.89 M²
TOTAL AREA BUILDING:	896 SQ.FT.	83.24 M²
DECK:	297 SQ.FT.	27.59 M²
TOTAL AREA BUILDING: (including deck)	1193 SQ.FT.	110.83 M²
AREA OF SITE:	+-24300 SQ.FT.	2257.5 M²
SITE COVERAGE: TOTAL	4.91 %	

SUMMARY: SECONDARY STRUCTURES
EXISTING CONDITIONS

BUNK HOUSES:	192 SQ.FT.	17.84 M²
SHED:	32 SQ.FT.	2.98 M²
OUTHOUSE:	20 SQ.FT.	1.85 M²
TOTAL SECONDARY STRUCTURES:	244 SQ.FT.	22.66 M²
AREA OF SITE:	+-24300 SQ.FT.	2257.5 M²
SITE COVERAGE: TOTAL	1.00 %	

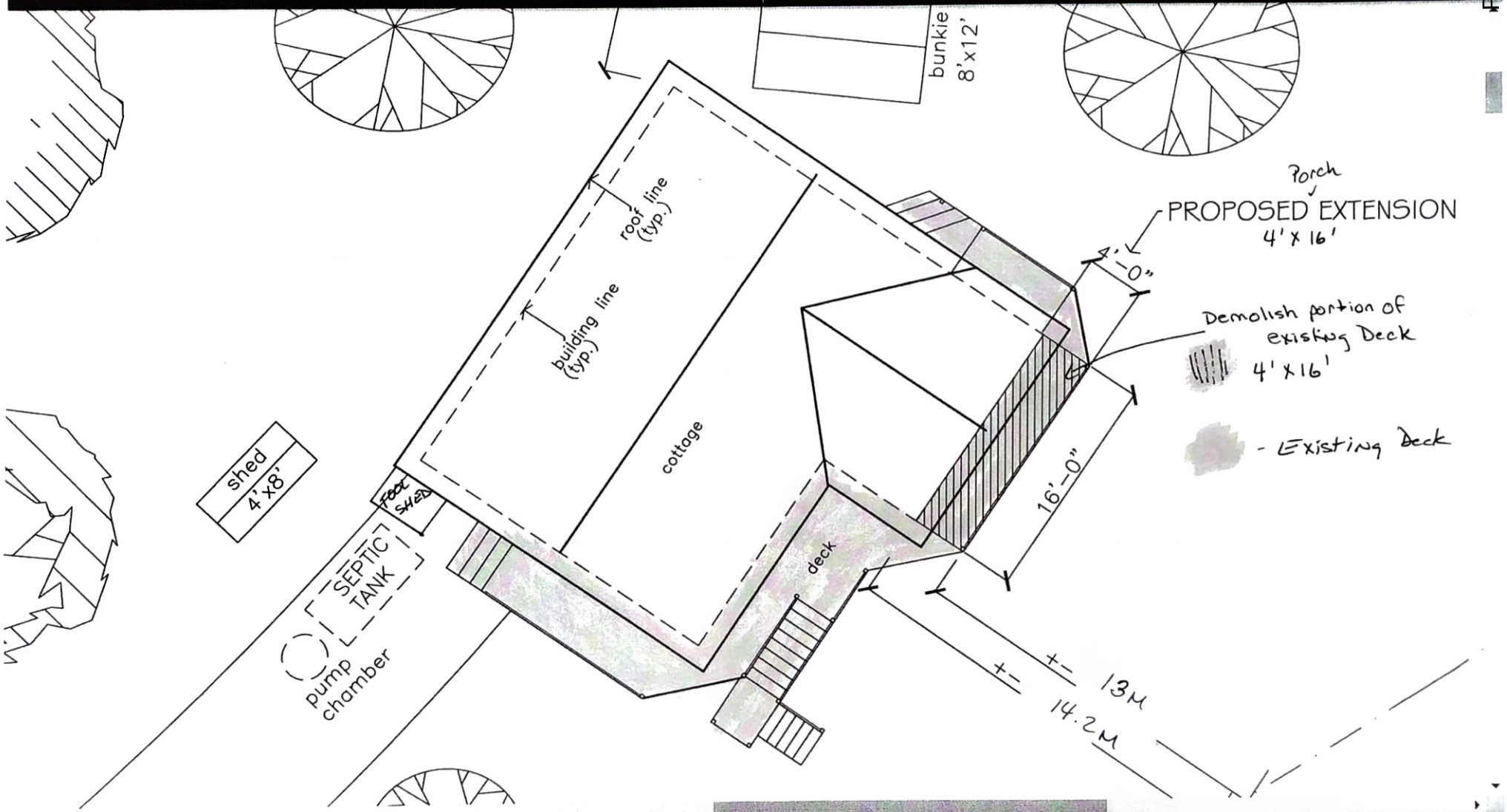
HIGH WATER MARK DISTANCE
EXISTING CONDITIONS

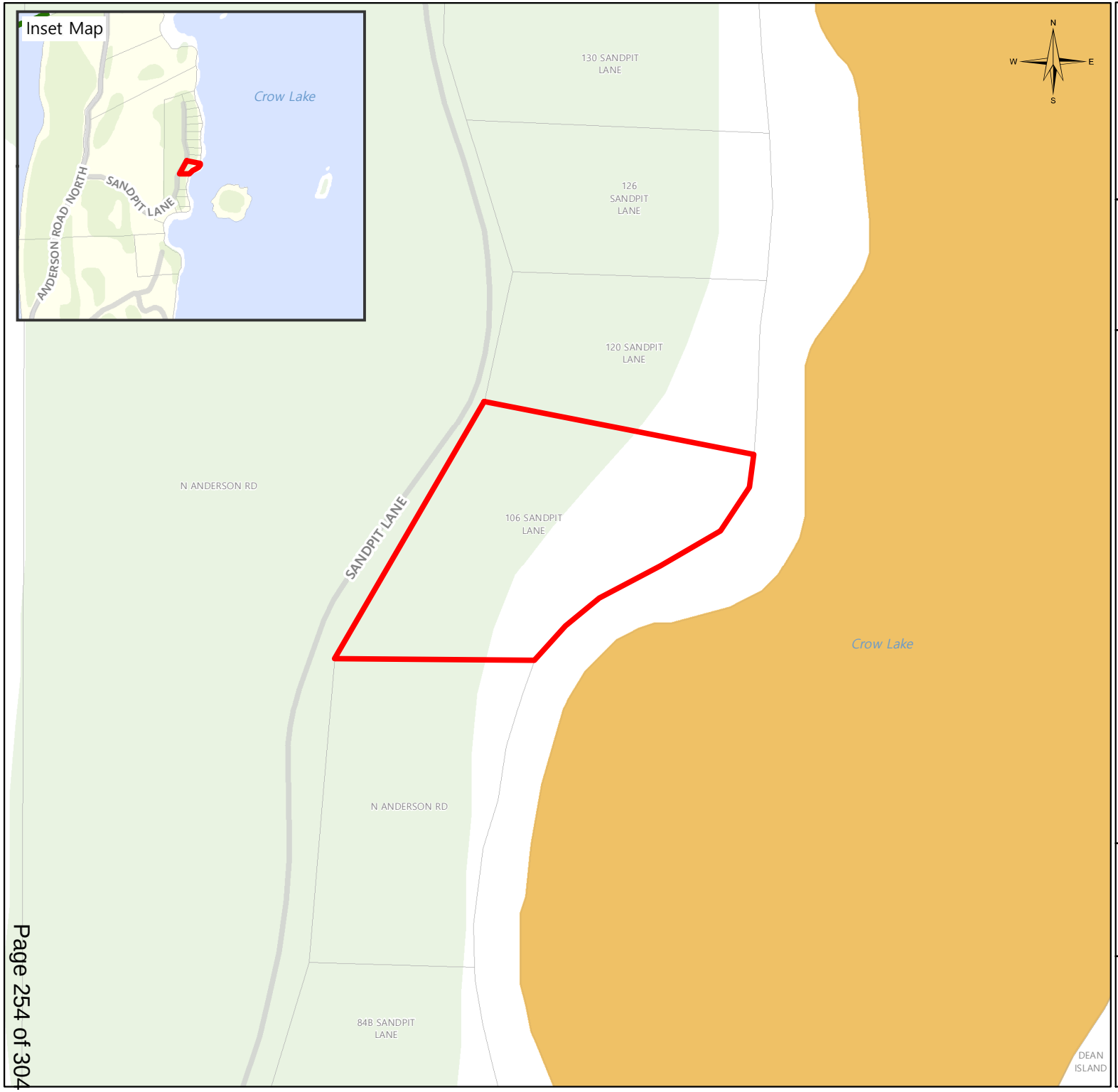
SCREENED IN PORCH:	14.2M
DECK:	13M

DI CESARE RESIDENCE
106 SANDPIT LANE
CROW LAKE
TICHBORNE ONTARIO
CANADA

SITE PLAN

A0


bunkie
8'x12'
roof line
(typ.)
building line
(typ.)
cottage
Porch
PROPOSED EXTENSION
4'x16'
4'-0"
Demolish portion of
existing Deck
4'x16'
- Existing Deck
16'-0"
shed
4'x8'
Foot
SHED
SEPTIC
TANK
pump
chamber
deck
+- 13M
14.2M



SOUTH FRONTENAC

PL-ZNA-2022-0027 (TAYLOR) (DI CESARE)

106 SANDPIT LANE

Legend

- Subject Property
- Road
- Railway
- Assessment Parcel
- Provincially Significant Wetlands
- Wetland
- Wooded Area
- Lake Trout Lake - At Capacity
- Water
- Township Boundary

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

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

Scale 1:1,000

0 12.5 25 50

Meters

UTM Zone 18 NAD 83

Date: 2022-03-01

Rideau Valley Conservation Authority

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

March 22, 2022
22-SFR-MVA-0013 (Bedford)

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

Attention: Anna Gelaldi, Planner

Subject: **Estate of Bruce Taylor**; Application for Minor Variance, PL-ZNA-2022-0027 – 106 Sandpit Lane, Lot 32, Concession 4; Geographic Township of Bedford, Now the Township of South Frontenac; Roll Number: 01290300206760000000

Dear Ms. Geladi,

The Rideau Valley Conservation Authority (RVCA) has reviewed the subject applications within the context of:

- Section 2.1 Natural Heritage, 2.2 Water and 3.1 Natural Hazards of the Provincial Policy Statement under Section 3 of the Planning Act;
- The Rideau Valley Conservation Authority ("Development, Interference with Wetlands and Alteration to Shorelines and Watercourses" regulation 174/06 under Section 28 of the Conservation Authorities Act);
- The Mississippi-Rideau Source Water Protection Plan;
- The Tay-River-Bobs Lake Catchment Report

The Proposal

The RVCA understands this application is seeking the enlargement of an existing screened porch within the 30m setback of Crow Lake. It is proposed that the extended porch will replace the existing deck and will not change the footprint nor encroach further into the current setback from Crow Lake. A revised application was received March 11, 2022 that also proposed

increasing the roof height on a portion of the cottage to meet the roof height of 3.7 m (measured from deck). It is noted that this will not result in a change in living space.

The Property

The subject property is approximately 0.20 ha. The lot is presently developed with an existing deck, screened porch, sleeping cabin/bunkie, sheds and an outhouse. Multiple staircases provide access to the existing deck and cottage. The lot appears to have manicured lawn to the water. There are several large mature trees on the property, though vegetation is limited between the cottage and waterfront. The lot is steeply sloped with the existing cottage built adjacent to the slope, the terrain slopes gently from the cottage to the water. A review of the desktop mapping and site visit to the subject property on March 10, 2022 indicated the following natural hazards or natural heritage features:

-Crow Lake is considered to be a watercourse for the purpose of our regulation
-The property overlies a highly vulnerable aquifer

A review of our records does not reveal the presence marine clays, organic soils or wetland areas.

Review Comments

Provincial Policy Statement

Regarding Section 2.1 of the PPS our office has no concerns.

In relation to Section 2.2 of the PPS our office has some concern regarding the proposed development and has provided recommendations to protect, restore or improve water quality.

In respect of Section 3.1 our office has no concern, though steep slopes on the property may present a possible hazard, the proposed redevelopment is on a portion of the lot with more gradually sloping terrain.

Ontario Regulation 174/06

Currently our office regulates the shoreline of Crow Lake. Should any development be proposed along the shoreline of Crow Lake (including, but not limited to, grading, site alteration, dock installation or erosion protection works) the prior written permission is required from our office in accordance with our (Development, Interference with Wetlands and Alterations to Shorelines and Watercourses) made under Section 28 of the Conservation Authorities Act.

The development proposed in the subject application does not include any shoreline alteration and will not require written permission from our office.

Tay River-Bobs and Crow Lake Catchment Report

Crow Lake has a water quality rating that ranges from “Good” to “Very Good” based on Water Quality Index Ratings. These ratings indicate that conditions rarely depart from natural or desirable levels. The lake is characterized by low nutrient levels, clear water and good oxygen

conditions to support lake trout habitat. Maintaining low nutrient concentrations in Crow Lake is very important to protect existing lake trout habitat conditions. The report identifies that diversion of runoff and enhanced shoreline buffers are necessary to continue to protect and enhance water quality and reduce future nutrient increase-particularly in developed areas. A well vegetated shoreline can also protect against erosion and provides important habitat for wildlife. Low Impact Development methods should also be considered to improve runoff quality and reduce the amount of stormwater runoff to the lake, this is particularly important on sensitive waterfront properties that have steep slopes or shallow soils.

Mississippi Rideau Source Water Protection Plan

This property has been identified as overlying a highly vulnerable aquifer as stated in the catchment report and indicated in the Mississippi-Rideau Source Water Protection Plan. These are aquifers that are vulnerable to surface contaminants due to thin or absent soils overlying bedrock that may be fractured.

Where these conditions exist, it may be possible for contaminants to enter drinking ground water supplies. For this reason, care should be taken to avoid land uses and practices that may inadvertently lead to undesirable effects on groundwater. For this reason, care should be taken to avoid land uses and practices that may inadvertently lead to undesirable effects on groundwater. Some best practices that could be considered include:

- increased well casing depths;
- increased distance of septic systems from drinking water wells;
- ensuring wells are located upgradient of septic sewage disposal systems
- ensuring that wells and septic systems are property maintained,
- avoiding use of pesticides, herbicides and fertilizers.

Discussion

The existing cottage and attached decking is setback 13 m from Crow Lake as measured on site, it should be noted that determination of the highwater mark was approximated given snow/ice cover. While the proposed development would increase the living space within the existing setback there will be no further encroachment as the footprint of the porch will be restricted to the area occupied by the existing deck, an area of 6 m^2. It is the opinion of this reviewer that this redevelopment is not a significant change of use and will not negatively impact Crow Lake provided the recommended mitigation measures are applied.

Through this redevelopment opportunities exist to provide protection and improvement to water quality in Crow Lake. Our office would recommend a native vegetation buffer is established along the shoreline to assist in filtration and reduction of runoff that reaches Crow Lake and provide the numerous benefits that naturally vegetated shorelines provide. It is also recommended that improvement be made to roof runoff through the installation of eavestroughs that direct rainfall away from the lake to an area of the property that allows for infiltration of surface water.

Recommendations

Should the Township allow the variance our office would have the following recommendation for conditions of any implementation agreement or notes to be included on any decision:

- A planting plan showing improved shoreline vegetation adjacent to Crow Lake should be provided and implemented. The planting plan should take the form of a drawing showing where the vegetation would be improved along the shoreline to an area a minimum of 3 m from the high-water mark. It should be noted that this would not preclude the removal of dead or diseased trees. The applicant is encouraged to discuss this with our office if assistance is required. RVCA staff can assist in planning and planting shoreline vegetation, whether trees or shrubs, and would be willing to discuss grant programs that the applicants may wish to consider. If the applicants are interested in this service, they should contact Meaghan MacDonald (Meaghan.mcdonald@rvca.ca or 613-692-3571 x 1192) at our Manotick office.

- Roof runoff should be directed to the rear or side yards and to an area of soil depth or containment adequate to allow for absorption, infiltration and treatment. Collection and management of runoff in this manner helps to control untreated surface water from running overland to Crow Lake. This assists with preventing nutrients and sediment from reaching these features. This shall be to the satisfaction of the Township.

-Any excavated materials will be disposed of 30 metres or more from the normal highwater mark of Crow Lake at a proper disposal site. This shall be to the satisfaction of the Township.

- Sediment and erosion controls (such as silt fencing & straw bales) should be installed on the downslope side of the construction site prior to any works commencing (including demolition and future construction) and be maintained in place until vegetation has re-established. This should be to the satisfaction of the Chief Building Official.

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

Conclusions

In conclusion our office has no objection the subject application. Please advise us on the Committee’s decision respecting this application or any changes in the status of the application.

Thank you for the opportunity to comment and please do not hesitate to contact the undersigned at (613) 692-3571 x1109 should you have any questions.

Yours truly,

Sarah MacLeod-Neilson
Planner

cc – Kelly & Walter DiCesare, applicants
cc – Meaghan McDonald, RVCA

Michelle Hannah

From: Anne Roulston [redacted]
Sent: April 3, 2022 5:25 PM
To: planning
Subject: Notice of hearing on Permission Application PL-ZNA-2022-0027

Dear Michelle Hannah,

I am writing a letter of support for the proposed modifications to the cottage situated at 106 Sandpit Lane, Tichborne Ontario.

I am the co-owner of the cottage and direct neighbor of Kelly and Walter Di Cesare on the north side of their property. Our two cottages are very close together (less than 40 feet) but are separated by a row of cedar hedge. I have been cottaging on Crow Lake since 1968 with my family and have a deep emotional attachment to the lake and our to our cottage lane. My family and I have known Bruce Taylor and his family (daughters Kelly, Jody and grandchildren) for many years. My husband and I have more recently come to know Kelly and Walter better and can attest to the fact that they are extremely respectful to their neighbors and in the stewardship of the lake and the lane.

I fully support the work they are proposing to do on their cottage, that will involved closing in the existing deck at the front of the cottage as I see no impact to the footprint of their cottage, the land and the use of the lake. I have discussed the letter we received from the township in the mail with my two sisters who own the cottage to the north of me, and they are also in favor of the proposed renovations to the Taylor cottage. I sincerely hope they will be granted a minor variance to make the desired changes.

Best regards,
Anne Roulston

Township of South Frontenac

Staff Report

To:	Committee of Adjustment
Prepared by:	Development Services Department
Date of Meeting:	April 14, 2022
Subject:	**Permission Application (S. 45(2) of the Planning Act) PL-ZNA-2022-0027 (Taylor)(Di Cesare) – 106 Sandpit Lane, District of Bedford**

Summary

This application is requesting permission to enlarge a legal non-conforming building by demolishing a 64 square feet section of the existing deck and replacing it with a 64 square feet extension to the existing enclosed porch within 30 metres of the highwater mark of Crow Lake. 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 to enlarge a seasonal dwelling under Section 45(2) of *the Planning Act* within 30 metres of the highwater mark.

Discussion/Analysis

Property Description

The subject property is located at 106 Sandpit Lane. Sandpit Lane is accessed from Anderson Road North. The property has an area of approximately 0.24 hectares (0.6 acres), and approximately 60 metres (200 feet) of water frontage on Crow Lake and 55.4 metres (182 feet) of frontage on Sandpit Lane.

The property rises steeply from Crow Lake to Sandpit Lane. There is a flat area between the dwelling and Crow Lake. The dwelling is built into the slope. The area on the west side

of the subject property is predominantly forested. The vegetation is limited between the dwelling and the waterfront.

The property is developed with a seasonal dwelling, two sleeping cabins (bunkie), an outhouse and two sheds, and an associated sewage system. The seasonal dwelling includes an enclosed porch and in front of the porch, there is an attached deck.

The seasonal dwelling including the attached deck is setback 13 metres from the highwater mark at its closest point. The seasonal dwelling has a height of 6.1 metres. It is single storey with an open storage area underneath the seasonal dwelling.

Summary of Proposal

The applicants are proposing to demolish a 64 square feet (16 ft by 4 ft) section of the deck and replace it with a 64 square feet (16 ft by 4 ft) extension of the existing enclosed porch.

The remainder of the deck (on the north and south sides of the dwelling) will remain as it is existing, uncovered. The proposal would not result in the footprint of the building getting any larger, and the porch would be no closer to the highwater mark of Crow Lake than the deck that would be demolished. Permission is required to allow an enlargement of the gross floor area of the dwelling within 30 metres of the lake.

The applicants have also indicated that they are proposing to increase the roof height on the south side of the cottage to meet the roof height of 3.7 metres (measured from the deck) of the rest of the cottage to allow a higher window. The overall height of the dwelling will not increase. No permission is required for this component of the proposal.

Department and Agency Comments

This application did not meet the criteria for circulation to Building Services.

Rideau Valley Conservation Authority provided comments on March 22, 2022 which indicate that Staff have no objection to the approval of the application. RVCA Staff note that the proposed development would increase the living space within the existing setback but would not encroach closer to the water as the footprint of the porch will be restricted to the area occupied by the existing deck (6 square metres). It is the opinion of RVCA that this redevelopment is not a significant change of use and will not negatively impact Crow Lake provided that the recommended mitigation measures mentioned in their letter are applied. These mitigation measures include:

1) The establishment of a native vegetation buffer along the shoreline to assist infiltration and reduction of runoff that reaches Crow Lake;
2) That improvement be made to roof runoff through the installation of eavestroughs that direct rainfall away from the lake to an area of the property that allows for infiltration of surface water.

RVCA notes that the development proposed in the subject application does not include any shoreline alteration and will not require written permission from their office under O. Reg. 174/06.

Public Comments

One comment has been received from a neighbouring property owner indicating that they are supportive of the proposed development.

Planning Analysis

The property is zoned RLSW, so the seasonal dwelling is a permitted use. The use of the property will not change because of this application.

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 within 30 metres. This makes them legal non-conforming structures.

The existing dwelling is a legal non-conforming building because it was constructed in 1960's (according to the application), and because it is setback 13 metres from the highwater mark at its closest point.

Permission is required to make changes to legal non-conforming buildings. This application is seeking permission to enlarge the gross floor area by 64 square feet (6 square metres).

In this situation, the Committee of Adjustment should consider whether to grant permission to enlarge the legal non-conforming building under Section 45(2) of the *Planning Act*.

The dwelling currently has a porch facing the lake which is completely enclosed and used as living space. There is also a deck located in front of the porch. The proposal is to demolish a portion of the existing deck and replace it with an extension of the existing screened-in porch. The footprint of the dwelling will not increase nor will lot coverage. The height of the enlarged porch will not be higher than the height of the existing roof line of the main part of the dwelling.

The enlarged porch would be no closer to the highwater mark of Crow Lake than the deck that would be demolished.

Requiring a development agreement on the property will ensure that the development is undertaken in accordance with the Township environmental standards, and will implement the recommendations for roof run-off and re-vegetation outlined by the Conservation Authority.

Crow 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. The dwelling is serviced by an existing septic system. The proposal involves enclosing a portion of the deck to be added to the dwelling and is not anticipated to increase the nutrient loading associated with the septic system as no plumbing is being added as part of the proposal.

By rebuilding the enlargement of the screened in porch on the same footprint as the existing deck, the proposal is designed to preserve as much as possible a site's physical attributes and cause minimal disturbance.

The existing dwelling is compatible with the established built form and character of the surrounding properties. There is an existing row of trees separating the dwelling from the neighbouring property to the east. The dwelling is built up against the slope of the property and is not visible from the Lane. There is sufficient open space and a buffer of trees to provide buffering from neighbours to the west. Requiring re-vegetation between the dwelling and the shoreline will provide additional screening from views from the water.

Furthermore, the size and scale of the proposed increase in gross floor area will not change the way the property is being used today.

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-2022-0027, subject to the following conditions:

1. Permission is granted to enlarge the legal non-conforming dwelling on the subject property as per the drawing submitted with PL-ZNA-2022-0027, received on March 11, 2022, that will be attached to the Decision as Schedule “A”.

2. The Owner is required to enter into a development agreement to be registered on the title of the property to the satisfaction of the Township. The development agreement will include the requirement for a shoreline planting plan.

    a. A planting plan showing existing and improved shoreline vegetation adjacent to Crow Lake shall be provided and implemented. A Planting Plan must be provided together with the building permit application for review by Development Services Staff. The planting plan must take the form of a drawing showing where the vegetation would be improved along the shoreline to an area between the lake and the deck. Revegetation of the shoreline and slope must be completed to the satisfaction of Development Services Staff, before the final inspection for the deck is approved. It should be noted that this would not preclude the removal of dead or diseased trees. The applicant is encouraged to discuss this with the conservation authority and request assistance from watersheds Canada, RVCA or an ecologist.

3. 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.

Report Prepared By:

Anna Geladi, MCIP, RPP, Planner

Reviewed By:

Christine Woods, MCIP RPP, Senior Planner

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

RECEIVED
FEB 17 2022
TOWNSHIP OF SOUTH FRONTENAC PLANNING DEPARTMENT

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 *Minor Variance Only* *Minor Variance WITH Performance Review* *Minor Variance in combination with a new Class 2, 3, 4, or 5 sewage system other than a Class A system*	 $463.00 $720.00 $1,183.00
Cataraqui Region Conservation Authority	$420.00
Quinte Conservation Authority	$344.00
Rideau Valley Conservation Authority	$390.00

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

3. PLEASE READ THIS ITEM CAREFULLY

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

4. Collection of Personal Information

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

Date Received: _____ 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): CAROLE LYNNE PICKETT

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

Phone number of Owner(s): [redacted]

Email Address of Owner(s): [redacted]

2. If the applicant is **NOT** the owner of the subject land, the written authorization of the owner that the applicant is authorized to make the application, must accompany the application.

Name of Authorized Agent: _____

Full Mailing Address of Authorized Agent: _____

_____

Phone number of Authorized Agent: _____

Email Address of Authorized Agent: _____

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

_____
Signature(s) of Owner(s)

3. The description of the subject land:

District: ☒ Bedford ☐ Portland ☐ Loughborough ☐ Storrington

Concession Number: 6 Lot Number: 20

Street Number: 219 Name of Road/Street: GARRETT ROAD

Reference Plan Number: _____ Part Number(s): PRT LOT 20

Roll Number: 010-050-17300-0000

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): _____ Frontage (on road/lane): 2,003.98'

Depth: 4,478.64' Area: 206.04 ACRES

5. The current zoning of the subject land:

RURAL

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

SEEKING PERMISSION TO EXTEND THE GUEST HOUSE BECAUSE IT IS A LEGAL NON-CONFORMING USE.

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

ONLY ONE HOUSE IS ALLOWED ON A PROPERTY IN THE RURAL ZONE.

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

Name of Road/Lane:

GARRETT ROAD

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

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

RESIDENCE, FARMING HAY, VACANT RECREATION LAND

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

☒ Yes ☐ No

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

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

Type of Structure (E.g. residence)	(1) RESIDENCE 1	(2) RESIDENCE 2	(3) SHED	SHED	(4) BARN 1	BARN 2
Setback from Front Lot Line	180'	225'	245'	240'	210'	60'
Setback from Rear Lot Line	4,253'	4,232'	4,233'	4,240'	4,210'	4,388'
Setback from Side Lot Line	432' TO LOT 19 1,512' TO LOT 21	367' TO LOT 19 1,572' TO LOT 20	347' - LOT 19 1,584' - LOT 21	244' TO LOT 19 ~~490' TO LOT 21~~ 1,678 TO LOT 21	164' TO LOT 19 1,522 TO LOT 21	417' TO LOT 19 1,582' LOT 21
Height of Building (Also indicate if it is one story or two story)	19'	20'	10'	10'	15'	15'
Dimensions of Floor Area	52'X45' 8'X34'	15'X40' } 1st FLOOR 16'X13' } 15'X40' 2ND FLOOR	14'X13'	18'X14'	24'X18'	30'X19'
Setback from High Water Mark (If applicable)						

13. The proposed uses of the subject land:

BUILD BEDROOM ADDITION ONTO RESIDENCE 2.

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) BEDROOM EXTENSION RESIDENCE 2	(2)	(3)	(4)
Setback from Front Lot Line	125'			
Setback from Rear Lot Line	4,330'			
Setback from Side Lot Line	367' TO LOT 19 1,593' TO LOT 21			
Height of Building (Also indicate if it is one story or two story)	14'			
Outside Dimensions of Building/Structure	15' X 20'			
Setback from High Water Mark (If applicable)				

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

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

If yes, please provide details:

_____

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

If yes, please provide details:

---

18. What are the uses of the proposed development?

(a)	Increase in number of bedrooms	☑ Yes	☐ No
(b)	Increase in plumbing fixtures	☑ Yes	☐ No
(c)	Increase in living space	☐ Yes	☐ No
(d)	Will the addition or structure encroach on the existing septic system?	☐ Yes	☑ No

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

SHARED OWNERSHIP - NOVEMBER 5, 1999. SOLE OWNERSHIP - DECEMBER 15, 2009

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

RESIDENCE 1 - 1870 RESIDENCE 2 - 1900 BARNS & SHEDS - 1890

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

151 YEARS

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

WATER PROVIDED BY A PRIVATELY OWNED AND OPERATED INDIVIDUAL WELL.

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

SEWAGE DISPOSAL PROVIDED BY A PRIVATELY OWNED AND OPERATED SEPTIC SYSTEM.

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

NATURAL DRAINAGE

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

☐ Yes ☐ ~~No~~

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

---

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

☐ Yes ☐ No

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

---

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

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

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

iii) The location of a reference point……i.e. distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing.

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

v) The approximate location of all natural and artificial features on the subject land and on the land that is adjacent to the subject land. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, barns, wetlands, wooded areas, wells and septic tanks. Show distance of these features from the applicant's property lines.

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

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:

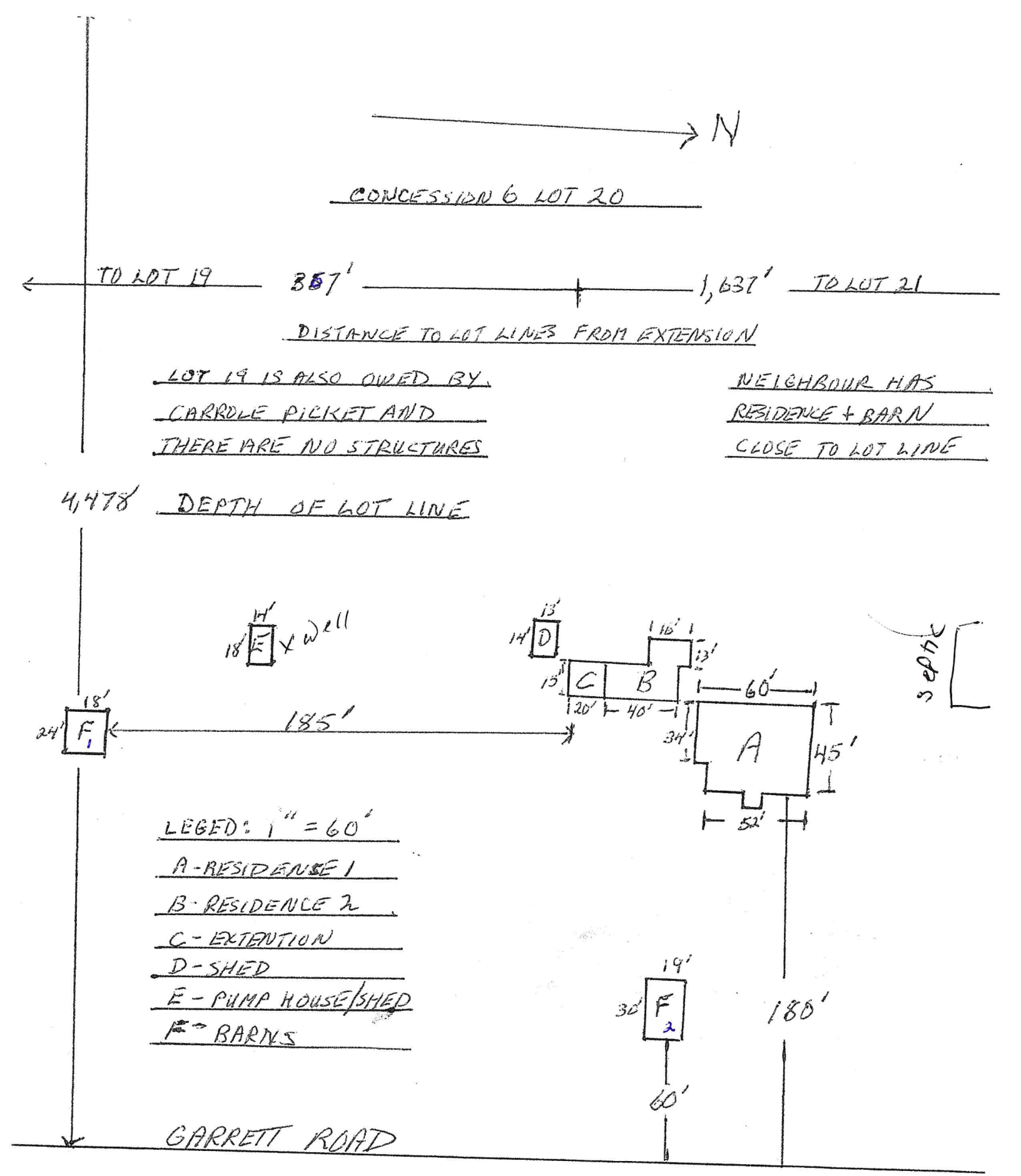
DATED AT THE TOWNSHIP OF SOUTH FRONTENAC

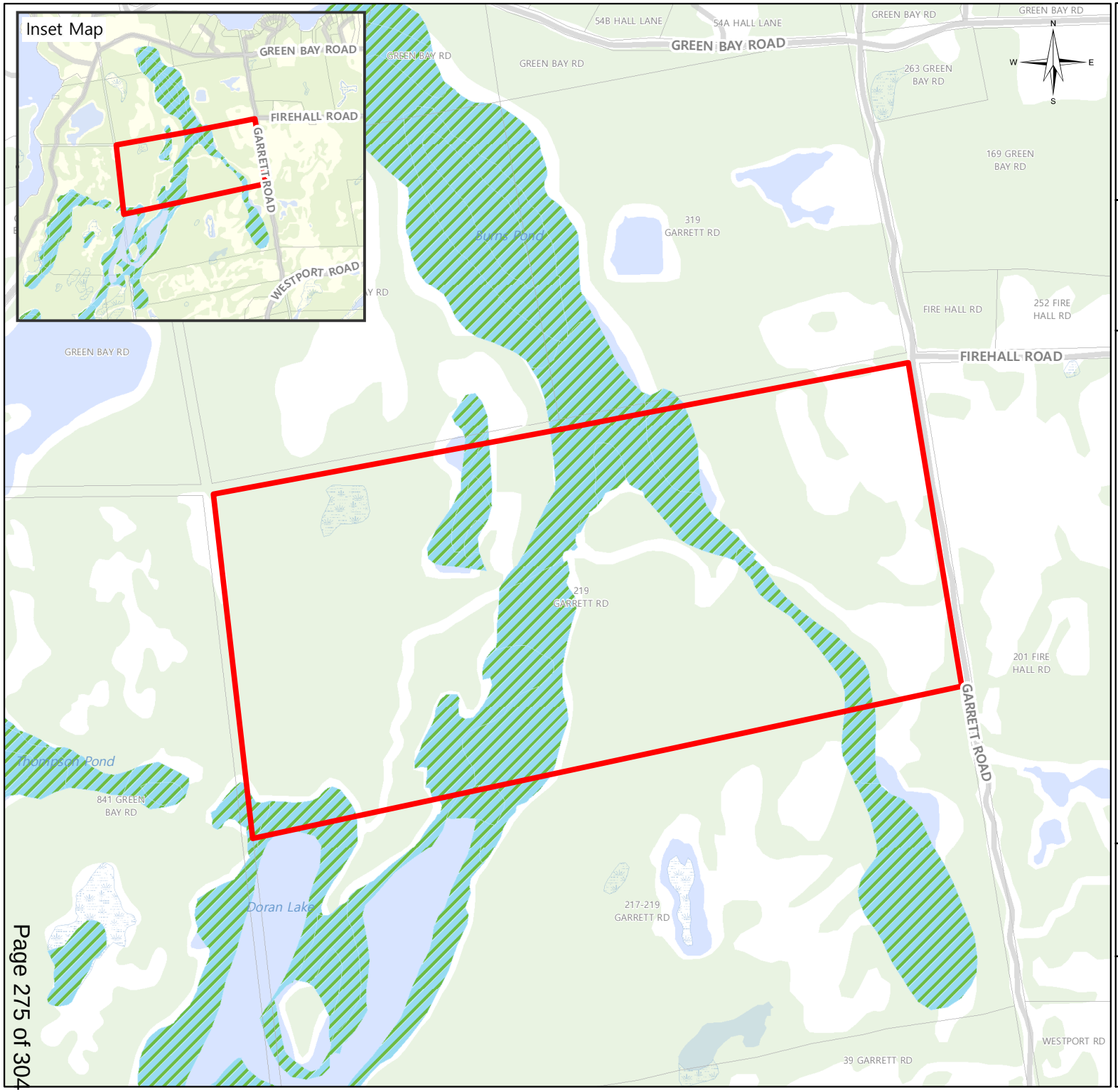
THIS 17th DAY OF February, 20 22

I, Carole Lynne Pickett OF Burridge

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

[redacted]


N
CONCESSION 6 LOT 20
TO LOT 19
387'
1,637'
TO LOT 21
DISTANCE TO LOT LINES FROM EXTENSION
LOT 19 IS ALSO OWED BY CARROLL PICKET AND THERE ARE NO STRUCTURES
NEIGHBOUR HAS RESIDENCE + BARN CLOSE TO LOT LINE
4,478 DEPTH OF LOT LINE
14'
18' E
X well
13'
14' D
16'
13'
15'
C
B
60'
20'
40'
3 eph
18'
24' F1
185'
34'
A
45'
52'
LEGED: 1" = 60'
A - RESIDENSE 1
B - RESIDENCE 2
C - EXTENTION
D - SHED
E - PUMP HOUSE/SHED
F - BARNS
19'
30' F2
180'
60'
GARRETT ROAD



SOUTH FRONTENAC

PL-ZNA-2022-0028 (PICKETT)

219 GARRETT ROAD

Legend

- Subject Property
- Road
- Railway
- Assessment Parcel
- Provincially Significant Wetlands
- Wetland
- Wooded Area
- Water
- Township Boundary

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

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

Scale 1:10,000

0 125 250 500

Meters

UTM Zone 18 NAD 83

Date: 2022-03-01

Rideau Valley Conservation Authority

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

April 3, 2022
22-SFR-MVA-0017 (Bedford)

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

Attention: Christine Woods, Planner

Subject: **Pickett, Carole Lynn**; Application for Minor Variance, PL-ZNA-2022-0028 – 219 Garrett Rd, Lot 20, Concession 6; Geographic Township of Bedford, Now the Township of South Frontenac; Roll Number: 1029 0100 5017 3000 0000

Dear Ms. Woods

The Rideau Valley Conservation Authority (RVCA) has reviewed the subject applications within the context of:

- Section 2.1 Natural Heritage, 2.2 Water and 3.1 Natural Hazards of the Provincial Policy Statement under Section 3 of the Planning Act;
- The Rideau Valley Conservation Authority ("Development, Interference with Wetlands and Alteration to Shorelines and Watercourses" regulation 174/06 under Section 28 of the Conservation Authorities Act);
- The Mississippi-Rideau Source Water Protection Plan;
- The Tay-River-Bobs Lake Catchment Report

The Proposal

The RVCA understands this application is seeking permission to add a 27.9 m^2 main floor addition to an existing dwelling to allow for an additional bedroom. It is noted that two dwellings exist on the subject property.

The Property

The subject property is approximately 83.4 ha. The lot is presently developed, with sheds, barns and two existing dwellings have existed since 1900. A portion of the lot appears to have been cleared for agriculture, with forest and wetland cover also present. A review of the desktop mapping indicated the following natural hazards or natural heritage features:

-The Doran Lake Provincially Significant Wetland (PSW) and associated regulated area is present on the subject property
-A watercourse identified as a headwater drainage feature flows west to east across Garrett Rd and flows into the PSW south of the existing dwellings
-A small unevaluated wetland is present in the northwest corner of the subject property

A review of our records does not reveal the presence of steep slopes, marine clays, or organic soils.

Review Comments

Provincial Policy Statement

Regarding Section 2.1 and 2.2 of the PPS the proposed setback from the wetland and watercourse should also any impacts from the proposed development to be mitigated.

In respect of Section 3.1 our office has no concern.

Ontario Regulation 174/06

The proposed development is within the 120 m regulation limit of the Doran Lake PSW as such any development will require written permission from our office in accordance with our (Development, Interference with Wetlands and Alterations to Shorelines and Watercourses) made under Section 28 of the Conservation Authorities Act.

Please note that any proposed alterations to watercourse, including but not limited to, culvert installation, bridge crossings, diverting, dredging, realigning, stabilizing, also requires the prior written permission of the RVCA in accordance with Ontario Regulation 174/06 “Development, Interference with Wetlands and Alterations to Shorelines and Watercourses”.

Tay River-Bobs and Crow Lake Catchment Report

There is little within the report the relates directly to this property. A headwaters drainage features has been identified; these features are depressions in the land that conveys surface flow. They are important in maintaining hydrologic connectivity, maintaining habitat conditions and sediment transport as should be protected. The report identifies that diversion of runoff and enhanced shoreline buffers are important to continue to protect and enhance water quality. Maintaining natural vegetation can also protect against erosion and provides important habitat for wildlife. Low Impact Development methods should also be considered to improve runoff quality and promote infiltration of runoff.

Mississippi Rideau Source Water Protection Plan

This property has been identified as overlying a highly vulnerable aquifer as stated in the catchment report and indicated in the Mississippi-Rideau Source Water Protection Plan. These are aquifers that are vulnerable to surface contaminants due to thin or absent soils overlying bedrock that may be fractured.

Where these conditions exist, it may be possible for contaminants to enter drinking ground water supplies. For this reason, care should be taken to avoid land uses and practices that may inadvertently lead to undesirable effects on groundwater. For this reason, care should be taken to avoid land uses and practices that may inadvertently lead to undesirable effects on groundwater. Some best practices that could be considered include:

- increased well casing depths;
- increased distance of septic systems from drinking water wells;
- ensuring wells are located upgradient of septic sewage disposal systems
- ensuring that wells and septic systems are property maintained,
- avoiding use of pesticides, herbicides and fertilizers.

Conclusions

In conclusion our office has no objection the subject application. Please advise us on the Committee's decision respecting this application or any changes in the status of the application.

Thank you for the opportunity to comment and please do not hesitate to contact the undersigned at (613) 692-3571 x1109 should you have any questions.

Yours truly,

Sarah MacLeod-Neilson
Planner

cc – Carole Pickett, owner

Township of South Frontenac

Staff Report

To:	Committee of Adjustment
Prepared by:	Development Services Department
Date of Meeting:	April 14, 2022
Subject:	**Permission Application (S. 45(2) of the Planning Act) PL-ZNA-2022-0028, Carole Pickett, 217-219 Garrett Road, Bedford District**

Summary

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 and Environmental Protection Area

Zoning: Rural (RU) and Environmental Protection (EP)

Relief Requested

The applicant seeks permission under section 45(2) of the Planning Act to enlarge one of the two single detached dwellings on the property. This permission is requested because the Rural (RU) zone only permits one dwelling on the property.

Related Applications

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

Discussion/Analysis

Property Description

The subject property is located at 217-219 Garrett Road. The 206-acre property consists of fields, forest and wetlands. The wetlands are part of the Provincially significant Doran Lake Wetland. The two single detached dwellings, two sheds and two barns on the property are near Garrett Road. The primary dwelling has a 2,612 square feet gross floor area. This dwelling is setback approximately 55 metres from the front lot line. The secondary dwelling has a 1,408 square foot gross floor area. This dwelling is setback approximately 68 metres

from the front lot line. The two dwellings are more than 90 metres from the nearest wetland. The two dwellings are serviced by a shared well and sewage system.

Summary of Proposal

The proposal is to construct a 300 square foot addition to the secondary dwelling for an accessible, main floor bedroom.

Agency Comments

Public Services did not provide comments on the application as it does not impact the existing entrance of the property.

Building Services indicated that a performance review of the existing sewage system will be required as part of the building permit application process for the proposed addition.

Rideau Valley Conservation Authority indicated on April 3, 2022, that it has no objection to the approval of this application. They noted that the proposed development is within the 120 metre regulation limit of the Doran Lake Provincially Significant Wetland, and that written permission from their office will be required under O. Reg. 174/06.

Public Comments

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

Planning Analysis

The subject property is zoned Rural (RU), which permits one dwelling per property. The primary dwelling on the property was constructed in 1870 and the secondary dwelling was constructed in 1900. The secondary dwelling is a legal non-conforming use since it pre-dates Zoning By-law No. 2003-75. The Zoning By-law does not prevent the continued use of the secondary dwelling. However, it does not permit the building to be enlarged in height, size or volume.

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

Permitting the secondary dwelling to be enlarged through a 300 square foot addition for a main floor bedroom would make the dwelling accessible for elderly people and people with mobility issues. It would also support the Township's goal to encourage residential development which is affordable, of high quality and capable of meeting the changing and diverse needs of the rural community.

Adequate water and sewage disposal systems are a consideration for rural development. The two dwellings are serviced by a shared well and sewage system. The bedroom addition is not anticipated to result in an increase in water demand. A performance review

of the existing sewage system will be required as part of the building permit application process for the proposed addition. The property is large enough to accommodate an upgraded or new sewage system that meets Ontario Building Code separation distances, if one is required.

The primary dwelling and the secondary dwelling are setback approximately 55 metres and 68 metres from the front lot line, respectively. The dwellings are visually screened from the road by a treed fence line. The dwellings are more than 90 metres from the nearest wetland, which is in a valley to the west. The building addition would not have a negative impact on the wetland or its adjacent lands.

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.

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-2022-0028, subject to the following conditions.

1. Permission is granted to enlarge the 1,408 square foot secondary dwelling on the subject property by 300 square feet, consistent with drawings submitted at the time of application.

2. 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

Reviewed By:

Claire Dodds, MCIP, RPP, Director of Development Services

SOUTH FRONTENAC

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	$2,1055.00

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

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: 1-03-2022 File No: _____

1. Name of Owner(s): ROBIN GAGNE

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: 2 Lot Number: 3

Street Number: 2926 Name of Road/Street: FOREST

Reference Plan Number: 13R21008 Part Number(s): 1

Roll Number: 040-010-01805-0000

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

Frontage (on water): _____ Frontage (on road/lane): 92 m^2

Depth: 92 m^2 Area: 8463 m^2

5. The current zoning of the subject land:

RURAL

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

BUILD SEPERATED GARAGE LOCATED IN FRONT OF HOUSE. WILL BE USED TO STORE MACHINERY IE: 4 wheeler, MOTORCYCLE, BOAT, CARS, SNOWMOBILE, AND YARD EQUIPMENT.

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

AREA LEFT OF THE HOUSE IS THE SEPTIC. THERE'S A SHED ON THE RIGHT SIDE, ANY OTHER AREA ON THE LAND WOULD require a SECOND DRIVEWAY. GARAGE WILL MATCH THE HOUSE

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

Name of Road/Lane:

FOREST

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

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

RESIDENTIAL

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

☑ Yes ☐ No

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

Type of Structure (E.g. residence)	**(1)** RESIDENCE	**(2)** SHED	**(3)** DECK	**(4)**
Setback from Front Lot Line	136'	123'	163'	
Setback from Rear Lot Line	138'	170'	126'	
Setback from Side Lot Line	72'	137'	177'	
Height of Building **(Also indicate if it is one story or two story)**	ONE STORY 25'	ONE STORY 11'	ONE STORY 6'	
Dimensions of Floor Area	1700 SQ FT	96 SQ FT	168 SQ FT	
Setback from High Water Mark (If applicable)				

13. The proposed uses of the subject land:

RESIDENTIAL

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

☑ Yes ☐ No

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

Type of Structure (E.g. residence)	**(1)** DETACHED GARAGE	**(2)**	**(3)**	**(4)**
Setback from Front Lot Line	64'			
Setback from Rear Lot Line	213' ~~189'~~			
Setback from Side Lot Line	48'			
Height of Building **(Also indicate if it is one story or two story)**	ONE STORY 14'6"			
Outside Dimensions of Building/Structure	24'X24' 576 sq Ft			
Setback from High Water Mark (If applicable)				

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

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

If yes, please provide details:

_____

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

If yes, please provide details:

18. What are the uses of the proposed development?

(a)	Increase in number of bedrooms	☐ Yes	☑ No
(b)	Increase in plumbing fixtures	☐ Yes	☑ No
(c)	Increase in living space	☐ Yes	☑ No
(d)	Will the addition or structure encroach on the existing septic system?	☐ Yes	☑ No

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

NOV 6 2017

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

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

RESIDENCE. 2016 SHED 2018 6 yrs

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

~~N/A~~ 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 SEWAGE SYSTEM

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

~~N/A~~ NATURAL DRAINAGE

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

☐ Yes ☑ No

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

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

☐ Yes ☑ No

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

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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.

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

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:

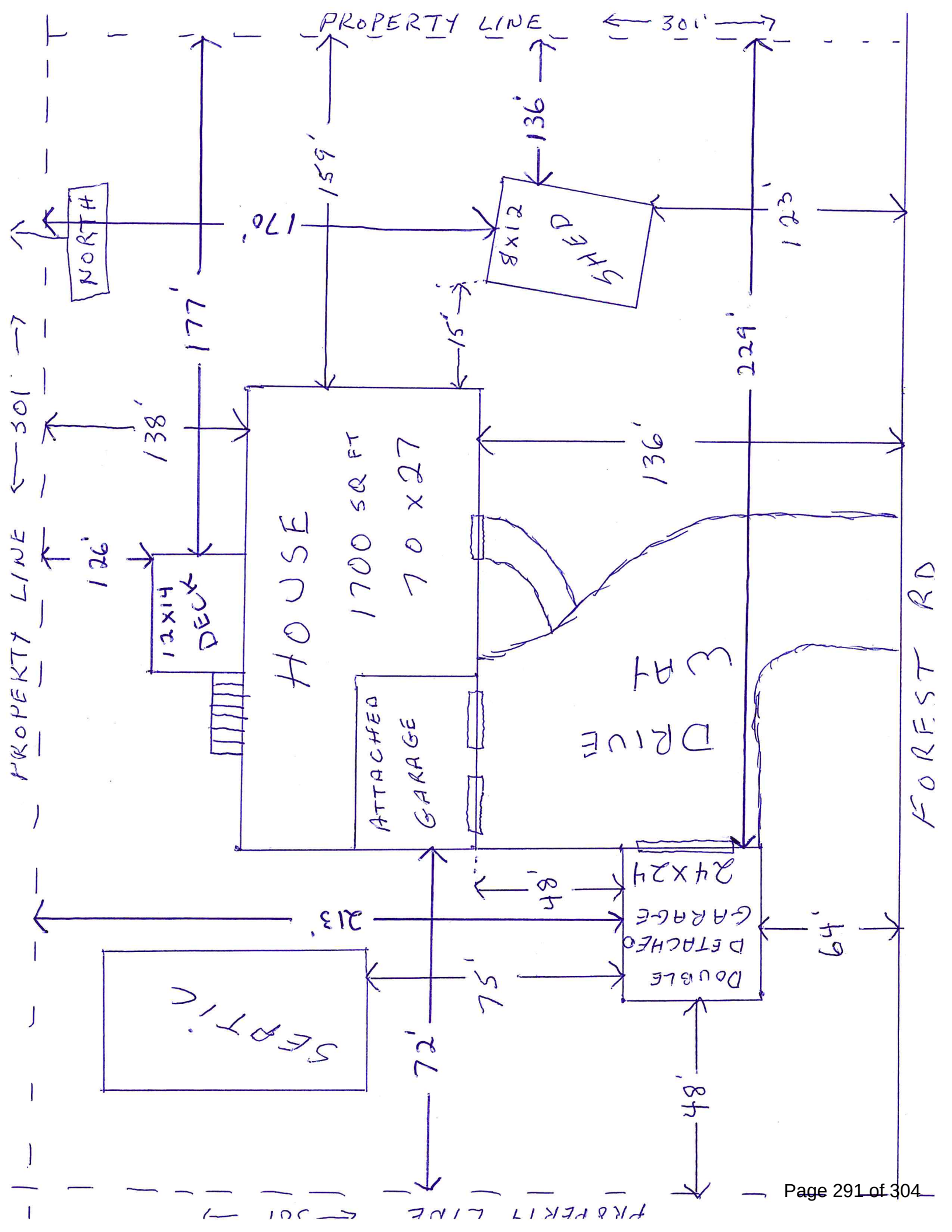
DATED AT THE TOWNSHIP OF SOUTH FRONTENAC

THIS 2nd DAY OF MARCH, 20 22

I, ROBIN GAGNE OF 2926 FOREST RD

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

[redacted]

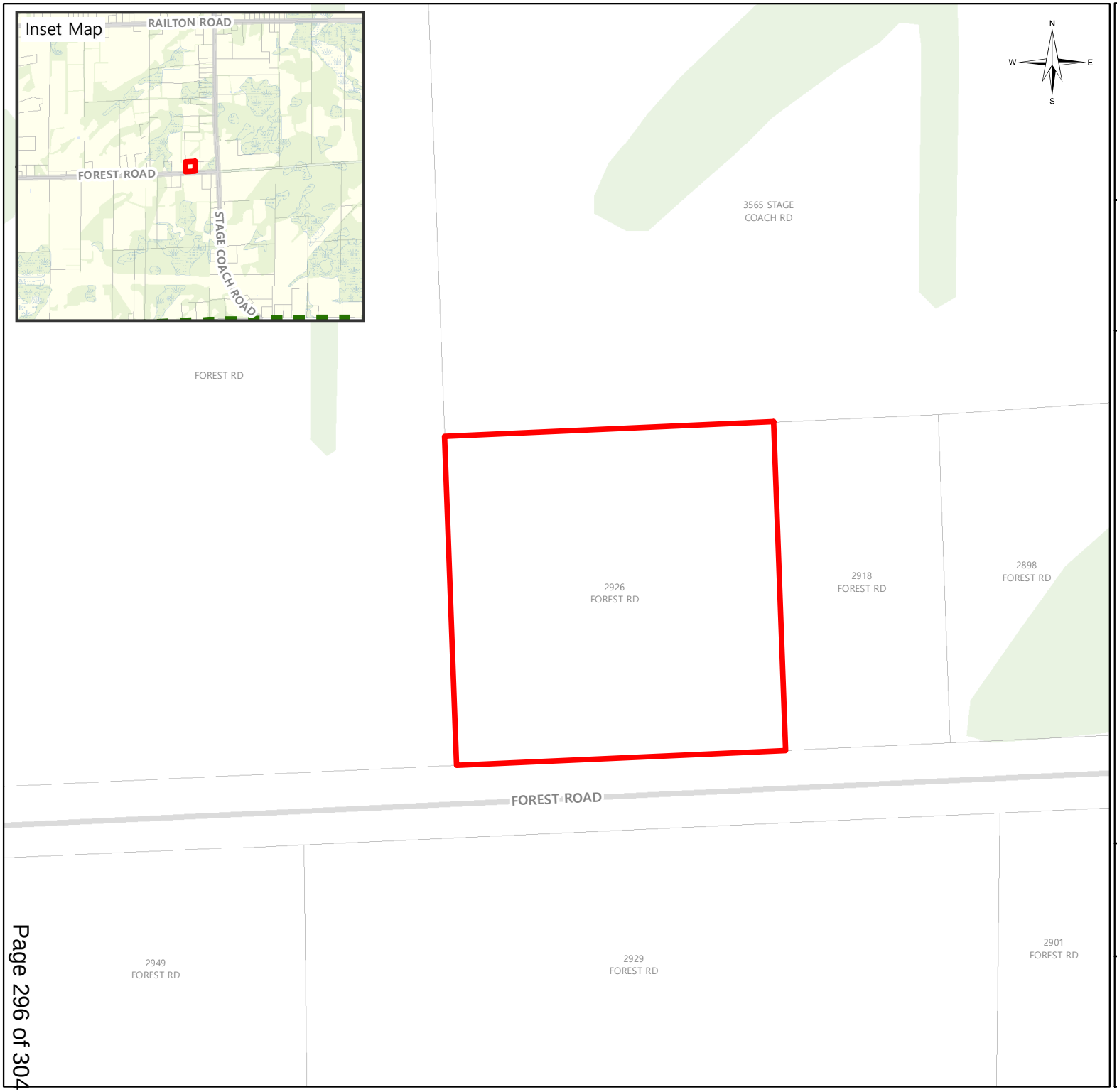

PROPERTY LINE
301'
NORTH
170'
159'
136'
8x12
SHED
123'
177'
15'
229'
301'
138'
136'
126'
12x14
DECK
HOUSE
1700 SQ FT
70 x 27
ATTACHED
GARAGE
DRIVE
WAY
FOREST RD
24x24
DOUBLE
DETACHED
GARAGE
48'
64'
313'
SEPTIC
75'
72'
48'
PROPERTY LINE
301'

FRONT ELEVATION
SCALE 1/4" = 1'-0"
RIGHT ELEVATION
SCALE 1/4" = 1'-0"
TROUSDALE'S HOME HARDWARE BUILDING CENTRE
DWG NO.
A1

BACK ELEVATION
SCALE 1/4" = 1'-0"
LEFT ELEVATION
SCALE 1/4" = 1'-0"
TROUSSDALE'S HOME HARDWARE BUILDING CENTRE
DWG NO
A

BUILDING SECTION
SCALE 1/4" = 1'-0"
GRADE BEAM DETAIL (TYP)
SCALE 1/2" = 1'-0"
INGLESIDE HOME HARDWARE BUILDING CENTRE
DWG NO
A4

A3
DWG NO
FOUNDATION PLAN
SCALE 1/4" = 1'-0"
GARAGE PLAN
SCALE 1/4" = 1'-0"
GARAGE
TROUSDALE'S HOME HARDWARE BUILDING CENTRE



SOUTH FRONTENAC

PL-ZNA-2022-0033 (GAGNE)

2926 FOREST ROAD

Legend

- Subject Property
- Road
- Railway
- Assessment Parcel
- Provincially Significant Wetlands
- Wetland
- Wooded Area
- Water
- Township Boundary

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

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

Scale 1:1,500

0 12.5 25 50

Meters

UTM Zone 18 NAD 83

Date: 2022-03-07

Township of South Frontenac

Staff Report

To:	Committee of Adjustment
Prepared by:	Development Services Department
Date of Meeting:	April 14, 2022
Subject:	**Minor Variance Application (S. 45(1) of the Planning Act) PLZNA-2022-0033 (Gagne) – 2926 Forest Road, District of Loughborough**

Summary

This application is a request for zoning relief for an accessory structure (detached garage and shed) to be located in the projected front yard of an existing dwelling. This report recommends that the Committee of Adjustment grant approval of this application, subject to conditions, as this application meets the four tests of a minor variance under section 45(1) of Planning Act.

Background

Official Plan Designation: Rural

Zoning: Rural

Zoning Relief Requested

Section 5.24.2 – to permit accessory structures (detached garage and shed) to be located in front of the projected front wall of the dwelling whereas the Zoning By-law requires an accessory building to be erected to the rear of the projected front or exterior side wall of the main building.

Discussion/Analysis

Property Description

The subject property municipally known as 2926 Forest Road is located on the north side of Forest Road and has an area of approximately 0.84 hectares (2.09 acres). The subject property contains a dwelling with an attached deck and garage, a shed and associated sewage system. The development is accessed off a driveway from Forest Road.

The dwelling including the deck and the attached two car garage has a total footprint of 173.5 square metres (1868 square feet). It is one storey with a height of 7.6 metres (25 feet). It is located on the west side of the subject property approximately 41.5 metres (136 feet) from Forest Road.

The shed is located on the east side of the dwelling. It is 8.9 square metres (96 square feet) in size and has a height of 3.4 metres (11 feet). It is located 37.5 metres (123 feet) from Forest Road.

The sewage system is located to the west of the single detached dwelling between the dwelling and the west property line. The surrounding lots are developed with similar residential uses.

Summary of Proposal

The application is requesting permission to locate an accessory building (detached garage) in the front yard of the dwelling.

The proposed detached garage is 7.3 metres by 7.3 metres (24 feet by 24 feet). It will have a total footprint of 53.5 square metres (576 square feet). It will be single storey with a height of 4.5 metres (14.6 feet) in compliance with the height for an accessory structure in the Rural zone.

The proposed detached garage will be located 19.5 metres (64 feet) from the front lot line adjacent to Forest Road and 14.6 metres (48 feet) from the west side lot line. The garage would be located to the south-west of the dwelling. It will be located off the existing driveway.

As part of this application, permission is also being requested to allow the existing shed to be located in the front yard.

Department and Agency Comments

This application did not meet the criteria for circulation to any departments or agencies.

Public Comments

No comments were received from the public at the time of the writing of this report.

Planning Analysis

The proposal needs to be assessed against the four tests of a minor variance outlined in Section 45(1) of the Planning Act. All four tests must be met for an application to be approved. It is the opinion of Planning staff that the proposal meets the four tests as explained below.

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

The subject property is designated Rural in the Township Official Plan. The detached garage and shed are accessory uses consistent within the permitted residential use of a property in the Rural designation. The variance maintains the general intent and purpose of the Official Plan.

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

The proposed detached garage and shed are permitted uses on the subject property. The proposed detached garage and shed do not exceed the maximum permitted height for accessory buildings, nor lot coverage for accessory buildings, and are not larger than the principal building. The garage is located a suitable distance from property lines. It is located 19.5 metres from the front lot line being Forest Road, which is 0.5 metres less than what is required for the principal building. It is also able to meet the other setback requirements for an accessory building in the RU zone (side yard and height). The garage will be located 14.5 metres from the principal dwelling. The shed is small in size (8.9 square metres), did not require a building permit and is located 37.5 metres from Forest Road. The shed is located 4.5 metres from the principal dwelling. The variance maintains the general intent and purpose of the Zoning By-law.

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

Allowing the shed to be located on the east side of the property is practical as it provides safe storage of materials near the garage and the principal dwelling. The shed is existing and is roughly located in line with the principal dwelling. It is screened from Forest Road and from the neighbouring property to the east by trees and distance and is not visible from the road or neighbouring properties. The shed is small in size and scale and is located more than 20 metres from Forest Road.

Locating the detached garage in the front yard on the west side of the property off the existing driveway is practical, as it facilitates access to the garage. The garage could not be located in line with, or behind, the dwelling on the west side of the property because the sewage system is located there. Although there is area on the east side of the property to

locate a garage in line with, or behind, the dwelling, this would require a substantial increase in hard surface for a driveway extension across the front of the house.

The proposed location of the garage will be screened from Forest Road by existing shrubs and trees, and distance. The size and scale of the garage will be smaller than the existing house. It is proposed to complement the dwelling in design and finish.

The detached garage is proposed to be oriented so that the garage doors are facing east, perpendicular to the garage doors on the dwelling, so that the view of the property from the road is not overwhelmed by garages. This will allow the focus to remain on the residential use of the property.

The applicant has indicated that between the two garages, they are intended to be used to store machinery, a four-wheeler, a motorcycle, a boat, cars, a snowmobile and yard equipment. The proposed garage is desirable for the appropriate development of the land, as it allows for enclosed storage which should help keep the property in a neat, tidy and safe condition. The variance is desirable for the appropriate development.

Is the variance minor?

Yes, the variance is minor as it maintains the general intent and purpose of the Official Plan and Zoning By-law, and is desirable for the appropriate development of the land.

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** minor variance application PZNA-2022-0033 for 2926 Forest Road, District of Loughborough, subject to the following conditions:

1. The Minor Variance is for a detached garage and the shed. The detached garage is permitted to be located in the front yard of the dwelling, and setback a minimum of 19 metres from Forest Road; and the shed is permitted to be located in the front yard of the dwelling and setback a minimum of 20 metres from Forest Road, all as

per the drawing submitted and received on March 1st, 2022 with PLZNA-2022-0033, 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. Minor variance PLZNA-2022-0033 is applicable only to Zoning By-law No. 2003-75 and not to any subsequent zoning by-laws.

Report Prepared By:

Anna Geladi, MCIP, RPP, Planner

Reviewed 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:	April 14, 2022
Subject:	**Decision on Delegated Consents**

Summary

This report is an information report to the Committee of Adjustment summarizing the Consents that have been approved by Delegated Authority since the last Committee of Adjustment Meeting.

Background

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

Committee of Adjustment is notified for information.

Discussion/Analysis

a) S-51-21-P (Allan)

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

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

b) S-65-21-B (Pricker)

This undisputed consent was granted provisional consent on March 9, 2022.

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

c) S-78-21-S (Moreland)

This undisputed consent was granted provisional consent on March 7, 2022.

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

d) S-82,83,84-21-L (Murphy) (Sands)

These undisputed consents were granted provisional consent on March 7, 2022.

The purpose of these consent applications is to create three new residential lots.

e) S-85-21-L (Yeatman & Chartrand)

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

The purpose of this consent is for the creation of a new open space lot.

f) S-86-21-L (The Nature Conservancy of Canada)

This undisputed consent was granted provisional consent on March 7, 2022.

The purpose of this consent is for of a lot addition to the abutting property.

g) S-87,88-21-S (Blake) (Williams)

These undisputed consents were granted provisional consent on April 8, 2022.

The purpose of these consent applications is to create two new waterfront residential lots.

h) S-91-21-B (Thomas)

This undisputed consent was granted provisional consent on February 18, 2022.

The purpose of this consent application is to create a new right of way.

i) S-94-21-P (Allan)

This undisputed consent was granted provisional consent on April 8, 2022.

The purpose of this consent is for a lot addition to the abutting property.

j) S-93-21-L (Bachelder)

This undisputed consent was granted provisional consent on March 7, 2022.

The purpose of this consent is for the creation of one new residential lot.

k) S-95-21-P (Dixon) (Allan)

This undisputed consent was granted provisional consent on April 8, 2022.

The purpose of this consent is for a lot addition to the abutting property.

l) PL-BDJ-2022-0004 (Swarthout)(Metcalfe)

This undisputed consent was granted provisional consent on April 8, 2022.

The purpose of this consent is for a lot addition to the abutting property.

m) PL-BDJ-2022-0016 (Vandenberg)

This undisputed consent was granted provisional consent on April 4, 2022.

The purpose of this consent is for a new right of way.

n) PL-BDJ-2022-0017 (Platenius)

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

The purpose of this consent is for a new residential lot.

Attachments

None.

Approvals

Report Prepared By:

Michelle Hannah, Planning Assistant

Approved by:

Claire Dodds, Director of Development Services