



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



TIME: 7:00 PM,  
DATE: Thursday, February 9, 2023  
PLACE: Council Chambers & Via Zoom .

1. Call to Order
  - a) Resolution
2. Adoption of Agenda
  - a) Resolution
3. Committee of Adjustment Appointments
  - a) Appointment of Committee of Adjustment Chair  
Resolution
  - b) Appointment of Committee of Adjustment Vice-Chairperson  
Resolution
  - c) Appointment of a Deputy-Secretary Treasurer  
Resolution
4. 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.

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5. Declaration of pecuniary interest
  - a) None Declared
6. Approval of Minutes – November 10, 2022
  - a) Resolution
7. Consent Applications from Previous Meetings:
  - a) There are none
8. New Consent Applications:

- a) PL-BDJ-2022-0152 (Dillabough) 155 -  
**Property Address:** 1793 Green Bay Road 191  
**Purpose and Effect of the Proposed Consent:**  
 The purpose of the application is to sever an existing mineral resource pit from the subject property. The severed parcel is 12.2 hectares (30.2 acres) with 610 metres (2001 feet) of frontage on Barr Lane and 132 metres (433 feet) of frontage on Passchendaele Lane. The severed lands contain a mineral resource pit and no new development is proposed on the severed parcel. The retained parcel is 100.2 hectares (247.7 acres) with 504 metres (1653 feet) of frontage on Green Bay Road. The retained lands contain a dwelling and several accessory buildings. The application also proposes to provide a right-of-way over Barr Lane and Passchendaele Lane to provide legal access to the severed parcel.
9. Minor Variance and Permission Applications from previous meetings:
- a) There are none
10. Minor Variance and Permission Applications:
- a) MV-36-21-P (Van Allen) 192 -  
**Property Address:** 6082 Cemetery Road 214  
**Purpose and Effect of the Proposed Variance:**  
 The Committee of Adjustment approved MV-08-21-P to replace the cottage near Verona Lake. The proposed cottage was approved to be setback 1.3 metres from the northern lot line, and 10 metres from the highwater mark. It was later discovered that the measurement to the highwater mark was incorrect. This means that the proposed cottage would actually be setback 6.5 metres from the highwater mark. A minor variance is being requested to allow the cottage to be setback less than the 3 metres from the northern lot line, and less than the 30 metres from the highwater mark require in the UR1 zone.
- b) MV-60-21-L (Peaker & Marchese) 215 -  
**Property Address:** 2054 Little Long Lake Road 230  
**Purpose and Effect of the Proposed Variance:**  
 The Owner proposes to construct a 1000 sq. ft., 26 foot tall, detached garage on this residential property. The garage would be located to the east of the house, 40 metres from the highwater mark of Eel Bay. A minor variance is being requested to allow the garage to be located between the house and the front lot line, and to permit the height of the garage to exceed the 6 metre (19.7 foot) height permitted in the RLSW zone.
- c) PL-ZNA-2022-0092 (Masters) 231 -  
**Property Address:** 28 Tranquil Lane 273  
**Purpose and Effect of the Proposed Variance:**  
 To request permission under section 45(2) of the Planning Act to enlarge a legal non-complying dwelling within 30m of the highwater mark of Loughborough Lake. The existing 83.6 square metre dwelling is set back 12.6m from the highwater mark. This building will be replaced and expanded with a two storey dwelling that has a 116 square metre ground floor area including an attached garage, and a 206.6 square metre gross floor area. The new dwelling will be set back 14.2m from the highwater mark. The height of the new dwelling will also be increased to 7.3m compared to the 4m height of the existing dwelling.

- d) PL-ZNA-2022-0105 (Liota) 274 -  
Application Details 305  
**Property Address:** 2263 Green Bay Road  
**Applicant:** Neil Liota  
**Purpose and Effect of the Proposed Variance**  
The Owner proposes to construct a 728 sq. ft., one-storey, detached garage on this residential property. The garage would be located to the east of the main house. The garage would be setback 20.7m (68ft) from the highwater mark of Bobs Lake and 10.5m (34.5ft) from the front lot line (road). A minor variance is being requested to allow the garage to be setback less than the 30m from the highwater mark and less than the 20m from the front lot line required in the RW zone, and to be located between the house and the front lot line.
- e) PL-ZNA-2022-0142 (Kobus) (Kimmnett) 306 -  
**Property Address:** 6154 McMullen Lane 334  
**Purpose and Effect of the Proposed Variance:**  
The application is requesting relief from sections 5.8.2 (a) and (b) to permit an accessory building, being a detached garage to be setback a minimum of 16.8 metres from the highwater mark of Verona Rock Lake and a minimum of 9.5 metres from the top of bank. The application also seeks permission under section 45 (2) of the *Planning Act* to enlarge the legal non-conforming dwelling on the property within 30 metres of the highwater mark of Verona Rock Lake. The enlargement would be in the form of an attached deck.
- f) PL-ZNA-2022-0162 (Murray) (Gurr) 335 -  
**Property Address:** 1115 Sassy Tree Lane 365  
Purpose and Effect of the Proposed Variance:  
To request permission under section 45(2) of the Planning Act to enlarge a legal non-complying dwelling within 30m of the highwater mark of Desert Lake. The existing 231 square metre dwelling with attached deck is set back 3m from the highwater mark. This building will be replaced with a two storey dwelling that has a 240 square metre ground floor area including attached deck and a 309 square metre gross floor area. The new dwelling will be set back 7.6m from the highwater mark. The height of the new dwelling will also be increased to 11m compared to the 7m height of the existing dwelling.
- g) PL-ZNA-2022-0171 (Leaver) (Stokes) 366 -  
**Property Address:** 1040 McConville Lane 407  
**Purpose and Effect of the Proposed Variance:**  
The Owner proposes to construct a 174.7 square metre (1880.7 square foot) single detached dwelling on the property. The dwelling would be set back 2.83 metres from the rear property line and McConville Lane, and 6 metres from the top of bank. Minor variances are being requested to allow the dwelling to be set back less than 10 metres from the rear lot line, less than 5 metres from McConville Lane, and less than 15 metres from the top of bank as required by the Zoning By-law.
- h) PL-ZNA-2022-0172 (Greenlees) 408 -  
**Property Address:** 1015 Sandpiper Lane 427

**Purpose and Effect of the Proposed Variance:**

The Owner proposes to construct a 1200 sq. ft., two-storey, detached garage on this residential property. The garage would be located on the south side of Sandpiper Lane. The garage would be 7.9m (26ft) high. A minor variance is being requested to allow the height of the garage to be more than the 6m (19.7ft) permitted for accessory buildings in the RLSW zone.

- i) PL-ZNA-2022-0173 (Thompson) (Stokes) 428 -  
453

**Property Address:** 1490 Thompson Lane

**Purpose and Effect of the Proposed Variance:**

The Owner proposes to construct a 207.8 square metre (2287 square foot) dwelling on the property. The existing 45 square metre (484 square foot) seasonal dwelling is to be removed. The proposed dwelling would be set back 4m from Thompson Lane. A minor variance is being requested to allow the dwelling to be set back less than 5m from Thompson Lane as required by the Zoning By-law.

- j) PL-ZNA-2022-0174 (McLachlan) 454 -  
477

**Property Address:** Kennedy Island, Sydenham Lake

**Purpose and Effect of Proposed Minor Variance:**

The Owner proposes to add a 2.4m deep deck to a cottage that was recently constructed on the island. The deck would connect all three exits from the cottage, which are approximately one metre above the ground. The deck would be setback 24.6m from the highwater mark of Sydenham Lake. A minor variance is being requested to allow the deck to be less than the 30m from the highwater mark of the lake and the front lot line that is required by the Zoning By-law.

- k) PL-ZNA-2023-0003 (Ham & Bursch) 478 -  
492

**Property Address:** 1167A McAndrews Road

**Purpose and Effect of the Proposed Variance:**

The Owner proposes to construct a seasonal dwelling and accessory woodshed on the property. A minor variance is being requested to permit a seasonal dwelling because the Rural zone allows a single detached dwelling (i.e. non-seasonal). The two buildings would comply with all zoning standards including setbacks and lot coverage.

- l) PL-ZNA-2023-0006 (Benedikt) 493 -  
512

**Property Address:** 4657 Clark Road

**Purpose and Effect of the Proposed Variance:**

The following variance is being requested from Zoning By-law No. 2003-75: to vary section 7.32 to permit a lot frontage of 68.58 metres (225 feet), whereas a minimum lot frontage of 76 metres (250 feet) is required for single detached residential uses. The minor variance is a condition of consent application PL-BDJ-2022-0107. There is no new development proposed as part of this application. The property is Zoned Rural (RU) in the Township Zoning Bylaw.

11. Other Business

- a) Consideration of Committee meeting start time in accordance with the Committee By-Law

12. Adjournment

a) Resolution



**SOUTH  
FRONTENAC**

# Committee of Adjustment Meeting

Thursday, February 9, 2023  
7:00 p.m. Council Chambers  
4432 George Street, Sydenham, ON  
and Virtual on Zoom

# 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 joining on Zoom are muted on our end and your cameras will not be turned on.

## Committee Members

- Alan Revill
- Brett Moreland
- Doug Morey
- Kevin Fox
- Mike Howe
- Norm Roberts
- Randy Ruttan
- Steven Pegrum

## Township Staff

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

# Call to Order

## Adoption of Agenda

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

# Electronic Meeting Information

## Format for Each Hearing

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

# After the Meeting

- 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.
- The applicant, the Minister or a specified person or public body in as defined by the *Planning Act* subsection 1(1) may appeal the decision to the Ontario Land Tribunal. The appeal must be filed with the Secretary-Treasurer of the Committee of Adjustment within 20 days of the notice of decision. The notice of appeal must set out the reasons for the appeal and be accompanied by the fee required by the Tribunal.
- If you have any questions after the meeting, please reach out to staff.

# How to Speak to an Application

- The Chair of the meeting will open the floor to public comments
- Click “Raise Hand” button to request to speak or dial \*9 (star nine) when participating by telephone
- The Chair will recognize a member of the public, and the Meeting Host will unmute the member of the public
- Once the member of the public is done speaking or the Committee has no further questions, the Meeting Host will mute their microphone
- If a member of the public attending in person wishes to speak, we ask that they raise their hand, wait to be called on and clearly state their name for the record.

# In Case of Technical Difficulties

- If a Committee member joining virtually disconnects from the meeting, the meeting will proceed if there is still quorum. The Committee member will attempt to reconnect.
- If quorum cannot be met within 15 minutes, the meeting will be postponed.
- Staff will be in touch with applicants.
- A notice will also be posted on the Township's social media if the meeting is postponed.

# Declaration of Pecuniary Interests

## Approval of Minutes of Previous Meeting

## Consent Applications

# Applications PL-BDJ-2022-0152

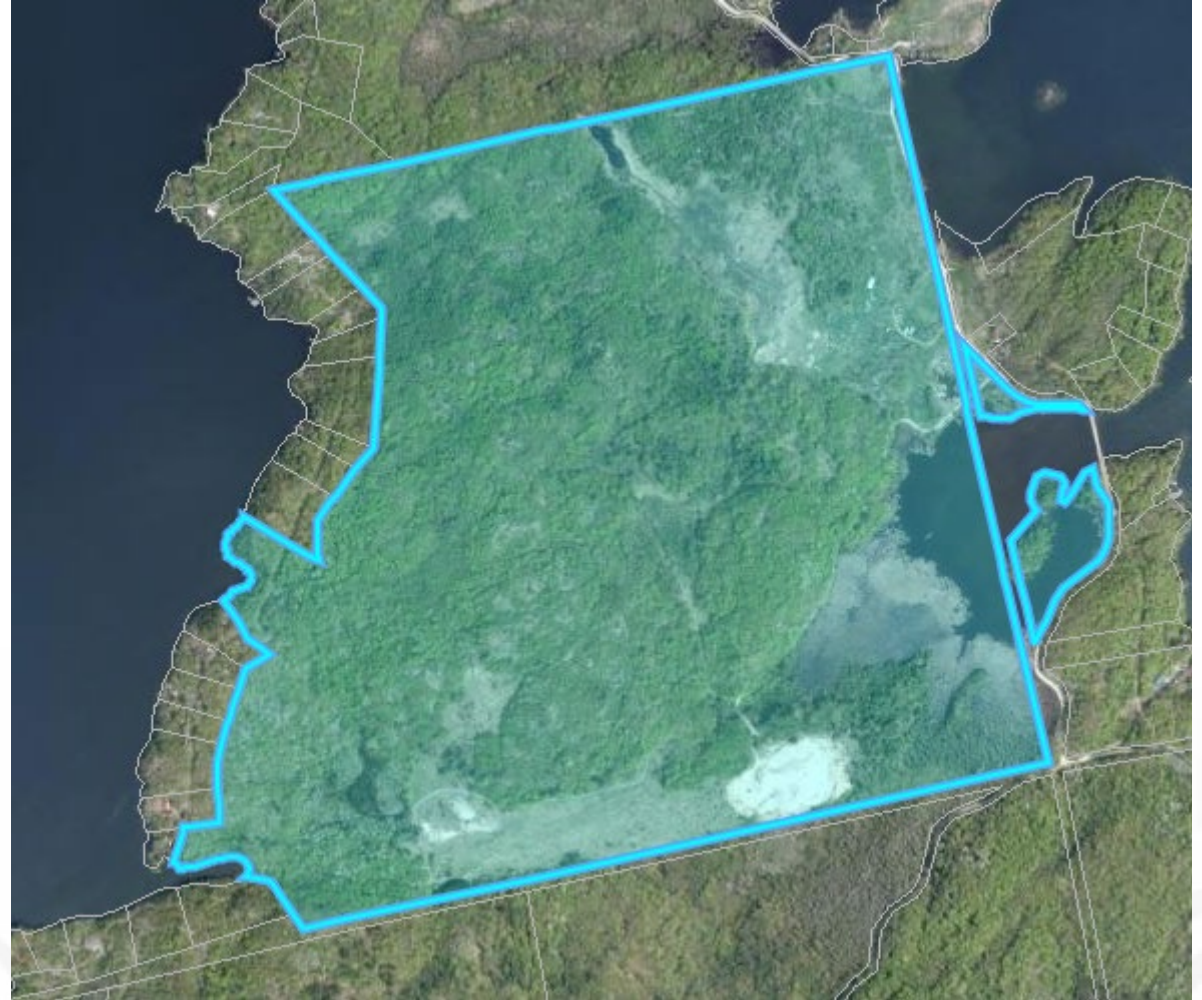
## Consent to Sever

Applicant: Lee Dillabough

Location: 1793 Green Bay Road

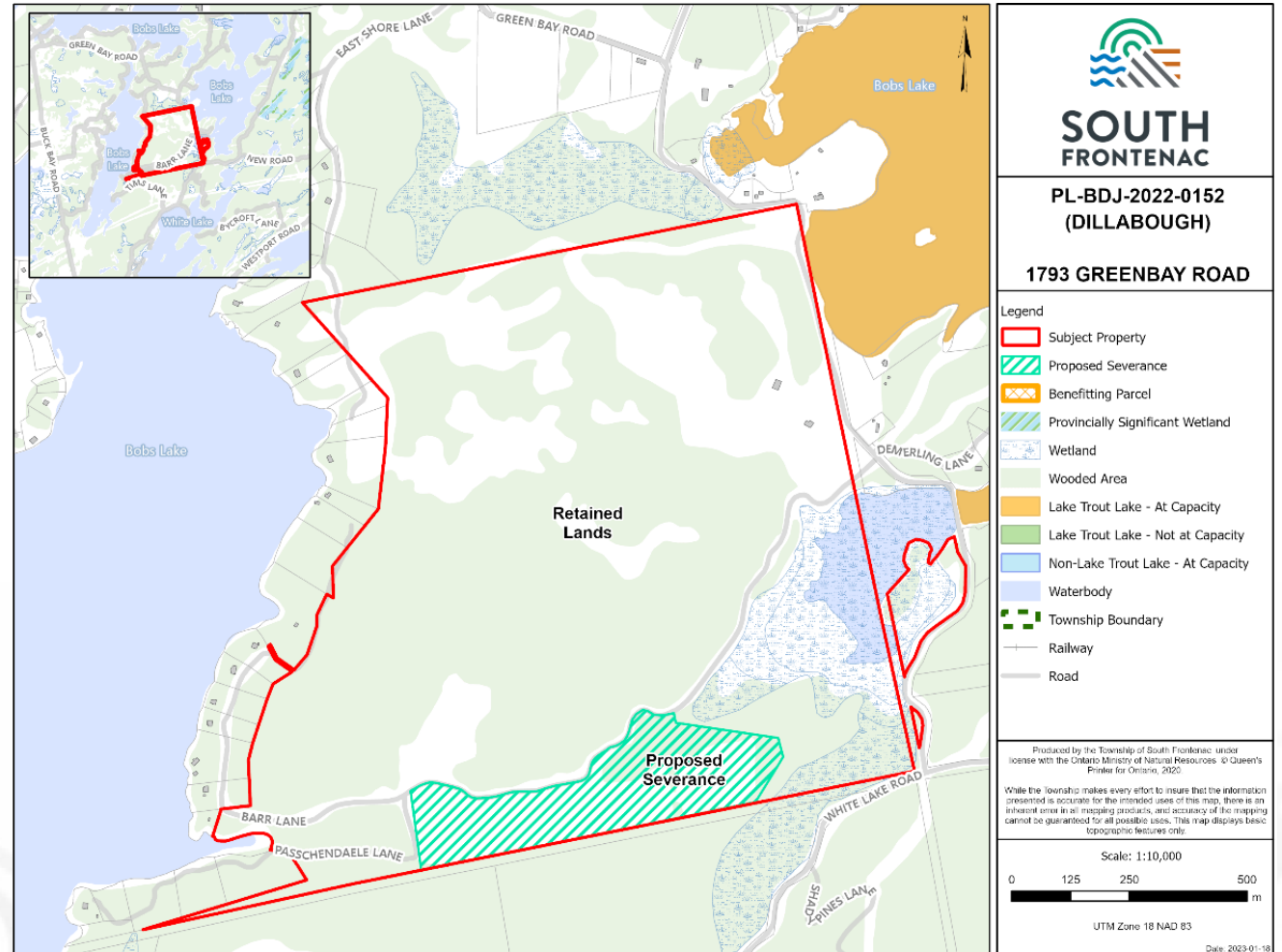
# Property Location

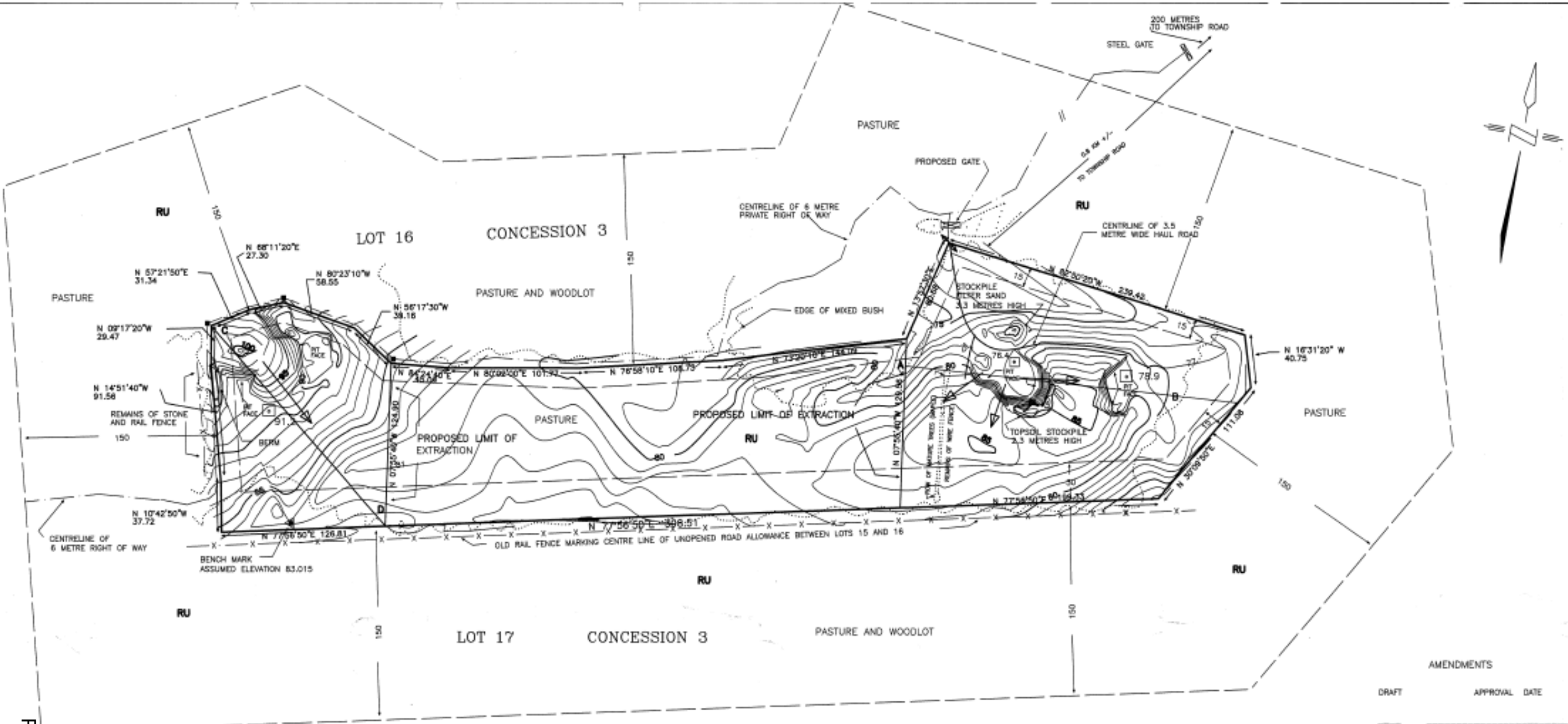
- 1793 Green Bay Road, District of Bedford
- Rural, Mineral Aggregate, and Environmental Protection designation
- Zoned (RU), Pit 'A' (PA) and EP



# Proposal

- Create one new lot containing an existing mineral resource pit
  - Right of way over Barr Lane and Passchendaele Lane
- Severed Parcel
  - 12.2 hectares (30.2 acres)
  - 610 metres (2001 feet) on Barr Lane and 132 metres (433 feet) on Passchendaele Lane
- Retained Parcel
  - 100.2 hectares (247.7 acres)
  - 504 metres (1653 feet) on Green Bay Road





AMENDMENTS

DRAFT	APPROVAL	DATE



Subject Property – South along Green Bay Rd



Subject Property – Pit on severed lands



Subject Property – Pit on severed lands



Subject Property – From entrance of pit towards Barr Lane



Subject Property – North along Passchendaele Ln



Subject Property – West across pit



Subject Property – South along Passchendaele Ln

# Department, Agency and Public Comments

- **Public Services** – No objection
- **RVCA** – No objection on revised consent configuration
- **MECP** - No concerns provided no new septic systems located within 300m of Green Bay
- **Public Comment** – Five written comments have been received from four property owners
  - Concerns primarily relate to maintenance of Barr Lane and Passchendaele Lane
  - Applicant provided written responses to the concerns

# Analysis

- The Provincial Policy Statement 2020 and the County of Frontenac Official Plan permit existing mineral aggregate operations to continue without the need for further approvals
- Purpose of application is to separate existing pit from rest of property – Existing pit licensed under Aggregate Resources Act and is a permitted use in Mineral Aggregate designation
- Severed parcel is proposed to be accessed via right of way over Barr Lane and Passchendaele Lane. Pit is currently accessed via Barr Lane. ROW will maintain existing access

# Analysis

- Portion of severed lands within Green Bay Wetland Complex PSW – part of a highly sensitive at capacity lake trout lake.
- Condition recommended via rezoning to prevent new septic systems from being located within 300m of PSW.
- A disputed consent - Unresolved issues or concerns from the public related to minimum distance separation.

# Recommendation

- Approval
- Pending any comments received
- Subject to conditions in Planning Report

# Public Questions and Comments

If you would like to speak:

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

# PL-BDJ-2022-0152

## Committee Deliberation and Vote

# Applications for Minor Variance and for Permission to Enlarge Legal Non- Conforming Uses

# **Application MV-36-21-P (PL-ZNA-2023-0011)**

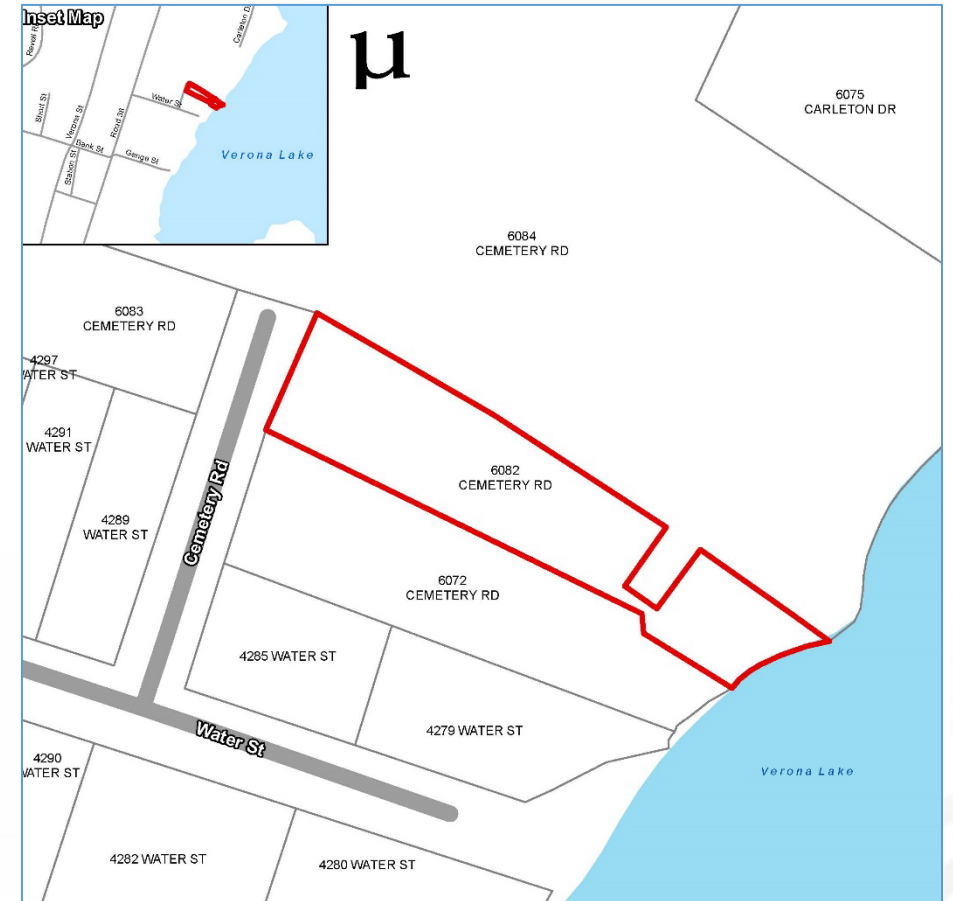
## **Permission to Enlarge Legal Non-Conforming Use**

Applicant: Cory, Katherine and Rachel Van Allen

Property: 6082 Cemetery Road

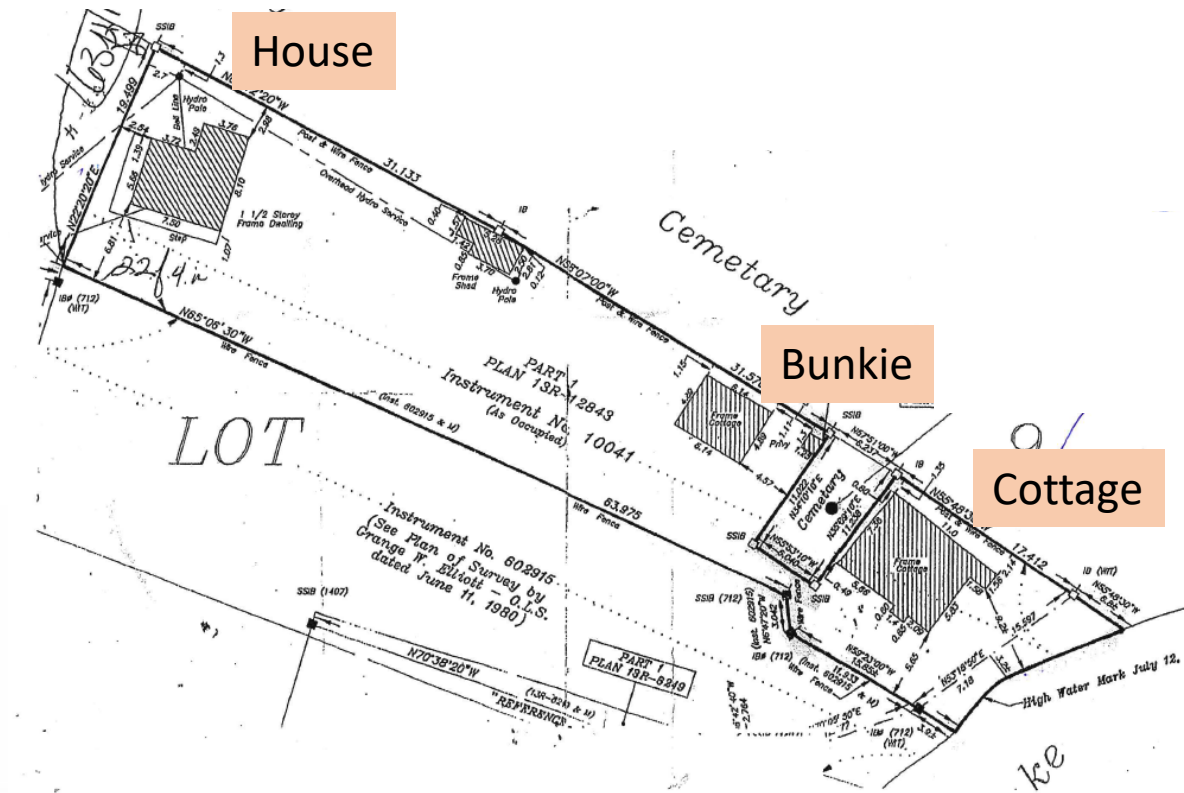
# Property Description

- Verona Lake
- Beside Verona Cemetery
- Settlement Area designation
- UR1 zone
- Three dwellings and shed



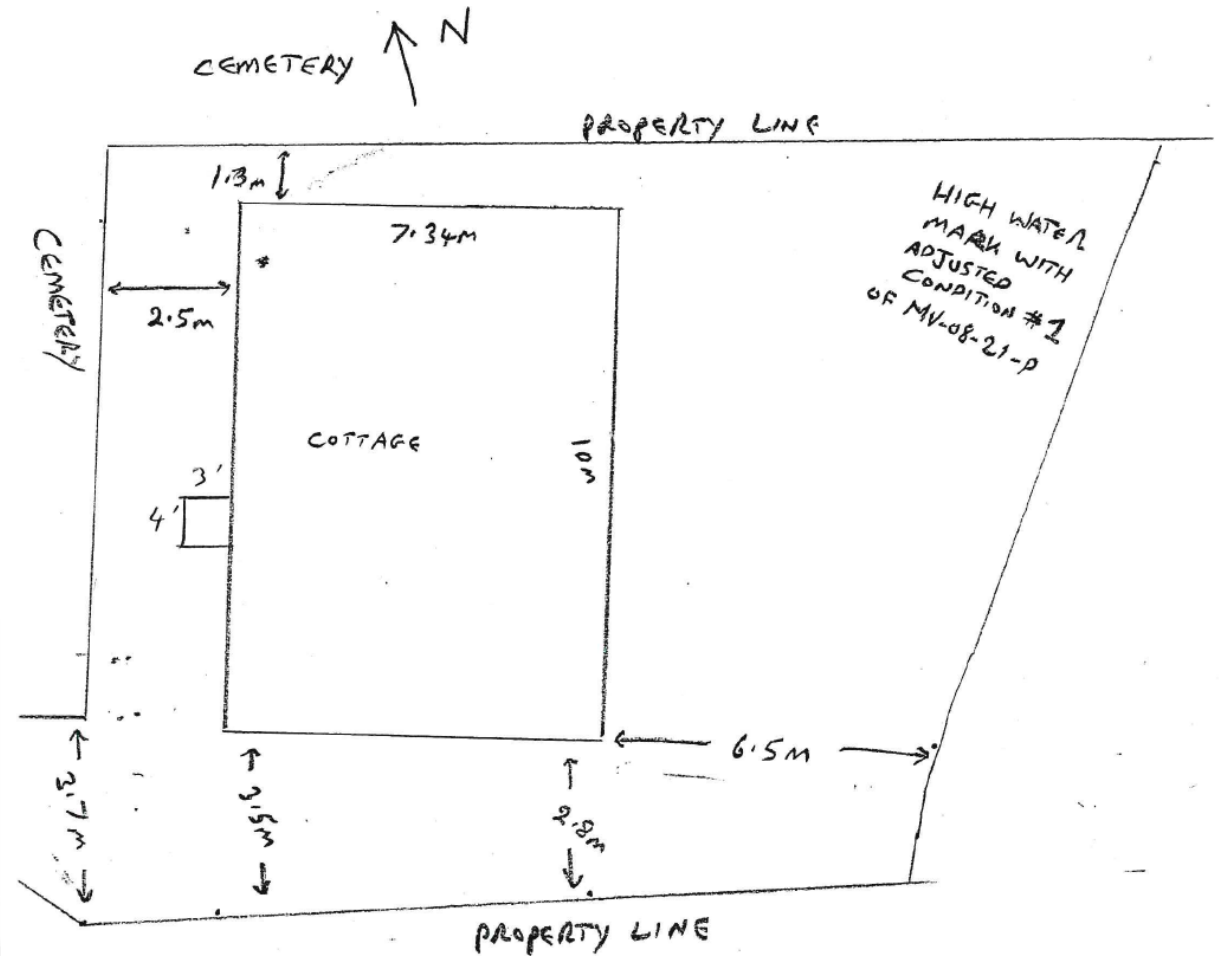
# History

- Committee granted MV-08-21-P
- House
  - Enclose covered porch
  - Two storey addition
- Cottage
  - Replace with new dwelling
  - 2.5m from western lot line
  - 1.3m from northern lot line
  - 10m from highwater mark
- CBO determined distance to highwater mark is 6.5m



# Proposal

- Dwelling
- 797 sq. ft.
- One storey
- 4.5m (14.7ft) high
- 2.5m from western lot line
- 1.3m from northern lot line
- 6.5m from highwater mark
- Landing projecting toward western lot line





Property viewed from road



Existing cottage relative to cemetery



Existing cottage



View from lake

# Department, Agency and Public Comments

- **Building Services** – building permit revoked until decision made on this application
- **Quinte Conservation** – no objection, O. Reg. 319/09 permit issued
- **Public Comments** – none received

# Planning Analysis

- UR1 permits one dwelling – this property has three
- Existing cottage within 30m of highwater mark (i.e. 5.5m)
- New dwelling would be
  - Reoriented on property
  - 82 sq. ft. smaller
  - 0.6m taller due to addition of foundation
  - 6.5m from highwater mark
  - Farther from cemetery
- Small landing to ensure safe egress from building
  - 3 feet by 4 feet
  - Encroaches 0.9m into western interior side yard (2.5m is required)

# Recommendation

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

# Public Questions and Comments

If you would like to speak:

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

# MV-36-21-P (PL-ZNA-2023-0011) Committee Deliberation and Vote

# **Application MV-60-21-L (PL-2021-0036)**

## **Minor Variance**

Applicant: Inès Marchese

Property: 2054 Little Long Lake Road

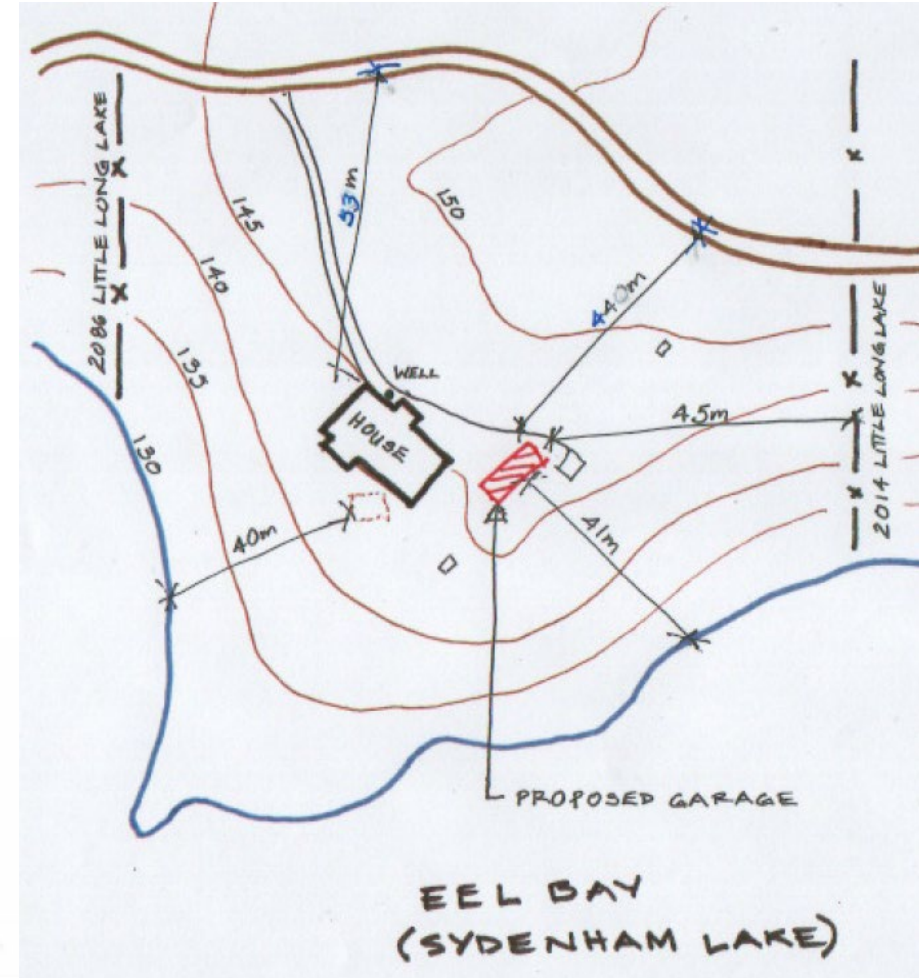
# Property Description

- Eel Bay of Sydenham Lake
- Little Long Lake Road
- 1.4ha (3.4ac)
- Rural designation
- RLSW zone
- Dwelling and small sheds



# Proposal

- Detached garage
- 1000 sq. ft.
- 7.9m (26ft) high
- In front yard





View of garage location



Looking west to house and driveway

# Department, Agency and Public Comments

- **Cataraqui Conservation** – O. Reg. 148/06 permit issued
- **Public Comments** – none 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

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

# Public Questions and Comments

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# MV-60-21-L (PL-2021-0036)

## Committee Deliberation and Vote

# Application PL-ZNA-2022-0092

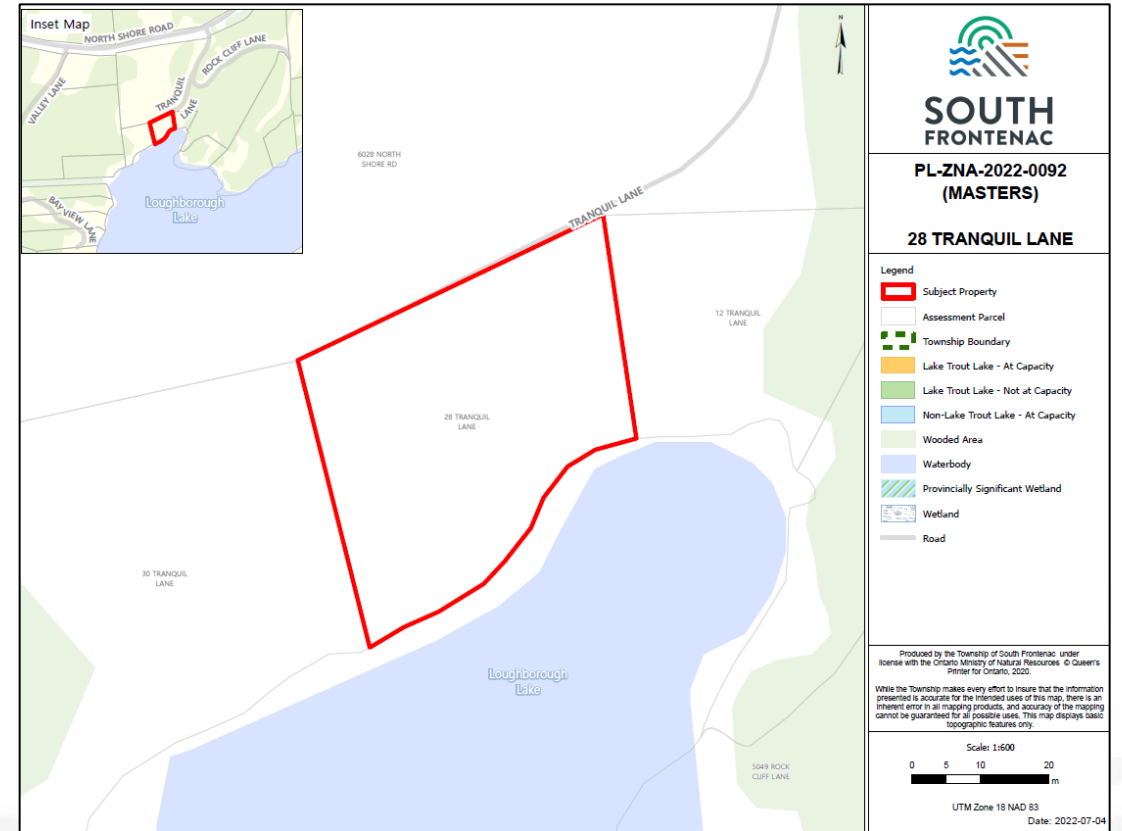
Permission to Enlarge Legal Non-Conforming Use

Applicant: Jeff Masters

Property: 28 Tranquil Lane

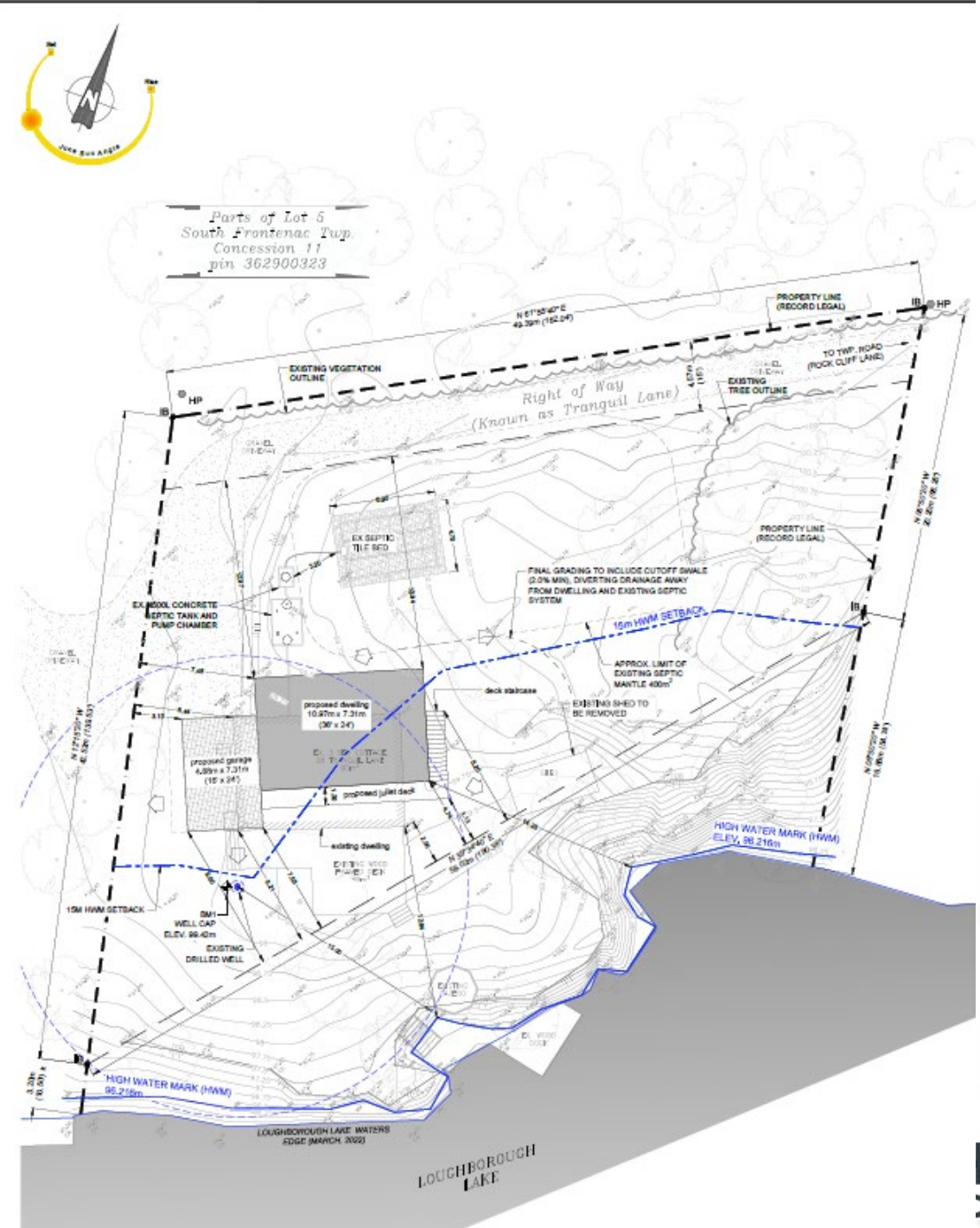
# Property Description

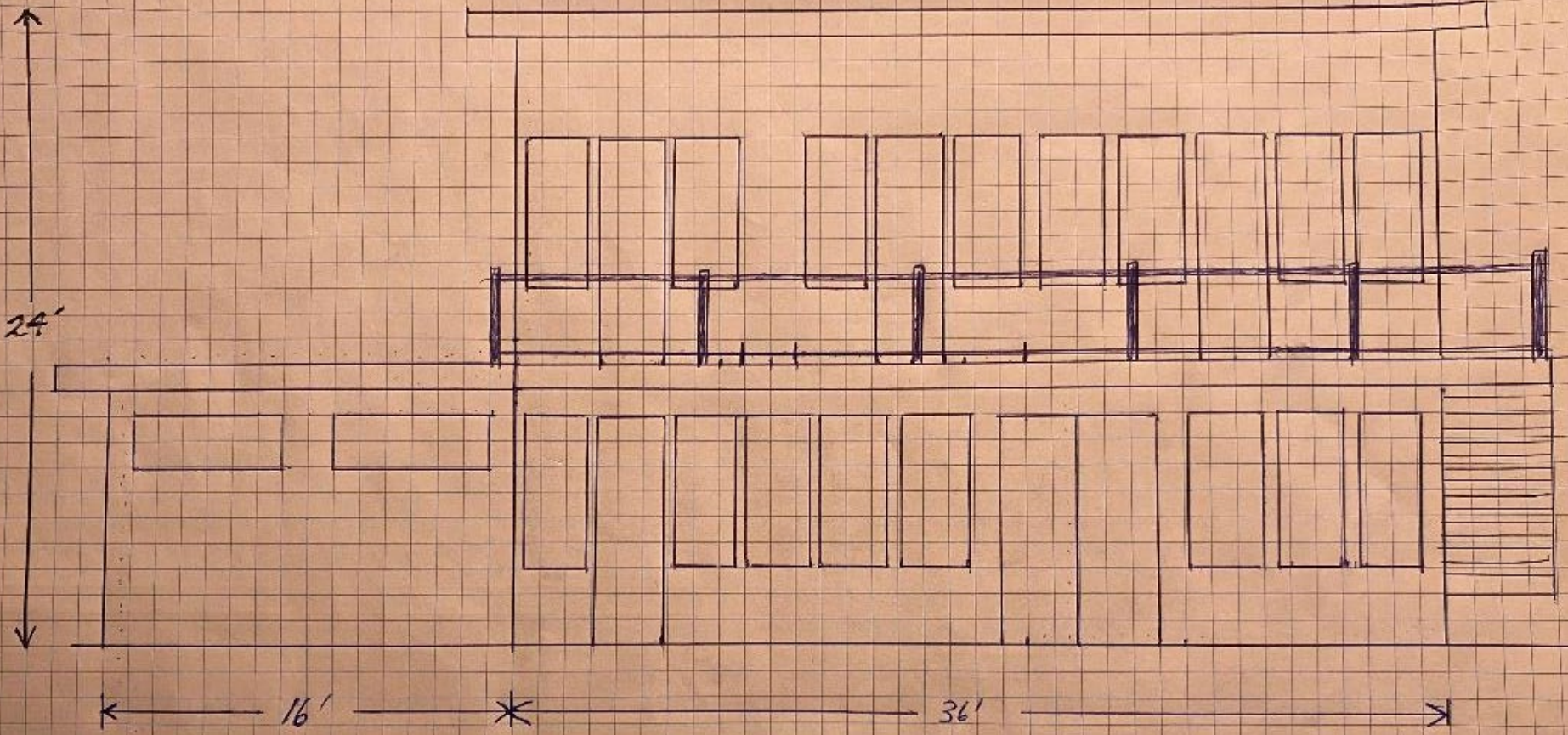
- Lot area of 0.2ha - 52m frontage on Loughborough Lake
- Existing dwelling with attached deck, accessory structures, & septic system
- Rural designation
- RLSW zone



# Proposal

- Permission under section 45(2) of the Planning Act to enlarge the legal non-conforming dwelling on the property within 30 metres of the highwater mark
- Proposed dwelling will be set back further from water than existing
- Height of dwelling will be increased from 4m to 7.3m
- Dwelling will increase in gross floor area







Subject Property – Back of existing dwelling



Subject Property – Front of existing dwelling



Subject Property – Driveway area



Subject Property – Shoreline area

# Department, Agency and Public Comments

- **Cataraqui Conservation** –
  - Did not support the original submission.
  - No objection to the approval of the revised application. A permit will be required for the dwelling under their regulation.
- **Public Comments** – comments have been received from a neighbouring property owner about the impacts to driveway from construction vehicles

# Planning Analysis

- Dwelling is legal non-conforming, setback 12.6 metres from the highwater mark of Loughborough Lake.
- Setback will be increased to 14.2m with the proposed dwelling and lot coverage reduced from 6.3% to 6%
- Section 5.10.2 of the Zoning By-law, 45 (2) of Planning Act - increase gross floor area, living space & height of dwelling.
- No adverse visual impact on the properties to the east and west over the existing condition – proposed dwelling is within maximum permitted height.

# Recommendation

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

# Public Questions and Comments

If you would like to speak:

- Use “Raise Hand” feature at the bottom of your screen.
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# PL-ZNA-2022-0092

## Committee Deliberation and Vote

# Application PL-ZNA-2022-0105

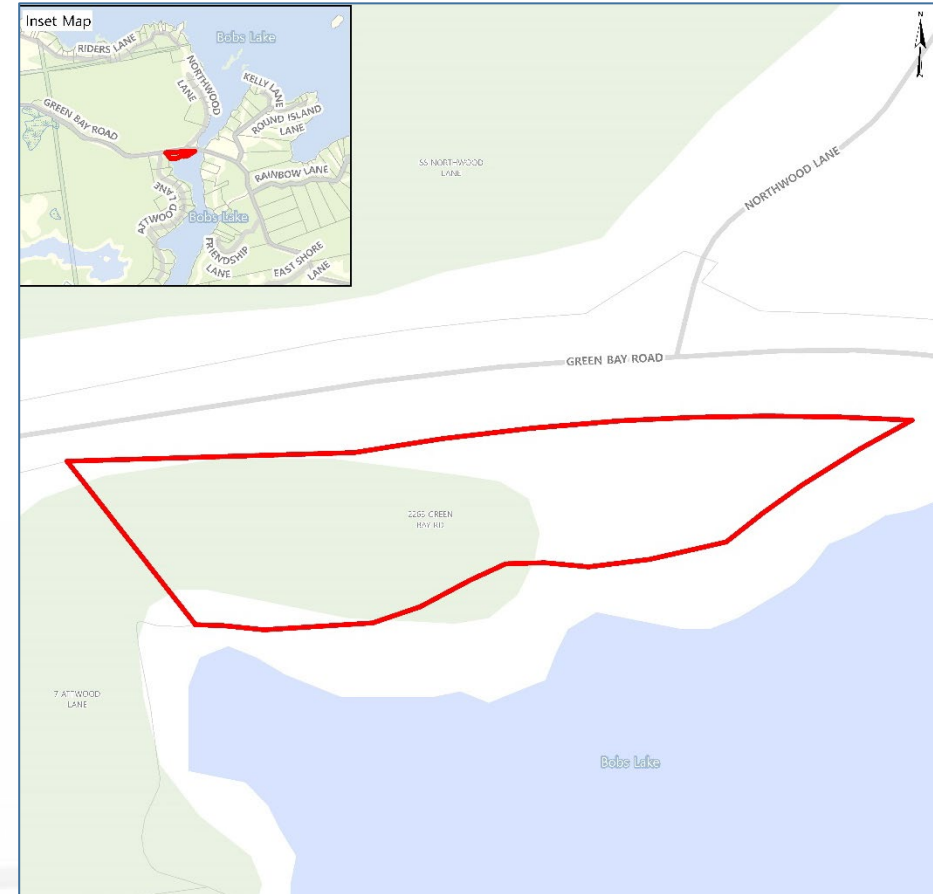
Minor Variance

Applicant: Neil Liota

Property: 2263 Green Bay Road

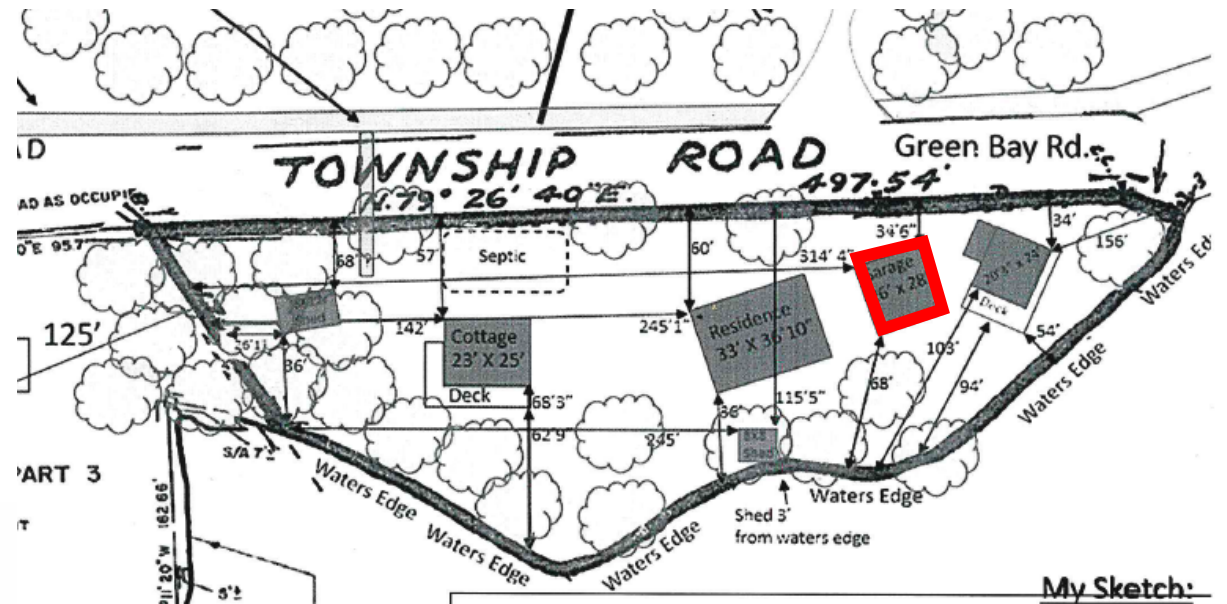
# Property Description

- Buck Bay of Bobs Lake
- Green Bay Road
- 0.6ha (1.5ac)
- Rural designation
- RW zone
- Two dwellings and two accessory buildings



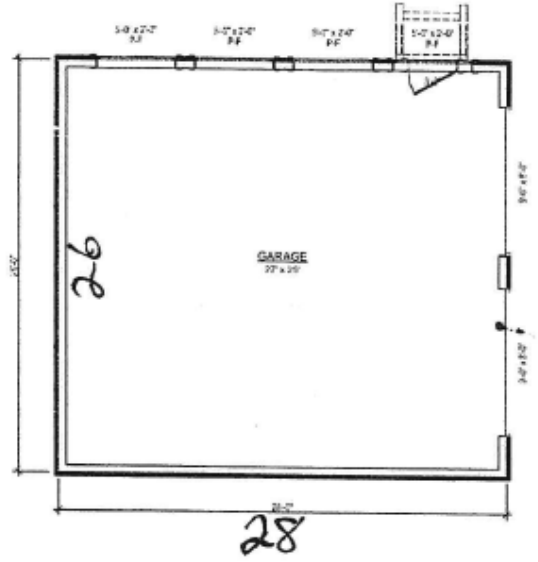
# Proposal

- Detached garage
- 728 sq. ft.
- One storey
- 20.7m from highwater mark
- 10.5m from front lot line
- In front yard

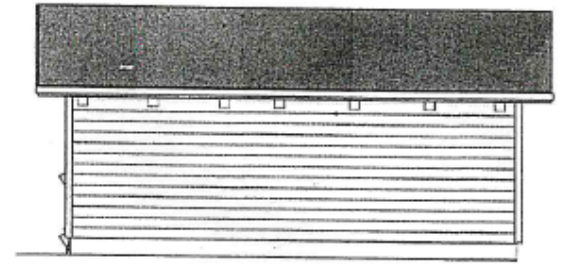


This Drawing is the property of Discovery Dream Homes. It is not to be reproduced, or used to produce products or services, unless written consent is first obtained from Discovery Dream Homes.

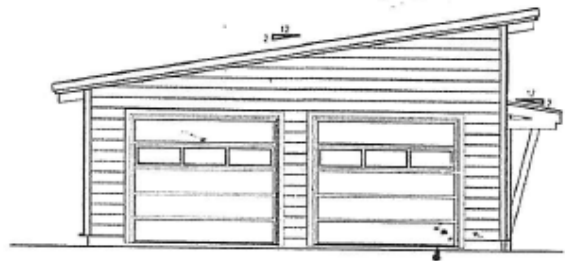
**PRELIMINARY  
DRAWINGS NOT FOR  
CONSTRUCTION**



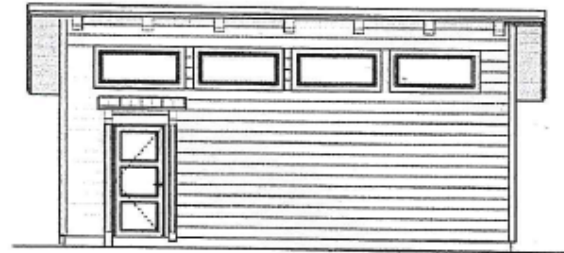
**GARAGE FLOOR PLAN**  
1/8" = 1'-0"



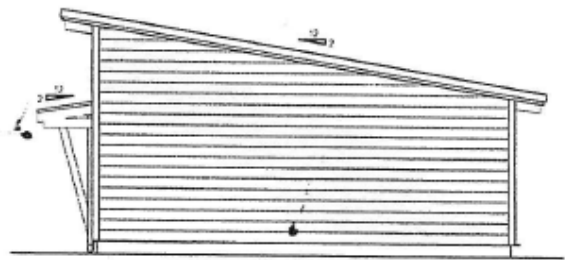
**FRONT GARAGE**  
1/8" = 1'-0"



**RIGHT GARAGE**  
1/8" = 1'-0"



**REAR GARAGE**  
1/8" = 1'-0"



**LEFT GARAGE**  
1/8" = 1'-0"



Project: **Custom Dream Home**

Client:

Drawn By: Sales Rep. Project No: 16-046\_C

Date: November 10, 2016

Scale: AS NOTED Pg No: 4 of 6





Looking east toward house and garage



View of garage location from shoreline

# Department, Agency and Public Comments

- **Public Services** – No objection, no impact on roadway operation
- **Rideau Valley Conservation Authority** – No objection
- **Public Comments** – several landowners wrote in support of the general redevelopment of the property and the Owner's actions to clean up the property

# 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

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

# Public Questions and Comments

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# PL-ZNA-2022-0105

## Committee Deliberation and Vote

# **Revised Application PL-ZNA-2022-0142**

## **Minor Variance and Permission to Enlarge Legal Non-Conforming Use**

Applicant: Susan Kobus

Agent: Daniel Kimmett

Property: 6154 McMullen Lane

# Property Description

- Verona Lake
- McMullen Lane (aka McMullen Drive)
- Settlement Area designation
- UR1 zone
- 1,065 sq. m. (0.26 acre)
- 635 sq. ft. dwelling
  - 6.3m from highwater mark
  - 3m from top of bank
- Small accessory shed



# Proposal

- New garage
  - 291 sq. ft.
  - One storey
  - 16.8m from highwater mark
  - 9.5m from top of bank
- Revision: Addition to dwelling
  - 161.4 sq. ft. attached deck
  - 11.5m from highwater mark
  - 8m from top of bank





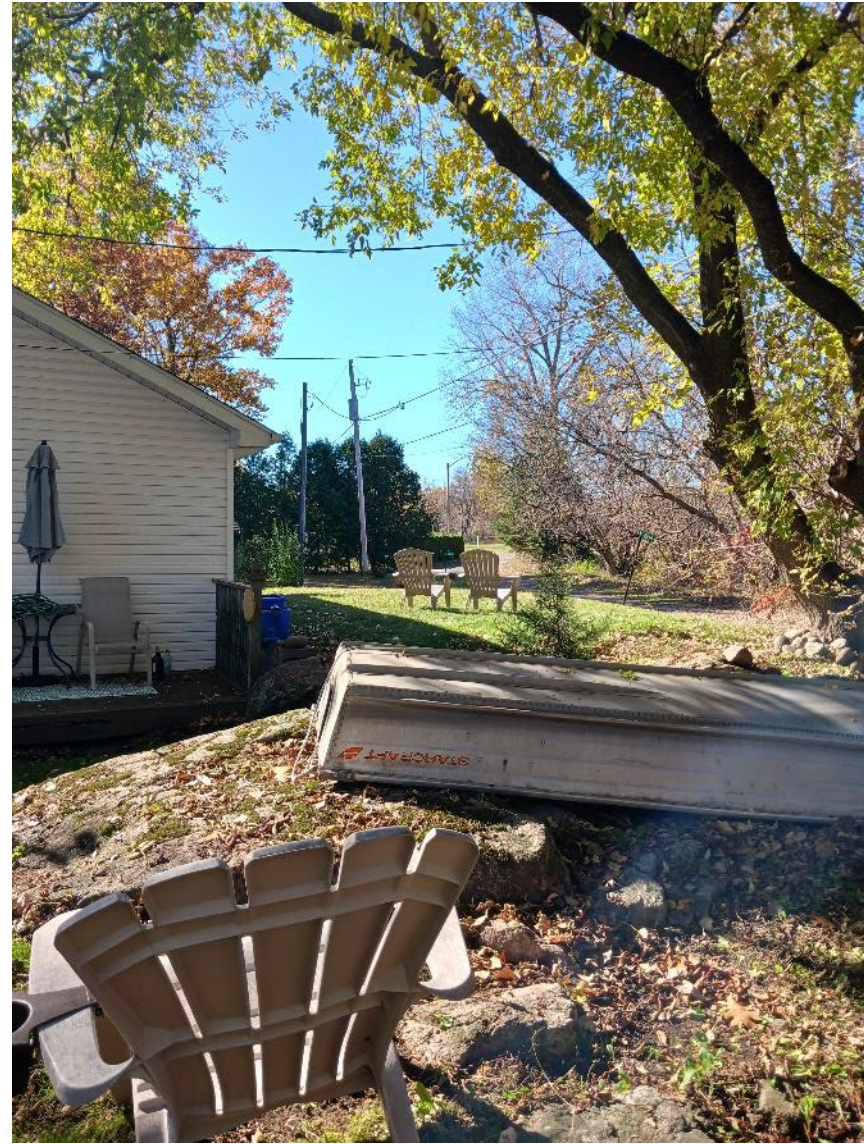
Garage location viewed from lane



Top of bank near garage



House viewed from garage location



Sewage system

# Department, Agency and Public Comments

- **Quinte Conservation** – satisfied with Slope and Erosion Assessment, no objection
- **Public Comments** – none received

# Planning Analysis – Garage

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

# Planning Analysis – Attached Deck

- Seasonal dwelling is a legal non-conforming use
  - Not permitted use in UR1 zone
  - Less than 30m from highwater mark (i.e. 6.3m)
- Deck would be farther from highwater mark (i.e. 11.5m)
- Deck would be farther from top of bank
- No visual impact

# Recommendation

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

# Public Questions and Comments

If you would like to speak:

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

# PL-ZNA-2022-0142

## Committee Deliberation and Vote

# Application PL-ZNA-2022-0162

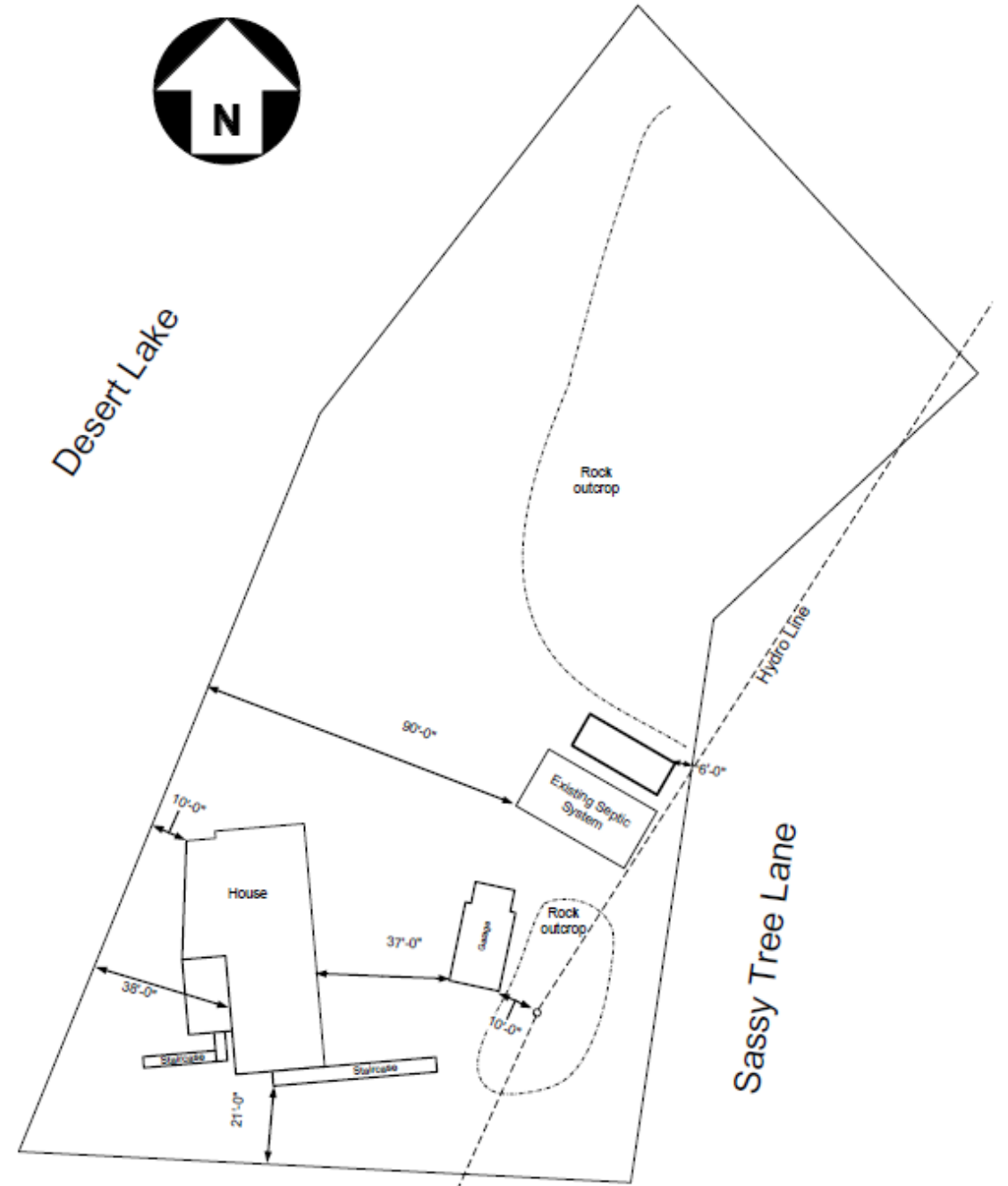
Permission to Enlarge Legal Non-Conforming Use

Applicant: Ethan Gurr

Property: 1115 Sassy Tree Lane

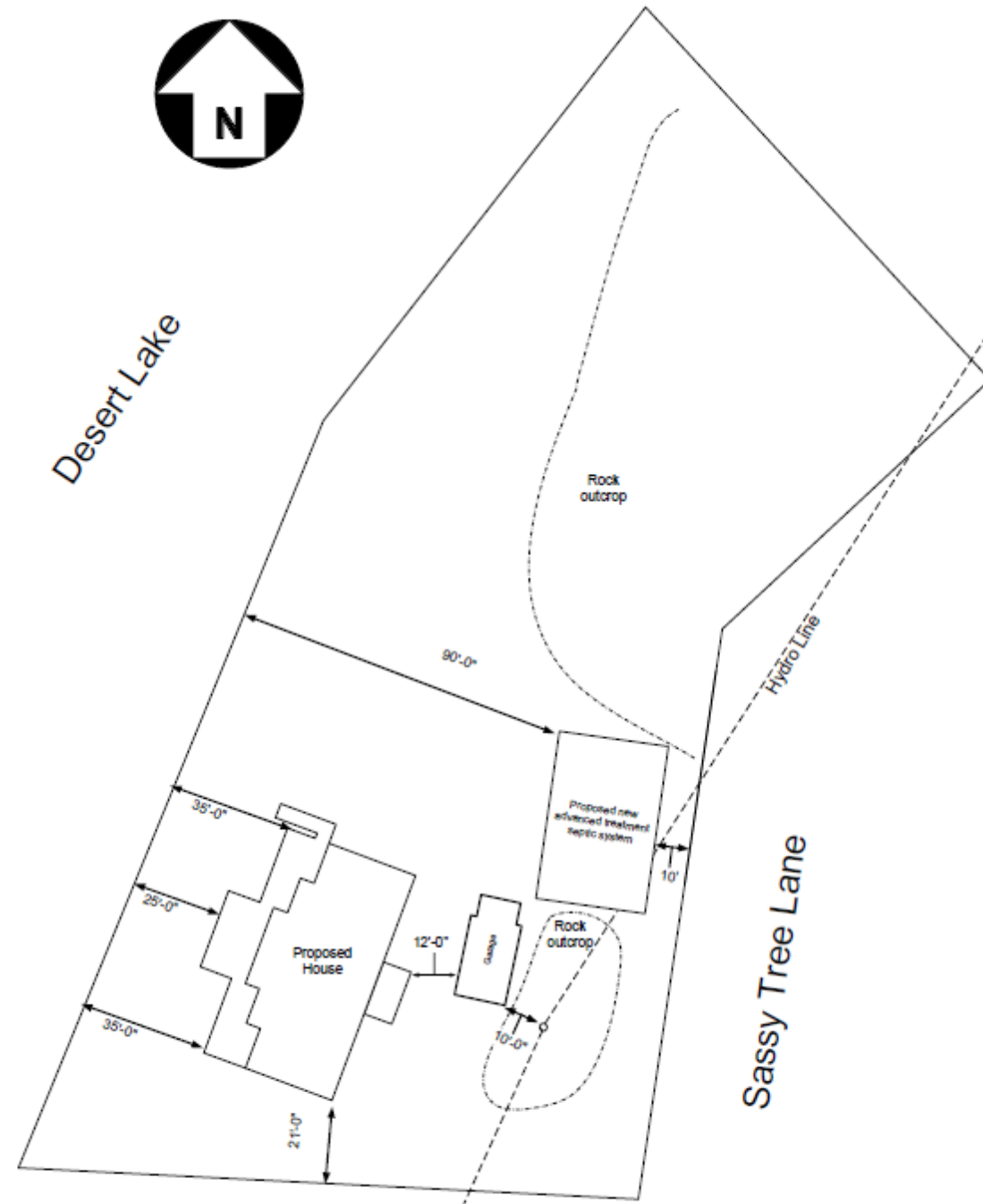
# Property Description

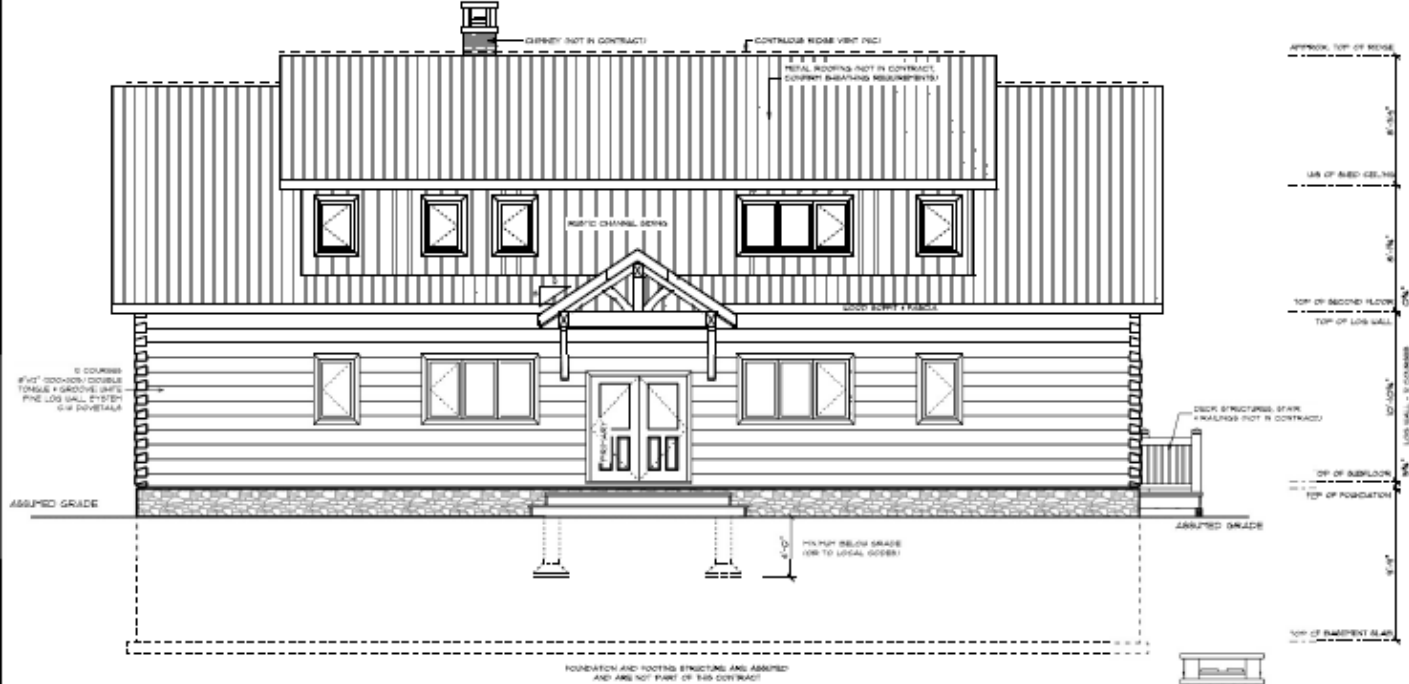
- Lot area of 0.4ha - 111m frontage on Desert Lake
- Existing dwelling with attached deck, 2 accessory structures, & septic system
- Rural designation
- RLSW zone



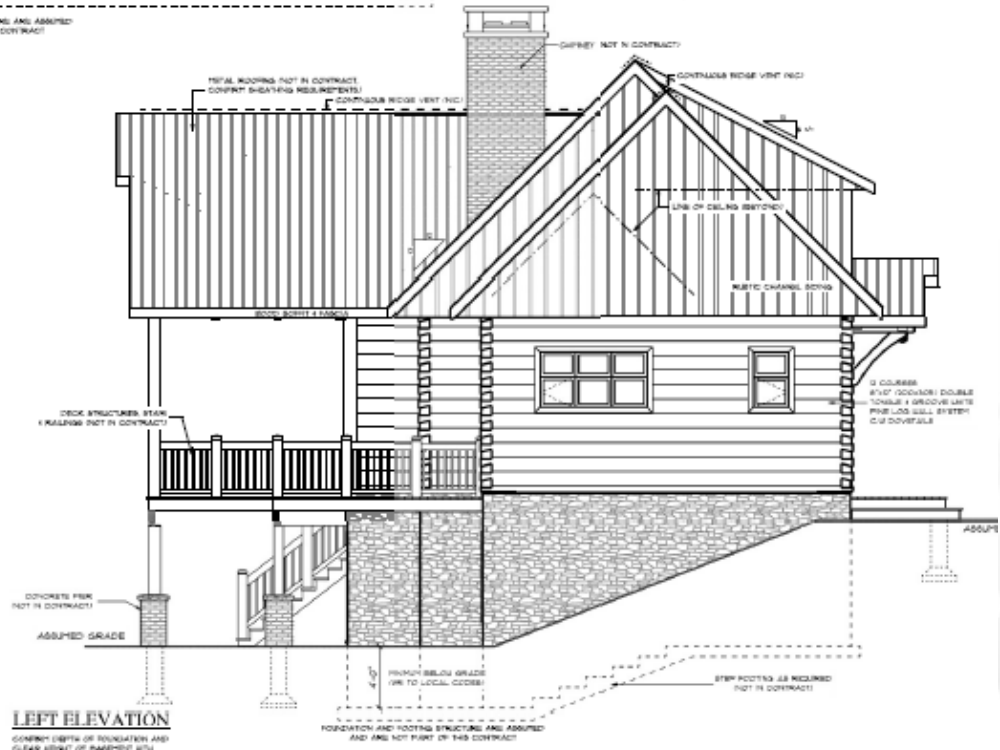
# Proposal

- Permission under section 45(2) of the Planning Act to enlarge the legal non-conforming dwelling on the property within 30 metres of the highwater mark
- Proposed dwelling will be set back further from water than existing
- Height of dwelling will be increased from 7m to 11m
- Dwelling will increase in gross floor area





**FRONT ELEVATION**  
 CONFORM DEPTH OF FOUNDATION AND CLEAR HEIGHT OF BASEMENT WITH CLIENT PRIOR TO CONSTRUCTION



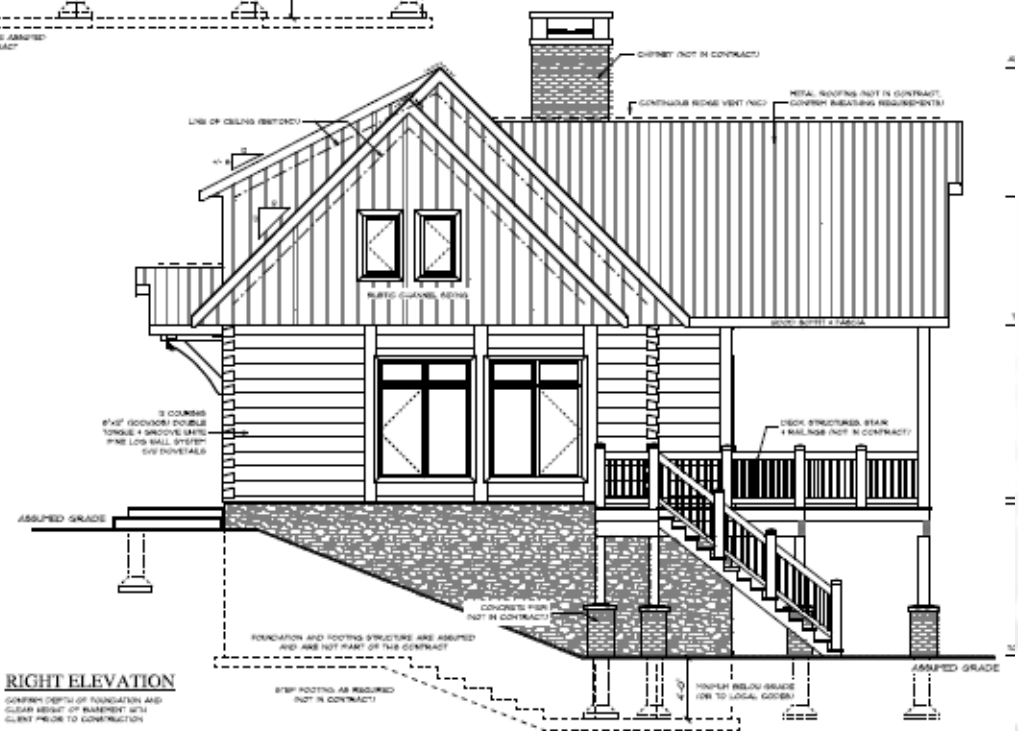
**LEFT ELEVATION**  
 CONFORM DEPTH OF FOUNDATION AND CLEAR HEIGHT OF BASEMENT WITH CLIENT PRIOR TO CONSTRUCTION



**REAR ELEVATION**

CONFIRM DEPTH OF FOUNDATION AND CLEAR HEIGHT OF BASEMENT WITH CLIENT PRIOR TO CONSTRUCTION.

FOUNDATION AND FOOTING STRUCTURES ARE ASSUMED AND ARE NOT PART OF THIS CONTRACT.



**RIGHT ELEVATION**

CONFIRM DEPTH OF FOUNDATION AND CLEAR HEIGHT OF BASEMENT WITH CLIENT PRIOR TO CONSTRUCTION.

FOUNDATION AND FOOTING STRUCTURES ARE ASSUMED AND ARE NOT PART OF THIS CONTRACT.



Subject Property – Back of existing dwelling

Subject Property – Location of new septic system



Subject Property – View towards waterfront

Subject Property – Front of existing dwelling

# Department, Agency and Public Comments

- **Cataraqui Conservation** – had no objection to the approval of the application. A permit will be required for the dwelling under their regulation.
- **Public Comments** – none received to date

# Planning Analysis

- Dwelling is legal non-conforming, setback 3 metres from the highwater mark of Loughborough Lake.
- Setback will be increased to 7.6m with the proposed dwelling and lot coverage increased slightly from 5.7% to 5.9%
- New septic system will be located as far from water as possible.
- Section 5.10.2 of the Zoning By-law, 45 (2) of Planning Act - increase gross floor area, living space & height of dwelling.
- No adverse visual impact on the properties to the east and west over the existing condition – proposed dwelling is within maximum permitted height.

# Recommendation

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

# Public Questions and Comments

If you would like to speak:

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

# PL-ZNA-2022-0162

## Committee Deliberation and Vote

# Application PL-ZNA-2022-0171

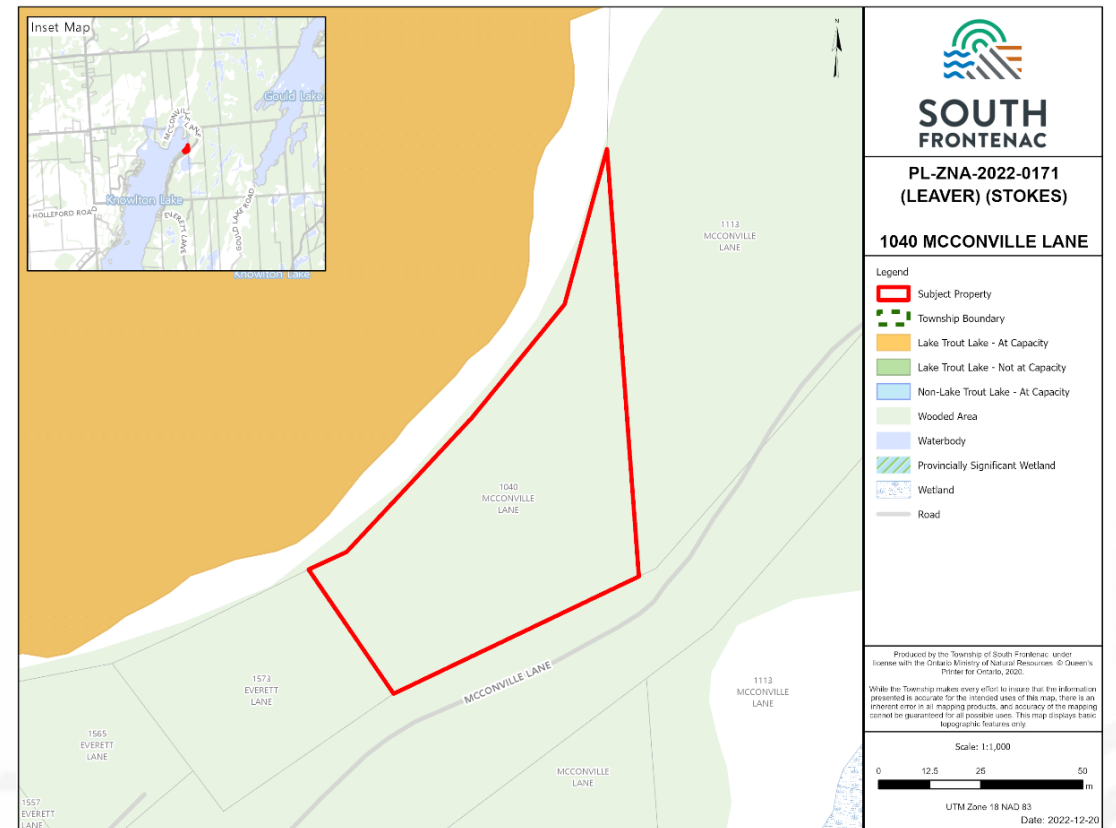
Minor Variance

Applicant: Rod Stokes

Property: 1040 McConville Lane

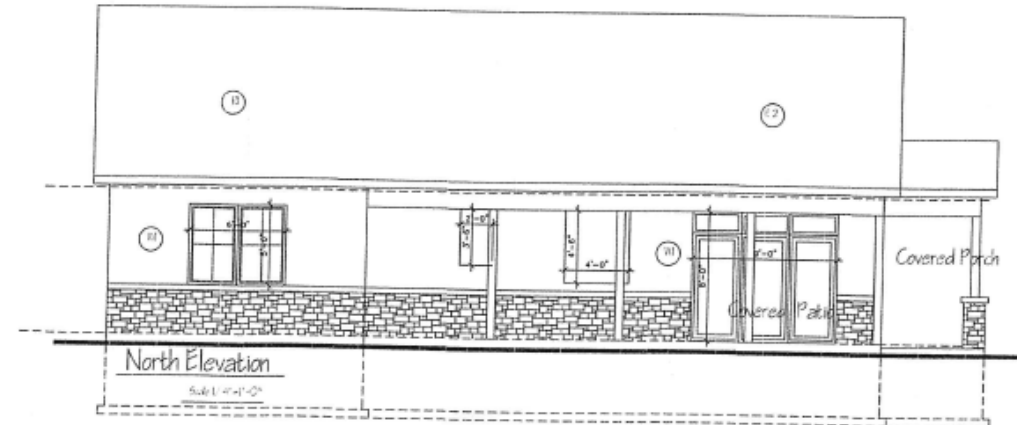
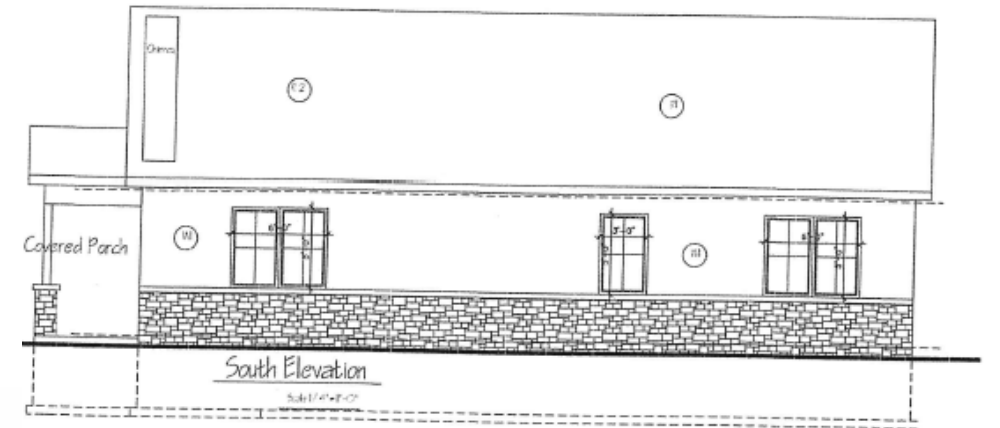
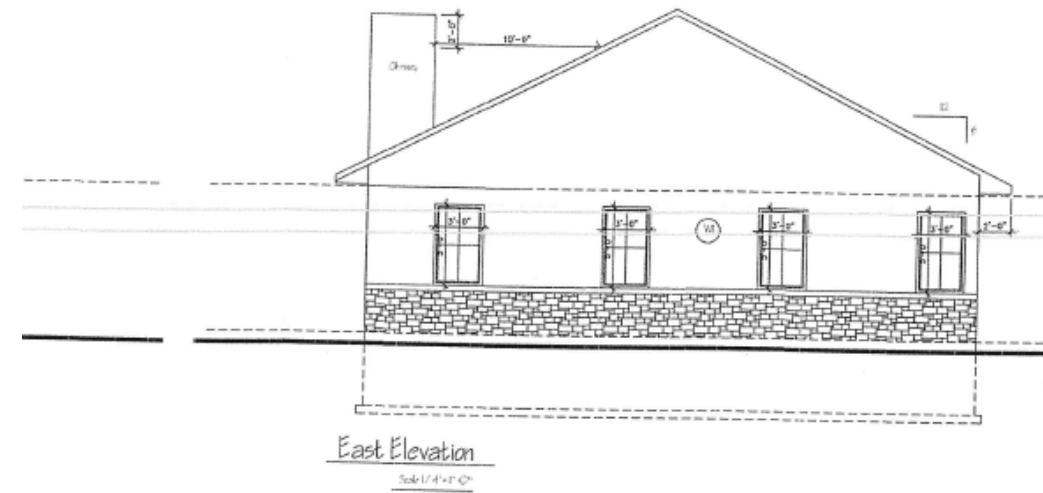
# Property Description

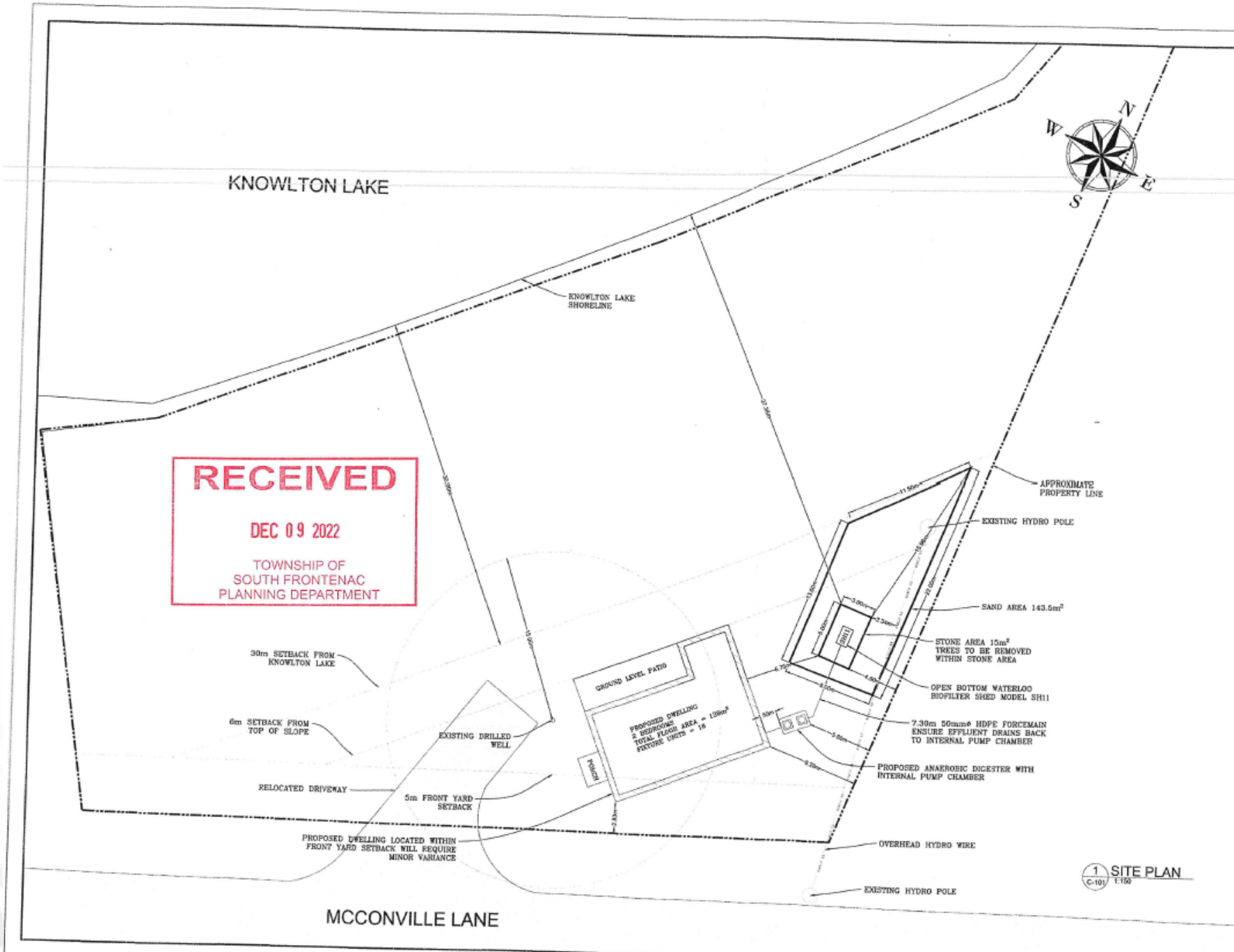
- 1040 McConville Lane
- Terrain: a level area at rear of property with a steep slope to water
- Vacant
- Rural designation
- RLSW zone



# Proposal

- Construct a 174.7sqm one-storey single detached dwelling:
  - Setback a minimum of 2.8m from McConville Lane/rear lot line
  - Setback a minimum of 6m from top of bank
- Construct a new sewage system

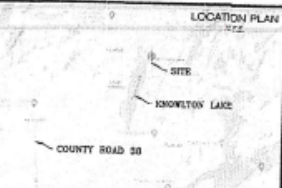




**RECEIVED**  
 DEC 09 2022  
 TOWNSHIP OF  
 SOUTH FRONTENAC  
 PLANNING DEPARTMENT




**GROUNDWORK ENGINEERING LIMITED**  
 UNIT 640 - 654 NORRIS COURT  
 KINGSTON ONTARIO  
 OFFICE (613) 634-1785  
 www.groundengineer.ca



**CALCULATIONS AS PER ONTARIO BUILDING CODE PART 9 DAILY SEWAGE FLOW DETERMINATION**

RESIDENCE  
 2 BEDROOMS = 1100 L/D  
 FIXTURES NUMBER 16x20 = 9 L/D  
 TOTAL FLOOR AREA = 1380m²/20m² = 0 L/D

**TOTAL (Q) = 1.186 L/SW**

**WATERLOO BIODIGESTER**  
 ANAEROBIC DIGESTER SIZING  
 1100 L/DAY x 1.80 = 2.57m³  
 MODEL: ADPC-880 (80% BPC)  
 MINIMUM ANAEROBIC DIGESTER VOLUME = 3.82m³  
 MINIMUM RETENTION VOLUME = 2.06m³  
 OPEN SECTION BASED SIZING = 1.100 L/DAY  
 MODEL: SH11  
 MINIMUM FOM VOLUME = 1.80m³  
 \*SEE PER APPROVAL FOR BIODIGESTER INSTALLATION GUID

**LOADING**  
 EXISTING SOIL  
 T-TIME = 30 (BEDROCK)

**TYPE 3 BED CALCULATION**  
 FLOW RATE = 3000 L/DAY  
 THEREFORE RATE IS 75 L/m²

**STONE AREA**  
 A = 15m² → Q75 → 15² = 14.7m² (REQD)

**SAND AREA**  
 A = 143.5m² → Q1400 → 143.5² = 137.5m² (REQD)

\*PROPERTY LINES AND SETBACKS OBTAINED FROM HOPKINS & CROWDER SURVEYING LIMITED DATED 2006

**REVISIONS**

No.	Description	Date
#1	ISSUED FOR REVIEW	2022/08/05
#2	ISSUED FOR PERMIT	2022/09/21

**BENCHMARK**

No.	DESCRIPTION	ELEVATION
#1	XXX	XXX.XX

  
 M. R. BERGER  
 PROFESSIONAL ENGINEER  
 PROVINCE OF ONTARIO

Client/Land Owner: **LAURA LEAVER**

Project: **1040 MCCONVILLE LANE**  
 SOUTH FRONTENAC QMWRD

Drawing Title: **SITE PLAN / SEPTIC DESIGN**

Sheet No: 21	Project Number: GW-22002-52
Checked By: JAB	Drawing Number: C-101
Scale: 25x300 1:100	SHEET 1 of 2
Date: SEPTEMBER 21, 2022	

**1 SITE PLAN**  
 C-101 1:100

P:\Projects\22002\020 - Septic System Installation and Design\22002-52 - 1040 Mcconville Lane\02 - Design\101 - Preliminary Design (Pre-Approval)\2022-09-21.dwg  
 8/21/2022 1:08 PM





Subject Property – Entrance to property from road

Subject Property – Towards area of development



Subject Property – View towards waterfront



Looking north along McConville lane

# Department, Agency and Public Comments

- **Building Services** – No objections
- **Cataraqui Conservation** –
  - Reviewed slope stability study – satisfied with findings
  - Had no objection to the approval of the application.
  - A permit will be required for the dwelling and septic system under their regulation.
- **Public Comments** – none received to date

# 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

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

# Public Questions and Comments

If you would like to speak:

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

# PL-ZNA-2022-0171

## Committee Deliberation and Vote

# Application PL-ZNA-2022-0172

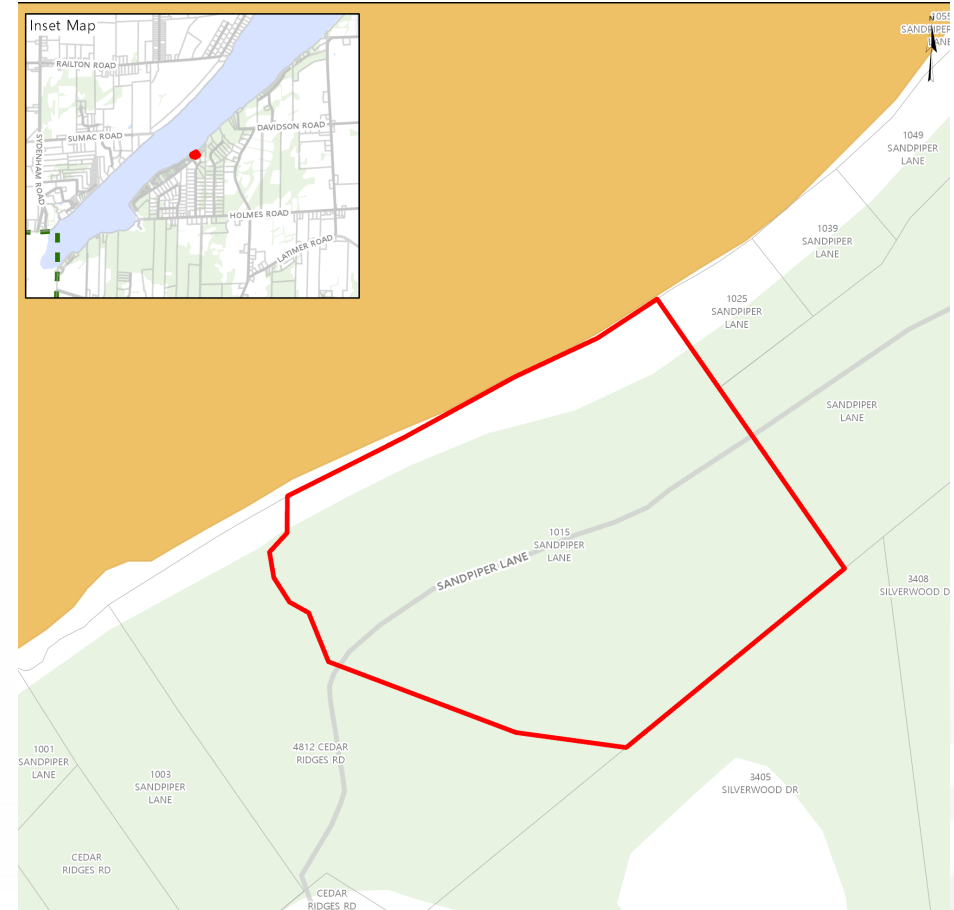
Minor Variance

Applicant: Tim Greenlees

Property: 1015 Sandpiper Lane

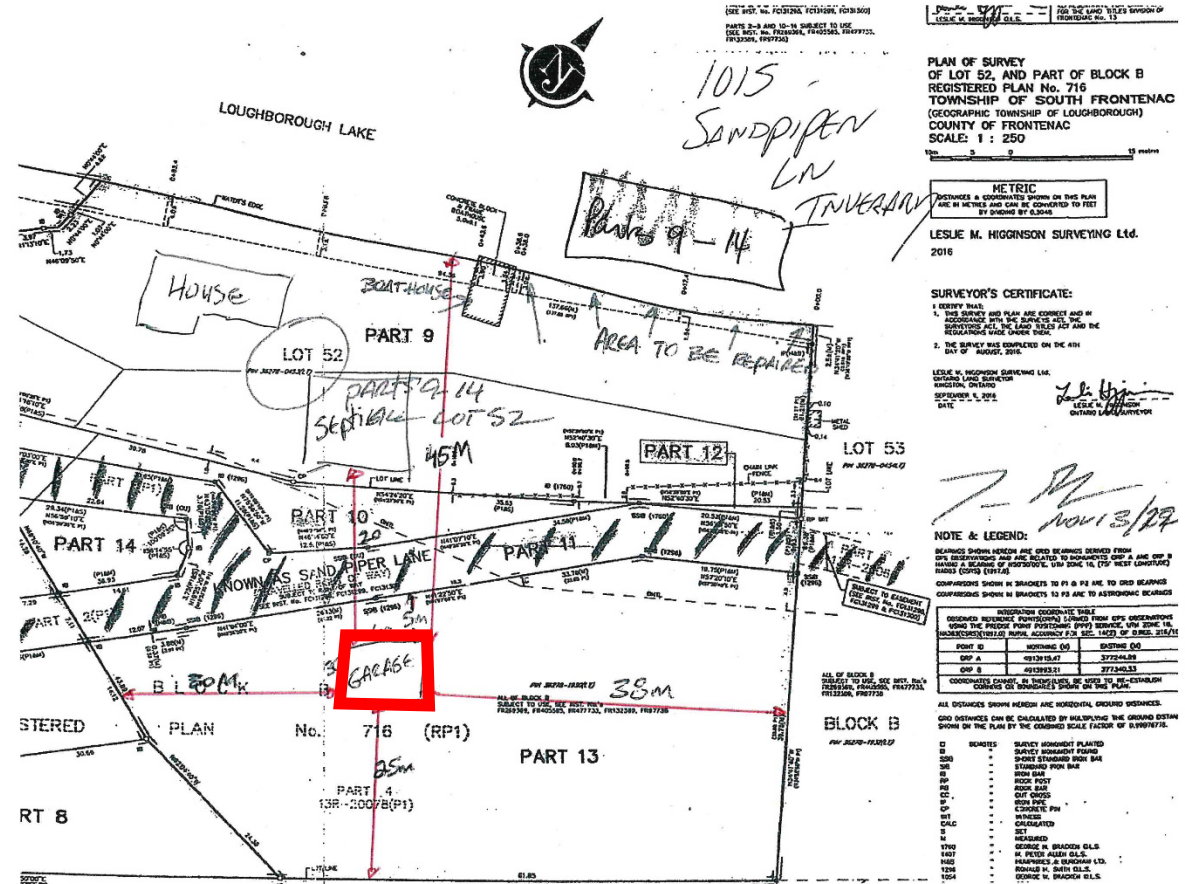
# Property Description

- Loughborough Lake
- Sandpiper Lane
- 1.0ha (2.6ac)
- Rural designation
- RLSW-112 zone
- Dwelling and boathouse



# Proposal

- Detached garage
- 1200 sq. ft.
- Two storey
- 7.9m (26ft) height





Looking east along lane toward house and garage



Looking west along lane (house on right)



Proposed garage location

# Department, Agency and Public Comments

- **Public Comments** – none 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

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

# Public Questions and Comments

If you would like to speak:

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

# PL-ZNA-2022-0172

## Committee Deliberation and Vote

# Application PL-ZNA-2022-0173

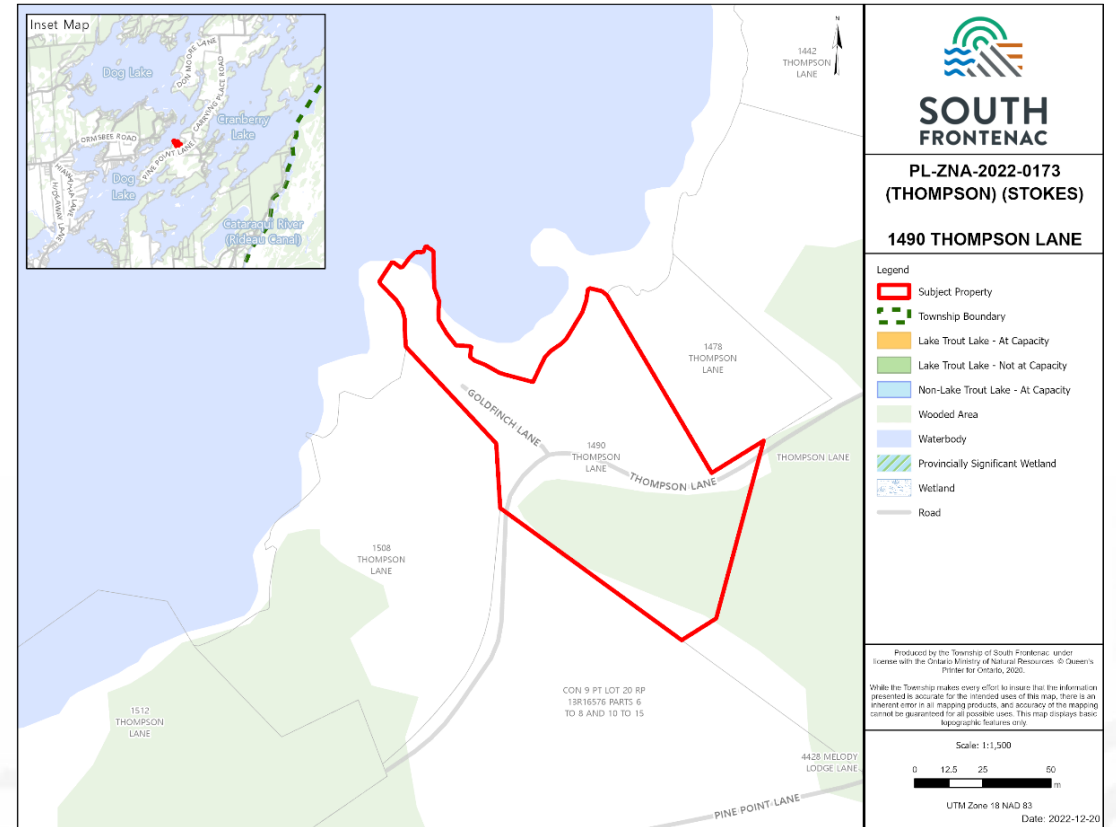
Minor Variance

Applicant: Rod Stokes

Property: 1490 Thompson Lane

# Property Description

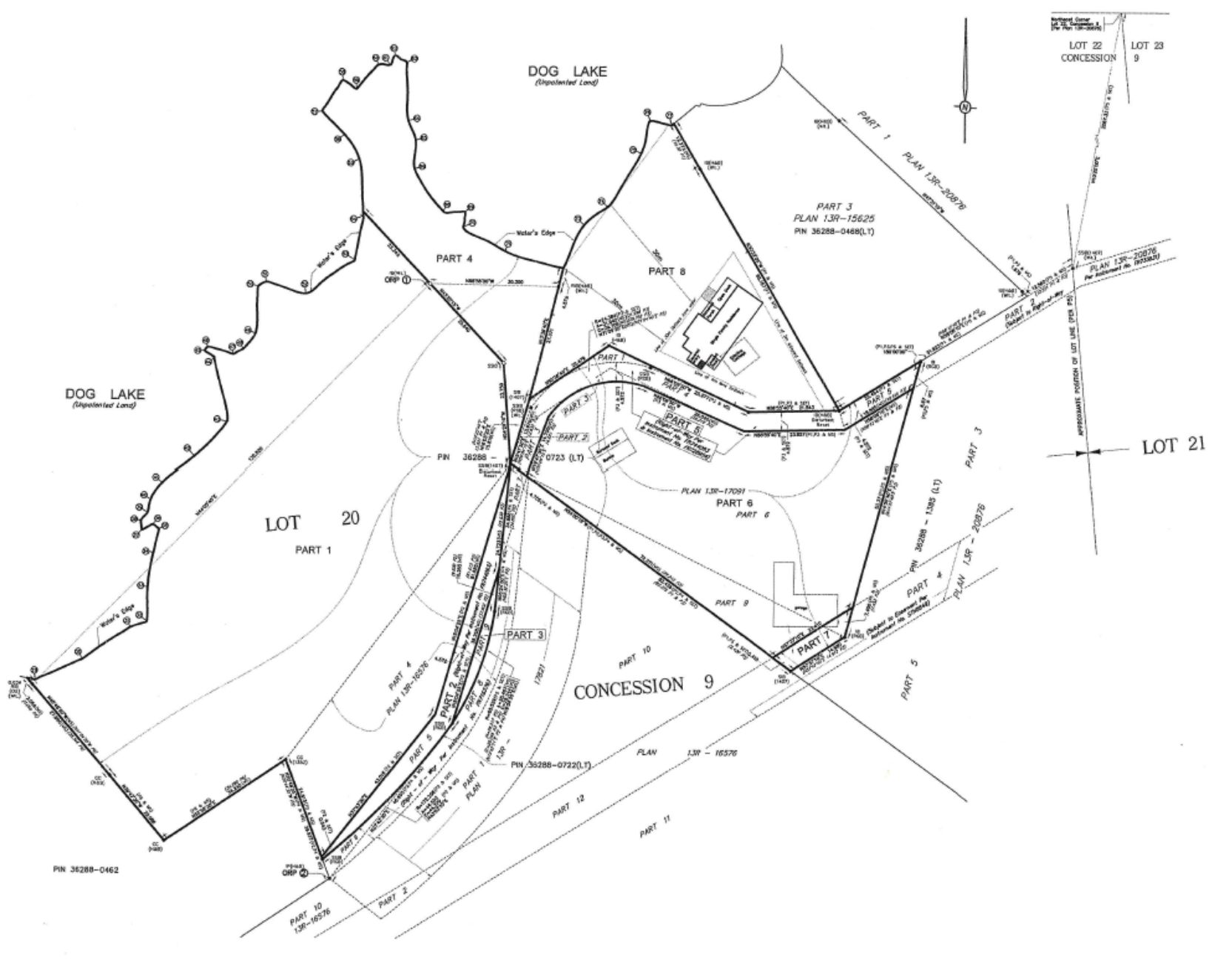
- 1490 Thompson Lane
- Terrain: Level property, mix of treed and cleared areas
- Contains a seasonal dwelling, bunkie, and detached garage
- Thompson Lane runs through property
- Rural designation
- RLSW, TUZ zone



# Proposal

- Construct a 207.8sqm single detached dwelling:
  - Setback a minimum of 4m from Thompson Lane
- Construct a new sewage system





**General Notes:**

These plans were prepared in accordance with the requirements of the Ontario Building Code. Drawings must not be scaled.

Contractor shall verify and be responsible for all dimensions and markers under responsibility and shall report any discrepancies to the Director before proceeding with any work.

Plans are separated and any additional to one section, company's errors and omissions pertains.

These plans form the basis for the permit issuance and any deviations from these plans and details includes ventilation system, heating system, woodstove, fireplace, sink, balconies and finish basements all require a revised plan and clearance by the Building Department.

**DESIGNER INFORMATION**

L. Rod Stokes of Rod Stokes Consulting reviewed and takes responsibility for the design work, and are qualified in the appropriate categories as "Designer" under Division C Part 3 Section 3.2.4 of the Ontario Building Code.

Firm B.C.I.N.: 38482  
 Individual B.C.I.N.: 31134  
 Signed: Rod Stokes



4		
5		
2		
1	Issued for minor variance application	Dec 15/12
No.	Revised/Issue	Date



Proposed New Residence  
 for Steve & Angie Thompson  
 1490 Thompson Lane, Dog Lake  
 Bathurst, Ontario  
 Twp of South Frontenac.

Sheet  
 Site Plan

Project	Sheet
Date	S-1
Scale	As noted

**OUTH  
 NTENAC**



Subject Property – Entrance to property along Thompson Lane

Subject property: Existing dwelling



Subject Property – West along Thompson Lane



Subject Property – Towards waterfront



Subject Property – Area of septic system



Subject Property – Existing detached garage

# Department, Agency and Public Comments

- **Cataraqui Conservation** – had no objection to the approval of the application.
- **Public Comments** – none received to date

# 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

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

# Public Questions and Comments

If you would like to speak:

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

# PL-ZNA-2022-0173

## Committee Deliberation and Vote

# Application PL-ZNA-2022-0174

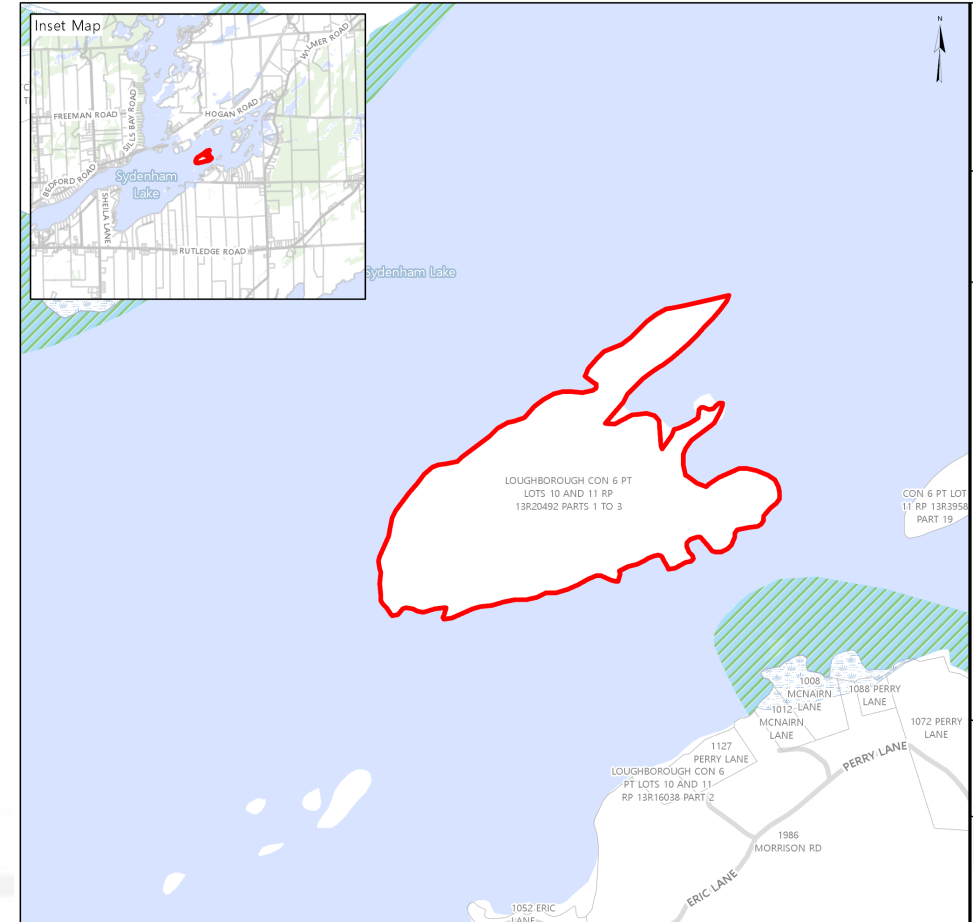
Minor Variance

Applicant: Michael McLaghlan

Property: 0 Kenney Island

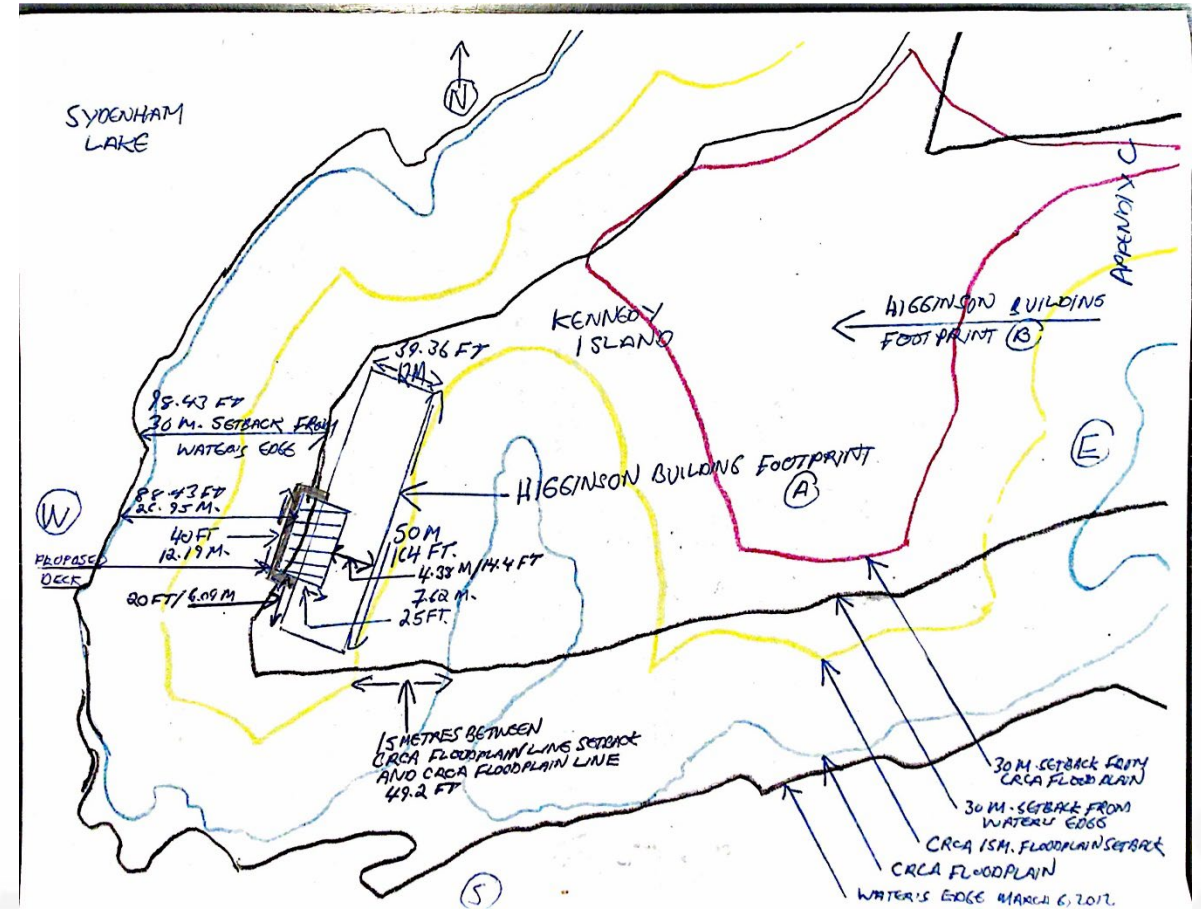
# Property Description

- Sydenham Lake
- Kennedy Island
- 4.35ha (10.75ac)
- Rural designation
- RLSI zone
- Dwelling
  - 1000 sq.ft.
  - 27m from highwater mark
- Houseboat



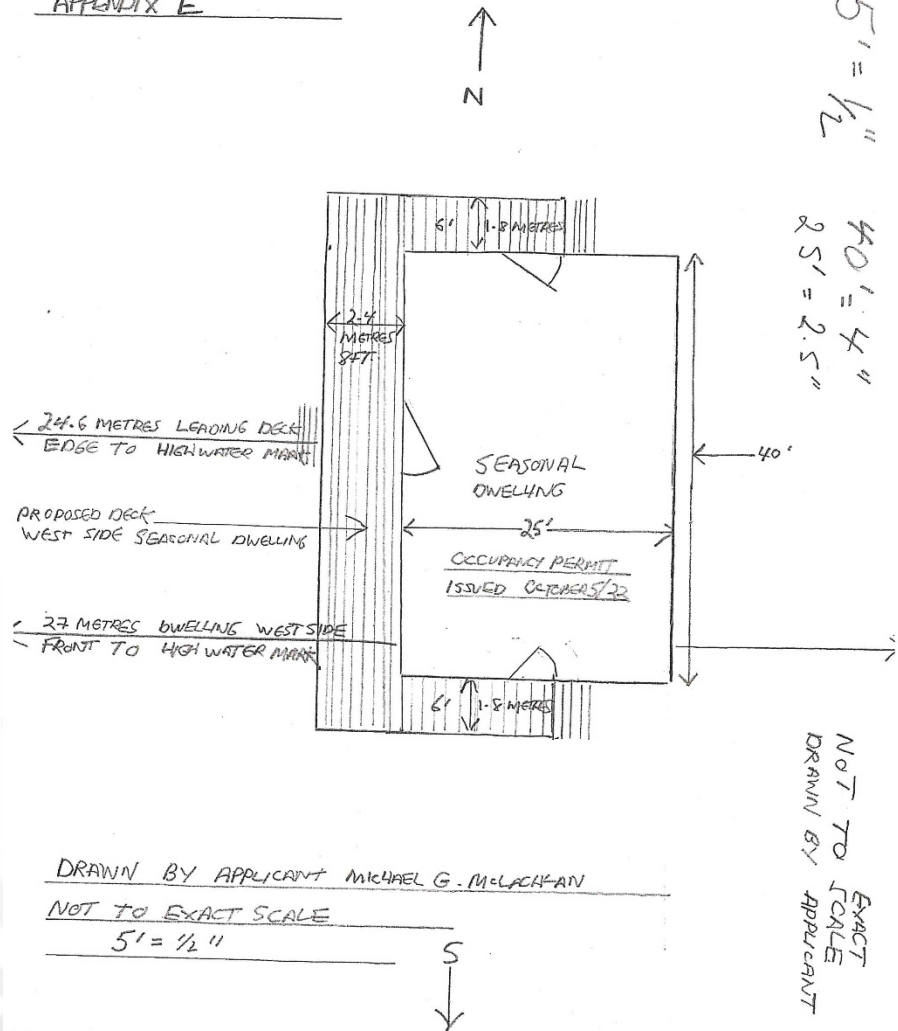
# Proposal

- Attached deck
- 2.4m wide
- 24.6m from highwater mark on western shoreline



# Proposal

APPENDIX E



# Proposal





Western shoreline

# Department, Agency and Public Comments

- **Cataraqui Conservation** – no objection
- **Public Comments** – none 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

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

# Public Questions and Comments

If you would like to speak:

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

# PL-ZNA-2022-0174

## Committee Deliberation and Vote

# Application PL-ZNA-2023-0003

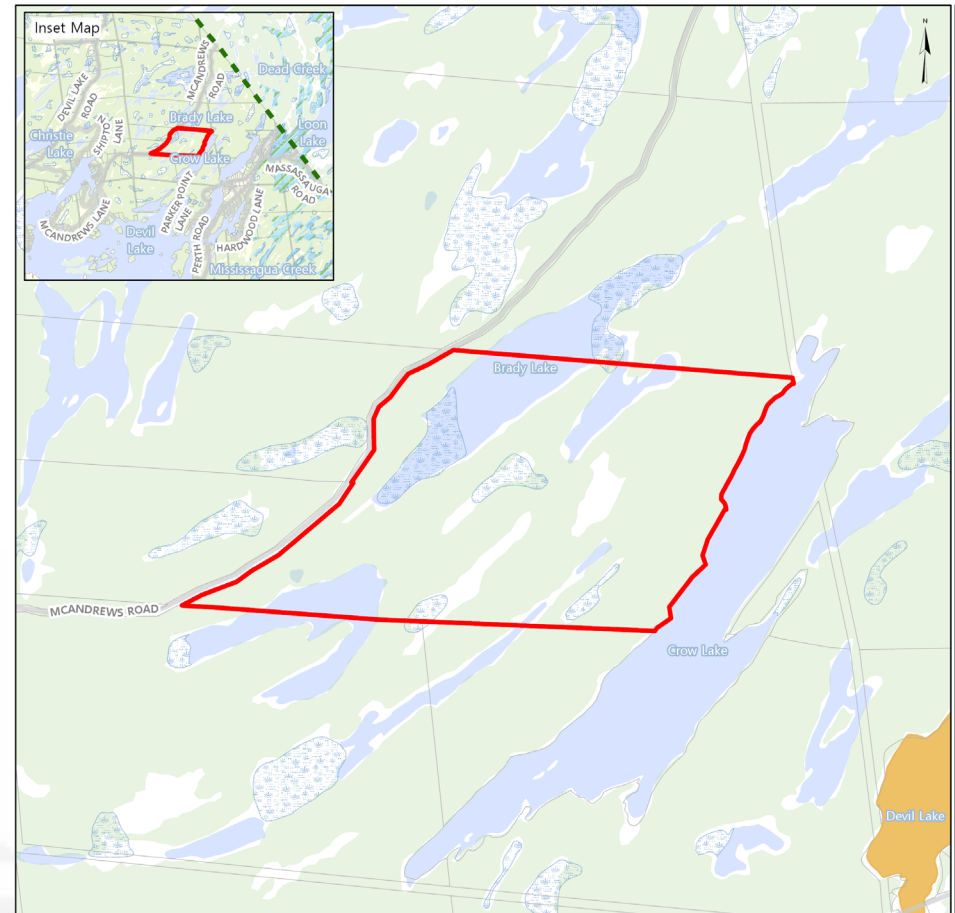
Minor Variance

Applicant: Jonathan Ham and Caryn Bursch

Property: 1167A McAndrews Road

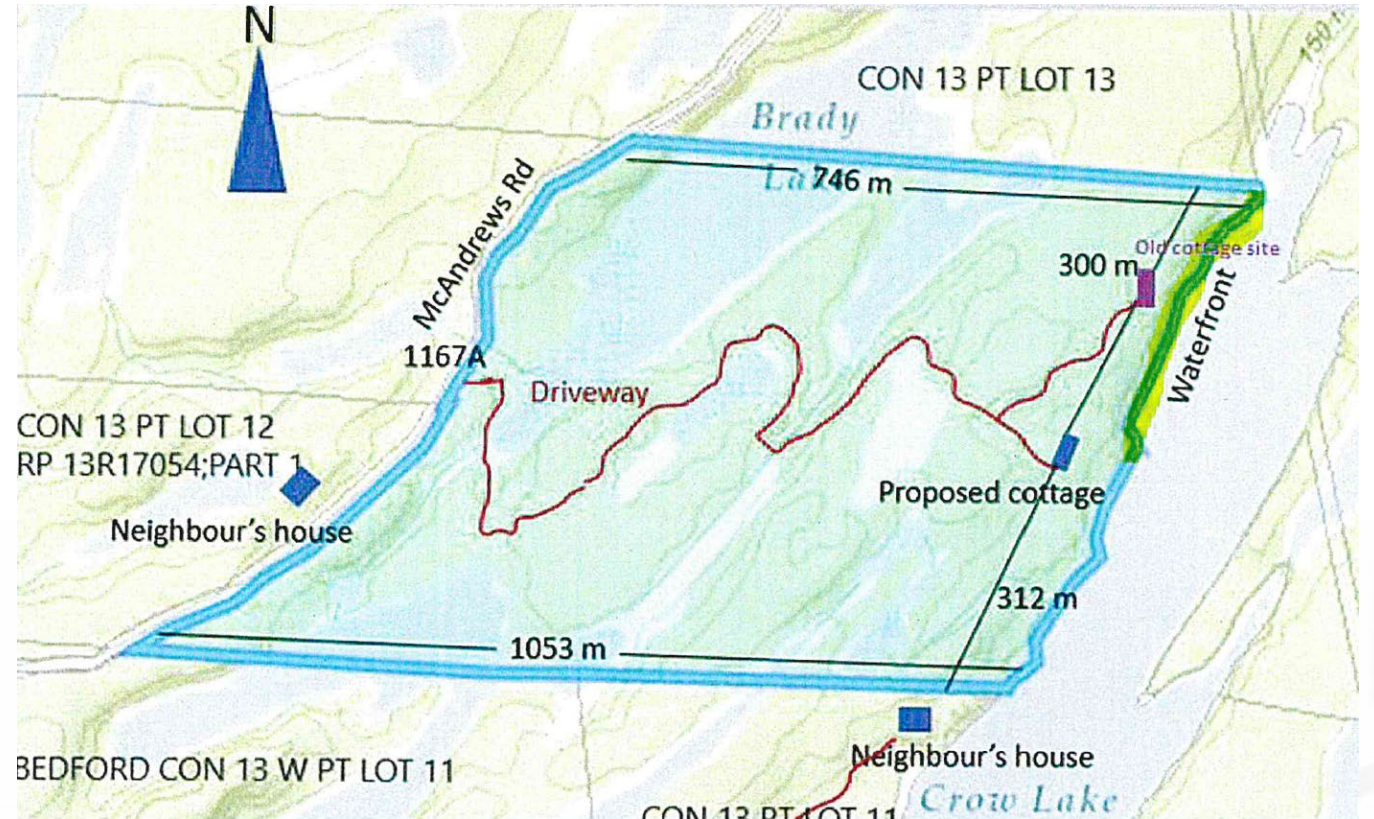
# Property Description

- McAndrews Road
- Crow Lake
- 126ac
- Rural designation
- RU zone
- Vacant



# Proposal

- 1280 sq.ft. seasonal dwelling





Entrance to property

# Department, Agency and Public Comments

- **Public Comments** – none 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

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

# Public Questions and Comments

If you would like to speak:

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

# PL-ZNA-2023-0003

## Committee Deliberation and Vote

# Application PL-ZNA-2023-0006

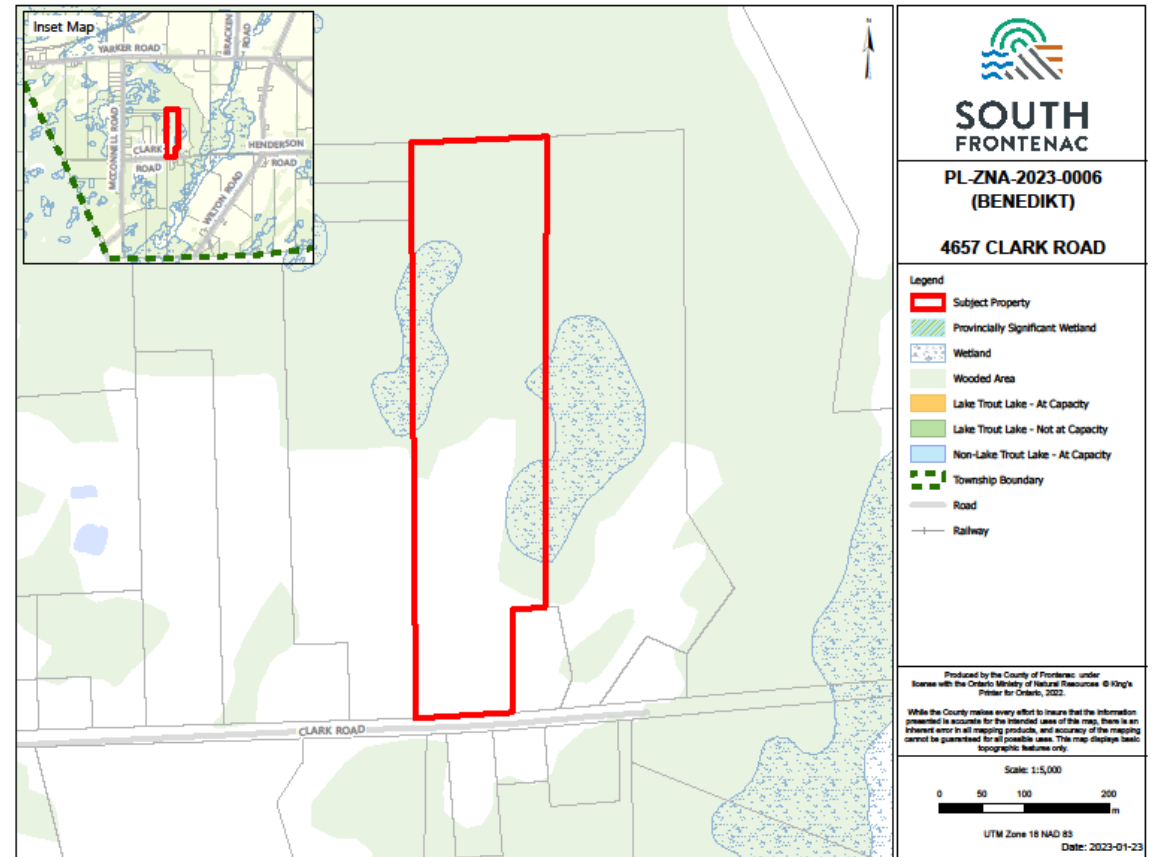
Minor Variance

Applicant: Donna & Michael Benedikt

Property: 4657 Clark Road

# Property Description

- 4657 Clark Road
- Terrain: Forest, limestone & rocky outcrops
- Contains a single-detached house and septic system (built in 2020).
- Rural designation
- Rural (RU) zone







Subject Property – View from Clark Road



Clark Road Frontage

# Department, Agency and Public Comments

- **Public Services** – had no objection to the approval of the consent application (PL-BDJ-2022-0107) for a lot addition, with the retained parcel having reduced lot frontage
- **Public Comments** – none received to date

# 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

- Approval
- Pending any comments received
- Subject to conditions
  - The minor variance is for reduced lot frontage. The retained parcel from Consent Application PL-BDJ-2022-0107 is permitted to have a minimum lot frontage of 68.5 metres.
  - Minor Variance PL-ZNA-2023-0006 is applicable only to Zoning Bylaw No. 2003-75 and not to any subsequent zoning by-laws.

# Public Questions and Comments

If you would like to speak:

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

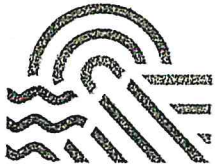
# PL-ZNA-2023-0006

## Committee Deliberation and Vote

# Other Business

- Consent Granting Authority Report
  - PL-BDJ-2022-0114 (Hyndman) – lot addition
  - PL-BDJ-2022-0150 (Stover) – lot addition
  - PL-BDJ-2022-0153 (Compton) – new lot creation
  - PL-BDJ-2022-0154 (Compton) – new lot creation
  - PL-BDJ-2022-0156 (Sherk) – new lot creation

# Adjournment



# SOUTH FRONTENAC

## Consent Application

### Application Requirements

The following items must be submitted with your application. Any application which does not include the below required information may not be accepted or will not be considered complete.

- 1. A pre-consultation meeting is a requirement prior to submission of the application.

Pre-consultation meeting fee	\$105.00
------------------------------	----------

- 2. One hard copy of this completed application form signed and commissioned.
- 3. A Sketch of your proposal (see Question 25 for details on what to include). The sketch must be drawn with accurate dimensions and measurements. It is recommended that you take your time to carefully assemble the data and create the sketch. You may wish to secure the assistance of a person who specializes in the drafting of sketches.
- 4. The applicable **non-refundable** application fee, payable to the Township of South Frontenac:

Application Type:	Planning Fee:	Building Fee:	TOTAL:
Consent Application	\$927.00	\$97.00	\$1,024.00
Change of conditions	\$209.00	Nil	\$209.00
Change of conditions requiring re-circulation	\$365.00	\$97.00	\$462.00

- 5. Agency Review Fees (as applicable). A separate **cheque or proof of payment**, payable to the applicable Conservation Authority, is to be submitted to the Township with the completed application. The on-site sewage disposal review fee may be included in the payment of the application fee to the Township.

Agency:	TOTAL:
Township of South Frontenac onsite sewage disposal review (per new lot)	\$515
Cataraqui Conservation (per new lot or lot addition)	\$425
Quinte Conservation (per new lot or lot addition)	\$358
Rideau Valley Conservation Authority (per new lot or lot addition)	\$490

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

- 6. Required studies & Supporting Information identified at pre-consultation (if applicable)
- 7. Deed or transfer, or authorization for Township Staff to acquire title documents (if applicable)

## TOWNSHIP OF SOUTH FRONTENAC CONSENT APPLICATION

### Collection of Personal Information:

Personal information requested on the application form is required under the *Planning Act*. This information will be used by the Township for the purpose of reviewing the application. It 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 613-376-3027 ext. 2224).

### What is considered when reviewing an application?

In considering an application, the decision making approval authority, shall have regard, among other matters, to the health, safety, convenience and welfare of the present and future inhabitants of the municipality and to:

- The effect of development on matters of provincial interest as referred to in Section 2 of the *Planning Act*.
- Whether the proposed severed lot is premature or in the public interest.
- Whether the consent conforms to the intent of the Official Plan and adjacent plans of subdivision (if any)
- The suitability of the land for the purposes for which it is being severed
- If affordable housing units are being proposed, the suitability of the proposed units for affordable housing
- The number, width, location and proposed grades and elevations of roadways and their adequacy in relation to any proposed roadway linking the proposed severed area with the established roadway system.
- The dimensions and shape of the proposed lot.
- Any restrictions on the subject land (or on the buildings and structures to be erected on it) and any restrictions on abutting lands.
- Conservation of natural resources and flood control.
- The adequacy of utilities and municipal services.
- The adequacy of schools.
- The area of land, if any, exclusive of roadways, that is to be conveyed or dedicated for public purposes (such as for parks).
- The physical configuration of the new lot having regard to energy conservation.
- Site Plan Control
- County of Frontenac Official Plan
- Township of South Frontenac Official Plan
- Township of South Frontenac Zoning By-Law
- Provincial Policy Statement

TOWNSHIP OF SOUTH FRONTENAC CONSENT APPLICATION

For Office Use Only
Date Received: \_\_\_\_\_ File Number: PL-BDJ-2022-0152

1. Name of Owner(s): LEE BRIAN DILLABOUGH

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, be provided below.

Name of Authorized Applicant/Agent: \_\_\_\_\_

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

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

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

Agent as named above is hereby authorized to act on behalf of the owners for purposes of processing this application (please fill out the last page).

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

Communications are to be sent to: [X] Owner(s) [ ] Agent

3. Permission to Enter Subject Lands: Permission is hereby granted to the relevant staff, committee members, and necessary commenting agencies to enter the premises (subject lands) subject to this development application for the purposes of making inspections associated with this application.

[Redacted Signature]
(Signature of the property owner)

\_\_\_\_\_  
(Signature of the property owner)

Oct 19th, 2022  
(Date)

### TOWNSHIP OF SOUTH FRONTENAC CONSENT APPLICATION

4. Have you consulted with Township Planning Staff regarding this application?

Yes

No

Date Fee Paid: \_\_\_\_\_

Name of Planner: \_\_\_\_\_

Date of Meeting: \_\_\_\_\_

5. The description of the subject land:

District:  Bedford  Portland  Loughborough  Storrington

Civic Address: 1793 GREEN BAY ROAD

Concession Number: 3 Lot Number: 16 + 17

Reference Plan Number: 13R3547 Part Number(s): \_\_\_\_\_

Roll Number: 020-040-20600-0000

Property Identification Number (PIN): 36242-0473, 0474, 0475

6. Indicate the frontage(s), depth and area of the subject land. The subject land is the whole property prior to any changes. Please indicate the name of the road/lane and waterbody (if applicable).

Frontage on water (m): 860 m Frontage on road/lane (m): 504

Name of Waterbody: GREEN BAY + BUCK BAY Name of Road/Lane: GREEN BAY ROAD

Depth(m): 1660 m Area(acres/ha): 277.9 AC

7. Select the type of consent being applied for:

Creation of a New Lot

Correction of Title

Easement (right of way)

Lease

Lot Addition

Other: \_\_\_\_\_

Charge/Discharge of Mortgage

8. Please provide a brief description of your application. Indicate the reason why you are applying for a consent.

TO COVER THE LICENSED GRAVEL PIT LOCATED AT CIVIC #151 BARR LANE FROM CON'S LOT 16 BEDFORD DISTRICT, ALSO TO PROVIDE A RIGHT-OF-WAY TO THE PIT FROM GREEN BAY RD. OVER BARR LANE AND PAST HENDRICK LANE.

TOWNSHIP OF SOUTH FRONTENAC CONSENT APPLICATION

9. Create a NEW LOT – Complete this section ONLY if you are applying to create a new lot.

The following information is regarding the land intended to be severed (created) and the land to be retained.

	Severed Lot (Proposed new lot):	Retained Lot:
Frontage on Road/Lane (m):	610 m BARR LANE 132 m PASSCHENDAELE LANE	504 m GREEN BAY RD
Name of Road/Lane:	BARR LANE PASSCHENDAELE LANE	GREEN BAY RD.
Frontage on Water (m):	0	850 m
Name of Waterbody:	N/A	GREEN BAY BULL BAY
Depth (m):	235 m	1660 m
Acres (acres or ha):	30.2 AC	247.7 AC

Please list the existing and proposed USES and STRUCTURES.

	Severed Lot (Proposed new lot):	Retained Lot:
Existing Use of Lot:	GRAVEL PIT	FARM
Existing Buildings/Structures:	NONE	HOUSE, STORAGE BUILDING 4 SMALL SHEDS
Proposed Use of Lot:	GRAVEL PIT	FARM
Proposed Buildings/Structures:	NONE	SAME

**TOWNSHIP OF SOUTH FRONTENAC CONSENT APPLICATION**

**10. LOT ADDITION – Complete this section ONLY if you are applying for a lot addition.**  
 The following information is regarding the land intended to be severed (created) and the land to be retained.

	<b>Proposed Lot Addition (Severed parcel):</b>	<b>Retained Lot:</b>
Frontage on Road/Lane (m):		
Name of Road/Lane:		
Frontage on Water (m):		
Name of Waterbody:		
Depth (m):		
Acres (acres or ha):		

The following information is regarding the Benefitting Lands also known as the land being enlarged which are receiving the lot addition.

	<b>Existing Benefitting Lot: (Before Lot Addition)</b>	<b>Enlarged Lot with added Land: (After Lot Addition)</b>
Frontage on Road/Lane (m):		
Name of Road/Lane:		
Frontage on Water (m):		
Name of Waterbody:		
Depth (m):		
Acres (acres or ha):		

**TOWNSHIP OF SOUTH FRONTENAC CONSENT APPLICATION**

Please list the existing and proposed **USES** and **STRUCTURES**.

	<b>Lot Addition:</b>	<b>Retained Lands:</b>	<b>Benefitting Lands:</b>
Existing Use of Lot:			
Existing Buildings/Structures:			
Proposed Use of Lot:			
Proposed Buildings/Structures:			

**11. EASEMENTS & RIGHT OF WAY – Complete this section if you ONLY are applying for an easement or a right-of-way**

Length: \_\_\_\_\_ Depth: \_\_\_\_\_ Width: \_\_\_\_\_ Area: \_\_\_\_\_

Civic address of Benefitting lands: \_\_\_\_\_

Roll Number of Benefitting Lands: \_\_\_\_\_

Describe the purpose and effect of the easement and the property that will benefit:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**12. Type of Servicing Proposed – WATER (Indicate the method by which water will be provided):**

(NEW LOT) Severed Parcel	Retained Parcel
<input type="checkbox"/> Municipal water system	<input type="checkbox"/> Municipal water system
<input type="checkbox"/> Privately owned and operated well	<input checked="" type="checkbox"/> Privately owned and operated well
<input type="checkbox"/> Lake water	<input type="checkbox"/> Lake water
<input checked="" type="checkbox"/> Other: <u>NONE</u>	<input type="checkbox"/> Other: _____

**TOWNSHIP OF SOUTH FRONTENAC CONSENT APPLICATION**

13. Type of Sewage Disposal System Proposed (How will sewage disposal system be provided?):

(NEW LOT) Severed Parcel

Retained Parcel

- |   |  |
|---|--|
| <input type="checkbox"/> Publicly owned and operated communal septic system     | <input type="checkbox"/> Publicly owned and operated communal septic system                |
| <input type="checkbox"/> Privately owned and operated individual septic system: | <input checked="" type="checkbox"/> Privately owned and operated individual septic system: |
| <input type="checkbox"/> Leaching Bed (Class 4)                                 | <input checked="" type="checkbox"/> Leaching bed (Class 4)                                 |
| <input type="checkbox"/> Holding Tank (Class 5)                                 | <input type="checkbox"/> Holding Tank (Class 5)  |
| <input type="checkbox"/> Greywater Pit (Class 2)                                | <input type="checkbox"/> Greywater Pit (Class 2)   |
| <input type="checkbox"/> Privy/Outhouse (Class 1)                               | <input type="checkbox"/> Privy/Outhouse (Class 1)  |
| <input checked="" type="checkbox"/> N/A   |  |

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

NEDOW CONSTRUCTION LTD

15. Are there any existing easements or restrictive covenants?  Yes  No  Unknown

If Yes, please provide a description of each easement or covenant and its effect:

16. Are you aware of any abandoned wells on the subject property?  Yes  No

17. Name of road or lane which accesses:

The new lot (lot addition or Right of Way): BARR LANE + PASSCHENDAELE LANE

The retained lot: GREEN BAY RD.

Please indicate whether access to the land will be by:

- |   |  |
|---|--|
| <input type="checkbox"/> Provincial highway                     | <input checked="" type="checkbox"/> Lane       |
| <input type="checkbox"/> Municipal Road - maintained year round | <input type="checkbox"/> A right of way        |
| <input type="checkbox"/> Municipal Road - seasonally maintained | <input type="checkbox"/> Water (see next page) |

**TOWNSHIP OF SOUTH FRONTENAC CONSENT APPLICATION**

**If access is by water only**, describe the parking and docking facilities to be used and the approximate distance of these facilities from the subject land and the nearest public road. Parking and Docking for water access only properties **MUST** be legally deeded access. Please provide confirmation.

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

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

18. What is the zoning of the subject lands? (Check [www.frontenacmaps.ca](http://www.frontenacmaps.ca))

PA and RU

19. What is the current Official Plan Designation of the subject lands?

\_\_\_\_\_

20. Please describe how the application conforms with the Township Official Plan & County Official Plan by **citing specific applicable** sections and sub sections. Please make sure to look at Sections 5 and 7 in the Township Official Plan and Section 3 in the County Official Plan. If you are unsure, please indicate that you do not know.

UNKNOWN

\_\_\_\_\_

\_\_\_\_\_

21. Is the application consistent with the 2020 Provincial Policy Statement?

Yes     No     Unknown

Please explain:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

### TOWNSHIP OF SOUTH FRONTENAC CONSENT APPLICATION

22. Has the subject land ever been, or is currently, the subject of an application for approval of a plan of subdivision under section 51 of the Planning Act, for a consent under section 23 of the Planning Act, for a minor variance, for approval of a site plan, or for an amendment to an official plan, an amendment to the zoning by-law or a Minister's zoning order? Complete all applicable

<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown			
Application Type	Application Number	Date of Application	Decision
<input type="checkbox"/> Plan of Subdivision			
<input type="checkbox"/> Consent			
<input type="checkbox"/> Minor Variance			
<input type="checkbox"/> Site Plan Approval			
<input type="checkbox"/> Official Plan Amendment			
<input type="checkbox"/> Zoning By-law Amendment			
<input type="checkbox"/> Minister's Zoning Order			

23. Has land been previously severed from the subject property, since September 3, 2007? If yes, please provide date of transfer, name of transferee and uses of the land.

Yes \_\_\_\_\_  No

24. Did the current owner acquire the subject land as a result of a consent?  Yes  No

25. Is the applicant requesting a Certificate of Official for the retained land?  Yes  No

\*\* If yes – the applicant must provide a lawyer's statement that there is no land abutting the subject lands that are owned by the owner of the subject land, other than the land that could be conveyed without contravening section 50 of the Planning Act.

26. A SKETCH must be submitted. For more information on what the sketch needs to show, please see "A guide to completing your consent application form". If your application is approved and then the required survey shows different frontages, area and location than was submitted, a new consent may be required including submission of a new application and fees.

## TOWNSHIP OF SOUTH FRONTENAC CONSENT APPLICATION

Please note that the sketch must include the same metric as on the application, switching between meters and feet will not be acceptable unless both are shown.

### The sketch must include the following:

- A directional arrow with North at the top of the page.
- The boundaries and dimensions of the whole property. LABEL the part that is to be severed and the part that is to be retained, including the total area (acres or hectares), road frontages on all roads/lanes for each and waterbodies.
- Indicate if the owner of the subject property also owns other lands near the proposal.
- The distance between the subject land and the nearest road, bridge or railway crossing
- The location of all land previously severed from the parcel (if applicable) originally acquired by the current owner of the subject land.
- All natural and artificial features that are located on the subject property and on land beside the subject property. Please label and show the approximate location of:
  - a. Existing Buildings, wells and septic systems, bridges, railways, roads, hydro lines
  - b. Waterbodies, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas
  - c. Landfills, propane facility, quarry's and pits
  - d. Barns

**Note: The existence of a nearby barn will require you to complete a Minimum Distance Separation Calculation in order to consider compatibility issues. Please check with the Planning Department regarding the implications of any farm structure, on your application.**

- Please include any information on natural and artificial features (as listed above) that in the applicant's opinion may affect the application
- Please indicate the current uses of land that is surrounding the property, such as residential, agricultural and commercial uses (if agricultural, please indicate the approximate distance of any barn structure from the proposed new lot).
- The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way.

### **TOWNSHIP OF SOUTH FRONTENAC CONSENT APPLICATION**

- If access to the subject land is by water only, please show the location of the parking and boat docking facilities to be used, and the title documents to demonstrate legal deeded use of these facilities
- The location and nature of any easement affecting the subject land.
- The location of any abandoned wells on the property

### **PERMISSION, ACKNOWLEDGEMENT, AGREEMENT AND DECLARATION OF APPLICATION**

I/ We, the undersigned, being the registered property owner(s) and/or agent acting on behalf of the owner agree that the information recorded in this Consent Application Form is accurate and agrees that representatives of the Township and relevant commenting agencies may enter onto the subject property for the purpose of determining the appropriateness of the site for the proposed development.

### **ACKNOWLEDGEMENT OF ADDITIONAL REQUIREMENTS**

I/ We, the undersigned, being the registered property owner(s) and/or agent acting on behalf of the owner, acknowledge that additional studies and/or peer review and/or legal review may be required by the Township as a part of the review of my/our application. Should the need arise, I/we are responsible for completing the studies as requested in order for the application to be deemed complete.

Attached to this application is payment to the Township of South Frontenac in the correct amount representing payment of the application fee, and additional payment (or proof of payment) for any required commenting agency review fees.

### **AGREEMENT TO INDEMNIFY**

The applicant hereby agrees to indemnify and save harmless The Corporation of the Township of South Frontenac ("the Municipality") from all costs and expenses that the Municipality may incur in connection with the processing of the applicant's application for approval under the *Planning Act*.

Without limiting the foregoing, such costs will include all legal, engineering, planning, and consulting fees and charges incurred or payable by the Municipality to process the application together with all costs and expenses arising from or incurred in connection with the Municipality being required, or requested by the applicant, to appear at the hearing of any appeal to the Ontario Land Tribunal from any decision of the Council, Delegated Decision of Council, or Committee of Adjustments, of their designated approval authority, as the case may be, hearing the applicant's application.

The Owner/Applicant further agrees to provide the Municipality, upon request and in cases where an application has been appealed to the Ontario Land Tribunal, 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 to prepare for and participate in the hearing. 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.

**TOWNSHIP OF SOUTH FRONTENAC CONSENT APPLICATION**

The applicant/owner acknowledges and agrees that if any amount owing to the Municipality in respect of the application is not paid when due, the Municipality will not appear before the Ontario Land Tribunal in connection with the application until the invoice has been paid in full.

**DECLARATION FOR THE PRESCRIBED INFORMATION**

**Note:** Do not sign until in the presence of the Commissioner of Oaths. You will be required to provide photo identification (i.e. driver's license).

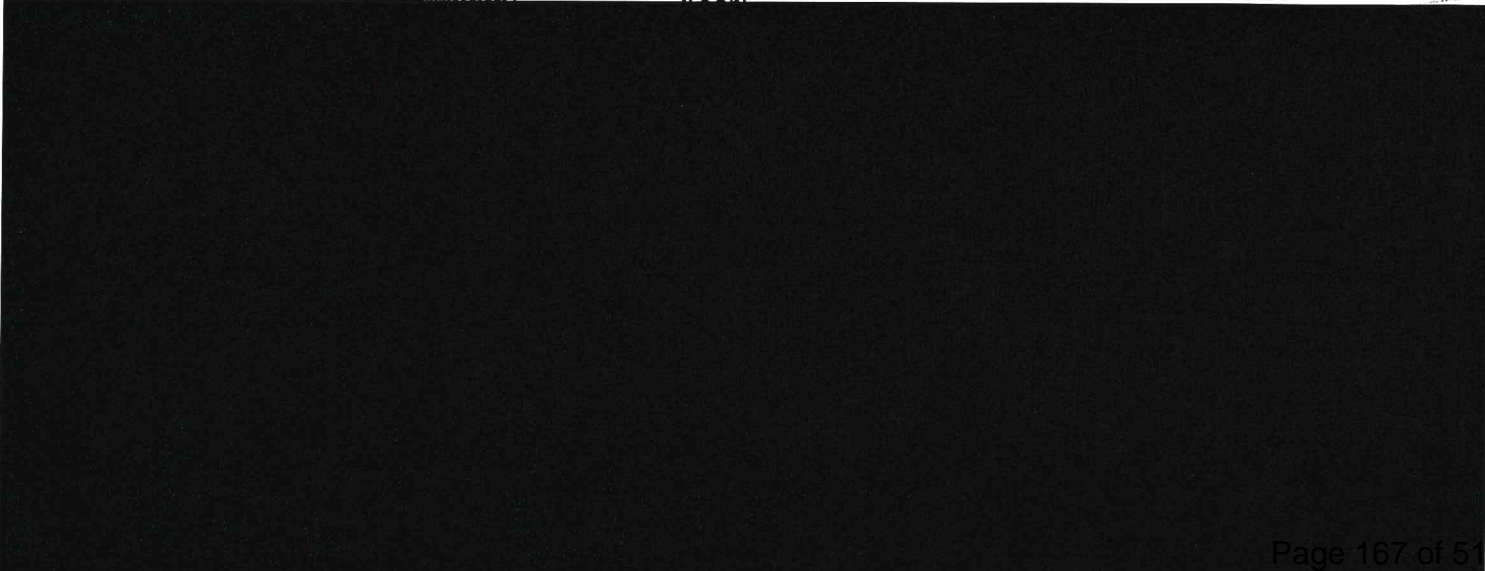
I/We, Lee Pilloborough  
(Name of Owner / Agent)

of Madison ON  
(Municipality, Town, City name)

do solemnly declare that the information contained in this application is true and that the information contained in the documents that accompany this application is true, and acknowledge that personal information and all other material collected on this form and provided to the municipality as part of this application, including all names, addresses, opinions and comments, is collected under the authority of the *Planning Act*, R.S.O. 1990, as amended, will be used to assist in making a decision on this matter and will be made available for public disclosure. I/We are aware the information collected in this Application will be provided in the applicable Agenda and posted on the Township's website.

Sworn (or declared) before me in the South Frontenac  
(Municipality name)

On this 28<sup>th</sup> day of October, 2022.  
(Day) (Month) (Year)



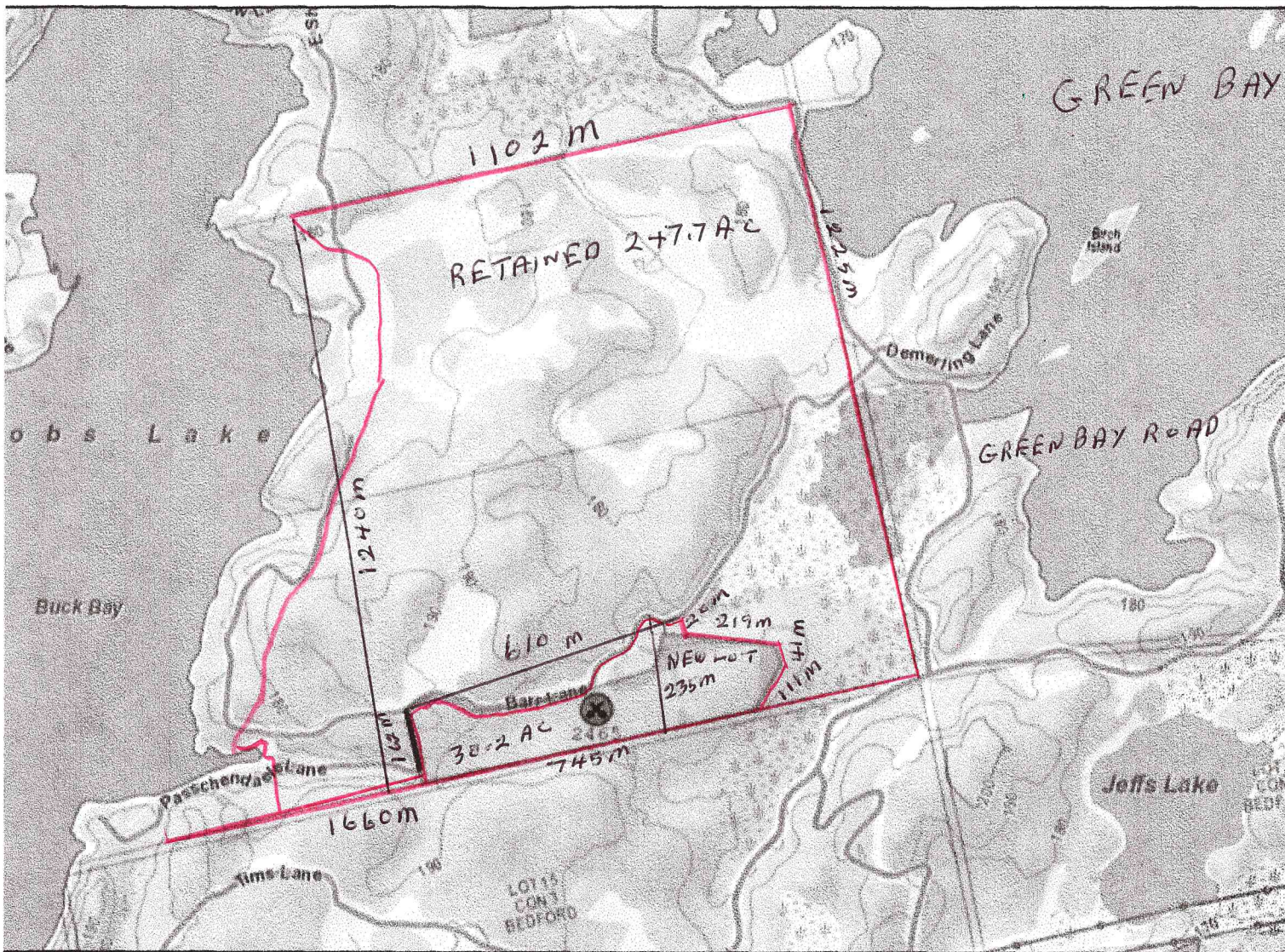
NORTH

AMENDED  
JAN 12, 2023



(map title)

Notes:  
(map notes)



### Legend

	Building as Symbol
	Building in Scale
	Runway
	Helport 1 Hospital Helport
	Aerodrome Base
	Ferry Route
	Trail Head 1
	Railway 1 Train Station
	Railway with Bridge
	Railway with Tunnel
	Road (Major -> Minor)
	Winter Road
	Road with Bridge
	Road with Tunnel
	Primary, Kings or 400 Series Highway
	Secondary Highway
	Tertiary Highway
	District, County, Regional or Municipal Road
	Toll Highway
	One Way Road
	Road with Portament
	Bridged Passage
	Road with Address Ranges
	Hydro Line, Communication Line or Unknown Transmission Line
	Natural Gas Pipeline, Water Pipeline or Unknown Pipeline
	Spot Height
	Index Contour
	Contour
	Wooded Area
	Wetland
	Waterbody
	Waterbody Elevation
	Watercourse
	Falls
	Rapids
	Rapids 1 Falls
	Rapids
	Rocks
	Lock Gate
	Dam 1 Hydro Wall
	Dam 1 Hydro Wall
	Provincial 1 State Boundary
	International Boundary
	Upper Tier 1 District
	Municipal Boundary
	Lower Tier 1 Single Tier
	Municipal Boundary
	Lot Line
	Indian Reserve
	Provincial Park
	National Park
	Conservation Reserve
	Military Lands

0.4 km

Projection: Web Mercator

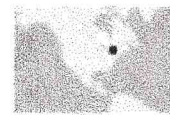


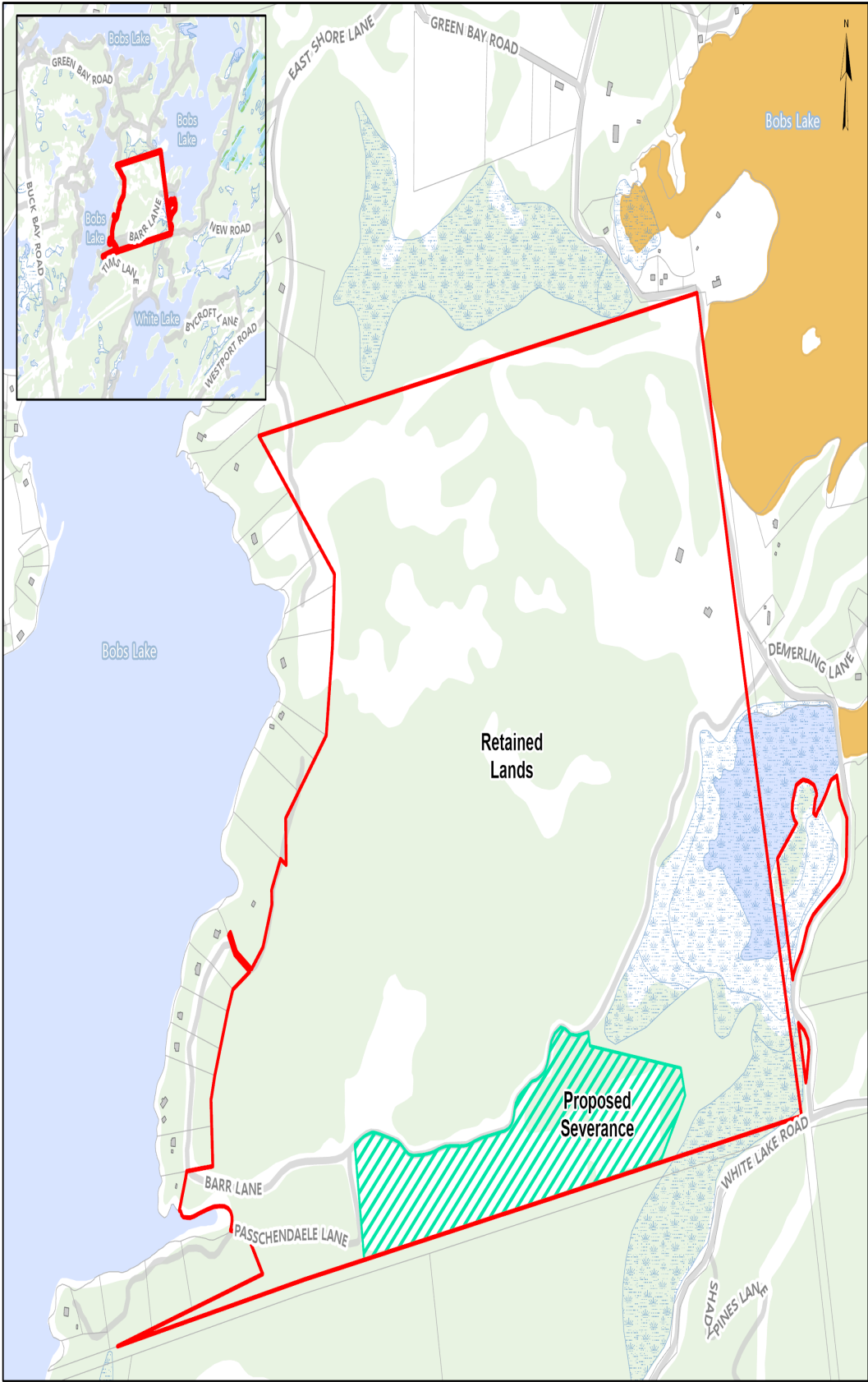
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King's Printer for Ontario, 2022


















# SOUTH FRONTENAC

PL-BDJ-2022-0152  
(DILLABOUGH)

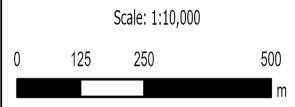
1793 GREENBAY ROAD

**Legend**

-  Subject Property
-  Proposed Severance
-  Benefitting Parcel
-  Provincially Significant Wetland
-  Wetland
-  Wooded Area
-  Lake Trout Lake - At Capacity
-  Lake Trout Lake - Not at Capacity
-  Non-Lake Trout Lake - At Capacity
-  Waterbody
-  Township Boundary
-  Railway
-  Road

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

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



UTM Zone 18 NAD 83

Date: 2023-01-18



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

December 5, 2022  
22-SFR-SEV-0038 (Bedford)

Township of South Frontenac  
Committee of Adjustment  
PO Box 100  
4432 George Street  
Sydenham, ON  
K0H 2T0

Attention: Tom Fehr

Subject: **Dillabough, Brian Lee**; Application for Consent  
PL-BDJ-2022-0152– 1793 Green Bay Rd, Lot 16, Concession 4; Geographic  
Township of Bedford, Now the Township of South Frontenac; Roll Number: 1029  
0200 4020 6000 0000

Dear Mr. Fehr

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 the purpose of this consent application is to sever a parcel of land upon which an active gravel pit is located. The proposed lot would be approximately 15 ha with frontage on both Barr and Passchendaele Lane.

**Proudly working in partnership  
with our 18 watershed municipalities**

Athens, Augusta, Beckwith, Central Frontenac, Clarence-Rockland,  
Drummond/North Elmsley, Elizabethtown-Kitley, Merrickville-Wolford, Montague,  
North Dundas, North Grenville, Ottawa, Perth, Rideau Lakes, Smiths Falls, South Frontenac, Tay Valley, Westport

Should the application be approved, the proposed retained lands would be 97.5 ha with frontage on Green Bay Rd. Portions of the proposed retained lands would also have water frontage on Green Bay and Buck Bay.

## **The Property**

The subject property is an irregularly shaped 112.5 ha parcel with frontage on Green Bay Rd to the east, Barr Lane runs through the property and forms a large part of the lot's western border. Passchendaele Lane runs through a portion of the lot to the south. As noted, an existing gravel pit is located on the south portion of the property. Much of the remaining land is forested, with a portion of the Green Bay Wetland Complex Provincially Significant Wetland located in the southeast corner. A dwelling and multiple outbuildings are adjacent to Green Bay Rd. A review of mapping products (enclosed) shows multiple watercourses, two flowing to Green Bay and a third flowing west to Buck Bay. Mapping also indicates the presence of organic soils immediately north of the PSW. Our records do not reveal the presence of marine clays or steep slopes.

## **Review Comments**

### Provincial Policy Statement

Regarding Section 2.1 of the PPS it is stated that development and site alteration shall not be permitted in significant wetlands in Ecoregions 5E, 6E and 7E, in consideration of this our office has provided some recommendations to mitigate any impacts to the PSW.

Concerning sections 2.2 and 3.1 of the PPS, our office has no concerns.

### Ontario Regulation 174/06

This property falls within the regulated area of the Green Bay Wetland Complex PSW as such prior written approval is required from our office for any development or site alteration (i.e. grading, placement of fill) within the 120-metre regulatory setback in accordance with our regulation (Development, Interference with Wetlands, Alteration to Shoreline and Watercourses) made under Section 28 of the Conservation Authorities Act.

Additionally, our office regulates the shoreline of Bobs Lake under this regulation. Should any development be proposed along the shoreline of Bobs Lake (including, but not limited to, grading, site alteration, dock installation or erosion protection works) prior written permission is required from our office in accordance with our regulation.

### Bobs Lake-Crow Catchment Report

This lot is located on both Green Bay and Buck Bay in Bobs Lake, the 2017 report indicates that Green Bay has a water quality rating that ranges from "Good" to "Very Good" while Buck Bay ranged from "Fair" to "Good". Nutrient exceedances, good fish habitat conditions in late summer, and generally clear water contributed to the ratings. Green Bay is noted to support lake trout therefore minimizing nutrient input is important to maintain the habitat conditions of this sensitive species. The report highlights the valuable role of wetlands on the landscape including the economic, ecological and hydrologic benefits. This includes storage of surface

water and mitigation of flows to protect from flood hazards, filtering of surface water and uptake of nutrients, provision of habitat for aquatic and terrestrial species, and acting as carbon sinks.

### 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 groundwater 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 properly maintained,
- avoiding the use of pesticides, herbicides and fertilizers.

This property has also been identified as having a Significant Groundwater Recharge Area (SGRA) within the area indicated on the attached map. SGRAs occur in 13 percent of the Mississippi-Rideau region. They are characterized by gravel deposits or soil features that allow a significant amount of rain and snowmelt to infiltrate down into the groundwater. These areas contribute to the quantity of groundwater available within the region. Groundwater can be vulnerable to contamination in these areas depending on the depth and type of soil. While there are no policy constraints regarding SGRAs, the location is being identified to make the applicants aware of it.

### **Discussion**

The proposed severance appears to be located outside the Environmental Protection designation within the Townships Zoning By-law, however, does include lands within the Green Bay Wetland Complex PSW. RVCA does not typically support the creation of new lots that fragment wetlands, as fragmentation can lead to increased impacts under multiple ownership. Our office would recommend that the east lot line be adjusted to ensure the lot to be created is located fully outside the PSW to protect against further fragmentation and maintain the functionality of the wetland's valuable ecosystem services, this would also better address section 2.1.4 of the PPS. Furthermore, our office would recommend the portions of the PSW under the Rural zoning designation be rezoned to Environmental Protection.

### **Conclusions**

In conclusion, the Rideau Valley Conservation Authority would recommend deferral of the subject application to consider an alternate lot configuration that avoids fragmentation of the PSW.

Thank you for the opportunity to comment and please do not hesitate to contact the undersigned at (613) 692-3571 x1109 should you have any questions.

Please advise us on the Committee's decision respecting this application or any changes in the status of the application. Yours truly,



Sarah MacLeod-Neilson  
Planner

cc – Lee Dillabough, owner

Encl. mapping indicating natural heritage features.

# Township of South Frontenac Staff Report



**To:** Committee of Adjustment

**Prepared by:** Development Services Department

**Meeting Date:** February 9, 2023

**Subject:** **Consent Application PL-BDJ-2022-0152 (Dillabough) – 1793 Green Bay Road, Bedford District**

## Summary

This application is for the creation of one new lot that contains an existing mineral resource pit as well as for a right-of-way over Barr Lane and Passchendaele Lane for legal access to the severed parcel. This report recommends **approval** of the application PL-BDJ-2022-0152. The Committee of Adjustment is being asked to make a decision on this application, as it is a disputed consent per By-law 2020-27 because there are unresolved issues or concerns from the public regarding the maintenance of Barr Lane and the operation of the existing pit.

## Background

**Proposal:** The creation of one new lot containing an existing mineral resource pit and a legal right-of-way for access.

**Location:** 1793 Green Bay Road

**Assessment Roll Number:** 102902004020600

**Designation and Zoning:** The subject property is designated Rural, Mineral Aggregate, and Environmental Protection in the Official Plan. The property is zoned Rural (RU), Pit 'A' (PA) and Environmental Protection – Wetland (EP).

## Application Table

	<b>Severed Parcel</b>	<b>Retained Parcel</b>
<b>Area</b>	12.2 hectares (30.2 acres)	+/- 100.2 hectares (247.7 acres)
<b>Frontage on Road</b>	610 metres (2001 feet) on Barr Lane and 132 metres (433 feet) on Passchendaele Lane	+/- 504 metres (1653 feet) on Green Bay Road

<b>Structures</b>	None. Contains mineral resource pit.	Dwelling, accessory buildings.
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**Review**

This application:

- ✓ Conforms to section 51(24) of the *Planning Act*;
- ✓ Does not require a plan of subdivision for the proper and orderly development of the municipality (s. 53(1) *Planning Act*);
- ✓ Is consistent with the Provincial Policy Statement (s. 3(5) *Planning Act*);
- ✓ Conforms to the County of Frontenac Official Plan (s. 3.3 & 7.1);
- ✓ Conforms to the Township of South Frontenac Official Plan (s. 5.2, 5.5 & 7.1);
- ✓ Complies with Zoning By-law No. 2003-75 (or will comply subject to a standard condition of rezoning or minor variance); and
- X Has unresolved objections/concerns raised from agencies or the public.

**Discussion/Analysis**

**Property Description**

The subject property is a large rural property located between Buck Bay and Green Bay. To the east of the property is Green Bay Road, Green Bay, and some residential properties. Predominantly vacant land borders the property to the south. Barr Lane extends across the southern portion of the property from Green Bay Road to the west side of the property on Buck Bay. Waterfront residential properties border the property on the west. The property is bordered on the north by predominantly vacant land. The subject property is primarily forested. A wetland connected to Green Bay is located in the southeast corner of the property. The mineral resource pit that is proposed to be severed is located along the south property line and is bordered on the north side by Barr Lane. The pit on the property is licensed by the Ministry of Natural Resources and Forestry (MNR) under the Aggregate Resources Act. The existing dwelling and accessory buildings are located in the northeast area of the property near Green Bay Road.

**Summary of Proposal**

The purpose of the application is to sever an existing mineral resource pit from the subject property as well as to provide a right-of-way for legal access to the parcel over Barr Lane and Passchendaele Lane. The owner is proposing the severance in order to sell the pit.

The severed parcel is located between Barr Lane and the south property line. The severed parcel is bordered on the west by Passchendaele Lane and on the east by the Green Bay Wetland Complex. The severed parcel is 12.2 hectares (30.2 acres) with 610 metres (2001 feet) frontage on Barr Lane and 132 metres (433 feet) frontage on Passchendaele Lane. The severed lands contain a mineral resource pit and no new development is proposed on the severed parcel. The retained parcel is 100.2 hectares (247.7 acres) with 504 metres (1653 feet) of frontage on Green Bay Road. The retained lands contain a dwelling and several accessory buildings.

## Department and Agency Comments

**Public Services** provided comments on December 9, 2022. They noted that there are no public roads considerations for this application.

**Ministry of Environment, Conservation and Parks (MECP)** – MECP staff reviewed the severance proposal and advised they have no concerns with the proposed severance of the pit provided the Township ensures that the severed parcel could accommodate a 300m setback from Green Bay for a septic system envelope or if this is not possible, that there be a condition imposed restricting the ability to construct a septic system on the severed lot as Green Bay is a highly sensitive, at capacity lake trout lake.

**Rideau Valley Conservation Authority (RVCA)** provided comments on the application on December 5, 2022. They noted that the lot is subject to the regulated area of the Green Bay Wetland Complex PSW, and that the proposed severance includes lands within the wetland complex. They further noted that the RVCA typically does not support creation of new lots that fragment wetlands as fragmentation can lead to increased impacts under multiple owners. They recommended deferral of the application so that an alternate lot configuration could be considered that avoids fragmentation of the PSW.

Since the RVCA submitted their comments, the applicant has revised the application to ensure that the severed parcel does not include any lands that are part of the PSW.

## Public Comments

To date, written comments have been received from the owners of three adjacent properties.

Two written submissions raised concerns about the maintenance of Barr Lane. They state that maintenance of Barr Lane is an issue as large equipment and trucks damage the road. The submission states that there is an informal agreement for the maintenance of Barr Lane that the property owner of 1793 Green Bay Road would maintain the lane from Green Bay Road to the existing pit. The comments say that this was done intermittently in the past with very little maintenance completed on that portion of Barr Lane in the past few years. The submission requests that the current informal maintenance agreement be formalized through the consent application.

Staff response: Barr Lane is currently a private lane and not a public, municipally maintained road. The Township is not involved in the maintenance of private lanes and any maintenance of existing private lanes is the responsibility of the users of the private lane. The consent application will not affect the use of the existing right of way for Barr Lane, as the pit on the parcel is existing.

Another issue raised through the written submission was a question regarding why the proposed severed area extended so far to the west as this area is currently vacant/used for agriculture. A question was also raised on how the zoning of the pit would be impacted through the proposed severance and whether a setback would be applied from Barr Lane for any further extraction.

Staff response: The area being severed includes the entire area licensed through the aggregate pit license for the site. The area under current extraction is at the eastern end of the site, however the area for potential extraction extends further to the west and corresponds to the severed parcel boundaries. Regarding zoning, the existing Pit 'A' (PA) zoning of the property notes that a 30m setback applies from the front lot line for extraction activities. Any zoning provisions of the PA zone would not apply to the current pit site as the pit license predates the Zoning By-law and the Aggregate Resources Act prohibits a Zoning By-law from restricting the operation of a currently licensed pit. It is noted that the current pit license includes buffers from the licensed area that are 15m from the north, east and west boundaries and 30m from the south boundary.

Another written submission was received from a property owner south of the subject property. They note that the severed parcel is located north of an unopened township road allowance from their property. They are concerned that the fence on the unopened road allowance should remain intact and that any future owner of the pit doesn't come over onto the unopened road allowance between lot 15 and 16. They ask whether closing the unopened road allowance should be one of the considerations for this application.

Staff response: The licensed pit area abuts the unopened Township road allowance, it does not extend onto the road allowance. No extraction could occur on the road allowance and the pit license includes a 30m buffer from the south lot line which is the boundary of the road allowance, therefore there should be no impact to the fence. Any proposal to close the road allowance between lot 15 and 16 would need to be considered by Council through a road allowance closure application.

The applicant provided a response to the written submissions that had been received to date. The letter states that the written comments from the public do not provide valid reasons to deny the consent. The applicant provides some information on how Barr Lane has been historically maintained and that there is a disagreement regarding the maintenance of Barr Lane. The applicant notes that there are a number of cottages on Buck Bay that all use Barr Lane for access as well as access for delivery and service vehicles and that this is more traffic than what results from the pit.

## Planning Analysis

### Provincial Policy Statement (2020):

The Provincial Policy Statement (PPS) (2020) provides policy direction on matters of Provincial interest pertaining to land use planning and development. Section 3 of the Planning Act requires that the decisions of municipal council “be consistent” with the PPS. The policies of the PPS provide direction to municipalities for the appropriate development of land such that provincial interest regarding matters such as natural resources, public health and safety, and the natural environment, are respected. Municipal councils are to ensure their decisions and policies provide for an efficient pattern of land use, municipal services and transportation infrastructure are available or can be reasonably provided, resources are protected, and that development contributes to the long-term prosperity of the municipality.

The subject property is considered rural lands under the Provincial Policy Statement. Section 1.1.5.2 outlines the permitted uses on rural lands as follows:

- a) the management or use of resources;
- b) resource-based recreational uses (including recreational dwellings);
- c) residential development, including lot creation, that is locally appropriate;
- d) agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices, in accordance with provincial standards;
- e) home occupations and home industries;
- f) cemeteries; and
- g) other rural land uses.

The existing pit that is proposed to be severed is a permitted use on rural lands as the management or use of resources.

Section 2.5.2.4 states that mineral aggregate operations shall be protected from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact. Existing mineral aggregate operations shall be permitted to continue without the need for official plan amendment, rezoning or development permit under the Planning Act.

Section 2.1 of the PPS addresses natural heritage. The proposed severed lot is subject to natural heritage features, specifically provincially significant wetlands (Green Bay Wetland Complex). Section 2.1.4 states that development and site alteration shall not be permitted in significant wetlands. The original application that was submitted included a portion of the PSW with the severed parcel. The application was revised to ensure that the severed parcel does not include any PSW lands. A portion of the severed parcel is within the adjacent lands of the PSW as described in Section 2.1.8, however these lands contain the existing pit that is operating under an approved license.

The proposed consent is consistent with the PPS.

### **Frontenac County Official Plan:**

The Frontenac County Official Plan provides general direction on planning and development in Frontenac County by defining strategic goals, broad objectives and policies. The Minerals and Mineral Aggregate Resources policies of Section 2.1.2 provide direction on these resources. The County OP recognizes that these non-renewable resources are an important component of the economy of the County which must be protected for future use.

The subject property is subject to sand and gravel resources identified in Appendix 1D of the County OP. This mapping corresponds to provincial mapping of mineral aggregate resources. A portion of the severed lands that contain the existing pit are located within the mapped sand and gravel resource.

Section 2.1.2.2.4 of the County OP states that the Townships shall identify and protect all existing mineral aggregate operations from incompatible uses and activities that would preclude or hinder their expansion or continued use, or which would be incompatible for reasons of public health, public safety, or environmental impact. The Townships shall map the locations of all existing licensed mineral aggregate operations on their official plan land use schedules and zoning by-laws. Existing mineral aggregate operations shall be permitted to continue without the need for an official plan amendment, rezoning or development permit under the Planning Act. As the application is for the creation of a lot that contains an existing licensed mineral resource pit, the application is consistent with the County Official Plan.

### **Township Official Plan**

The subject property is designated Rural, Mineral Aggregate, and Environmental Protection - Wetland in the Official Plan. The retained parcel is developed with an existing residential use that is proposed to continue. The retained lands have frontage on Green Bay Road which is a publicly maintained road. The retained parcel would also meet the Rural Residential policies as outlined in section 5.7.4 (ii), as it has a frontage, size and public road access which conforms with the Official Plan.

### **Mineral Aggregate:**

The severed parcel is primarily designated Mineral Aggregate with a small area of land between the licensed pit area and Barr Lane designated Rural. The portion of lands designated Rural are included in the severed lands in order to avoid having a portion of the retained lands located between the licensed pit and Barr Lane. The Mineral Aggregate designation in the Official Plan corresponds to the licensed pit area. In the areas identified as Mineral Aggregate, pits and quarry operations will be permitted together with accessory uses such as crushing facilities, stockpiles and screening operations. The existing pit is permitted in the Mineral Aggregate designation.

The Official Plan states that the concept of an influence area is recognized as a means of protecting against incompatible land uses in the vicinity of Mineral Aggregate designations and to protect existing pits and quarries from encroachment from other incompatible land

uses. In accordance with this concept, it shall be the policy of Council to prohibit residential land uses within 150 metres (492 feet) of an existing or proposed pit above the water table, and within 300 metres (984.3 feet) of an existing or proposed pit below the water table. The existing pit is above the water table and while the consent application does not propose to establish a new pit, it is noted that there are no sensitive land uses within 150m of licenced pit boundary, therefore land use compatibility is not a concern with the existing pit.

The pit is currently part of the property known as 1793 Green Bay Road, and access to the current pit is via Barr Lane from Green Bay Road. As the pit is proposed to be severed, the application includes a right-of-way over Barr Lane and Passchendaele Lane to ensure legal access to the severed parcel. The right-of-way is required as the severed parcel does not have any frontage on Green Bay Road. The Official Plan contemplates new development that is accessed via private lanes that is generally limited service residential. The PA zone does not have a minimum lot area or minimum lot frontage. This suggests that direct public road access is not a requirement for the establishment of a pit as mineral aggregate resources may not always be located in proximity to a public road. A pit also functions differently than a dwelling in that the use of the pit is typically intermittent whereas a permanent dwelling is used every day. In considering this and the fact that the pit is operating under an existing license, having access to the pit via a right-of-way is appropriate. Functionally, nothing regarding access to the pit is changing as users of the pit will still be using the same existing access (Barr Lane).

### **Environmental Protection**

The property is subject to Provincially Significant Wetlands (PSW) as well as being in proximity to Green Bay which is a highly sensitive, at capacity Lake Trout Lake. The PSW is designated Environmental Protection Wetland in the Official Plan. The severed parcel is within the influence area of the PSW, however as the severed lands contain an existing operating pit no negative impacts to the wetland are anticipated to occur as a result of the severance.

Regarding the lake trout lake, Section 5.2.8 of the Official Plan addresses development in proximity to lake trout lakes. In order to protect these sensitive waterbodies the OP generally does not permit new lot creations within 300m of lake trout lakes. The Green Bay Wetland Complex which is in proximity to the severed lands, is directly adjacent to Green Bay and is considered part of the lake for the purposes of reviewing lands within 300m of Green Bay. The severed parcel is therefore within 300m of the lake trout lake. The current PA zone contains several permitted uses that could require a septic system. It is recommended that the severed parcel be rezoned in order to prevent a septic system from being located within 300m of the Green Bay Wetland Complex. This recommended zoning amendment would not restrict the operation of the pit, which is prohibited by the Aggregate Resources Act, but rather the zoning amendment would function only to restrict septic systems in accordance with the applicable policies that work to protect highly sensitive, at capacity lake trout lakes. With the recommended conditions the proposed severance is not anticipated to have any adverse environmental impacts.

## **Zoning by-law**

The entire property is currently zoned Rural (RU), Environmental Protection (EP), and Pit 'A' (PA). The retained lands are in the RU and EP zones and will comply with the requirements of the Zoning By-law.

The severed land is zoned PA and RU. The PA zone boundary does not correspond to the entire area of the licensed pit boundary. It is recommended that the recommended zoning amendment also amend the boundary of the pit zone to correspond to the licensed pit boundary. Additionally, the permitted uses of the PA zone include a pit which produces less than 20,000 tonnes extracted per year. The current license for the pit permits extraction to exceed 20,000 tonnes per year. It is further recommended that the pit zoning is changed to the Pit 'B' zone which permits a pit with an extraction limit greater than 20,000 tonnes per year to accurately reflect the conditions of the current pit license.

With the recommended conditions the application complies with the Zoning By-law.

## **Summary**

With the recommended conditions the severed parcel complies with the policies of the Provincial Policy Statement, County of Frontenac Official Plan, Township of South Frontenac Official Plan and with Zoning By-law No. 2003-75.

The application is a disputed consent per By-law 2020-27 because there are unresolved issues or concerns from the public related to the maintenance of Barr Lane and the operation of the existing pit. Therefore, it is being brought to the Committee of Adjustment for a decision.

## **Notice/Consultation**

A Notice of a Consent Application was circulated to the public on November 23, 2022 pursuant to the requirements of the Planning Act. A Notice of Public Meeting was circulated pursuant to the requirements of the Planning Act, at least 14 days before the public meeting.

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 application PL-BDJ-2022-0152 be approved subject to the following conditions.

### Expiry Period

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

### Severed Lands

2. The lands to be severed by Consent Application PL-BDJ-2022-0152 shall be for the creation of one new lot a minimum of 12.2 hectares (30.2 acres) in area with a minimum of 610 metres (433 feet) of frontage on Barr Lane.

### Survey/Reference Plan or Registerable Description

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

### Municipal Requirements

5. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. This includes all taxes levied as of the date of the issuance of the Certificate of Official.
6. In the event that there are abandoned wells located on the severed parcel or the retained property, they shall be sealed in accordance with the requirements of the Ministry of the Environment, Conservation and Parks and that this work shall be accomplished prior to the issuance of the Certificate of Official.

## Zoning

7. That a zoning amendment by-law amendment is applied for and approved that amends the zoning of the severed parcel to prohibit a septic system within 300m of the Green Bay Wetland complex. The zoning amendment shall also amend the zoning of the pit from a Pit 'A' (PA) zone to a Pit 'B' (PB) zone to reflect the annual extraction limit of the pit license being greater than 20,000 tonnes per year, and to amend the boundaries of the pit zone to accurately reflect the licensed area of the pit boundary and the extent of the Mineral Resource designation in the Official Plan.
8. Where a violation of Zoning By-law No. 2003-75 is evident, the appropriate minor variance or rezoning be obtained to the satisfaction of the Municipality.

### **Report Prepared By:**

Tom Fehr, Planner

### **Reviewed By:**

Christine Woods, MCIP RPP, Senior Planner

DRAFT

## Notice of Consent Application PLBDJ20220152

Property Address: 1793 Green Bay Road  
Applicant: Lee Dillabough

Dear Mrs. Hannah,

As a property owner on Barr Lane and contributor to the maintenance of Barr Lane, we respectfully ask that any potential severance of the "Barr Farm" (1793 Green Bay Road) be subject to the general terms and agreement that has existed in principle along Barr Lane for many, many years.

It is important to note that only a very small portion of the proposed severance contains any form of active pit or aggregate extraction, which is currently operating at the east portion of the proposed severance. The entire western portion of the site has been agricultural (grazing farm land) or "vacant" for at least 20 years. Given the potential for the Barr Farm to be an active farm, it is not clear why the western portion of this severance should be granted. The western portion of the severance has some of the best supporting land for agricultural purposes. Please refer to Green Bay Wetland Complex map attached.

That being said, our concern remains with maintenance of Barr Lane, and the very negative impacts and damage that large equipment and trucks make to the road. This is a common lane which has not been built for heavy truck use. The Cottagers and the Township have both invested in Barr Lane under the Private Lane Upgrade Assistance Program over the years and it must be noted that the Owner(s) of 1793 Green Bay Road have not made any contribution to the maintenance of Barr Lane under the Private Lane Upgrade Assistance Program. It was generally agreed with Pat Barr (now deceased) and Carl Barr (before Pat), that Barr Lane would be maintained from Green Bay Road to the first (and only operating) pit, which was done very intermittently and usually at Barr's request of the pit operator (not sure if there is a legal operating or leasing agreement in place for the pit). In recent years (since Pat's death), there has been very little maintenance of that section of Barr Lane and most recently, it was necessary for the maintenance to be completed by the Cottagers.

If any severance is to be granted, we respectfully ask that the long standing road maintenance agreement be formalized to ensure that Barr Lane remains up to the standard that the Township and Cottagers have invested in over the years. Attached is a Barr Lane Maintenance map that shows the existing maintenance "agreement". The section with both yellow and red (frontage of new severance) is the section that we would like to see maintenance transferred to 1793 Green Bay Road.

Maintenance of Barr Lane to the west limit of the proposed severance (Passchendaele Lane) should be formally agreed to by the Owner/Applicant of 1793 Green Bay Road and registered on title of the 1793 Green Bay Road in advance of any such severance. Upon consent of the severance, the maintenance responsibilities can either remain with 1793 Green Bay Road or be transferred to the new Owner of the pit lands (severance); or shared as may be determined.

In addition to the road maintenance issue(s), we seek clarification from the Township with respect to the current 'PA' zoning of the lands. For the purpose of the By-Law and for clarity of the proposed severance, would Barr Lane be considered the "Front" Lot line for the newly created parcel ? This would be beneficial for the protection of Barr Lane in terms of required setbacks for any future Permitted Uses. We would seek to have this explicitly referenced in the Township's Zoning By-Law as a Special Provision (Section) under 'PA' Zoning along with all referenced setback requirements. In particular, we expect that the Landscaping Provision will be fully enforced and that Bar Lane can be reference and treated similar to any roadway under the By-Law, in that no aggregate extraction use shall be made of any kind within 30 metres (98.4 ft.) of the abutting lot line and no parking use shall be made of any land within 7.5 metres (24.6 ft.) of the abutting lot line. The intervening land shall be kept in an open space condition with grass, trees and shrubs and retained as part of the normal operation of the extraction activity.

We remain available to discuss the content of this letter at any time and trust that maintenance of Barr Lane can be adequately addressed as a condition of severance. We will retain our ability to appeal any decision of the Committee / Council should severance be granted without due consideration for road maintenance and the increased actual and potential negative affects that heavy trucks and equipment have on Barr Lane.

Thank you in advance for your time on this matter.

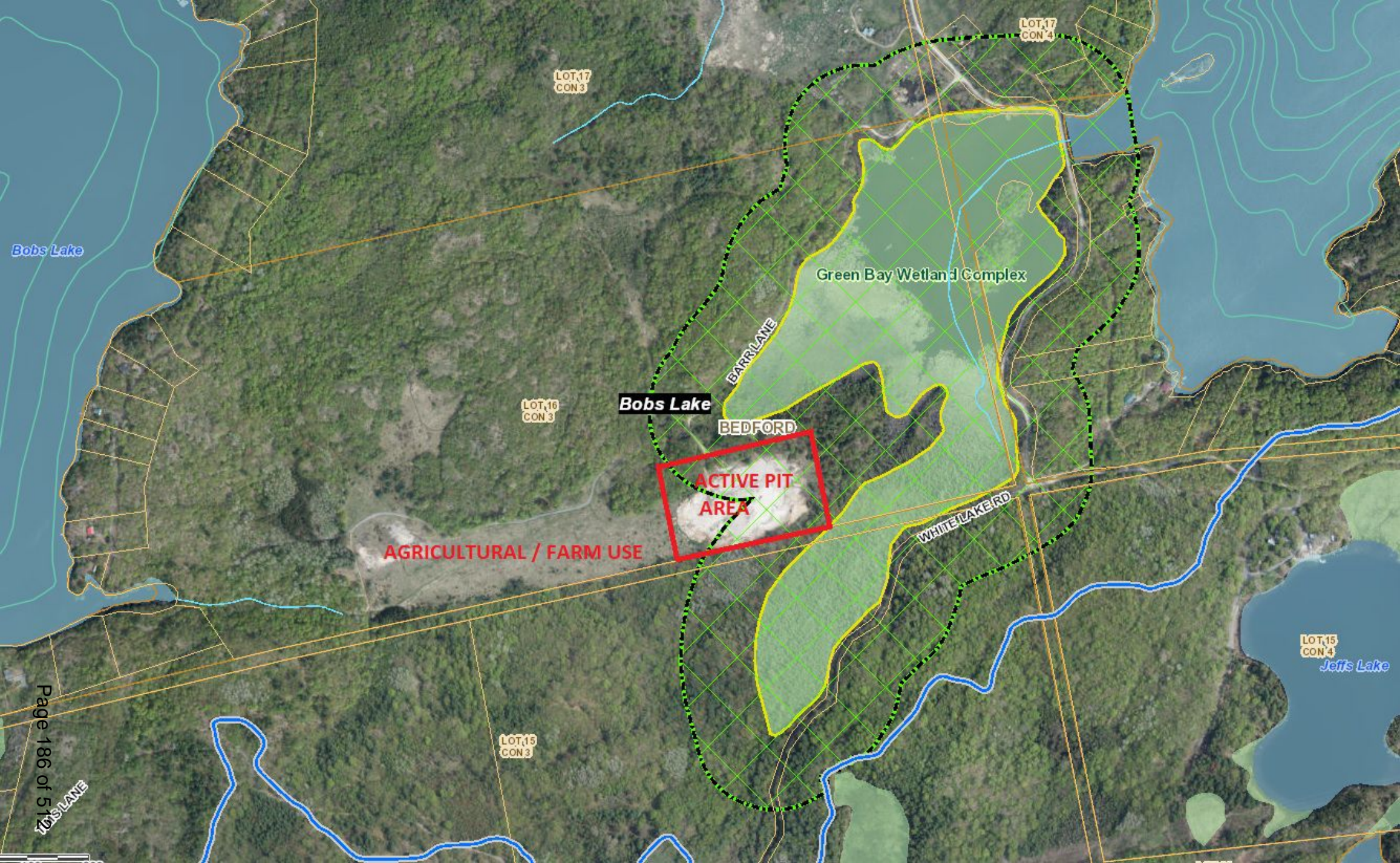
Respectfully,

Lynn & David Bonsall

[Redacted signature line]

[Redacted signature line]

[Redacted signature line]



LOT 17  
CON 3

LOT 17  
CON 4

Bobs Lake

Green Bay Wetland Complex

BARRILANE

Bobs Lake

LOT 16  
CON 3

BEDFORD

ACTIVE PIT  
AREA

AGRICULTURAL / FARM USE

WHITE LAKE RD

LOT 15  
CON 4

Jeff's Lake

LOT 15  
CON 3



**ROAD MAINTENANCE  
BY COTTAGERS**

**IF SEVERENCE PROCEEDS  
SECTION OF ROAD TO BE  
MAINTAINED BY BARR /  
PIT OPERATOR**

**BEDFORD**

**ROAD MAINTENANCE  
BY BARR / PIT  
OPERATOR**

**ACTIVE PIT  
AREA**

## Tom Fehr

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**From:** Michelle Hannah  
**Sent:** December 13, 2022 9:31 AM  
**To:** Tom Fehr  
**Subject:** FW: Notice of Consent Application PLBDJ20220152

Hi Tom,

Please see the below email from neighbouring property owners of application PL-BDJ-2022-0152 (Dillabough).

Sincerely,

Michelle

Michelle Hannah,  
Planning Assistant  
Township of South Frontenac

p: +613-376-3027 ext. 2224  
e: mhannah@southfrontenac.net  
a: 4432 George St., Box 100, Sydenham, ON [www.southfrontenac.net](http://www.southfrontenac.net) [www.frontenacmaps.ca](http://www.frontenacmaps.ca)

Natural, Vibrant and Growing – a Progressive, Rural Leader

Please consider the environment before printing this email

-----Original Message-----

From: Elisa Kelly <[REDACTED]>  
Sent: December 11, 2022 2:55 PM  
To: Michelle Hannah <mhannah@southfrontenac.net>  
Subject: Re: Notice of Consent Application PLBDJ20220152

Dear Ms Hannah,

Thank you for sending us the details of this application to sever an existing mineral resource pit from the subject property. Property Address:1793 Green Bay Road.

A portion of the proposed severance parcel of land abutts our property on lot #15. Our concern is that the lot line fence stays intact and new owners does not come over on the unclosed road allowance between lot #15 and #16.

As part of the severance application, perhaps closing the road allowance between lot #15 and #16 should be one of the criteria/conditions for this application.

Thank you for addressing our concerns in advance.

Sincerely,  
Tim & Elisa Kelly



**From:** [Paul Riddell](#)  
**To:** [planning](#)  
**Subject:** Notice of Consent Application PLBDJ20220152 (Dillabough)  
**Date:** December 12, 2022 8:24:30 AM  
**Attachments:** [Notice of Consent PLBDJ20220152 \(Dillabough\) - 11 Dec 2022.pdf](#)

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Attn: Michelle Hannah

Dear Michelle,

Please find attached a letter shared with me from a member of our Cottagers Association Lynn & David Bonsall at [REDACTED].

As the President of our Cottagers Association I represent our members. I am responsible for collecting annual dues and among other things, the well being of our road as shown on the map provided in the Bonsall's letter. As pointed out, the previous agreement with the land owner of the large operating pit was that the condition of the road from Green Bay Rd to the pit (as show on map) was maintained by the land owner (Barr) /pit operator. Unfortunately this agreement was not formalized and has seemingly been ignored. Now unfortunately once that section of road gets too bad, the Buck Bay Cottagers are forced to spend our collective money to repair this section, only to have it quickly ruined by the heavy equipment that drives along that section.

This association has spent thousands of dollars over the years building, improving and maintaining this road from the commercial pit on to our properties to ensure the safe access of our members as well as emergency vehicles for our ageing family members. Without knowing the intended purpose of the land being severed by the existing or future owner, it goes without saying that additional traffic in the form of personal or commercial heavy vehicles will further strain the section of road we maintain.

If any severance is to be granted, we respectfully ask that the long standing road maintenance agreement be formalized to ensure that Barr Lane remains up to the standard that the Township and Cottagers have invested in over the years. See the attached letter from the Bonsall's re: the Barr Lane Maintenance map that shows the existing maintenance "agreement". The section with both yellow and red (frontage of new severance) is the section that we would like to see maintenance transferred to 1793 Green Bay Road. Maintenance of Barr Lane to the west limit of the proposed severance (Passchendaele Lane) should be formally agreed to by the Owner/Applicant of 1793 Green Bay Road and registered on title of the 1793 Green Bay Road in advance of any such severance. Upon consent of the severance, the maintenance responsibilities can either remain with 1793 Green Bay Road or be transferred to the new Owner of the pit lands (severance); or shared as may be determined. Again equal to or better than the standards the township and Cottagers have upheld for years. Please note road maintenance includes not only the condition of the road but brush and tree trimming as well as grass on either side of the road.

Thank you

On behalf of and in the interest of the Buck Bay Cottagers.

Paul Riddell - [REDACTED]



**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.

<b>Application Type:</b>	<b>Planning Fee:</b>	<b>Building Admin Fee:</b>	<b>TOTAL:</b>
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 <i>Minor Variance Only</i>	\$450
<i>Minor Variance WITH Performance Review</i>	\$700
<i>Minor Variance in combination with a new Class 2, 3, 4, or 5 sewage system other than a Class A system</i>	\$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.

**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: August 12, 2021

File No: MV-36-21-P

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

1. Name of Owner(s): CORY AND KATHERINE AND RACHEL VAN ALLEN  
Full Mailing Address of Owner(s) [REDACTED]  
[REDACTED]  
Phone number of Owner(s) [REDACTED]  
Email Address of Owner(s): [REDACTED]

2. If the applicant is **NOT** the owner of the subject land, the written authorization of the owner that the applicant is authorized to make the application, must accompany the application.  
Name of Authorized Agent: \_\_\_\_\_  
Full Mailing Address of Authorized Agent: \_\_\_\_\_  
\_\_\_\_\_  
Phone number of Authorized Agent: \_\_\_\_\_  
Email Address of Authorized Agent: \_\_\_\_\_

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

3. The description of the subject land:  
District:      Bedford            Portland            Loughborough            Storrington  
Concession Number: 11                           Lot Number: 9  
Street Number: 6082                           Name of Road/Street: CEMETERY ROAD  
Reference Plan Number: 13R-12843           Part Number(s): 1  
Roll Number: 080-090-146000000

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

Current wording of Condition 1 on the Approval Notice for minor variance MV-08-21-P includes the following:

The application will also permit the re-construction of a cottage (building #2, located closest to Verona Lake) with a maximum footprint of 74 square metres (797 square feet) to be located 2.5 metres from the western interior lot line (adjacent to the cemetery), with a setback of 1.3 metres (4 feet) from the interior lot line to the north and **to be located 10 metres (32 feet) from the highwater mark of Verona Lake**, as per the revised drawings and application submitted with MV-08-21-P received on April 26, 2021, attached to the Decision as Schedule "A".

The purpose of this additional minor variance application is to request that the the wording:

“to be located 10 metres (32 feet) from the highwater mark of Verona Lake”,  
be adjusted/changed to read:

“to be located 6.5 metres (21 feet) from the highwater mark of Verona Lake”.

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

Frontage (on water): 22.713m

Frontage (on road/lane): 19.499m

Depth: 93.202M

Area: 0.34 ACRES

5. The current zoning of the subject land:

RESIDENTIAL

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

WE REQUEST AN ADJUSTMENT TO CONDITION #1 OF MINOR VARIANCE MV-08-21-P TO ALLOW A SETBACK OF 6.5M FROM THE HIGH WATER

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

1996 HIGH WATER MARK IN SURVEY PROVIDED WITH APPLICATION FOR MV-08-21-P NO LONGER CORRESPONDS TO CURRENT HIGH WATER MARK, CURRENT STRUCTURE IS 5.5M FROM HIGH WATER MARK, NEW STRUCTURE WILL BE 6.5M FROM IT.

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

Name of Road/Lane:

CEMETERY 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?

RESIDENTIAL

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

Yes  No

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

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

Type of Structure (E.g. residence)	(1) CURRENT COTTAGE	(2) HOUSE	(3) BUNKIE	(4)
Setback from Front Lot Line	6.5m	1.15m	5.2m	
Setback from Rear Lot Line	5.15m	70.96m	28.07m	
Setback from Side Lot Line	1.33m	2.98m	1.15m	
Height of Building (Also indicate if it is one story or two story)	3.835m 1 STORY	7m	5.3m	
Dimensions of Floor Area	11m x 7.36 IRREGULAR 73.35sq.m.	84.9m <sup>2</sup>	55.75m <sup>2</sup>	
Setback from High Water Mark (If applicable)	5.5m	70.96m	28.07m	

13. The proposed uses of the subject land:

RESIDENTIAL

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

Yes       No

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

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

Type of Structure (E.g. residence)	(1) REPLACEMENT COTTAGE	(2) HOUSE ADDITION (APPROVED MAY 13, 2024)	(3)	(4)
Setback from Front Lot Line	6.5 m	3.81 m		
Setback from Rear Lot Line	6.5 m	70.96 m		
Setback from Side Lot Line	1.33 m	2.98 m		
Height of Building (Also indicate if it is one story or two story)	4.44 m 1 story	7 m 2 story		
Outside Dimensions of Building/Structure	<del>9.75m x 7.34m</del> 7.34m	1.39m x 5.66m 3.65m x 3.65m 34.6 sq. m		
Setback from High Water Mark (If applicable)	6.5 m	70.96 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:

OLD COTTAGE TO BE DEMOLISHED

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

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

If yes, please provide details:

---

18. What are the uses of the proposed development?

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

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

July 30th, 2020

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

HOUSE 1896 ; HOUSE/COTTAGE AND BUNKIE 1945

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

HOUSE 125 YEARS ; COTTAGE AND BUNKIE 75 YEARS

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

PRIVATE WELL

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

TWO SEPARATE, PRIVATELY OWNED SEPTIC SYSTEMS - ONE FOR HOUSE  
ONE FOR COTTAGE AND BUNKIE

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.

**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.

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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.

MV-08-21-p     APPROVED, SUBJECT TO CONDITIONS, MAY 13, 2021

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 12 DAY OF AUGUST, 2021

I, CORY VAN ALLEN OF VERONA

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



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

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

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

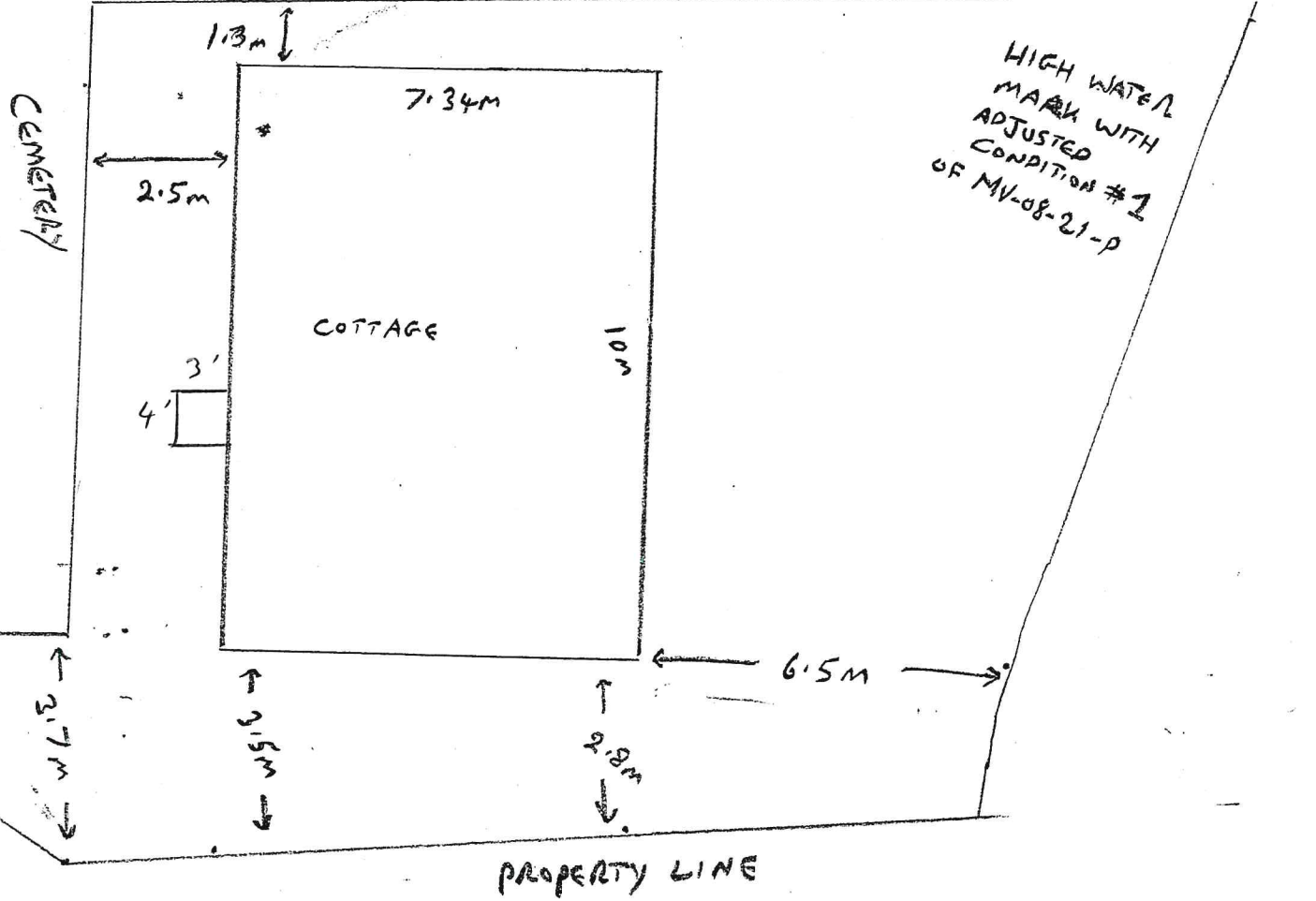
- 10) Existing Uses: e.g. residential, retail business, vacant recreational land
- 11) Buildings: If there are **ANY** buildings or structures on the property now, the answer to this question is “yes”.
- 12) Description of buildings and structures: You must complete all sections of this question for each structure on your property. **If there is a deck on your dwelling, please describe it separately from the residence.**
- 13) Proposed Uses: Generally, the answer to this question will be the same as the answer to #10, but if, for example, the land is currently vacant, and you are planning to construct a dwelling, then the use to be described in section 10 would be “vacant recreational land”, and the use described in section 13 would be “residential”
- 14) Proposed structures: If you are planning to build **ANYTHING** on the property, the answer to this question is “yes” – This includes additions, decks, garages, septic systems.
- 15) Description of new construction: **ALL** proposed new development must be described here. If you are proposing to construct an addition to a dwelling, and to add a deck, please show this information in separate columns.
- 16) **Demolition: All demolition requires a permit from the building department.** In some instances, a proposed addition or increase in height cannot be accomplished without the removal of existing walls. If this is not made clear to the Committee at the beginning of the process, you may find that, although you are granted permission to add on to your residence, you can't actually do it because you have not made it clear that there is demolition involved.
- 17) Raising of Structure: In other words, are you proposing to raise the building in order to construct a basement under it.
- 18) Uses of Development: Please answer each part of this question. An increase in living space would include anything with walls – e.g. a screened porch would involve an increase in living space.
- 19) Date land acquired: When did you take possession of the property?
- 20) Date of existing buildings: If you are not sure, provide your best estimate.
- 21) Length of existing uses: For example, has the land been used for residential purposes for 30 years, or 18 months?
- 22) Water supply: in most cases the answer will be private well, but some waterfront properties take their water from a lake.
- 23) Septic: in most cases the answer will be private sewage system, but there may be some privies.

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

- 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.

CEMETERY ↑ N

PROPERTY LINE



HIGH WATER MARK WITH ADJUSTED CONDITION #1 OF MV-08-21-P

COTTAGE

7.34m

10m

1.3m

2.5m

3'

4'

6.5m

3.5m

2.8m

3.7m

PROPERTY LINE

**Inset Map**



**μ**



**MV-36-21-P  
(Van Allen)**

**6082 CEMETERY RD**

6075  
CARLETON DR

6084  
CEMETERY RD

6083  
CEMETERY RD

4297  
WATER ST

4291  
WATER ST

4289  
WATER ST

**Cemetery Rd**

6082  
CEMETERY RD

6072  
CEMETERY RD

4285 WATER ST

4279 WATER ST

4290  
WATER ST







**Water St**

4282 WATER ST

4280 WATER ST

Verona Lake

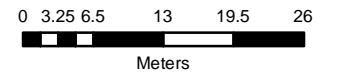
**Legend**

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

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

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

Scale 1:700



UTM Projection NAD 83

Date: 2021-02-26

## Michelle Hannah

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**From:** Catherine Sinclair <CSinclair@quinteconservation.ca>  
**Sent:** August-27-21 8:51 AM  
**To:** Anna Geladi  
**Cc:** Sharlene Richardson; Samantha Carney  
**Subject:** RE: Van Allen Minor Variance

Hi Anna, we have no concerns and have already issued the permit.

Catherine

### Catherine Sinclair (She/Her)

Regulations Officer

Quinte Conservation

[csinclair@quinteconservation.ca](mailto:csinclair@quinteconservation.ca)

RR#2, 2061 Old Hwy #2, Belleville, ON K8N 4Z2

Phone: (613) 968-3434 or (613) 354-3312 x 117

**IMPORTANT COVID-19 NOTICE:** In light of health concerns related to the Covid-19 virus, the QC office will be closed to the public until further notice. Events and meetings will be postponed until further notice. Residents can reach the office by calling 613-968-3434 or by emailing [info@quinteconservation.ca](mailto:info@quinteconservation.ca). Documents can be dropped off via the mail slot at the main office or by mail at 2061 Old Hwy 2, Belleville ON, K8N 4Z2.

[Click here to sign up for one of Quinte Conservation's e-newsletters!](#)

[www.QuinteConservation.ca](http://www.QuinteConservation.ca)

[www.QuinteSourceWater.ca](http://www.QuinteSourceWater.ca)

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**From:** Sharlene Richardson <SRichardson@quinteconservation.ca>  
**Sent:** August 27, 2021 8:48 AM  
**To:** Catherine Sinclair <CSinclair@quinteconservation.ca>  
**Subject:** FW: Van Allen Minor Variance

I think this one is yours? The one with the grave yard?

### Sharlene Richardson (she/her)

Regulations Officer

Quinte Conservation

Phone: (613) 968-3434 or (613) 354-3312 ext 112

 Consider the environment. Please don't print this e-mail unless you really need to.

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---

**From:** Anna Geladi <[ageladi@southfrontenac.net](mailto:ageladi@southfrontenac.net)>

**Sent:** August-26-21 2:19 PM

**To:** Sharlene Richardson <[SRichardson@quinteconservation.ca](mailto:SRichardson@quinteconservation.ca)>; Samantha Carney <[SCarney@quinteconservation.ca](mailto:SCarney@quinteconservation.ca)>; Sam Reid <[SReid@quinteconservation.ca](mailto:SReid@quinteconservation.ca)>

**Subject:** Van Allen Minor Variance

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello!

Just leaving a quick note to let you know that Mr. Van Allen has re-applied to get the setback from the highwater mark adjusted since it was measured incorrectly. I am checking to see if you have any concerns? I believe he spoke to someone at your office about this.

Thanks,  
Anna Geladi



**Anna Geladi,**  
**Planner**

Township of South Frontenac

p: [+613-376-3027](tel:+6133763027) ext. 2350

e: [ageladi@southfrontenac.net](mailto:ageladi@southfrontenac.net)

a: 4432 George St., Box 100, Sydenham, ON

[www.southfrontenac.net](http://www.southfrontenac.net)



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# Township of South Frontenac Staff Report

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**To:** Committee of Adjustment

**Prepared by:** Development Services Department

**Date of Meeting:** February 9, 2023

**Subject:** **Application for Permission to Enlarge Legal Non-Conforming Use (S. 45(2) of Planning Act) PL-ZNA-2023-0011 (MV-36-21-P), Van Allen, 6082 Cemetery Road, Portland District**

## Summary

This report recommends that the Committee of Adjustment grant the request for permission to enlarge a legal non-conforming dwelling within 30 metres of the highwater mark under section 45(2) of the Planning Act.

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## Background

**Official Plan Designation:** Settlement Area

**Zoning:** Urban Residential – First Density (UR1)

### Relief Requested for Dwelling

The application is seeking permission under section 45(2) of the Planning Act to enlarge a legal non-conforming dwelling on the property within 30 metres of the highwater mark of the Verona Lake.

### Related Applications

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

## History

The Committee of Adjustment granted the Owner permission to enlarge a legal non-conforming dwelling through application MV-08-21-P on May 13, 2021. The dwelling was permitted to have a maximum 74 square metre (797 square foot) footprint, as well as to be setback 2.5 metres from the western interior side lot line (adjacent to the cemetery west of the cottage), setback of 1.3 metres from the northern interior side lot line, and setback 10 metres from the highwater mark of Verona Lake.

Building Services staff, through a required building permit inspection in 2021, verified the setbacks for the proposed dwelling and determined that the 10 metre setback from the highwater mark that was identified on the original application, and approved by the Committee of Adjustment, was inaccurate. It was discovered that the distance to the highwater mark was measured incorrectly and that the actual minimum distance is 6.5 metres.

The Owner subsequently submitted a new application (MV-36-21-P) to request permission for the dwelling to be setback 6.5 metres from the highwater mark of Verona Lake. Planning staff view this application as technical in nature and that it is required to correct the error in the value of the setback from the highwater mark provided in the original application so that a building permit can be issued for the new dwelling.

On Friday, September 3, 2021, Township staff were notified that human remains were discovered on the subject property while excavation was occurring for the new dwelling. The site was investigated by the OPP and the Coroner. Following consultation with the Forensic Anthropologist, OPP deemed the site to be a colonial burial.

As the burial site was identified outside of the established boundary of the Verona Cemetery, the Ministry of Government and Consumer Services became responsible for the site and required the Owner to conduct an archaeological assessment.

The Committee of Adjustment deferred the public hearing for the new application on September 9, 2021, at the recommendation of staff. The deferral was recommended so that the proposal could be revised if needed based on the outcome of the archaeological assessment and on the declaration of the Registrar of the Funeral, Burial and Cremation Services Act on what to do with the human remains (e.g. establish a cemetery or disinter and reinter the human remains within a licensed cemetery). An archaeological assessment was completed in 2022, and the Registrar made their declaration in December 2022. The human remains were disinterred from the site and reinterred in the Verona Cemetery.

This application is being brought forward to the Committee of Adjustment for a hearing.

## **Property Description**

The subject property is located on Cemetery Road, off Water Street, off Road 38 in Verona. The subject property is municipally known as 6082 Cemetery Road and has water frontage on Verona Lake. There is a municipally-owned cemetery (Verona Cemetery) located directly beside the subject property (on the north side). A portion of the cemetery property cuts into the subject property.

The property has a gentle slope down towards the lake, except at the shoreline, where there is a stone retaining wall.

The subject property contains three single detached dwellings, a storage shed and two sewage systems. The dwellings are labelled “cottage”, “house”, and “bunkie” on the application form. From west to east, starting at Cemetery Road and ending by Verona Lake, the sequence of buildings and structures on the property is house, septic system for house, storage shed, septic system for cottage, bunkie, cottage.

### Summary of Proposal

The application is seeking permission to replace the “cottage” with a new dwelling. The following table details the existing cottage, the replacement dwelling approved by the Committee of Adjustment in 2021, and the current proposal.

	<b>Existing Cottage with Deck</b>	<b>Approved Dwelling</b>	<b>Proposed Dwelling</b>
<b>Footprint area (sq.m.)</b>	81	73.4	73.4
<b>Building height (m)</b>	3.8	4.5	4.5
<b>Highwater mark setback (m)</b>	5.5	10	6.5
<b>Northern interior side yard (m)</b>	1.35	1.3	1.3
<b>Southern interior side yard (m)</b>	5.65	2.6	2.8
<b>Western interior side yard (m)</b>	0.49	2.5	2.5

The 2021 approved dwelling was rotated 180 degrees over the existing condition to provide a greater setback from the western property line abutting the cemetery. The rotation caused the dwelling to be located closer to the southern property line. The 2021 approved dwelling was slightly narrower, resulting in an increase to the setback from the highwater mark. The location of the dwelling has not changed relative to the highwater mark, but rather the distance was more accurately measured to be a minimum of 6.5 metres.

In addition, the Owner requires a landing at the door on the west side of the dwelling in order to provide safe access from the building as required by the Ontario Building Code. The 4 foot by 3 foot landing will encroach on the approved western interior side yard.

## Agency Comments

Building Services revoked the building permit for the dwelling in 2021 until such time as a decision is made on the subject application. As this is an existing lot of record with legal non-conforming uses, the septic systems on the property will be reviewed as part of the building permit application for construction on the property. The applicant will be required to meet current standards under the Ontario Building Code for the design and construction of the septic system servicing the subject property, if upgrades are required.

Quinte Conservation provided comments via an e-mail received on August 27, 2021 indicating that they had no concerns with the application and had already issued a permit under O. Reg. 319/09 for construction of the cottage.

## Public Comments

No comments have been received at the time of the writing of this report.

## Planning Analysis

The property is zoned UR1 in Zoning By-law No. 2003-75. The UR1 zone permits only one single detached dwelling. The property contains three dwellings that are legal non-conforming uses as they were constructed prior to the current Zoning By-law.

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 "cottage" is also a legal non-conforming building because it was constructed in 1945, prior to the current Zoning By-law, and it is setback 5.5 metres from the highwater mark of Verona Lake.

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

The existing 81 square metre cottage was setback a minimum of 5.5 metres from the highwater mark. It was also very close to the western property line with the cemetery. The floor area of proposed dwelling is 73.4 square metres, which is less than that of the existing cottage. The position of the proposed dwelling was rotated 180 degrees to provide a greater setback from the cemetery. The rotation will cause the dwelling to be located closer to the southern property line, but still compliant with the minimum 2.5 metre interior side yard required in the UR1 zone. The narrower width of the dwelling and its rotation resulted in an increase in the setback from the highwater mark to 6.5 metres.

The dwelling will be 0.6 metres taller than the existing cottage due to the inclusion of a proper foundation and subfloor which will increase the height of the roof line. The raised floor of the building also requires a landing outside the door on the west side of the dwelling. The landing will encroach 0.9 metres into the 2.5 metre setback from the western property line that was established through application MV-08-21-P.

The proposed dwelling will be of a similar size to the existing cottage, and will be located in the same general area. The dwelling will be setback as far as possible from the highwater mark while having consideration for the physical separation needed from the cemetery that is located to the north and west of the cottage. The dwelling will be located outside the floodplain. It is also a practical distance from the three property lines to be able to facilitate future maintenance of the property via access from their own property as well as maintenance of the cemetery property.

A small landing is required to ensure safe egress from the dwelling. The proposed landing and stairs would be 3 feet by 4 feet, and would encroach into the interior side yard. The Owner indicated that it could be removed and replaced if repairs or maintenance to the cemetery retaining wall are needed, as such Township staff are supportive of permitting the encroachment of 0.9 metres (3 feet) for the landing and stairs into the interior side yard.

The Owner has the right to reconstruct the existing cottage with no change in area or height. However, the proposal submitted under the subject application would allow the Owner to extend the legal non-conforming use in accordance with a smaller, re-oriented building that maximizes setbacks from the abutting cemetery as well as from the high water mark. It is the opinion of staff that this is desirable and represents good planning for the subject property.

## **Conclusion**

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 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

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, approve application PL-ZNA-2023-0011 (MV-36-21-P) for 6082 Cemetery Road, subject to the following conditions.

1. Permission is granted to enlarge the legal non-conforming dwelling on the subject property. The existing “cottage” may be replaced with a single detached dwelling with a maximum footprint of 74 square metres (797 square feet) and a 4.5 metre building height. This new building is permitted to establish a minimum 2.5 metre western interior side yard, and a minimum 1.3 metre northern interior side yard, and shall be setback a minimum of 6.5 metres from the highwater mark of Verona Lake. A 4 foot by 3 foot landing is permitted to project 0.9 metres into the western interior side yard. The location and dimensions of the dwelling must be consistent with the applicant’s site sketch that will be attached to the Decision as Schedule “A”.
2. The decision of the Committee of Adjustment on MV-08-21-P as it relates to the “cottage” (located between the cemetery and Verona Lake) is replaced by the decision on application PL-ZNA-2023-0011. The portion of the decision on MV-08-21-P as it relates to the house closest to Cemetery Road remains in effect.
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.

### Report Prepared 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 Official Plan.
- Is minor in nature

**Application Requirements**

1. It is required that one (1) member of the Committee of Adjustment be designated by a **NON-REFUNDABLE** cheque made payable to the Township.

Application Type:
1-3 Variances
4+ Variances
After building without a permit

ANNA GELAD /  
MICHELLE HANNAH

PLEASE FIND  
ENCLOSED:  
- APPLICATION  
- 2 SKETCHES  
- CONSERVATION PERMIT  
- CHEQUE

Secretary-Treasurer of the Township. Note 3 (below), accompanied by a cheque in cash, debit or by cheque

Application Fee:	TOTAL:
	\$1,050.00
	\$1,410.00
	\$2,104.00

2. It is required that a Fee be paid to the 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 Standard Minor Variance in combination with a system other than a Class A system
Cataraqui Region Conservation Authority
Quinte Conservation Authority
Rideau Valley Conservation Authority

KINDLY PROVIDE  
A COPY

THANK YOU

INÈS

	\$450
	\$700
	\$1,150
	\$420
	\$344
	\$390

Please Note: These fees are for the Conservation Authority. These agencies may require additional permit applications and fees prior to any construction.

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

**3. PLEASE READ THIS ITEM CAREFULLY**

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

**4. Collection of Personal Information**

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



Date Received: \_\_\_\_\_

File No: \_\_\_\_\_

MV-60-21-4

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

1. Name of Owner(s): INES MARCHESE

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

[REDACTED]

Phone number of Owner(s): [REDACTED]

Email Address of Owner(s): [REDACTED]

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

Name of Authorized Agent: \_\_\_\_\_

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

\_\_\_\_\_

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

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

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

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

3. The description of the subject land:

District:  Bedford  Portland  Loughborough  Storrington

Concession Number: CON 8 Lot Number: PT LOT 10 RP 13R 5127, PART 1, FEL BAY

Street Number: 2054 Name of Road/Street: LITTLE LONG LAKE RD

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

Roll Number: 050040696010000

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): 755 Frontage (on road/lane): 489

Depth: 0 Area: 3.13

5. The current zoning of the subject land:

RESIDENTIAL

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

DISTANCE TO ROAD FROM CLOSEST POINT / CORNER OF  
GARAGE IS 4.4m HOUSE IS 5.3m FROM CENTRELINE OF ROAD  
(NEAREST POINT RESPECTIVELY)

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:

LITTLE LONG LAKE RD

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

\_\_\_\_\_  
\_\_\_\_\_

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

RESIDENTIAL WATER FRONT

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

Yes  No

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

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

	(1)	(2)	(3)	(4)
Type of Structure (E.g. residence)	HOUSE			
Setback from Front Lot Line ☒ of ROAD	53m			
Setback from Rear Lot Line	N/A			
Setback from Side Lot Line	20m			
Height of Building (Also indicate if it is one story or two story)	2 STOREYS 29'-6"			
Dimensions of Floor Area	10 x 18m			
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:

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

Type of Structure (E.g. residence)	(1)	(2)	(3)	(4)
	GARAGE			
Setback from Front Lot Line ☞ OF ROAD	44m			
Setback from Rear Lot Line	N/A			
Setback from Side Lot Line	20m			
Height of Building (Also indicate if it is one story or two story)	26' 0"			
Outside Dimensions of Building/Structure	25' x 40'			
Setback from High Water Mark (If applicable)	40m			

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

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

If yes, please provide details:

---

18. What are the uses of the proposed development?

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

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

DECEMBER 2019

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

1999

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

SINCE 1999

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

PRIVATE WELL

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

PRIVATE SEPTIC

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

SWALES

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

**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**

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

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

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

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

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

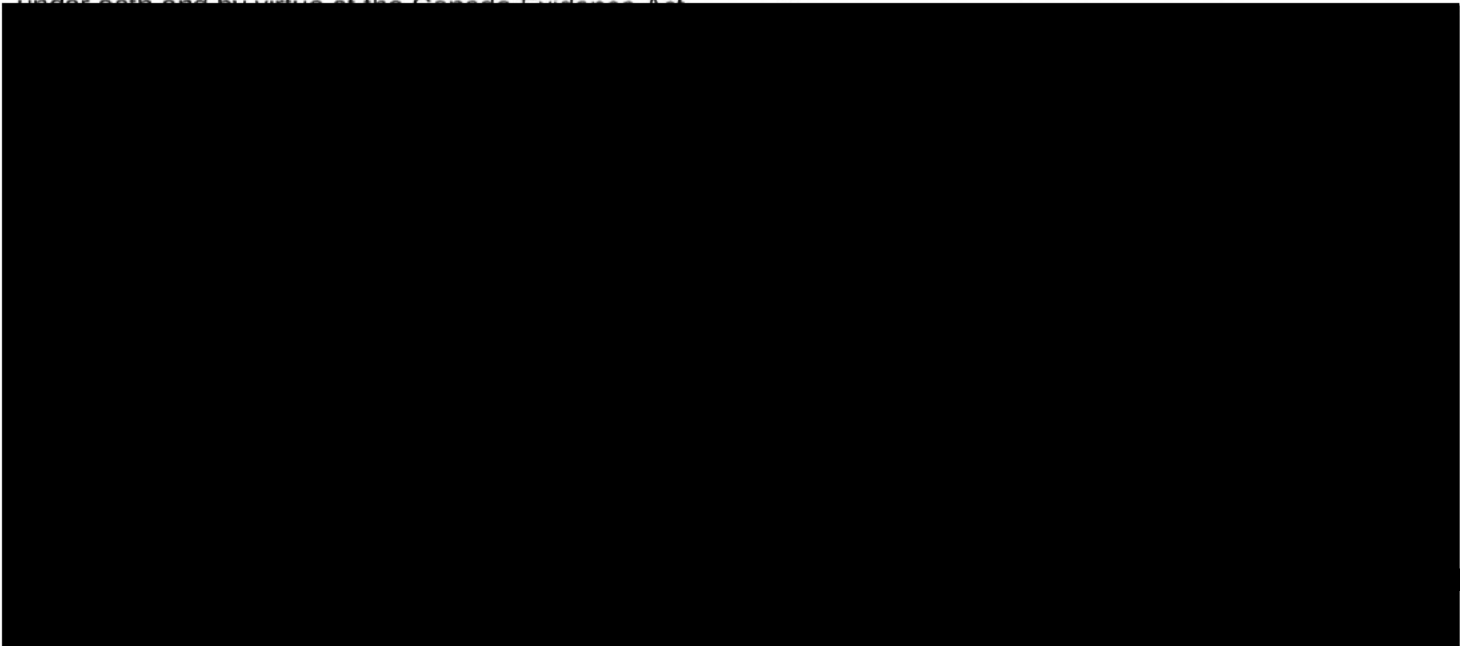
The Owner/Applicant/Agent further agrees to provide the municipality, upon request and in cases where an application has been appealed to the Ontario Municipal Board, with a deposit (over and above the normal application fee), from which the municipality may, from time to time charge any fees and expenses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

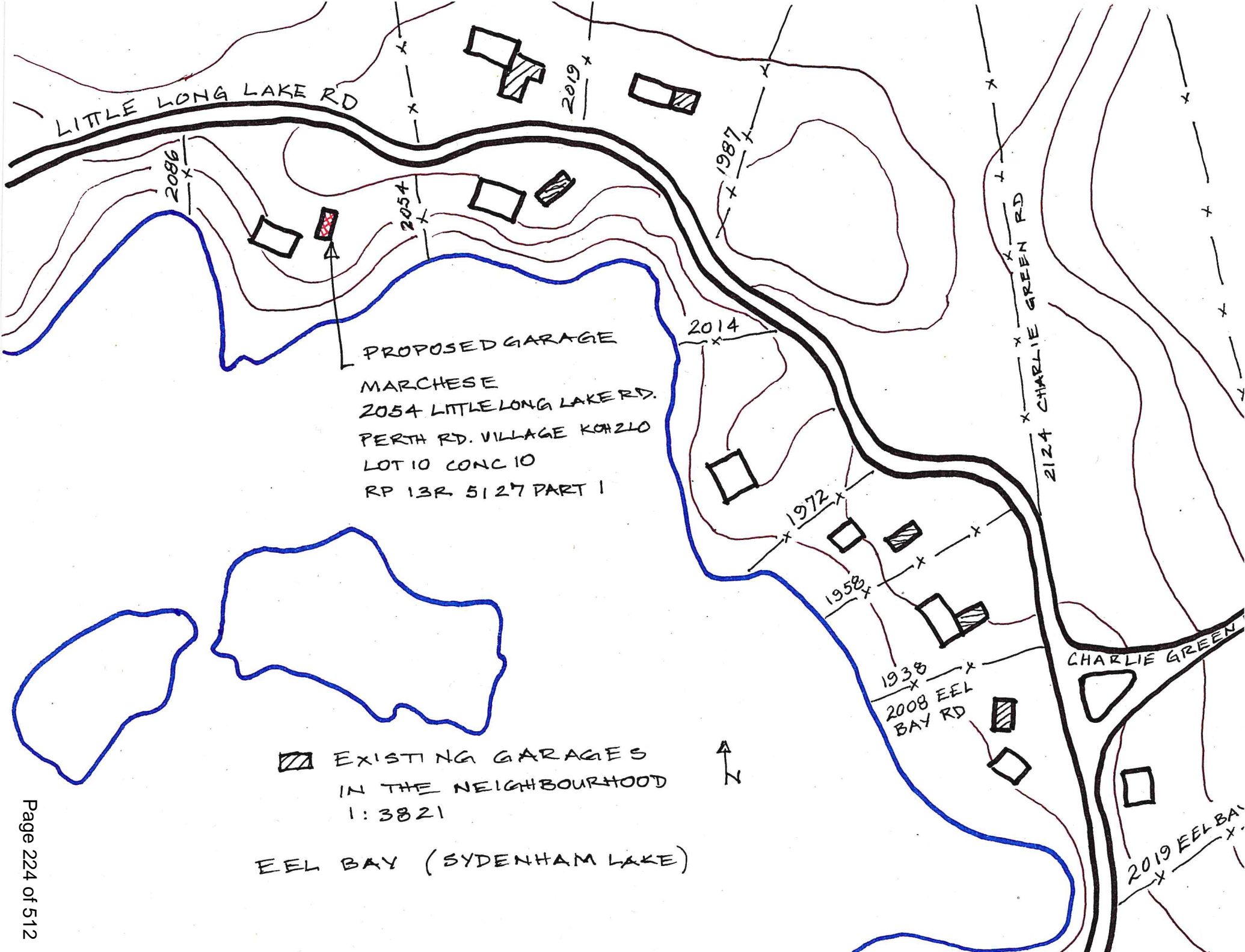
The Owner/Applicant/Agent further agrees that, until such requests have been complied with, the municipality will have no continuing obligation to process the application or attend or be represented at the Ontario Municipal Board or any court or other administrative proceeding in connection with the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

DATED AT THE TOWNSHIP OF SOUTH FRONTENAC

THIS 26<sup>th</sup> ~~16<sup>th</sup>~~ DAY OF APRIL ~~November~~, 20 21

I, INES MARCHESE OF 2054 LITTLE LONG LAKE R, K0H 2L0  
solemnly declare that all the statements contained in this application are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act





LITTLE LONG LAKE RD

2086

2019

1987

2054

2014

PROPOSED GARAGE  
 MARCHESE  
 2054 LITTLE LONG LAKE RD.  
 PERTH RD. VILLAGE K0#210  
 LOT 10 CONC 10  
 RP 13R 51 27 PART 1

CHARLIE GREEN RD  
 2124

CHARLIE GREEN

1938  
 2008 EEL BAY RD

1972

1958

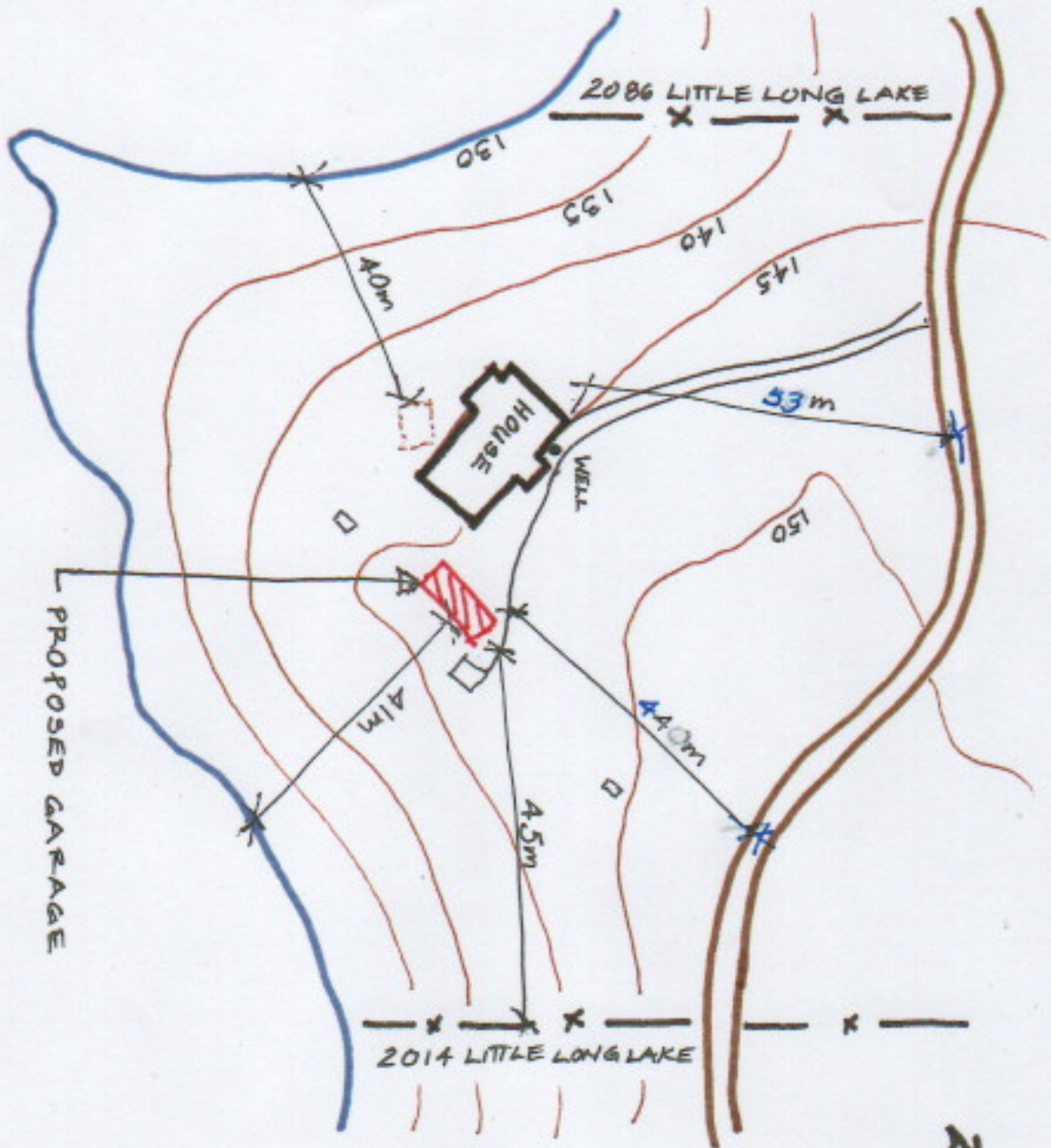
EXISTING GARAGES  
 IN THE NEIGHBOURHOOD  
 1: 3821



EEL BAY (SYDENHAM LAKE)

2019 EEL BAY

EEL BAY  
(SYDENHAM LAKE)



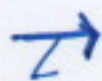
MARCHESE

2054 LITTLE LONG LAKE RD.

PART LOT 10, CON. 8

PLAN 13R 5127

LOUGHBROUGH DISTRICT



LOT AREA : 13,464 m<sup>2</sup>

HOUSE AREA : 180 m<sup>2</sup>

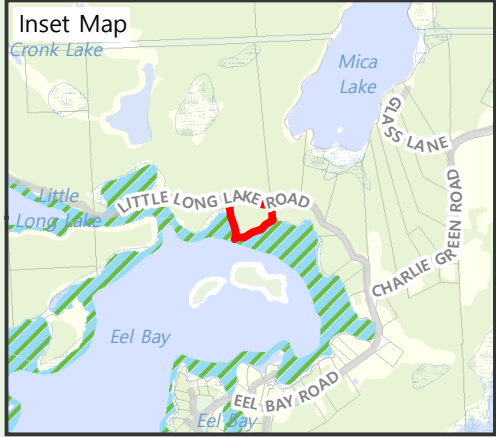
APPROX : 1.3% OF LOT AREA

ACCESSORY BUILDINGS :

EXISTING SHEDS : 27 m<sup>2</sup>

PROPOSED GARAGE :  $\frac{92.7 \text{ m}^2}{119.7 \text{ m}^2}$









APPROX : 0.8% OF LOT AREA



# SOUTH FRONTENAC

## MV-60-21-L (PEAKER & MARCHESE) 2054 LITTLE LONG LAKE RD

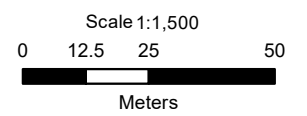
### Legend

-  Subject Property
-  Provincially Significant Wetlands
-  Wetland
-  Wooded
-  Water
-  Parcel Fabric
-  Road
-  Railway



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

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



UTM Zone 18 NAD 83

Date: 2021-12-17

# Township of South Frontenac Staff Report

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**To:** Committee of Adjustment

**Prepared by:** Development Services Department

**Date of Meeting:** February 9, 2023

**Subject: Minor Variance Application (S. 45(1) of the Planning Act)  
PL-2021-0036, Peaker and Marchese, 2054 Little Long Lake  
Road, Loughborough District**

## Summary

The subject application seeks zoning relief to permit an accessory building to be located within the projected front yard of an existing dwelling, and to permit the building to have a height that exceeds the 6 metre building height permitted for an accessory building in the RLSW zone. 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:** Limited Service Residential – Waterfront (RLSW)

### Zoning Relief Requested

Section 5.24.2 – to permit an accessory building (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.

Section 10.3.2 – to permit an accessory building (detached garage) to be 7.9 metres (26 feet) high, whereas the RLSW zone allows a maximum 6 metre (19.7 foot) building height for accessory buildings.

### Related Applications

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

## Discussion/Analysis

### Property Description

The 1.4 hectare (3.4 acre) property has frontage on Little Long Lake Road and on Eel Bay of Sydenham Lake. The lands slope down from the road to the lake, and are forested. The property is developed with a single detached dwelling and a number of small accessory sheds. The 180 square metre (1940 square foot) dwelling is setback approximately 53 metres from the front lot line (Little Long Lake Road) and approximately 40 metres from the highwater mark of the lake.

### Summary of Proposal

The application is seeking a variance to permit a 25 foot by 40 foot (1000 square foot) detached garage to exceed the maximum 6 metre building height allowed for accessory buildings. The garage would be 7.9 metres (26 feet) in height. A variance is also being sought to permit the garage to be located between the dwelling and the front lot line. The garage would be setback 44 metres from the front lot line and 40 metres from the highwater mark of the lake.

### Department and Agency Comments

The application was not reviewed by any Township departments due to the nature of the requested relief and the proposed location of the garage.

Cataraqui Conservation issued a permit under O. Reg. 148/06 for the garage in 2021.

### 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 property is designated Rural on Schedule A of the Official Plan. The proposed detached garage would be an accessory use to the permitted, existing residential use of the

property. The garage would be setback more than 30 metres from the highwater mark of Eel Bay, as required by section 5.2.7(b) of the Official Plan.

The proposed variances maintain the general intent and purpose of the Official Plan related to residential development, and development adjacent to environmentally sensitive areas.

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

The accessory detached garage is a permitted use on the subject property. On waterfront properties that have frontage on a public road, the land between the road and the dwelling is considered to be the “front yard”. Accessory structures are not permitted within the front yard as of right. However, the proposed location of the garage is logical for the development of the lot, and will exceed the setback requirements for an accessory building in the RLSW zone. In addition, the garage will be set back 44 metres from the front lot line (Little Long Lake Road) which far exceeds the minimum 30 metre front yard required for the principal building (dwelling). The building setback from the high water mark will be maximized. The 7.9 metre (26 foot) building height is reasonable given the dimensions of the building (e.g. a larger building requires greater height to accommodate a minimal roof pitch). The proposed variances maintain 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 variance for the proposed detached garage is desirable for the appropriate use of the land and building. The increase in building height allows for the enclosed, secure storage of vehicles and goods while minimizing the footprint of the building. The location of the proposed garage between the dwelling and the road protects the environmentally sensitive lands between the dwelling and the lake. The garage would be visually screened from both the lake and the road by the existing topography and tree cover.

#### 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 on the lake.

### 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-2021-0036 for the property at 2054 Little Long Road, subject to the following conditions.

1. The minor variance is for an accessory building (detached garage). The garage is permitted to be located in front of the projected front wall of the dwelling, and setback a minimum of 44 metres from Little Long Road. Also, the garage is permitted to have a maximum 7.9 metre (26 foot) building height. all as per the submitted revised sketch received by the Township on December 14, 2022, which would be attached to the Decision as Schedule "A".
2. A building permit is required for ALL demolition and construction on the property. There shall be no additional development on the property without the approval from the Township of South Frontenac.
3. Minor variance PL-2021-0036 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



**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	\$2,105.00

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

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

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



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

**3. PLEASE READ THIS ITEM CAREFULLY**

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

**4. Collection of Personal Information**

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

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

1. Name of Owner(s): JEFF MASTERS

Full Mailing Address of Owner(s):



Phone number of Owner(s):

Email Address of Owner(s):

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

Name of Authorized Agent:

Full Mailing Address of Authorized Agent:

Phone number of Authorized Agent:

Email Address of Authorized Agent:

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

Signature(s) of Owner(s)

3. The description of the subject land:

District:  Bedford  Portland  Loughborough  Storrington

Concession Number: 11 Lot Number: PARTS LOT 5

Street Number: 28 Name of Road/Street: TRANQUIL LANE

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

Roll Number: 060-070-05700-0000

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

FRONTAGE - 162'  
WEST SIDE - 150'  
EAST SIDE - 121'  
LAKE FRONT - 170'

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): 170

Frontage (on road/lane): 162

Depth: 133.2

Area: 0.52 ACRES

5. The current zoning of the subject land:

RLSW

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

WANT TO BUILD A HOUSE (PERMANENT RESIDENCE) BUT WILL

NEED MINOR VARIANCE TO HWY. ALSO NEED A VARIANCE FOR THE GARAGE FOR DISTANCE TO HWY + SIDE LOT LINE

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

BECAUSE OF THE SIZE + SHAPE OF THE LOT AS

WELL AS LOCATION OF SEPTIC SYSTEM + PROXIMITY TO NEIGHBORS

8. Does the subject property front on a municipally maintained road?  
OR a privately maintained road?

Yes

No

Yes

No

Name of Road/Lane:

TRANQUIL LANE

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

\_\_\_\_\_  
\_\_\_\_\_

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

RESIDENTIAL

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

Yes

No

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

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

Type of Structure (E.g. residence)	(1)	(2)	(3)	(4)
	WORKSHED	GARAGE	COTTAGE	DECK
Setback from Front Lot Line	25.36m.	37.83	12.64m.	
Setback from Rear Lot Line	6.24m.	2.65	19.8m.	27m.
Setback from Side Lot Line	14.58m.	19.76	6.44m.	6.44. <del>6.44</del>
Height of Building (Also indicate if it is one story or two story)	2.44m. <del>1.8m</del>	2.44	4.0m.	N/A
Dimensions of Floor Area	14.9m <sup>2</sup> .	7.4m <sup>2</sup> .	7.6m x 11m. 80m <sup>2</sup> .	49m <sup>2</sup> .
Setback from High Water Mark (If applicable)	5.37m.	.46m.	12.64m.	

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

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

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

Type of Structure (E.g. residence)	(1)	(2)	(3)	(4)
	COTTAGE w/ GARAGE.	UPPER DECK		
Setback from Front Lot Line	14.28 m.	?		
Setback from Rear Lot Line	12.97 m.	—		
Setback from Side Lot Line	3.13 m.	—		
Height of Building (Also indicate if it is one story or two story)	7.5 m.	—		
Outside Dimensions of Building/Structure	15.8 m WID 7.3 m DEP.	1.2 m. DEPTH 12.2 m WIDE.		
Setback from High Water Mark (If applicable)	14.28 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:

REMOVING EXISTING COTTAGE, SHED + COTTAGE DECK.

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

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

If yes, please provide details:

---

18. What are the uses of the proposed development?

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

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

MAY 30, 2013

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

1959

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

63 YEARS

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

PRIVATE WELL

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

PRIVATE SEWAGE

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

---

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

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

Yes

No

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

---

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

Yes

No

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

---

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

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

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

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

AGREEMENT TO INDEMNIFY

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

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

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

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

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

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

DATED AT THE TOWNSHIP OF SOUTH FRONTENAC

THIS 19<sup>TH</sup> DAY OF JANUARY, 2023.

I, JEFF MASTERS OF PERTH ROAD  
solemnly declare that all the statements contained in this application are true and I make this solemn



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

**A Guide to Completing the Minor Variance Form**

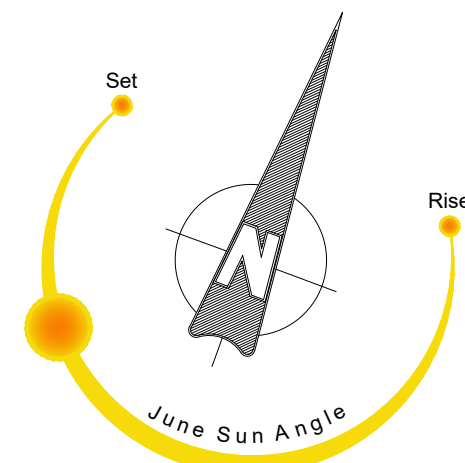
- 1) The names of **all** owners must appear in this section, even if they live in separate residences, and the address(es) should be the **full mailing address, complete with postal code**.
- 2) You may wish to appoint someone to act on your behalf during the variance process. If so, that person's name,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

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

- 9) Parking and Docking: This question is only relevant if you can only access your property by water.
- 10) Existing Uses: e.g. residential, retail business, vacant recreational land
- 11) Buildings: If there are **ANY** buildings or structures on the property now, the answer to this question is "yes".
- 12) Description of buildings and structures: You must complete all sections of this question for each structure on your property. **If there is a deck on your dwelling, please describe it separately from the residence.**
- 13) Proposed Uses: Generally, the answer to this question will be the same as the answer to #10, but if, for example, the land is currently vacant, and you are planning to construct a dwelling, then the use to be described in section 10 would be "vacant recreational land", and the use described in section 13 would be "residential"
- 14) Proposed structures: If you are planning to build **ANYTHING** on the property, the answer to this question is "yes" – This includes additions, decks, garages, septic systems.
- 15) Description of new construction: **ALL** proposed new development must be described here. If you are proposing to construct an addition to a dwelling, and to add a deck, please show this information in separate columns.
- 16) **Demolition: All demolition requires a permit from the building department.** In some instances, a proposed addition or increase in height cannot be accomplished without the removal of existing walls. If this is not made clear to the Committee at the beginning of the process, you may find that, although you are granted permission to add on to your residence, you can't actually do it because you have not made it clear that there is demolition involved.
- 17) Raising of Structure: In other words, are you proposing to raise the building in order to construct a basement under it.
- 18) Uses of Development: Please answer each part of this question. An increase in living space would include anything with walls – e.g. a screened porch would involve an increase in living space.
- 19) Date land acquired: When did you take possession of the property?
- 20) Date of existing buildings: If you are not sure, provide your best estimate.
- 21) Length of existing uses: For example, has the land been used for residential purposes for 30 years, or 18 months?
- 22) Water supply: in most cases the answer will be private well, but some waterfront properties take their water from a lake.

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

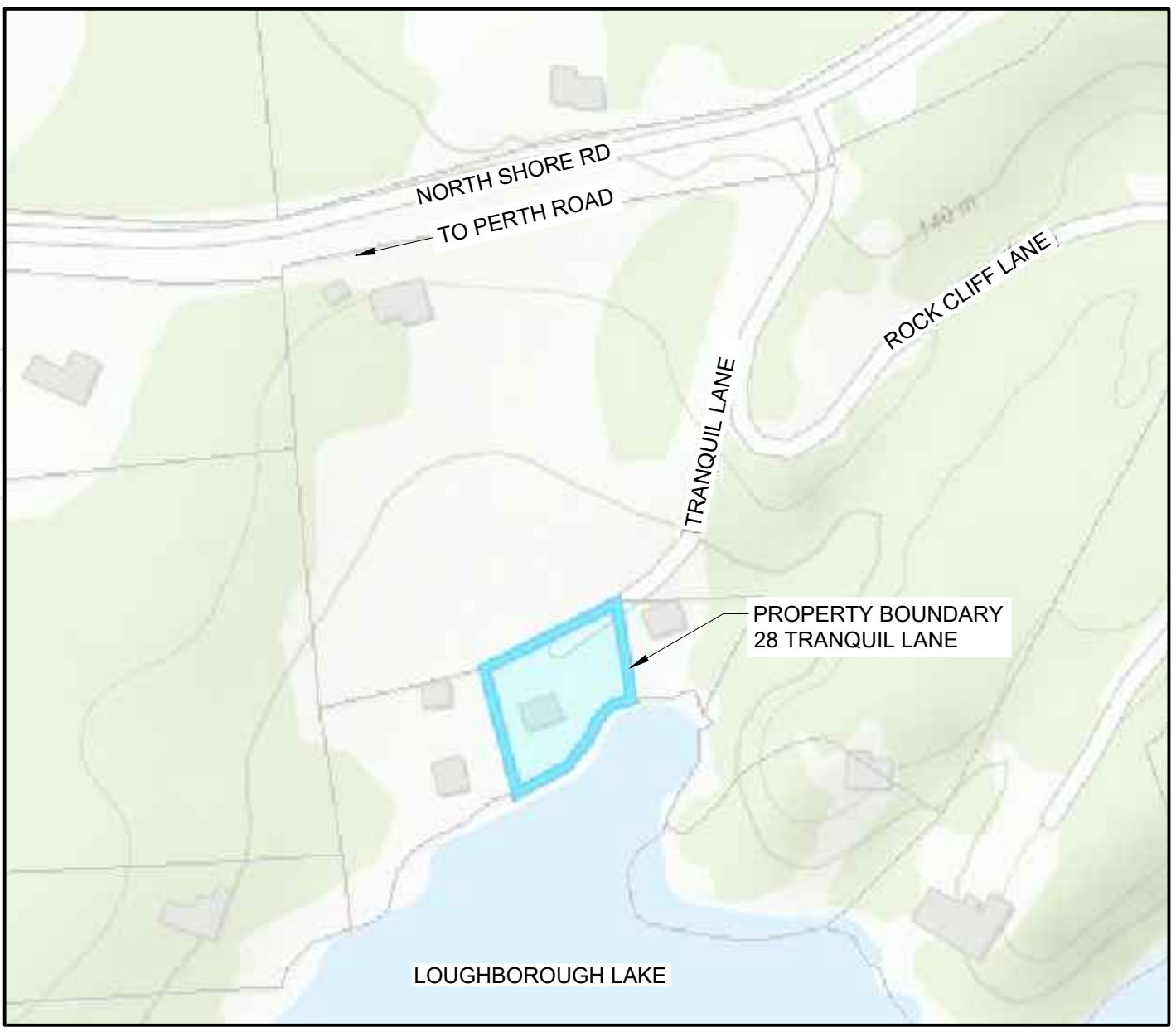
- 23) Septic: in most cases the answer will be private sewage system, but there may be some privies.
- 24) Drainage: Are there specific ditches that have been constructed to deal with drainage; is there natural drainage, etc.?
- 25) Application for consent: Is there currently an application for consent (severance) being proposed for the property?
- 26) If yes: If there is a current application for severance or subdivision on the property, please indicate the file number. (Staff can help provide this information)
- 27) Minor variance: Has there ever been a minor variance granted on the property? If you are long-time owner of the property, you will probably be aware of any other special permission granted for a variance to the zoning by-law. If you are a new owner, the seller will probably have made you aware of this.
- 28) If yes: If there has been a previous variance granted on the property, please indicate the application number if known, and what the details of the variance were.
- 29) **SKETCH: We cannot stress enough the importance of a detailed, accurate, and complete sketch. You do not necessarily need to contract with a professional to draw the sketch, but sketches that are not drawn to scale, do not show dimensions and distances, or are not drawn neatly (PLEASE USE A RULER), will not be accepted.**
- 30) **Agreement to Indemnify:** Must be signed in front of a commissioner of oaths – you may have this done before submitting the application, or sign the application in front of staff who can sign as commissioners. All owners must sign the application, or it can be signed by an agent if one has been appointed.



Parts of Lot 5  
South Frontenac Twp.  
Concession 11  
pin 362900323



### PLOT PLAN



### KEY MAP

N.T.S.

### PLAN LEGEND

- PROPERTY LIMIT (LEGAL)
- EXISTING DWELLING
- PROPOSED DWELLING
- PROPOSED DWELLING ACCESSORIES
- PROPOSED DRIVEWAY
- HIGH WATERMARK SETBACK
- PROPOSED WATER SERVICE
- PROPOSED HYDRO SERVICE
- PROPOSED OVERLAND DRAINAGE PATH/DIRECTION
- WELL WITH 15m SETBACK
- OVERHEAD HYDRO POLE UTILITY
- TOP OF BANK/GRADE BREAK
- EXISTING ELEVATION
- EXISTING CONTOURING
- PROPOSED ELEVATION
- PROPOSED GRADE
- SITE BENCHMARK

### SITE BENCHMARKS

THE BENCHMARKS ON THIS SITE HAVE BEEN ESTABLISHED WITH THE TOPOGRAPHIC SURVEY COMPLETED BY AVIDITY DESIGNS, MARCH 2022. THE PROPERTY BOUNDARIES REFLECTED ON THIS PLAN WERE ESTABLISHED FROM THE LEGAL SURVEY COMPLETED BY HUMPHRIES & BURGHAM, DATED 1959. THE PROPERTY BARS WERE LOCATED AND EXPOSED ON SITE BASED ON THIS SURVEY AND WERE FOUND TO BE ACCURATE.

THE ELEVATIONS OF THIS TOPOGRAPHIC SURVEY ARE NON-GEODETIC

BM1 - ELEVATION = 99.42m  
Top of existing drilled well cap

### ZONING LOT COVERAGE SCHEDULE

	AREA
DWELLING UNIT AREA	105 m <sup>2</sup>
DECK	34 m <sup>2</sup>
DETACHED GARAGE	52 m <sup>2</sup>
COMBINED FOOTPRINT	191 m <sup>2</sup>
TOTAL LOT AREA	1450 m <sup>2</sup>
LOT COVERAGE RATIO	13.1 %

### LEACHING BED

- ALL SEPTIC SYSTEM CONSTRUCTION TO BE CARRIED OUT IN ACCORDANCE WITH PART 8 OF THE MOST CURRENT VERSION OF THE ONTARIO BUILDING CODE (OBC).
- THE TOPSOIL TO BE STRIPPED AND SUBGRADE TO BE SCARIFIED IN BED AREA PERPENDICULAR TO THE DIRECTION OF FLOW.
- PROVIDE A 250mm THICK CLAY SEAL IF RAISED LEACHING BED IS TO BE INSTALLED ON BEDROCK.
- PROVIDE NON-WOVEN GEOTEXTILE (FILTER CLOTH) ROOT GUARD TO THE FILTER BED, INSTALLED VERTICALLY TO PROTECT AGAINST TREE ROOTS FROM LARGE ADJACENT TREES TO THE FILTER BED WHERE NECESSARY.
- WASHED SEPTIC STONE TO BE IN ACCORDANCE WITH OBC 8.7.5.3. (5).
- FILTER MEDIA TO BE IN ACCORDANCE WITH OBC 8.7.5.3. (3).
- DISTRIBUTION PIPING TO HAVE A SLOPE OF 0.3% MIN TO 0.5% MAX
- DISTRIBUTION HEADERS AND PIPING WITHIN THE LEACHING BED TO BE LOCATABLE BY MEANS DESCRIBED IN OBC 8.7.2.2. (2).

### SANITARY

- SEWER TRENCHING AND BEDDING SHALL CONFORM TO OPSD 802.010 AND 802.013 UNLESS NOTED OTHERWISE.
- ALL SEWER FEED PIPING TO HAVE A MINIMUM SLOPE OF 2%
- EFFLUENT FILTER TO BE POLYLOK PL- 122 OR EQUIVALENT.
- SEWER AND CONNECTIONS SHALL BE PVC. SOLVENT WELD PIPE AND FITTINGS TO CSA B182.1
- INSULATE ALL SEWER SERVICE PIPE WITH LESS THAN 1.2m OF COVER

### ENVIRONMENTAL:

- EROSION AND SEDIMENT CONTROLS SHALL BE INSTALLED PRIOR TO CONSTRUCTION AND MONITORED AND MAINTAINED BY THE CONTRACTOR UNTIL COMPLETION. THE TEMPORARY SEDIMENT AND EROSION CONTROL MEASURES MUST BE REMOVED ONCE THE SITE HAS BEEN STABILIZED AND SITE WORKS COMPLETED.
- IN THE EVENT THAT HUMAN REMAINS ARE ENCOUNTERED DURING CONSTRUCTION, THE MINISTRY OF CITIZENSHIP, CULTURE AND RECREATION SHALL BE NOTIFIED IMMEDIATELY AND THE REGISTRAR OR DEPUTY REGISTRAR OF THE CEMETERIES REGULATION UNIT OF THE MINISTRY OF CONSUMER AND COMMERCIAL RELATIONS (416) 362-8392, SHALL BE NOTIFIED IMMEDIATELY.
- IN THE EVENT THAT BURIED ARCHEOLOGICAL REMAINS ARE FOUND DURING CONSTRUCTION ACTIVITIES, THE MINISTRY OF CITIZENSHIP, CULTURE AND RECREATION SHALL BE NOTIFIED IMMEDIATELY.

### MINIMUM CLEARANCE DISTANCES OBC TABLE 8.2.1.6 A & B

	SEPTIC TANK	DIST. PIPING
FROM STRUCTURE	1.5m	5.0m
FROM CASSED WELL	15.0m	15.0m
FROM ALL OTHER WELLS	15.0m	30.0m
FROM SURFACE WATER	15.0m	15.0m
FROM PROPERTY LINE	3.0m	3.0m

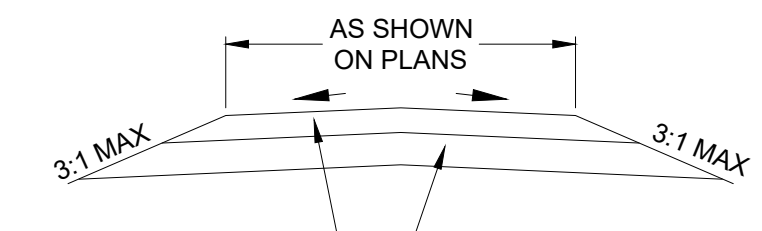
### TOWNSHIP OF SOUTH FRONTENAC ZONING BY-LAW NO. 2003-75 LIMITED SERVICE RESIDENTIAL - WATERFRONT ZONE (RLSW)

SINGLE DETACHED DWELLING	ZONING	PROPOSED	
LOT AREA (MIN)	10,000 m <sup>2</sup>	1450 m <sup>2</sup>	✓*
LOT FRONTAGE, PRIVATE LANE (MIN)	76 m	49.39 m	✓*
WATER FRONTAGE (MIN)	91 m	58.02 m	✓*
FRONT YARD (MIN)	30 m	17.20 m	
REAR YARD (MIN)	10 m	0.42 m	
EXTERIOR SIDE (MIN)	10 m	N/A	
INTERIOR SIDE (MIN)	3.0 m	1.93 m	
DWELLING UNIT AREA (MIN)	59 m <sup>2</sup>	105 m <sup>2</sup>	✓
LOT COVERAGE (MAX)	5 %	13.1 %	✓*
BUILDING HEIGHT (MAX)	11 m	511 m	✓
SETBACK FROM HWM (MIN)	30 m	N/A	
SETBACK FROM PRIVATE LANES (2003-75, 5.6.1) (MIN)	5 m	12.63 m	✓

\*PROPERTY IS A PRE-REGISTERED, LEGAL NON-COMPLYING LOT  
\*\*MINOR VARIANCE REQUIRED

### GENERAL NOTES:

- THE ORIGINAL TOPOGRAPHY AND GROUND ELEVATIONS, SERVICING AND SURVEY DATA SHOWN ON THIS PLAN DRAWING IS PROVIDED FOR INFORMATION PURPOSES ONLY. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THE ACCURACY OF ALL INFORMATION OBTAINED FROM THESE PLANS. ALL DIMENSIONS AND INVERTS MUST BE VERIFIED PRIOR TO CONSTRUCTION. IF THERE IS ANY DISCREPANCY THE CONTRACTOR IS TO NOTIFY THE ENGINEER.
- POSITIVE DRAINAGE TO BE ENSURED FOR FINAL GRADE AND DURING CONSTRUCTION. IN NO CASE SHOULD GRADE BE DIRECTED TOWARDS THE FOUNDATION OF THE DWELLING.
- THE CONTRACTOR IS RESPONSIBLE FOR DETERMINING THE EXACT LOCATION, SIZE, MATERIAL AND ELEVATIONS OF ALL EXISTING UTILITIES PRIOR TO COMMENCING CONSTRUCTION. PROTECT AND ASSUME ALL RESPONSIBILITY FOR EXISTING UTILITIES WHETHER OR NOT SHOWN ON THE DRAWINGS. IF THERE ARE ANY DISCREPANCIES THE CONTRACTOR IS TO NOTIFY THE ENGINEER. ANY UTILITIES THAT MAY EXIST ON SITE MUST BE LOCATED AND VERIFIED BY ITS OWNER.
- ALL UNDERGROUND SERVICES, MATERIALS, AND INSTALLATIONS TO BE IN ACCORDANCE WITH ONTARIO PROVINCIAL STANDARDS AND SPECIFICATIONS (OPSS) UNLESS OTHERWISE NOTED.
- THE CONTRACTOR IS RESPONSIBLE FOR ALL LAYOUT FOR CONSTRUCTION PURPOSES.
- THE CONTRACTOR IS TO OBTAIN ALL NECESSARY PERMITS FROM THE COUNTY, MUNICIPALITY, CONSERVATION AUTHORITY, HEALTH UNIT AND ALL OTHER APPLICABLE REGULATORY AUTHORITIES HAVING JURISDICTION PRIOR TO COMMENCING CONSTRUCTION.
- EXCAVATE AND DISPOSE OF ALL EXCESS EXCAVATED MATERIAL, SUCH AS ASPHALT, CURBING AND DEBRIS, OFF SITE TO THE SATISFACTION OF THE ENGINEER AND THE COUNTY, MUNICIPALITY OR CONSERVATION AUTHORITY.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL TRAFFIC CONTROL AND SAFETY MEASURES DURING THE CONSTRUCTION PERIOD, INCLUDING THE SUPPLY, INSTALLATION, AND REMOVAL OF ALL NECESSARY SIGNAGE.
- ALL DIMENSIONS AND INVERTS MUST BE VERIFIED BEFORE CONSTRUCTION, IF THERE IS ANY DISCREPANCY THE CONTRACTOR MUST NOTIFY THE ENGINEER.
- GRANULAR 'A' AND GRANULAR 'B' TO BE COMPACTED TO 98% SPD UNLESS NOTED OTHERWISE.



### RESIDENTIAL RURAL ENTRANCE N.T.S.

### DRIVEWAY STRUCTURE FOR RESIDENTIAL WORKS

STRUCTURE TYPE	DEPTH(mm)	COMPACTION
HL3A PAVEMENT (OPTIONAL)	50	>92%
GRANULAR 'A'	150	>98%
GRANULAR 'B'	200	100%

NO.	DATE	BY	REVISION
4	2022.12.20	S.R.	REVISED PLOT PROPOSAL
3	2022.06.30	M.C.	REVISED DWG. ADDED DIMENSIONS
2	2022.06.10	M.C.	FOR PLANNING APPLICATION
1	2022.04.07	S.R.	FOR TOWNSHIP & CONSERVATION REVIEW

DESIGN	S.R.
DRAWN	M.C.
SCALE	AS SHOWN

THESE DESIGN DOCUMENTS ARE PREPARED SOLELY FOR THE USE OF THE PARTY WITH WHOM AVIDITY DESIGNS HAS ENTERED INTO A CONTRACT. THERE ARE NO REPRESENTATIONS OF ANY KIND MADE BY THE DESIGNER TO ANY PARTY WITH WHOM AVIDITY DESIGNS HAS NOT ENTERED INTO A CONTRACT. REPRODUCTION OR USE FOR ANY PURPOSE OTHER THAN AUTHORIZED BY AVIDITY DESIGNS IS NOT PERMITTED.

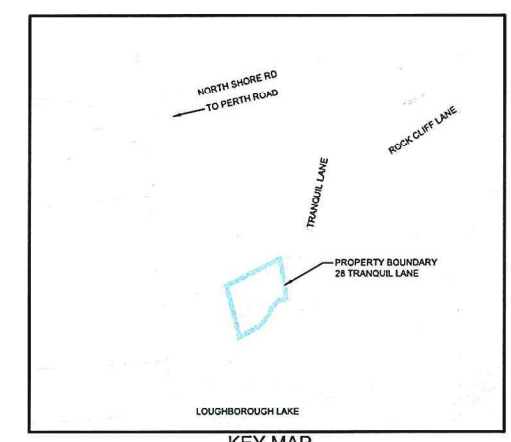
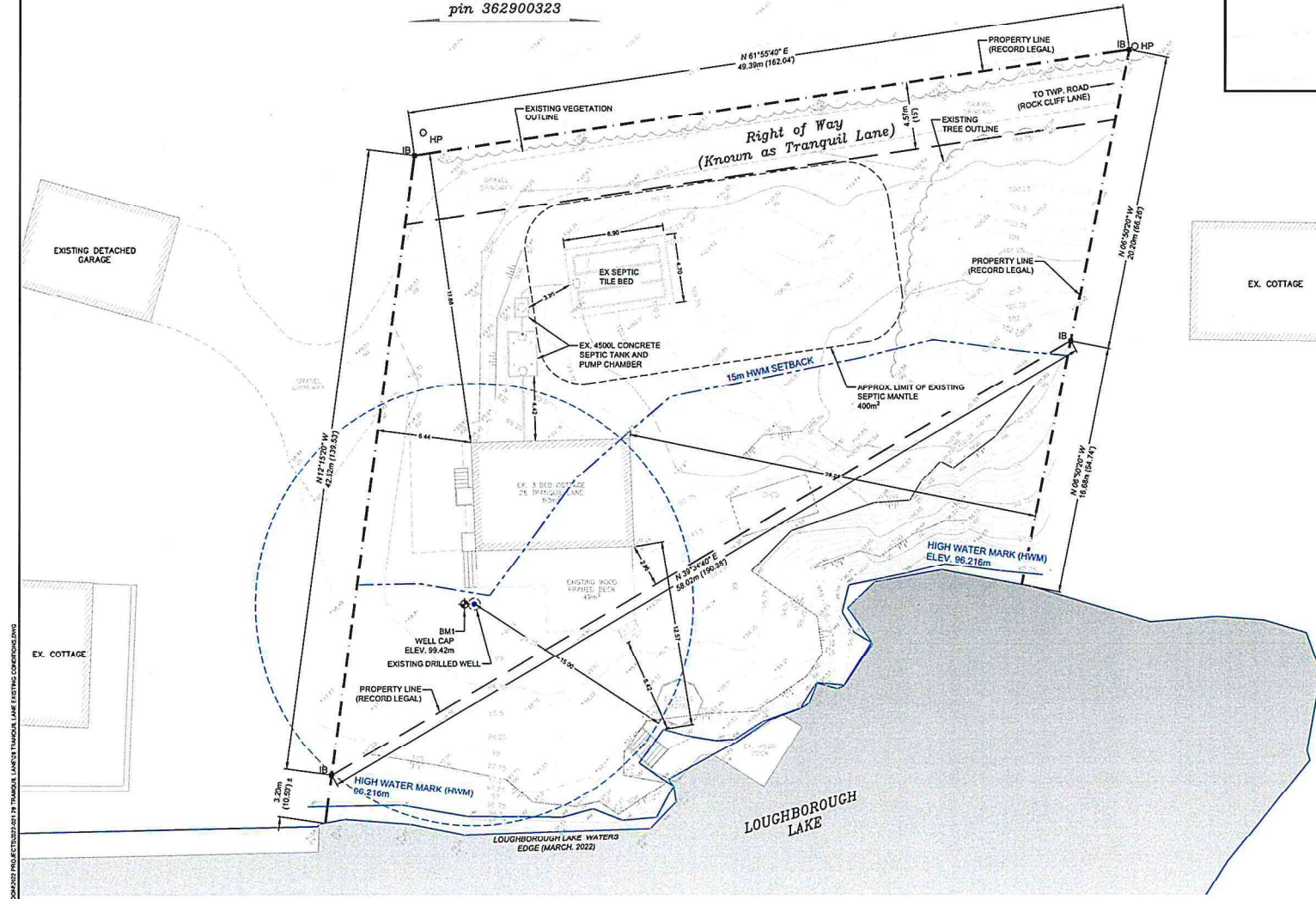


28 TRANQUIL LANE  
SOUTH FRONTENAC  
PARTS OF LOT 5, CONCESSION 11  
PROPOSED DEVELOPMENT PLOT PLAN

FILE NO.	DRAWING NO.
	SHEET 02 OF 02



Parts of Lot 5  
South Frontenac Twp.  
Concession 11  
pin 362900323



KEY MAP  
N.T.S.

PLAN LEGEND

- PROPERTY LIMIT (LEGAL)
- ▭ EXISTING DWELLING
- ▭ PROPOSED DWELLING
- ▭ PROPOSED DWELLING ACCESSORIES
- ▭ PROPOSED DRIVEWAY
- ▭ PROPOSED DEVELOPMENT AREA
- HIGH WATERMARK SETBACK
- PROPOSED WATER SERVICE
- PROPOSED HYDRO SERVICE
- PROPOSED OVERLAND DRAINAGE PATH/DIRECTION
- WELL WITH 15m SETBACK
- HP OVERHEAD HYDRO POLE UTILITY
- TOP OF BANK/GRADE BREAK
- EXISTING ELEVATION
- EXISTING CONTOURING
- PROPOSED ELEVATION
- 2.0% PROPOSED GRADE
- SITE BENCHMARK

SITE BENCHMARKS

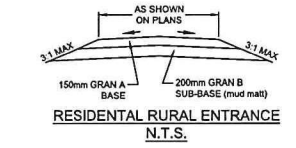
THE BENCHMARKS ON THIS SITE HAVE BEEN ESTABLISHED WITH THE TOPOGRAPHIC SURVEY COMPLETED BY AVIDITY DESIGNS, MARCH 2022. THE PROPERTY BOUNDARIES REFLECTED ON THIS PLAN WERE ESTABLISHED FROM THE LEGAL SURVEY COMPLETED BY HUMPHRIES & BURGHALL, DATED 1959. THE PROPERTY BARS WERE LOCATED AND EXPOSED ON SITE BASED ON THIS SURVEY AND WERE FOUND TO BE ACCURATE.

THE ELEVATIONS OF THIS TOPOGRAPHIC SURVEY ARE NON-GEODETIC

BM1 - ELEVATION = 99.42m  
Top of existing drilled well cap

GENERAL NOTES:

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RESIDENTIAL RURAL ENTRANCE  
N.T.S.

DRIVEWAY STRUCTURE FOR RESIDENTIAL WORKS

STRUCTURE TYPE	DEPTH(mm)	COMPACTION
HL3A PAVEMENT (OPTIONAL)	50	>92%
GRANULAR 'A'	150	>98%
GRANULAR 'B'	200	100%

NO.	DATE	BY	REVISION
2	2022-06-30	M.C.	REVISED DWG. ADDED DIMENSIONS
1	2022-06-10	M.C.	SUBMITTED FOR PLANNING APPLICATION

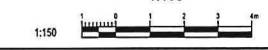
DESIGN	S.R.
DRAWN	M.C.
SCALE	AS SHOWN

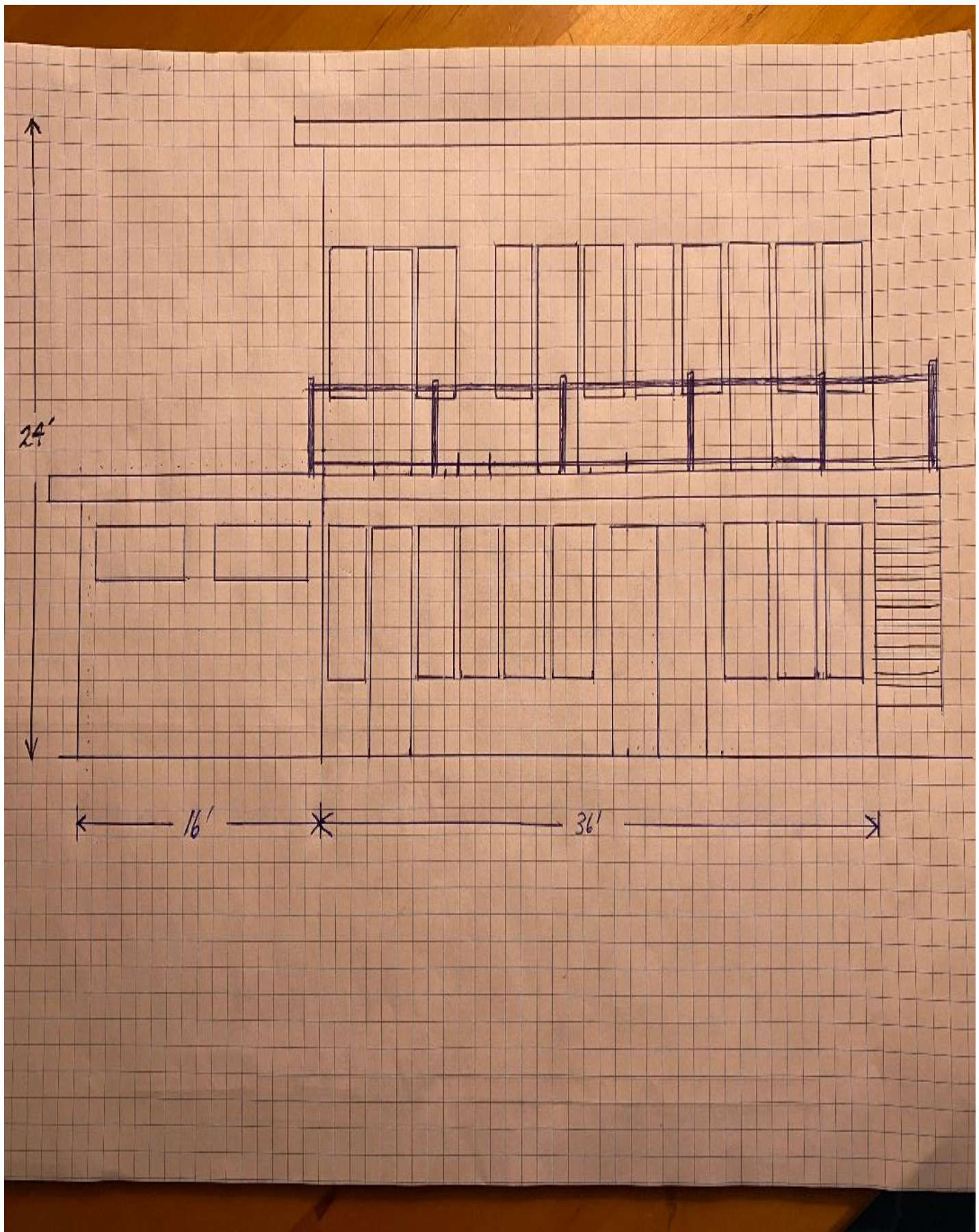


28 TRANQUIL LANE  
SOUTH FRONTENAC  
PARTS OF LOT 5, CONCESSION 11  
EXISTING CONDITIONS

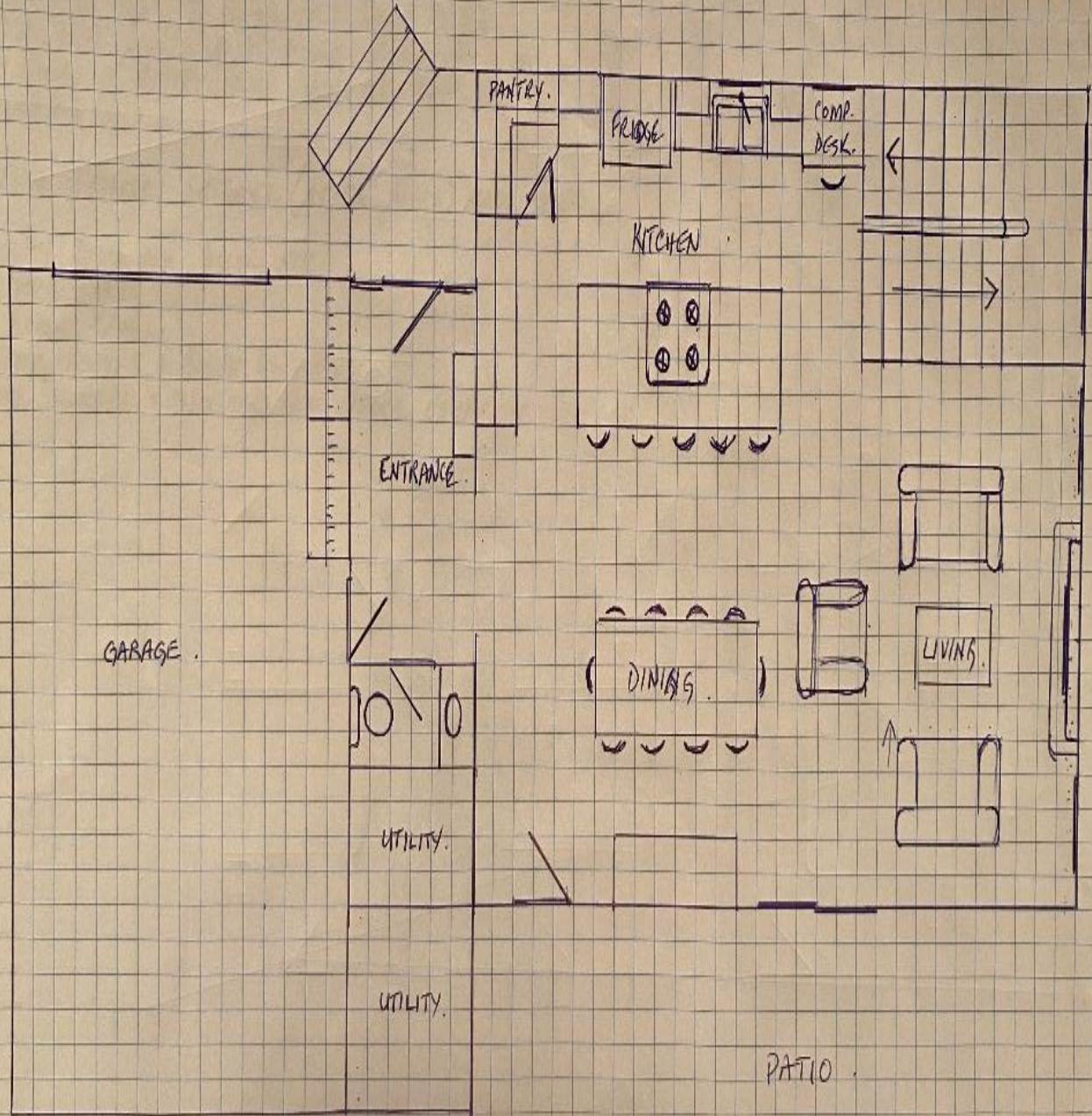
FILE NO.	DRAWING NO.
	SHEET 01 OF 02

PLOT PLAN  
1:150

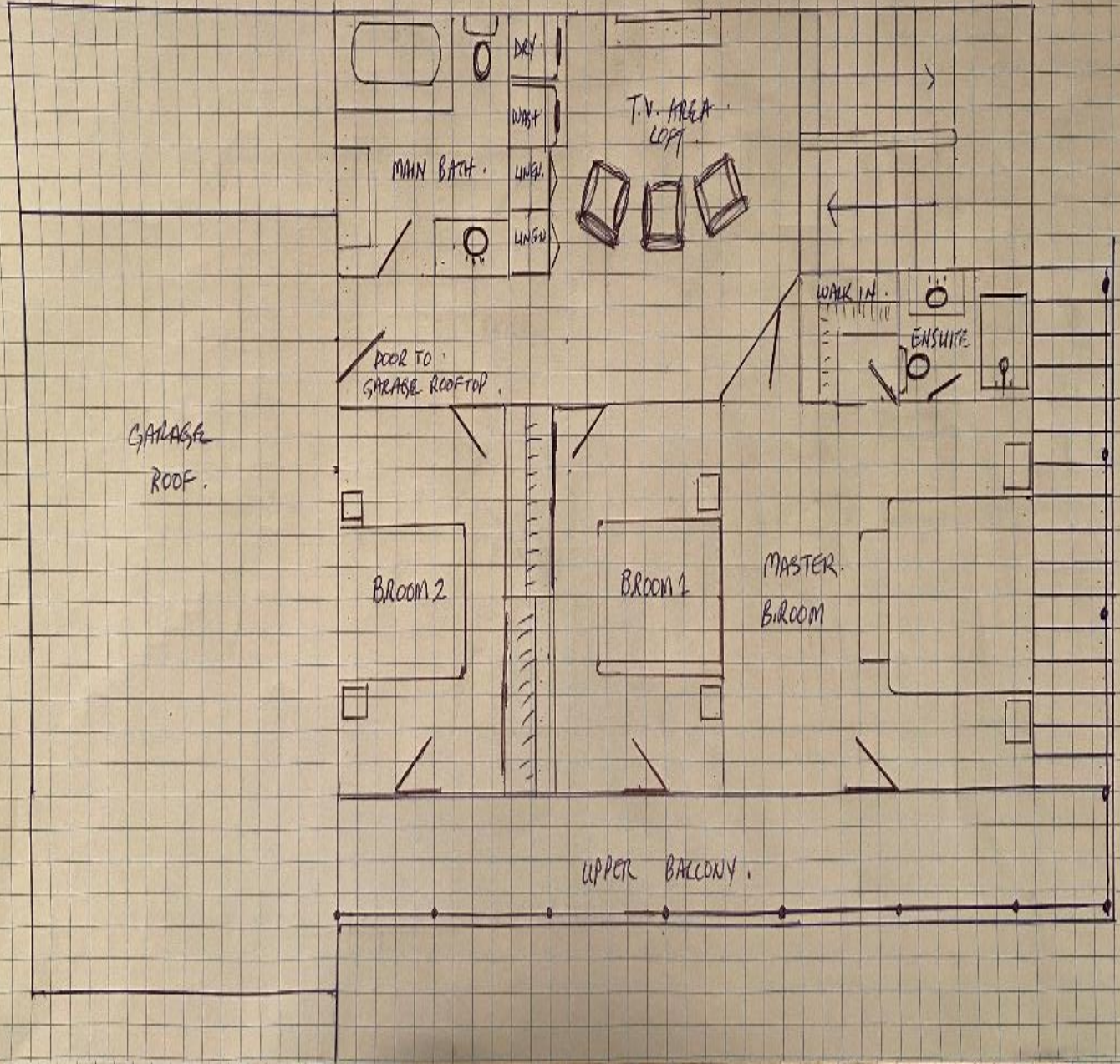




28 TRANQUIL 1ST STOREY



28 TRANQUIL 2ND STOREY.



# APPLICATION FOR REVIEW OF PERFORMANCE LEVEL OF AN EXISTING ON-SITE SEWAGE SYSTEM



**NOTE:** The property owner, applicant, designer and installer of the sewage system retain full responsibility to ensure that the sewage system is designed and installed in accordance with the approved plans, the *Building Code Act*, and the Ontario Building Code.

If the listed applicant is not the property owner, please provide a **Letter of Authorization** from the registered property owner.

Application forms should be submitted electronically as a PDF to [building@southfrontenac.net](mailto:building@southfrontenac.net); pictures not accepted.

Alternatively, you can mail / drop off your application form to: Township of South Frontenac  
ATTN: Building Department  
4432 George Street  
PO Box 100  
Sydenham, ON K0H 2T0

Directions to lot:

DIVISION ST N TO NORTH SHORE CRES, RIGHT ON NORTH SHORE CRES, RIGHT ON NORTH SHORE RD. FOLLOW FOR 7.5 KMS TO ROCK CLIFF LANE. RIGHT ON ROCK CLIFF LANE, RIGHT ON TRANQUIL LANE.

Owner communication method:  E-mail  Mail  Pick Up

Installer communication method:  E-mail  Mail  Pick Up

The reason for the review of performance level of the existing on-site sewage system is (check appropriate box):

**BUILDING ADDITION:**  Bedrooms  Plumbing fixtures  Living space

**CHANGE OF USE or OCCUPANCY:**  Residential to Non-Residential  Non-Residential to Other Non-Residential

**MINOR VARIANCE APPLICATION** BUILDING A NEW HOUSE

Water Supply	
<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> Proposed
<input checked="" type="checkbox"/> Drilled well	Casing depth: <u>19.5</u> m
<input type="checkbox"/> Dug well	
<input type="checkbox"/> Sandpoint	
<input type="checkbox"/> Lake	
<input type="checkbox"/> Shore well	
<input type="checkbox"/> Other (specify): _____	

Items Included in Submitted Application (if necessary):

**Floor Plans:**

One (1) copy of floor plans including all levels of the structure, no larger than 11" x 17"

**Letter of Authorization:**

Included with this application

**Copy of Original Sewage System Approval:**

Attached

Not attached, permit #: \_\_\_\_\_

I do not have any paperwork for the sewage system

# Agent Authorization Letter

JEFF MASTERS  
Property Owners Name

Corporation or Partnership

3155 JOYCAVILLE RD, JOYCAVILLE, K0H 1Y0  
Mailing Address

613-328-9009 jeffmasters1@yahoo.ca  
Phone & E-mail

Date: APRIL 16 / 22

To: The Chief Building Official  
Township of South Frontenac  
Building Department  
PO Box 100  
4432 George Street  
Sydenham, ON K0H 2T0


RE: **Proposed Project:** NEW HOUSE CONSTRUCTION  
(A brief description of the work to be performed)

**Project Location:** 28 TRANQUILLANR  
PARTS OF LOTS CON 11 TWP OF STORRINGTON  
(Property Address, Legal Description etc...)

The undersigned, being the current owner of the above referenced property, authorizes;

JEFF MASTERS |  
Agents Name Company Name

to apply for a building permit for the above referenced project on my behalf. This will allow my agent to answer any and all questions on my behalf and to sign any and all documents for me; however, I understand that I shall be responsible to ensure that my project complies with the Ontario Building Code.

JEFF MASTERS |  | APRIL 16/22  
Print Name Signature Date  
Of Individual Owner OR of Individual Owner OR  
Authorizing Officer of Authorizing Officer  
(I have authority to bind the Corporation)



## Schedule 1: Design Criteria

DESCRIPTION	DWELLING				OTHER: _____			
	Total # of Existing	Total # of Proposed	# UNITS PER FIXTURE	TOTAL FIXTURE UNITS	Total # of Existing	Total # of Proposed	# UNITS PER FIXTURE	TOTAL FIXTURE UNITS
Bathroom group – 3 piece (toilet, sink, tub/shower)			x 6.0 =				x 6.0 =	
Additional toilet			x 4.0 =				x 4.0 =	
Bathtub or shower			x 1.5 =				x 1.5 =	
Additional sinks			x 1.5 =				x 1.5 =	
Kitchen sink			x 1.5 =				x 1.5 =	
Dishwasher			x 1.0 =				x 1.0 =	
Clothes Washer			x 1.5 =				x 1.5 =	
Laundry tub			x 1.5 =				x 1.5 =	
Other: _____			x . =				x . =	
<b>FIXTURE UNITS</b>	Total:				Total:			
<b>FINISHED FLOOR AREA m<sup>2</sup></b>	Existing	Proposed	Total		Existing	Proposed	Total	
<b># OF BEDROOMS</b>			Total:				Total:	

DESIGN FLOW CALCULATION TABLE				
Residential Occupancy			Volume (L)	Flows
(A) Bedroom flow	1 bedroom dwelling		750	
	2 bedroom dwelling		1100	
	3 bedroom dwelling		1600	
	4 bedroom dwelling		2000	
	5 bedroom dwelling		2500	
(B) Extra bedroom flow	Each bedroom over 5,		500	
(C) Living area flow	Each 10 m <sup>2</sup> (or part thereof) over 200 m <sup>2</sup> up to 400 m <sup>2</sup> ,		100	
	Each 10 m <sup>2</sup> (or part thereof) over 400 m <sup>2</sup> up to 600 m <sup>2</sup> , and		75	
	Each 10 m <sup>2</sup> (or part thereof) over 600 m <sup>2</sup> , or		50	
(D) Fixture count flow	Each fixture unit over 20 fixture units		50	

**Daily Design Sewage Flow, Q = \_\_\_\_\_ litres/day A + (B or C or D)**

## Schedule 2: Existing On-Site Sewage System

Additions/renovations proposed? <input type="checkbox"/> YES <input type="checkbox"/> NO
Is the existing system failing? <input type="checkbox"/> YES <input type="checkbox"/> NO   Explain: _____
Is there more than one system on the property? <input type="checkbox"/> YES <input type="checkbox"/> NO   Permit # _____
Will the existing system service more than one building? <input type="checkbox"/> YES <input type="checkbox"/> NO   List: _____

Provide information on the existing sewage system in the appropriate box below:

<input type="checkbox"/> <b>Septic Tank</b>	<input type="checkbox"/> <b>Class 5 Holding Tank</b>	<input type="checkbox"/> <b>Treatment Unit</b>	<input type="checkbox"/> <b>Digester Tank</b>
<input type="checkbox"/> Existing working capacity: _____ litres Make / Model of septic / holding tank: _____	<input type="checkbox"/> Level II <input type="checkbox"/> Level III <input type="checkbox"/> Level IV Make / Model of treatment unit: _____		

T-time (min/cm) of existing soil: _____	T-time (min/cm) of imported fill: _____	Pump? <input type="checkbox"/> No <input type="checkbox"/> Effluent <input type="checkbox"/> Macerating
---	---	---

<input type="checkbox"/> <b>Class 4 Trench Bed</b>	Total pipe length: $\frac{Q \times T}{200} =$ _____ m	Raised height (above grade): _____ m
Mantle loading area: _____ m <sup>2</sup>	<input type="checkbox"/> Native <input type="checkbox"/> Imported	Length _____ m x Width _____ m

<input type="checkbox"/> <b>Class 4 Type II Leaching Chambers</b>	Total pipe length: $\frac{Q \times T}{300} =$ _____ m	Raised height (above grade): _____ m
Mantle loading area: _____ m <sup>2</sup>	<input type="checkbox"/> Native <input type="checkbox"/> Imported	Length _____ m x Width _____ m

<input type="checkbox"/> <b>Class 4 Filter Bed</b>	Loading area: $Q \div 75 / 50 =$ _____ m <sup>2</sup>	Contact area: $\frac{Q \times T}{850} =$ _____ m <sup>2</sup>
If Q ≤ 3000 L/day, Q+75 If Q > 3000 L/day, Q+50	# of filter beds = _____	Raised height (above grade): _____ m
Mantle loading area: _____ m <sup>2</sup>	<input type="checkbox"/> Native <input type="checkbox"/> Imported	Length _____ m x Width _____ m

<input type="checkbox"/> <b>Class 4 BMEC Bed</b>	Number of modules: $Q \div$ _____ = _____	Raised height (above grade): _____ m
Specified sand area: $\frac{Q \times T}{400} =$ _____ m <sup>2</sup>	Length _____ m x Width _____ m	

<input type="checkbox"/> <b>Type A Dispersal Bed</b>	Stone area: $Q \div 75 / 50 =$ _____ m <sup>2</sup>	Sand area: $\frac{Q \times T}{400} =$ _____ m <sup>2</sup>
If Q ≤ 3000 L/day, Q+75 If Q > 3000 L/day, Q+50	Raised height: (above grade): _____ m	<input type="checkbox"/> Native <input type="checkbox"/> Imported

<input type="checkbox"/> <b>SBT / Type B / BNQ / Other (Fill accordingly)</b>		
---	--	--

PROPOSAL

**DRAWING REQUIREMENTS: PLEASE CHECK (IF ATTACHING A SEPARATE DIAGRAM, ENSURE THESE ARE INDICATED)**

- 1 Copy of site plan submitted**
- Property owners name and property (civic) address;
- Lot size, property dimensions, roads, existing rights-of-way, easements, or municipal/utility corridors;
- Indicate distances to all utilities (i.e. telephone, Hydrolines above and below ground);
- Show and identify neighbouring properties, including wells (indicate if none);
- Show location and size of all proposed and existing sewage system components (tanks, pump chambers, alarms, distribution bed) and the test pits;
- Show the direction of surface water flow, as well as any surface water (i.e. creek, pond, lake) on or adjacent to the property and provide the common name;
- Indicate directions of North on the site plan; and
- Show the distances from pipes in bed and tank to ALL buildings, structures, property lines, surface water, easements, rights-of-way, driveways and wells (including neighbouring wells)**

**PROPOSED DISTANCES (Actual, not minimum)**

**Distribution pipe (or stone area) distances:**

- to closest structure: \_\_\_\_\_m
- to closest lot line: \_\_\_\_\_m
- to well on lot: \_\_\_\_\_m
- to neighbouring wells: \_\_\_\_\_m / \_\_\_\_\_m
- to surface water: \_\_\_\_\_m

**Septic tank/Treatment unit distances:**

- to closest structure: \_\_\_\_\_m
- to closest lot line: \_\_\_\_\_m
- to well on lot: \_\_\_\_\_m
- to neighbouring wells: \_\_\_\_\_m / \_\_\_\_\_m
- to surface water: \_\_\_\_\_m

# Application for a Permit to Construct or Demolish

This form is authorized under the Building Code Sentence 2.4.1.1A.(2).

For use by Principal Authority	
Application number: <u>ST-21-13</u>	Permit number (if different):
Date received: <u>June 7-13</u>	Roll number:

Application submitted to: KFL&A Public Health  
 (Name of municipality, upper-tier municipality, board of health or conservation authority)

A. Project information		
Building number, street name <u>28 Tranquillane</u>	Lot <u>5</u>	Con. <u>11</u>
City/Town <u>South Frontenac</u>	District <u>Stratford</u>	Plan number/other description
Project value est. \$	Area of work (m <sup>2</sup> )	

B. Applicant		
Applicant is: <input type="checkbox"/> Owner or <input type="checkbox"/> Authorized agent of owner		
Last name	First name	Corporation or partnership
Street address	Lot	Con.
City/Town	Postal code	Province
Telephone number ( )	Fax ( )	Cell number ( )

C. Owner (if different from applicant)		
Last name <u>Masters</u>	First name <u>Jeff</u>	Corporation or partnership
Street address <u>1085 DUNHAM ST.</u>	Lot	Con.
City/Town <u>KINGSTON.</u>	Postal code <u>K7K2K2.</u>	Province <u>ON</u>
Telephone number <u>(613) 389-6278</u>	Fax ( )	Cell number <u>(613) 530-1230</u>

D. Builder (optional)		
Last name	First name	Corporation or partnership (if applicable)
Street address	Lot	Con.
City/Town	Postal code	Province
Telephone number ( )	Fax ( )	Cell number ( )

E. Purpose of application	
<input type="checkbox"/> New construction <input type="checkbox"/> Addition to an existing building <input checked="" type="checkbox"/> Alteration/repair <input type="checkbox"/> Demolition <input type="checkbox"/> Conditional Permit	
Proposed use of building <u>Cottage</u>	Current use of building
Description of proposed work	
Septic System Type <u>Filter Bed</u>	

F. Tarion Warranty Corporation (Ontario New Home Warranty Program)	
i. Is proposed construction for a new home as defined in the <i>Ontario New Home Warranties Plan Act</i> ? If no, go to section G.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is registration required under the <i>Ontario New Home Warranties Plan Act</i> ?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. If yes to (ii) provide registration number(s): _____	

51-21-13

- G. Attachments**
- i. Attach documents establishing compliance with applicable law as set out in Article 1.1.3.3.
  - ii. Attach Schedule 1 for each individual who reviews and takes responsibility for design activities.
  - iii. Attach Schedule 2 where application is to construct on-site, install or repair a sewage system.
  - iv. Attach types and quantities of plans and specifications for the proposed construction or demolition that are prescribed by the by-law, resolution, or regulation of the municipality, upper-tier municipality, board of health or conservation authority to which this application is made.

**H. Declaration of applicant**

I Jeff Masters certify that:  
 (print name)

1. The information contained in this application, attached schedules, attached plans and specifications, and other attached documentation is true to the best of my knowledge.
2. I have authority to bind the corporation or partnership (if applicable).

May 29/13                      [Signature]  
 Date                                      Signature of applicant

Personal information contained in this form and schedules is collected under the authority of subsection 8(1.1) of the *Building Code Act, 1992*, and will be used in the administration and enforcement of the *Building Code Act, 1992*. Questions about the collection of personal information may be addressed to: a) the Chief Building Official of the municipality or upper-tier municipality to which this application is being made, or, b) the inspector having the powers and duties of a chief building official in relation to sewage systems or plumbing for an upper-tier municipality, board of health or conservation authority to whom this application is made, or, c) Director, Building and Development Branch, Ministry of Municipal Affairs and Housing 777 Bay St., 2nd Floor. Toronto, M5G 2E5 (416) 585-6666.

**Soils Certification**

I James Gilbert + Sons (Licensed Installer under Section 3.3 of the Building Code Act) verify that the material used in the construction of the sewage system, under the permit herein, meets the requirements of the Ontario Building Code, the percolation rate identified on the permit and the soils analysis submitted to KFL&A Public Health from

James Gilbert + Sons  
 (Name of pit)

*Note: Leaching bed fill* means soil used for the construction of conventional and chamber leaching beds, filter beds and area beds prescribed under specific Building materials Evaluation Commission authorization. It may not include a requirement for other soils as prescribed by tertiary treatment manufacturers, check with the manufacturer before installation. Determining sift content of leaching bed fill must be included in the analysis.

KFL&A Public Health has the right to secure soil samples from leaching beds when required.

[Signature]  
 Licensed Installer's Signature

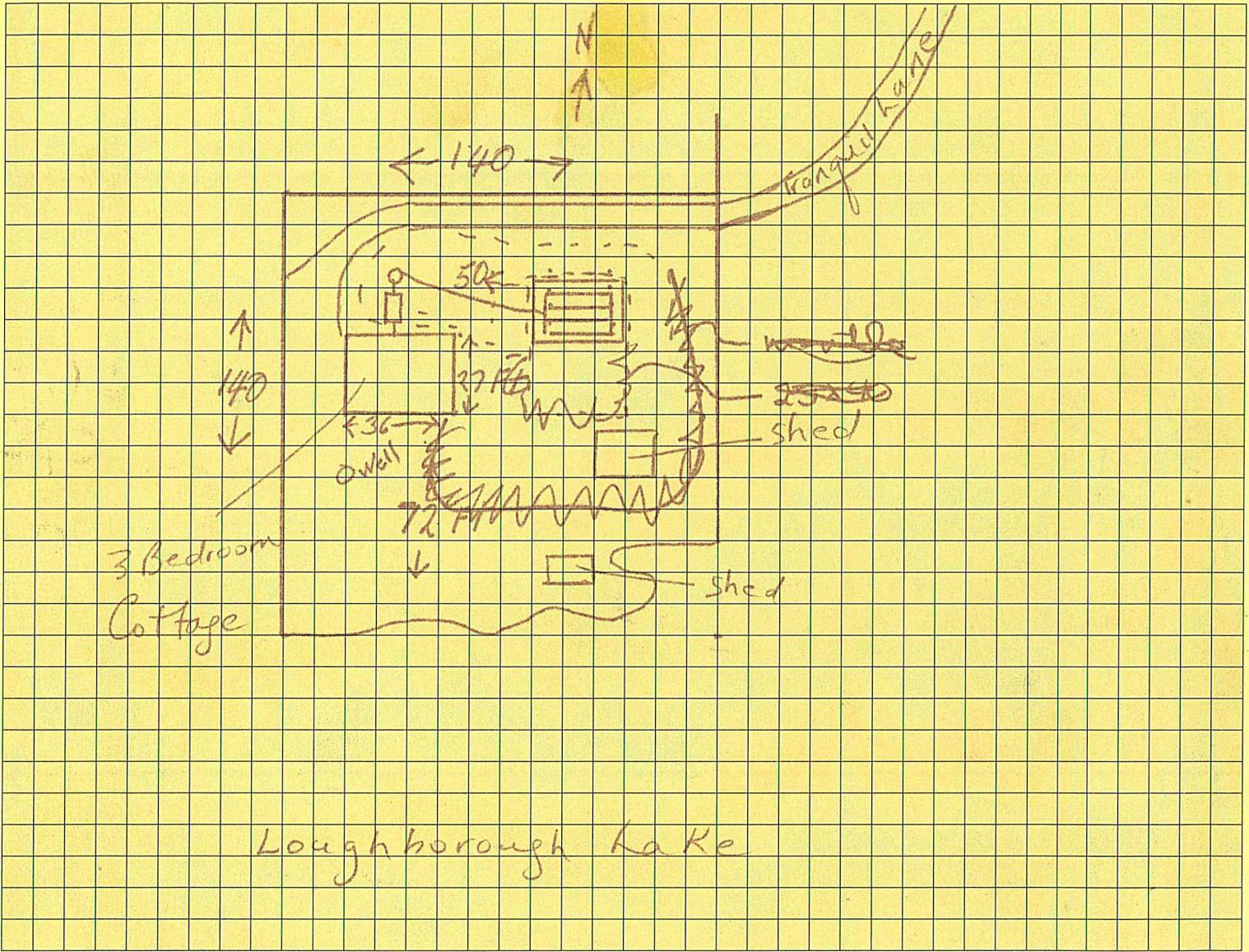
May 29/13  
 Date

51-21-13

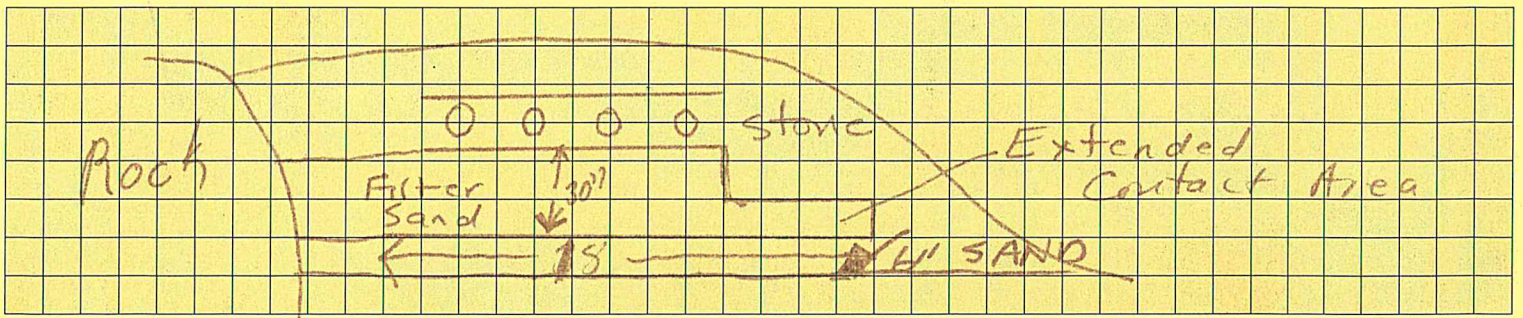
### Schedule 2: Sewage System Installer Information

<b>A. Project Information</b>			
Building number, street name 28 Tranquil Lane		Lot # 5	Con. 3 11
City/Town South Frontenac	District Stratford	Plan number/ other description	
<b>B. Sewage system installer</b>			
Is the installer of the sewage system engaged in the business of constructing on-site, installing, repairing, servicing, cleaning or emptying sewage systems, in accordance with Building Code Article 2.18.1.1? <input checked="" type="checkbox"/> Yes (Continue to Section C) <input type="checkbox"/> No (Continue to Section E) <input type="checkbox"/> Installer unknown at time of application (Continue to Section E)			
<b>C. Registered installer information (where answer to B is "Yes")</b>			
Name James Gilbert + Sons Contracting LTD.		BCIN 16253	
Street address 533 Hwy 32 RR 1		Lot 2	Con. 9
City/Town Carleton Place	Postal code Ont	Province K76203	E-mail gilbertjamesandsons@pernet.ca
Telephone number (613) 382-4679	Fax (613) 382-4550	Cell number (613) 561-0221	
<b>D. Qualified supervisor information (where answer to section B is "Yes")</b>			
Name of qualified supervisor(s) Jack Gilbert		Building Code Identification Number (BCIN) 10620	
<b>E. Declaration of Applicant:</b>			
I, <u>Jeff Masters</u> declare that: (print name)			
<input type="checkbox"/> I am the applicant for the permit to construct the sewage system. If the installer is unknown at time of application, I shall submit a new Schedule 2 prior to construction when the installer is known; OR <input checked="" type="checkbox"/> I am the holder of the permit to construct the sewage system, and am submitting a new Schedule 2 now that the installer is known.			
I certify that:			
1. The information contained in this schedule is true to the best of my knowledge.			
2. I have authority to bind the corporation or partnership (if applicable).			
<u>May 29/13.</u> Date		<u>[Signature]</u> Signature of applicant	

12. **LOT DIAGRAM AND SEWAGE SYSTEM PLAN:** Drawing must be **accurate**, and to **scale**. Indicate north point and show:
- (a) Location of sewage system components (e.g. tanks, leaching bed). Locate and show horizontal distances from system to adjacent existing or proposed buildings, water supplies (including neighbours), existing on-site systems, driveways, property lines, lakes, rivers, springs, water courses, swimming pools
  - (b) Lot dimensions, topographic features (e.g. swamps, steep slopes) near system. 1 sq = \_\_\_\_\_ m/ft
- DRAW TO SCALE**



**SEWAGE SYSTEM CROSS SECTION (FOR NEW SEWAGE SYSTEMS ONLY)**



Benchmark:  
 Approved  Rejected  (see recommendations on page 1)

Permit to install a Class 2,3,4 & 5 Sewage System under section 8-(1) (2) of the Building Code Act, S.O. 1992, C.23. This permit is issued to the owner to construct, install, alter, extend, enlarge or continue to use a Class \_\_\_\_\_ Sewage system.  
 Any person who is not issued a permit may apply to the Building Code Commission for any issues involving the Building Code or Compliance to the Code.

OFFICE USE ONLY	Application # <u>512143</u>
Name: <u>MASTER J</u>	Date Submitted: <u>JUN 9/13</u>
Fee # <u>K-91-13</u>	Fee \$ <u>750.00</u>
Renewal Date:	Entered:

1. **New Dwelling**  **Existing Dwelling**

Total floor area: 93 m<sup>2</sup> Number of bedrooms: 3

2. **Water Supply**

Existing  Proposed  Drilled  Dug or Bored  Shore well  Municipal  Cistern

Casing Depth 6 m Surface water  Sandpoint

3. **Fixture Units** for new or existing dwellings (see OBC Table 7.4.9.3 for non-residential)

	No.	Units
Bathroom group* (sink, toilet, and shower/tub combo)	<u>2</u>	x6 <u>6</u>
Bathtub (with or without shower)		x1.5
Toilet		x4
Clothes Washer		x1.5
Dishwasher		x .5
Laundry Tubs		x1.5
Shower Drain		x1.5
Sinks	<u>1</u>	x1.5 <u>1.5</u>
Other		x
<b>Total Fixture Count</b>	<u>2.5</u>	<b>units</b>

4. **Soils**

Subsurface Conditions Encountered

Rock & HGWT.	Depth (metres)	Soil Type
	0	<u>Topsoil</u>
	.3	
	.6	<u>Clay</u>
	.9	
	1.2	<u>Rock</u>
	1.5	

Estimate Percolation Rate of Existing Soil: 50 min/cm ≤ T ≤ 50 min/cm

Percolation Rate of Imported Soil: 5 min/cm ≤ T ≤ 10 min/cm

5. **Septic Tank Capacity:**

Daily Design Sewage Flow (Q) 1600 l/per day

Septic or Holding tank (min. 3600L) (2xQ) 4500 litres

6. **Leaching Bed: (40m/min)**

Conventional \_\_\_\_\_ m of pipe

Distribution pipe determined by using formula:

L = length of distribution pipe  
 Q = daily design sewage flow (box 5)  
 T = percolation rate of native or imported soil (box 4)

$L = Q \frac{\text{_____}}{200} \times \frac{\text{_____}}{\text{_____}} T$   
 200/(use 300 for chambers)

7. **Filter Bed:**

Loading Area 24 m<sup>2</sup> Length of Distribution pipe 20 m

$Q \frac{1600}{850} \times \frac{50}{75} T^* = \text{Contact Area } \frac{94}{77} \text{ m}^2$

\*(Note: Use "T" of Native soil)

8. **Tertiary Treatment:**

Manufacturer and Model: \_\_\_\_\_

Chamber Type \_\_\_\_\_ No. of pieces \_\_\_\_\_

9. **Loading Rate** (See Table 8.7.4..A OBC):

$Q \frac{1600}{10,8,6,4 \text{m}^2/\text{day}} = \frac{400}{\text{area (m}^2\text{)}}$

**Directions to Property:**

North Shore Rd. to Rockcliff Lane. Then to Tranquil home #28

(attach map if possible)

**Recommendations/Conditions** (for office use only):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

KINGSTON, FRONTENAC AND LENNOX & ADDINGTON PUBLIC HEALTH  
 FINAL INSPECTION REPORT FOR CLASS 2, 3, 4, 5 SEWAGE SYSTEM

INSPECTION DETAILS

DATE AUG 9, 2013 OWNER JEFF MASTERS INSTALLER GILBERT + SONS

1. Work has been satisfactorily completed and includes:

a) Septic tank/holding tank/treatment unit of working capacity of 4546 litres constructed of concrete  plastic  serving 3 (no. of bedrooms, or units, commercial/business).

MAKE AND MODEL OF PREFABRICATED TANK ANCHOR LOW BED.

b) Leaching/Filter Bed <sup>SUB</sup>420 metres of 76 mm diameter distribution pipe of PVC (type and product description) laid in 4 runs and fed by PUMP. If Filter bed, Loading area 32.43 m<sup>2</sup> Contact area 94 m<sup>2</sup>.

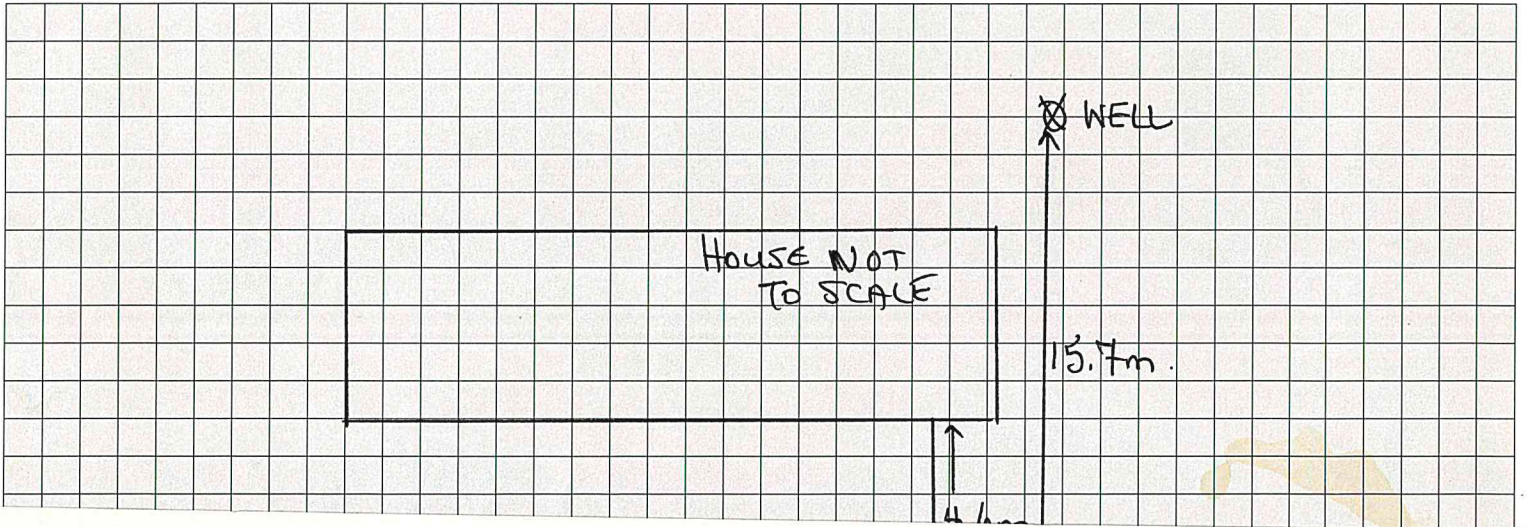
c) Secondary or Tertiary Treatment (Manufacturer) \_\_\_\_\_ Model \_\_\_\_\_

d) Chamber System (Manufacturer) \_\_\_\_\_ No. of pcs \_\_\_\_\_

e) Leaching Bed GPS Coordinates: Latitude - N 44°27.319 Longitude - W 076°24.801

2. Location:

The sketch below indicates the location of all components of the Sewage System and separation distances as required under the Ontario Building Code.





**Township of South Frontenac**  
 PO Box 100 Sydenham, ON K0H 2T0  
 613-376-3027 or 1-800-559-5862 Ext. 2200  
 taxes@southfrontenac.net

# TAX NOTICE

**Final:** 2020 **Date:** August 4, 2020

**Roll No.** 060-070-05700-0000 **Class:** NON79

**Mortgage Company** BANK OF MONTREAL MORTGAGE SER **Mortgage No.** 2356203770

**Name and Address** **Municipal Address/Legal Description**

MASTERS JEFF ROBERT  
 MASTERS DEBRA JOAN PINTO  
 1085 DUNHAM ST  
 KINGSTON, ON K7P 2K2

00028 TRANQUIL LN  
 CON 11 PT LOT 5 LOUGHBOROUGH  
 LAKE

Assessment			Municipal Levy		County Levy		Education Levy	
Class	Value	Class/Educ. Support	Tax Rate(%)	Amount	Tax Rate(%)	Amount	Tax Rate(%)	Amount
RTEP	\$302,000.00	Res/Farm Tx:Full - EPubSup	0.00601812	\$1,817.47	0.00186451	\$563.08	0.00153000	\$462.06
<b>Sub Totals &gt;&gt;&gt;</b>			<b>Municipal Levy</b>	<b>\$1,817.47</b>	<b>County Levy</b>	<b>\$563.08</b>	<b>Education Levy</b>	<b>\$462.06</b>

Special Charges		Instalments		Summary	
Description	Amt	Due Date	Amount		
		2020-08-31	\$932.10	Sub-Total - Tax Levy	\$2,842.61
		2020-10-30	\$931.00	Special Charges/Credits	\$0.00
				2020 Tax Cap Adjustment	\$0.00
				Final 2020 Levies	\$2,842.61
				Less Interim Tax Notice	\$979.51
				Past Due Taxes/Credit	\$0.00
<b>Total Special Charges</b>	<b>\$0.00</b>			<b>Total Amount Due</b>	<b>\$1,863.10</b>

**Schedule 2** Explanation of Tax Changes 2019 to 2020

Final 2019 Levies	Final 2020 Levies	Total Year Over Year Change
\$2,798.61	\$2,842.61	\$44.00

Final 2019 Levies	\$2,798.61
* 2019 Annualized Taxes	\$2,798.61
2020 Local Municipal Levy Change	\$47.77
2020 County Levy Change	\$74.28
2020 Provincial Education Levy Change	\$26.74
2020 Tax Change Due to Reassessment	\$51.31
** Final 2020 Levies	\$2,842.61

\*\*Adjusted/ final tax amounts apply only to the property or portion(s) referred to in this notice and may not include some special charges/credit.

Did you know you can access your account information and make payments online. To get started visit our website:  
[www.southfrontenac.net/vmo](http://www.southfrontenac.net/vmo)  
 Create your account by using your roll number and customer ID. Your customer ID is:  
**MASTER0002**

**Township of South Frontenac**  
 PO Box 100  
 Sydenham, ON K0H 2T0  
 613-376-3027 or 1-800-559-5862 Ext. 2200  
[taxes@southfrontenac.net](mailto:taxes@southfrontenac.net)

Payment may be made by online banking, by mail or in person at most financial institution or our office located at 4432 George Street, Sydenham. Make cheques payable to the Township of South Frontenac and include your roll number on the front of the cheque.

For Credit card payments, please visit our website under Living Here/Property Taxes or call 1-855-498-9976

PLEASE DETACH AND SUBMIT WITH PAYMENT THANK YOU

<b>Received from:</b>	
<b>Roll #</b>	060-070-05700-0000
<b>Name</b>	MASTERS JEFF ROBERT MASTERS DEBRA JOAN PINTO
<b>Address</b>	1085 DUNHAM ST KINGSTON, ON K7P 2K2
<b>Due Date</b>	<b>Total Due</b>
*** DO NOT PAY - MORTGAGE COMPANY IS PAYING ***	

Penalty at 1.25 % is added on the first day of the month following default and on the first day of each month thereafter.

Questions/Concerns: For additional information, contact us.





[General Property Details](#) | 
 [General Property Details](#) | 
 [Image Details](#) | 
 [Map Viewer](#) | 
 [OwnerOcc Details](#) | 
 [Roll Details](#) | 
 [Sales Details](#) | 
 [Soil Details](#) | 
 [Structure Details](#) | 
 [Return to Multi Property Screen](#) | 
 [Print Version](#) | 
 [Current Page](#)

Last updated on April 3, 2014

Primary/Subordinate Roll(s): 0000

Assessment Activity in Progress		Building Permit -	RFR -	Appeals -
---------------------------------	--	-------------------	-------	-----------

General Property Details		Roll Number	1029060070057000000	Created	1997-11-16	Legal Description	CON 11 PT LOT 5 LOUGHBOROUGH LAKE
Property Type	391 - Seasonal/Recreational Dwelling - First Tier On Water	First Owner Name	MASTERS JEFF ROBERT	Property Location	28 TRANQUIL LANE	Ward	04
Frontage	170.0 Feet	Depth	133.2 Feet	Area	22651.2 Square Feet	Variance	IRREG - Irregular
Access	O - Private Road Access	Driveway	Unspecified/Not Applicable	SRA	-	Zone	RU1
Location Comments	Previous roll #		1014001070057000000				

Taxation		Unit Class	RDU - RECREATIONAL DWELLING	School Codes	High	Pub Ptn	247500	FP Ptn	0
Realty Tax Class	R - Residential	Realty Tax Qualifier	T - Taxable: Full	Public	27	Sep Ptn	0	FS Ptn	0
Unit Support	P - English-Public	Other	-	Fr Pub	59	Fr Sep	66		
		Roll Total	247500						
		Current Year Phase-In Value	247500						
		Destination Value	272000						

[Top](#) | 
 [General Property Details](#) | 
 [Taxation Details](#) | 
 [Owner/Occupier Details](#) | 
 [Mailing Address](#) | 
 [Mailing Address](#)



6028 NORTH SHORE RD














# SOUTH FRONTENAC

**PL-ZNA-2022-0092  
(MASTERS)**

**28 TRANQUIL LANE**

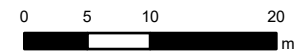
**Legend**

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

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

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

Scale: 1:600



UTM Zone 18 NAD 83

Date: 2022-07-04

July 29, 2022

File: MV/FRS/243/2022

**Sent by E-mail**

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

Dear Ms. Hannah:

**Re: Application for Minor Variance PL-ZNA-2022-0092 (Masters)  
Pt Lot 5, Concession 11; 28 Tranquil Lane  
Storrington District, Township of South Frontenac  
Waterbody: Loughborough Lake**

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

**Proposal**

The proposal involves the demolition of an existing dwelling and accessory structures to allow for construction of a new dwelling and accessory structures. The minor variance is requested to reduce the required setback from the highwater mark from 30 metres, as required by section 5.8.2(a) of the South Frontenac Zoning By-law, to:

- 10.46 metres to permit the construction of the dwelling;
- 9.35 metres to permit the construction of the deck, and;
- 16.5 metres to permit the construction of the garage.

**Site Description**

The subject property is located on the north shore of the east basin of Loughborough Lake. The topography can be described as rising quickly from the bedrock shoreline, up to a level plateau of land where an existing dwelling, deck, gazebo, and shed are located. The property is mostly cleared with mature tree growth interspersed throughout the lot and moderately dense tree and vegetation growth along the shoreline.

The property is designated 'Rural' on Schedule A of the Township of South Frontenac Official Plan, and zoned 'Limited Service Residential – Waterfront' (RLSW) in the implementing Zoning By-law.

## Discussion

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

### 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 and accessory structures are in non-compliance with the current zoning by-law for the Township of South Frontenac and are 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 a right-of-way and newly installed septic system to the north. We understand the existing development also exceeds the maximum lot coverage provisions of the Zoning By-Law, which require a maximum lot coverage of 5 percent for the principal building and 5 percent for accessory structures. The existing lot coverage is 5.5 percent for the principal building and 4.9 percent for accessory structures, and the lot coverage for the proposed development is 7.2 percent for the principal dwelling and 6.4 percent for accessory structures, which represents a total lot coverage of 13.6 percent.

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

Staff note that due to the lot's constraints, the proposed development will be set back as far as possible from the water in the north and west directions. However, staff are concerned with the proposed increase in building footprint that pushes the dwelling closer to the water than the existing dwelling, to accommodate the proposed garage. The closest point from the existing dwelling to the highwater mark is 12.57 metres. The closest point from the proposed dwelling to the highwater mark is 10.46 metres. To be consistent with the intent of the Official Plan and CRCA policies and regulations, **staff recommend that the new dwelling maintain the existing 12.57 metre setback from the highwater mark to ensure the protection of water quality of Loughborough Lake. Through reconfiguration and minimizing of building areas, we believe the proposal could maintain the existing setback and be**

**closer to the maximum lot coverage provisions set out in the Zoning By-law.** Doing so will also ensure that the proposed deck is at least 6 metres from the top of bank, in accordance with the natural hazards comments provided in the section below.

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

#### Natural Hazards

**Flooding:** The maximum recorded water level for Loughborough Lake is 125.03 metres geodetic. For Loughborough Lake, the maximum recorded water level is used in lieu of an engineered flood plain. CRCA planning and permitting policies require all development and site alteration to be setback a minimum of 6 metres from the regulatory floodplain of a waterbody. Based upon elevation mapping data and site observations, the proposed development will be located outside of any area that may be subject to potential flood risk.

**Erosion:** The subject lot has frontage on Loughborough Lake to the south. Section 5.8.2(b) of the Zoning By-law specifies that no building or structure or septic tank installation shall be located within a minimum of 15 metres horizontal of the top of bank of any embankment, the slope of which is greater than 30% from horizontal. The minor variance is requested to reduce the highwater mark setback which will push the development within the 15 metre top of bank setback.

Due to the bedrock shoreline, and in accordance with provincial technical standards, CRCA defines the extent of potential erosion hazards to be 6 metres from the stable top of bank. CRCA policies and guidelines require that this 6 metre setback is applied for all new development, including decks. The purpose of this setback is to ensure that regular maintenance or repair of buildings and structures, or that bank stabilization and shoreline protection works can occur, and that emergency personnel have the ability to access shoreline areas. The setback also provides protection against unforeseen or predicted external conditions which could have an adverse effect on the natural conditions or processes acting within an erosion prone area.

Based on available LiDAR data and observations taken on site, the general location of the top of bank appears to be consistent with the diagrams included in the applicant's plot plan. Staff note that the eastern edge of the proposed deck appears to narrowly pass this 6 metre setback. In line with the water quality section above, ensuring that the dwelling is located at least 12.57 metres from the highwater mark will ensure that the top of bank setback is met.

Staff also note that there is a clearly defined drainage channel on the adjacent property to the west which meets the definition of a regulated watercourse under Ontario Regulation 148/06: *Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses*, which is administered by the CRCA. The watercourse appears to form a hydrologic connection with the low-lying woodlands to the north and drains into Loughborough Lake. Although the flooding and erosion risks associated with the watercourse are minimal, CRCA policies and guidelines state that the minimum building setback from a watercourse of this

Ms. Hannah (PL-ZNA-2022-0092 (Masters))  
July 29, 2022

nature is 6 metres from the channel's top of bank. Based on our review, the nearest structure (the proposed garage) appears to be located beyond the 6 metre setback from the defined channel.

Overall, provided the development (dwelling, deck, and garage) complies with the recommended 6 metre top of bank setback from Loughborough Lake and from the watercourse, staff would have no concerns with the proposal from a natural hazards perspective. As noted in the section above, reducing the building area and maintaining the 12.57 m setback for the dwelling should also allow the new development to be entirely outside the erosion hazard and access allowance.

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

### **Recommendation**

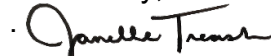
In summary, staff recommend deferral of the proposed development under application PL-ZNA-2022-0092 until the above-noted concerns are addressed. We also recommend implementation of the above-noted environmental mitigation measures (in bold text).

### **Ontario Regulation 148/06**

Please note that portions of the subject lands are subject to Ontario Regulation 148/06: *Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses*, which is administered by the CRCA. The purpose of the regulation is to ensure that proposed changes (e.g. development and site alteration) to a property are not affected by natural hazards, such as flooding and erosion, and that the changes do not put other properties at greater risk from these hazards. For this property, any development (buildings and structures) and site alteration (excavation, grading, placement of fill) within 15 metres of the top of bank of Loughborough Lake and the watercourse is subject to O. Reg. 148/06. Therefore, a permit will be required from our office should the application be approved.

Please inform this office of any decision made by the Committee with regard to this application. If you have any questions, please contact the undersigned at 613-546-4228 ext. 239, or by e-mail at [jtreash@crca.ca](mailto:jtreash@crca.ca).

Yours truly,



Janelle Treash  
Resource Planner

cc: 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:** February 9, 2023

**Subject: Permission Application (S. 45(2) of the Planning Act)  
PL-ZNA-2022-0092, Masters, 28 Tranquil Lane, Loughborough  
District**

## Summary

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

---

## Background

**Official Plan Designation:** Rural

**Zoning:** Limited Service Residential – Waterfront (RLSW)

## Relief Requested

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

## Related Applications

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

## Discussion/Analysis

### Property Description

The 0.52 acre (0.2 ha) property is located on Tranquil Lane and has approximately 52m of frontage on Loughborough Lake. The existing 83.6sqm dwelling is setback 12.6m from the highwater mark of the lake. The dwelling is 4m in height. A 49sqm deck is attached to the dwelling. The property also contains a 14.9sqm shed, a gazebo near the waterfront and a dock. The existing septic system and mantle occupies a large area of the rear portion of the property. The property slopes gradually from the water to the rear of the property. A

watercourse also crosses the southwest corner of the property, emptying into Loughborough Lake. The property is primarily manicured lawn with some mature trees as well as native vegetation along the shoreline.

### **Summary of Proposal**

The owners propose to enlarge a legal non-conforming dwelling within 30m of the highwater mark of Loughborough Lake. The existing 83.6sqm dwelling with 49sqm deck is set back 12.6m from the highwater mark. This building will be replaced and expanded with a two-storey dwelling that has a 116sqm ground floor area including an attached garage, and a 206.6sqm gross floor area. The gross floor area of the dwelling includes a 10.4sqm upper-level deck. No deck is proposed for the ground level of the dwelling. The new dwelling will be set back 14.2m from the highwater mark. The height of the new dwelling will also be increased to 7.3m compared to the 4m height of the existing dwelling.

### **Agency Comments**

Cataraqui Conservation staff, in a letter dated December 22, 2022, provided comments stating that they had no objection to approval of the application. They further note that a permit under O. Reg. 148/06 will be required for the proposed dwelling.

### **Public Comments**

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

### **Planning Analysis**

The Township Official Plan Schedule designates the subject property as Rural and the property is zoned RLSW in Zoning By-law No. 2003-75. The dwelling is a permitted use.

Section 5.10.2 of the Zoning By-law states that existing buildings with less than the minimum 30m setback from the highwater mark of a waterbody may be repaired, renovated or strengthened to a safe condition provided there is no enlargement of the gross floor area or increase in height. This provision prohibits the enlargement of these existing buildings, without seeking permission from the Committee of Adjustment. The existing dwelling is a legal non-conforming building because it was constructed prior to the current Zoning By-law and is setback 12.6m from the highwater mark.

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

The proposed dwelling will be located further from the water than the existing dwelling as it will be set back 14.2m from the highwater mark compared to the 12.6m setback of the

existing dwelling. The proposed dwelling is set back as far from the highwater as possible on the property due to the location of the existing septic system. The building location minimizes the amount of site disturbance and the amount of vegetation removal that would be required as there is some overlap of the existing and proposed building footprints.

Regarding lot coverage, the proposed dwelling footprint is smaller than the existing dwelling and attached deck. Lot coverage will be decreasing from 6.3% to 6% as a result of the development. An existing shed is also proposed to be removed. Overall lot coverage for the property will be reduced.

The building height will increase from 4m to 7.3m which is within the maximum permitted height of the RLSW zone. Maintaining existing vegetation will assist in screening the development from adjacent properties and help mitigate any visual impacts.

## Conclusion

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

## 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-2022-0092 for 28 Tranquil Lane, subject to the following conditions.

1. Permission is granted to enlarge the legal non-conforming dwelling on the subject property. The replacement dwelling is permitted to have a 116 square metre ground floor area including an attached garage and a 206.6 square metre gross floor area, and a maximum 7.3 metre building height, consistent with the submitted plan

prepared by Avidity Designs (Revision 4, 2022/12/20) 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 to address the following matters and environmental standards of the Township:
  - a. Appropriate erosion control measures (e.g. silt fence, straw bales) must be used during construction and until the site is stable and revegetated.
  - b. Roof runoff will be directed away from the shoreline of Loughborough Lake and neighbouring buildings and structures 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. That existing natural vegetation within 30 metres of the shoreline be maintained.
3. A building permit is required for ALL demolition and construction on the property. There shall be no additional development, or demolition of existing structures, on the property without the approval from the Township of South Frontenac.

**Report Prepared By:**

Tom Fehr, Planner

**Report Reviewed By:**

Christine Woods, MCIP RPP, Senior Planner

**From:** [REDACTED]  
**To:** [REDACTED]  
**Subject:** Re: Ola!  
**Date:** December 30, 2022 6:43:10 PM

---

Jeff, thanks for sharing your proposed plan. I have two concerns about your proposal. What bothers me the most is what appears to be a 3 foot setback from our shared lot-line to the western edge of your proposed garage. With my cottage being relatively close to this property-line, the garage is going to significantly impose on my space and vista. It is my understanding that the property line setback for structures in South Frontenac is around 10 feet. Which I am prepared to live with.

Although I have no issues with your normal, casual, vehicle traffic using my driveway to turn around, I know that there are going to be a lot of large vehicles and heavy equipment needed both to supply building materials and to facilitate the construction process. I am concerned that there is very little room in my driveway to allow large vehicles to turn around without wear and tear on both my driveway and lawn area. As you know, this has already caused some heavy damage to my lawn when you had your container delivered last summer.

I have spent some time in Zihuatanejo years ago and I am sure you would enjoy the ambiance it has to offer, however, it will be relatively hot, temperature-wise and humid.

Respectfully  
Ron Turney

On Thu, Dec 29, 2022 at 11:15 AM jeff masters [REDACTED] wrote:

>

> Merry Christmas Ron. [REDACTED]

> Second item is, I've pretty much completed my 3rd plot plan proposal for the township and am just waiting on a sign off from Cat conservation. basically I'd just be moving my current foot print, which is the same square footage of my existing cottage, back about 8 feet to the north and over about 6 feet to the east. As a result of my proximity to your lot line, my septic system, and my proximity to water to the south and east, I'm pretty much restricted to almost the same footprint as my cottage. Part of the reason for the movement to the east and the location of the offset garage is to allow more turn around room in the "no-mans land" between our properties. In doing this I'm told by the township that I will still require an easement to allow me to back into the area between your two driveways as this is your property. I have attached a picture of the plot plan with house and attached garage footprint. I have drawn a circle in the general area I am referring to. Wonder if you wouldn't mind taking a gander at this to let me know if you'd be OK with this easement application. Let me know your thoughts.

>

> Best regards,

> Jeff



**From:** [REDACTED]  
**To:** [REDACTED]  
**Subject:** Jeff Masters Application, Tranquil Lane ...  
**Date:** July 27, 2022 2:27:57 PM

---

Hello! Earlier this week when visiting Ron Turney at 30 Tranquil Lane, I met three representatives when they came to inspect the Masters property next door.

Ron Turney and I were told we could comment about Masters' application during a future Zoom meeting.

However, Ron doesn't want to anger Mr. Masters and would prefer not to air his concerns during the Zoom meeting. So, I am emailing them now.

He is opposed to decreasing the property-line setback from 10.8 feet to 6. Masters' proposed garage will seriously impose on his property.

Also, it is clear that Masters cannot build without using Ron's driveway. This has already caused problems when Masters had a flatbed truck deliver a large container to his property.

Without asking Ron's permission, the truck used Ron's lawn to turn around, leaving deep ruts which Masters only agreed to fix after Ron asked several times. This raises major concerns about future trucks and machinery needed during the house and garage construction.

We hope this has made our concerns clear and official. Please let me know that you have received and registered this email.

Thank you, Kathleen O'Hara

Sent from my iPad

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): Neil Liota

Full Mailing Address of Owner(s): \_\_\_\_\_  
\_\_\_\_\_

Phone number of Owner(s): \_\_\_\_\_

Email Address of Owner(s): \_\_\_\_\_

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

Name of Authorized Agent: \_\_\_\_\_

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

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

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

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

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

3. The description of the subject land:

District:  Bedford  Portland  Loughborough  Storrington

Concession Number: 3 Lot Number: PT LOT 20

Street Number: 2263 Name of Road/Street: GREEN BAY RD.

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

Roll Number: 102901002022400

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

REVISED - Nov. 9, 2022

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

Frontage (on water): 550' Frontage (on road/lane): 497.5'

Depth: ~160' AT WATER POINT Area: 1.5 ACRES

5. The current zoning of the subject land:

WATERFRONT RESIDENTIAL (RW)

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

- REDUCED SETBACK FROM HIGH WATER MARK, REDUCED SETBACK FROM FRONT LOT LINE (ROAD) AND PERMISSION TO HAVE THE GARAGE IN FRONT YARD.

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

THIS UNIQUE LOT IS 1.5 ACRES AND IS TOO NARROW TO CONFORM TO REQUIRED SETBACKS.

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

Name of Road/Lane:

GREEN BAY RD

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

[Handwritten signature]

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

PRIMARY RESIDENCE

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

Yes  No

- ① COTTAGE - 23' x 25' EST 1985 - DECK SPACE ~ 243 FT<sup>2</sup>
- ② RESIDENCE - 35' x 36' EST 1988 - NO DECKS
- ③ OLD STORE FRONT 24' x 20' EST 1972 - DECK SPACE ~ 284 FT<sup>2</sup>
- ④ SHED BY COTTAGE 8' x 8' EST 2020 - NO DECK
- ⑤ SHED BY HOUSE - 8' x 8' EST 1985 NO DECK - 10' x 10' PATIO STONES

**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) Cottage EST: 1985	(2) "House" EST: 1968	(3) OLD STORE EST: 1972	(4) Sited by Cottage EST: 2020	(5) Sited by House 1985
Setback from Front Lot Line "WATER"	62'9" TO Deck 68'3" TO Cottage	36'	54' TO BOAT LAUNCH 103' TO SOUTH	36'	3'
Setback from Rear Lot Line "ROAD"	57'	60'	34'	~ 68'	115'S
Setback from Side Lot Line "WEST"	142' TO cottage 136'9" TO Deck	245' 1"	156' TO BRIDGE (EAST SIDE)	26' 1"	255
Height of Building (Also indicate if it is one story or two story)	1-STORY ~ 16'	1.5 STORY ~ 19'5" AT ROAD SIDE	1 STORY ~ 12'4"	1 STORY ~ 10'7"	1-STORY ~ 8'
Dimensions of Floor Area <i>Not including Deck</i>	23' x 25' 575 FT <sup>2</sup>	33' x 36'-10" 1214 FT <sup>2</sup>	20'3" x 12'7" AND 14'5" x 11'7" 421.5 FT <sup>2</sup>	8' x 12' 96 FT <sup>2</sup>	8' x 8' 64 FT <sup>2</sup>
Setback from High Water Mark (If applicable)	62'9" TO Deck 68'3" TO cottage	36' TO EDGE OF RESIDENCE	54' TO BOAT LAUNCH. 103' TO SOUTH	36'	3'

13. The proposed uses of the subject land:

MAIN 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

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

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

Type of Structure (E.g. residence)	(1)	(2)	(3)	(4)
Setback from Front Lot Line "WATER"	GARAGE to SUIT DISABLED PERSON. 68'			
Setback from Rear Lot Line "ROAD"	34'6"			
Setback from Side Lot Line "WEST"	314'4"			
Height of Building (Also indicate if it is one story or two story)	1-STORY 15'33/4"			
Outside Dimensions of Building/Structure	26'x28'			
Setback from High Water Mark (If applicable)	68'			

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

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

If yes, please provide details:

~~\_\_\_\_\_~~

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

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

If yes, please provide details:

\_\_\_\_\_

18. What are the uses of the proposed development?

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

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

SEPT - 09. 2019

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

See pages 4 - Question 11 or Page (5) under "TYPE OF STRUCTURE"

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

~ 53 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:

Privately owned Drilled + Cased well

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

Privately owned SEPTIC SYSTEM

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

ONE CULVERT UNDER DRIVEWAY AT COTTAGE LOCATION 2273 Green  
Dey RD. All other DRAINAGE BY NATURAL MEANS.

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

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

Yes       No

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

---

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

Yes       No

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

---

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

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

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

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

**AGREEMENT TO INDEMNIFY**

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

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

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

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

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


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

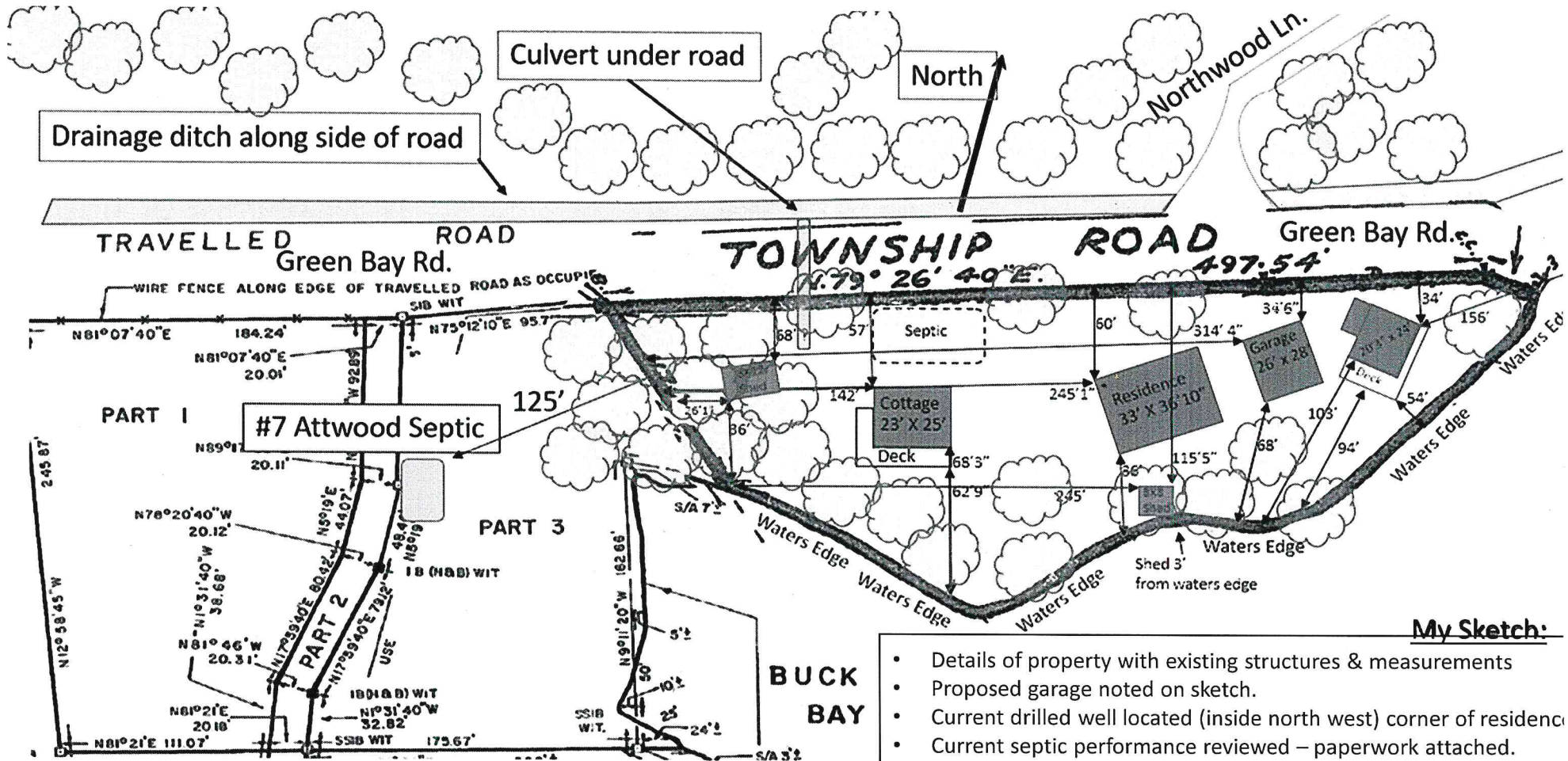
DATED AT THE TOWNSHIP OF SOUTH FRONTENAC

THIS 20<sup>th</sup> DAY OF July, 20 22

I, Neil Liota OF Athens

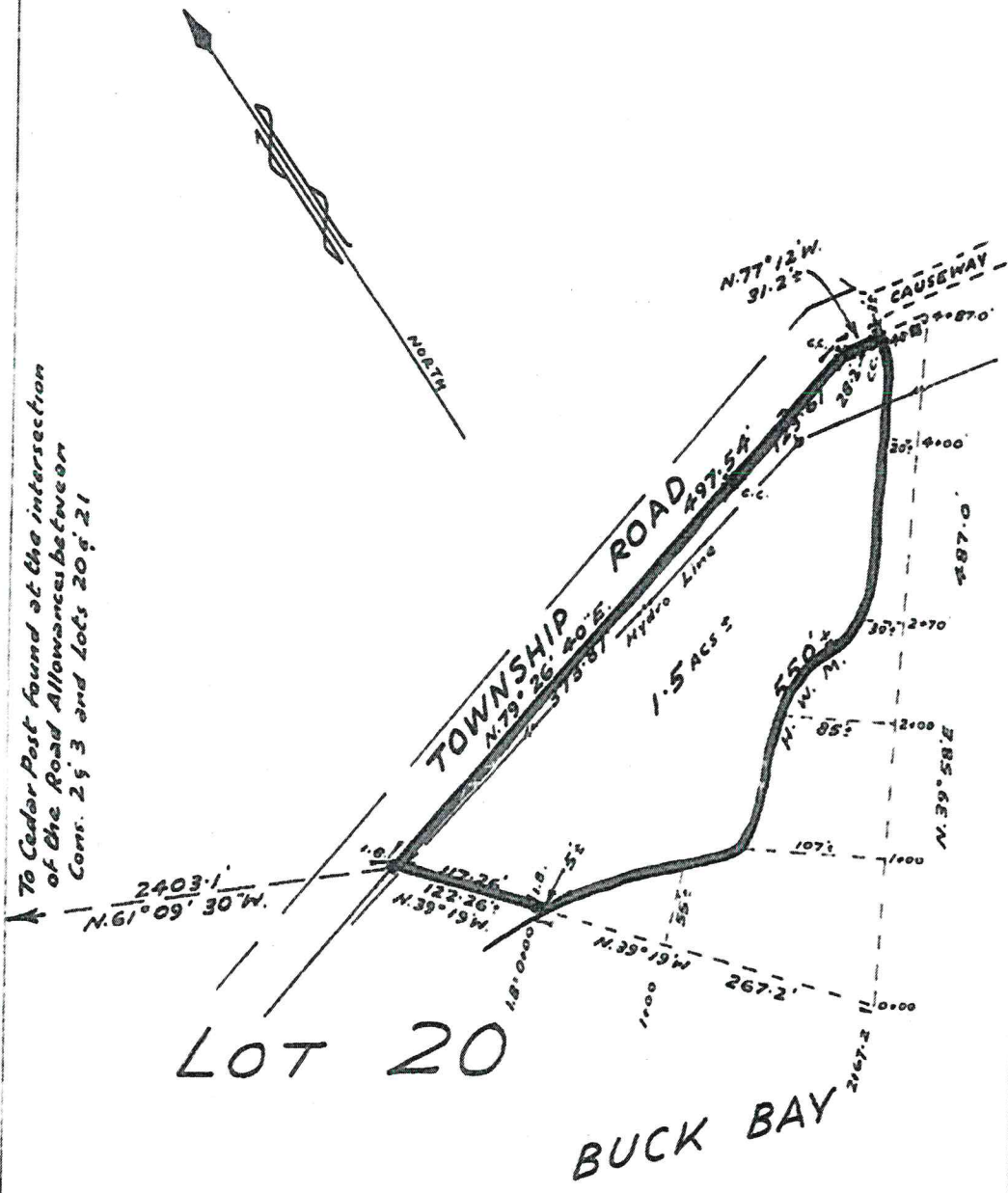
solemnly declare that all the statements contained in this application are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the ~~Canada~~ Evidence Act





**My Sketch:**

- Details of property with existing structures & measurements
- Proposed garage noted on sketch.
- Current drilled well located (inside north west) corner of residence
- Current septic performance reviewed – paperwork attached.
- #7 Attwood lane septic noted.
- Wooded area and drainage ditches noted.



NOTE - 1.5 ACRES

To Cedar Post found at the intersection of the Road Allowances between Con. 2 & 3 and Lots 20 & 21

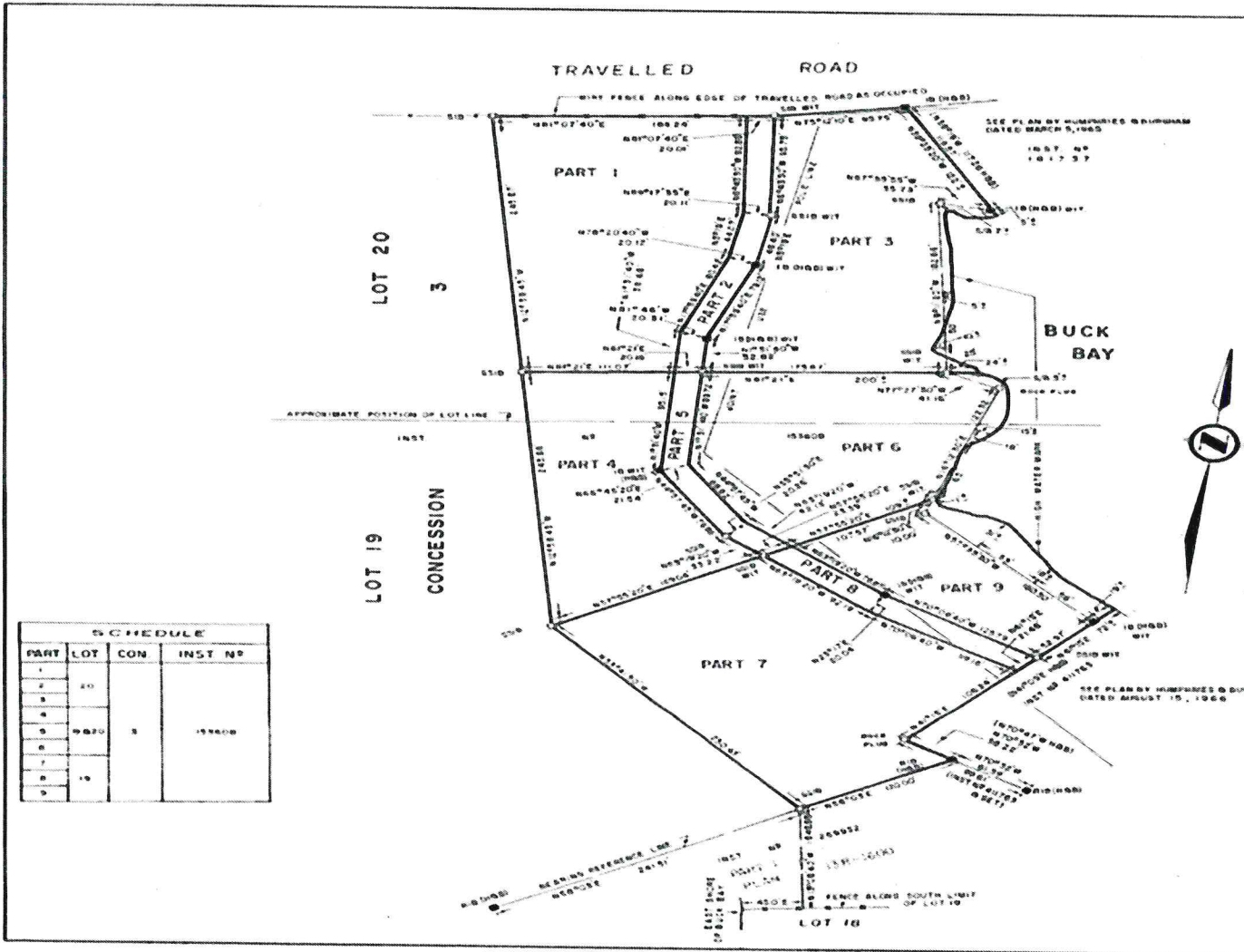
NOTE: Bearings are astronomic and are referred to the meridian through the S.E. corner of Lot 20, Con. 3, Township of Bedford.

PLAN OF SURVEY OF  
 PART OF LOT 20, CON. 3  
 TOWNSHIP OF BEDFORD  
 COUNTY OF FRONTENAC

*Allen R. Burgham*  
 HUMPHRIES & BURGHAM  
 ONTARIO LAND SURVEYORS  
 CITY OF KINGSTON, ONT.  
 DATE: 5<sup>TH</sup> MARCH 1965

SCALE: 1" = 100'

No. 7960



1. BEFORE THIS PLAN IS RECORDED UNDER THE REGISTRY ACT

**PLAN 13R 7915**

RECEIVED AND DEPOSITED

JANUARY 15, 1968

DATE

Mar. 2, 1968

DATE

M. Peter Allen, S.M.

REGISTERED SURVEYOR FOR THE REGISTRY DIVISION OF THE REGISTRY ACT

**CAUTION:** THIS PLAN IS NOT A PLAN OF SUBDIVISION WITHIN THE MEANING OF THE PLANNING ACT

**PLAN**

SHOWING SURVEY OF PARTS OF LOTS 19 & 20 CONCESSION 3 TOWNSHIP OF BEDFORD COUNTY OF FRONTENAC PART GRANGE W ELLIOTT LTD

SCALE 1" = 60'

**SURVEYOR'S CERTIFICATE:**

I CERTIFY THAT

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT AND THE REGISTRY ACT AND THE MEASUREMENTS MADE THEREUNDER

2. THE SURVEY WAS COMPLETED ON THE 21<sup>ST</sup> DAY OF DECEMBER, 1967

GRANGE W ELLIOTT LTD  
ONTARIO LAND SURVEYORS  
KINGSTON, ONTARIO  
JANUARY 15, 1968

M. Peter Allen  
Ontario Land Surveyor

**NOTE AND LEGEND:**

MONUMENTS AND INSTRUMENTS DERIVED FROM THE SURVEY OF PART 6 SHOWN ON PLAN 13R 100 NAVING A BEARING OF 60° 00' 00"

○ CHARACTER SURVEY MONUMENT PLANTED

● SURVEY MONUMENT PLANTED

□ SURVEY MONUMENT PLANTED

□ STANDARD IRON BAR

□ IRON BAR

□ WOODEN MONUMENT

□ IRON MONUMENT

□ IRON MONUMENT

□ IRON MONUMENT

□ IRON MONUMENT

ALL SHORE LINES SHOWN ON THIS PLAN ARE PERPENDICULAR TO THE TRAVERSE LINES UNLESS NOTED OTHERWISE

**GRANGE W ELLIOTT LTD**

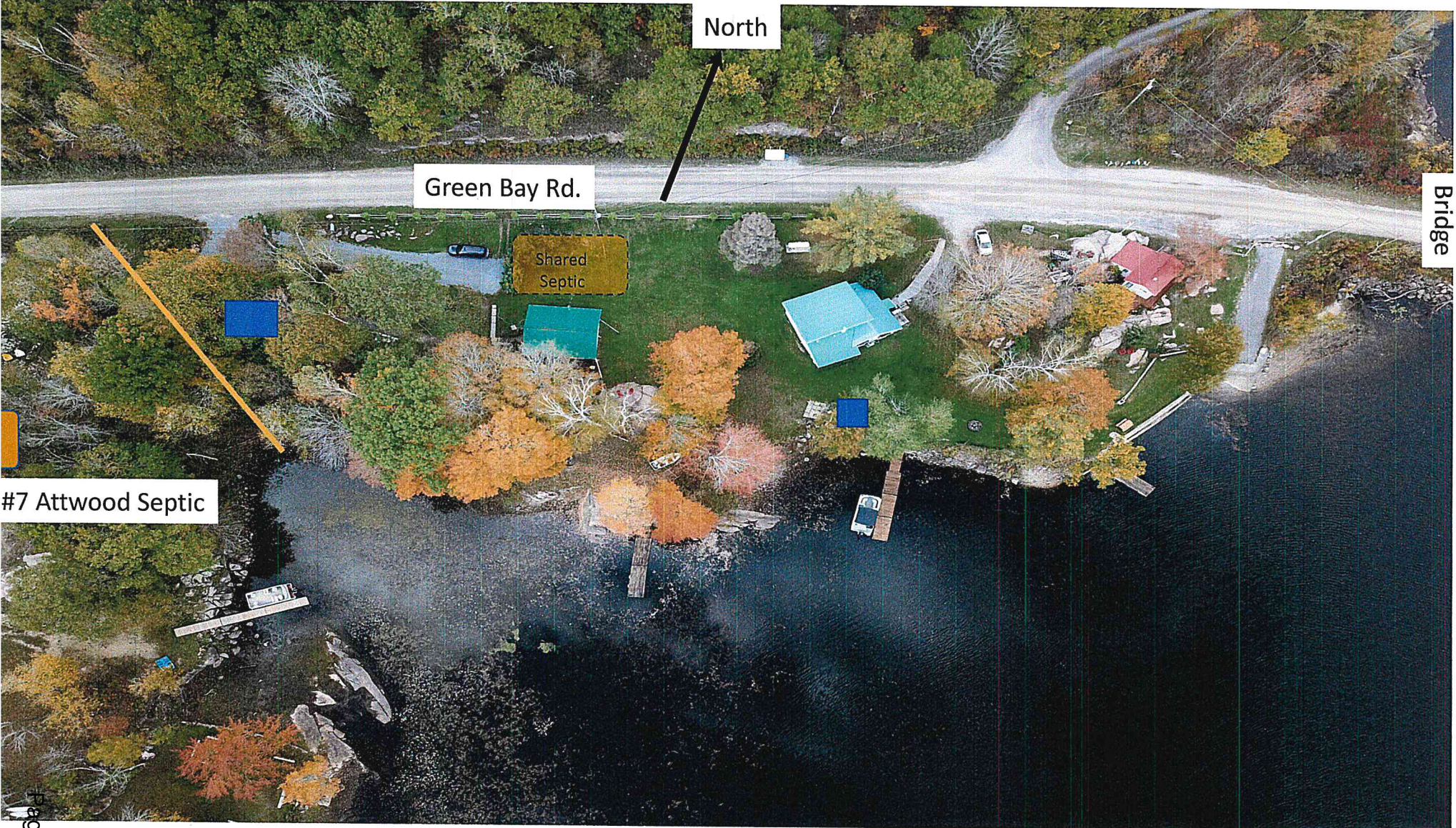
ONTARIO LAND SURVEYORS

KINGSTON, ONTARIO

875 SGT. TEL (613) 542-6469

2118 REC D. 5-10-24

SCHEDULE			
PART	LOT	CON	INST NO
1			
2	20		
3			
4			
5	19 & 20	3	13R 7915
6			
7	19		
8			
9			



North

Green Bay Rd.

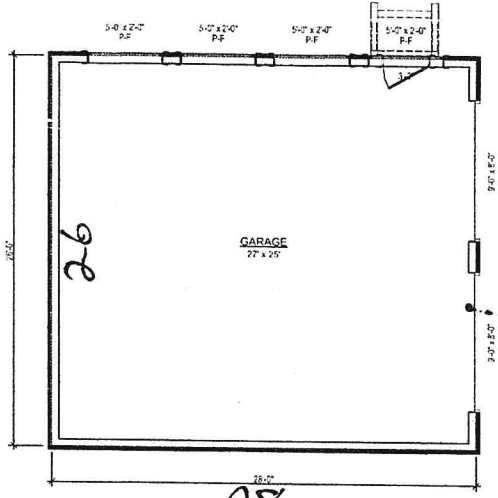
Shared Septic

#7 Attwood Septic

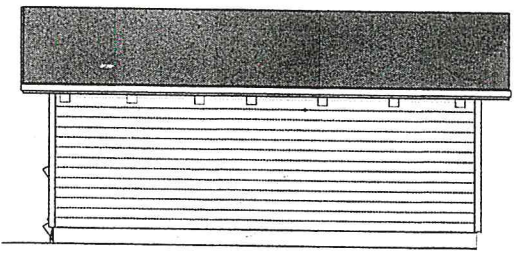
Bridge

This Drawing is the property of Discovery Dream Homes. It is not to be reproduced, or used to produce products or services, unless written consent is first obtained from Discovery Dream Homes.

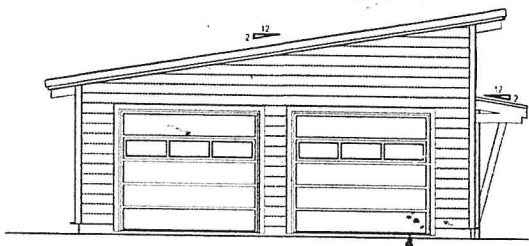
**PRELIMINARY  
DRAWINGS NOT FOR  
CONSTRUCTION**



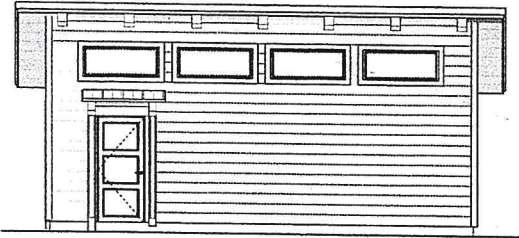
**28**  
**GARAGE FLOOR PLAN**  
1/8" = 1'-0"



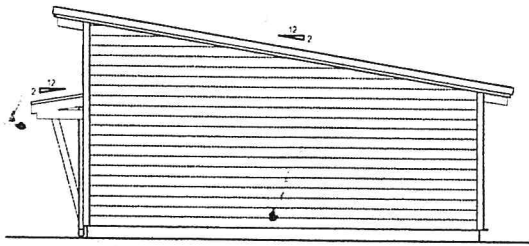
**FRONT GARAGE**  
1/8" = 1'-0"



**RIGHT GARAGE**  
1/8" = 1'-0"



**REAR GARAGE**  
1/8" = 1'-0"



**LEFT GARAGE**  
1/8" = 1'-0"



Discover the difference...  
Peterborough, Ontario, Canada  
705-295-LOGS (5647)

Project:		
<b>Custom Dream Home</b>		
Client:		
Drawn By:	Sales Rep.:	Project No:
		16-046_C
Date:		
November 10, 2016		
Scale:	Pg No:	
AS NOTED	4 of 6	

## 2263 Green Bay rd lot coverage details

Total lot coverage with New approved house and proposed basic garage is **6.7%** for ALL structures listed below.

Lot size = 1.5 acres or 65340sqft

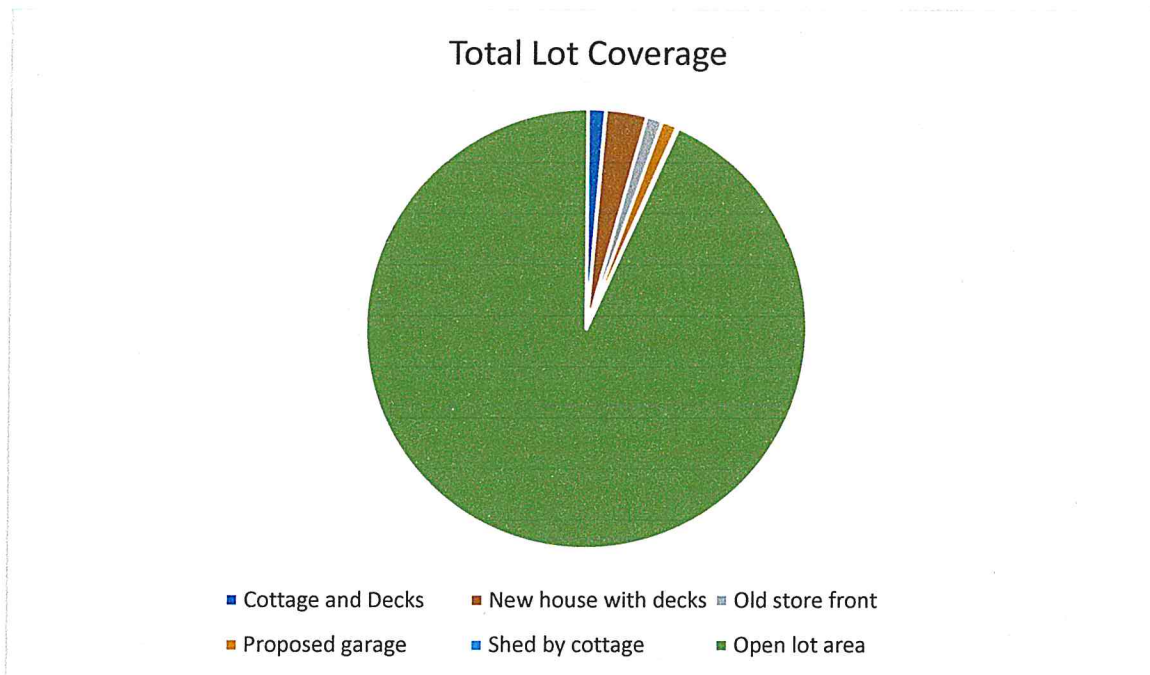
Cottage with decks = 818sqft (1.25% of lot coverage)

New Main house with decks = 1986sqft (3.0% of lot coverage)

Old Cantina with decks = 788sqft (1.2% of lot coverage)

Shed by cottage = 96sqft (0.14% of lot coverage)

Proposed Garage = 728sqft (1.11% of lot coverage)



Sent to - Ron Vandewal [rvandewal@southfrontenac.net](mailto:rvandewal@southfrontenac.net) July 5<sup>th</sup> 2022

## Township of south Frontenac application for minor variance

For Mr. Neil Liota of 2263 Green Bay rd. (613) 340-7679

Package includes:

- Minor variance application
- My sketch / lot plan survey / arial image
- Discovery Dream Homes – Garage plan view
- 2263 Green Bay rd – Lota coverage details
- Letters of support from the community
- Deck diagrams for cottage & old store front
- Letter of performance review findings
- Shoreline stewardship agreement – completed
- RVCA – Letter of permission – Bost launch removal - TBD

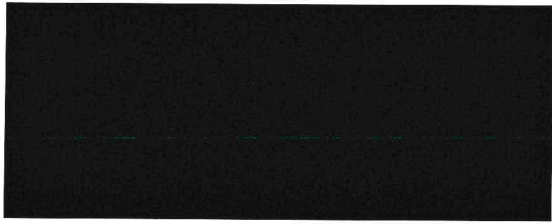
A handwritten signature in blue ink, appearing to be 'Neil Liota', is written in a cursive style.

Letters of support Garage variance 2263 Green Bay rd.

Please add these letters to this Garage variance as these were written to support the Garage as well as (the House variance that has been approved). They are relevant for both structures and were written by people to support both the House and the garage at the same time for 2263 Green Bay rd at the time they were written.

Thank you for your co-operation with adding these to the Garage variance file.

Mr Neil Liota



Township of South Frontenac,  
PO Box 100,  
Sydenham, ON, K0H 2T0  
Attn: Michelle Hannah, Committee of Adjustment

We are writing on behalf of Neil Liota who has an application before your committee to develop and improve his property at 2263 Green Bay Road West, Tichborne (Godfrey), [REDACTED]  
[REDACTED]

We support his plan.

We have owned a nearby property on the same cove near the Buck Bay bridge since 1995. Our property is 41 Attwood Lane, Roll #010020220100000.

Since Neil bought the property a few years ago, he has made impressive improvements to it. The property is now attractive with a tidy shoreline. The overall property is well maintained

We feel that his improvements have enhanced the value of all the properties that front on the cove. We are confident his redevelopment will be undertaken with the same care and attention.

Respectfully,

Andrew & Mary Catherine Robb



**From:** Natasha Redekop <[natasha\\_redekop@hotmail.com](mailto:natasha_redekop@hotmail.com)>

**Sent:** May 9, 2022 3:02 PM

**To:** [planning@southfrontenac.net](mailto:planning@southfrontenac.net)

**Subject:** Attention Michelle Hannah

Good Afternoon,

I'm sending a quick note in support of Neil Liotta's application [REDACTED]. As a neighbour in the area, I have really appreciated the improvements he's already made to the property. It's a delight to drive by and see the developments and his involvement in the community. I used to be wary of my kids wondering around on the docks (back when they served gas), but now I would have no issues with my kids wondering over there to visit Neil. He's done really strategic improvements keeping in mind the area, shoreline and local environment.

Cheers,

Natasha

## Michelle Hannah

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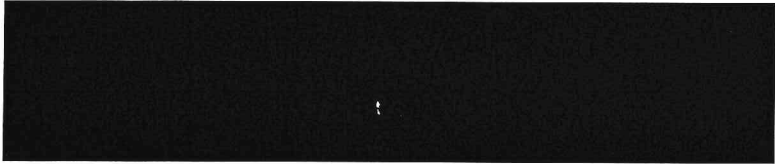
**From:** Louise and Ray Cassidy <louray1@live.ca>  
**Sent:** May 4, 2022 11:57 AM  
**To:** planning; Michelle Hannah  
**Subject:** Feedback [REDACTED]

Hello:

I am writing in support of Neil Liota's application [REDACTED]. He has spoken to us about his vision for the property at 2263 Green Bay Rd. Since purchase of the property, we have been pleased to see the pride in ownership which had been sadly missing from the previous long-time owners; for example power-washing everything on the property then maintaining that standard, adding community appeal such as several Canadian flags on the rejuvenated poles in front of the property, removing brush which contained wasp nests, planting perennials and removal of many loads of trash. The result has been a more neighbourhood-friendly vibe, and no creeping consumer trash laying about. Buck Bay Canteen has been a landmark for confused travelers for the over 30 years we have enjoyed the lake and has been completely renovated before becoming Dragonfly Cove, a new landmark which also retained some character. It would be a shame to lose it. We believe that the changes to the property would benefit our little Bob's Lake community by enabling a new permanent neighbor to live safely and comfortably, more energy-efficiently too. The addition of a garage would benefit anyone with mobility issues and would reduce outdoor cluttered areas by providing storage. Thank you for considering our support.

Louise & Ray Cassidy  
[REDACTED]

**Fw: Property Improvements**



To the Planning Department

This letter is in regards to my neighbor Neil Liota 2263 Green bay Rd. Godfrey, ON. During the past two years, my wife Re and I have watched a wonderful clean up, consisting of many trailer loads of garbage, old sheds and junk removed from the property. Conversations with other neighbors has always included many positive remarks on the upgraded appearance of the property. The restoration of the iconic store by the bridge and the studio building, have been done with excellent taste and carpentry craftsmanship. Neils plans for the rebuilding of the main house seems to be a beautiful addition to the neighborhood.

We have been made aware of your restrictive motions for the advancement of Neil's building permit to build his new home. You may not be aware of Neil's physical limitations however his design is specific for his future years, health, comfort and sustainability here at his property. Any changes to his building plans which are footprinted on the existing house would be detrimental to Neils health and future. As I have known Neil for a few years now I respect his abilities to design and build an aesthetically pleasing as well as a workable and sustainable building. It is my hope that you will give further and agreeable cconsideration to Mr. Liota's building permit and plan.

Sincerely,  
Neil Liota's neighbor

Larry and Re Haslett



**Michelle Hannah**

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**From:** Gary Baxter <[REDACTED]>  
**Sent:** May 26, 2022 8:09 AM  
**To:** planning  
**Cc:** Linda (Lindy) Louise Baxter; Neil Liota  
**Subject:** Attn: Michelle Hanna, [REDACTED]

To: South Frontenac Township,  
Secretary-Treasurer,  
Committee of Adjustment,  
Attn: Michelle Hannah

Michelle,

We have recently become aware of a situation involving Neil Liota, the new owner of the property formerly known as the 'Buck Bay Marina', now aptly renamed 'Dragonfly Cove'. Apparently his application and plans need to exhibit that he is "committed to improving, benefiting and maintaining the property's value and integrity". We want to let you know we thoroughly support these concepts on the part of the planning entities within the township.

We also would like to advise you that in our opinion Neil has made great strides in achieving these goals over the past few years we have known him. He turned what was essentially an eyesore property into a far superior presentation, and continues to work at it. Community minded? When he took over the place he allowed the McConnells to stay while they made other arrangements, for quite a long time! He is constantly offering or providing assistance, his time, advise and equipment resources to all his new neighbours. He eliminated the old fuelling dock facility and several falling down sheds. He has cleaned up the grounds in general, mending or adding decorative fencing, completed building improvements and fixed up trees and gardens. All in the midst of COVID-19 pandemic issues, Gypsy Moth infestations, horrific winters and wind storms, as well as several personal family and medical issues. We have boated extensively for many years from our home on Buck Bay and around Bobs Lake, and it is now a true joy to cruise by Neil's area.

We look forward to his further improvements, enhancements and hope your team will be able to accommodate his request(s) to help him achieve them.

Thank You... Gary & Lindy Baxter

[REDACTED]

Sent from my iPad... Gary

**Michelle Hannah**

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**From:** Bill Willick <[REDACTED]>  
**Sent:** May 25, 2022 11:38 AM  
**To:** planning  
**Subject:** Comments on minor variance application PL-ZNA-20220046 for 2263 Green Bay Road.

TO: South Frontenac Secretary-Treasurer, Committee of Adjustment, Michelle Hannah

Ms Hannah,

I am writing in support of Neil Liota's application for a minor variance [REDACTED]. I am aware of his desire to tear down the existing home and replace it with a new home with attached garage.

My wife and I own a cottage at 43 Attwood Lane directly across the bay from Neil Liota's property. We can view the entire property from our property. Neil has made several improvements to the property since purchasing it a few years ago. Neil has closed off access to the boat launch which was quite near the bridge over the waterway between Bob's Lake and Buck Bay. The close proximity to the bridge was a safety concern. I understand Neil intends to remove the ramp and restore the shoreline to a natural state. Neil has also removed all the docks from the old Buck Bay Canteen. The new roof and tidying up around the canteen is also appreciated. The Buck Bay Canteen is a well-known local landmark that has been a fixture since the sixties. It would be a shame to see it go. Neil has taken numerous trailer loads of junk to the dump, which has greatly improved the aesthetics of the property from both the water and roadside viewpoints.

I understand Neil is working with a local conservation group to restore some of the natural shoreline vegetation.

As far as lot density, even with the footprint of the proposed new dwelling, the property will not look crowded. As I stated, from my view from across the bay, it appears as though there are nicely spaced building structures as compared with most cottages and homes on Bob's Lake.

As for Neil personally, he is a welcome addition to the Buck Bay community. He has made several friends in the Bob's Lake/Buck Bay area. I believe that he knows almost all of the property owners on Attwood Lane as well as adjoining property owners. He is always friendly, helpful and generous in our encounters with him. He is a welcome addition to the neighbourhood.

Respectfully,  
[REDACTED]

WORK TO BE SCHEDULED.

## RVCA Letter of Permission —

Ont. Reg. 174/06, S. 28 *Conservation Authorities Act*  
1990, As Amended.



Date: June 7, 2022  
File: RV1-10/22  
Contact: Eric Kohlsmith

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

Neil Liota  
156 Eighth Line Road  
Athens, ON K0E 1B0

**Permit for: Alteration to a Watercourse Under Section 28 of the Conservation Authorities Act for the removal of an existing boat launch and concrete structure, at 2263 Green Bay Road, PT Lot 20, Concession 3, former Township of Bedford, now in South Frontenac, Bob's Lake. Roll Number: 1029 010 020 22400**

Dear Neil Liota,

The Rideau Valley Conservation Authority has reviewed the application and understands the proposal to be for:

- a) **Removal of boat launch access, approximately 76 m<sup>2</sup>, while leaving concrete apron at shoreline to provide stability.**
- b) **Replace boat launch access with appropriate base for vegetative growth, to provide stabilization.**
- c) **Removal of a 17 m long concrete structure used to support piping for fuel outlet.**
- d) **Replace concrete structure with fill, matching existing grade and re-vegetating the area.**

This proposal was reviewed under Ontario Regulation 174/06, the "*Development, Interference with Wetlands, and Alteration to Watercourse and Shorelines*" regulation and the RVCA Development Policies (approved by the RVCA, Board of Directors), specifically Section 3.0. The proposal is not expected to impact the control of flooding, pollution, erosion or conservation of land providing conditions are followed.

### PERMISSION AND CONDITIONS

By this letter the Rideau Valley Authority hereby grants you approval to undertake this project as outlined in your permit application but subject to the following conditions:

1. Approval is subject to the understanding of the project as described above and outlined in the application and submitted plans stamped by RVCA.
2. All excavated material must be placed in a suitable disposal site outside the 1:100-year floodplain and regulated area.
3. Grade changes approved are limited to the area covered by this letter of permission.

4. Sediment control will be established to ensure no sediment migration from the site and shall remain in place until exposed soils are stabilized.
5. All equipment storage and operation will be limited to the alteration envelope. All areas located outside the alteration envelope will be left untouched.
6. No fill including topsoil, sand, etc. will be placed outside the alteration envelope for any reason purpose.
7. No equipment will be permitted to disturb area outside the alteration envelope.
8. The Rideau Valley Conservation Authority is to two-day's notice of the start of the project.
9. The applicant agrees that Authority staff may visit the subject property before, during and after project completion to ensure compliance with the conditions as set out in this letter of permission.
10. That the current municipal zoning will permit this development and no variances and/or amendments to the current zoning will be necessary in order to proceed with the development. Any Planning application will require further review and may not receive supportive comments.
11. A new application must be submitted should any work as specified in this letter be ongoing or planned for or after June 7, 2024.

By this letter the Rideau Valley Conservation Authority assumes no responsibility or liability for any flood, erosion, or slope failure damage which may occur either to your property or the structures on it or if any activity undertaken by you adversely affects the property or interests of adjacent landowners. This letter does not relieve you of the necessity or responsibility for obtaining any other federal, provincial or municipal permits. This permit is not transferable to subsequent property owners.

Should you have any questions regarding this letter, please contact Eric Kohlsmith.



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Terry K. Davidson P.Eng  
Conservation Authority S. 28 Signing delegate

O. Reg. 174/06

- Pursuant to the provisions of S. 28(12) of the *Conservation Authorities Act* (R.S.O.1990, as amended.) any or all of the conditions set out above may be appealed to the Executive Committee of the Conservation Authority in the event that they are not satisfactory or cannot be complied with.
- Failure to comply with the conditions of approval or the scope of the project may result in the cancelling of the permission and/or initiation of legal action under S. 28(16) of the Act.
- Commencement of the work and/or a signed and dated copy of this letter indicates acknowledgement and acceptance of the conditions of the RVCA's approval letter concerning the application and the undertaking and scope of the project.

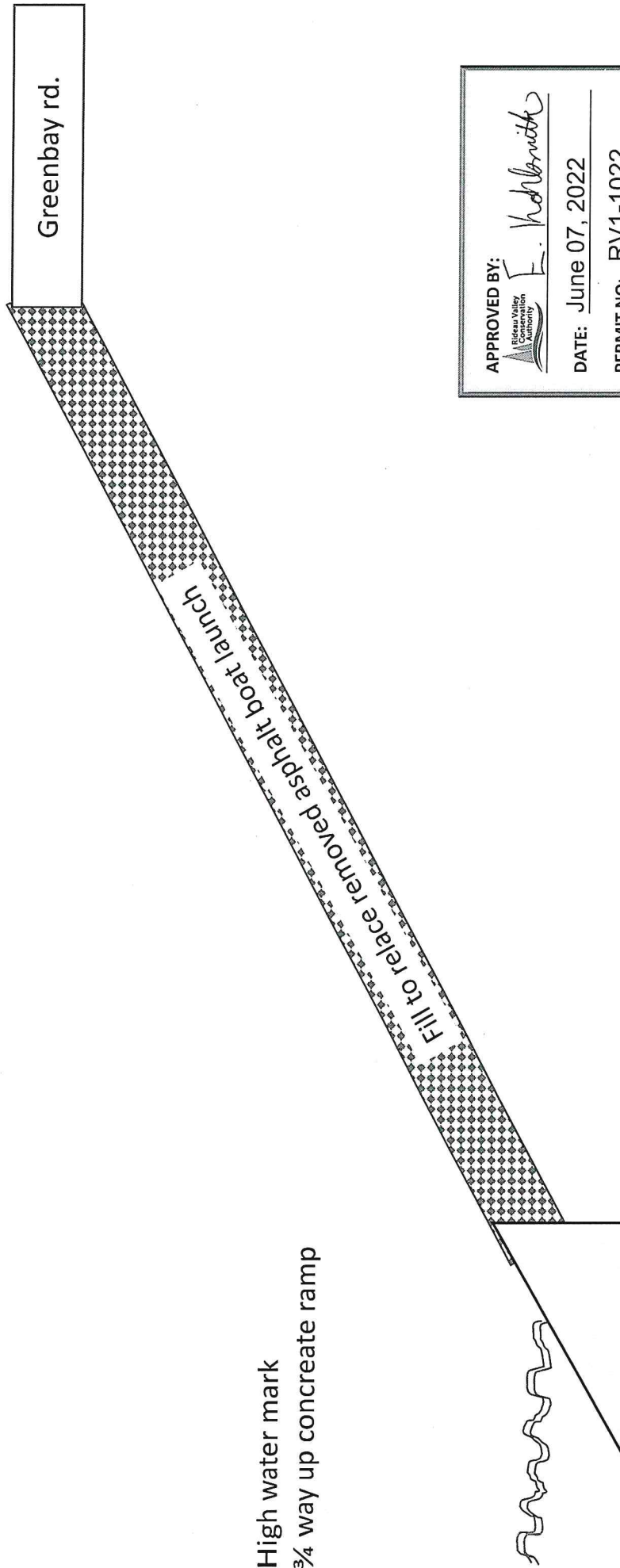
Name: \_\_\_\_\_(print)

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Requested Site Plan information for proposed work 2263 Greenbay rd




Requested Site Plan information for proposed work 2263 Greenbay rd



High water mark  
¾ way up concrete ramp

Existing concrete ramp  
- not being touched.

APPROVED BY:   
Rideau Valley Conservation Authority

DATE: June 07, 2022

PERMIT NO: RV1-1022

RIDEAU VALLEY CONSERVATION AUTHORITY

# Township of South Frontenac Staff Report

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**To:** Committee of Adjustment

**Prepared by:** Development Services Department

**Date of Meeting:** February 9, 2023

**Subject: Minor Variance Application (S. 45(1) of the Planning Act)  
PL-ZNA-2022-0105, Liota, 2263 Green Bay Road, Bedford  
District**

## Summary

The subject application seeks zoning relief to permit an accessory building to be located within the projected front yard of an existing dwelling, and to be setback less than 30 metres from the highwater mark of Bobs Lake. 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.

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## Background

**Official Plan Designation:** Rural

**Zoning:** Waterfront Residential (RW)

### Zoning Relief Requested

Sections 5.8.2(b) and 8.3.3 – to permit an accessory building (detached garage) to be setback a minimum of 20.7 metres from the highwater mark of Bobs Lake, whereas the Zoning By-law requires a minimum 30 metre setback for all buildings and structures.

Section 5.24.2 – to permit an accessory building (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.

### Related Applications

The subject property is not subject to any other applications under the Planning Act. However, the Committee of Adjustment granted permission to enlarge the legal non-

conforming dwelling (the main house) through application PL-ZNA-2022-0046 on June 9, 2022.

## **Discussion/Analysis**

### **Property Description**

The subject property is located at 2263 Green Bay Road at the north end of Buck Bay of Bobs Lake. The property has an area of approximately 0.6 hectares (1.5 acres) and has waterfrontage on Buck Bay. The property is approximately 40 metres deep at its widest point. The subject property slopes down gently to the lake. There are bedrock outcrops on the east half of the property. The property has a manicured lawn with mature trees along the western half of the shoreline. A private boat launch is located on the eastern edge of the subject property off Green Bay Road. There are two docks on the property.

The property is developed with two dwellings, a sewage system, an accessory building (“storefront”) and a small shed. All the buildings are less than 20 metres from the front lot line and less than 30 metres from the highwater mark.

### **Summary of Proposal**

The Owner is proposing a garage so that there is a safe place for persons with disabilities to embark and disembark from a vehicle during inclement weather (e.g. snow and ice). The application is seeking a variance for a 26 foot by 28 foot (728 square foot) one storey, detached garage. The garage would be setback 20.7 metres from the highwater mark of Bobs Lake. The garage would also be setback 10.5 metres from the front lot line (Green Bay Road), between the main house and the road.

### **Department and Agency Comments**

Public Services reviewed the minor variance application as it related to the proposed 10.5 metre setback of the garage from the front lot line. They had no objection to the reduced setback as it would have no implications to the operations of the roadway.

Rideau Valley Conservation Authority reviewed the proposal and determined that the garage would not be located within the floodplain of Bobs Lake. They noted that the garage has the potential to increase stormwater runoff on the site. Directing runoff to an area of appropriate soil depth, away from the septic system and the lake would promote infiltration of stormwater runoff and assist in protecting against erosion. They understood through prior communication that the applicant has made efforts to naturalize the shoreline and establish native vegetation buffers. These naturally vegetated areas should be enhanced or maintained to assist in the management of runoff and further protect against shoreline erosion. They confirmed that the garage would not require a permit under Ontario Regulation 174/06.

## Public Comments

The application package included several letters and emails from nearby property owners who support the general redevelopment of the property and the Owner's actions to clean up the property.

## 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 property is designated Rural on Schedule A of the Official Plan. The proposed detached garage would be an accessory use to the permitted, existing residential use of the property. The garage would be setback 20.7 metres from the highwater mark. Section 5.2.7(b) of the Official Plan indicates that consideration may be given to reductions to the minimum 30 metre highwater mark setback only if it is not physically possible to meet the setback anywhere on the property. Where it is not physically possible to meet the setback, then the structure must be constructed as far back as possible from the highwater mark. As indicated above, the property is 40 metres wide at the widest point. Therefore, it is not physically possible to meet the required setback from the highwater mark on the property. The proposed location of the garage was chosen by the Owner to be on top of a bedrock ridge that is generally level with the road and existing driveway. This will limit the amount of site alteration required for the garage. The garage would be closer to the road than is permitted in order to maximize the setback from the highwater mark.

The proposed variances maintain the general intent and purpose of the Official Plan related to residential development, and development adjacent to environmentally sensitive areas.

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

The accessory detached garage is a permitted use on the subject property. On waterfront properties that have frontage on a public road, the land between the road and the dwelling is considered to be the "front yard". Accessory structures are not permitted within the front yard as of right. However, the proposed location of the garage is logical for the development of the lot. The garage will be set back a minimum of 10.5 metres from the front lot line (Green Bay Road), whereas the dwelling approved through application PL-ZNA-2022-0046 will be setback 15 metres from the front lot line. The distance of the garage from the front lot line allows the building to be accessed, and for parking in front of the building, without blocking the road. Therefore, it will not impact municipal operations of

the roadway. The building setback from the high water mark will be maximized at 20.7 metres. Lot coverage of the two dwellings was calculated to be approximately 4.3%. The total lot coverage of all accessory buildings, including the garage, is calculated to be 1.4%. The property will comply with the lot coverage provisions for accessory buildings (i.e. lot coverage less than 5% and less than that of the main buildings). The proposed variances maintain 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 variances for the proposed detached garage are desirable for the appropriate use of the land and building. The location of the proposed garage between the dwelling and the road maximizes the garage setback to the highwater mark, and helps to protect the environmentally sensitive lands between the dwelling and the lake.

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 will support the planned functionality of the property and are not anticipated to impact adjacent properties, the road nor the lake. The Owner has made efforts to naturalize the shoreline and establish native vegetation buffers, including consideration for removing the private boat launch. A development agreement was a condition of approval of application PL-ZNA-2022-0046 to address the maintenance of shoreline vegetation buffers.

## 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-2022-0105 for the property at 2263 Green Bay Road, subject to the following conditions.

1. The minor variance is for an accessory building (detached garage). The garage is permitted to be located in front of the projected front wall of the dwelling, and

setback a minimum of 10.5 metres from Green Bay Road. The garage is also permitted to be setback a minimum of 20.7 metres from the highwater mark of Bobs Lake. The location and dimensions of the garage must be consistent with the applicant's site sketch that will be attached to the Decision as Schedule "A".

2. A building permit is required for ALL demolition and construction on the property. There shall be no additional development on the property without the approval from the Township of South Frontenac.
3. Minor variance PL-ZNA-2022-0105 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

**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.

<b>Application Type:</b>	<b>Planning Fee:</b>	<b>Building Admin Fee:</b>	<b>TOTAL:</b>
1-3 Variances	\$979.00	\$97.00	\$1,076.00
4+ Variances	\$1,343.00	\$97.00	\$1,440.00
After building without a permit	\$2,058.00	\$97.00	\$2,155.00

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

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

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

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

**3. PLEASE READ THIS ITEM CAREFULLY**

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

**4. Collection of Personal Information**

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

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

Date Received: \_\_\_\_\_

File No: \_\_\_\_\_

1. Name of Owner(s): \_\_\_\_\_

**Full Mailing Address** of Owner(s): \_\_\_\_\_

Phone number of Owner(s): \_\_\_\_\_

Email Address of Owner(s): \_\_\_\_\_

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

Name of Authorized Agent: \_\_\_\_\_

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

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

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

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

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

3. The description of the subject land:

District:       Bedford               Portland               Loughborough               Storrington

Concession Number: \_\_\_\_\_ Lot Number: \_\_\_\_\_

Street Number: \_\_\_\_\_ Name of Road/Street: \_\_\_\_\_

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

Roll Number: \_\_\_\_\_

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

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

Frontage (on water): \_\_\_\_\_ Frontage (on road/lane): \_\_\_\_\_

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

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:

\_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

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

Yes  No

**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:

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

13. The proposed uses of the subject land:

---

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

- Yes       No

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

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

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

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

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

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

If yes, please provide details:

---

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

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

If yes, please provide details:

---

18. What are the uses of the proposed development?

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

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

---

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

---

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

---

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

---

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:

---

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

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

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

Yes       No

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

---

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

Yes       No

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

---

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

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

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

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

**AGREEMENT TO INDEMNIFY**

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

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

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

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

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

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

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

**A Guide to Completing the Minor Variance Form**

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

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

- 9) Parking and Docking: This question is only relevant if you can only access your property by water.
- 10) Existing Uses: e.g. residential, retail business, vacant recreational land
- 11) Buildings: If there are **ANY** buildings or structures on the property now, the answer to this question is “yes”.
- 12) Description of buildings and structures: You must complete all sections of this question for each structure on your property. **If there is a deck on your dwelling, please describe it separately from the residence.**
- 13) Proposed Uses: Generally, the answer to this question will be the same as the answer to #10, but if, for example, the land is currently vacant, and you are planning to construct a dwelling, then the use to be described in section 10 would be “vacant recreational land”, and the use described in section 13 would be “residential”
- 14) Proposed structures: If you are planning to build **ANYTHING** on the property, the answer to this question is “yes” – This includes additions, decks, garages, septic systems.
- 15) Description of new construction: **ALL** proposed new development must be described here. If you are proposing to construct an addition to a dwelling, and to add a deck, please show this information in separate columns.
- 16) **Demolition: All demolition requires a permit from the building department.** In some instances, a proposed addition or increase in height cannot be accomplished without the removal of existing walls. If this is not made clear to the Committee at the beginning of the process, you may find that, although you are granted permission to add on to your residence, you can't actually do it because you have not made it clear that there is demolition involved.
- 17) Raising of Structure: In other words, are you proposing to raise the building in order to construct a basement under it.
- 18) Uses of Development: Please answer each part of this question. An increase in living space would include anything with walls – e.g. a screened porch would involve an increase in living space.
- 19) Date land acquired: When did you take possession of the property?
- 20) Date of existing buildings: If you are not sure, provide your best estimate.
- 21) Length of existing uses: For example, has the land been used for residential purposes for 30 years, or 18 months?
- 22) Water supply: in most cases the answer will be private well, but some waterfront properties take their water from a lake.

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

- 23) Septic: in most cases the answer will be private sewage system, but there may be some privies.
- 24) Drainage: Are there specific ditches that have been constructed to deal with drainage; is there natural drainage, etc.?
- 25) Application for consent: Is there currently an application for consent (severance) being proposed for the property?
- 26) If yes: If there is a current application for severance or subdivision on the property, please indicate the file number. (Staff can help provide this information)
- 27) Minor variance: Has there ever been a minor variance granted on the property? If you are long-time owner of the property, you will probably be aware of any other special permission granted for a variance to the zoning by-law. If you are a new owner, the seller will probably have made you aware of this.
- 28) If yes: If there has been a previous variance granted on the property, please indicate the application number if known, and what the details of the variance were.
- 29) **SKETCH: We cannot stress enough the importance of a detailed, accurate, and complete sketch. You do not necessarily need to contract with a professional to draw the sketch, but sketches that are not drawn to scale, do not show dimensions and distances, or are not drawn neatly (PLEASE USE A RULER), will not be accepted.**
- 30) **Agreement to Indemnify:** Must be signed in front of a commissioner of oaths – you may have this done before submitting the application, or sign the application in front of staff who can sign as commissioners. All owners must sign the application, or it can be signed by an agent if one has been appointed.





RECEIVED

OCT 18 2022

TOWNSHIP OF  
SOUTH FRONTENAC  
PLANNING DEPARTMENT

755 Baker Crescent  
Kingston, ON K7M 6P5  
Ph: (613) 634-4357  
Fax: (613) 634-4353  
Email: concorde@kos.net

October 18, 2022

DANIEL KIMMETT

RE: SLOPE AND EROSION ASSESSMENT  
6154 MCMULLEN LANE  
SOUTH FRONTENAC TOWNSHIP, ONTARIO  
OUR REFERENCE No. 22-0518

### 1.0 INTRODUCTION:

This letter reports the results of a geotechnical assessment carried out at the above captioned property. The subject property includes waterfront on Verona Lake. This assessment is intended to assess the hazards to the property, based on a site visit conducted on June 3<sup>rd</sup>, 2022, premised on a 100-year serviceability requirement under the provincial Natural Hazards Policy.

### 2.0 BACKGROUND & OBSERVATIONS:

The site is located on the west shore of Verona Lake and is accessed from McMullen Lane; for the purposes of this assessment the property is considered to face east toward the lake. The subject lot features some 30 metres of waterfront, an existing cottage, garage, waterfront access and dock. The elevation difference from the roadway to the lake is approximately 5 metres. A plot plan for development is underway by the owner's hand, a recent version is attached. It is understood the foundation for the cottage is to be underpinned to bedrock, and a new wood deck and shed are proposed, as outlined on the owner's plot plan. The work will take place on a terrace overlooking the lake.

The slope was surveyed using a 30-meter measuring tape and a Suunto MC-2 compass with a clinometer. The results are summarised on the section presented on Drawing No. 1/1. A ½"-diameter steel rod was used to sound the soils. Refusal was typically realised at depths of less than 700mm. The reaction to the probe is consistent with granular soil.

### 3.0 DISCUSSION:

The property features a plateau overlooking a rocky foreshore and waterfront. The slope is controlled by shallow/outcropping marble bedrock and rises through an elevation of 5 metres or so above the lake level at a rate of 37° or less. The shoreline was developed by filling some time ago. The regrowth is well established and includes cedars and hardwoods. Some gunstocking is observed on the lower slope between the outcropping bedrock and the lake.

The bedrock at the site is resistant to erosion and stable at vertical slopes within the context of 100 years. Access to the property is from the terrace, separated from the shoreline by bedrock and elevation.

Sound excavation, grading and drainage practice should be observed at all stages of construction, and appropriate measures implemented to ensure that subgrade and excavation side-slope integrity are preserved.

No groundwater was observed at the time of the fieldwork. Excavation is not expected to advance near or below the surface of the groundwater table or bedrock.

The granular soils once disturbed are considered prone to erosion. During construction control measures such as silt fencing at the crest of the slope are recommended. The performance of control measures should be monitored and additional efforts taken as warranted. Disturbed areas should be restored and seeded or replanted to promote re-growth, as soon as possible following completion of the work.

Footings bearing on the bedrock scaled and cleaned of weathered and disturbed material may be designed for an allowable bearing pressure of 500KPa. The bedrock is not regarded as frost susceptible. If sloping bedrock is encountered footings should be pinned using 16" lengths of 15M bar embedded 10" into the underlying bedrock – spacing of dowels will depend on site conditions.

Eave trough is recommended to preserve the grade adjacent the foundations. Discharge from eave trough downspouts should be directed away from the slope.

Preservation of the shoreline and foreshore vegetation is consistent with provincial policy. If disturbance is necessary measures to re-establish the vegetative cover should be implemented as effectively and soon as possible to avoid undue erosion.

**4.0 CONCLUSIONS:**

The site is limited in extent, by sloping ground, granular soils and the adjacent lake. Recommendations provided in this report will address these limitations as regards the proposed development of the property. We do not anticipate any problems with erosion or global slope stability from building, shed, decks or any similar structures bearing on bedrock west of the crest of the slope as described. The stability of the slope is sufficient to support a reduction of the typical 15-metre setback from top of slope to nil.

Based on the foregoing, it is considered that the lot may be developed in accordance with Section 3.1 of the Provincial Policy Statement as concerns sloping terrain.

We trust that this report is to your satisfaction. Should you have any questions or concerns regarding this submission, please contact our office.

Yours truly,  
**CONCORD ENGINEERING**

R. David Oliver, P.Eng.



Encl.



Photo 1 Front of cottage. Cottage is located on a terrace defined by shallow marble bedrock.

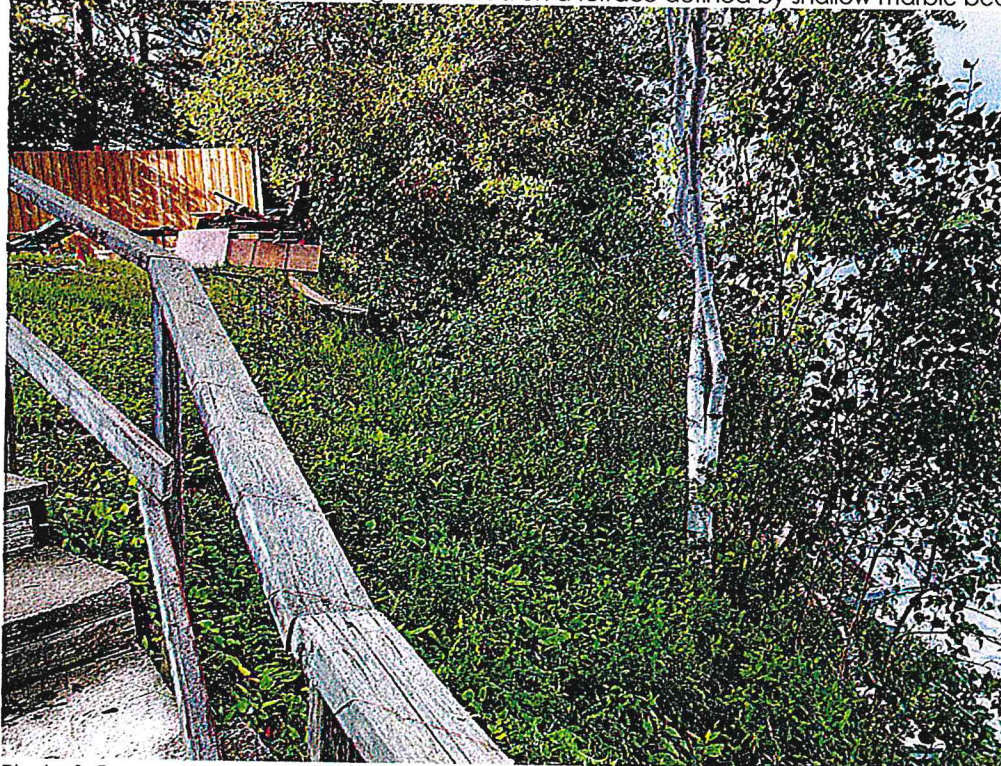


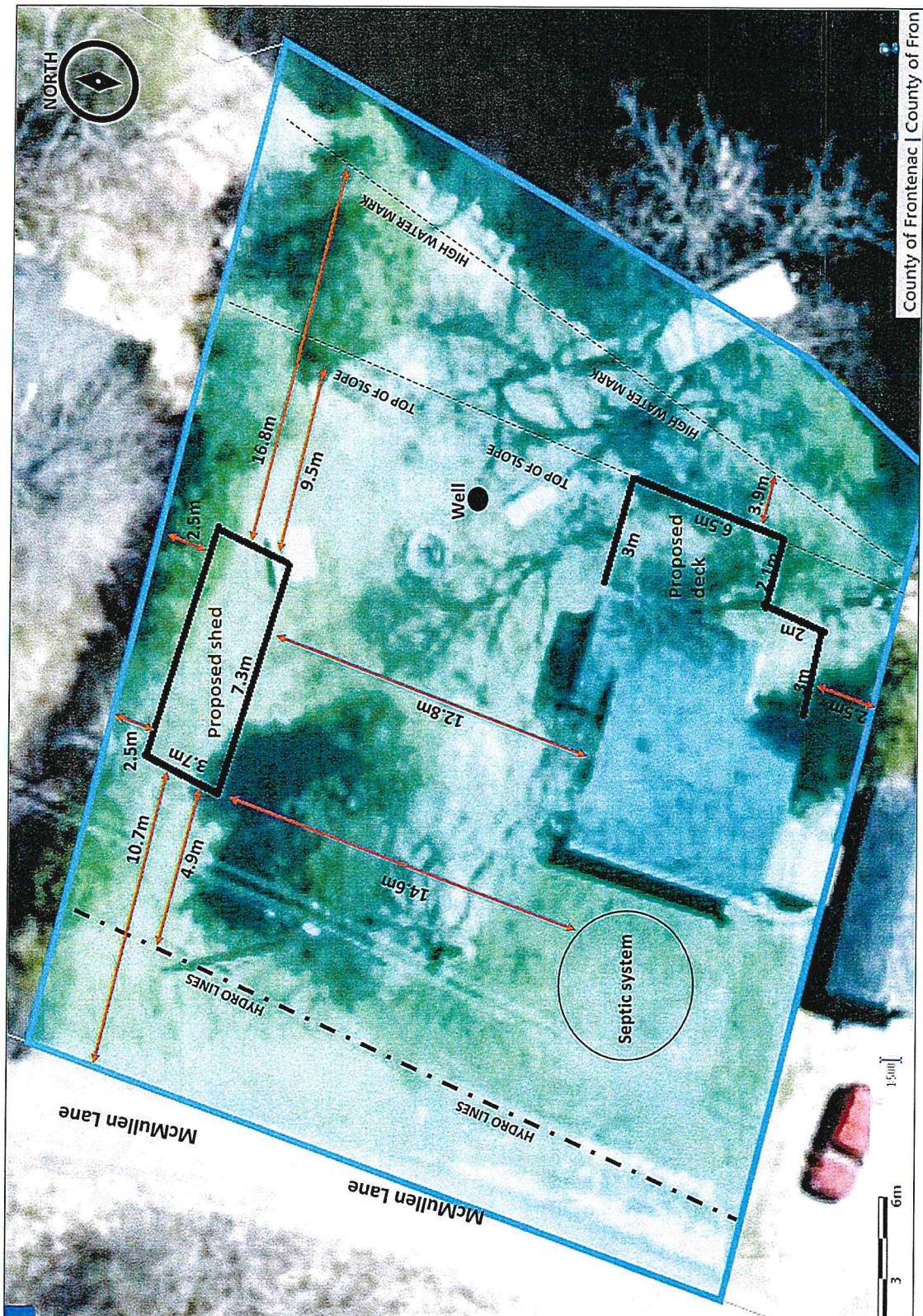
Photo 2 Regrowth on upper slope.



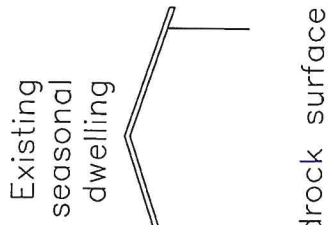
Photo 3 Gunstocking and inclination of trees on lower slope reflect creep of filled ground.



Photo 4 Filled shoreline beyond outcropping bedrock. It is understood the cottage dates from the 1950s.




Ref.No.: 22-0518  
 Report No. 1  
 Drawing No. 1/1



Verona Lake  June 3, 2022

A Section





**CONCORD**  
ENGINEERING

Tel: (613) 634-4357  
 Fax: (613) 634-4353  
 E-mail: concord@con.net

765 Baker Crescent  
 Kingston, Ontario K7M 6P6

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Project: Slope Stability and Erosion Assessment  
 6154 McMullen Lane  
 Verona, Ontario

---

Drawing: Slope Profile  
 Client: Daniel Kimmitt  
 Designer: Down by: RDO Chd by: Date: 23-Jun-22



# SOUTH FRONTENAC

**PL-ZNA-2022-0142  
(KOBUS) (KIMMETT)**

**6154 MCMULLEN LANE**

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

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

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

Scale: 1:1,500



UTM Zone 18 NAD 83


Date: 2022-10-17

## QUINTE CONSERVATION - PLANNING ACT REVIEW

**QC File No. PL0302-2022**

<b>Municipality:</b>	Township of South Frontenac		
<b>Landowner:</b>	Susan Kobus / Daniel Kimmett		
<b>Location:</b>	6154 McMullen Lane	Part Lot 9, Concession 11	Portland
<b>Roll #:</b>	10290800901040000000		
<b>Application Description:</b>	Minor Variance Application File No. PL-ZNA-2022-0142	Requesting relief of the proposed accessory building (detached garage/shed) and open deck to the top of the slope and high-water mark of Verona Lake. It is understood that the proposed accessory building will be located 9.5 metres from the top of the slope and 16.8 metres from the seasonal high-water mark of the Lake. Further, the open deck proposed for the easterly side of the dwelling will be located 0 metres from the top of the slope and 3.9 metres from the seasonal high-water mark of the Lake.	
<b>Feature:</b>	Verona Lake and steep slope adjacent to the Lake		
<b>Comments:</b>	<p><b><u>Planning Act - Natural Hazard policies of the Provincial Policy Statement and Quinte Conservation Planning Act Review policy</u></b></p> <p>Conservation Authorities have Provincially delegated responsibilities to represent Provincial interests regarding natural hazards under section 3.1 of the Provincial Policy Statement (PPS) (2020). Natural hazards include areas subject to flooding, prone to erosion, dynamic beaches, and unstable bedrock. Generally, the policies of the PPS direct development to areas outside of hazard lands.</p> <p>Quinte Conservation staff have reviewed the <i>Slope and Erosion Assessment</i> report, prepared by Concord Engineering dated June 24, 2022, later updated October 18, 2022. The report assessed the stability of the slope on the subject property, in addition to the 100-year erosion limit. The report states that the bedrock at the site is resistant to erosion and stable at vertical slopes within the context of 100 years and concludes that a development setback of nil is sufficient. As per the report, it is understood that the deck will bear on the bedrock west of the crest of the slope (landward side as opposed to closer to the water) and the proposed site diagram illustrates the deck will not extend beyond the top of the slope.</p> <p>Although the report also proposes that no setback be applied to the top of the slope to a proposed building or shed, Quinte Conservation would enforce a minimum setback of 6 metres (as well as a minimum setback of 15 metres from the 1:100-year flood plain of Verona Lake – whichever is greater), to the proposed garage/shed accessory building. As the proposed deck does not extend any further past the top of the slope, and the accessory building meets the minimum 6 metres from top of slope and 15 metres from 1:100-year flood plain, staff have no concerns with the proposed development resulting from the proposed variance application. <u>As a result, staff are satisfied that the application as presented is consistent with section 3.1 of the PPS.</u></p> <p><b><u>Ontario Regulation #319/09 (Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses)</u></b></p> <p>The subject lands lie within the regulated area of Verona Lake, as well as the steep slope adjacent to the Lake (by virtue of Ontario Regulation #319/09 – Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses).</p> <p>Please note that the owners will need to apply to the Conservation Authority for a permit prior to development (construction / filling/ excavation/ site grading) within 45 metres of the 1:100-year flood plain of Verona Lake and within 30 metres of the top of the slope adjacent to Verona Lake (whichever is greater).</p>		

	<p><b><u>Quinte Region Source Protection Plan</u></b></p> <p>Quinte Conservation provides Risk Management services as prescribed by the <i>Clean Water Act</i>, 2006 on behalf of member municipalities. Part of this is reviewing building and planning applications to ensure no new significant drinking water threats as outlined in the Quinte Region Source Protection Plan are created.</p> <p>Policies for significant threats in the Quinte Region Source Protection Plan are <u>not applicable</u> as the subject property lies outside of an intake protection zone or wellhead protection area for a municipal drinking water system. <u>As such no Section 59 Clearance Notice is required.</u></p> <p><b><u>Planning Act - Natural Heritage policies of the Provincial Policy Statement</u></b></p> <p>Section 2.1 of the Natural Heritage policies of the Provincial Policy Statement protects features including (but not limited to), provincially significant wetlands, significant wildlife habitat, significant woodlands, and significant areas of natural and scientific interest. The subject lands do not lie within a Provincially Significant Wetland, or within an Area of Natural and Scientific Interest.</p> <p>Note that, the landowner is responsible for ensuring that endangered species are not harmed as a result of any proposed development on the subject lands. The Endangered Species Act, 2007 (ESA, 2007) applies to all proposed development. Species listed as extirpated, endangered, or threatened on the Species at Risk in Ontario (SARO) list are protected under the ESA, 2007. Section 9 prohibits killing, harming, harassing, possessing, collecting, buying and selling etc. of species listed as extirpated, endangered or threatened on the SARO List. Section 10 prohibits the damage or destruction of the protected habitat of species listed as extirpated, endangered or threatened on the SARO List. For further information on species at risk, or to determine what species may be present in your area please consult the Ministry of the Environment Conservation and Parks or visit their website at <a href="https://www.ontario.ca/page/species-risk">https://www.ontario.ca/page/species-risk</a>.</p>
<p><b>Final Comments:</b></p>	<p>As per the <i>Slope and Erosion Assessment</i> prepared by Concord Engineering (dated June 24, 2022, and revised October 18, 2022), Quinte Conservation has <u>no objection</u> to the minor variance application as presented. <b>A permit from this office will be required prior to construction of the proposed deck and accessory building.</b></p>

  
 \_\_\_\_\_  
 Sam Carney  
 Planning Technician

October 24, 2022  
 \_\_\_\_\_  
 Date

**And:**  
 Mark Boone,  
 Hydrogeologist/Regulations Officer

**To:** Committee of Adjustment

**Prepared by:** Development Services Department

**Date of Meeting:** February 9, 2023

**Subject:** **Revised Application for Minor Variance and for Permission to Enlarge Legal Non-Conforming Use (S. 45(1) and (2) of Planning Act) PL-ZNA-2022-0142, Kobus (Kimmett), 6154 McMullen Lane, Portland District**

## Summary

The applicant submitted a revised application based on feedback provided by the Committee of Adjustment at its meeting on November 10, 2022. This report recommends that the Committee of Adjustment grant the request for zoning relief for an accessory building (detached garage) setback less than 30 metres from the highwater mark and less than 15 metres from the top of bank, subject to conditions, as this portion of the application meets the four tests of a minor variance outlined in section 45(1) of the Planning Act. This report also recommends that the Committee of Adjustment grant the request for permission to enlarge a legal non-conforming dwelling within 30 metres of the highwater mark under section 45(2) of the Planning Act.

---

## Background

**Official Plan Designation:** Settlement Area

**Zoning:** Urban Residential – First Density (UR1)

### Zoning Relief Requested for Accessory Building

Section 5.8.2(a) – to permit an accessory building (detached garage) to be setback a minimum of 16.8 metres from the highwater mark of Verona Lake, whereas a minimum 30 metre setback is required for all buildings and structures.

Section 5.8.2(b) – to permit an accessory building (detached garage) to be setback a minimum of 9.5 metres from the top of bank, whereas a minimum 15 metre setback is required for all buildings and structures.

## **Relief Requested for Dwelling**

The application is seeking permission under section 45(2) of the Planning Act to enlarge the legal non-conforming dwelling on the property within 30 metres of the highwater mark of the Verona Lake. The enlargement would be in the form of an attached deck.

## **Related Applications**

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

## **Discussion**

### **Property Description**

This 1065 square metre (0.26 acre) property has frontage on McMullen Lane and Verona Lake. A hydroline crosses the property parallel with the lane. There is a high, steep slope along the shoreline at the east end of the property. Otherwise, the lands are generally level.

The property is developed with a dwelling and a small shed. The one-storey dwelling has an approximately 635 square foot footprint, according to the agent. The dwelling is setback 6.3 metres from the highwater mark, and approximately 3 metres from the top of bank. The small, approximately 70 square foot shed is located immediately to the south of the dwelling against the southern property line. The sewage system for the dwelling is located to the west, between the dwelling and the lane. There is a well to the north of the dwelling near the top of bank.

### **Summary of Proposal**

The application is seeking a variance for an accessory building (detached garage). The application states that the garage would be used for the storage of ATVs, lawn mower, patio furniture, tools and outdoor accessories. The 291 square foot (27 square metre), one-storey garage would be located on the north end of the property. It would be setback 16.8 metres from the highwater mark of Verona Lake and 9.5 metres from the top of bank.

The application was revised to also seek permission to enlarge an existing deck attached to the dwelling. The 15 square metre (161.4 square foot) deck addition would be setback 11.5 metres from the highwater mark and 8 metres from the top of bank.

### **Supporting Documentation**

A Slope and Erosion Assessment (Concord Engineering, October 18, 2022) was submitted in support of the application. The consultant assessed the shoreline slope for type of bedrock, angle, and stability. They determined that the bedrock at the site is resistant to

erosion and is stable at vertical slopes within the context of 100 years, as required by provincial natural hazard policy. The report concluded that they do not anticipate any problems with erosion or global slope stability from building, shed, decks or similar structures bearing on bedrock west of the crest of the slope. Also, that the stability of the slope is sufficient to support a reduction from the required 15 metre setback from the top of bank.

### **Agency Comments**

Quinte Conservation reviewed the Slope and Erosion Assessment on behalf of the Township. They were satisfied with the findings of the report. They have no objection to the approval of the application. Written permission will be required from Quinte Conservation under O. Reg. 319/09 for the proposed garage and deck, if the variance/permission application is approved.

### **Public Comments**

No comments were received from the public prior to or at the November 10, 2022, public hearing. There have also been no comments received at the time of the writing of this report.

### **Planning Analysis for Accessory Building**

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 for the accessory, detached garage 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 Settlement Area on Schedule A of the Official Plan. The proposed detached garage would be an accessory use to the permitted, existing residential use of the property.

The proposed garage would be close to a steep shoreline. Section 5.2.4 of the Official Plan states that the Township will direct development or site alterations away from lands identified by the municipality which may be subject to shoreline erosion hazards. This is typically done through the implementation of a 15 metre setback from the top of bank, as required by the Zoning By-law. A Slope and Erosion Assessment was completed that determined that it would be safe for the proposed garage to be setback less than 15 metres from the top of bank. Quinte Conservation staff reviewed the Slope and Erosion Assessment on behalf of the Township, and were satisfied with the findings of the report.

The proposed location of the garage appears to maximize the setback from the highwater mark, as intended by section 5.2.7(b) of the Official Plan.

The proposed variances maintain the general intent and purpose of the Official Plan related to residential development, and development adjacent to environmentally sensitive areas.

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

The proposed accessory building (detached garage) is a permitted use in the UR1 zone. The setbacks from the highwater mark and from the top of bank appear to be maximized, when considered in conjunction with the minimum setback required from the hydrolines that cross the property, and the required functionality of the building (e.g. rotating the building 90 degrees may impact the ability to park a vehicle in the garage). Safe access between the garage and the top of bank can be achieved with the 9.5 metre setback from the top of bank. The garage would be farther from the highwater mark and the top of bank than the existing dwelling. The proposed garage and existing shed would result in 3.1% lot coverage for all accessory buildings, which is less than the maximum 5% permitted. It is also less than the lot coverage of the dwelling (5.5%). The proposed variances maintain 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 variances for the proposed detached garage are desirable for the appropriate use of the land and building as it allows for the enclosed, secure storage of vehicles and goods which should help keep the property in a neat and safe condition.

#### 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 use of the land and building. They are not anticipated to impact the planned functionality of the property. An existing cedar hedge on the north side of the property will provide visual screening to the dwelling to the north. The existing dwelling will provide visual screening to the dwelling to the south. The height of the shoreline embankment and distance of the garage from the top of bank, and being farther back than the existing dwelling should help minimize visual impacts when viewed from the lake or properties across the lake.

## **Planning Analysis for Enlargement of Dwelling**

The property is zoned UR1 in Zoning By-law No. 2003-75. The UR1 zone permits a single detached dwelling, but not a seasonal dwelling. The dwelling on the property is a seasonal dwelling, as it is not winterized and it is not the primary residence of the applicant. This seasonal dwelling use is a legal non-conforming use because the building was constructed prior to the current Zoning By-law.

Section 5.10.2 of the Zoning By-law states that existing buildings with less than the minimum 30 metre setback from the highwater mark of a waterbody may be repaired, renovated or strengthened to a safe condition provided there is no enlargement of the gross floor area or increase in height. This provision prohibits the enlargement of these existing buildings, without seeking permission from the Committee of Adjustment. The existing dwelling is a legal non-conforming building because it was constructed prior to the current Zoning By-law and is setback 6.3 metres from the highwater mark of Verona Lake.

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

The dwelling is setback 6.3 metres from the highwater mark, and approximately 3 metres from the top of bank. The land between the dwelling and the top of bank is generally level and is vegetated with grass. The slope is vegetated with low-growing plants and a few trees.

The proposed 15 square metre deck addition would expand an existing deck on the north side of the dwelling. The land is generally level and less impeded in this area. The deck would be setback farther than the front wall of the dwelling to the highwater mark and top of bank. The deck addition would be setback 11.5 metres from the highwater mark, and 8 metres from the top of bank.

The height of the shoreline embankment and distance of the deck from the top of bank, and being farther back than the existing dwelling should help minimize visual impacts when viewed from the lake or properties across the lake. The deck would be screened from the property to the north by the proposed garage and existing hedge.

## **Conclusion**

It is the opinion of staff that it is appropriate for the Committee of Adjustment to grant the requested variances for the proposed accessory building (detached garage), as this portion of the application meets the four tests of a minor variance outlined in section 45(1) of the Planning Act.

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 on the property through the addition of a deck, 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

It is recommended that the Committee of Adjustment receive comments from the public and, pending comments received, approve revised minor variance/permission application PL-ZNA-2022-0142 for 6154 McMullen Lane, subject to the following conditions.

1. The minor variance is for an accessory building (detached garage). The garage is permitted to be setback a minimum of 16.8 metres from the highwater mark of Verona Lake and 9.5 metres from the top of bank. The location of the garage on the property must be consistent with the revised application and revised sketch that will be attached to the Decision as Schedule "A".
2. Permission is granted to enlarge the legal non-conforming dwelling on the subject property. The existing 9.8 square metre deck that is attached to the dwelling is permitted to be enlarged by a 15 square metre deck addition. The deck addition is permitted to be setback a minimum of 11.5 metres from the highwater mark of Verona Lake and 8 metres from the top of bank, consistent with the revised application and revised sketch that will be attached to the Decision as Schedule "A".
3. 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 to address the following matters and environmental standards of the Township:
  - a. Appropriate erosion control measures (e.g. silt fence, straw bales) must be used during construction and until the site is stable and revegetated.

- b. Roof runoff will be directed away from the top of bank, 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. A natural vegetated buffer must be maintained in its natural state along the shoreline embankment.
4. 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.
5. Minor variance PL-ZNA-2022-0142 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



**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 <i>Minor Variance Only</i>	\$450
<i>Minor Variance WITH Performance Review</i>	\$700
<i>Minor Variance in combination with a new Class 2, 3, 4, or 5 sewage system other than a Class A system</i>	\$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.

**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: PL-ZNA-2022-0162

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

1. Name of Owner(s): Lori Murray

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: Ethan Gurr

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.

[REDACTED]  
Signature

3. The description of the subject land:

District:  Bedford  Portland  Loughborough  Storrington

Concession Number: 13 Lot Number: 6

Street Number: 1115 Name of Road/Street: Sassy Tree Lane

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

Roll Number: 102904005004400

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): 110 Frontage (on road/lane): 78

Depth: 51 Area: 1 ac

5. The current zoning of the subject land:

Residential

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

To reduce the setback to the waterfront

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

The lot is not deep enough and there are hydro lines in the way. Also the terrain of the lot.

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

Name of Road/Lane:

Sassy Tree Lane

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

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

Residential

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

Yes  No

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) House	(2) Garage	(3) Shed	(4)
Setback from Front Lot Line	3m +/-	27m +/-	30m +/-	
Setback from Rear Lot Line	26m +/-	12.5m +/-	1.5m +/-	
Setback from Side Lot Line	21' +/-	50' +/-	120' +/-	
Height of Building (Also indicate if it is one story or two story)	7m +/-	4.5m +/-	3.5m +/-	
Dimensions of Floor Area	231m +/- 20.5m x 9.75m	35m +/- 4.5m x 8.5m	25m +/- 3m x 8.25m	
Setback from High Water Mark (If applicable)	3m +/-	27m +/-	30m +/-	

13. The proposed uses of the subject land:

Residential

---

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

Yes       No

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

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

Type of Structure (E.g. residence)	(1)	(2)	(3)	(4)
House				
Setback from Front Lot Line	7.5m +/-			
Setback from Rear Lot Line	22m +/-			
Setback from Side Lot Line	6m +/-			
Height of Building (Also indicate if it is one story or two story)	11m +/- 2 Story plus walkout basement			
Outside Dimensions of Building/Structure	20m x 15.5m 250 m <sup>3</sup>			
Setback from High Water Mark (If applicable)	7.5m +/-			

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:

Plan is to demolish the existing house and shed

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

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

If yes, please provide details:

---

18. What are the uses of the proposed development?

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

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

July 15 2016

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

Unkown

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

Unkown

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 supply

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?

Type text here

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

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

Yes       No

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

---

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

Yes       No

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,

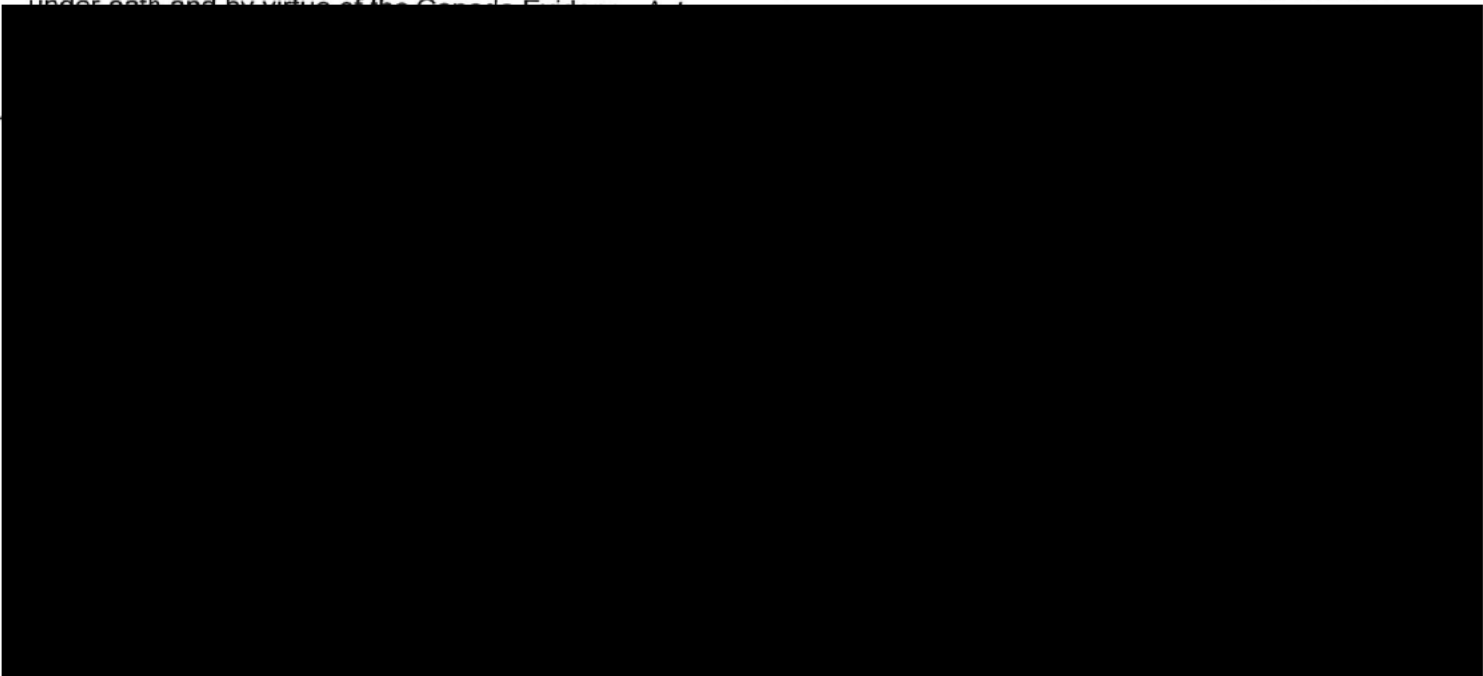
The Owner/Applicant/Agent further agrees that, until such requests have been complied with, the municipality will have no continuing obligation to process the application or attend or be represented at the Ontario Municipal Board or any court or other administrative proceeding in connection with the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

DATED AT THE TOWNSHIP OF SOUTH FRONTENAC

THIS 17 DAY OF November, 2022

I, Ethan Burr OF South Frontenac

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



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

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

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

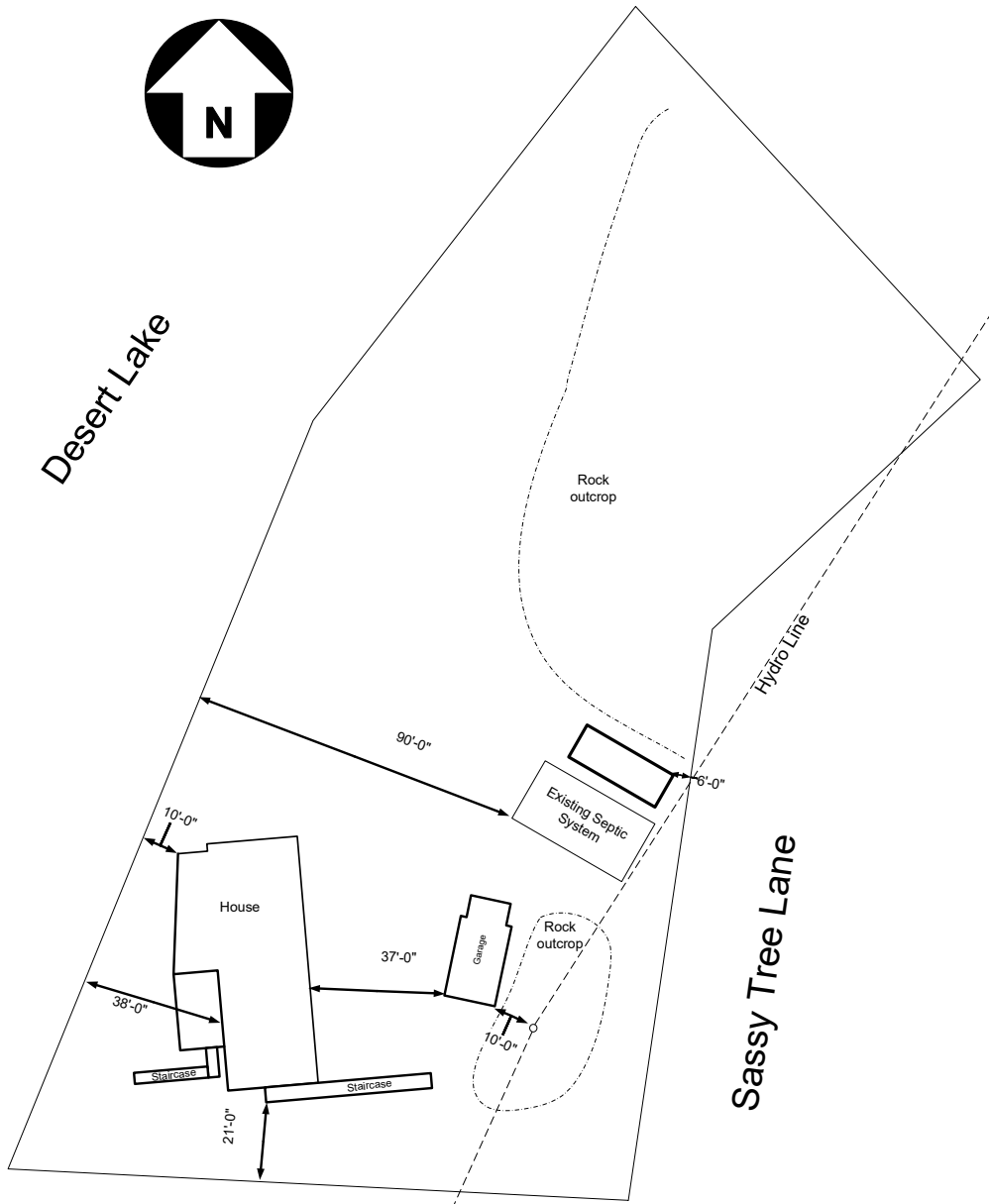
- 10) Existing Uses: e.g. residential, retail business, vacant recreational land
- 11) Buildings: If there are **ANY** buildings or structures on the property now, the answer to this question is "yes".
- 12) Description of buildings and structures: You must complete all sections of this question for each structure on your property. **If there is a deck on your dwelling, please describe it separately from the residence.**
- 13) Proposed Uses: Generally, the answer to this question will be the same as the answer to #10, but if, for example, the land is currently vacant, and you are planning to construct a dwelling, then the use to be described in section 10 would be "vacant recreational land", and the use described in section 13 would be "residential"
- 14) Proposed structures: If you are planning to build **ANYTHING** on the property, the answer to this question is "yes" – This includes additions, decks, garages, septic systems.
- 15) Description of new construction: **ALL** proposed new development must be described here. If you are proposing to construct an addition to a dwelling, and to add a deck, please show this information in separate columns.
- 16) **Demolition: All demolition requires a permit from the building department.** In some instances, a proposed addition or increase in height cannot be accomplished without the removal of existing walls. If this is not made clear to the Committee at the beginning of the process, you may find that, although you are granted permission to add on to your residence, you can't actually do it because you have not made it clear that there is demolition involved.
- 17) Raising of Structure: In other words, are you proposing to raise the building in order to construct a basement under it.
- 18) Uses of Development: Please answer each part of this question. An increase in living space would include anything with walls – e.g. a screened porch would involve an increase in living space.
- 19) Date land acquired: When did you take possession of the property?
- 20) Date of existing buildings: If you are not sure, provide your best estimate.
- 21) Length of existing uses: For example, has the land been used for residential purposes for 30 years, or 18 months?
- 22) Water supply: in most cases the answer will be private well, but some waterfront properties take their water from a lake.
- 23) Septic: in most cases the answer will be private sewage system, but there may be some privies.

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

- 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.

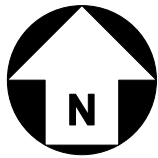


Desert Lake

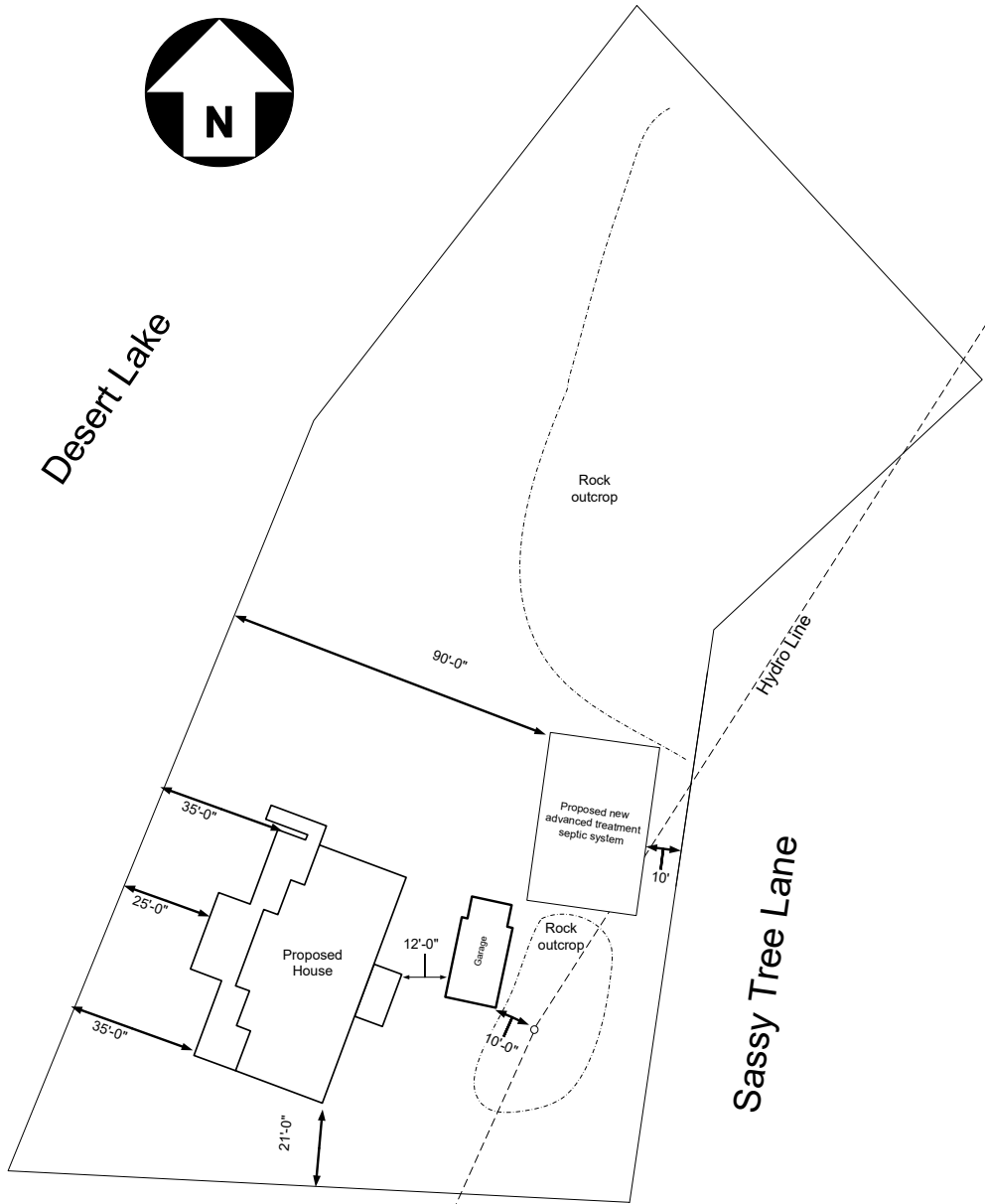


Sassy Tree Lane

1115 Sassy Tree Lane  
All dimensions approximate



Desert Lake



Sassy Tree Lane

1115 Sassy Tree Lane  
All dimensions approximate



RENDERED SITE TOPOGRAPHY IS NOT AN ACCURATE REPRESENTATION OF ACTUAL SITE CONDITIONS AND IS MEANT FOR ILLUSTRATION PURPOSES ONLY.



P.O. BOX 2169  
 WINHARA ROAD,  
 BRACEBRIDGE, ON,  
 CANADA, P1L 1W1  
 PHONE: 1-800-661-1628  
 www.truenorthloghomes.com

**Log Specifications:**

SIZE: 8"  
 12 COURSE, BILL "B"  
 MAT.: WHITE FINE  
 SURFACE: SMOOTH  
 CORNER: DOVETAIL  
 SHAPE: Round Groove



- GENERAL NOTES:**
1. ALL DIMENSIONS SHOWN IN BRACKETS ARE IN MILLIMETRES
  2. STANDARD EXTERIOR WOOD POST IS 6x6 (140x140) (WHERE SHOWN)
  3. OPTIONAL 8x8 (200x200) AVAILABLE AS UPGRADE ONLY (UPGRADE)
  4. STANDARD EXTERIOR OPENING TRIM IS FLAT TOP (UBV)
  5. ALL GRILLES SHOWN OPTIONAL. VARIOUS PATTERNS AVAILABLE
  6. BASEMENT WINDOWS ARE SHOWN AS OPTIONAL AND NOT INCLUDED IN THE BASE SHELL PACKAGE.

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 THE PURCHASER, INTERESTED PARTIES AND AGENTS THAT THE APPROVAL OF THESE DRAWINGS CONSTITUTES FINAL DESIGN APPROVAL. ANY CHANGES MADE DURING THE WORKING DRAWING STAGE WILL BE SUBJECT TO ADDITIONAL CHARGES FOR REVISION.

CLIENT APPROVAL: \_\_\_\_\_  
 DATE: \_\_\_\_\_

SCALE:  
 NOT TO SCALE

DATE PLOTTED:  
 September 13, 2022

DRAWN BY:  
 KD

DATE DRAWN:  
 AUG. 2022

Revision-2

LAKE VEIW

22157



RENDERED SITE TOPOGRAPHY IS NOT AN ACCURATE REPRESENTATION OF ACTUAL SITE CONDITIONS AND IS MEANT FOR ILLUSTRATION PURPOSES ONLY.



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CLIENT APPROVAL: \_\_\_\_\_  
 DATE: \_\_\_\_\_

SCALE:  
 NOT TO SCALE

DATE PLOTTED:  
 September 13, 2022

DRAWN BY:  
 KD

DATE DRAWN:  
 AUG, 2022

Revision-2

FRONT LEFT

22157



RENDERED SITE TOPOGRAPHY IS NOT AN ACCURATE REPRESENTATION OF ACTUAL SITE CONDITIONS AND IS MEANT FOR ILLUSTRATION PURPOSES ONLY.



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  3. OPTIONAL 8x8 (203x203) AVAILABLE AS UPGRADE ONLY (UPGRADE)
  4. STANDARD EXTERIOR OPENING TRIM IS FLAT TOP (UBV)
  5. ALL GRILLES SHOWN OPTIONAL. VARIOUS PATTERNS AVAILABLE
  6. ALL GRADES ASSUMED TO BE ADJUSTED ON SITE w/ CLIENT
  7. BASEMENT WINDOWS ARE SHOWN AS OPTIONAL AND NOT INCLUDED IN THE BASE SHELL PACKAGE.

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CLIENT APPROVAL: \_\_\_\_\_  
 DATE: \_\_\_\_\_

SCALE:  
 NOT TO SCALE

DATE PLOTTED:  
 September 13, 2022

DRAWN BY:  
 KD

DATE DRAWN:  
 AUG. 2022

Revision-2

FRONT RIGHT

22157



P.O. BOX 2169  
 WINHARA ROAD,  
 BRACEBRIDGE, ON,  
 CANADA, P1L 1W1  
 PHONE: 1-800-661-1628  
 www.truenorthloghomes.com

**Log Specifications:**

SIZE: 8"  
 12 COURSE, BILL "B"  
 MAT.: WHITE FINE  
 SURFACE: SMOOTH  
 CORNER: DOVETAIL  
 SHAPE: Round Groove



- GENERAL NOTES:**
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  3. OPTIONAL 8x8 (203x203) AVAILABLE AS UPGRADE (ON UPGRADE)
  4. STANDARD EXTERIOR OPENING TRIM IS FLAT TOP (18x6)
  5. ALL GRILLES SHOWN OPTIONAL. VARIOUS PATTERNS AVAILABLE
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 KD

DATE DRAWN:  
 AUG. 2022

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Revision-2

REAR LEFT

22157



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 www.truenorthloghomes.com

**Log Specifications:**

SIZE: 8"  
 12 COURSE, 8" "B"  
 MAT.: WHITE FINE  
 SURFACE: SMOOTH  
 CORNER: DOVETAIL  
 SHAPE: Round Groove



- GENERAL NOTES:**
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  2. STANDARD EXTERIOR WOOD POST IS 6x6 (150x150) (WHERE SHOWN)
  3. OPTIONAL 8x8 (200x200) AVAILABLE AS UPGRADE ONLY (UPGRADE)
  4. STANDARD EXTERIOR OPENING TRIM IS FLAT TOP (180x)
  5. ALL GRILLES SHOWN OPTIONAL. VARIOUS PATTERNS AVAILABLE
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 12 COURSE, BILL "B"  
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SHAPE: Round Groove

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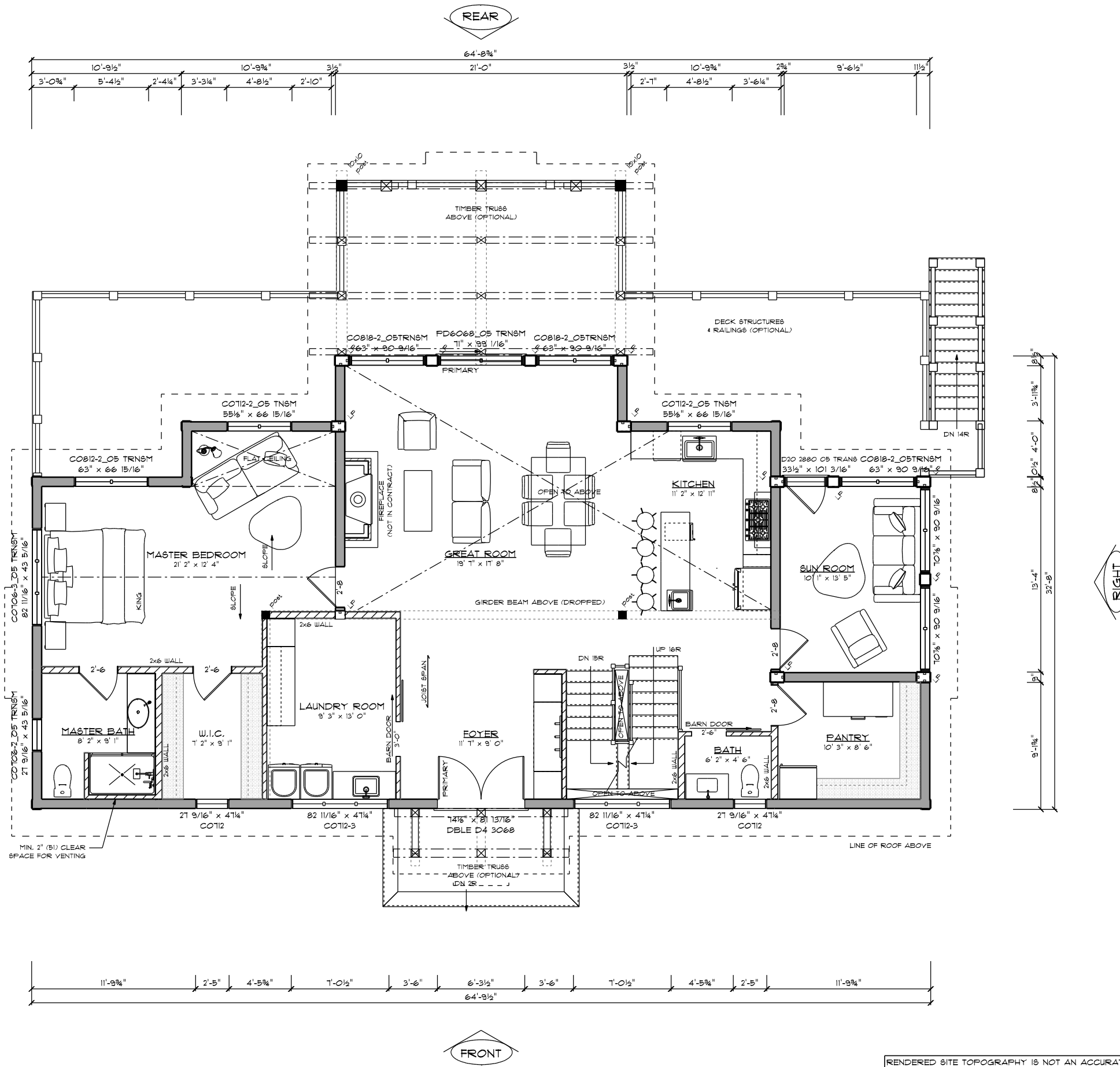
DRAWN BY:  
 KD

DATE DRAWN:  
 AUG. 2022

Revision-2

MAIN FLOOR PLAN

22157



**MAIN FLOOR PLAN**

LOG FACE OVERHANGS FOUNDATION BY 1" (25)  
 MAIN FLOOR AREA 1815 sq ft.

CONTINUOUS LOG WALLS THAT RUN FROM THE EXTERIOR TO THE INTERIOR WILL BE STAINED AN EXTERIOR COLOUR UNLESS CLIENT HAS AGREED TO UPGRADE FOR COLOUR CHANGE.

RENDERED SITE TOPOGRAPHY IS NOT AN ACCURATE REPRESENTATION OF ACTUAL SITE CONDITIONS AND IS MEANT FOR ILLUSTRATION PURPOSES ONLY.



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 PHONE: 1-800-661-1628  
 www.truenorthloghomes.com

**Log Specifications:**  
 SIZE: 8"  
 12 COURSE, 8" B  
 MAT.: WHITE FINE  
 SURFACE: SMOOTH  
 CORNER: DOVETAIL  
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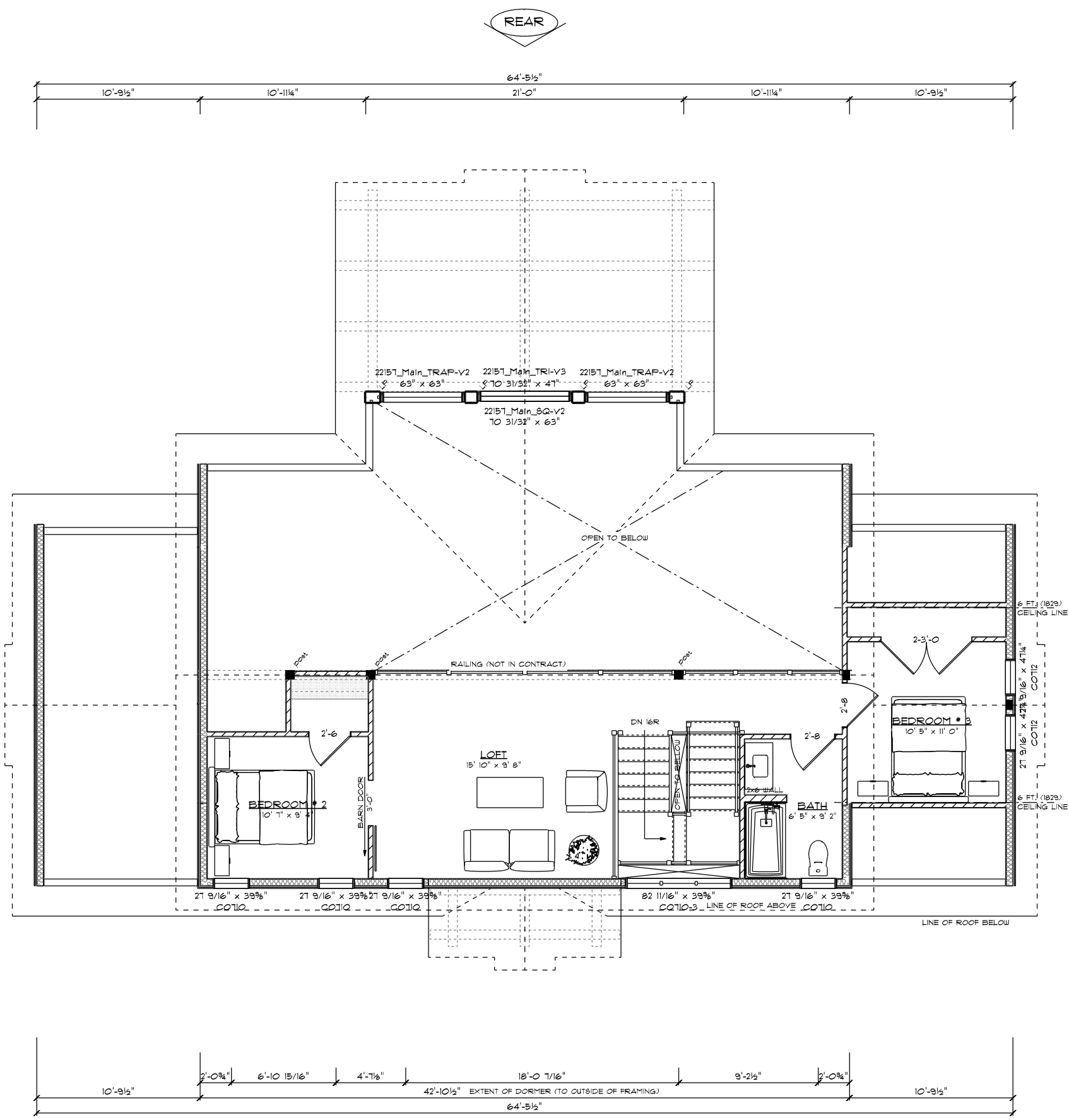
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SCALE:  
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 September 13, 2022  
 DRAWN BY:  
 KD  
 DATE DRAWN:  
 AUG. 2022

Revision-2

SECOND FLOOR PLAN

22157



**SECOND FLOOR PLAN**

LOG FACE OVERHANGS FOUNDATION BY 1" (25)  
 SECOND FLOOR AREA 745 sq. ft.

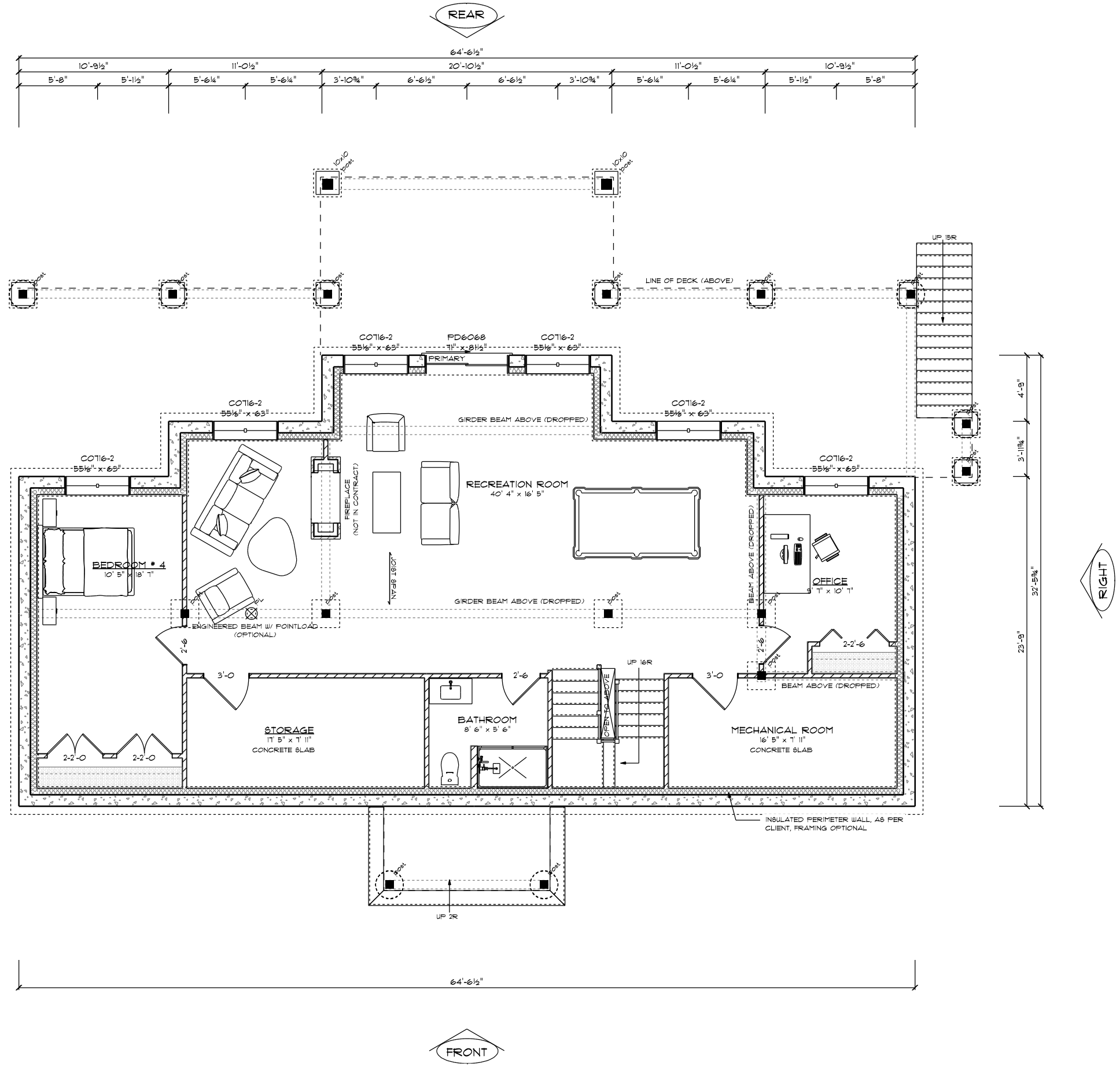
CONTINUOUS LOG WALLS THAT RUN FROM THE EXTERIOR TO THE INTERIOR WILL BE STAINED AN EXTERIOR COLOUR UNLESS CLIENT HAS AGREED TO UPGRADE FOR COLOUR CHANGE.

2x6 (38x140) FRAME WALL w/ RUSTIC CHANNEL SIDING (EXT. ONLY)

RENDERED SITE TOPOGRAPHY IS NOT AN ACCURATE REPRESENTATION OF ACTUAL SITE CONDITIONS AND IS MEANT FOR ILLUSTRATION PURPOSES ONLY.

**FOUNDATION FLOOR PLAN**

LOG FACE OVERHANGS FOUNDATION BY 1" (2B)  
 BASEMENT FLOOR AREA 1803 sq ft.  
 FOUNDATION AND FOOTING STRUCTURE ARE ASSUMED  
 AND ARE NOT PART OF THIS CONTRACT



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 www.truenorthloghomes.com

**Log Specifications:**

SIZE: 8"  
 12 COURSE, 8" B"  
 MAT.: WHITE FINE  
 SURFACE: SMOOTH  
 CORNER: DOVETAIL

SHAPE: Round Groove

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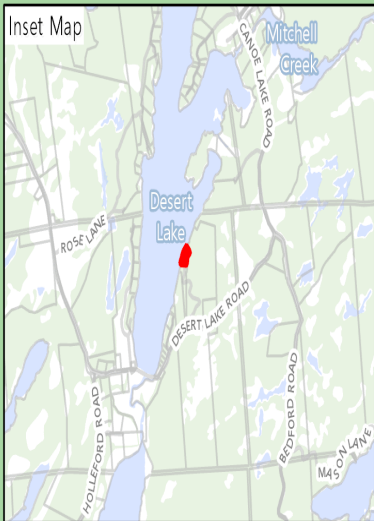
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 AUG, 2022

Revision-2

FOUNDATION FLOOR PLAN

22157



**SOUTH  
FRONTENAC**

**PL-ZNA-2022-0162  
(MURRAY) (GURR)**

**1115 SASSY TREE LANE**

**Legend**

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

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

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

Scale: 1:1,500



UTM Zone 18 NAD 83

Date: 2022-11-24

December 13, 2022

File: MV/FRS/353/2022

**Sent by E-mail**

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

Dear Ms. Hannah:

**Re: Application for Minor Variance PL-ZNA-2022-0162 (Murray) (Gurr)  
Pt Lot 6, Concession 13; 1115 Sassy Tree Lane  
Loughborough District, Township of South Frontenac  
Waterbody: Desert Lake and Unnamed Watercourse**

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

**Proposal**

The proposal involves the demolition of an existing dwelling and accessory structure and construction of a single-family dwelling and new septic system on the subject property. The variance is requested to:

- Reduce the required setback from the highwater mark from 30 metres, as required by Section 5.8.2.a) of the South Frontenac Zoning By-law, to 7.62 metres to permit the construction of the new dwelling.

**Site Description**

The property is located on the southeastern shore of Desert Lake. The topography of the property can be described as rising quickly from the bedrock shoreline, then continuing to rise steadily toward the east where the main dwelling is being constructed. There is an existing dwelling approximately 3 metres from the shoreline located in the southwest portion of the lot. There is also an existing shed and garage located further in the rear towards the east. There are some mature trees scattered throughout and open areas of exposed rock throughout the lot.

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

## Discussion

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

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

Staff note that the proposal represents an increase in the riparian buffer width by about 4.6 metres. Staff also recognize that there is limited opportunity to push the dwelling further back, due to the existing garage and shallow lot configuration which places the majority of the lot within the 30 metre setback. In addition, the new septic system is proposed as far from the highwater mark as possible, and the development appears to comply with the maximum lot coverage requirements. That said, staff note that to further improve the proposal, the applicant should ensure that the setback from the dwelling to the garage/accessory structure is minimized, in order to achieve the greatest setback from the water possible.

Overall, staff do not have concerns from a water quality perspective.

In order to protect the shoreline and water quality in the long-term, **staff recommend the use of runoff controls to direct stormwater from hardened surfaces away from the slope/lake where natural infiltration can occur and that this be incorporated through a development agreement. Staff also recommend maintenance and enhancement of a healthy buffer of native vegetation between all buildings/structures and the water to reduce nutrient inputs and increase infiltration which will help to maintain conditions suitable for cold-water fish.**

### Surface Water Features

As noted, the subject lands contain portions of a watercourse that connects with a complex of wetlands located further southeast of the lot and drains into Desert Lake. This feature provides important ecologic and hydrologic functions including habitat for various species. This feature is important in terms of protecting the local environment and overall ecological health in the Township.

A suitable buffer area is necessary between any new development and the watercourse on the subject lands, as a buffer acts to protect the environmental function of this feature by maintaining a riparian corridor and avoiding damaging flooding of property and erosion normally associated with this feature.

Cataraqui Conservation does not have floodplain mapping for the watercourse – consequently we require a minimum 30 metre buffer (setback) horizontal from the highwater mark of the watercourse for any development. The 30 metre setback is consistent with the 30 metre setback in the Township's Zoning By-law.

Staff note that the proposed septic system is located approximately 25 metres from the watercourse to the east. Staff note that due to the lot's configuration and proposed location of the dwelling and garage, the proposed location of the septic system maximizes the distance from both the watercourse and the highwater mark of Desert Lake. In the opinion of staff, the proposed development is not anticipated to negatively impact the ecologic or hydrologic integrity of the watercourse and is located in an area that minimizes the risks of flooding and erosion associated with this feature.

### Natural Hazards

**Flooding:** The maximum recorded water level for Desert Lake is 136.31 metres geodetic. For Desert 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) require that all development be set back a minimum of 6 metres from the regulatory floodplain of a waterbody. Based upon elevation mapping data, the proposed development is located outside of any area that may be subject to potential flood risk.

**Erosion:** CRCA, in accordance with provincial technical standards, defines the extent of potential erosion hazards to include an allowance for toe erosion (1 metre), a stable slope allowance for bedrock shorelines of 1(h):1(v) (6 metres), plus an erosion access allowance of 6 metres. Therefore, the total erosion hazard allowance has been determined to be 13 metres (1 + 6 + 6). Staff note that the proposed dwelling is located outside of the main hazard (the allowance for slope stability and toe erosion), however the dwelling falls within the required 6 metre access setback. Since the new dwelling is not encroaching closer towards the water than the existing development, staff do not believe that the proposal will further restrict access to the slope, and thus does not aggravate the hazard.

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

### **Recommendation**

Ms. Hannah (PL-ZNA-2022-0162)  
December 13, 2022

In summary, staff have no objection to the approval of application PL-ZNA-2022-0162 based on our consideration for natural hazards, natural heritage, and water quality and quantity protection policies.

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

**Ontario Regulation 148/06**

Please note that portions of the subject lands are subject to Ontario Regulation 148/06: *Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses*, which is administered by the CRCA. The purpose of the regulation is to ensure that proposed changes (e.g. development and site alteration) to a property are not affected by natural hazards, such as flooding and erosion, and that the changes do not put other properties at greater risk from these hazards. For this property, any development (buildings and structures) and site alteration (excavation, grading, placement of fill) within 30 metres of the watercourse and 22 metres of the toe of slope associated with Desert Lake is subject to O. Reg. 148/06. Therefore, a permit will be required from our office should the application be approved.

Please inform this office of any decision made by the Committee with regard to this application. If you have any questions, please contact the undersigned at 613-546-4228 ext. 239, or by e-mail at [jtreash@crca.ca](mailto:jtreash@crca.ca).

Yours truly,



Janelle Treash  
Resource Planner

cc: Tom Fehr, 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:** February 9, 2023

**Subject: Permission Application (S. 45(2) of the Planning Act)  
PL-ZNA-2022-0162, Murray, 1115 Sassy Tree Lane,  
Loughborough District**

## Summary

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

---

## Background

**Official Plan Designation:** Rural

**Zoning:** Limited Service Residential – Waterfront (RLSW)

## Relief Requested

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

## Related Applications

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

## Discussion/Analysis

### Property Description

The 1 acre (0.4 ha) property is located on Sassy Tree Lane and has approximately 111m of frontage on Desert Lake. The existing 231 square metre dwelling is setback 3 metres from the highwater mark of the lake. The dwelling is 7m in height. The property also contains a shed as well as a detached garage. The property rises quickly from the water to the location of the existing dwelling and slopes upwards toward the rear of the property. There are a

number of rock outcrops on the property and the property has a number of mature trees. A hydro line also runs along the rear of the property.

### **Summary of Proposal**

The owners propose to enlarge a legal non-conforming dwelling within 30m of the highwater mark of Desert Lake. The existing 231 square metre dwelling with attached deck is set back 3m from the highwater mark. This building will be replaced with a two storey dwelling that has a 240 square metre ground floor area including attached deck and a 309 square metre gross floor area. The new dwelling will be set back 7.6m from the highwater mark. The height of the new dwelling will also be increased to 11m compared to the 7m height of the existing dwelling. A new septic system is also proposed to service the dwelling. An existing 25sqm accessory building is also proposed to be demolished.

### **Agency Comments**

Cataraqui Conservation staff, in a letter dated December 13, 2022, provided comments stating that they had no objection to approval of the application. Regarding natural hazards, the CRCA advise that the proposed dwelling location is outside any potential flood risks. Regarding erosion, the CRCA state that the proposed dwelling is outside the erosion hazard, however the dwelling falls within the 6m access setback. They note that as the new dwelling is not encroaching closer to the water than existing development, the proposal will not further restrict access to the slope and thus does not aggravate the hazard. They further note that a permit under O. Reg. 148/06 will be required for the proposed dwelling and septic system.

### **Public Comments**

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

### **Planning Analysis**

The Township Official Plan Schedule designates the subject property as Rural and the property is zoned RLSW in Zoning By-law No. 2003-75. The dwelling is a permitted use.

Section 5.10.2 of the Zoning By-law states that existing buildings with less than the minimum 30 metre setback from the highwater mark of a waterbody may be repaired, renovated or strengthened to a safe condition provided there is no enlargement of the gross floor area or increase in height. This provision prohibits the enlargement of these existing buildings, without seeking permission from the Committee of Adjustment. The existing dwelling is a legal non-conforming building because it was constructed prior to the current Zoning By-law and is setback 3 metres from the highwater mark.

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

The proposed dwelling will be located further from the water than the existing dwelling as it will be set back 7.6m from the highwater mark compared to the 3m setback of the existing dwelling. There would be minimal opportunity to increase the set back further as there is the existing detached garage and a rock outcrop behind the proposed dwelling. The building location minimizes the amount of site disturbance and the amount of vegetation removal that would be required as there is some overlap of the existing and proposed building footprints. The proposed septic system is located in an area that maximizes the setback from the water.

Regarding lot coverage, the proposed dwelling footprint is slightly larger than the existing dwelling and lot coverage will be increasing from 5.7% to 5.9% as a result of the development. An existing shed is proposed to be removed in the area of the proposed septic system. As a result of this overall lot coverage for the property will be reduced.

The building height will increase from 7 metres to 11 metres which is within the maximum permitted height of the RLSW zone. Maintaining existing vegetation will assist in screening the development from adjacent properties and help mitigate any visual impacts.

## Conclusion

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

## 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-2022-0162 for 1115 Sassy Tree Lane, subject to the following conditions.

1. Permission is granted to enlarge the legal non-conforming dwelling on the subject property. The replacement dwelling is permitted to have a 240 square metre ground floor area including attached deck and a 309 square metre gross floor area, and a maximum 11 metre building height, consistent with the submitted plans (True North Log Homes. dated 2022-12-22) 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 to address the following matters and environmental standards of the Township:
  - a. Appropriate erosion control measures (e.g. silt fence, straw bales) must be used during construction and until the site is stable and revegetated.
  - b. Roof runoff will be directed away from the shoreline of Desert Lake and neighbouring buildings and structures, 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. A natural vegetated buffer must be maintained in its natural state within 30 metres of the shoreline.
3. A building permit is required for ALL demolition and construction on the property. There shall be no additional development, or demolition of existing structures, on the property without the approval from the Township of South Frontenac.

### Report Prepared By:

Tom Fehr, Planner

### Report Reviewed By:

Christine Woods, MCIP RPP, Senior Planner



**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.

<b>Application Type:</b>	<b>Planning Fee:</b>	<b>Building Admin Fee:</b>	<b>TOTAL:</b>
1-3 Variances	\$979.00	\$97.00	\$1,076.00
4+ Variances	\$1,343.00	\$97.00	\$1,440.00
After building without a permit	\$2,058.00	\$97.00	\$2,155.00

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

Township of South Frontenac <i>Minor Variance Only</i>	\$463.00
<i>Minor Variance WITH Performance Review</i>	\$720.00
* <i>Minor Variance in combination with a new Class 2, 3, 4, or 5 sewage system other than a Class A system</i>	\$1,183.00 ✓ PS received 12/9
Cataraqui Region Conservation Authority	\$425.00
Quinte Conservation Authority	\$358.00
Rideau Valley Conservation Authority	\$400.00

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

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

**3. PLEASE READ THIS ITEM CAREFULLY**

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

**4. Collection of Personal Information**

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

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

Date Received: \_\_\_\_\_

File No: PL-ZNA-2022-0171

- \* 1. Name of Owner(s): Laura Leaver
- \* Full Mailing Address of Owner(s): 420 Cunningham Rd,  
Qananoque On K7G2V4
- \* Phone number of Owner(s): 613-561-1776
- \* Email Address of Owner(s): laura.leaver@kos.net

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: ROD STOKES

Full Mailing Address of Authorized Agent: 324 REDDA ST.  
KINGSTON. ONT K7M 5X8

Phone number of Authorized Agent: (613) 561-2772

Email Address of Authorized Agent: rodstokes@coyeca.ca

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

\* Laura Leaver  
Signature(s) of Owner(s)

3. The description of the subject land:

District:  Bedford  Portland  Loughborough  Storrington

\* Concession Number: 9 Lot Number: 3

Street Number: 1040 Name of Road/Street: McConville Lane

Reference Plan Number: 13R-10613 Part Number(s): Part 1

\* Roll Number: 040-020-16819-00000



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): 128 M Frontage (on road/lane): 66 M  
Depth: VARIES ± 40 M Area: Approx 3,800 M<sup>2</sup>

5. The current zoning of the subject land:

RLSW = Limited Service Residential - Waterfront Zone

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

- Reduced setback from top of bank
- Reduced setback from rear lot line
- Reduced setback from private lane

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

Topography + site configurations limits development area

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

Name of Road/Lane:

McConville 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?

No. (Seasonal trailer only)

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

Yes  No

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

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

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

13. The proposed uses of the subject land:

Seasonal Cottage w/ new septic system

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

Yes       No

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

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

Type of Structure (E.g. residence)	(1)	(2)	(3)	(4)
	Seasonal Cottage			
Setback from Front Lot Line	36 M			
Setback from Rear Lot Line	2.83 M			
Setback from Side Lot Line	8.2 M			
Height of Building (Also indicate if it is one story or two story)	one story 7.5 M			
Outside Dimensions of Building/Structure	14.6M x 11.0			
Setback from High Water Mark (If applicable)	36.0 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:

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

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

If yes, please provide details:

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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:

Aug 17, 2004

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

N/A

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

N/A

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

Private well

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

Private septic system

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

NATURAL DRAINAGE

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

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

Yes       No

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

---

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

Yes       No

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

---

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

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

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

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

**AGREEMENT TO INDEMNIFY**

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

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

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

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

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

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

DATED AT THE TOWNSHIP OF SOUTH FRONTENAC

THIS 9<sup>th</sup> DAY OF December, 2022

I, ROD STOKES OF CITY OF KINGSTON  
solemnly declare that all the statements contained in this application are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.


[Signature]  
Signature of Applicant or Authorized Agent

[Signature]  
Signature of Applicant or Authorized Agent

DECLARED before me at the TOWNSHIP OF SOUTH FRONTENAC (IN THE COUNTY OF FRONTENAC)

THIS 9<sup>th</sup> DAY OF December, 2022

[Signature]  
A Commissioner, etc.

Margaret Estelle Spafford, a Commissioner,  
etc., Province of Ontario, for the Corporation  
of the Township of South Frontenac.   
Expires January 29, 2024.

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

**A Guide to Completing the Minor Variance Form**

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

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

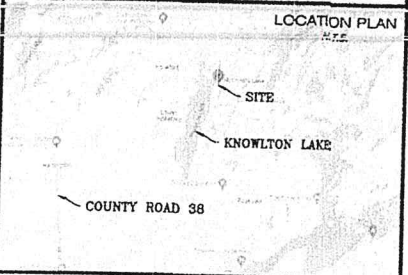
- 9) Parking and Docking: This question is only relevant if you can only access your property by water.
- 10) Existing Uses: e.g. residential, retail business, vacant recreational land
- 11) Buildings: If there are **ANY** buildings or structures on the property now, the answer to this question is "yes".
- 12) Description of buildings and structures: You must complete all sections of this question for each structure on your property. **If there is a deck on your dwelling, please describe it separately from the residence.**
- 13) Proposed Uses: Generally, the answer to this question will be the same as the answer to #10, but if, for example, the land is currently vacant, and you are planning to construct a dwelling, then the use to be described in section 10 would be "vacant recreational land", and the use described in section 13 would be "residential"
- 14) Proposed structures: If you are planning to build **ANYTHING** on the property, the answer to this question is "yes" – This includes additions, decks, garages, septic systems.
- 15) Description of new construction: **ALL** proposed new development must be described here. If you are proposing to construct an addition to a dwelling, and to add a deck, please show this information in separate columns.
- 16) **Demolition: All demolition requires a permit from the building department.** In some instances, a proposed addition or increase in height cannot be accomplished without the removal of existing walls. If this is not made clear to the Committee at the beginning of the process, you may find that, although you are granted permission to add on to your residence, you can't actually do it because you have not made it clear that there is demolition involved.
- 17) Raising of Structure: In other words, are you proposing to raise the building in order to construct a basement under it.
- 18) Uses of Development: Please answer each part of this question. An increase in living space would include anything with walls – e.g. a screened porch would involve an increase in living space.
- 19) Date land acquired: When did you take possession of the property?
- 20) Date of existing buildings: If you are not sure, provide your best estimate.
- 21) Length of existing uses: For example, has the land been used for residential purposes for 30 years, or 18 months?
- 22) Water supply: in most cases the answer will be private well, but some waterfront properties take their water from a lake.

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

- 23) Septic: in most cases the answer will be private sewage system, but there may be some privies.
- 24) Drainage: Are there specific ditches that have been constructed to deal with drainage; is there natural drainage, etc.?
- 25) Application for consent: Is there currently an application for consent (severance) being proposed for the property?
- 26) If yes: If there is a current application for severance or subdivision on the property, please indicate the file number. (Staff can help provide this information)
- 27) Minor variance: Has there ever been a minor variance granted on the property? If you are long-time owner of the property, you will probably be aware of any other special permission granted for a variance to the zoning by-law. If you are a new owner, the seller will probably have made you aware of this.
- 28) If yes: If there has been a previous variance granted on the property, please indicate the application number if known, and what the details of the variance were.
- 29) **SKETCH: We cannot stress enough the importance of a detailed, accurate, and complete sketch. You do not necessarily need to contract with a professional to draw the sketch, but sketches that are not drawn to scale, do not show dimensions and distances, or are not drawn neatly (PLEASE USE A RULER), will not be accepted.**
- 30) **Agreement to Indemnify:** Must be signed in front of a commissioner of oaths – you may have this done before submitting the application, or sign the application in front of staff who can sign as commissioners. All owners must sign the application, or it can be signed by an agent if one has been appointed.



UNIT 640 - 654 NORRIS COURT  
KINGSTON ONTARIO  
OFFICE (613) 634-1789  
www.groundengineer.ca



CALCULATIONS AS PER ONTARIO BUILDING CODE PART 8  
DAILY SEWAGE FLOW DETERMINATION  
RESIDENCE  
- 2 BEDROOMS = 1100 L/D  
- FIXTURES NUMBER 16 < 20 = 0 L/D  
- TOTAL FLOOR AREA = 139m<sup>2</sup> < 200m<sup>2</sup> = 0 L/D  
TOTAL (Q) = 1,100 L/DAY  
WATERLOO BIOFILTER  
ANAEROBIC DIGESTER SIZING  
1,100 L/DAY X 1.89 = 2,079 L  
MODEL: ADIPC-4800 (BOYD BRCS)  
MINIMUM ANAEROBIC DIGESTER VOLUME = 3,021 L  
MINIMUM INNERTUBE VOLUME = 320 L  
OPEN-BOTTOM SHED SIZING = 1,100 L/DAY  
MODEL SH11  
MINIMUM FOAM VOLUME = 1.86m<sup>3</sup>  
\*AS PER WATERLOO BIOFILTER 2020 DESIGN & INSTALLATION GUIDE

LOADING  
EXISTING SOIL:  
T-TIME > 50 (BEDROCK)  
TYPE A BED CALCULATIONS  
FLOW RATE < 3000 L/DAY  
THEREFORE RATE IS 75 L/m<sup>2</sup>  
STONE AREA  
A = 15m<sup>2</sup> → Q/75 → 1125/75 = 14.7m<sup>2</sup> (REQ'D)  
SAND AREA  
A = 143.5m<sup>2</sup> → Q/400 → 1100/400 = 2.75m<sup>2</sup> (REQ'D)

\* PROPERTY LINES AND SETBACKS OBTAINED FROM HOPKINS & CROMER SURVEYING LIMITED DATED 2005

REVISIONS		
No.	Description	Date
#1	ISSUED FOR REVIEW	2022/08/05
#2	ISSUED FOR PERMIT	2022/09/21

BENCHMARK:		
No.	DESCRIPTION	ELEVATION
#1	XXX	XXX.XX



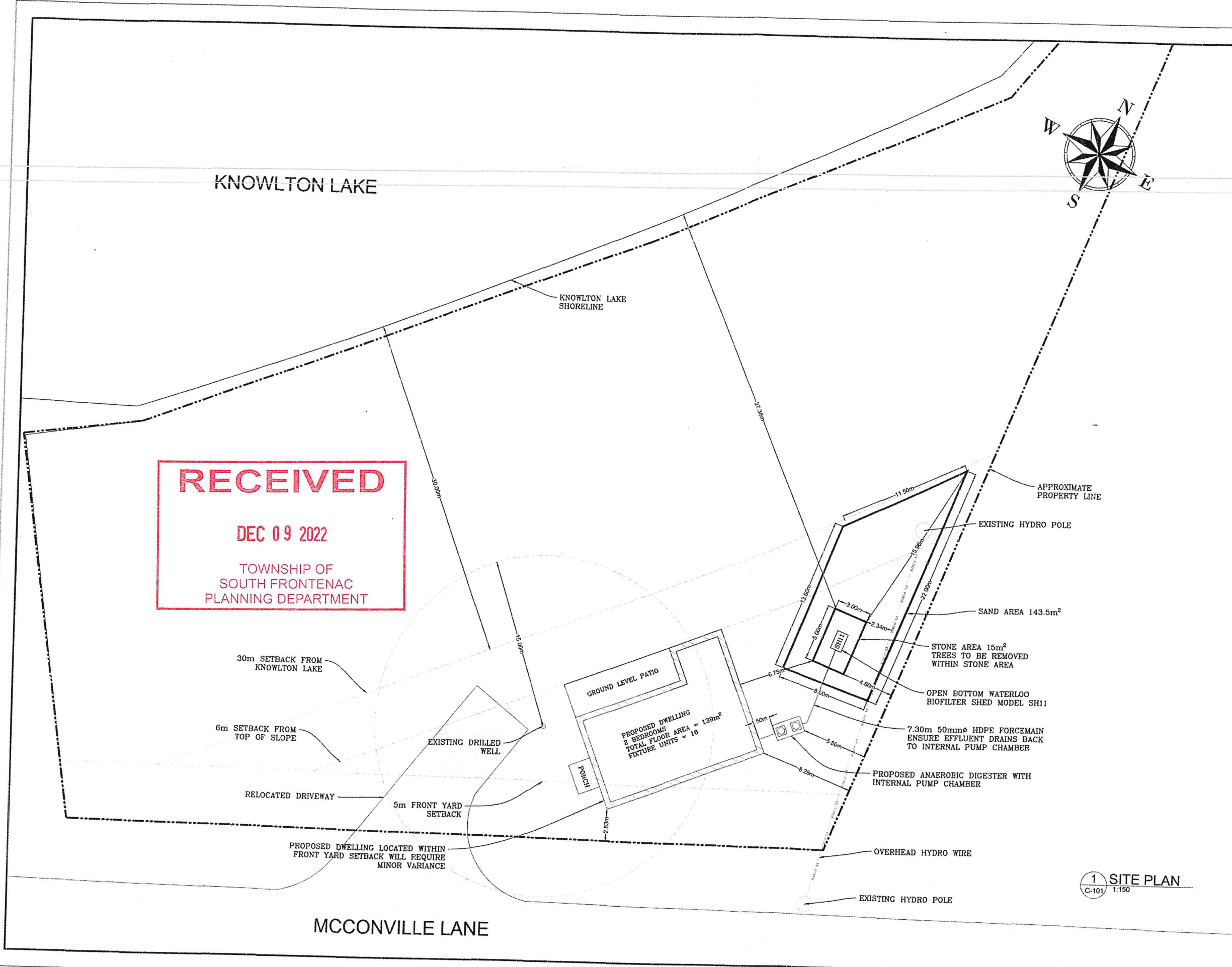
Client / Land Owner: LAURA LEAVER

Project: 1040 MCCONVILLE LANE  
SOUTH FRONTENAC ONTARIO

Drawing Title: SITE PLAN / SEPTIC DESIGN

Drawn by: JH	Project Number: GW-22002-52
Checked by: MB	Drawing Number: C-101
Scale: 24"x36" 1:150	Date: SEPTEMBER 21, 2022

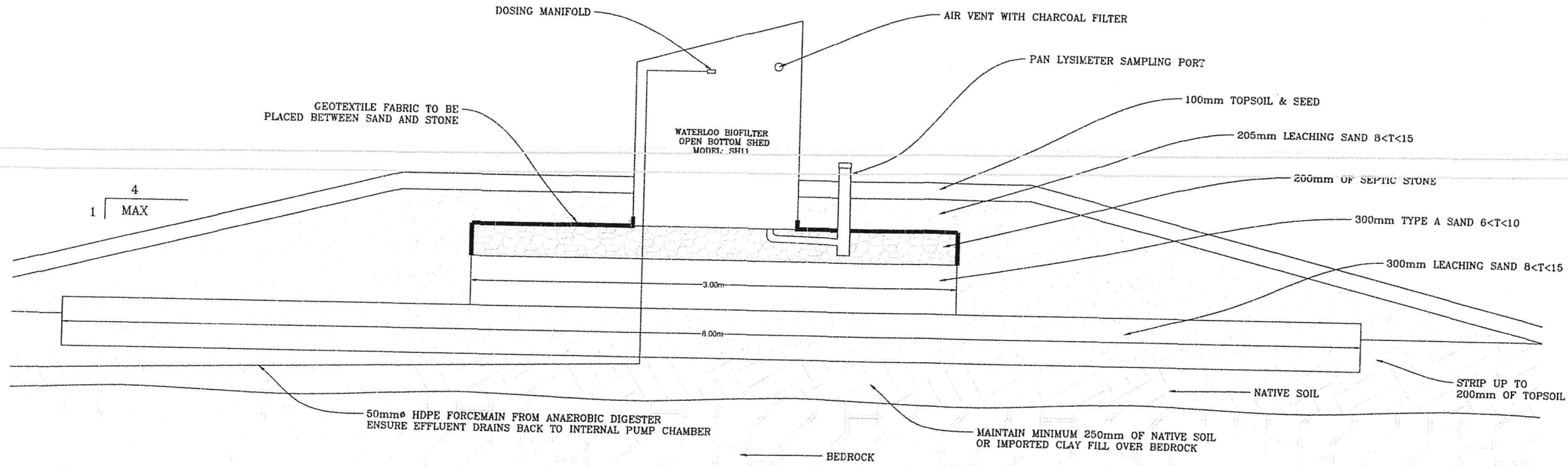
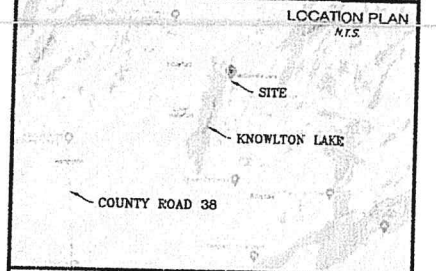
**RECEIVED**  
DEC 09 2022  
TOWNSHIP OF SOUTH FRONTENAC  
PLANNING DEPARTMENT



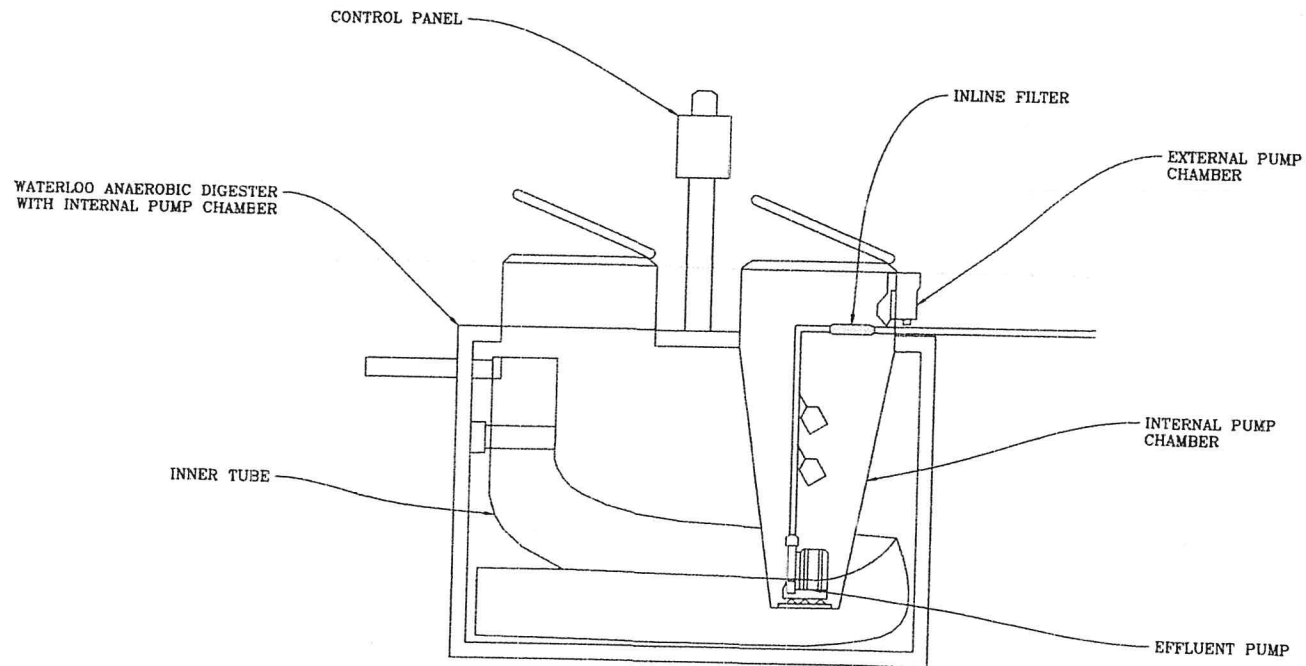
1 SITE PLAN  
C-101 1:150



UNIT 640 - 654 MORRIS COURT  
 KINGSTON ONTARIO  
 OFFICE (613) 634-1789  
 www.groundengineer.ca



2 TYPE A BED PROFILE VIEW  
 C-102 NTS

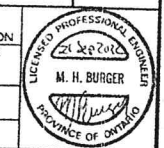


3 ANAEROBIC DIGESTER PROFILE VIEW  
 C-102 NTS

- NOTES:
1. TYPE A DISPERSAL BED TO BE CONSTRUCTED AS PER OBC 8.7.7.1.
  2. TYPE A SAND TO BE 6<T<10 WITH A MAXIMUM 5% OF PARTICLES WITH A DIAMETER OF 75µm OR LESS, PASSING THROUGH A 0.075mm (No. 200) SIEVE. AS PER OBC 8.7.7.1(4)(a).
  3. SEPTIC STONE AS PER OBC 8.7.7.1(6), 8.7.3.3(2) AND TABLE 8.7.3.3.
  4. STRIP ALL EXISTING TOPSOIL IN AREA OF TYPE A BED.
  5. GEOTEXTILE TO BE NON WOVEN NEEDLE PUNCHED POLYPROPYLENE TERRAFIX 270R OR EQUIVALENT.
  6. FORCEMAIN IF NOT SELF DRAINING NEEDS TO BE BURIED 1.5m DEEP, INSULATED OR HEAT TRACED TO PREVENT STANDING WATER FROM FREEZING.
  8. WATERLOO BIOFILTER ANAEROBIC DIGESTER & WATERLOO OPEN BOTTOM SHED TO BE INSTALLED AS PER WATERLOO BIOFILTER 2020 DESIGN & INSTALLATION GUIDELINES.
  9. WATERLOO BIOFILTER ANAEROBIC DIGESTER TO HAVE A MINIMUM WORKING VOLUME OF 3.021L WITH A MINIMUM INNER TUBE VOLUME OF 329L.
  10. WATERLOO BIOFILTER OPEN BOTTOM SHED TO HAVE A MINIMUM FOAM VOLUME OF 1.8m³.
  11. ALL TREES WITHIN 3m OF THE STONE AREA TO BE REMOVED.
  12. CONTROL PANEL WITH AUDIBLE AND VISUAL ALARM TO BE MOUNTED ON 100mm x 100mm x 1.5m PRESURE TREATED WOOD POST ADJACENT TO TANKS OR ON SIDE OF BUILDING FOR EASIER SERVICING. IF MOUNTED IN MECHANICAL ROOM, SEAL ALL DUCTS ENTERING BUILDING WITH EYES FITTING TO PREVENT GAS TRANSFER.
  13. ALL ELECTRICAL WORK MUST BE COMPLETED IN ACCORDANCE WITH ELECTRICAL CODE & BE PERFORMED BY A LICENCED ELECTRICIAN IN GOOD STANDING WITH THE ESA.
  14. PROPERTY LINES AND SETBACKS OBTAINED FROM HOPKINS & CROMER SURVEYING LIMITED DATED 2006.

REVISIONS		
No.	Description	Date
#1	ISSUED FOR REVIEW	2022/08/05
#2	ISSUED FOR PERMIT	2022/09/21

BENCHMARK:		
No.	DESCRIPTION	ELEVATION
#1	XXX	XXX.XX

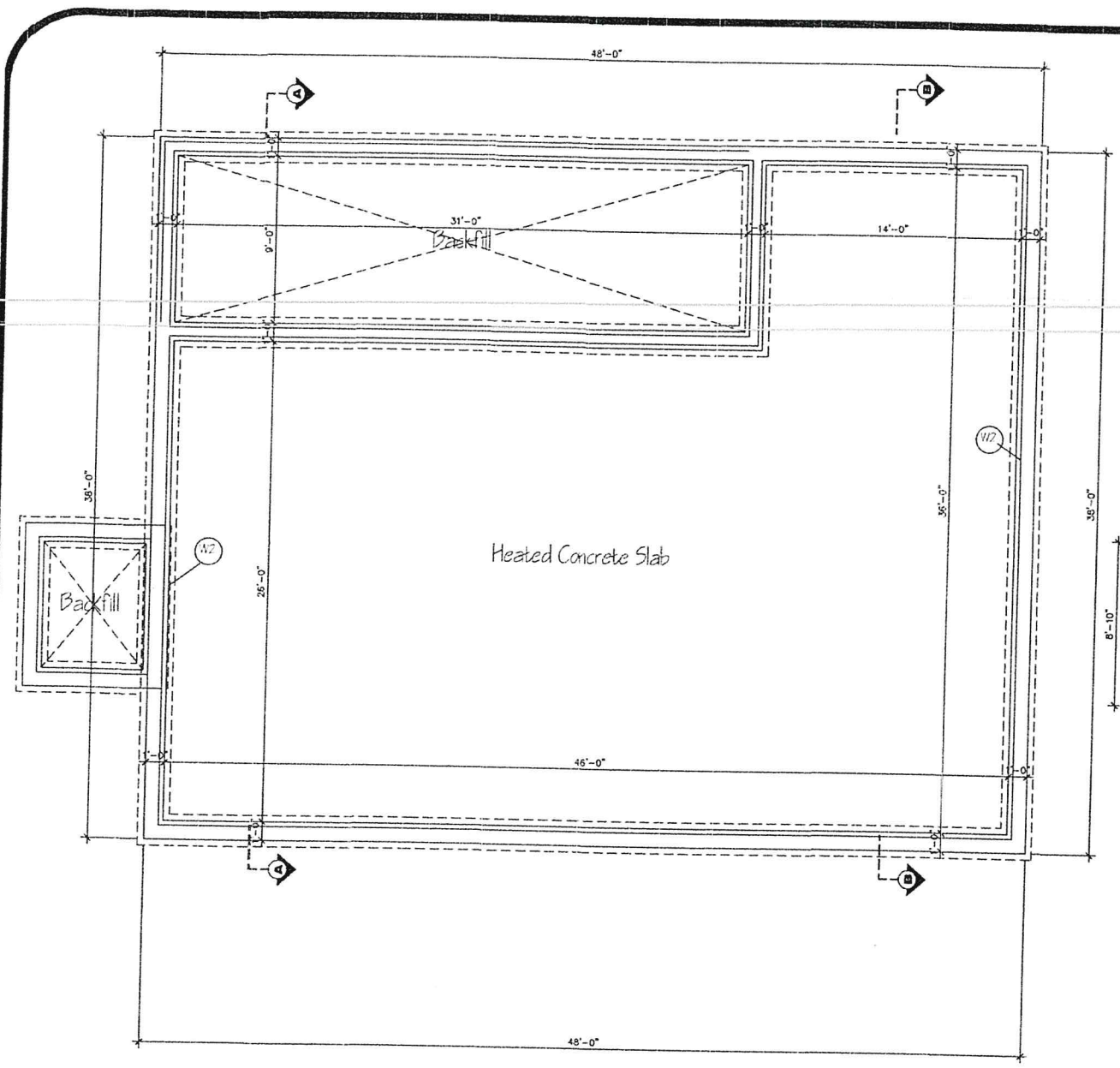


Client / Land Owner: LAURA LEAVER

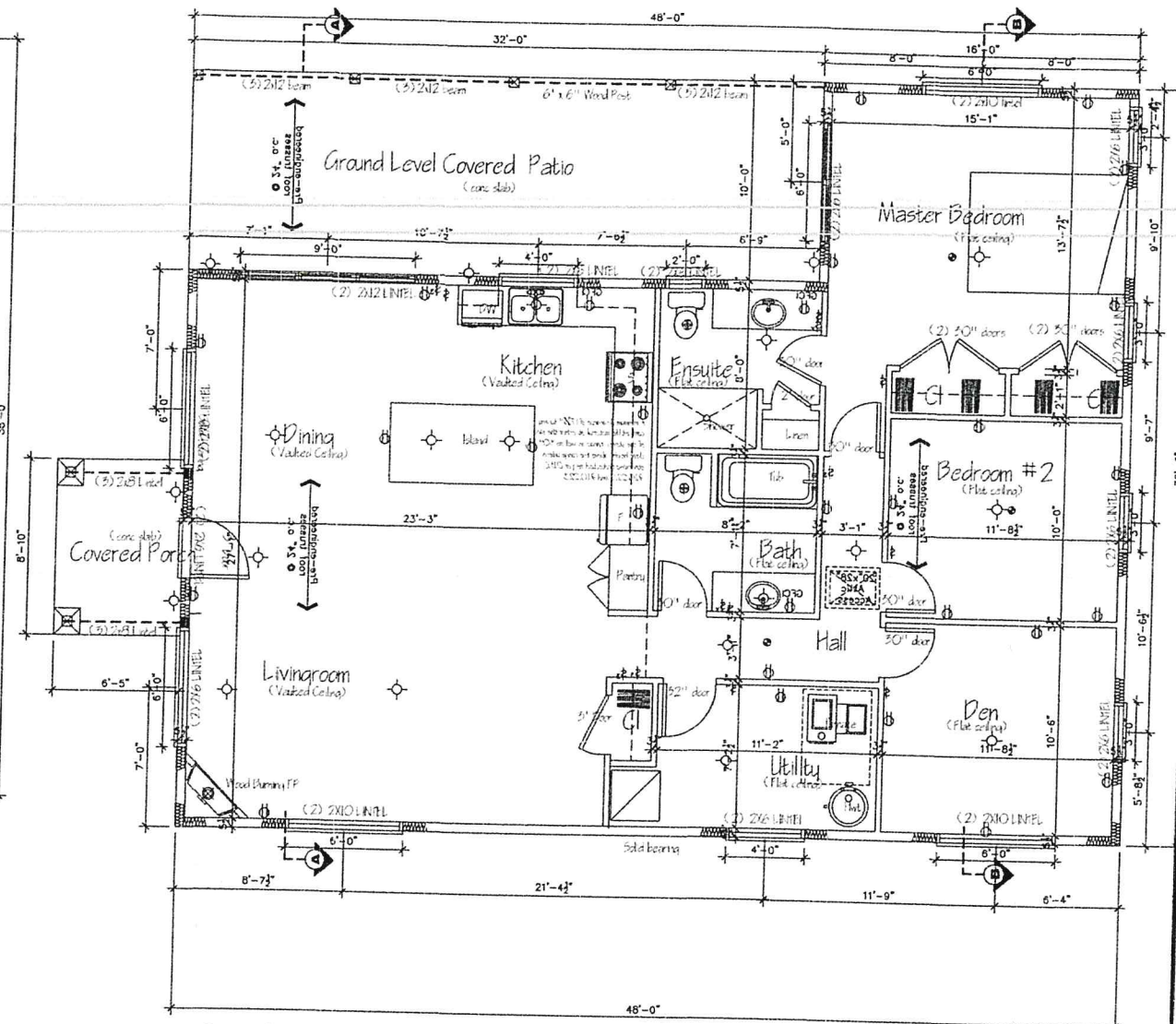
Project: 1040 MCCONVILLE LANE  
 SOUTH FRONTANAC ONTARIO

Drawing Title: DETAIL & NOTES

Drawn By: JH	Project Number: GW-22002-52
Checked By: MB	
Scale: 24"x36" 1:150	Drawing Number: C-102
Date: SEPTEMBER 21, 2022	SHEET 2 of 2



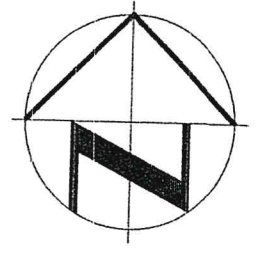
Foundation Plan  
Scale 1/4"=1'-0"



Ground Floor Plan (1,904 gross square feet finished area)  
Scale 1/4"=1'-0"

**General Notes**  
These plans were designed in accordance with the requirements of the Ontario Building Code. Drawings must not be scaled.  
Contractor shall verify and be responsible for all dimensions and set out work requirements and shall report any discrepancy to the Owner before proceeding with any work.  
Plans are copyrighted and are intended for use without company's express and written permission.  
These plans form the basis for the permit application and any deviations from these plans and details including ventilation system, heating system, windows, fireplace, doors, balconies and finish materials will require a revised drawing and clearance by the Building Department.

**DESIGNER INFORMATION**  
I, Rod Stokes of Rod Stokes Consulting review and take responsibility for the design work, and am qualified in the appropriate categories as "Designer" under Division C Part 3 Section 3.2.4 of the Ontario Building Code.  
Firm B.C.I.N.: 38482  
Individual B.C.I.N.: 31134  
Signed:  
Rod Stokes  
month 03, 2022

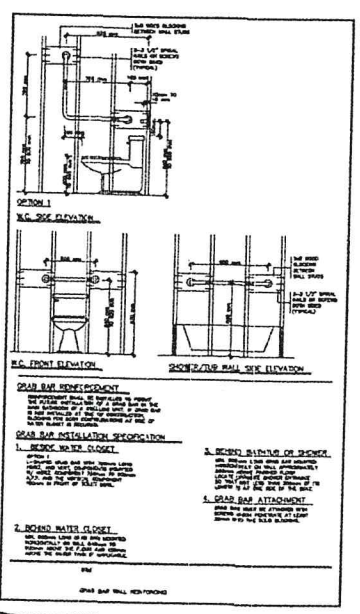


4		
3		
2		
1	Issued for Minor variance application	Nov 14 / 22
No.	Revised / Issue	Date



Proposed Seasonal Cottage for  
Mark & Laura Sullivan  
1040 McConville Lane  
Knowlton Lake  
Twp of South Frontenac

Drawing	
Floor Plans	
Project	Sheet
Date	A-1
Scale	As noted

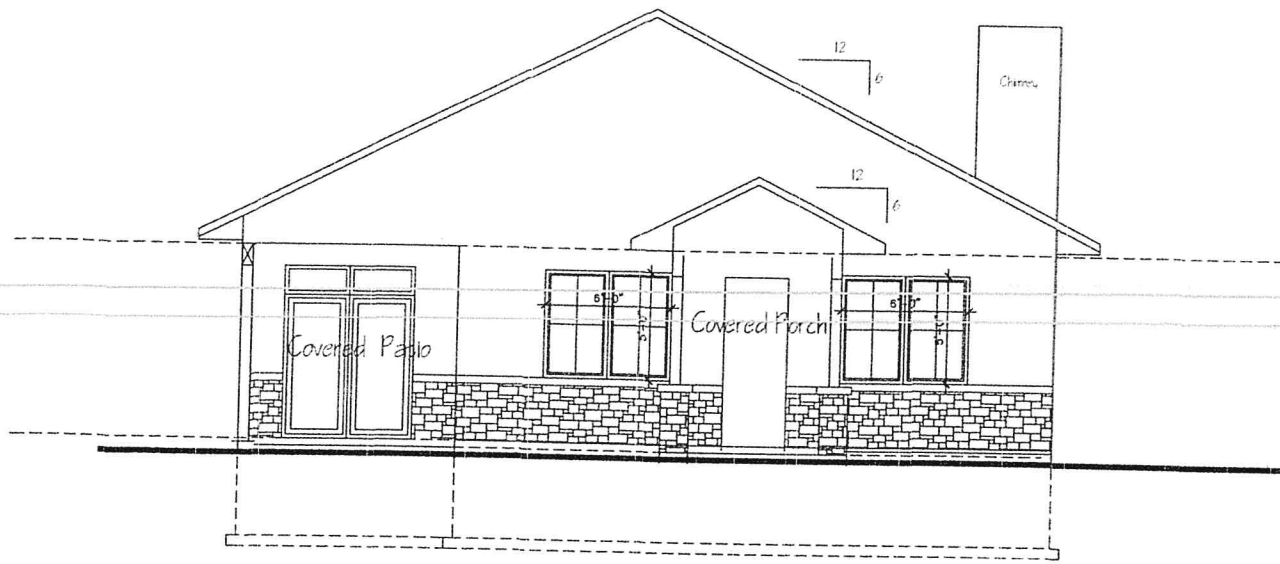


- ELECTRICAL LEGEND**
- ⊕ Pull cord light switch
  - ⊕ Ceiling mounted light fixture
  - ⊕ Receptacle
  - ⊕ Wall mounted light fixture
  - ⊕ Bar light fixture
  - ⊕ Switch
  - ⊕ Three way switch
  - ⊕ Four way switch
  - ⊕ Ventilation fan switch
  - ⊕ Duplex receptacle
  - ⊕ Split receptacle
  - ⊕ Ground fault circuit interrupter
  - ⊕ Weatherproof receptacle
  - ⊕ 220v receptacle
  - ⊕ Phone jack
  - ⊕ Cable outlet
  - ⊕ Central vacuum inlet
  - ⊕ Special Receptacle
  - ⊕ Exhaust fan
  - ⊕ Interconnected a.c. smoke alarm
  - ⊕ Carbon Monoxide detector
  - ⊕ Thermostat
  - ⊕ Circulation fan

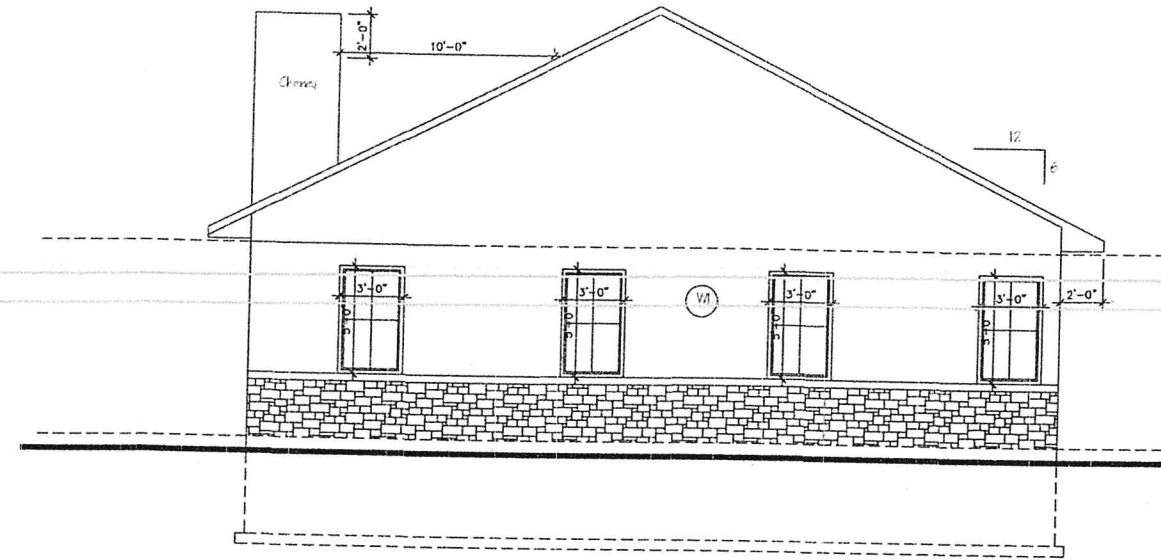
- Wall Types**
- (W1) Exterior Wall Assembly R-29  
Horizontal siding or cultured stone as per elevations  
1/2" polyiso insulation Board R5  
7/16" osb sheathing  
2x6 wood studs @ 16" o.c.  
R24 Rad Comfort Batt insulation  
6 mil poly vapor barrier  
1/2" drywall
  - (W2) Foundation Wall Assembly R-22 min  
R2 Foundation 6" conc. core  
Waterproof membrane  
Drainage layer  
Backfill

- Roof Types**
- (R1) Roof / Ceiling Assembly (Flat Ceiling)  
Pre-finished metal roofing on wood strapping  
15 # felt building paper and / or eave protection as per code  
1/2" roof sheathing  
Engineered roof trusses @ 24" o.c.  
R20 ceiling insulation  
6 mil poly vapor barrier  
1x5 ceiling strapping @ 16" o.c.  
Drywall ceiling finish
  - (R2) Roof / Ceiling Assembly (Vaulted Ceiling)  
Pre-finished metal roofing on wood strapping  
15 # felt building paper and / or eave protection as per code  
1/2" roof sheathing  
Engineered roof trusses @ 24" o.c.  
R24 ceiling insulation  
6 mil poly vapor barrier  
1x5 ceiling strapping @ 16" o.c.  
cedar or pre-wal ceiling finish

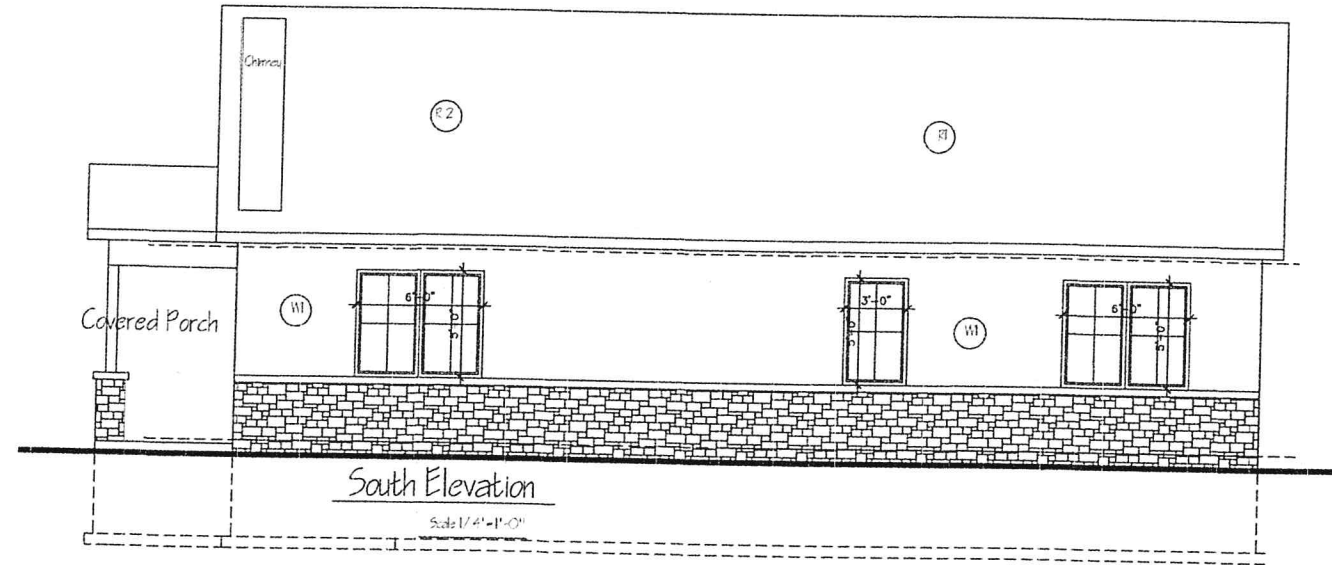
- Floor Types**
- (F1) Heated Slab on Grade  
4" concrete floor slab  
2" R20 rad insulation over 6" compacted gravel on native subgrade
- Partition Types**
- (P1) 1/2" drywall @ 24" wood studs @ 16" o.c.  
1/2" drywall
  - (P2) 1/2" drywall @ 24" wood studs @ 16" o.c.  
1/2" drywall



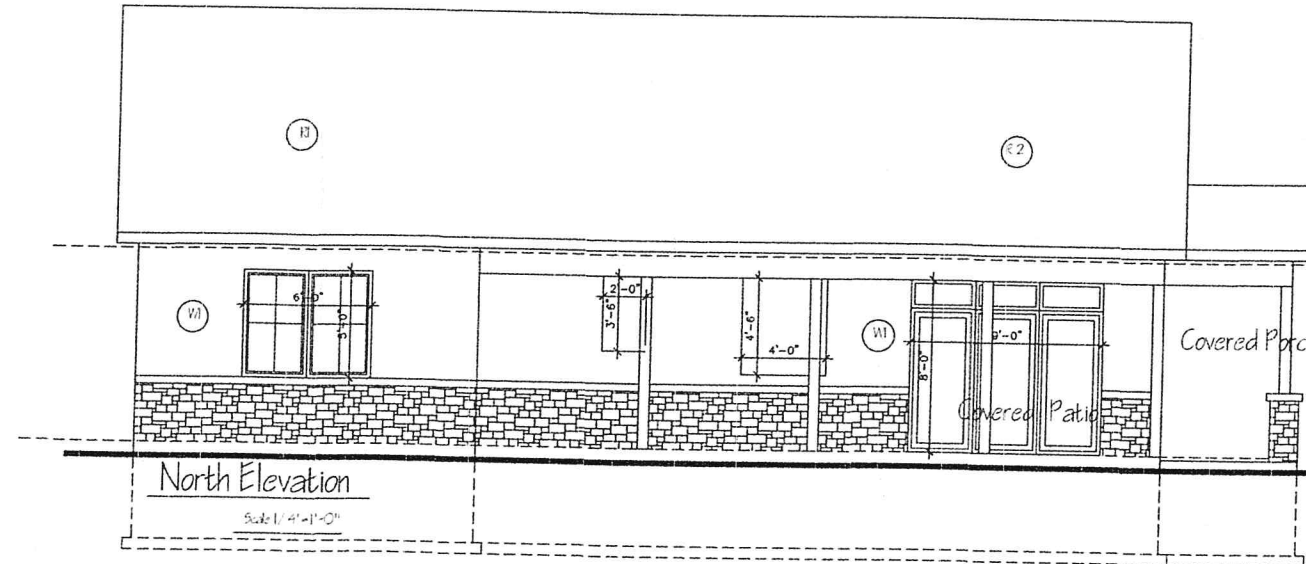
West Elevation  
Scale 1/4" = 1'-0"



East Elevation  
Scale 1/4" = 1'-0"



South Elevation  
Scale 1/4" = 1'-0"



North Elevation  
Scale 1/4" = 1'-0"

**Floor Types**

- F1 Heated Slab on Grade  
4" concrete floor slab  
2" R10 rigid insulation  
over min 6" compacted granular  
on native substrate

**Roof Types**

- R1 Roof / Ceiling Assembly (Flat Ceilings)  
Pre-finished metal roofing on wood strapping  
15 # felt building paper and / or water protection  
as per code  
1/2" roof sheathing  
Engineered roof trusses @ 24" o.c.  
R10 ceiling insulation  
6 mil poly vapor barrier  
1x6 ceiling strapping @ 16" o.c.  
Drywall ceiling finish

**Wall Types**

- W1 Exterior Wall Assembly R-29  
Horizontal siding or cultured stone as per elevations  
Tuck house wrap  
1" rigid insulation Board R9  
7/16" gypsum sheathing  
2x6 wood studs @ 16" o.c.  
R24 Rad Control Blast insulation  
6 mil poly vapor vapor barrier  
1/2" sheath

**Partition Types**

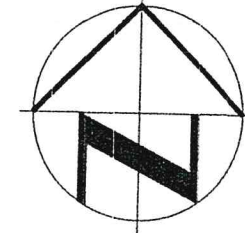
- P1 1/2" drywall  
2x4 wood studs @ 16" o.c.  
1/2" drywall
- P2 1/2" drywall  
2x6 wood studs @ 16" o.c.  
1/2" drywall

- R2 Roof / Ceiling Assembly (Vaulted Ceilings)  
Pre-finished metal roofing on wood strapping  
15 # felt building paper and / or water protection  
as per code  
1/2" roof sheathing  
Engineered roof trusses @ 24" o.c.  
R24 ceiling insulation  
6 mil poly vapor barrier  
1x6 ceiling strapping @ 16" o.c.  
cedar or pine wood ceiling finish

- W2 Foundation Wall Assembly R22 min  
EIF foundation @ core core  
Waterproof membrane  
Drainage layer  
backfill

**General Notes:**  
These plans were designed in accordance with the requirements of the Ontario Building Code. Drawings must not be scaled.  
Contractor shall verify and be responsible for all dimensions and minimum code requirements and shall report any discrepancies to the Client before proceeding with any work.  
Plans are copyrighted and may not be used for any other project without company's express and written permission.  
These plans form the basis for the permit. Issuance and any changes from these plans and details including ventilation system, heating system, washbasin, fireplaces, decks, balconies and finish basements will require a revised drawing and clearance by the Building Department.

**DESIGNER INFORMATION**  
I, Rod Stokes of Rod Stokes Consulting review and take responsibility for the design work, and am qualified in the appropriate categories as "Designer" under Division C Part 3 Section 3.2.4 of the Ontario Building Code.  
Firm B.C.I.N.: 38482  
Individual B.C.I.N.: 31134  
Signed: Rod Stokes  
March 08, 2022



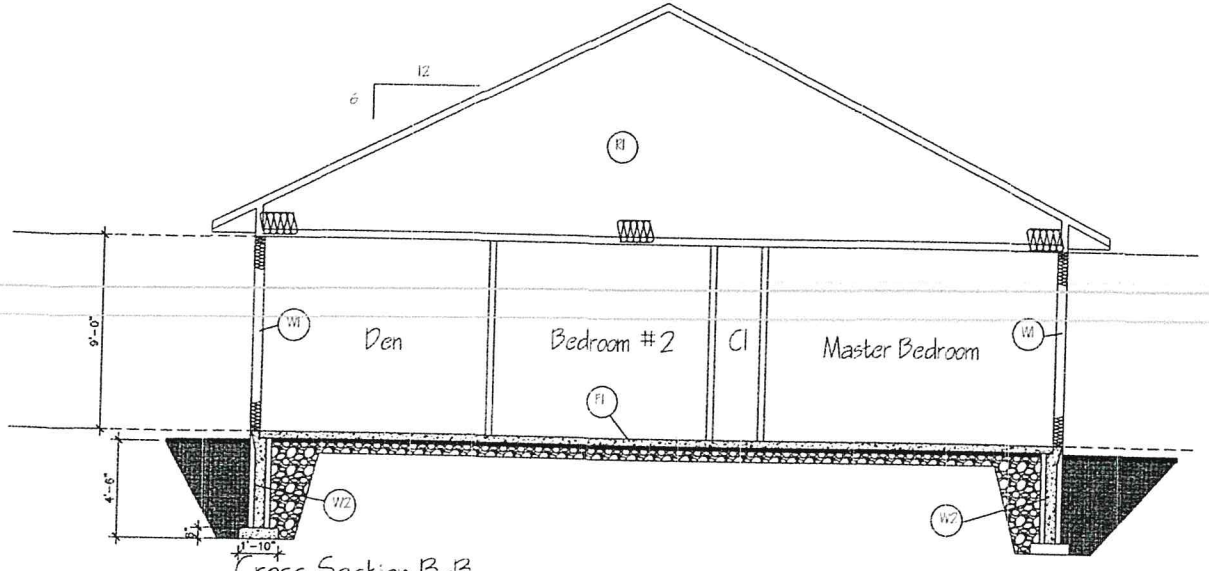
4		
3		
2		
1	Issued for Minor variance application	Nov 14/22
No.	Revised/Issue	Date



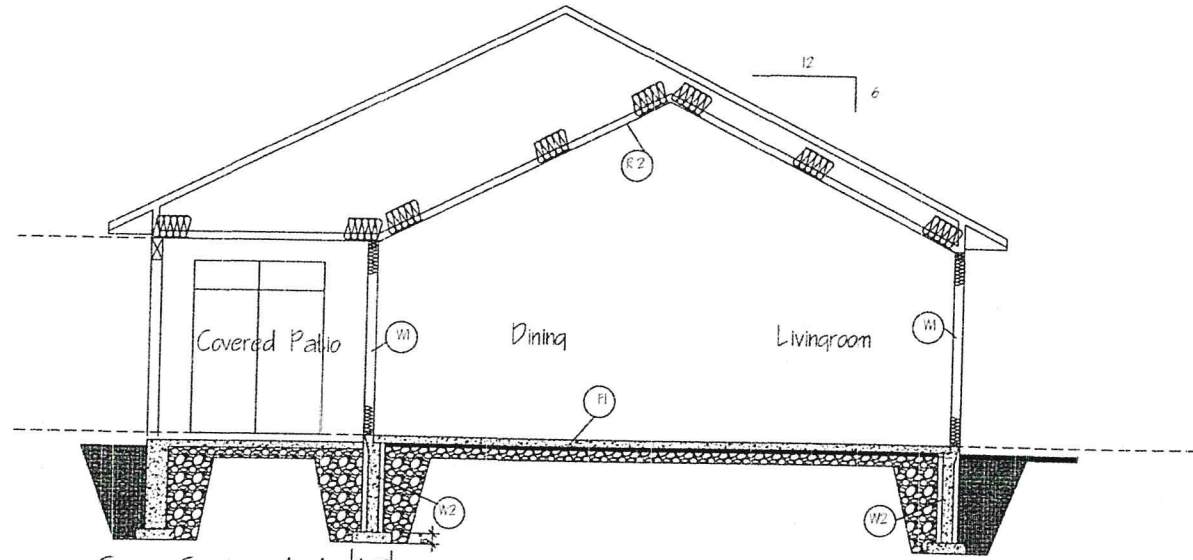
Proposed Seasonal Cottage for  
Mark & Laura Sullivan  
1040 McConville Lane  
Knowlton Lake  
Twp of South Frontenac

Drawing  
Elevations

Project	Sheet
Date	A-2
Scale	As noted



Cross Section B-B  
Scale 1/4" = 1'-0"



Cross Section A-A  
Scale 1/4" = 1'-0"

### Wall Types

**W1** Exterior Wall Assembly, R-29  
Horizontal siding or Colored stone as per decisions  
Tyvek house wrap  
1" rigid insulation Board R9  
7/16" concrete sheathing  
2x6 wood studs @ 16" o.c.  
R24 Rock Comfort Dens insulation  
6 mil poly vapor barrier  
1/2" drywall

**W2** Foundation Wall Assembly, R22 min  
R2 Foundation concrete core  
Waterproof membrane  
Drainage layer  
backfill

### Roof Types

**R1** Roof / Ceiling Assembly (Flat Ceilings)  
Pre-finished metal roof on wood strapping  
15# felt building paper and / or snow protection  
as per code  
1/2" roof sheathing  
Engineered roof trusses @ 24" o.c.  
R50 ceiling insulation  
6 mil poly vapor barrier  
1x5 ceiling strapping @ 16" o.c.  
Drywall ceiling finish

**R2** Roof / Ceiling Assembly (Vaulted Ceilings)  
Pre-finished metal roof on wood strapping  
15# felt building paper and / or snow protection  
as per code  
1/2" roof sheathing  
Engineered roof trusses @ 24" o.c.  
R50 ceiling insulation  
6 mil poly vapor barrier  
1x5 ceiling strapping @ 16" o.c.  
cedar or pine wood ceiling finish

### Floor Types

**F1** Finished Slab on Grade  
4" concrete floor slab  
2" R10 rigid insulation  
over min 6" compacted granular  
on native subgrade

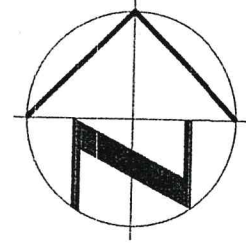
### Partition Types

**P1** 1/2" drywall  
2x4 wood studs @ 16" o.c.  
1/2" drywall

**P2** 1/2" drywall  
2x4 wood studs @ 16" o.c.  
1/2" drywall

**General Notes**  
These plans were designed in accordance with the requirements of the Ontario Building Code. Drawings must not be scaled.  
Contractor shall verify and be responsible for all dimensions and material code requirements. Field shall report any discrepancies to the Owner before proceeding with any work.  
Plans are copyrighted and are unlawful for use without owner's express and written permission.  
These plans form the basis for the permit issuance and any deviations from these plans and details including ventilation system, heating system, suspension, fireplace, stairs, balconies and finish hardware, will require a revised drawing and clearance by the Building Department.

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Signed:  
**Rod Stokes**  
March 08, 2022



4		
3		
2		
1	Issued for Minor variance application	Nov 14 / 22
No.	Revision/ Issue	Date



Proposed Seasonal Cottage for  
Mark & Laura Sullivan  
1040 McConville Lane  
Knoxton Lake  
Twp of South Frontenac

Drawing  
Sections

Project	Sheet
Date	A-3
Scale	As noted



Environmental

Geotechnical

Building Sciences

Construction  
Monitoring

**Telephone**

(866) 217.7900  
(705) 742.7900

**Facsimile**

(705) 742.7907

**Website**

cambium-inc.com

**Mailing Address**

P.O. Box 325  
52 Hunter Street East  
Peterborough, ON  
K9H 1G5

**Locations**

Peterborough  
Kingston  
Barrie  
Oshawa

**Laboratory**

Peterborough



March 30, 2021

Laura Leaver  
420 Cunningham Road  
Gananoque, Ontario  
K7G 2V4

Attn: Laura Leaver, Land owner

**Re: Slope Stability Site Inspection – Proposed Residential Dwelling –  
Concession 9, Lot 3, 13R-10613, Part 1 – South Frontenac, Ontario  
Cambium Reference: 11977-001**

---

Cambium Inc. (Cambium) was retained by Laura Leaver (The Client) to conduct a slope stability and erosion risk assessment for the property located at Concession 9, Lot 3, RP 13R10613, Part 1 (off of McConville Lane) in South Frontenac, Ontario. This letter report provides the results of a site investigation where Cambium observed the existing slope conditions and determined the Slope Stability Rating per the Ontario Ministry of Natural Resources (MNR) Erosion Hazard Limit Guidelines.

**SITE AND PROJECT DESCRIPTION**

The property is located in South Frontenac, Ontario off McConville Lane which connects directly to Everett Lane which intersects Gould Lake Road. The property fronts on to the northeast shore of Knowlton Lake.

For the purposes of this report, the shoreline of Knowlton Lake will be considered as running along west of the property. McConville Lane runs in the north – south direction and is located to the east of the property.

The property is currently undeveloped with a single groundwater well installed to a depth of approximately 63 m (Well Record A042858). A copy of the Well Record is provided in the attachments following the text of this letter.

It is proposed to construct a single storey residential dwelling on the tableland of the existing slope located on the property. The dwelling will have no basement and the location has yet to be confirmed, however the intent is to have the back of the house overlook Knowlton Lake.



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March 30, 2021

Photos of the existing conditions are provided in the Photo Appendix following the text of this letter.

## VISUAL SLOPE INSPECTION

A detailed visual slope inspection was conducted on November 25<sup>th</sup>, 2020 by Blasco Vijayabaskaran of Cambium Inc. General information pertaining to the existing slope features such as slope profile, slope drainage, vegetation cover, structures on or in the vicinity of the slope, erosion features, and potential slope slide features were noted during the inspection. A summary is provided below. Photographs taken during the inspection are included in the Photo Appendix.

The property includes the table land extending from McConville Lane the top of slope. The table land is heavily vegetated with mature trees and bushes. The grade varies along the table land due to small hills, but the area of the proposed residence is relatively flat. Some possible bedrock outcrops were noted on the table land and in the area.

The slope extends down towards Knowlton Lake and is heavily vegetated with near vertical mature trees and small bushes. The slope face is covered with topsoil with boulders and possible bedrock outcrops protruding from the surface. Probable bedrock outcrops were also noted along the slope face on the adjacent property to the north. No evidence of seepage or concentrated surface runoff was noted along the slope face or at the slope crest. No evidence of previous landslide activity was noted. A set of timber stairs has been constructed on the slope face, providing access to the toe and lakeshore.

The subject slope is approximately 11 to 12 m in height, with an inclination ranging from approximately 2.9H:1V to 1.3H:1V. The inclination of the slope was measured using a hand inclinometer from the slope toe. A sketch of the slope profile based on the site measurements is provided in the attachments following the text of this report.

No significant erosion was noted along the lake shoreline. Bedrock was noted under the lake surface along the shore. Some trees along the shore are tilting in to the lake.



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March 30, 2021

The slope itself shows no signs of instability or distress.

### **SLOPE STABILITY RATING**

Based on the “MNR Technical Guide – River and Stream Systems: Erosion Hazard Limit”, the existing slope on the property has a rating of 30 which is indicative of a slight potential for instability based on the guidelines. A record of the slope inspection is provided in the attachments.

### **POTENTIAL FOR INSTABILITY**

Based on the results of our site inspections and measurements, it is anticipated that the factor of safety of the subject slope exceeds the 1.5 minimum required to allow for active land use near the slope crest.

### **SETBACK REQUIREMENTS**

Based on the site observations, measurements and review of the existing well record, it is anticipated that the existing slope is composed of 0.6 m of overburden topsoil and fill overlying bedrock extending down to the slope toe and beyond. Based on these conditions and the existing slope configuration, the slope is currently stable. Therefore, the long term stable slope crest (LTSSC) can be taken as an invisible line extending from the slope toe at a 1H:1V angle to the top of the slope or the existing top of slope, whichever is greater.

The CVCA will require that the proposed development is setback 6 m from the LTSSC to provide access and protection from unforeseen conditions.

The location of the existing top of slope should be confirmed with the CVCA prior to the application of the setback requirements and proposed development.

### **CONSTRUCTION RECOMMENDATIONS**

In order to mitigate possible adverse effects to the slope stability during construction, the following general recommendations are provided:

- No trees should be removed from the slope face.



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March 30, 2021

- Construction activities should be conducted in a manner which does not results in surface erosion of the slope. In particular, site grading and drainage should be designed to prevent direct concentrate or channelized surface runoff from flowing directly over the slope.
- The slope should not be steepened in any way with fill material.
- Water drainage from down-spouts, rain gutters, sumps, and the like should not be permitted to directly flow over the slope crest as channelized runoff.

**LIMITATIONS AND REVIEW**

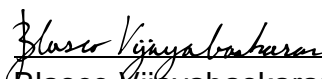
The above rating parameters assume that the proposed dwelling will be founded directly on bedrock. The subgrade conditions of the home should be verified at the time of construction by geotechnical personnel.

**CLOSING**

We trust that the information contained in this report meets your current needs. If you have any questions or comments regarding this document, please do not hesitate to contact the undersigned at (613) 389-2323.

Best regards,

**Cambium Inc.**

  
Blasco Vijayabaskaran, P.Eng.

Geotechnical Engineer/Project Coordinator



BV/SEB

Encl. Well Record A042858  
Slope Inspection Report  
Photo Appendix

P:\11900 to 11999\11977-001 Laura Leaver - Slope Stability - McConville Lane, Twp of SFD\Deliverables\11977-001 Concession 9 Lot3 Slope Stability Assessment 20210325.docx



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## **Attachments**

---

**Instructions for Completing Form**

- For use in the **Province of Ontario** only. This document is a permanent **legal** document. Please retain for future reference.
- All Sections **must** be completed in full to avoid delays in processing. Further instructions and explanations are available on the back of this form.
- Questions regarding completing this application can be directed to the Water Well Management Coordinator at 416-235-6203.
- **All metre measurements shall be reported to 1/10<sup>th</sup> of a metre.**
- Please print clearly in blue or black ink only.

Ministry Use Only		
MUN	CON	LOT

**Well Owner's Information and Location of Well Information**

First Name <b>ANDREW</b>		Last Name <b>LOCKE</b>		Mailing Address (Street Number/Name, RR, Lot, Concession) <b>Box 20212 Bow Valley</b>			
County/District/Municipality		Township/City/Town/Village <b>CALGARY</b>		Province <b>Alberta</b>	Postal Code <b>T2P-4L2</b>	Telephone Number (include area code) <b>1-403-870-3469</b>	
Address of Well Location (County/District/Municipality) <b>FRONTENAC</b>				Township <b>(Loughborough)</b>		Lot <b>3</b>	Concession <b>9</b>
RR#/Street Number/Name				City/Town/Village <b>SOUTH FRONTENAC</b>		Site/Compartment/Block/Tract etc. <b>13R-10613 PT1</b>	
GPS Reading	NAD <b>83</b>	Zone <b>18</b>	Easting <b>372488</b>	Northing <b>4924925</b>	Unit Make/Model <b>MAGELLAN</b>	Mode of Operation: <input type="checkbox"/> Undifferentiated <input checked="" type="checkbox"/> Averaged <input type="checkbox"/> Differentiated, specify	

**Log of Overburden and Bedrock Materials (see instructions)**

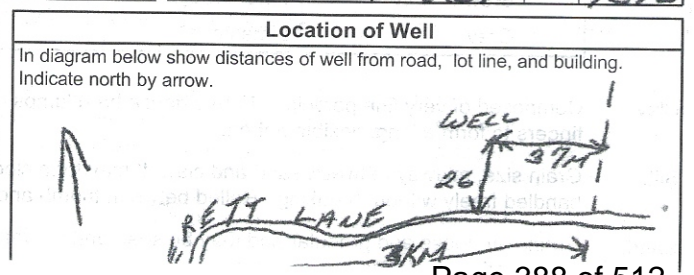
General Colour	Most common material	Other Materials	General Description	Depth Metres	
				From	To
Brown	CLAY			0	0.6
Brown	SHALE			0.6	2.1
Grey	SANDSTONE			2.1	13.7
Red	"			13.7	17.3
Grey/Red	"			17.3	22.9
Grey/Red	GRANITE			22.9	54.9
Red	GRANITE			54.9	63.4

Hole Diameter		
Depth	Metres	Diameter
From	To	Centimetres
0	6	25.4
6	63.4	15.25
Water Record		
Water found at	Kind of Water	
62 m	<input type="checkbox"/> Fresh <input type="checkbox"/> Sulphur <input type="checkbox"/> Gas <input type="checkbox"/> Salty <input type="checkbox"/> Minerals <input type="checkbox"/> Other: <b>UNTESTED</b>	
	<input type="checkbox"/> Fresh <input type="checkbox"/> Sulphur <input type="checkbox"/> Gas <input type="checkbox"/> Salty <input type="checkbox"/> Minerals <input type="checkbox"/> Other:	
After test of well yield, water was		
<input checked="" type="checkbox"/> Clear and sediment free <input type="checkbox"/> Other, specify		
Chlorinated <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		

Construction Record				
Inside diam centimetres	Material	Wall thickness centimetres	Depth Metres	
			From	To
<b>Casing</b>				
15.8	<input checked="" type="checkbox"/> Steel <input type="checkbox"/> Fibreglass <input type="checkbox"/> Plastic <input type="checkbox"/> Concrete <input type="checkbox"/> Galvanized	.48	0	6
	<input type="checkbox"/> Steel <input type="checkbox"/> Fibreglass <input type="checkbox"/> Plastic <input type="checkbox"/> Concrete <input type="checkbox"/> Galvanized			
	<input type="checkbox"/> Steel <input type="checkbox"/> Fibreglass <input type="checkbox"/> Plastic <input type="checkbox"/> Concrete <input type="checkbox"/> Galvanized			
	<input type="checkbox"/> Steel <input type="checkbox"/> Fibreglass <input type="checkbox"/> Plastic <input type="checkbox"/> Concrete <input type="checkbox"/> Galvanized			
<b>Screen</b>				
Outside diam	<input type="checkbox"/> Steel <input type="checkbox"/> Fibreglass <input type="checkbox"/> Plastic <input type="checkbox"/> Concrete <input type="checkbox"/> Galvanized	Slot No.		
<b>No Casing or Screen</b>				
<input checked="" type="checkbox"/> Open hole		6 63.4		

Test of Well Yield				
Pumping test method	Draw Down		Recovery	
	Time min	Water Level Metres	Time min	Water Level Metres
<b>548</b>				
Pump intake set at - (metres) <b>63</b>	Static Level	<b>13.4</b>		
Pumping rate - (litres/min) <b>22.7</b>	1	<b>14.9</b>	1	<b>25.3</b>
Duration of pumping <b>2 hrs + 0 min</b>	2	<b>16.5</b>	2	<b>24.9</b>
Final water level end of pumping <b>26.7</b> metres	3	<b>16.8</b>	3	<b>24.5</b>
Recommended pump type. <input type="checkbox"/> Shallow <input checked="" type="checkbox"/> Deep	4	<b>17.5</b>	4	<b>24.3</b>
Recommended pump depth. <b>62</b> metres	5	<b>17.9</b>	5	<b>23.8</b>
Recommended pump rate. <b>22.7</b> (litres/min)	10	<b>20</b>	10	<b>22</b>
If flowing give rate - (litres/min)	15	<b>21.3</b>	15	<b>20.4</b>
	20	<b>22.4</b>	20	<b>18.8</b>
	25	<b>23.4</b>	25	<b>17.9</b>
If pumping discontinued, give reason.	30	<b>24.0</b>	30	<b>17.3</b>
	40	<b>24.8</b>	40	<b>16.5</b>
	50	<b>25.6</b>	50	<b>15.8</b>
	60	<b>26.2</b>	60	<b>15.6</b>

Plugging and Sealing Record			
<input checked="" type="checkbox"/> Annular space <input type="checkbox"/> Abandonment			
Depth set at - Metres	Material and type (bentonite slurry, neat cement slurry) etc.	Volume Placed (cubic metres)	
From To			
6 0	<b>CEMENT SLURRY</b>	<b>.2</b>	



**TABLE 4.1 - Slope Inspection Record**

1. FILE NAME / NO. **11977-001**  
 INSPECTION DATE (DDMMYY): **28/11/2020**  
 WEATHER (circle):

- sunny • partly cloudy • **cloudy**
- **calm** • breeze • windy
- **clear** • fog • rain • snow
- cold • **cool** • warm • hot
- estimated air temperature: —

INSPECTED BY (name): **BLASCO VISAYABASKARAN**

2. SITE LOCATION (describe main roads, features) **WEST OF MCGONVILLE LANE AT THE NORTHEAST SHORE OF KNOWLTON LAKE**

SKETCH

3. WATERSHED **CATARAQUI RIVER WATERSHED**

4. PROPERTY OWNERSHIP (name, address, phone): **LAURA LEAVER, 420 CUNNINGHAM RD, GANANOQUE, ONTARIO**

LEGAL DESCRIPTION

Lot **3**  
 Concession **9**  
 Township **SOUTH FRONTENAC**  
 County

CURRENT LAND USE (circle and describe)

- **vacant** field, bush, woods, forest, wilderness, tundra,  
**UNDEVELOPED RESIDENTIAL PROPERTY**
- passive -recreational parks, golf courses, non-habitable structures, buried utilities, swimming pools,
- active -habitable structures, residential, commercial, industrial, warehousing and storage,
- infra-structure or public use - stadiums, hospitals, schools, bridges, high voltage power lines, waste management sites,

5. SLOPE DATA

HEIGHT • 3 - 6 m • 6 - 10 m • **10 - 15 m** • 15 - 20 m  
 • 20 - 25 m • 25 - 30 m • > 30 m  
 estimated height (m): **11.5 m**

INCLINATION AND SHAPE

- 4:1 or flatter  
 25 % 14°
- up to 3:1  
 33 % 18°
- up to 2:1  
 50 % 26°
- **up to 1:1**  
 100 % 45°
- up to :1  
 200 % 63°
- steeper than :1  
 > 63°

6. SLOPE DRAINAGE (describe)

TOP —  
 FACE —  
 BOTTOM **GROUNWATER FLOW INTO LAKE AT SLOPE TOP.**

7. SLOPE SOIL STRATIGRAPHY (describe, positions, thicknesses, types)

TOP SHALLOW DEPOSIT OF TOPSOIL/FILL (~0.6m)  
FACE OVERLYING LIMESTONE BEDROCK.  
BOTTOM

8. WATER COURSE FEATURES (circle and describe)

SWALE, CHANNEL  
GULLY  
STREAM, CREEK, RIVER  
POND, BAY, LAKE KNOWLTON LAKE  
SPRINGS  
MARSHY GROUND

9. VEGETATION COVER (grasses, weeds, shrubs, saplings, trees)

TOP WELL VEGETATED W/ MATURE TREES, SOME SMALL  
FACE SHRUBS, AND ~~OR~~ MOSS COVERING BOULDERS.  
BOTTOM

10. STRUCTURES (buildings, walls, fences, sewers, roads, stairs, decks, towers, )

TOP  
FACE TIMBER STAIRCASE PROVIDING ACCESS TO SLOPE JOE  
BOTTOM

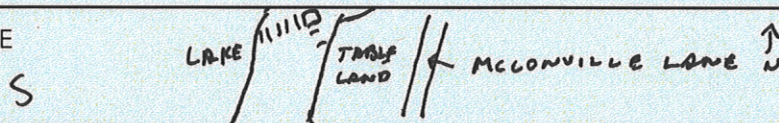
11. EROSION FEATURES (scour, undercutting, bare areas, piping, rills, gully)

TOP -  
FACE -  
BOTTOM -

12. SLOPE SLIDE FEATURES (tension cracks, scarps, slumps, bulges, grabens, ridges, bent trees)

TOP -  
FACE -  
BOTTOM -

13. PLAN SKETCH OF SLOPE



14. PROFILE SKETCH OF SLOPE

SEE ATTACHED

**TABLE 4.2 - SLOPE STABILITY RATING CHART**

Site Location: **LOT 3 CONC 9**  
 Property Owner: **LAURA LEAVER**  
 Inspected By: **BLASIO VS**

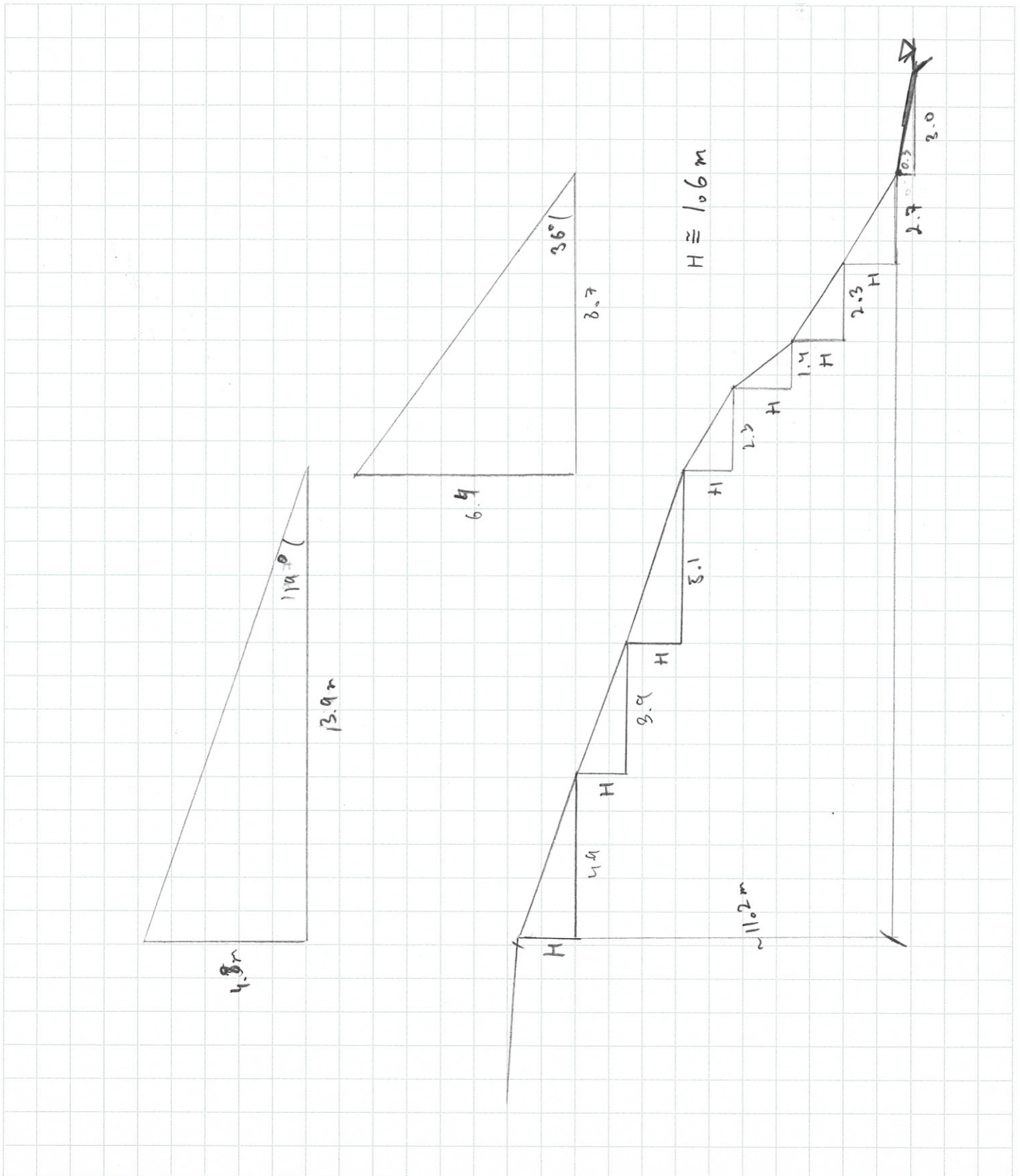
File No. **11977-001**  
 Inspection Date: **25/11/2021**  
 Weather: **CLOUDY**

<b>1. SLOPE INCLINATION</b>		
<b>degrees</b>	<b>horiz. : vert.</b>	
a) 18 or less	3 : 1 or flatter	0
b) 18 - 26	2 : 1 to more than 3 : 1	6
c) more than 26	steeper than 2 : 1	<b>16</b>
<b>2. SOIL STRATIGRAPHY</b>		
a) Shale, Limestone, Granite (Bedrock)		<b>0</b>
b) Sand, Gravel		6
c) Glacial Till		9
d) Clay, Silt		12
e) Fill		16
f) Leda Clay		24
<b>3. SEEPAGE FROM SLOPE FACE</b>		
a) None or Near bottom only		<b>0</b>
b) Near mid-slope only		6
c) Near crest only or, From several levels		12
<b>4. SLOPE HEIGHT</b>		
a) 2 m or less		0
b) 2.1 to 5 m		2
c) 5.1 to 10 m		4
d) more than 10 m		<b>8</b>
<b>5. VEGETATION COVER ON SLOPE FACE</b>		
a) Well vegetated; heavy shrubs or forested with mature trees		<b>0</b>
b) Light vegetation; Mostly grass, weeds, occasional trees, shrubs		4
c) No vegetation, bare		8
<b>6. TABLE LAND DRAINAGE</b>		
a) Table land flat, no apparent drainage over slope		<b>0</b>
b) Minor drainage over slope, no active erosion		2
c) Drainage over slope, active erosion, gullies		4
<b>7. PROXIMITY OF WATERCOURSE TO SLOPE TOE</b>		
a) 15 metres or more from slope toe		0
b) Less than 15 metres from slope toe		<b>6</b>
<b>8. PREVIOUS LANDSLIDE ACTIVITY</b>		
a) No		<b>0</b>
b) Yes		6
<b>SLOPE INSTABILITY RATING VALUES INVESTIGATION RATING SUMMARY</b>		<b>TOTAL 30</b>



**Cambium Inc.**  
Peterborough | Barrie  
Oshawa | Kingston | Calgary  
(866) 217.7900  
cambium-inc.com

Project: 11977-001 Date: 29/03/2021  
Subject: CONCESSION 9, LOT 3, McCONVILLE LANE  
SLOPE PROFILE  
Contact: BLASCO VS





March 30, 2021

- Environmental
- Geotechnical
- Building Sciences
- Construction Monitoring

**Telephone**  
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 (705) 742.7900

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 52 Hunter Street East  
 Peterborough, ON  
 K9H 1G5

**Locations**  
 Peterborough  
 Kingston  
 Barrie  
 Oshawa

**Laboratory**  
 Peterborough

 Professional Engineers  
 Ontario



**Photograph 1**

<b>Location:</b>	<b>Table Land</b>
Viewing:	West
Description:	Location of the proposed dwelling. Tableland is relatively flat. Slope crest is visible in the background



**Photograph 2**

<b>Location:</b>	<b>Tableland</b>
Viewing:	South
Description:	Grade slopes upwards towards the southern property. The tableland is heavily vegetated. Existing groundwater well visible in the background, to the left.



**Photograph 3**

<b>Location:</b>	<b>Slope Face</b>
Viewing:	South
Description:	Slope is well vegetated with mature and upright trees. Boulders and possible bedrock outcrops are noted all along the slope face.



Environmental  
 Geotechnical  
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 Peterborough

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 Ontario



March 30, 2021



**Photograph 7**

**Location:** Slope Toe

**Viewing:** North

**Description:** No visible signs of erosion, seepage, or previous landslide activity along the slope toe to the neighbouring property to the north.



**Photograph 5**

**Location:** Slope Toe

**Viewing:** South

**Description:** No visible signs of erosion, seepage, or previous landslide activity along the slope toe to the neighbouring property to the south. Some tilting trees can be noted along the shore.



**Photograph 6**

**Location:** Slope Toe

**Viewing:** East

**Description:** Existing condition of the slope face is visible. A set of timber stairs can be seen on the left providing access to the slope toe from the crest.



**SOUTH  
FRONTENAC**

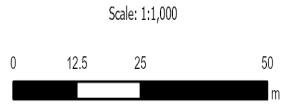
**PL-ZNA-2022-0171  
(LEAVER) (STOKES)**

**1040 MCCONVILLE LANE**

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

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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.



UTM Zone 18 NAD 83  
Date: 2022-12-20

January 20, 2023

File: MV/FRS/373/2022

### **Sent by E-mail**

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

Dear Ms. Hannah:

**Re: Application for Minor Variance PL-ZNA-2022-0171 (Leaver) (Stokes)  
Pt Lot 3, Concession 9; 1040 McConville Lane  
Loughborough District, Township of South Frontenac  
Waterbody: Knowlton Lake**

Cataraqi Conservation staff have reviewed the above-noted application for minor variance and provide the following comments for the Township and Committee of Adjustment.

### **Proposal**

The proposal involves the construction of a residential dwelling and a septic system on an existing lot of record. The minor variance is requested to reduce the required 15 metre setback from the top of bank, as required by Section 5.8.2(b) of the South Frontenac Zoning By-Law, to 6 metres, as well as reduce the required setbacks from the rear lot line and private lane.

### **Site Description**

The property is located on the northeast shore of Knowlton Lake. The topography of the site can be characterized as having a steep embankment at the shoreline which rises approximately 12 metres up to a level plateau of land where the development is proposed. The property is covered in mature trees and vegetation, with some cleared areas of exposed bedrock around the plateau.

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

### **Discussion**

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

### Water Quality

The Official Plan recognizes the need to minimize lake impacts by reducing phosphorous inputs, preventing erosion and maintaining natural appearances. Accordingly, policies have been included that can vary the setback from the highwater mark from 30 to 90 m depending on the site characteristics such as steepness of slope, vegetation cover, soil depth and soil phosphorus retention. Section 5.2.7(b)(ii)(2) of the Official Plan indicates that on vacant lots of record, a minimum 30 metre setback from the highwater mark for all proposed structures shall be required, and this buffer area should be maintained as a natural vegetative strip to filter pollutants from runoff. Additionally, Section 5.8.2.(a) of the implementing Zoning By-Law suggests that a 30 metre setback from the highwater mark is required to be maintained as a buffer in order to protect the water quality of Knowlton Lake.

Similarly, CRCA's Environmental Planning Policy recommends that new development and site alteration be set back a minimum distance of 30 metres from the highwater mark of a waterbody.

The proposed dwelling and septic system will be located outside of the required 30 metre setback from the highwater mark of Knowlton Lake. Staff also note that the development has been pushed back as far from the water as possible. In the opinion of staff, the proposal is not anticipated to negatively impact the water quality of Knowlton Lake.

**If approved, staff recommend maintenance and enhancement of a healthy buffer of native vegetation between all buildings/structures and the water, and that roof runoff be directed away from the shoreline of Knowlton Lake where natural infiltration can occur.**

### Natural Hazards

**Flooding:** Cataraqui Conservation does not have floodplain information for Knowlton Lake. However, based upon a review of Lidar elevation mapping, the floodplain is not anticipated to extend inland further than the approximately 12 metre high slope adjacent to the shoreline. 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. The proposed development will be located outside of the setback from the regulatory floodplain. Therefore, staff have no concerns with the proposal from a flooding hazard perspective.

**Erosion:** CRCA, in accordance with provincial technical standards, defines the extent of potential erosion hazards to include an allowance for toe erosion (4 metres), a stable slope allowance of 3(h):1(v) (36 metres) for till shorelines, plus an erosion access allowance of 6 metres. Therefore, the total erosion hazard allowance has been determined to be 46 metres measured inland from the toe of slope (4 + 36 + 6). Staff note that the proposed building and septic system are located within the stable slope hazard and access allowance.

CRCA Guidelines for implementing O. Reg. 148/06 (Section 5.3.1.2) allow for a site-specific geotechnical investigation and slope/erosion assessment to be completed by a qualified geotechnical engineer to provide a more refined assessment of the erosion hazard limit

Ms. Hannah (PL-ZNA-2022-0171)  
January 20, 2023

based on soil depth, bedrock stability and predicted long-term erosion. This process allows for a closer look at the extent of the hazard to determine the level of risk and to apply more specific setback requirements. The assessment must be completed by a qualified professional in accordance with CRCA's Guidelines for Geotechnical Investigation (Appendix I) and the provincial Natural Hazards Technical Guide for the Great Lakes-St. Lawrence River System.

A site-specific geotechnical investigation was completed by Cambium (March 30, 2021) which found that the slope is composed of 0.6 m of overburden topsoil and fill overlying bedrock extending down to the slope toe and beyond. Based on these conditions and the existing slope configuration, the slope is currently stable. The long-term stable crest can be taken as an invisible line extending from the slope toe at a 1H:1V angle to the top of the slope.

CRCA's policies and guidelines for implementing O. Reg. 148/06 (see description below) require new development to be set back at least 6 metres from the top of bank of a stable slope. Based on a review of LIDAR elevation mapping, the general location of the top of bank appears to be consistent with the site plan included in the application sketch.

Staff therefore have no concerns with the proposal from an erosion perspective.

The slope stability study (Cambium, March 30, 2021) also recommends that the following construction practices be implemented to further protect the slope from instability:

1. No trees should be removed from the slope face.
2. Construction activities should be conducted in a manner which does not result in surface erosion of the slope. In particular, site grading and drainage should be designed to prevent direct concentrate or channelized surface runoff from flowing directly over the slope.
3. The slope should not be steepened in any way with fill material.
4. Water drainage from down-spouts, rain gutters, sumps, and the like should not be permitted to directly flow over the slope crest as channelized runoff.

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

Overall, staff are satisfied with the methodology, findings, and recommendations provided in the report. The investigation has provided a satisfactory assessment of the extent of the erosion hazard as it relates to the proposed development. Staff recommend that the recommendations numbered above be implemented through a development agreement registered on title as a condition of minor variance approval.

### **Recommendation**

CRCA staff have no objection to the approval of minor variance application PL-ZNA-2022-0171 based on our consideration for natural heritage, water quality, and natural hazards, provided the following:

Ms. Hannah (PL-ZNA-2022-0171)  
January 20, 2023

- That the above construction recommendations numbered 1-4 be implemented through a development agreement to be registered on title.

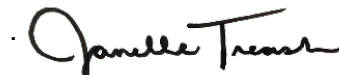
We also recommend implementation of the above-noted environmental mitigation measures (in bold text).

### **Ontario Regulation 148/06**

Please note that portions of the subject lands are subject to Ontario Regulation 148/06: *Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses*, which is administered by the CRCA. The purpose of the regulation is to ensure that proposed changes (e.g. development and site alteration) to a property are not affected by natural hazards, such as flooding and erosion, and that the changes do not put other properties at greater risk from these hazards. For this property, any development (buildings and structures) and site alteration (excavation, grading, placement of fill) within 15 metres of the top of bank or 30 metres of the highwater mark of Knowlton Lake is subject to O. Reg. 148/06 and will likely require a permit from our office. Therefore, a permit will be required from our office should the application be approved.

Please inform this office of any decision made by the Committee with regard to this application. If you have any questions, please contact the undersigned at 613-546-4228 ext. 239, or by e-mail at [jtreash@crca.ca](mailto:jtreash@crca.ca).

Yours truly,




Janelle Treash  
Resource Planner



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**SEWAGE SYSTEM REVIEW COMMENTS**

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<b>To:</b>	Planning Department Township of South Frontenac 4432 George St, Box 100 Sydenham, ON K0H 2T0
<b>Application Number:</b>	PI-NZA-2022-171
<b>Type of Application or Proposal:</b>	Minor Variance
<b>Applicant Name(s):</b>	Leaver, Laura
<b>Location:</b>	1040 McConnville Lane Township of South Frontenac (Loughborough)
<b>Comments:</b>	<p>No Objections</p> <p>The proposed location for the sewage system appears adequate to serve to proposed dwelling based on the sewages system design drawings GW-22002-52 dated Sept 21, 2022, by Groundworks Engineering Ltd and the Dwelling design drawings dated Nov 14, 2021, by Rod Stokes Consulting.</p> <p>Specific requirements will be reviewed at the Building Permit Application process to Construct a Sewage System prior to site development.</p>
<b>Building Inspector:</b>	 <hr/> Chris Beeg
<b>Date:</b>	January 6, 2023

# Township of South Frontenac Staff Report

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**To:** Committee of Adjustment

**Prepared by:** Development Services Department

**Date of Meeting:** February 9, 2023

**Subject: Minor Variance Application (S. 45(1) of Planning Act)  
PL-ZNA-2022-0171, Laura Leaver, 1040 McConville Lane,  
Loughborough District**

## Summary

This report recommends that the Committee of Adjustment grant approval of this application for zoning relief for a seasonal 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

**Official Plan Designation:** Rural

**Zoning:** Limited Service Residential – Waterfront (RLSW)

### Zoning Relief Requested for Dwelling

Sections 5.6.1 – to permit a seasonal dwelling to be setback a minimum of 2.8 metres from the surveyed edge of McConville Lane, whereas a minimum 5 metre setback is required for all buildings and structures.

Section 10.3.1 – to permit a seasonal dwelling to establish a minimum 2.8 metre rear yard, whereas the RLSW zone requires a minimum 10 metre rear yard.

Section 5.8.2(b) – to permit a seasonal dwelling to be setback a minimum of 6 metres from the top of bank, whereas a minimum 15 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 vacant 0.44 hectare (1 acre) property has frontage on Knowlton Lake and on McConville Lane.

The property slopes up steeply from Knowlton Lake to a level area where the development is proposed. The property contains mature tree cover and is located in an area of similar waterfront residential development.

The property currently contains a travel trailer. A travel trailer may be stored on the property but not used for permanent human habitation. A travel trailer may be permitted as temporary living accommodations provided the required permits have been issued for a dwelling and septic system.

### Summary of Proposal

The owners propose to construct a 174.7 square metre (1880.7 square foot), one-storey seasonal dwelling, and a sewage system. A portion of the floor area of the dwelling is a covered ground level patio. No decking is proposed to be attached to the dwelling. The dwelling would be located along the south side of the property. The dwelling would be set back 2.8m from the rear lot line/McConville Lane. The dwelling would also be setback 36 metres from the highwater mark and a minimum of 6 metres from the top of bank. The dwelling would result in 3.9% lot coverage. The dwelling would be serviced by a new sewage system to be setback more than 30 metres from the highwater mark.

The developable area on the property is small. Variances are being requested from the rear yard setback and private lane setback to ensure the dwelling complies with the 30m water setback and maintains a 6m setback from top of bank.

### Supporting Documentation

A Slope and Erosion Assessment (Cambium, March 30, 2022) was submitted in support of the application. The consultant assessed the shoreline slope for type of bedrock, angle, and stability which found that the slope is composed of 0.6 m of overburden topsoil and fill overlying bedrock extending down to the slope toe and beyond. Based on these conditions and the existing slope configuration, the slope is currently stable. The long-term stable crest can be taken as an invisible line extending from the slope toe at a 1H:1V angle to the top of the slope. The report recommended the following construction practices be implemented to further protect the slope from instability:

1. No trees should be removed from the slope face.

2. Construction activities should be conducted in a manner which does not result in surface erosion of the slope. In particular, site grading and drainage should be designed to prevent direct concentrate or channelized surface runoff from flowing directly over the slope.
3. The slope should not be steepened in any way with fill material.
4. Water drainage from down-spouts, rain gutters, sumps, and the like should not be permitted to directly flow over the slope crest as channelized runoff.

### **Agency Comments**

Cataraqui Conservation reviewed the Slope Stability Study on behalf of the Township. They were satisfied with the findings of the report. They have no objection to the approval of the application provided the recommendations identified in the report are implemented through a development agreement and registered on title. A permit will be required from Cataraqui Conservation under O. Reg. 148/06 for the proposed dwelling and septic system if the variance application is approved.

Building Services reviewed the application and noted that the proposed location for the sewage system appears adequate to serve the proposed dwelling based on the sewage system design prepared by Groundworks Engineering Ltd. Specific requirements will be reviewed at the building permit stage prior to site development.

### **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 proposed variances maintain the general intent and purpose of the Official Plan related to waterfront residential development, and development adjacent to environmentally sensitive areas.

The variances would facilitate construction of a seasonal dwelling on lands that are designated Rural in the Official Plan on Schedule A.

The proposed dwelling would be close to a steep shoreline. Section 5.2.4 of the Official Plan states that the Township will direct development or site alterations away from lands identified by the municipality which may be subject to shoreline erosion hazards. This is

typically done through the implementation of a 15 metre setback from the top of bank, as required by the Zoning By-law. A Slope and Erosion Assessment was completed that determined that it would be safe for the proposed dwelling to be setback only 6 metres from the top of bank. Cataraqui Conservation reviewed the Slope and Erosion Assessment on behalf of the Township, and were satisfied with the findings of the report.

The proposed location of the building envelope, and the size of the dwelling, minimizes site alteration required and maximizes the setback of the sewage system from the highwater mark, as intended by section 5.2.7(b) of the Official Plan.

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

The proposed seasonal dwelling is a permitted use in the RLSW zone. The dwelling was designed to comply with the setback from both the highwater mark and the front lot line, and to minimize its footprint. Also, the setback of the sewage system complies with the setback from the highwater mark. The reduced setback from the top of bank is supported by a Slope and Erosion Assessment.

The proposed dwelling requests relief from the private lane setback. It is noted that the 2.8m setback is measured to the surveyed edge of the lane, which is the same line as the rear property line. The travelled surface of the lane appears to be more than 5m from the rear property line in the area of the proposed dwelling. The property is also higher than the lane and there is a rock outcrop and a number of trees that act as a buffer between the rear property line and the travelled surface of the lane.

The dwelling has been oriented to align with the angle of the shoreline and comply with the required 30m setback from Knowlton Lake. The orientation of the house results in only a small corner of the dwelling being located within the private lane setback – most of the dwelling will meet the required 5m setback.

The intent of the required setback from the private lane is to ensure that development does not encroach into the laneway and impact the ability of vehicles to travel on the laneway. The setback also ensures that there is room for snow storage in the winter and that there are clear lines of sight to ensure vehicle and pedestrian safety.

The proposed dwelling will be setback an adequate distance from the lane to ensure it is not a hazard for the users of the right of way and that there is adequate room to allow for parking and for traffic to pull off the road if necessary. There will be adequate room to park additional vehicles on the property without encroaching on the right of way. The requested reduction in the 5m setback from the private lane to 2.8m for the dwelling would recognize the closest point of the dwelling to the private lane shown on the

plot plan. A condition has been included in the recommendation to ensure that the variance reduction only applies to the proposed development within the setback and that the design of the house is required to be in accordance with the plan submitted in support of the application to ensure that the setback is not reduced to along the entire yard that abuts McConville Lane.

The proposed dwelling also requests relief from the rear yard setback. Approximately half of the proposed dwelling will be located within the 10m rear yard setback. The intent of the rear yard setback in the RLSW zone is to provide separation for buildings and structures from adjacent properties and development. The rear of the subject property abuts McConville Lane, beyond which is vacant land. The proposed dwelling will be set back 2.8m from the rear lot line. The reduction in the rear yard is appropriate in order for the proposed development to achieve the minimum required 30m setback from the highwater mark as well as the 6m setback from the top of bank.

The proposed variances maintain 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 requested variances are desirable for the appropriate development of the land. The proposed dwelling and sewage system locations in the southeast corner of the property will minimize site alteration and vegetation removal required (e.g. maintain topography, soil mantle and existing vegetation), and ensure the development is located more than 30 metres from the highwater mark.

*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. The proposed dwelling will be 2.8 metres from the south property line. There is no abutting development that would be impacted by the reduction in the rear yard. The request for the reduced setback from the private road will not impact the road network. Trees and vegetation maintained along the shoreline and top of bank would provide visual screening and buffering to the lake. The requested variances are minor in nature.

## **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-2022-0171 for 1040 McConville Lane, subject to the following conditions.

1. The minor variance is for a seasonal dwelling. The dwelling is permitted to establish a minimum 2.8 metre rear yard, to be setback a minimum of 2.8 metres from the surveyed edge of McConville Lane, and to be setback a minimum of 6 metres from the top of bank. The location of the dwelling on the property must be consistent with the application sketch received by the Township on December 9, 2022.
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 to address the following matters and environmental standards of the Township:
  - a. Appropriate erosion control measures (e.g. silt fence, straw bales) must be used during construction and until the site is stable and revegetated.
  - b. Roof runoff will be directed away from the shoreline of Knowlton Lake and neighbouring buildings and structures 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. A natural vegetated buffer must be maintained in its natural state within 30 metres of the shoreline.
  - d. No trees should be removed from the slope face with the exception of dead or diseased trees.
  - e. Construction activities should be conducted in a manner which does not result in surface erosion of the slope. In particular, site grading and drainage should be designed to prevent direct concentrate or channelized surface runoff from flowing directly over the slope.
  - f. The slope should not be steepened in any way with fill material.

- g. Water drainage from down-spouts, rain gutters, sumps, and the like should not be permitted to directly flow over the slope crest as channelized runoff.
- 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-2022-0171 is applicable only to Zoning By-law No. 2003-75 and not to any subsequent zoning by-laws.

**Report Prepared By:**

Tom Fehr, Planner

**Report Reviewed By:**

Christine Woods, MCIP RPP, Senior Planner

**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.

<b>Application Type:</b>	<b>Planning Fee:</b>	<b>Building Admin Fee:</b>	<b>TOTAL:</b>
1-3 Variances	\$979.00	\$97.00	\$1,076.00
4+ Variances	\$1,343.00	\$97.00	\$1,440.00
After building without a permit	\$2,058.00	\$97.00	\$2,155.00

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

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

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

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

**3. PLEASE READ THIS ITEM CAREFULLY**

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

**4. Collection of Personal Information**

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

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

- 9) Parking and Docking: This question is only relevant if you can only access your property by water.
- 10) Existing Uses: e.g. residential, retail business, vacant recreational land
- 11) Buildings: If there are **ANY** buildings or structures on the property now, the answer to this question is "yes".
- 12) Description of buildings and structures: You must complete all sections of this question for each structure on your property. **If there is a deck on your dwelling, please describe it separately from the residence.**
- 13) Proposed Uses: Generally, the answer to this question will be the same as the answer to #10, but if, for example, the land is currently vacant, and you are planning to construct a dwelling, then the use to be described in section 10 would be "vacant recreational land", and the use described in section 13 would be "residential"
- 14) Proposed structures: If you are planning to build **ANYTHING** on the property, the answer to this question is "yes" – This includes additions, decks, garages, septic systems.
- 15) Description of new construction: **ALL** proposed new development must be described here. If you are proposing to construct an addition to a dwelling, and to add a deck, please show this information in separate columns.
- 16) **Demolition: All demolition requires a permit from the building department.** In some instances, a proposed addition or increase in height cannot be accomplished without the removal of existing walls. If this is not made clear to the Committee at the beginning of the process, you may find that, although you are granted permission to add on to your residence, you can't actually do it because you have not made it clear that there is demolition involved.
- 17) Raising of Structure: In other words, are you proposing to raise the building in order to construct a basement under it.
- 18) Uses of Development: Please answer each part of this question. An increase in living space would include anything with walls – e.g. a screened porch would involve an increase in living space.
- 19) Date land acquired: When did you take possession of the property?
- 20) Date of existing buildings: If you are not sure, provide your best estimate.
- 21) Length of existing uses: For example, has the land been used for residential purposes for 30 years, or 18 months?
- 22) Water supply: in most cases the answer will be private well, but some waterfront properties take their water from a lake.

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

- 23) **Septic:** in most cases the answer will be private sewage system, but there may be some privies.
- 24) **Drainage:** Are there specific ditches that have been constructed to deal with drainage; is there natural drainage, etc.?
- 25) **Application for consent:** Is there currently an application for consent (severance) being proposed for the property?
- 26) **If yes:** If there is a current application for severance or subdivision on the property, please indicate the file number. (Staff can help provide this information)
- 27) **Minor variance:** Has there ever been a minor variance granted on the property? If you are long-time owner of the property, you will probably be aware of any other special permission granted for a variance to the zoning by-law. If you are a new owner, the seller will probably have made you aware of this.
- 28) **If yes:** If there has been a previous variance granted on the property, please indicate the application number if known, and what the details of the variance were.
- 29) **SKETCH:** **We cannot stress enough the importance of a detailed, accurate, and complete sketch. You do not necessarily need to contract with a professional to draw the sketch, but sketches that are not drawn to scale, do not show dimensions and distances, or are not drawn neatly (PLEASE USE A RULER), will not be accepted.**
- 30) **Agreement to Indemnify:** Must be signed in front of a commissioner of oaths – you may have this done before submitting the application, or sign the application in front of staff who can sign as commissioners. All owners must sign the application, or it can be signed by an agent if one has been appointed.

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

Date Received: \_\_\_\_\_

File No: PL-BDJ-2022-0172

1. Name of Owner(s): \_\_\_\_\_

**Full Mailing Address** of Owner(s): \_\_\_\_\_

Phone number of Owner(s): \_\_\_\_\_

Email Address of Owner(s): \_\_\_\_\_

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

Name of Authorized Agent: \_\_\_\_\_

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

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

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

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

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

3. The description of the subject land:

District:       Bedford               Portland               Loughborough               Storrington

Concession Number: ~~060-010~~              Lot Number: LOT 52

Street Number: 1015              Name of Road/Street: SANDPIPER LN

Reference Plan Number: 716              Part Number(s): 9 to 14

Roll Number: 060-010-13300-0000

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

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

Frontage (on water): 305' Frontage (on road/lane): 305'  
Depth: 75M Area: 2.6 ACRES

5. The current zoning of the subject land:

RESIDENTIAL

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

DETACHED GARAGE HEIGHT MAXIMUM IS 19FT  
ASKING FOR 26FT

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

HEIGHT IS ABOVE SET PARAMETERS  
OF DETACHED GARAGES

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

Name of Road/Lane:

SANDPIPER

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.

NO

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

FAMILY HOME RESIDENTIAL

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

Yes  No

**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE**  
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12. If the answer to item 11 is yes, for **EACH building or structure** indicate:

Type of Structure (E.g. residence)	(1)	(2)	(3)	(4)
	HOUSE	BOAT HOUSE		
Setback from Front Lot Line	60ft	∅		
Setback from Rear Lot Line	60M	70M		
Setback from Side Lot Line	15M	35M		
Height of Building (Also indicate if it is one story or two story)	36ft 1 story	20ft 1 story		
Dimensions of Floor Area	2100 sq ft	350 sq ft		
Setback from High Water Mark (If applicable)	60ft	∅		

13. The proposed uses of the subject land:

FAMILY HOME RESIDENTIAL

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

Yes       No

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

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

Type of Structure (E.g. residence)	(1)	(2)	(3)	(4)
	DETACHED GARAGE			
Setback from Front Lot Line	45m			
Setback from Rear Lot Line	25m			
Setback from Side Lot Line	38m			
Height of Building (Also indicate if it is one story or two story)	26ft			
Outside Dimensions of Building/Structure	30ft x 40ft			
Setback from High Water Mark (If applicable)	45m			

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:

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

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

If yes, please provide details:

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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:

2018

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

2019

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

Ø Residential for 70 years

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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

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

PRIVATE SEPTIC

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

Ø NATURAL DRAINAGE

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

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

Yes

No

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

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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.

Approved House Renovation 2019

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**  
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**AGREEMENT TO INDEMNIFY**

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

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

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

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

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


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

DATED AT THE TOWNSHIP OF SOUTH FRONTENAC

THIS 12 DAY OF DECEMBER, 2022

I, Tom Greenlee OF INVERARY

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



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DATED AT THE TOWNSHIP OF SOUTH FRONTENAC

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_

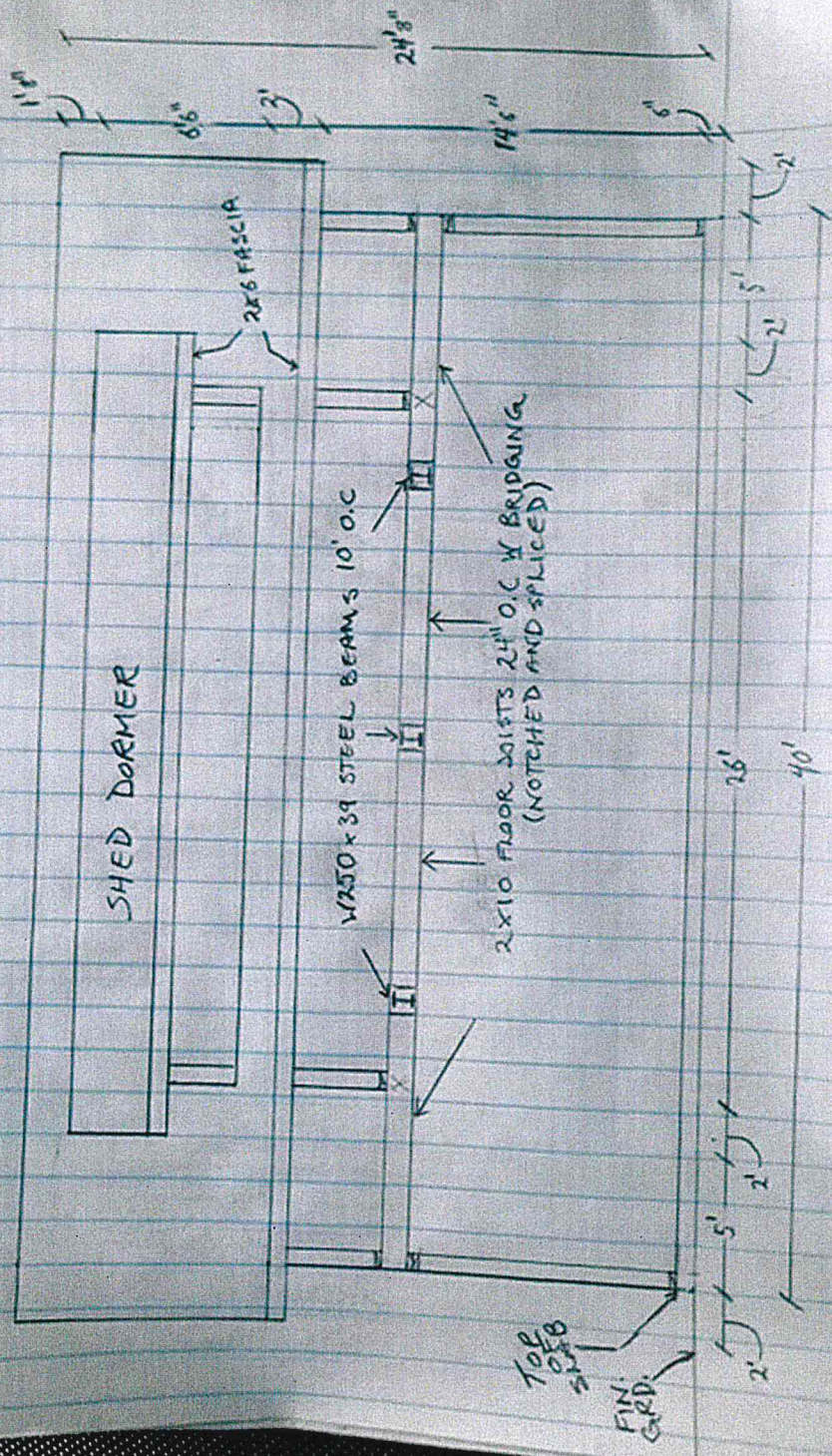
I, \_\_\_\_\_ OF \_\_\_\_\_  
solemnly declare that all the statements contained in this application are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

\_\_\_\_\_  
Signature of Applicant or Authorized Agent

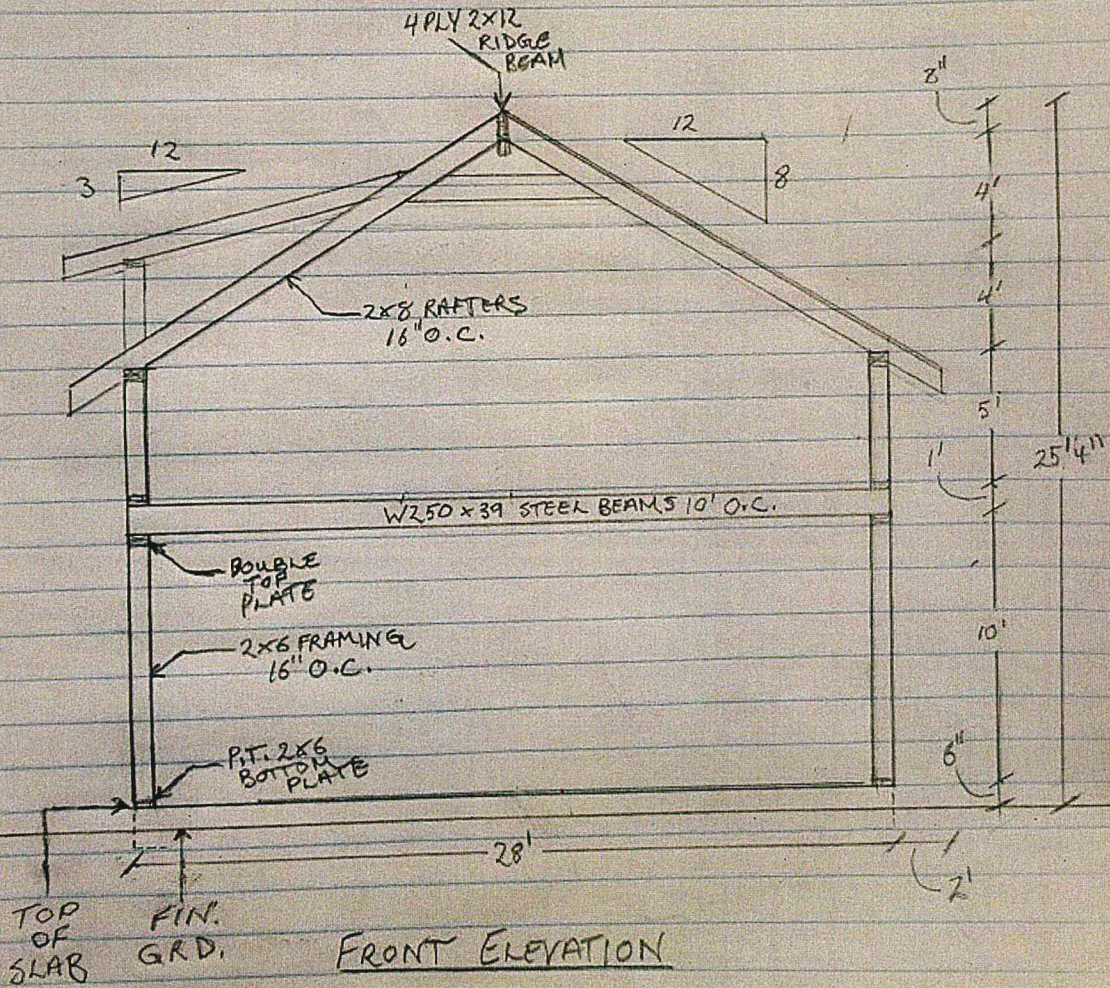
\_\_\_\_\_  
Signature of Applicant or Authorized Agent



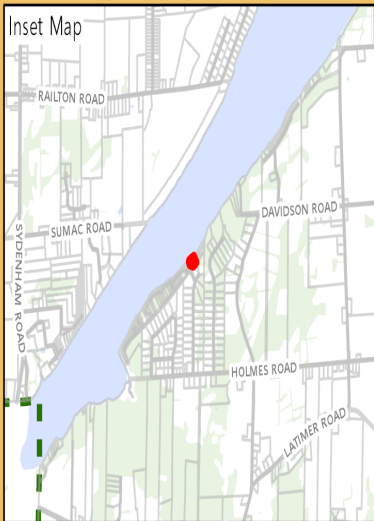
TIM GREENLEES GARAGE  
 1015 SANDPIPER LANE  
 FRAMING DETAIL



TIM GREENLEE'S GARAGE  
1015 SANDPIPER LANE  
FRAMING DETAIL



15100



**SOUTH  
FRONTENAC**

**PL-ZNA-2022-0172  
(GREENLEES)**

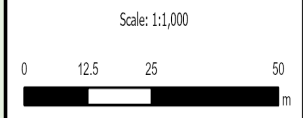
**1015 SANDPIPER LANE**

**Legend**

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

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

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



UTM Zone 18 NAD 83

Date: 2022-12-20

# Township of South Frontenac Staff Report

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**To:** Committee of Adjustment

**Prepared by:** Development Services Department

**Date of Meeting:** February 9, 2023

**Subject:** **Application for Minor Variance (S. 45(1) of Planning Act) PL-ZNA-2022-0172, Greenlees, 1015 Sandpiper Lane, Storrington District**

## Summary

This report recommends that the Committee of Adjustment grant the request for zoning relief to permit a detached garage to have a height that exceeds the 6 metre building height permitted for accessory buildings in the RLSW zone, as the application meets the four tests of a minor variance outlined in section 45(1) of the Planning Act.

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## Background

**Official Plan Designation:** Rural

**Zoning:** Limited Services Residential – Waterfront – Special Provision (RLSW-112)

The RLSW-112 zone establishes a minimum 0.8 hectare (2 acre) lot area for the subject property.

### Zoning Relief Requested

Section 10.3.2 – to permit an accessory building (detached garage) to be 7.9 metres (26 feet) high, whereas the RLSW zone allows a maximum 6 metre (19.7 foot) building height for accessory buildings.

### Related Applications

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

## Discussion

### Property Description

The one hectare (2.6 acre) property has frontage on Loughborough Lake and is accessed from Sandpiper Lane. Sandpiper Lane bisects the property. The property is generally

forested and slopes down towards the lake. The property is developed with a single detached dwelling and a boathouse.

### **Summary of Proposal**

The application is seeking a variance to permit a 1200 square foot, two-storey, detached garage to exceed the maximum 6 metre building height allowed for accessory buildings. The garage would be 7.9 metres in height.

The garage would be located on the south side of Sandpiper Lane in a cleared area that has been cut into the limestone hill. The garage would be setback 5 metres from the lane and 45 metres from the highwater mark of the lake.

### **Department and Agency Comments**

The application was not reviewed by any Township departments nor Cataraqui Conservation due to the nature of the requested relief and the proposed location of the building.

### **Public Comments**

No comments were received 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 property is designated Rural on Schedule A of the Official Plan. The proposed detached garage would be an accessory use to the permitted, existing residential use of the property. The garage would be setback more than 30 metres from the highwater mark of Loughborough Lake, as required by section 5.2.7(b) of the Official Plan.

The proposed variance maintains the general intent and purpose of the Official Plan related to residential development, and development adjacent to environmentally sensitive areas.

#### [Does the variance maintain the general intent and purpose of the Zoning By-law?](#)

The accessory detached garage is a permitted use on the subject property. The garage would comply with all zoning setback requirements as well as lot coverage. The 7.9 metre building height is reasonable given the dimensions of the building (e.g. a larger building

requires greater height to accommodate a minimal roof pitch). The proposed 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 variance for the proposed detached garage is desirable for the appropriate use of the land and building as the increase in building height allows for the enclosed, secure storage of vehicles and goods while minimizing the footprint of the building.

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 use of the land. The building will be constructed into the limestone hill, and will be setback from the lane such that the building can be accessed without blocking the lane. It is anticipated that there would be no adverse impacts on adjacent properties.

## 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-2022-0172 for 1015 Sandpiper Lane, subject to the following conditions.

1. The minor variance is for an accessory building (detached garage). The detached garage is permitted to have a maximum 7.9 metre building height. The location of the garage must be consistent with the applicant's site sketch that will be attached to the Decision as Schedule "A".

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 PL-ZNA-2022-0172 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



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

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*Planning Act, R.S.O. 1990, c. P.13 as amended*

**3. PLEASE READ THIS ITEM CAREFULLY**

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

**4. Collection of Personal Information**

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

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

Date Received: December 13, 2022

File No: PL-ZNA-2022-0172

1. Name of Owner(s): \_\_\_\_\_  
Full Mailing Address of Owner(s): \_\_\_\_\_  
\_\_\_\_\_  
Phone number of Owner(s): \_\_\_\_\_  
Email Address of Owner(s): \_\_\_\_\_

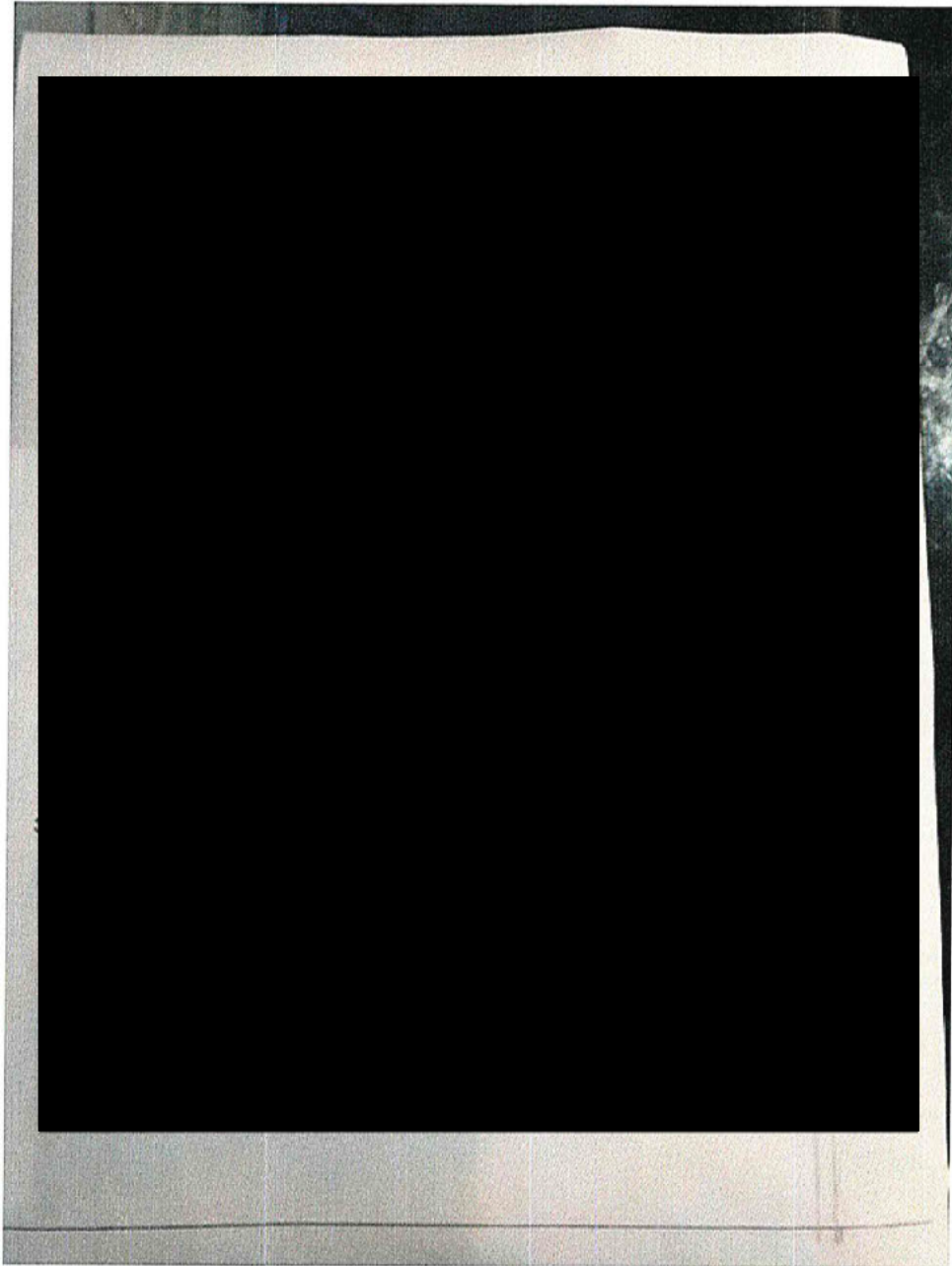
2. If the applicant is **NOT** the owner of the subject land, the written authorization of the owner that the applicant is authorized to make the application, must accompany the application.

Name of Authorized Agent: Reo Stokes  
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.

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

3. The description of the subject land:  
District:     Bedford         Portland         Loughborough         Storrington  
Concession Number: 9                      Lot Number: PT Lot 20  
Street Number: 1490                      Name of Road/Street: Thompson Lane  
Reference Plan Number: 13R 21728                      Part Number(s): Parts 4 to 8  
Roll Number: 070 - 060 - 25700 - 0000



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

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

Frontage (on water):  $\pm$  45 m Frontage (on road/lane):  $\pm$  100 m

Depth: VARIES 100 m Area:  $\pm$  5600 sm

5. The current zoning of the subject land:

RLSW - Limited Service Residential - waterfront zone

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

- Reduced Setback from private Lane from 5m to 4 metres

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

irregular site limits building placement.

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

Name of Road/Lane:

Thompson 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?

Existing Season Cottage, Bunkie and garage

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

Yes  No

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

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

Type of Structure (E.g. residence)	(1)	(2)	(3)	(4)
	Bunkie w/ Screened Porch	Garage	Season Cottage (to be demolished)	
Setback from Front Lot Line	40 M	70 M	44 M	
Setback from Rear Lot Line	13 M	3 M	9 M	
Setback from Side Lot Line	11 M	3 M	9 M	
Height of Building (Also indicate if it is one story or two story)	6 M	6 M	6 M	
Dimensions of Floor Area	9.2 x 6.6	15.24 x 7.62 7.62 x 4.8	6 M x 7.5 M	
Setback from High Water Mark (If applicable)	40 M	70 M	44 M	

13. The proposed uses of the subject land:

New Single Family 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

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

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

Type of Structure (E.g. residence)	(1)	(2)	(3)	(4)
Setback from Front Lot Line	Single family Residence			
Setback from Rear Lot Line	30 M			
Setback from Side Lot Line	50 M			
Height of Building (Also indicate if it is one story or two story)	3 M			
Outside Dimensions of Building/Structure	8 M			
Setback from High Water Mark (If applicable)	VARIES 20 M x 10 M			
	30 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:

Demolition of SEASONAL Cottage.

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

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

If yes, please provide details:

18. What are the uses of the proposed development?

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

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

July 28, 2017

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

June 1965 (approx)

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

57 years

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

Private well to be drilled

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

Privately owned and operated septic system to be constructed

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

Natural drainage

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

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

Yes       No

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

---

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

Yes       No

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

---

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

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

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

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

**AGREEMENT TO INDEMNIFY**

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

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

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

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

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


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

DATED AT THE TOWNSHIP OF SOUTH FRONTENAC

THIS 13<sup>th</sup> DAY OF December, 2022

I, Rob Stolos OF Kingston

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



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

**A Guide to Completing the Minor Variance Form**

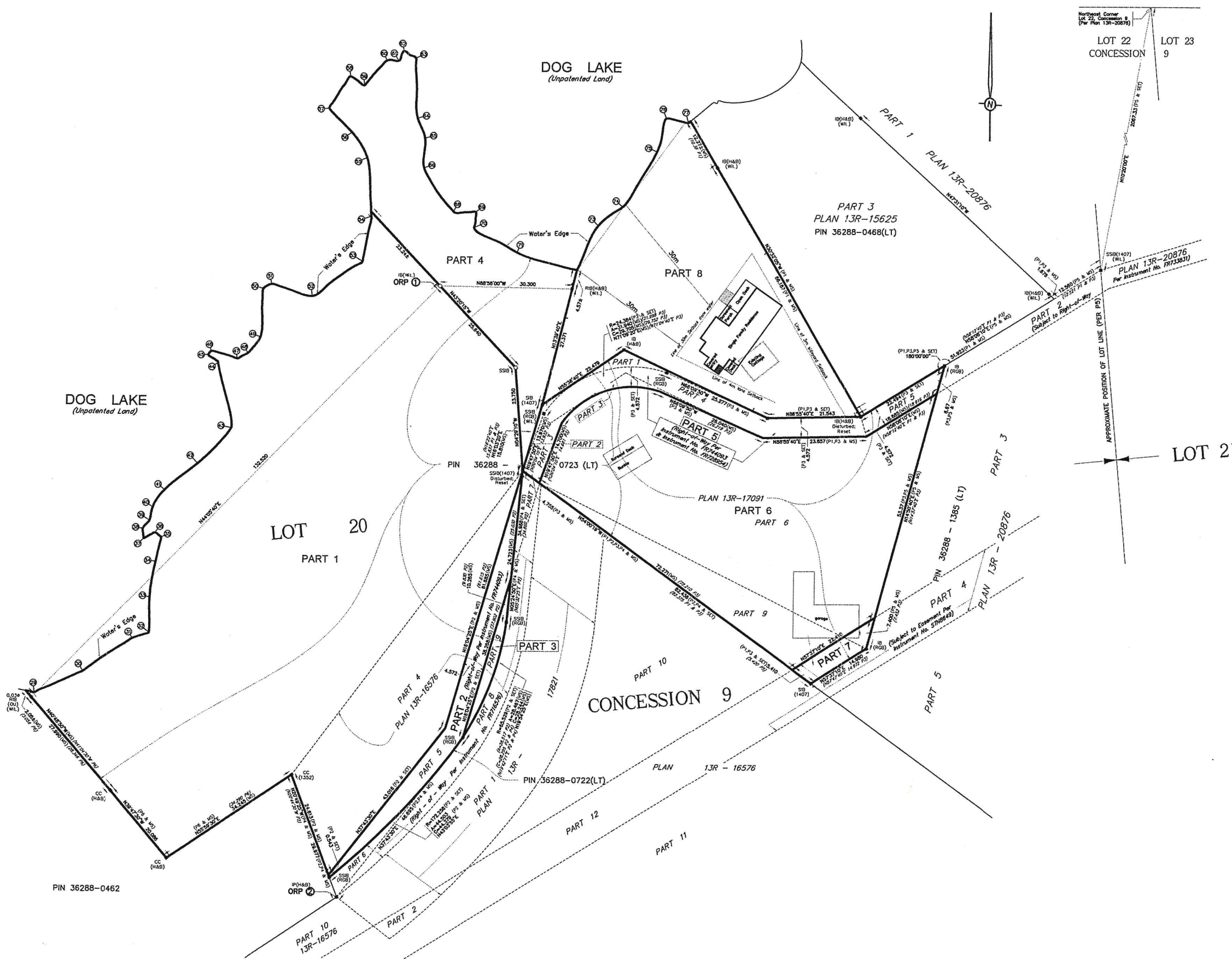
- 1) The names of **all** owners must appear in this section, even if they live in separate residences, and the address(es) should be the **full mailing address, complete with postal code**.
- 2) You may wish to appoint someone to act on your behalf during the variance process. If so, that person's name,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

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

- 9) Parking and Docking: This question is only relevant if you can only access your property by water.
- 10) Existing Uses: e.g. residential, retail business, vacant recreational land
- 11) Buildings: If there are **ANY** buildings or structures on the property now, the answer to this question is "yes".
- 12) Description of buildings and structures: You must complete all sections of this question for each structure on your property. **If there is a deck on your dwelling, please describe it separately from the residence.**
- 13) Proposed Uses: Generally, the answer to this question will be the same as the answer to #10, but if, for example, the land is currently vacant, and you are planning to construct a dwelling, then the use to be described in section 10 would be "vacant recreational land", and the use described in section 13 would be "residential"
- 14) Proposed structures: If you are planning to build **ANYTHING** on the property, the answer to this question is "yes" – This includes additions, decks, garages, septic systems.
- 15) Description of new construction: **ALL** proposed new development must be described here. If you are proposing to construct an addition to a dwelling, and to add a deck, please show this information in separate columns.
- 16) **Demolition: All demolition requires a permit from the building department.** In some instances, a proposed addition or increase in height cannot be accomplished without the removal of existing walls. If this is not made clear to the Committee at the beginning of the process, you may find that, although you are granted permission to add on to your residence, you can't actually do it because you have not made it clear that there is demolition involved.
- 17) Raising of Structure: In other words, are you proposing to raise the building in order to construct a basement under it.
- 18) Uses of Development: Please answer each part of this question. An increase in living space would include anything with walls – e.g. a screened porch would involve an increase in living space.
- 19) Date land acquired: When did you take possession of the property?
- 20) Date of existing buildings: If you are not sure, provide your best estimate.
- 21) Length of existing uses: For example, has the land been used for residential purposes for 30 years, or 18 months?
- 22) Water supply: in most cases the answer will be private well, but some waterfront properties take their water from a lake.

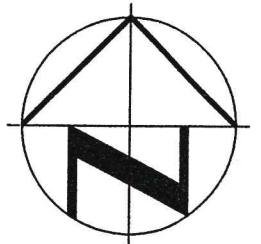
**TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE**  
*Planning Act, R.S.O. 1990, c. P.13 as amended*

- 23) Septic: in most cases the answer will be private sewage system, but there may be some privies.
- 24) Drainage: Are there specific ditches that have been constructed to deal with drainage; is there natural drainage, etc.?
- 25) Application for consent: Is there currently an application for consent (severance) being proposed for the property?
- 26) If yes: If there is a current application for severance or subdivision on the property, please indicate the file number. (Staff can help provide this information)
- 27) Minor variance: Has there ever been a minor variance granted on the property? If you are long-time owner of the property, you will probably be aware of any other special permission granted for a variance to the zoning by-law. If you are a new owner, the seller will probably have made you aware of this.
- 28) If yes: If there has been a previous variance granted on the property, please indicate the application number if known, and what the details of the variance were.
- 29) **SKETCH: We cannot stress enough the importance of a detailed, accurate, and complete sketch. You do not necessarily need to contract with a professional to draw the sketch, but sketches that are not drawn to scale, do not show dimensions and distances, or are not drawn neatly (PLEASE USE A RULER), will not be accepted.**
- 30) **Agreement to Indemnify:** Must be signed in front of a commissioner of oaths – you may have this done before submitting the application, or sign the application in front of staff who can sign as commissioners. All owners must sign the application, or it can be signed by an agent if one has been appointed.



**General Notes:**  
 These plans were designed in accordance with the requirements of the Ontario Building Code.  
 Drawings must not be scaled.  
 Contractor shall verify and be responsible for all dimensions and minimum code requirements and shall report any discrepancy to the Owner before proceeding with any work.  
 Plans are copyrighted and any unlawful use without company's express and written permission.  
 These plans form the basis for the permit issuance and any deviations from these plans and details including ventilation system, heating system, woodwork, fireplaces, decks, balconies and finish basements will require a revised drawing and clearance by the Building Department.

**DESIGNER INFORMATION**  
 I, Rod Stokes of Rod Stokes Consulting review and take responsibility for the design work, and am qualified in the appropriate categories as "Designer" under Division C Part 3 Section 3.2.4 of the Ontario Building Code.  
**Firm B.C.I.N.: 38482**  
**Individual B.C.I.N.: 31134**  
 Signed: Rod Stokes



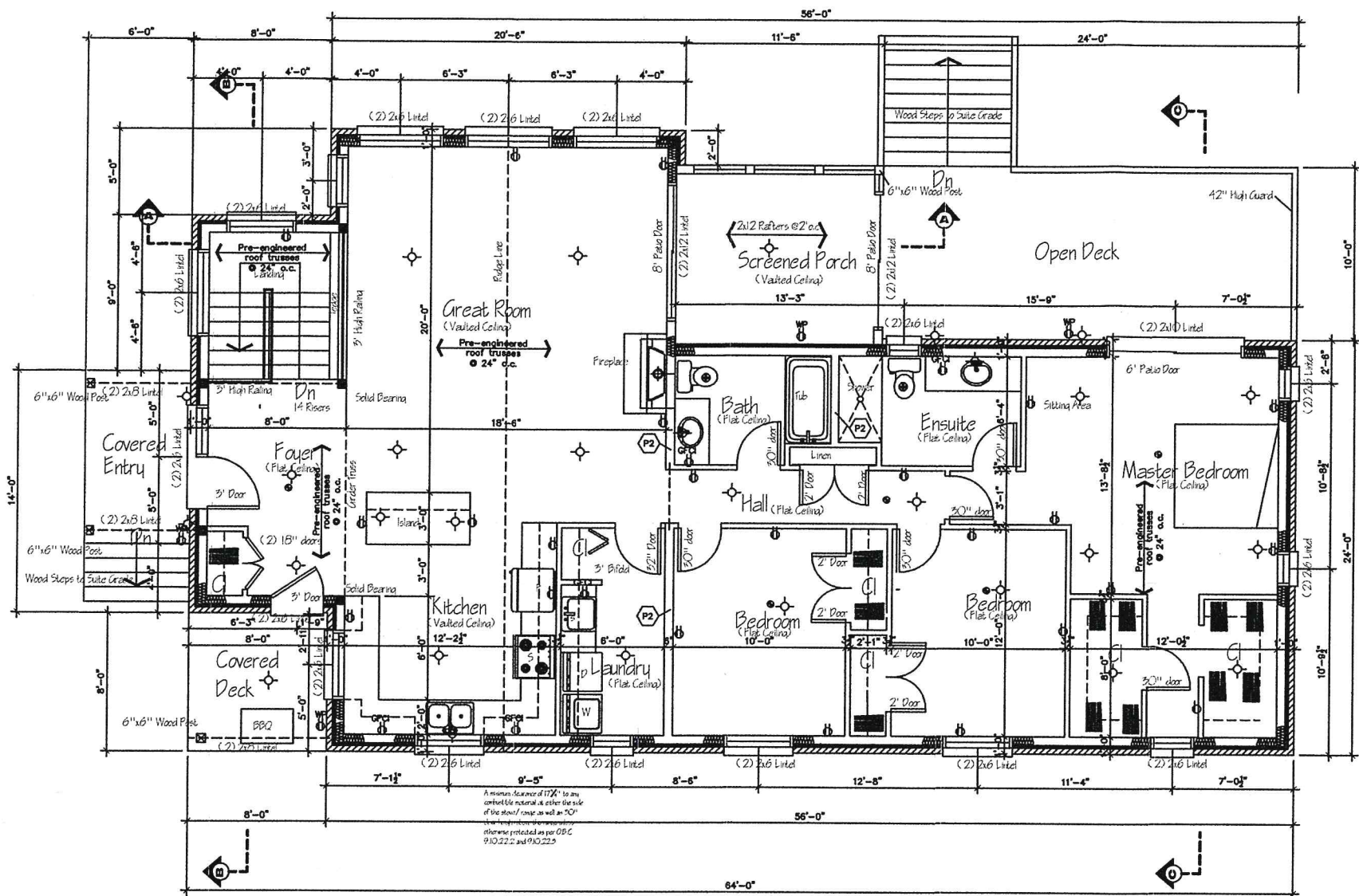
4		
5		
2		
1	Issued for minor variance application	Dec 15/12
No.	Revision/Issue	Date



Proposed New Residence  
 for Steve & Angie Thompson  
 1490 Thompson Lane, Dog Lake  
 Battersea, Ontario  
 Twp of South Frontenac,

Drawing  
 Site Plan

Project	Sheet
Date	S-1
Scale	As noted



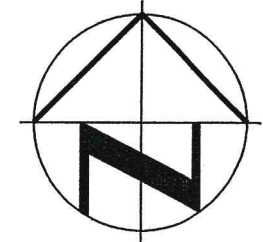
**Ground Floor Plan** Gross Floor Area 1,702 sq' (excluding decks and Screened Porch)  
Scale 1/4" = 1'-0"

**Roof Types**

- (R1) Roof / Ceiling Assembly  
 Pre-finished metal roofing on wood strapping  
 15 # felt building paper and / or eave protection as per code  
 1/2" roof sheathing  
 Engineered roof trusses @ 24" o.c.  
 R21 ceiling insulation vaulted ceilings  
 R60 blown insulation flat ceilings  
 6 mil poly vapour barrier  
 1x3 ceiling strapping @ 16" o.c.  
 1/2" drywall finish
- (W1) Exterior Wall Assembly R 29  
 Horizontal siding or stone veneer (as per elevations)  
 Tyvek house wrap  
 1" rigid insulation Board R5  
 7/16" asphalt sheathing  
 2x6 wood studs @ 16" o.c.  
 R24 Rowl Comfort Batt insulation  
 6 mil poly vapour barrier  
 1/2" drywall
- (W2) Foundation Wall Assembly R22 min  
 Interior 1/2" inch drywall finish  
 ICF Foundation 6" conc core  
 parge and damp proof  
 Drainage layer  
 backfill

**General Notes:**  
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**DESIGNER INFORMATION**  
 I, Rod Stokes of Rod Stokes Consulting review and take responsibility for the design work, and am qualified in the appropriate categories as "Designer" under Division C Part 3 Section 3.2.4 of the Ontario Building Code.  
**Firm B.C.I.N.: 38482**  
**Individual B.C.I.N.: 31134**  
 Signed: Rod Stokes



**Floor Types**

- (F1) Grant Space Floor  
 4" concrete floor slab  
 over min 6" compacted granular  
 over native subgrade
- (F2) Ground Floor  
 Finish flooring  
 3/4" spruce subfloor  
 Engineered joists @ 16" o.c. with bridging

**Partition Types**

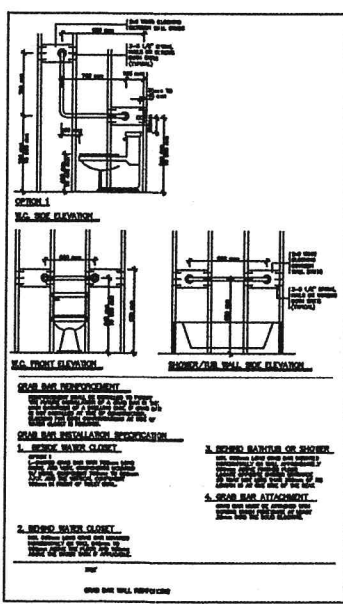
- (P1) -1/2" drywall  
 -2x4 wood studs @ 16" o.c.  
 -1/2" drywall
- (P2) -1/2" drywall  
 -2x6 wood studs @ 16" o.c.  
 -1/2" drywall

4		
3	Issued for Minor variance application	Dec 15/22
2	Basement Stair Added	Nov 18/22
1	Issued for review	
No.	Revision/ Issue	Date

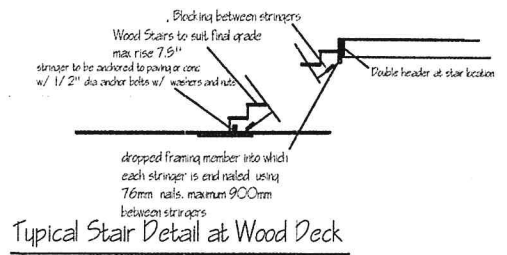


Proposed New Residence  
 for Steve & Angie Thompson  
 1490 Thompson Lane, Doq Lake  
 Batterssea, Ontario  
 Twp of South Frontenac,

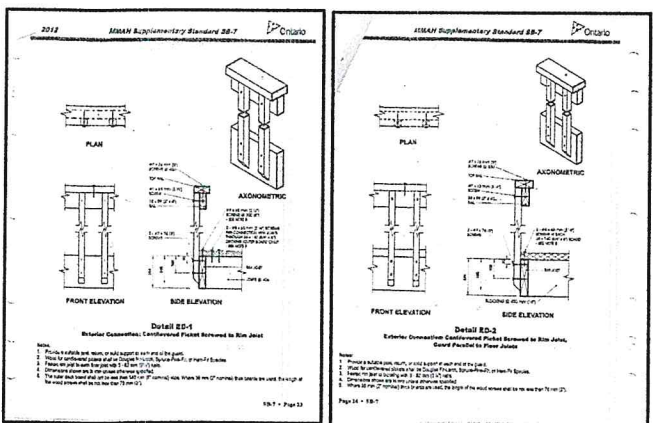
Drawing	
Floor Plans	
Project	Sheet
Date	A-1
Scale	As noted



- ELECTRICAL LEGEND**
- ⊕ Pull cord light switch
  - ⊕ Ceiling mounted light fixture
  - ⊕ Flushmount
  - ⊕ Wall mounted light fixture
  - ⊕ Bar light fixture
  - ⊕ Switch
  - ⊕ Three way switch
  - ⊕ Four way switch
  - ⊕ Ventilation fan switch
  - ⊕ Duplex receptacle
  - ⊕ Split receptacle
  - ⊕ Ground fault circuit interrupter
  - ⊕ Weatherproof receptacle
  - ⊕ 220v receptacle
  - ⊕ Phone jack
  - ⊕ Cable outlet
  - ⊕ Central vacuum outlet
  - ⊕ Speed Receptacle
  - ⊕ Exhaust fan
  - ⊕ Interconnected a.c. smoke alarm
  - ⊕ Carbon Monoxide detector
  - ⊕ Thermostat

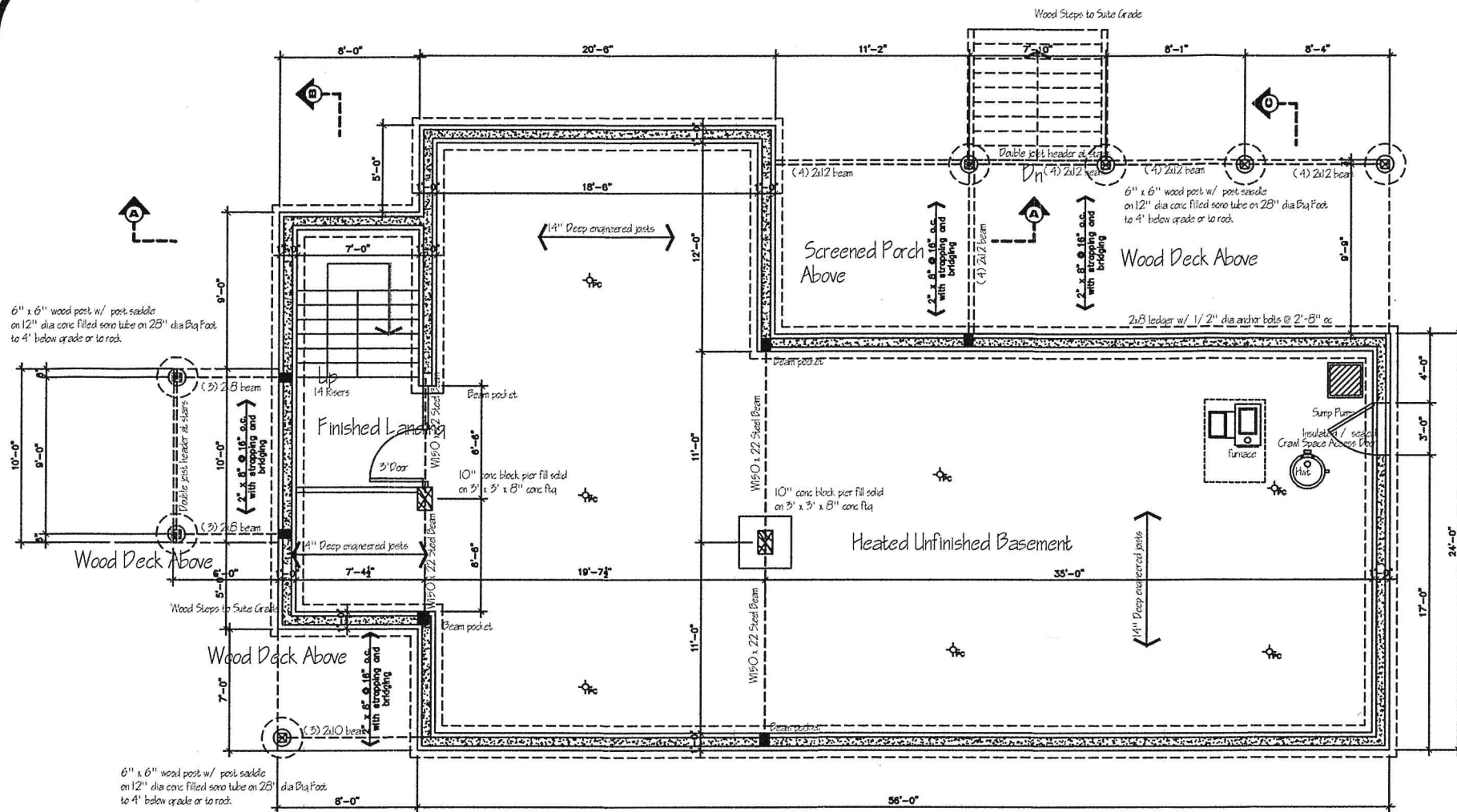


**General Notes**  
**Alarms and Detectors:**  
 Smoke alarms to be provided on each floor level, in all bedrooms and in any hallway separating the bedrooms. Smoke alarms to be installed on or near the ceiling. All smoke alarms to be interconnected so that activation of one alarm will cause all alarms to sound. All smoke alarms to have a visual signalling component or be interconnected to a visual signalling component all smoke alarms to have a battery backup.  
 Carbon monoxide detectors are to be located in ceilings of rooms containing solid fuel appliances, and adjacent to each sleeping area.  
 CO Detectors are to be wired directly to overcurrent device with no disconnect, and wired so that activation will activate all CO Detectors.



**Exterior Guard Details**

**Guard Notes**  
 If the Owner / Contractor elects to install specific manufacturer railing systems instead of wood railings as per SB-7 then they are to provide applicable manufacturer's installation manual and engineering data and/or BMBC approval with their application.



Foundation Plan  
Scale 1/4" = 1'-0"

**Radon Gas Barrier**

1. A soil gas barrier on the foundation walls (clamsprooting) in conformance with Division B, 9.13.4.2(3) and
2. Under basement slab floor using 6 mil polyethylene lapped not less than 300mm in conformance with Figures SB-9A or SB-9B of SB-9 and
3. sealing along the perimeter of the basement floor slab and at all penetrations using flexible sealant (polyureth or caulking) in conformance with Division B 9.13.4.2(4)(a) and SB-9

### Roof Types

- R1 Roof / Ceiling Assembly  
Pre-finished metal roofing on wood strapping  
15 # felt building paper and / or eave protection as per code  
1/2" roof sheathing  
Engineered roof trusses @ 24" o.c.  
R9 insulation vaulted ceilings  
R60 blown insulation flat ceilings  
6 mil poly vapor barrier  
1/2" ceiling strapping @ 16" o.c.  
1/2" drywall finish
- W1 Exterior Wall Assembly R-29  
Horizontal siding or stone veneer (as per elevations)  
Tyvek house wrap  
1" rigid insulation Board R5  
7/16" asph/ftg sheathing  
2x6 wood studs @ 16" o.c.  
R24 Rowl Comfort Batt insulation  
6 mil poly vapor barrier  
1/2" drywall
- W2 Foundation Wall Assembly R-22 min  
Interior 1/2" drywall finish  
ICF foundation 6" conc core  
parge and dampproof  
Drainage layer  
backfill

### Floor Types

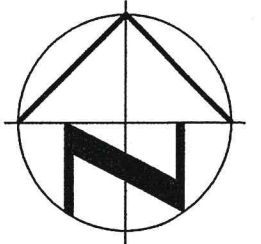
- F1 Crawl Space Floor  
4" concrete floor slab  
over min 6" compacted granular  
on native subgrade
- F2 Ground Floor  
Finish flooring  
3/4" spruce subfloor  
Engineered posts @ 16" o.c. with bridging

### Partition Types

- P1 1/2" drywall  
2x4 wood studs @ 16" o.c.  
1/2" drywall
- P2 1/2" drywall  
2x6 wood studs @ 16" o.c.  
1/2" drywall

**General Notes:**  
These plans were designed in accordance with the requirements of the Ontario Building Code. Drawings must not be scaled.  
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These plans form the basis for the permit issuance and any deviations from these plans and details including ventilation system, heating system, woodstove, fireplaces, decks, balconies and fresh basements will require a revised drawing and clearance by the Building Department.

**DESIGNER INFORMATION**  
I, Rod Stokes of Rod Stokes Consulting review and take responsibility for the design work, and am qualified in the appropriate categories as "Designer" under Division C Part 3 Section 3.2.4 of the Ontario Building Code.  
**Firm B.C.I.N.: 38482**  
**Individual B.C.I.N.: 31134**  
Signed: Rod Stokes



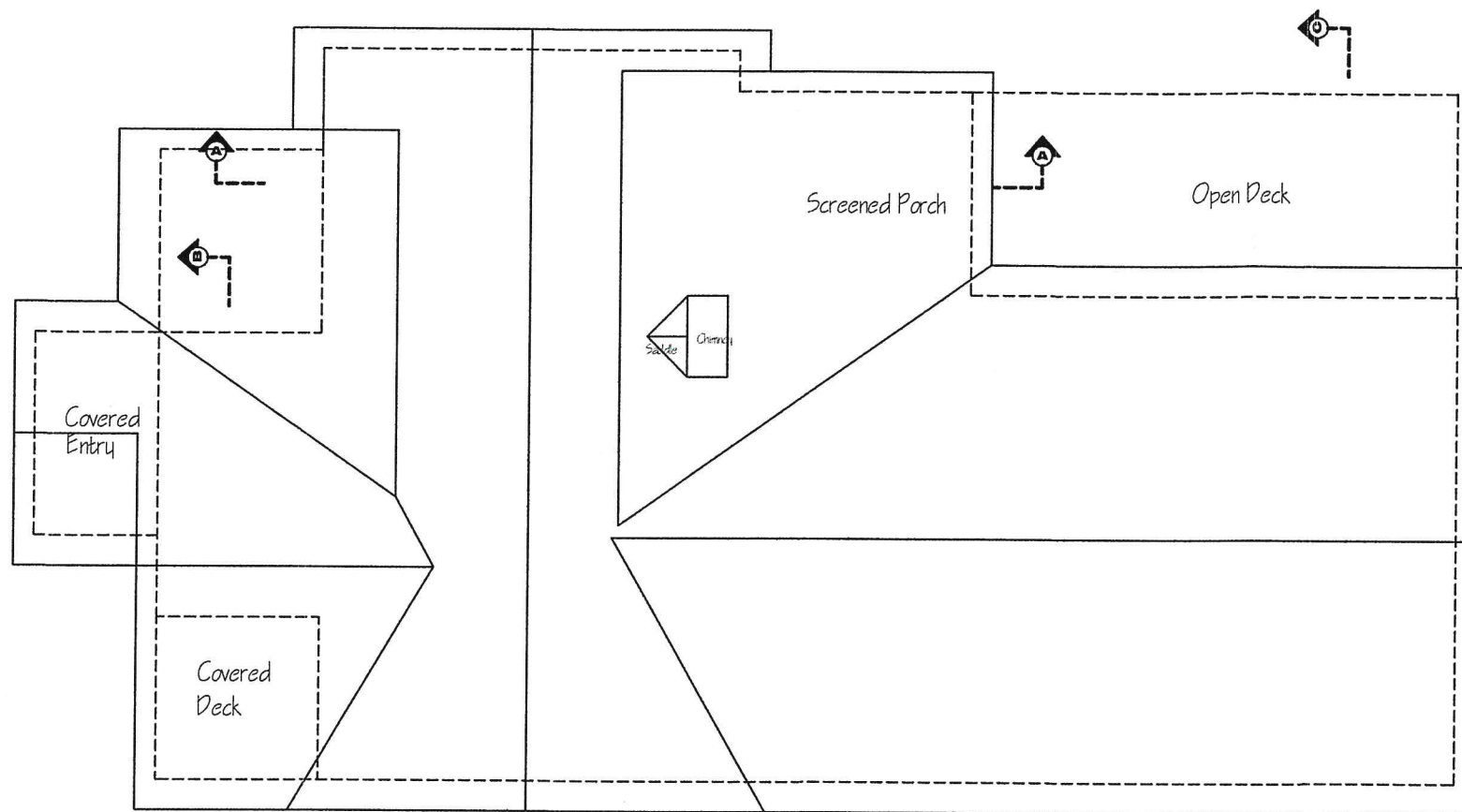
4		
3	Issued for Minor variance application	Dec 13/ 22
2	Basement Slab Added	Nov 15/ 22
1	Issued for review	
No.	Revision/ Issue	Date



Proposed New Residence  
for Steve & Angie Thompson  
1490 Thompson Lane, Doq Lake  
Battersea, Ontario  
Twp of South Frontenac,

Drawing  
Foundation Plan

Project	Sheet
Date	A-2
Scale	As noted



Roof Plan

Scale 1/4" = 1'-0"

### Roof Types

- (R) **Roof / Ceiling Assembly**  
 Pre-finished metal roofing on wood strapping  
 15 # felt building paper and / or eave protection as per code  
 1/2" roof sheathing  
 Engineered roof trusses @ 24" o.c.  
 R31 ceiling insulation vertical ceilings  
 R50 Blown insulation flat ceilings  
 6 mil poly vapour barrier  
 1x3 ceiling strapping @ 16" o.c.  
 1/2" drywall finish

- (W1) **Exterior Wall Assembly R 29**  
 Horizontal siding or stone veneer (as per elevations)  
 Tyvek house wrap  
 1" rigid insulation Board R5  
 7/16" asphalt sheathing  
 2x6 wood studs @ 16" o.c.  
 R24 Rowl Comfort Dats insulation  
 6 mil poly vapour barrier  
 1/2" drywall

- (W2) **Foundation Wall Assembly R22 min**  
 Interior 3/4" inch drywall finish  
 ICF Foundation 6" conc core  
 parap and clampproof  
 Drainage layer  
 backfill

### Floor Types

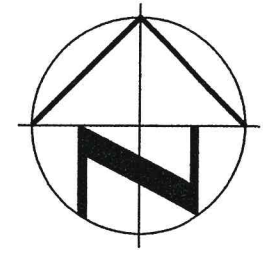
- (F1) **Crack Space Floor**  
 4" concrete floor slab  
 over min 6" compacted granular  
 on native substrate
- (F2) **Ground Floor**  
 Finish flooring  
 3" spruce subfloor  
 Engineered joists @ 16" o.c. with bridging

### Partition Types

- (P1) -1/2" drywall  
 -2x4 wood studs @ 16" o.c.  
 -1/2" drywall
- (P2) -1/2" drywall  
 -2x6 wood studs @ 16" o.c.  
 -1/2" drywall

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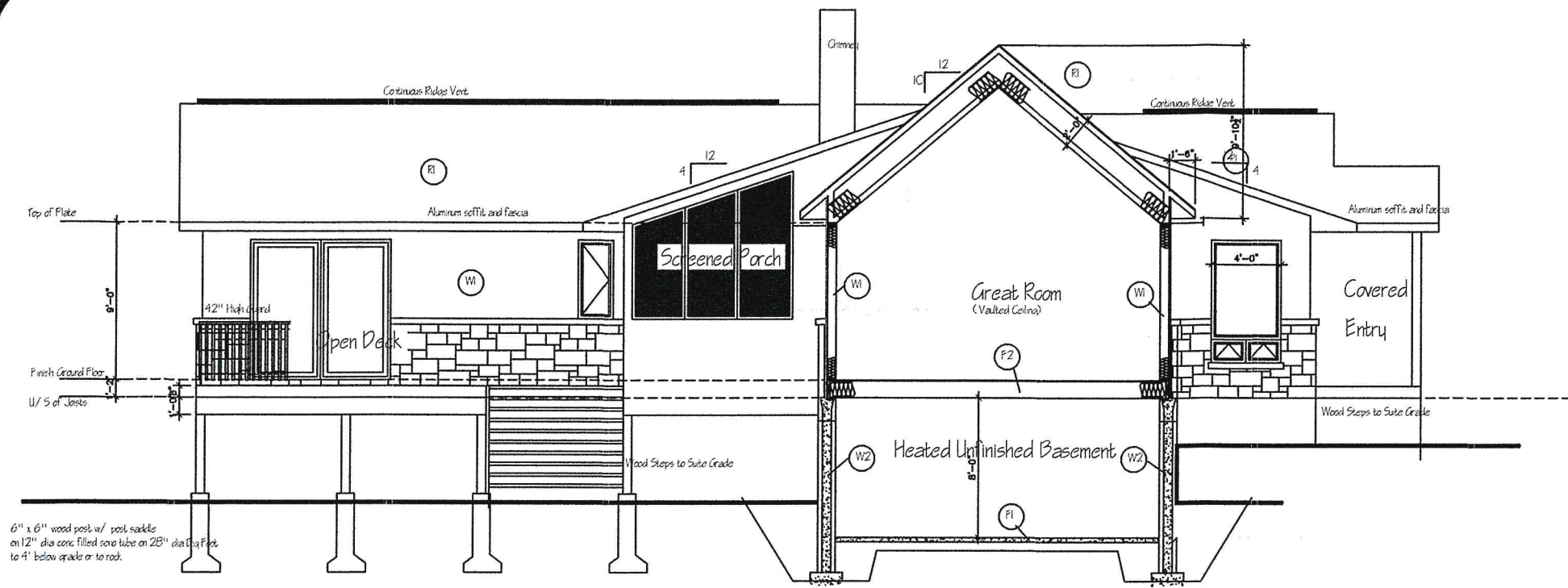
No.	Revision / Issue	Date
4		
3	Issued for Minor variance application	Dec 15 / 22
2	Basement Stair Added	Nov 15 / 22
1	Issued for review	



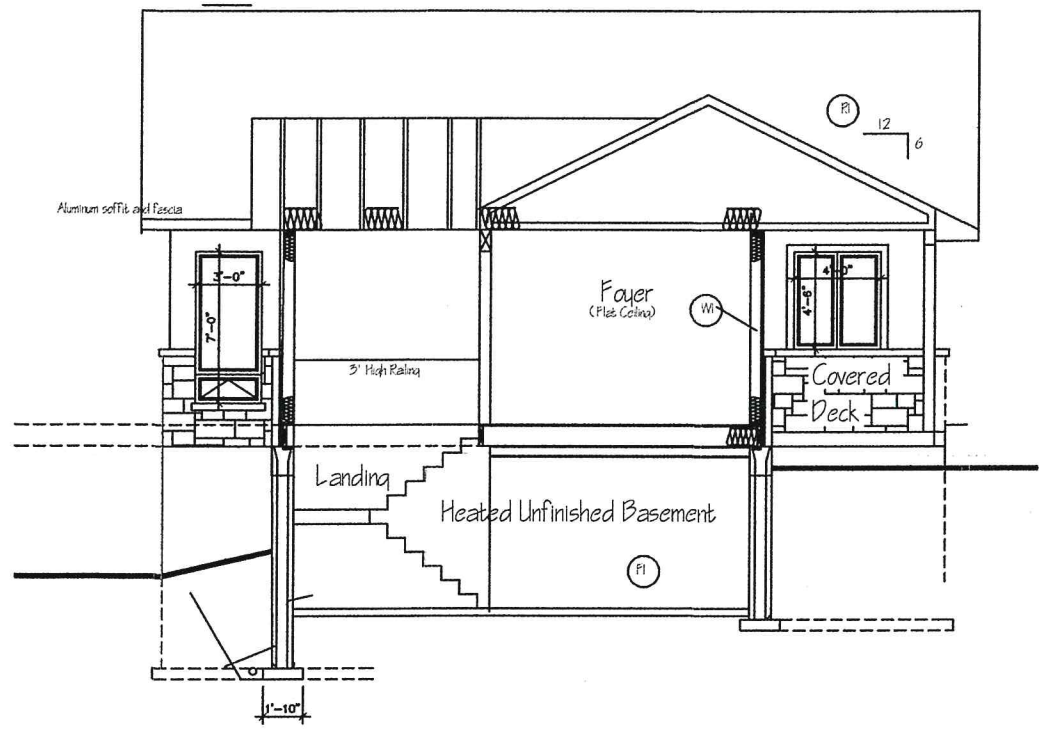
Proposed New Residence  
 for Steve & Angie Thompson  
 1490 Thompson Lane, Daq Lake  
 Battersea, Ontario  
 Twp of South Frontenac,

Drawing  
 Roof Plan

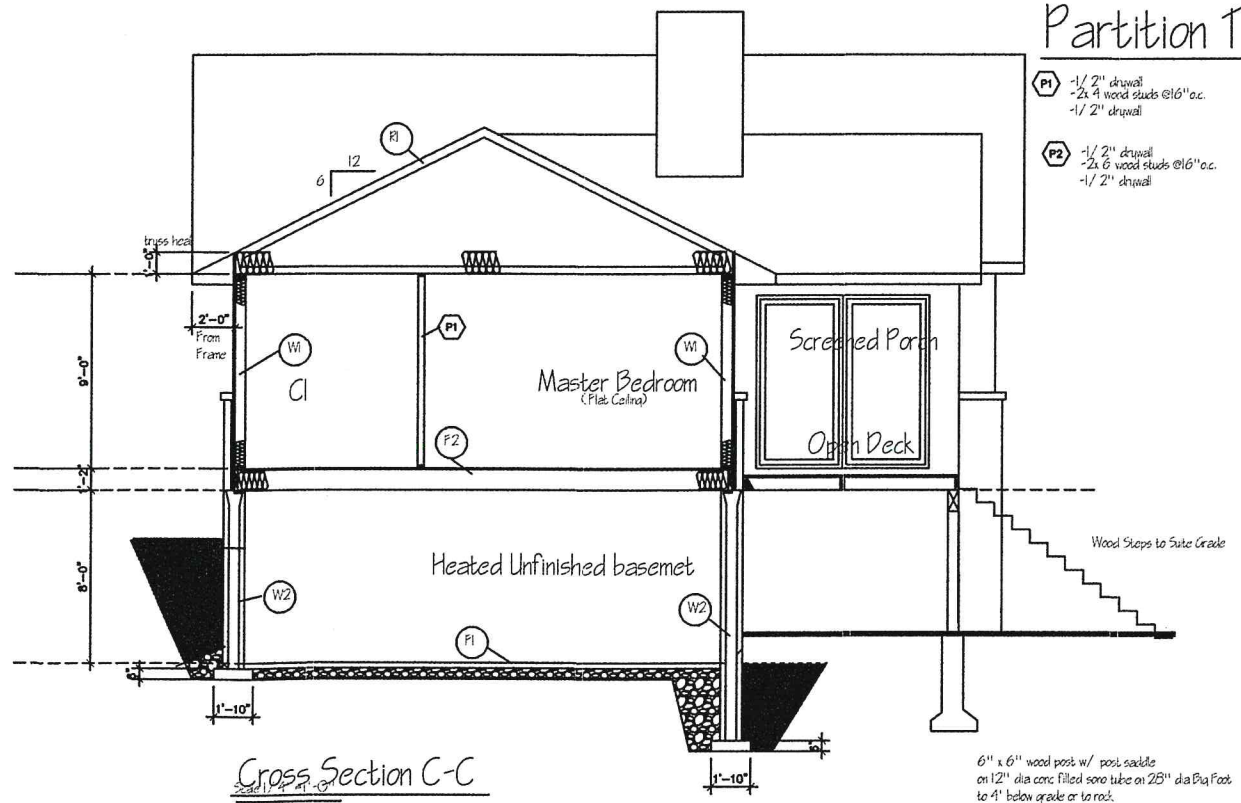
Project	Sheet
Date	A-3
Scale	As noted



**Cross Section A-A**  
Scale 1/4" = 1'-0"



**Cross Section B-B**  
Scale 1/4" = 1'-0"



**Cross Section C-C**  
Scale 1/4" = 1'-0"

### Roof Types

- R1** Roof / Ceiling Assembly  
Pre-finished metal roofing on wood strapping  
15 # felt building paper and / or eave protection as per code  
1/2" roof sheathing  
Engineered roof trusses @ 24" o.c.  
R21 ceiling insulation vaulted ceilings  
R60 Blown insulation flat ceilings  
6 mil poly vapour barrier  
1/2" ceiling strapping @ 16" o.c.  
1/2" drywall finish

- W1** Exterior Wall Assembly R-29  
Horizontal siding or stone veneer (as per elevations)  
Tuck house wrap  
1" rigid insulation Board R5  
7/16" aspenite sheathing  
2x6 wood studs @ 16" o.c.  
R24 Roul Comfort Batt insulation  
6 mil poly vapour barrier  
1/2" drywall

- W2** Foundation Wall Assembly R22 min  
Interior 5/8" drywall finish  
ICF foundation 6" conc core  
poros and clampproof  
Drainage layer  
backfill

### Floor Types

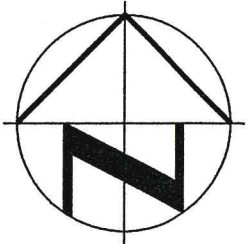
- F1** Crawl Space Floor  
4" concrete floor slab  
over min 6" compacted granular  
on native subgrade
- F2** Ground Floor  
Finish flooring  
3/4" spruce subfloor  
Engineered joists @ 16" o.c. with bridging

### Partition Types

- P1** 1/2" drywall  
2x4 wood studs @ 16" o.c.  
1/2" drywall
- P2** 1/2" drywall  
2x6 wood studs @ 16" o.c.  
1/2" drywall

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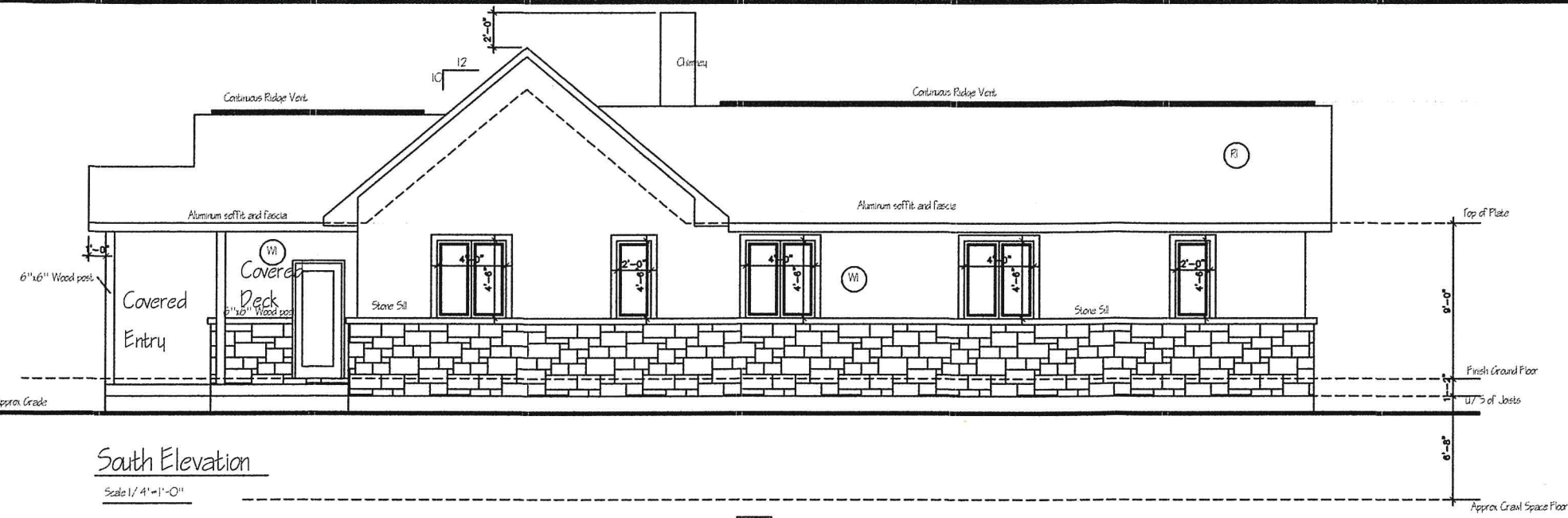
No.	Revision/ Issue	Date
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2	Basement Stair Added	Nov 18/ 22
3	Issued for review	



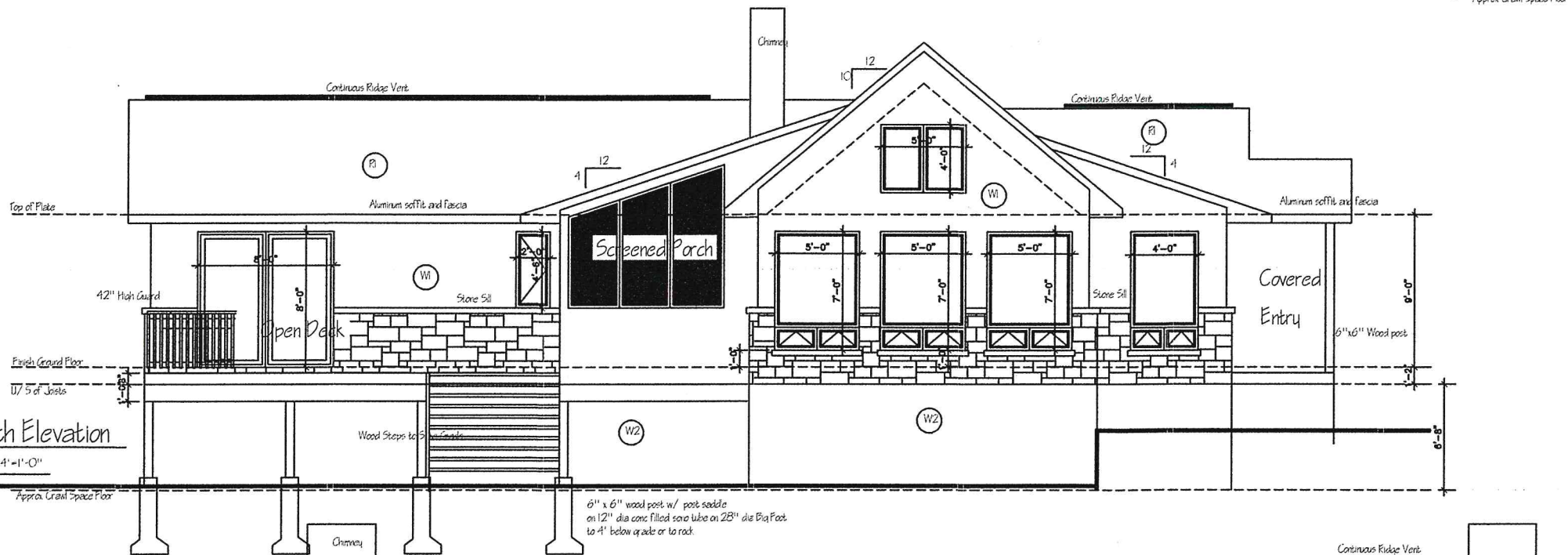
Proposed New Residence  
for Steve & Angie Thompson  
1490 Thompson Lane, Dog Lake  
Battersea, Ontario  
Twp of South Frontenac,

Sections

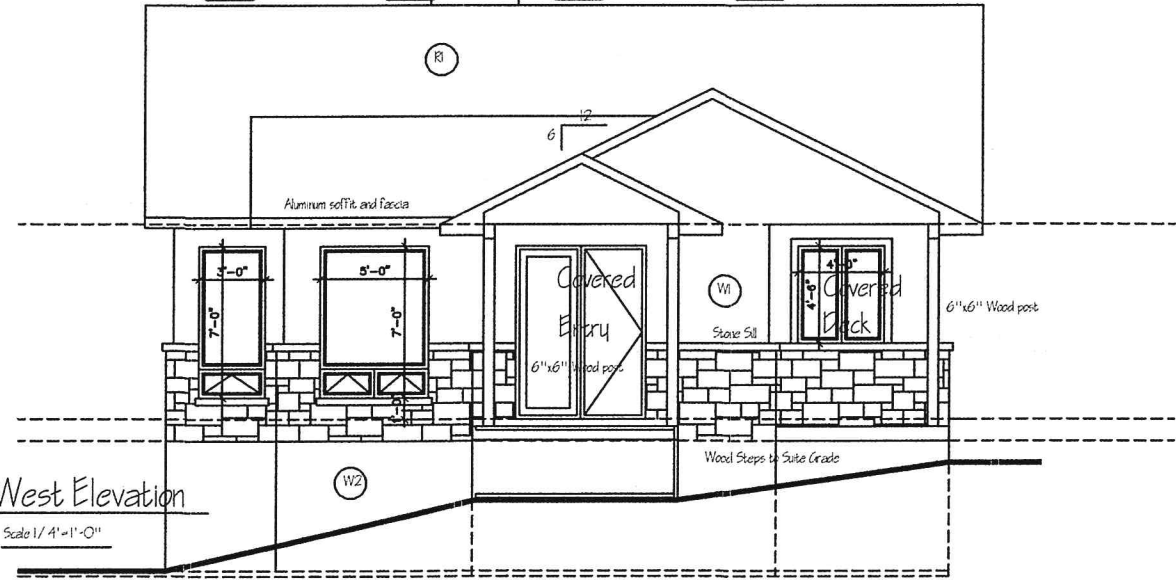
Project	Sheet
Date	A-4
Scale	As noted



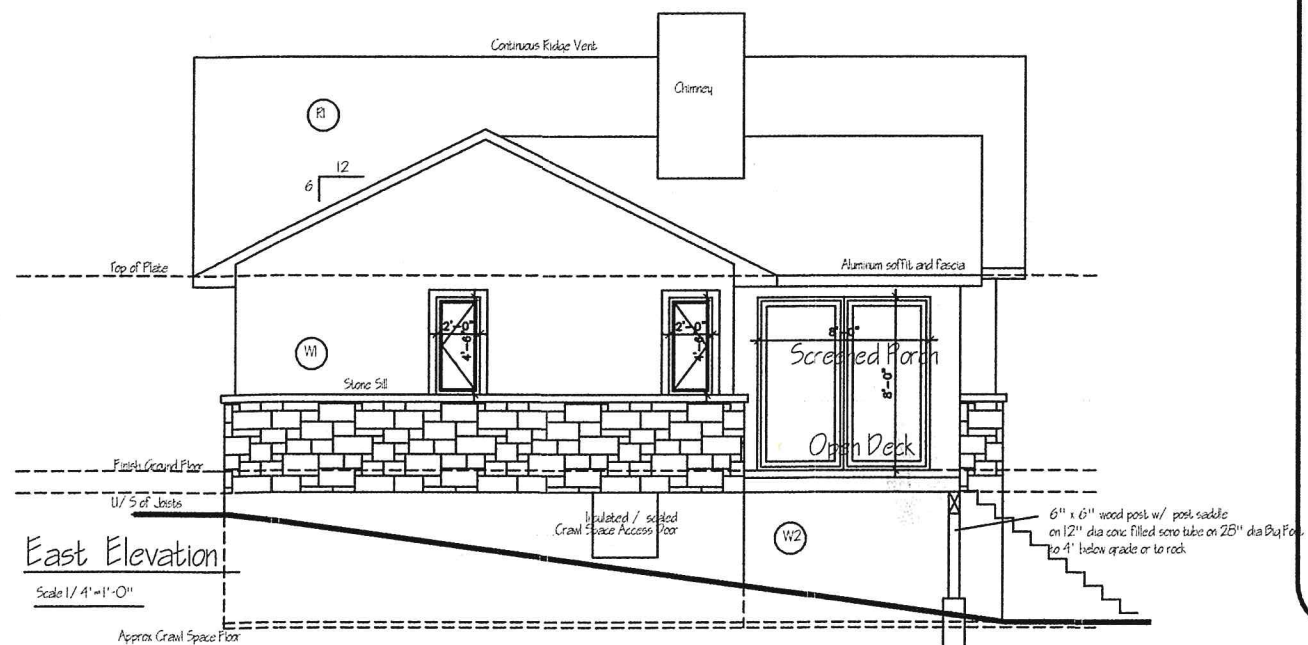
South Elevation  
Scale 1/4" = 1'-0"



North Elevation  
Scale 1/4" = 1'-0"



West Elevation  
Scale 1/4" = 1'-0"



East Elevation  
Scale 1/4" = 1'-0"

### Roof Types

- (R1) Roof / Ceiling Assembly  
Pre-finished metal roofing on wood strapping  
15 # felt building paper and / or eave protection as per code  
1/2" roof sheathing  
Engineered roof trusses @ 24" o.c.  
R31 ceiling insulation vaulted ceilings  
R60 blown insulation flat ceilings  
6 mil poly vapour barrier  
1x5 ceiling strapping @ 16" o.c.  
1/2" drywall finish
- (W1) Exterior Wall Assembly R-29  
Horizontal siding or stone veneer (as per elevations)  
Tyvek house wrap  
1" rigid insulation (Dens-Pak)  
7/16" aspenite sheathing  
2x6 wood studs @ 16" o.c.  
R24 Roul Comfort Batt insulation  
6 mil poly vapour barrier  
1/2" drywall
- (W2) Foundation Wall Assembly R-22 min  
Interior 1/2" inch drywall finish  
ICF foundation 6" conc core  
parapet and damp-proof  
Drainage layer  
backfill

### Floor Types

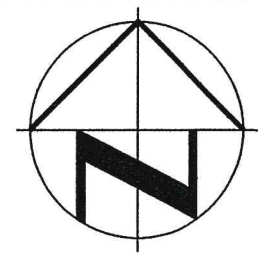
- (F1) Gravel Space Floor  
4" concrete floor slab  
over min 6" compacted granular  
on native subgrade
- (F2) Ground Floor  
Finish flooring  
5/8" spruce subfloor  
Engineered joists @ 16" o.c. with bracing

### Partition Types

- (P1) 1/2" drywall  
-2x4 wood studs @ 16" o.c.  
-1/2" drywall
- (P2) 1/2" drywall  
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4		
3	Issued for Minor variance application	Dec 15/ 22
2	Basement Slab Added	Nov 8/ 22
1	Issued for review	
No.	Revision/ Issue	Date



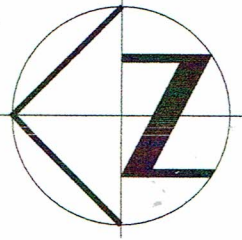
Proposed New Residence  
for Steve & Angie Thompson  
1490 Thompson Lane, Dog Lake  
Battersea, Ontario  
Twp of South Frontenac,

Drawing  
Elevations

Project	Sheet
Date	A-5
Scale	As noted

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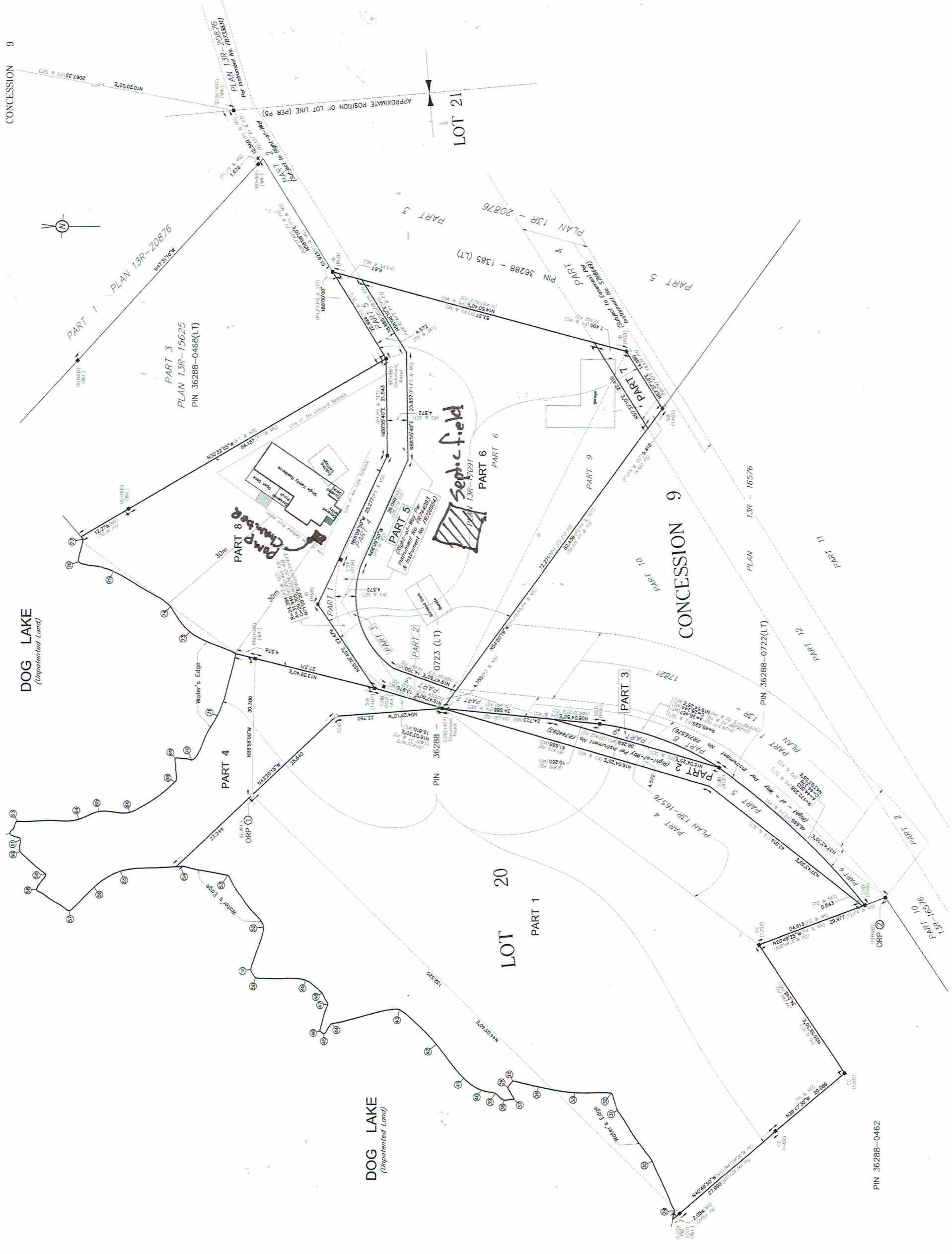
No.	Revision/Issue	Date	By
1	Issued for minor variance application	Dec 17, 22	
2			
3			
4			



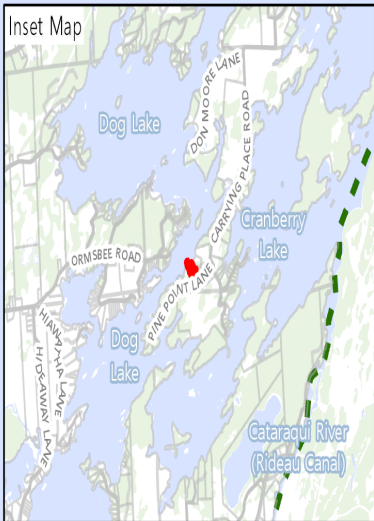
Proposed New Residence  
 for Steve & Anjele Thompson  
 1490 Thompson Lane, Dog Lake  
 Parkeersa, Ontario  
 Twp of South Frontenac.

Site Plan  
 (Showing Septic)

Project	Sheet
Date	5-1
Scale	As noted



PIN 36288-0462



# SOUTH FRONTENAC

**PL-ZNA-2022-0173  
(THOMPSON) (STOKES)**

**1490 THOMPSON LANE**

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

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

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

Scale: 1:1,500

UTM Zone 18 NAD 83  
Date: 2022-12-20



CON 9 PT LOT 20 RP  
13R16576 PARTS 6  
TO 8 AND 10 TO 15

# Township of South Frontenac Staff Report

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**To:** Committee of Adjustment

**Prepared by:** Development Services Department

**Date of Meeting:** February 9, 2023

**Subject:** **Minor Variance Application (S. 45(1) of Planning Act)**  
**PL-ZNA-2022-0173, Stephen Thompson, 1490 Thompson Lane,  
Storrington District**

## Summary

This report recommends that the Committee of Adjustment grant approval of this application for zoning relief for 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

**Official Plan Designation:** Rural

**Zoning:** Limited Service Residential – Waterfront (RLSW); Temporary Use Zone (TUZ)

### Zoning Relief Requested for Dwelling

Sections 5.6.1 – to permit a single detached dwelling to be setback a minimum of 4 metres from the edge of Thompson Lane, whereas a minimum 5 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 property is 0.77 hectare (1.96 acre) in area and has frontage on Dog Lake and on Thompson Lane.

The property is relatively level with a gradual slope towards the lake. The portion of the property south of Thompson Lane contains mature tree cover, the area north of the lane

where the dwelling is proposed is cleared with some natural vegetation along the shoreline. The property is located in an area of similar waterfront residential development. The property contains an existing seasonal dwelling, a bunkie, and a detached garage.

### **Summary of Proposal**

The owner proposes to construct a 207.8 square metre (2287 square foot) single family dwelling on the property. The existing 45 square metre (484 square foot) seasonal dwelling is to be removed. The proposed dwelling would be set back 4m from Thompson Lane. A minor variance is being requested to allow the dwelling to be set back less than the minimum required 5m from Thompson Lane. The proposed development complies with all other zoning requirements. A new septic system is also proposed for the dwelling. It would be located on the south side of Thompson Lane.

The variance is being requested to accommodate the design of the proposed dwelling.

### **Agency Comments**

Cataraqui Conservation reviewed the application and advised that the proposed development is outside their regulated area. No permit from the CRCA will be required for the new dwelling or septic system.

### **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 variance would facilitate construction of a single detached dwelling on lands that are designated Rural in the Official Plan on Schedule A. The proposed location of the dwelling and septic system minimizes site alteration required and complies with the minimum required setback from the highwater mark, as intended by section 5.2.7(b) of the Official Plan.

The proposed variance maintains the general intent and purpose of the Official Plan related to waterfront residential development, and development adjacent to environmentally sensitive areas.

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

The proposed single detached dwelling is a permitted use in the RLSW zone. The proposed dwelling complies with all requirements of the Zoning By-law except the minimum 5m setback from Thompson Lane.

A portion of the property located south of Thompson Lane is also zoned Temporary Use Zone (TUZ). The TUZ zone on the property results from a past lot addition (application S-48-17) that was added to the subject property from the abutting parcel to the west (1508 Thompson Lane). The purpose of the TUZ zone was to permit a temporary second dwelling unit on 1508 Thompson Lane. The TUZ zone on the subject property has been identified to be removed when the Township conducts another housekeeping amendment to the Zoning By-law.

The proposed dwelling has been oriented to align with the angle of the shoreline and comply with the required 30m setback from Dog Lake. The orientation of the house results in only a small corner of the dwelling being located within the private lane setback – most of the dwelling will meet the required 5m setback.

The intent of the required setback from the private lane is to ensure that development does not encroach into the laneway and impact the ability of vehicles to travel on the lane way. The setback also ensures that there is room for snow storage in the winter and that there are clear lines of sight to ensure vehicle and pedestrian safety.

The proposed dwelling will be setback an adequate distance from the lane to ensure it is not a hazard for the users of the right of way and that there is adequate room to allow for parking and for traffic to pull off the road if necessary. There will be adequate room to park additional vehicles on the property without encroaching on the right of way. The requested reduction in the 5m setback from the private lane to 4m for the dwelling would recognize the closest point of the dwelling to the private lane shown on the plot plan. A condition has been included in the recommendation to ensure that the variance reduction only applies to the proposed development within the setback and that the design of the house is required to be in accordance with the plan submitted in support of the application. This is to ensure that the setback is only reduced for the corner of the building and not reduced along the entire yard that abuts Thompson Lane.

With the recommended conditions the proposed 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 requested variance is desirable for the appropriate development of the land. The design and location of the proposed dwelling on the property ensures that development will meet the required setback from the highwater mark and minimally encroach into the required setback from Thompson Lane. The structure will be located in an appropriate area where there are no impacts anticipated on the subject or abutting properties.

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 of the land. The proposed dwelling will satisfy all performance standards of the existing zoning with the exception of the setback from Thompson Lane. The development of the property will have no impacts on surrounding land uses and is consistent with the style and form of development in the surrounding area. The request for the reduced setback from the private road will not impact the road network. The requested variance is minor in nature.

## 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-2022-0173 for 1490 Thompson Lane, subject to the following conditions.

1. The minor variance is for a single detached dwelling. The dwelling is permitted to establish a minimum 4 metre setback from Thompson Lane. The location of the dwelling on the property must be consistent with the application sketch prepared by Rod Stokes Consulting (S-1, December 13/22).

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 to address the following matters and environmental standards of the Township:
  - a. Appropriate erosion control measures (e.g. silt fence, straw bales) must be used during construction and until the site is stable and revegetated.
  - b. Roof runoff will be directed away from the shoreline of Dog Lake and neighbouring buildings and structures 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. That existing natural vegetation within 30 metres of the shoreline be maintained.
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 PI-ZNA-2022-0173 is applicable only to Zoning By-law No. 2003-75 and not to any subsequent zoning by-laws.

**Report Prepared By:**

Tom Fehr, Planner

**Report Reviewed By:**

Christine Woods, MCIP RPP, Senior Planner

**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.

<b>Application Type:</b>	<b>Planning Fee:</b>	<b>Building Admin Fee:</b>	<b>TOTAL:</b>
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	\$2,105.00

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

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

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

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

**3. PLEASE READ THIS ITEM CAREFULLY**

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

**4. Collection of Personal Information**

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

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

Date Received: \_\_\_\_\_

File No: PL-ZNA-2022-0174

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

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

Phone number of Owner(s): \_\_\_\_\_

Email Address of Owner(s): \_\_\_\_\_

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

Name of Authorized Agent: \_\_\_\_\_ [REDACTED]

Full Mailing Address of Authorized Agent:  
[REDACTED]

Phone number of Authorized Agent: \_\_\_\_\_ [REDACTED]

Email Address of Authorized Agent: \_\_\_\_\_ [REDACTED]

*OWNER WILL SELF REPRESENT UNTIL TOWNSHIP IS OTHERWISE NOTIFIED*  
Agent as named above is hereby authorized to act on behalf of the owners for purposes of processing this application for Minor Variance.

*AM I AUTHORIZED TO SHARE ANY INFORMATION ABOUT THIS APPLICATION WITH THE AGENT*

MICHAEL G. MCLACHLAN

3. The description of the subject land:

District:  Bedford  Portland  Loughborough  Storrington

Concession Number: 6 Lot Number: \_\_\_\_\_

Street Number: KENNEDY ISLAND Name of Road/Street: PARTS OF LOTS 10 & 11  
PART 1 LAND TITLES

Reference Plan Number: 13R20492 Part Number(s): PARTS 2 & 3 REGISTRY

Roll Number: 040-030-13600-0500

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

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

Frontage (on water): SEE WIGGIMSON SURVEY SHEET A ATTACHED

Frontage (on road/lane): \_\_\_\_\_

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

Area: 4.35 HECTARES (10.75 ACRES)

5. The current zoning of the subject land:

LIMITED SERVICE RESIDENTIAL - ISLAND ZONE (RLSI)

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

SEE PAGE 4A (OVER)

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

SEE PAGE 4A (OVER)

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

Name of Road/Lane:  
\_\_\_\_\_

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

RIGHT OF WAY GRANTED BY COMMITTEE ATTACHING TO THE ISLAND COMPLIANT WITH S.525.2 SOUTH FRONTENAC COMPREHENSIVE ZONING BYLAW

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

SEASONAL OCCUPANCY / CAMPING

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

Yes  No

ON DECEMBER 10/20 THE COMMITTEE OF ADJUSTMENTS (COA) APPROVED A MINOR VARIANCE ON KENNEDY ISLAND FOR A SEASONAL DWELLING. THE DWELLING WAS COMPLETED OVER TWO SEASONS AND AN OCCUPANCY PERMIT HAS BEEN ISSUED OCTOBER 5/22. (SEE APPENDICES C AND D.) AT THE TIME OF MY SUBMISSION OF THE DRAWING FOR THE DWELLING I FAILED TO APPRECIATE THE HEIGHT FROM GROUND LEVEL OF THE ENTRANCE/EXITS. THE ORIGINAL APPLICATION SHOULD HAVE INCLUDED DRAWINGS FOR A DECK TO HAVE PROPER USE OF THE PROPERTY, INCLUDING AND PERMIT THE USE OF ALL EXITS CONNECTED BY A DECK. THE PROPOSED DECK WILL INVOLVE AN ENCROACHMENT ON THE SETBACK FROM THE HIGH-WATER MARK OF A FURTHER EIGHT FEET OR 2.4 METRES. I HAVE INCLUDED A SKETCH DRAWN BY MYSELF, NOT TO SCALE, APPENDIX E, THAT SHOWS THE PLACEMENT AND SIZE OF THE INTENDED DECK STRUCTURE. THE ORIGINAL VARIANCE PERMITTED BY THE COA APPROVED A 27 METRE FRONT YARD MEASURED FROM THE WESTERN SHORELINE AND THE HIGH WATERMARK OF SYDENHAM LAKE. THIS PROPOSED VARIANCE WILL REDUCE THE SETBACK TO 24.6 METRES. THE PROPOSED DECK IS INTENDED TO RUN THE FULL LENGTH OF THE FRONT WEST SIDE FACE OF THE DWELLING EXTENDING 2.4 METRES FROM IT IN WIDTH. IT WILL RUN AROUND THE NORTH AND SOUTH SIDES TO ALLOW ACCESS AND EXITING FROM THE DOORS CURRENTLY IN PLACE. CURRENTLY THERE IS ONLY ONE SET OF STAIRS ALLOWING ACCESS ON THE NORTH SIDE. THE OTHER EXITS ON THE WEST AND SOUTH SIDES HAVE BEEN SEALED FROM THE INSIDE AS REQUIRED BY THE BUILDING INSPECTOR, PENDING THE GRANTING OF ANY FURTHER VARIANCE APPLICATIONS. THE EXISTING STAIRS ON THE NORTH SIDE CAN BE SEEN ON THE PHOTOGRAPHS OF THE DWELLING IN APPENDIX F. THE PROPOSED WIDTH ON THE SIDES IS 1.8 METRES OR SIX FEET. THE NORTH AND SIDE PARTS OF THE DECK FALL WITHIN THE ALLOWABLE BUILDING PLATFORM.

**APPENDIX A: ISLAND SURVEY**

**APPENDIX B: HIGGINSON SKETCH IDENTIFYING TWO POTENTIAL BUILDING FOOTPRINTS WITH ONE ON ISLAND'S WEST SIDE (SUBMITTED IN ORIGINAL BUILDING PERMIT APPLICATION FOR VARIANCE.)**

**APPENDIX C: BUILDING PERMIT ISSUED DECEMBER 10/20**

**APPENDIX D: OCCUPANCY PERMIT ISSUED OCTOBER 5/22**

**APPENDIX E: SKETCH BY APPLICANT OWNER MICHAEL G. MCLACHLAN OF PROPOSED DECK**

**APPENDIX F: MIKE MONK CONTRACTOR DECK DESIGN FOR ISLAND**

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

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

Type of Structure (E.g. residence)	(1)	(2)	(3)	(4)
Setback from Front Lot Line	SEASONAL <del>26.95 M OR</del> <del>88.43 FT</del> →	27 METRES AS PER BUILDING PERMIT APPENDIX B		
Setback from Rear Lot Line	<del>19.38 M OR</del> <del>63.58 FT</del> →	19.4 METRES AS PER BUILDING PERMIT APPENDIX B		
Setback from Side Lot Line	N/A			
Height of Building (Also indicate if it is one story or two story)	ONE STORY 16' APPROX - FROM DECK TO FLOOR			
Dimensions of Floor Area	40' (12M) BY 25' (7.5M)			
Setback from High Water Mark (If applicable)	26.95 M OR 88.43 FT.			

13. The proposed uses of the subject land:

A FRONT DECK FOR SEASONAL CABIN WITH STAIR ACCESS  
FOR FRONT DECK AND CABIN SIDES

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

Yes       No

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

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

Type of Structure (E.g. residence)	(1) EXTERIOR DECK	(2)	(3)	(4)
Setback from Front Lot Line	24.56M			
Setback from Rear Lot Line	NOT APPLICABLE			
Setback from Side Lot Line	NOT APPLICABLE			
Height of Building (Also indicate if it is one story or two story)	ONE 5.79 M. STORY 19 FEET			
Outside Dimensions of Building/Structure	12.19 M (40 FT) BY 7.62 M (25 FT)			
Setback from High Water Mark (If applicable)	24.56 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:

---

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

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

If yes, please provide details:

---

18. What are the uses of the proposed development?

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

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

MAY 16, 2017

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

BUILDING COMMENCED SPRING 2021 TO OCCUPANCY PERMIT  
OCTOBER 5, 2022

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

OCTOBER 5, 2022

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 SUPPLY

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:

PRIVY - OWNER INTENDS TO INSTALL AN INDOOR  
TOILET THAT INCINERATES WASTE. SUBJECT TO FINAL

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

NOT APPLICABLE TO PROPOSED EXTERIOR DECK

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

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

Yes

No

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

---

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

Yes

No

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

MV-41-20-L BUILDING PERMIT ISSUED OCTOBER 10, 2020  
OCCUPANCY PERMIT ISSUED OCTOBER 5, 2022

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

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

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

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

AGREEMENT TO INDEMNIFY

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

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

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

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

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

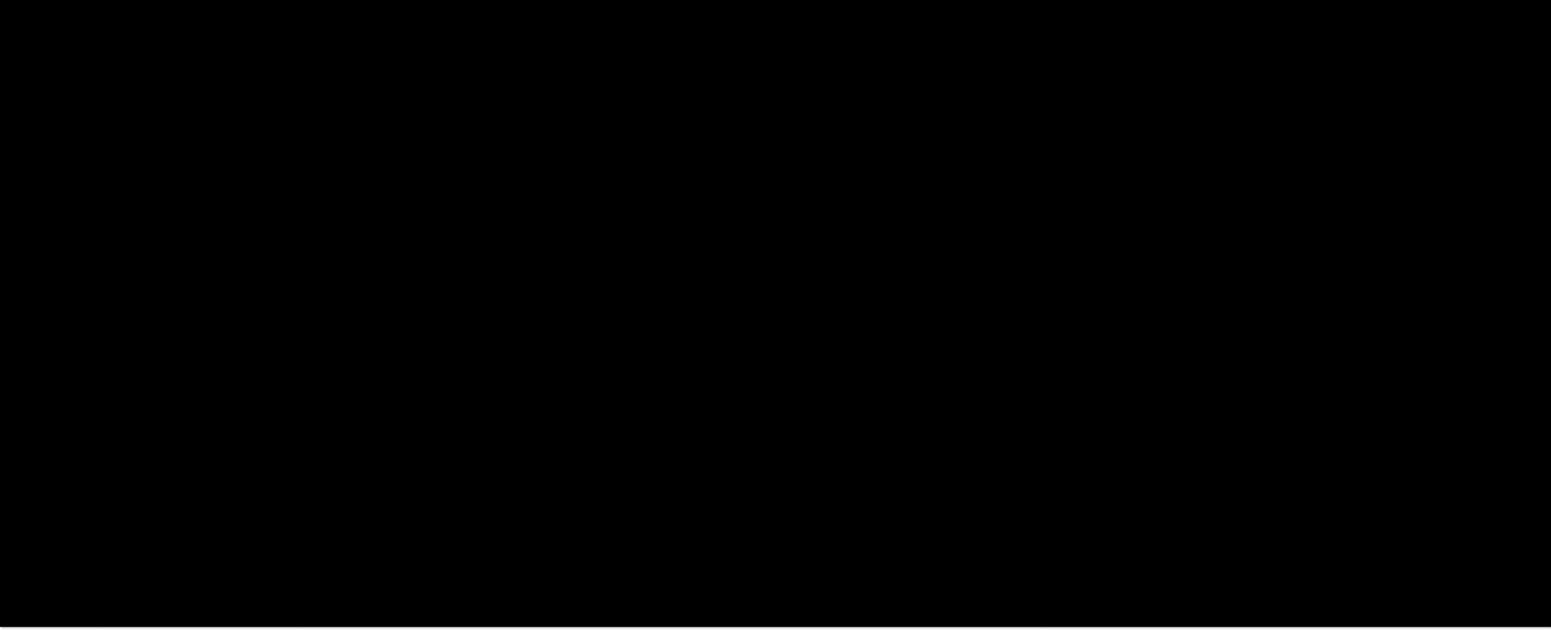
The Owner/Applicant/Agent further agrees that, until such requests have been complied with, the municipality will have no continuing obligation to process the application or attend or be represented at the Ontario Municipal Board or any court or other administrative proceeding in connection with the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

DATED AT THE TOWNSHIP OF SOUTH FRONTENAC

THIS 14<sup>th</sup> DAY OF December, 2002

I, MICHAEL G. MCLACHLAN OF TORONTO

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



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

**A Guide to Completing the Minor Variance Form**

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

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

- 9) Parking and Docking: This question is only relevant if you can only access your property by water.
- 10) Existing Uses: e.g. residential, retail business, vacant recreational land
- 11) Buildings: If there are **ANY** buildings or structures on the property now, the answer to this question is "yes".
- 12) Description of buildings and structures: You must complete all sections of this question for each structure on your property. **If there is a deck on your dwelling, please describe it separately from the residence.**
- 13) Proposed Uses: Generally, the answer to this question will be the same as the answer to #10, but if, for example, the land is currently vacant, and you are planning to construct a dwelling, then the use to be described in section 10 would be "vacant recreational land", and the use described in section 13 would be "residential"
- 14) Proposed structures: If you are planning to build **ANYTHING** on the property, the answer to this question is "yes" – This includes additions, decks, garages, septic systems.
- 15) Description of new construction: **ALL** proposed new development must be described here. If you are proposing to construct an addition to a dwelling, and to add a deck, please show this information in separate columns.
- 16) **Demolition: All demolition requires a permit from the building department.** In some instances, a proposed addition or increase in height cannot be accomplished without the removal of existing walls. If this is not made clear to the Committee at the beginning of the process, you may find that, although you are granted permission to add on to your residence, you can't actually do it because you have not made it clear that there is demolition involved.
- 17) Raising of Structure: In other words, are you proposing to raise the building in order to construct a basement under it.
- 18) Uses of Development: Please answer each part of this question. An increase in living space would include anything with walls – e.g. a screened porch would involve an increase in living space.
- 19) Date land acquired: When did you take possession of the property?
- 20) Date of existing buildings: If you are not sure, provide your best estimate.
- 21) Length of existing uses: For example, has the land been used for residential purposes for 30 years, or 18 months?
- 22) Water supply: in most cases the answer will be private well, but some waterfront properties take their water from a lake.

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

- 23) Septic: in most cases the answer will be private sewage system, but there may be some privies.
- 24) Drainage: Are there specific ditches that have been constructed to deal with drainage; is there natural drainage, etc.?
- 25) Application for consent: Is there currently an application for consent (severance) being proposed for the property?
- 26) If yes: If there is a current application for severance or subdivision on the property, please indicate the file number. (Staff can help provide this information)
- 27) Minor variance: Has there ever been a minor variance granted on the property? If you are long-time owner of the property, you will probably be aware of any other special permission granted for a variance to the zoning by-law. If you are a new owner, the seller will probably have made you aware of this.
- 28) If yes: If there has been a previous variance granted on the property, please indicate the application number if known, and what the details of the variance were.
- 29) **SKETCH: We cannot stress enough the importance of a detailed, accurate, and complete sketch. You do not necessarily need to contract with a professional to draw the sketch, but sketches that are not drawn to scale, do not show dimensions and distances, or are not drawn neatly (PLEASE USE A RULER), will not be accepted.**
- 30) **Agreement to Indemnify:** Must be signed in front of a commissioner of oaths – you may have this done before submitting the application, or sign the application in front of staff who can sign as commissioners. All owners must sign the application, or it can be signed by an agent if one has been appointed.



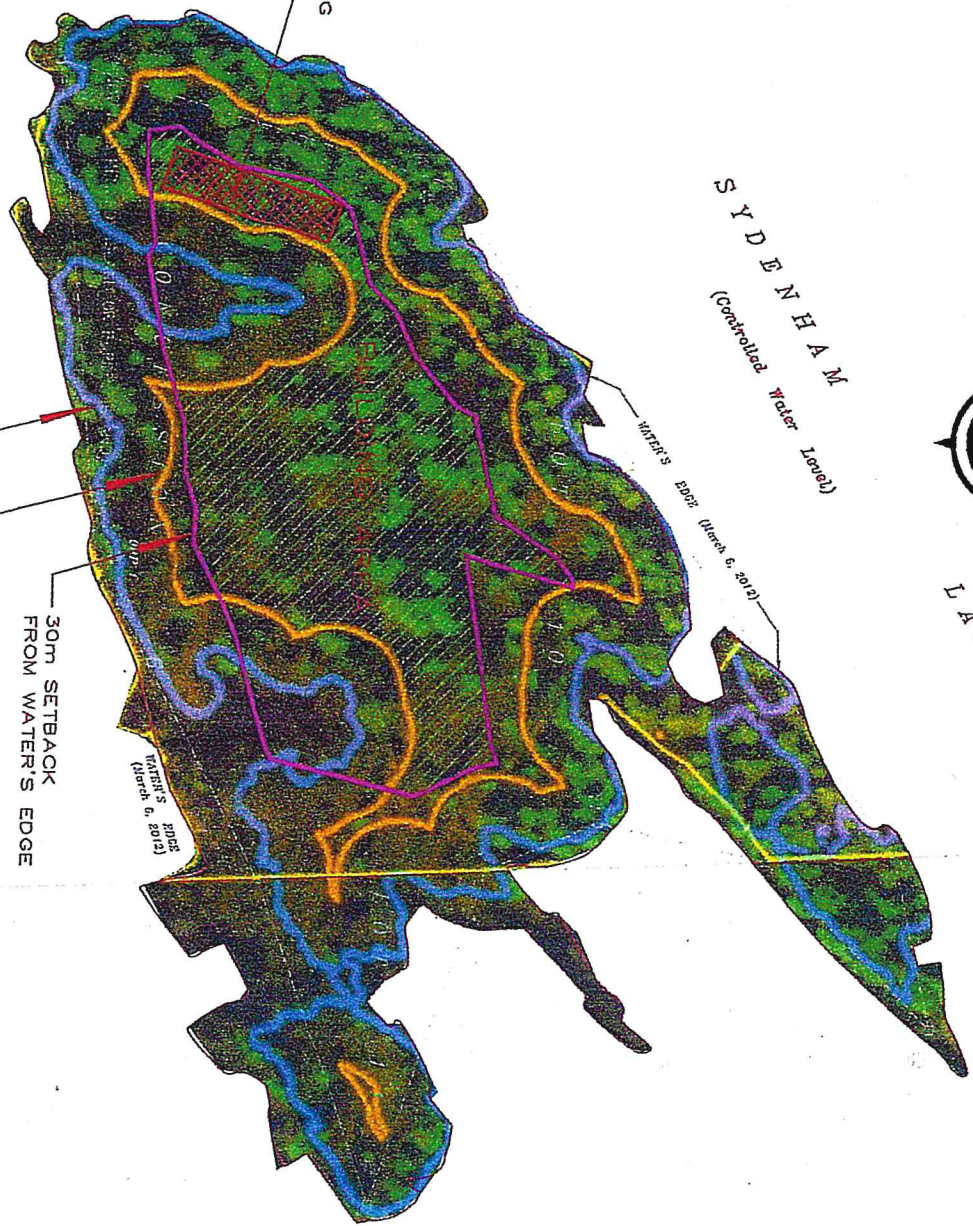
APPENDIX B

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



L A K E

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



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

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

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

LESLIE M. HIGGINSON SURVEYING LTD.  
 2020

THIS REPORT WAS PREPARED FOR  
 UNDER THE AUSTRIAN & THE  
 RESPONSIBILITY  
 FOR USE BY OTHER PARTIES

DATE: AUGUST 13, 2020  
 DATED: FEBRUARY 26, 2020  
 LESLIE M. HIGGINSON SURVEYING LTD.  
 1000 WEST 100th St, Suite 107  
 Mississauga, ON L5R 1P7  
 (416) 389-7285 (Fax) (416) 389-5578 or leslie@lmhigginson.com  
 FILE: LOH 6-10.11 2020-0083 HGND BP

APPENDIX B

APPENDIX B



**DECISION OF THE TOWNSHIP OF SOUTH FRONTENAC  
COMMITTEE OF ADJUSTMENT**



We, the undersigned members of the Committee of Adjustment for the Township of South Frontenac, do hereby certify that the following is our decision with respect to the minor variance application described below:

- Application No:** MV-41-20-L
- Owner:** Michael McLachlan
- Location of Property:** Kennedy Island, Sydenham Lake, Loughborough District
- Purpose of Application:** To vary Sections 5.8.2 a) and 11.3.1 of Comprehensive Zoning By-law 2003-75
- Relief from s. 5.8.2 a):** To permit a seasonal dwelling with a 27 metre (88.6 foot) setback from the high water mark of Sydenham Lake, measured to the western shoreline, whereas the Zoning By-law requires a minimum 30 metre (98.4 foot) setback for all buildings and structures.
- Relief from s. 11.3.1:** To permit a seasonal dwelling with a 27 metre (88.6 foot) front yard depth and setback from the high water mark of Sydenham Lake, measured to the western shoreline, whereas the Zoning By-law requires a minimum 30 metre (98.4 foot) front yard and high water mark setback for the principal building.
- And to permit a seasonal dwelling with a 19.4 metre (63.6 foot) setback from the floodline of Sydenham Lake located east of the building location, whereas the Zoning By-law requires a minimum 30 metre (98.4 foot) setback for the principal building.
- Date of Hearing:** December 10, 2020
- Date of Decision:** December 10, 2020

**Decision:** MINOR VARIANCE APPROVED, subject to conditions

**CONDITIONS:**

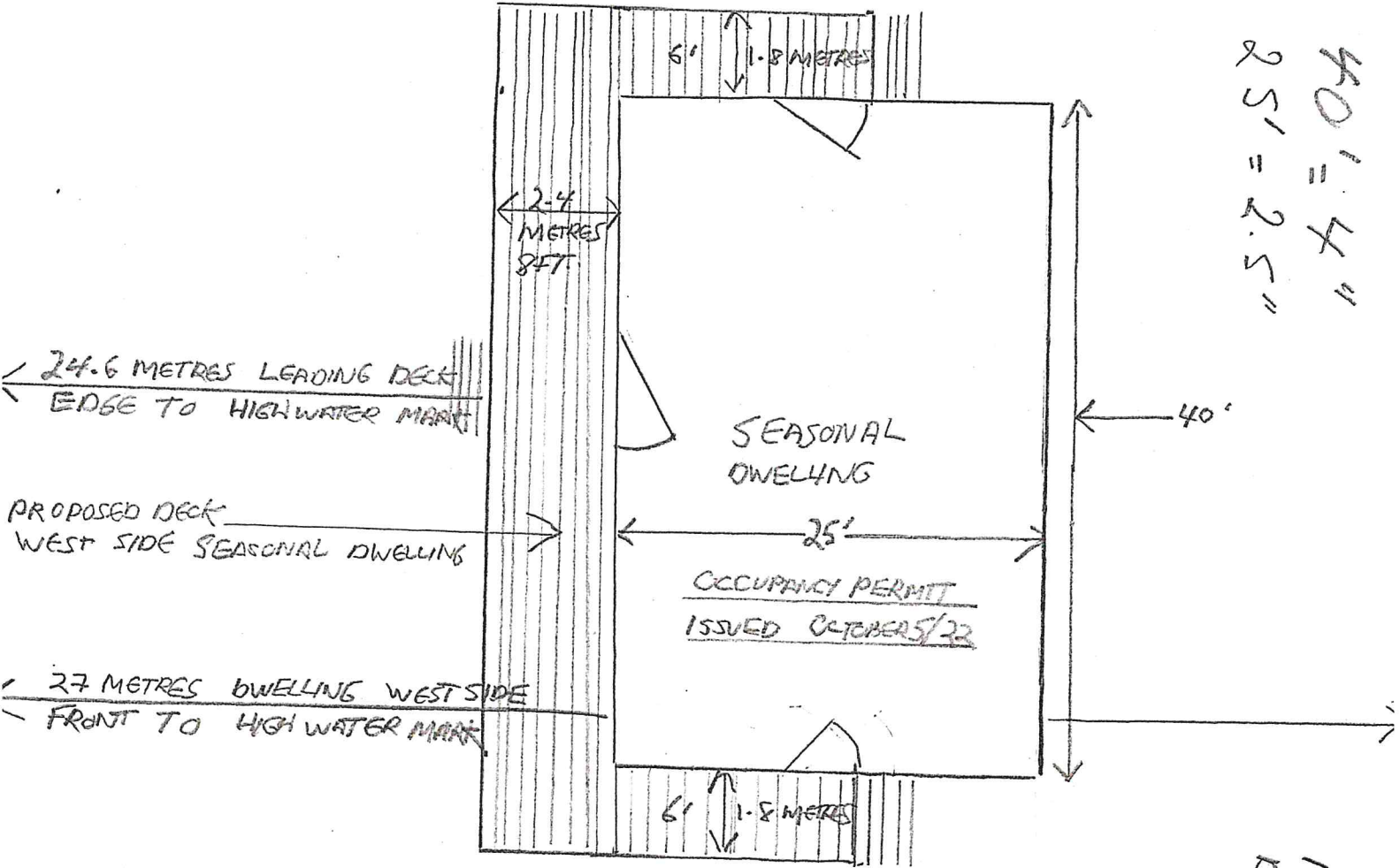
1. The minor variance is for a 92.9 square metre (1000 square foot) seasonal dwelling. The dwelling is permitted to establish a minimum of 27 metre front yard, measured to the western shoreline. The dwelling is permitted to be set back a minimum 27 metre setback from the high water mark of Sydenham Lake, measured to the western shoreline. The dwelling is permitted to be set back a minimum 19.4 metre (63.6 foot) from the floodline of Sydenham Lake located east of the building location. All as per the drawings submitted with MV-41-20-L.
2. The applicant is required to enter into a Development Agreement to be registered on the title of the property to the satisfaction of the Township to address the following matters and environmental standards of the Township and recommendations of the Environmental Site Evaluation (Ecological Services, December 3, 2020) prior to the issuance of a building permit:
  - a. The use of appropriate erosion control measures (e.g. silt fence, straw bales) during construction and until the site is stable and revegetated.
  - b. The removal of any excavated materials from the site so that it is not used as fill within 30 metres of the Sydenham Lake nor in low-lying areas within the floodplain.
  - c. Roof runoff will be directed away from the shoreline of Sydenham Lake and discharged to natural or constructed leaching pits/areas to maximize infiltration or onto coarse rock rubble splash pads.
  - d. Identifying the location and means of access to the shoreline.

APPENDIX E



5' = 1/2"

40' = 4"  
25' = 2.5"



24.6 METRES LEADING DECK  
EDGE TO HIGH WATER MARK

PROPOSED DECK  
WEST SIDE SEASONAL DWELLING

27 METRES DWELLING WEST SIDE  
FRONT TO HIGH WATER MARK

SEASONAL  
DWELLING

OCCUPANCY PERMIT  
ISSUED OCTOBER 5/22

NOT TO SCALE  
DRAWN BY APPLICANT  
EXACT TO SCALE  
DRAWN BY APPLICANT

DRAWN BY APPLICANT MICHAEL G. McLACHLAN

NOT TO EXACT SCALE

5' = 1/2"



SYDENHAM LAKE



KENNEDY ISLAND

APPENDIX C

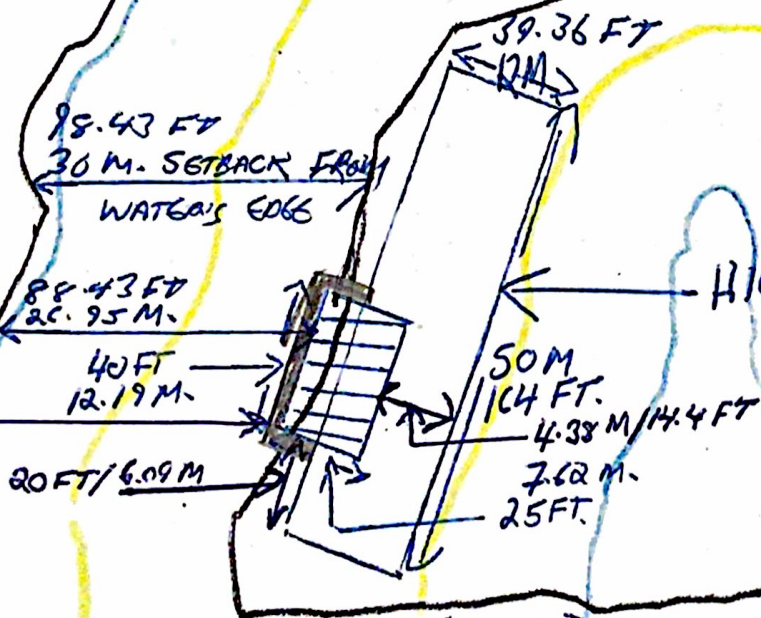
HIGGINSON BUILDINGS FOOTPRINT (B)

HIGGINSON BUILDING FOOTPRINT (A)

(E)

(W)

PROPOSED DECK



15 METRES BETWEEN CRCA FLOODPLAIN LINE SETBACK AND CRCA FLOODPLAIN LINE  
49.2 FT

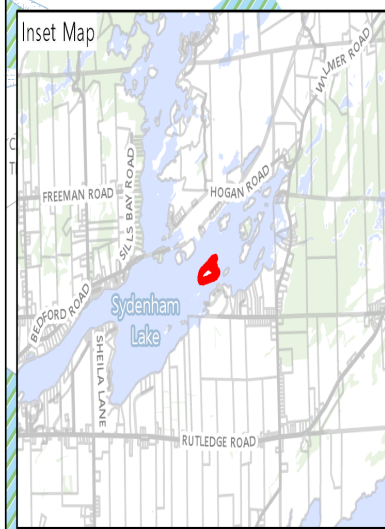
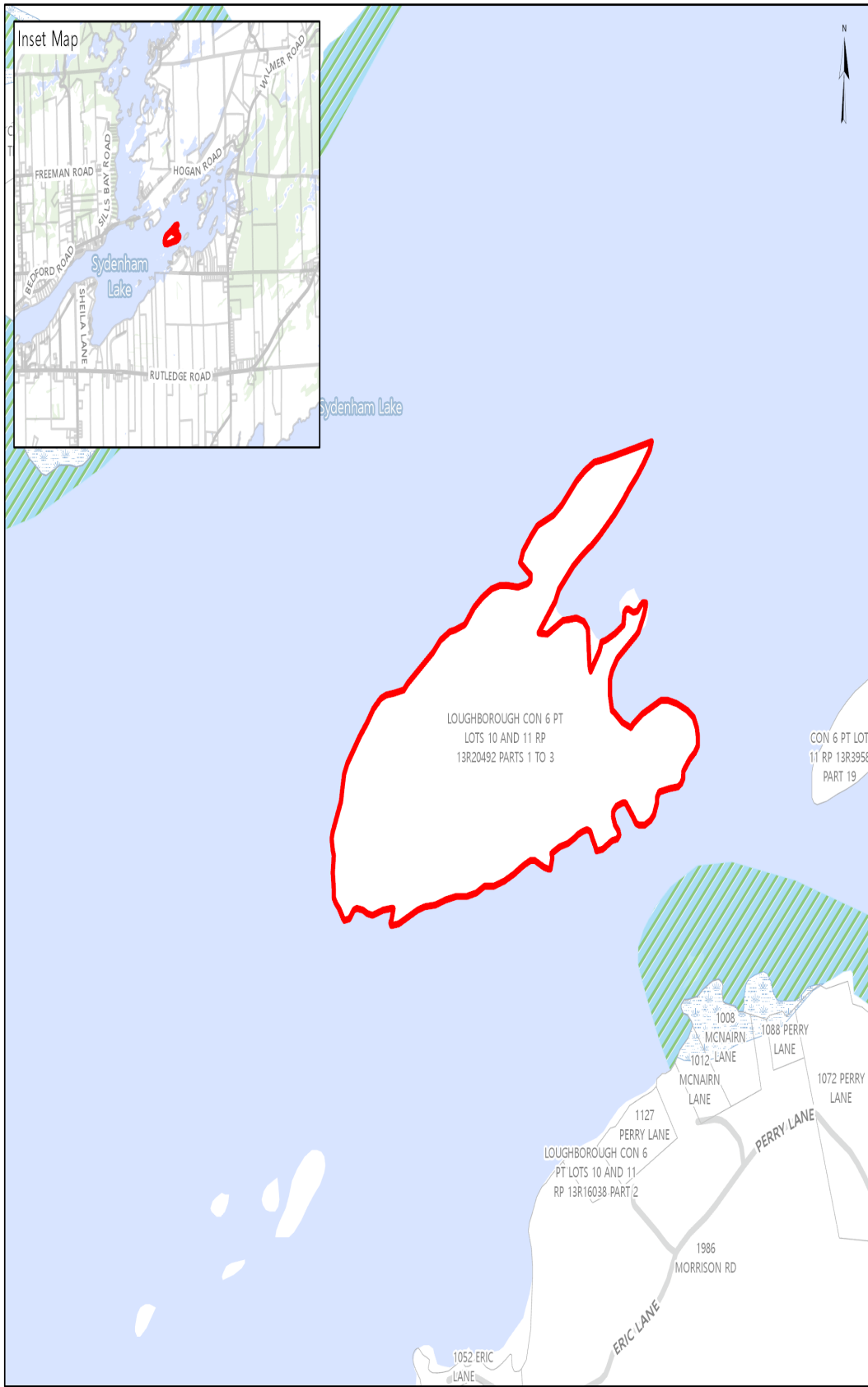
30 M. SETBACK FROM CRCA FLOODPLAIN

30 M. SETBACK FROM WATER'S EDGE

CRCA 15M. FLOODPLAIN SETBACK CRCA FLOODPLAIN

WATER'S EDGE MARCH 6, 2012

(5)



**SOUTH  
FRONTENAC**

**PL-ZNA-2022-0174  
(MCLACHLAN)**

**KENNEDY ISLAND**

**Legend**

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

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

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

Scale: 1:4,000



UTM Zone 18 NAD 83

Date: 2022-12-20

# Township of South Frontenac Staff Report

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**To:** Committee of Adjustment

**Prepared by:** Development Services Department

**Date of Meeting:** February 9, 2023

**Subject:** **Application for Minor Variance (S. 45(1) of Planning Act) PL-ZNA-2022-0174, McLaglan, 0 Kennedy Island, Loughborough District**

## Summary

This report recommends that the Committee of Adjustment grant the request for zoning relief to permit a deck to be added to the seasonal dwelling that is setback less than 30 metres from the highwater mark of Sydenham Lake, as the application meets the four tests of a minor variance outlined in section 45(1) of the Planning Act.

---

## Background

**Official Plan Designation:** Rural

**Zoning:** Limited Services Residential – Island (RLSI)

### Zoning Relief Requested

Section 5.8.2(a) – to permit a deck attached to the seasonal dwelling to be setback 24.6 metres from the highwater mark of Sydenham Lake, measured to the western shoreline, whereas the Zoning By-law requires a minimum 30 metre setback for all buildings and structures.

Section 11.3.1 – to permit a deck attached to the seasonal dwelling to establish a 24.6 front yard depth and setback from the highwater mark of Sydenham Lake, measured to the western shoreline, whereas the Zoning By-law requires a minimum 30 metre front yard and high water mark setback for the principal building.

### Related Applications

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

## **Discussion**

### **Property Description**

The 4.35 hectare (10.75 acre) island in Sydenham Lake contains a 1000 square foot seasonal dwelling that is located on the west side of the island. The owner moors a houseboat at the northeast end of the island.

The west and north end of the island contains a predominantly pine forest. The understorey consists of low vegetation and moss over shallow soils and exposed bedrock. The bedrock shoreline is less than 1.5 metres high. There are two large low-lying, seasonally wet areas on the south end of the island. The east end of the island is also low-lying and marshy. These low-lying areas are within the 1:100 year floodplain of the lake. The centre of the island contains a deciduous forest with predominantly saplings and bushes. The centre of the island also contains several mineral exploration trenches.

### **Summary of Proposal**

The Committee of Adjustment granted a minor variance in December 2020 for the seasonal dwelling to be setback 27 metres from the high water mark, measured to the western shoreline. The dwelling was also permitted to be setback 19.4 metres from the floodline located east of the building. A deck was not contemplated for the dwelling because the dwelling was intended to be constructed closer to grade.

The Owner proposes to add a 2.4 metre deep deck to the seasonal dwelling that was recently constructed. The deck would connect all three exists from the cottage, which are approximately one metre above the ground. The application requests a variance to permit the deck to be setback 24.6 metres from the highwater mark of Sydenham Lake, measured to the western shoreline.

### **Department and Agency Comments**

Cataraqui Conservation had no objection to the approval of the application based on their consideration for natural hazards.

### **Public Comments**

No comments were received 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 is accessory 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. Also, 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. There is a development agreement registered on the title of the property that addresses these requirements. No vegetation would need to be removed as a result of the deck, and the deck would continue to be screened from the lake by existing trees.

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 variances maintain the general intent and purpose of the Zoning By-law as the proposed attached deck is a permitted use on the subject property, and the proposed location complies with the setback requirements of the RLSI zone, with the exception of the reduced setback from the highwater mark of the western shoreline. The deck would be more than 30 metres from the shoreline in all other directions.

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

The variances are desirable for the appropriate development or use of the dwelling as it would result in a modest sized deck on the dwelling that would facilitate safe and practical access from the dwelling.

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. They are also desirable for the appropriate development or use of the dwelling. It is anticipated that there will be no negative impact on the remainder of the island and on the lake as a result of the addition of the proposed deck to the dwelling.

## 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. There are no properties within 60 metres of the island. Notice was given:

- by posting a notice sign at the Sydenham municipal boat launch as the island was not accessible due to ice conditions
- 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-2022-0174 for 0 Kennedy Lane, subject to the following conditions.

1. The minor variance is for a deck to be attached to a seasonal dwelling. The deck is permitted to establish a minimum 24.6 metre front yard, measured from the western shoreline. The deck is also permitted to be setback 24.6 metre from the highwater mark of Sydenham Lake, measured to the western shoreline. The location and dimensions of the deck must be consistent with the applicant's site sketch and deck sketch that will be attached to the Decision as Schedule "A".
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 PL-ZNA-2022-0174 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



**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.

<b>Application Type:</b>	<b>Planning Fee:</b>	<b>Building Admin Fee:</b>	<b>TOTAL:</b>
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 <i>Minor Variance Only</i>	\$450
<i>Minor Variance WITH Performance Review</i>	\$700
<i>Minor Variance in combination with a new Class 2, 3, 4, or 5 sewage system other than a Class A system</i>	\$1,150
Cataraqui Region Conservation Authority	\$420
Quinte Conservation Authority	\$344

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

Rideau Valley Conservation Authority	\$390
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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: PL-ZNA-2022-0003

1.

Name of Owners	<b>Jonathan Ham</b>	<b>Caryn Bursch</b>
Address		
Phone number		
Email Addresses		

Signatures of Owners

\_\_\_\_\_  
Jonathan Ham

\_\_\_\_\_  
Caryn Bursch

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.  
**N/A**

3. The description of the subject land:

District: **Bedford**  
 Concession Number: **Concession 13**  
 Lot Number: **Lot 12**  
 Address: **1167A McAndrews Rd, South Frontenac, K0H 2L0**  
 Reference Plan number: **RP 13R17054**

Part numbers	Roll Numbers	Pins
<b>North part</b>	<b>010-030-39500-0000</b>	<b>36247-063</b>
<b>Part 5</b>	<b>010-030-39420-0000</b>	<b>36247-0168</b>
<b>Part 7</b>	<b>010-030-39440-0000</b>	<b>36247-0169</b>
<b>Part 9</b>	<b>010-030-39460-0000</b>	<b>36247-0170</b>

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

Frontage (on water): **329 m**    Frontage (on road/lane): **869 m (McAndrews Rd)**

Depth: **800 m**    Area: **126 acres**

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

5. The current zoning of the subject land: **Rural**

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

**Construction of a 3 Season Cottage with deck, septic system, well and a wood shed**

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

**Section 7.2, Permitted uses, of the COMPREHENSIVE ZONING BY-LAW BY-LAW NO. 2003-75 states that a rural property may have a single detached dwelling, but does not allow a seasonal dwelling.**

**Construction of a year-round dwelling is challenging for this site because there is no access to the electrical grid, so all electricity will need to be produced by renewable sources. The building code requirement of an HRV and a high efficiency heating system for a year-round dwelling translates into a huge electrical load that is difficult to meet with renewable energy.**

8. Does the subject property front on a municipally maintained road? **Yes**

Name of Road/Lane: **McAndrews Rd**

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

10. What are the existing uses of the subject land? **Vacant recreational land.**

**When we purchased the northern section of land, there was a single-story cottage located in a clearing at the end of the road. The cottage was inhabitable as the roof had collapsed 10 years prior and mold and rodent infestation was prevalent throughout. We applied for and received a permit to demolish the structure.**

**The southern piece of land had been used for camping. A clearing had been made at the end of a branch in the road where the owners had placed a composting toilet and some building supplies. This is the clearing in which we would like to build a seasonal dwelling.**

11. Please indicate whether there are any **EXISTING** buildings or structures on the subject land. (i.e. residence, garage, shed, etc.) **No.**

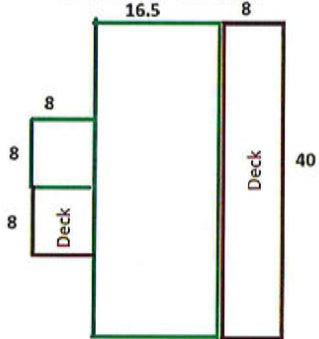
12. If the answer to item 11 is yes, for EACH building or structure indicate: **N/A**

13. The proposed uses of the subject land: **Seasonal dwelling.**

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

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**

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

Type of Structure (E.g. residence)	<b>(1) 3 Season Cottage with deck (plans are attached)</b>	<b>(2) Wood storage shed</b>
Setback from Front Lot Line	790 m	780 m
Setback from Rear Lot Line	44 m	54m
Setback from Side Lot Line	312 m to South 300 m to North	312 m to South 300 m to North
Height of Building (Also indicate if it is one story or two story)	Two Storey Approx. 6.4m	1m
Outside Dimensions of Building/Structure	<p style="text-align: center;">12.2m x 9.75m</p> 	12.2m x 2.1m
Setback from High Water Mark (If applicable)	46m	56m

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

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. **The property line of the northern part of the property is the water line. For the southern part of the property, a 1-3m boundary was made next to the lake which was not sold with the property (Part 11). This is why the back lot line and the distance to the high water mark are different. I have attached a picture of that part of the survey for your perusal.**

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? **No**

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

18. What are the uses of the proposed development?

- a. Increase in number of bedrooms **Yes (cottage will have 1)**
- b. Increase in plumbing fixtures: **Yes (cottage will have 1 kitchen and 1 bathroom)**
- c. Increase in living space. **Yes**
- d. Will the addition or structure encroach on the existing septic system? **N/A**

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

- Concession 13 Lot 12 Part North: Dec 10, 2015**
- Concession 13 Lot 12 Parts 5, 7, 9: Oct 22, 2021**

20. The date the existing buildings and structures were constructed on the subject lands: **N/A**

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

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: **A private drilled well is planned**

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: **A private septic system has been planned. Conditional permit approved by South Frontenac**

24. Is storm drainage provided by sewers, ditches, swales or by other means? **N/A**

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

25. Please indicate whether the subject land is subject of an application under the Planning Act for approval of a Plan of Subdivision or Consent. **No**

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

27. If known, please indicate whether the subject land has ever been the subject of an application under Section 43 of the Planning Act (Minor Variance). **No**

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

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

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

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

**APPLICATION FOR ZONING BY-LAW AMENDMENT**  
**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 agrees that the information recorded in this Zoning Amendment Application Form is correct.

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

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

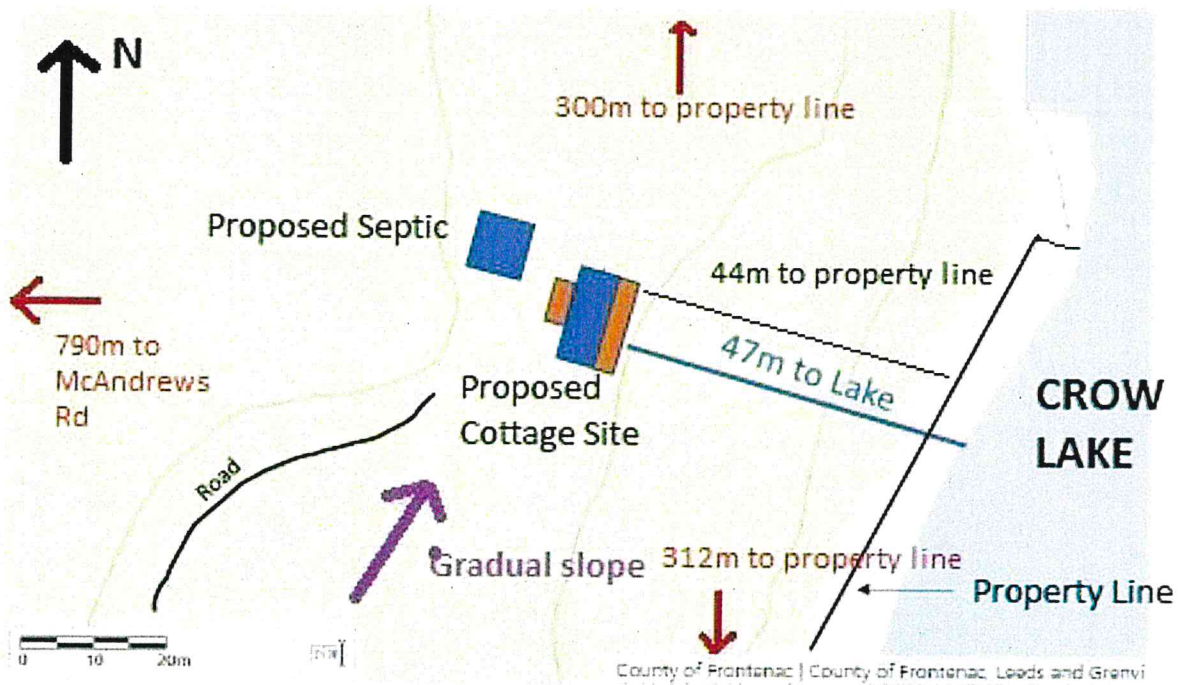
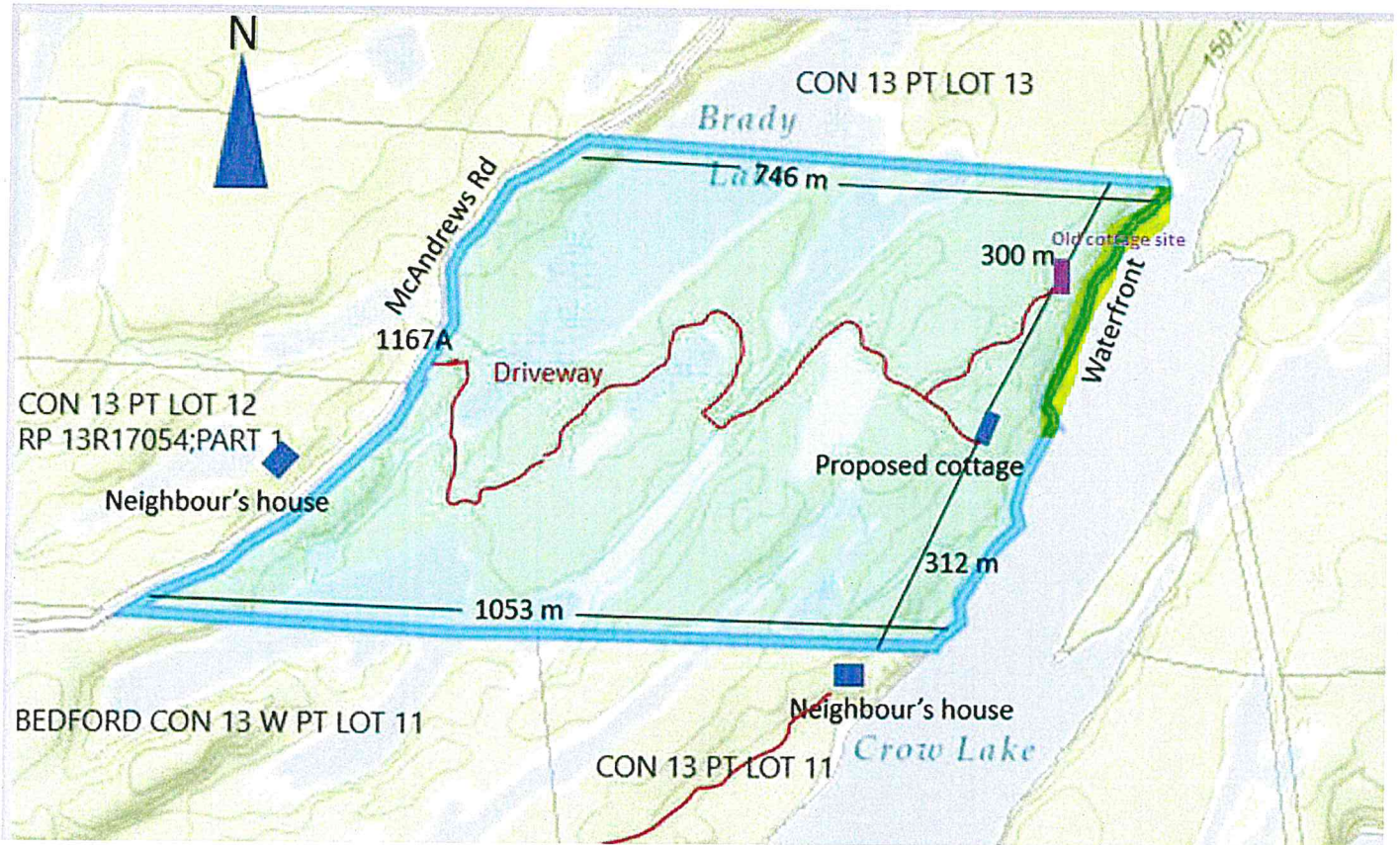
DATED AT the City of Ottawa in the Province of Ontario

THIS 9th DAY OF January, 2023

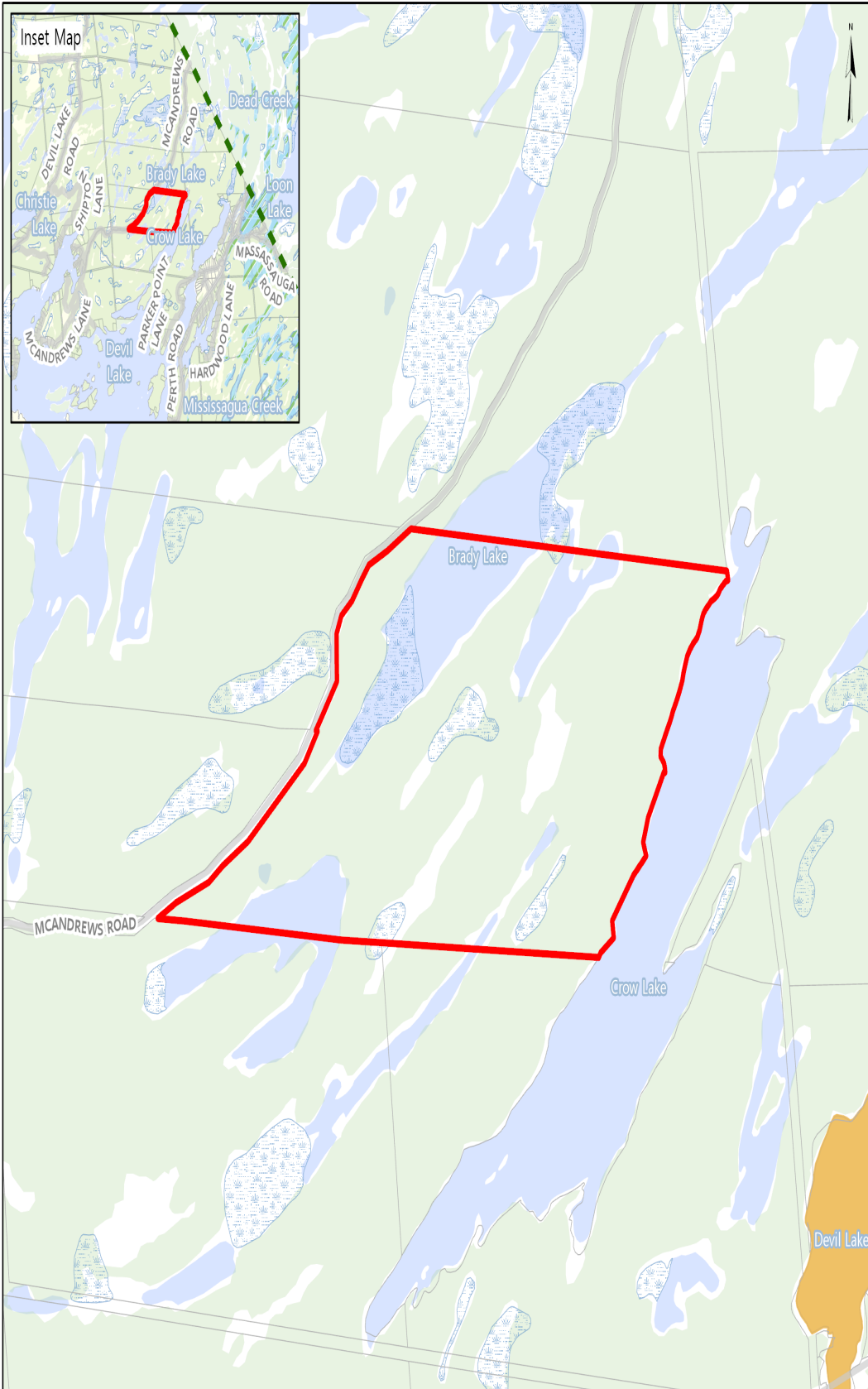
I, Jonathan Mam + Caryn Borsch of City of Ottawa  
solemnly declare that all the statements contained in this application are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.



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







# SOUTH FRONTENAC

**PL-ZNA-2023-0003  
(HAM BURSCH)**

**1167A MCANDREWS ROAD**

**Legend**

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

Produced by the County of Frontenac under license with the Ontario Ministry of Natural Resources © King's Printer for Ontario, 2022.

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

Scale: 1:10,000



UTM Zone 18 NAD 83

Date: 2023-01-23

# Township of South Frontenac Staff Report

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**To:** Committee of Adjustment

**Prepared by:** Development Services Department

**Date of Meeting:** February 9, 2023

**Subject:** **Application for Minor Variance (S. 45(1) of Planning Act) PL-ZNA-2023-0003, Ham and Bursch, 1167A McAndrews Road, Bedford District**

## Summary

This report recommends that the Committee of Adjustment grant the request for zoning relief to permit a seasonal dwelling instead of a single detached dwelling, as the application meets the four tests of a minor variance outlined in section 45(1) of the Planning Act.

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## Background

**Official Plan Designation:** Rural and Environmental Protection

**Zoning:** Rural (RU)

### Zoning Relief Requested

Section 7.2 – to permit a seasonal dwelling, whereas the RU zone permits a single detached dwelling.

### Related Applications

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

## Discussion

### Property Description

This 126 acre property has frontage on McAndrews Road. The northern half of the property has frontage on Crow Lake, while the southern half is separated from Crow Lake by a narrow strip of land owned by the Crown. The property is forested, and consists of a series of ridges and valleys as well as several wetlands/ponds.

## Summary of Proposal

The application is seeking a variance for a seasonal dwelling as a permitted use. The application states that construction of a year-round home (single detached dwelling) on the subject property would be challenging because there is no access to the electrical grid, and so all electricity would need to be produced by renewable sources. The Ontario Building Code requirement of an HRV and a high efficiency heating system for a year-round dwelling would translate into an electrical load that is difficult to meet with renewable energy sources.

The 1280 square foot (118 square metre) seasonal dwelling would be located in a clearing that would comply with all RU zone provisions, including being setback 46 metres from the highwater mark of Crow Lake.

## Department and Agency Comments

A conditional permit for a sewage system for the seasonal dwelling has been issued by Building Services.

The applicant provided documentation from Cataraqui Conservation that the seasonal dwelling would be located outside the area regulated under O. Reg. 148/06.

## Public Comments

No comments were received 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 property is designated Rural on Schedule A of the Official Plan. The large wetlands/ponds are designated Environmental Protection. Both a single detached dwelling and a seasonal dwelling are permitted on lands in the Rural designation, therefore the proposed seasonal dwelling is permitted by the Official Plan. The dwelling would be located more than 450 metres from the wetlands/ponds that are designated Environmental Protection, and 46 metres from Crow Lake.

The proposed variance maintains the general intent and purpose of the Official Plan related to residential development, and development adjacent to environmentally sensitive areas.

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

For the purpose of the Zoning By-law, a seasonal dwelling is one used as a secondary place of residence for seasonal vacations and recreational purposes. For the purpose of the Ontario Building Code, a seasonal dwelling does not need to be constructed to the same standard as a year-round home (e.g. high efficiency heating system, plumbing, insulation).

A seasonal dwelling is a permitted use in the Waterfront Residential (RW) zone and the three Limited Service Residential zones (RLSW, RLSI), which apply to waterfront residential properties. A seasonal dwelling is also permitted in the RLS zone, which applies to non-waterfront properties on private lanes. Although the subject property has waterfrontage and frontage on a public road, it is zoned Rural (RU) due to its size and remote location. The RU zone permits a single detached dwelling, but not a seasonal dwelling. Permitting a seasonal dwelling on the property rather than a single detached dwelling will allow the desired seasonal and recreational usage of the property while still maintaining the form of low density residential development that is permitted in the RU zone.

The dwelling would meet or exceed all applicable Zoning By-law performance standards (e.g. gross floor area, setbacks, lot coverage).

The proposed variance to permit a seasonal dwelling 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 variance for the proposed seasonal dwelling is desirable for the appropriate use of the land. The subject property is located in a remote area of the Township that does not have ready access to the electricity grid. A majority of the properties along McAndrews Road that are developed contain a seasonal dwelling. Permitting a seasonal dwelling on the subject property would be consistent with the seasonal nature of this area.

### 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 use of the land. The subject property historically contained a cottage (long since demolished), and was used for recreational purposes, including private camping. A seasonal dwelling would be consistent with the historical use of the property and the current use of other properties in the neighbourhood.

## 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-2023-0003 for 1167A McAndrews Road, subject to the following conditions.

1. The minor variance permits a seasonal dwelling to be established on the property.
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 PL-ZNA-2023-0003 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



**TOWNSHIP OF SOUTH FRONTENAC  
APPLICATION FOR MINOR VARIANCE  
OR PERMISSION (s. 45(2))  
Updated January, 2023**

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 or permission under s. 45(2) to alter a legal non-conforming use.

**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

**The Committee may grant permission to enlarge or extend a structure or alter the use of the lands where any land, building or structure, on the day the by-law was passed, was lawfully used for a purpose prohibited by the by-law.**

**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**, accompanied by a **non-refundable fee** in accordance with the chart below in cash, or by debit card, credit card or cheque made payable to the Township of South Frontenac.

<b>Application Type:</b>	<b>Planning Fee:</b>	<b>Building Admin Fee:</b>	<b>TOTAL:</b>
1-3 Variances	\$999.00	\$97.00	\$1,096.00
4+ Variances	\$1,370.00	\$97.00	\$1,467.00
After building without a permit	\$2,082.00	\$97.00	\$2,179.00

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 with the application).

Township of South Frontenac <i>Minor Variance Only</i>	\$463.00
<i>Minor Variance WITH Performance Review</i>	\$720.00
<i>Minor Variance in combination with a new Class 2, 3, 4, or 5 sewage system other than a Class A system</i>	\$1,183.00
Cataraqui Region Conservation Authority	\$445.00
Quinte Conservation Authority	\$450.00
Rideau Valley Conservation Authority	\$410.00

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

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

**3. PLEASE READ THIS ITEM CAREFULLY**

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

**4. Collection of Personal Information**

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

RECEIVED

TOWNSHIP OF SOUTH FRONTENAC APPLICATION FOR MINOR VARIANCE

Planning Act, R.S.O. 1990, c. P.13 as amended

JAN 13 2023

Date Received: \_\_\_\_\_

File No: PL-ZNA-2023-0006

Pre-Consultation for this application  Yes  No

Planner: Sarah Cadue Date of pre consultation: Jan. 12/23

1. Name of Owner(s): \_\_\_\_\_

Full Mailing Address of Owner(s) \_\_\_\_\_

Phone number of Owner(s): \_\_\_\_\_

Email Address of Owner(s): \_\_\_\_\_

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

Name of Authorized Agent: \_\_\_\_\_

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

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

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

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

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

3. The description of the subject land:

District:  Bedford  Portland  Loughborough  Storrington

Concession Number: 2 Lot Number: 11

Street Number: 4657 Name of Road/Street: Clark

Reference Plan Number: 9872 Part Number(s): 1

Roll Number: 102908001011300

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

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

Frontage (on water): \_\_\_\_\_ Frontage (on road/lane): \_\_\_\_\_

Depth: 225' Area: 4.3 Acres

5. The current zoning of the subject land:

R - R Rural

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

25' Frontage

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

Encroachment on Lawn of  
Addition Property

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

OR a privately maintained road?  Yes  No

Name of Road/Lane:

\_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

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

Residential

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

Yes  No

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

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

Type of Structure (E.g. residence)	(1)	(2)	(3)	(4)
Setback from Front Lot Line	Home			
Setback from Rear Lot Line	120'			
Setback from Side Lot Line	754'			
Height of Building (Also indicate if it is one story or two story)	36'			
Dimensions of Floor Area	24' Two Story			
Setback from High Water Mark (If applicable)	2600'			
	/			

13. The proposed uses of the subject land:

Residential

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

Yes       No

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

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

Type of Structure (E.g. residence)	(1)	(2)	(3)	(4)
	Shed			
Setback from Front Lot Line	150'			
Setback from Rear Lot Line	1800'			
Setback from Side Lot Line	85'			
Height of Building (Also indicate if it is one story or two story)	one story 20'			
Outside Dimensions of Building/Structure	36' x 36'			
Setback from High Water Mark (If applicable)	—			

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

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

If yes, please provide details:

---

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

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

If yes, please provide details:

---

18. What are the uses of the proposed development?

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

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

1999

---

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

2020

---

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

31 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:

Yes 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:

Yes Septic

---

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

N/A

---

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

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

Yes

No

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

---

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

Yes

No

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

---

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

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

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

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

AGREEMENT TO INDEMNIFY

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

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

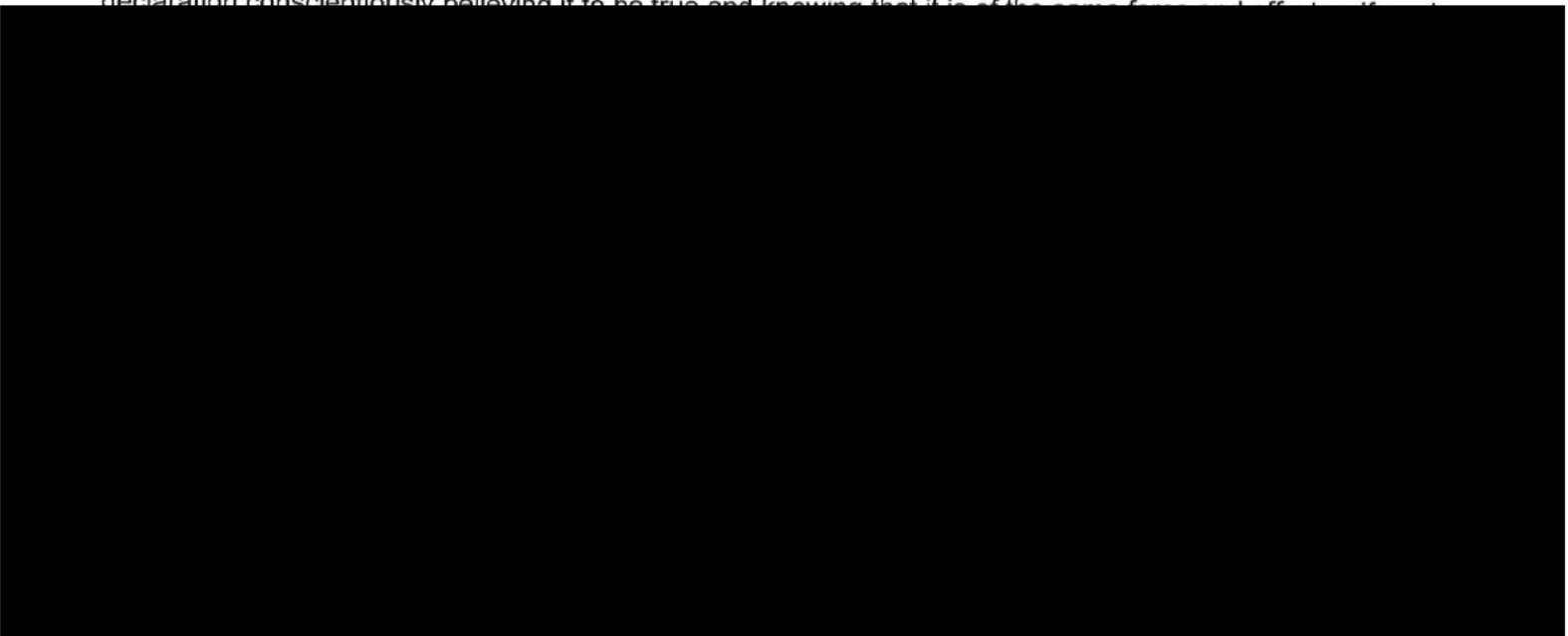
The Owner/Applicant/Agent further agrees to provide the municipality, upon request and in cases where an application has been appealed to the Ontario Municipal Board, with a deposit (over and above the normal application fee), from which the municipality may, from time to time charge any fees and expenses 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 13<sup>th</sup> DAY OF January, 20 03

I, Michael Benedikt OF \_\_\_\_\_  
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



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

**A Guide to Completing the Minor Variance Form**

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

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

- 9) Parking and Docking: This question is only relevant if you can only access your property by water.
- 10) Existing Uses: e.g. residential, retail business, vacant recreational land
- 11) Buildings: If there are **ANY** buildings or structures on the property now, the answer to this question is "yes".
- 12) Description of buildings and structures: You must complete all sections of this question for each structure on your property. **If there is a deck on your dwelling, please describe it separately from the residence.**
- 13) Proposed Uses: Generally, the answer to this question will be the same as the answer to #10, but if, for example, the land is currently vacant, and you are planning to construct a dwelling, then the use to be described in section 10 would be "vacant recreational land", and the use described in section 13 would be "residential"
- 14) Proposed structures: If you are planning to build **ANYTHING** on the property, the answer to this question is "yes" – This includes additions, decks, garages, septic systems.
- 15) Description of new construction: **ALL** proposed new development must be described here. If you are proposing to construct an addition to a dwelling, and to add a deck, please show this information in separate columns.
- 16) **Demolition: All demolition requires a permit from the building department.** In some instances, a proposed addition or increase in height cannot be accomplished without the removal of existing walls. If this is not made clear to the Committee at the beginning of the process, you may find that, although you are granted permission to add on to your residence, you can't actually do it because you have not made it clear that there is demolition involved.
- 17) Raising of Structure: In other words, are you proposing to raise the building in order to construct a basement under it.
- 18) Uses of Development: Please answer each part of this question. An increase in living space would include anything with walls – e.g. a screened porch would involve an increase in living space.
- 19) Date land acquired: When did you take possession of the property?
- 20) Date of existing buildings: If you are not sure, provide your best estimate.
- 21) Length of existing uses: For example, has the land been used for residential purposes for 30 years, or 18 months?
- 22) Water supply: in most cases the answer will be private well, but some waterfront properties take their water from a lake.

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

- 23) Septic: in most cases the answer will be private sewage system, but there may be some privies.
- 24) Drainage: Are there specific ditches that have been constructed to deal with drainage; is there natural drainage, etc.?
- 25) Application for consent: Is there currently an application for consent (severance) being proposed for the property?
- 26) If yes: If there is a current application for severance or subdivision on the property, please indicate the file number. (Staff can help provide this information)
- 27) Minor variance: Has there ever been a minor variance granted on the property? If you are long-time owner of the property, you will probably be aware of any other special permission granted for a variance to the zoning by-law. If you are a new owner, the seller will probably have made you aware of this.
- 28) If yes: If there has been a previous variance granted on the property, please indicate the application number if known, and what the details of the variance were.
- 29) **SKETCH: We cannot stress enough the importance of a detailed, accurate, and complete sketch. You do not necessarily need to contract with a professional to draw the sketch, but sketches that are not drawn to scale, do not show dimensions and distances, or are not drawn neatly (PLEASE USE A RULER), will not be accepted.**
- 30) **Agreement to Indemnify:** Must be signed in front of a commissioner of oaths – you may have this done before submitting the application, or sign the application in front of staff who can sign as commissioners. All owners must sign the application, or it can be signed by an agent if one has been appointed.

SCHEDULE		
PART	LOT	CON
1	PART OF 11	2
2	PART OF 11	2

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

RECEIVED 15, 2022  
DATE

PLAN 13R  
RECEIVED AND DEPOSITED  
DATE

REPRESENTATIVE FOR LAND REGISTRAR FOR THE LAND TITLES DIVISION OF FRONTENAC No. 13  
LESLIE M. HOPKINS O.L.S.



PLAN OF SURVEY  
OF PART OF LOT 11  
CONCESSION 2  
TOWNSHIP OF SOUTH FRONTENAC  
(GEOGRAPHIC TOWNSHIP OF PORTLAND)  
COUNTY OF FRONTENAC  
SCALE: 1 : 1000

50m 40 30 20 10 0 50 metres

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

HOPKINS CHITTY LAND SURVEYORS INC.  
2022

SURVEYOR'S CERTIFICATE:

I CERTIFY THAT:  
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.  
2. THE SURVEY WAS COMPLETED ON THE 8TH DAY OF DECEMBER, 2022.

DECEMBER 15, 2022  
DATE  
LESLIE M. HOPKINS  
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO ADS SUBMISSION FORM NUMBER V-26403

NOTE & LEGEND:

BEARINGS SHOWN HEREON ARE GRID BEARINGS DERIVED FROM GPS OBSERVATIONS AND ARE RELATED TO MONUMENTS ORP A AND ORP B HAVING A BEARING OF N85°24'30"E, UTM ZONE 18, (75° WEST LONGITUDE) NAD83 (CSRS) (2010).

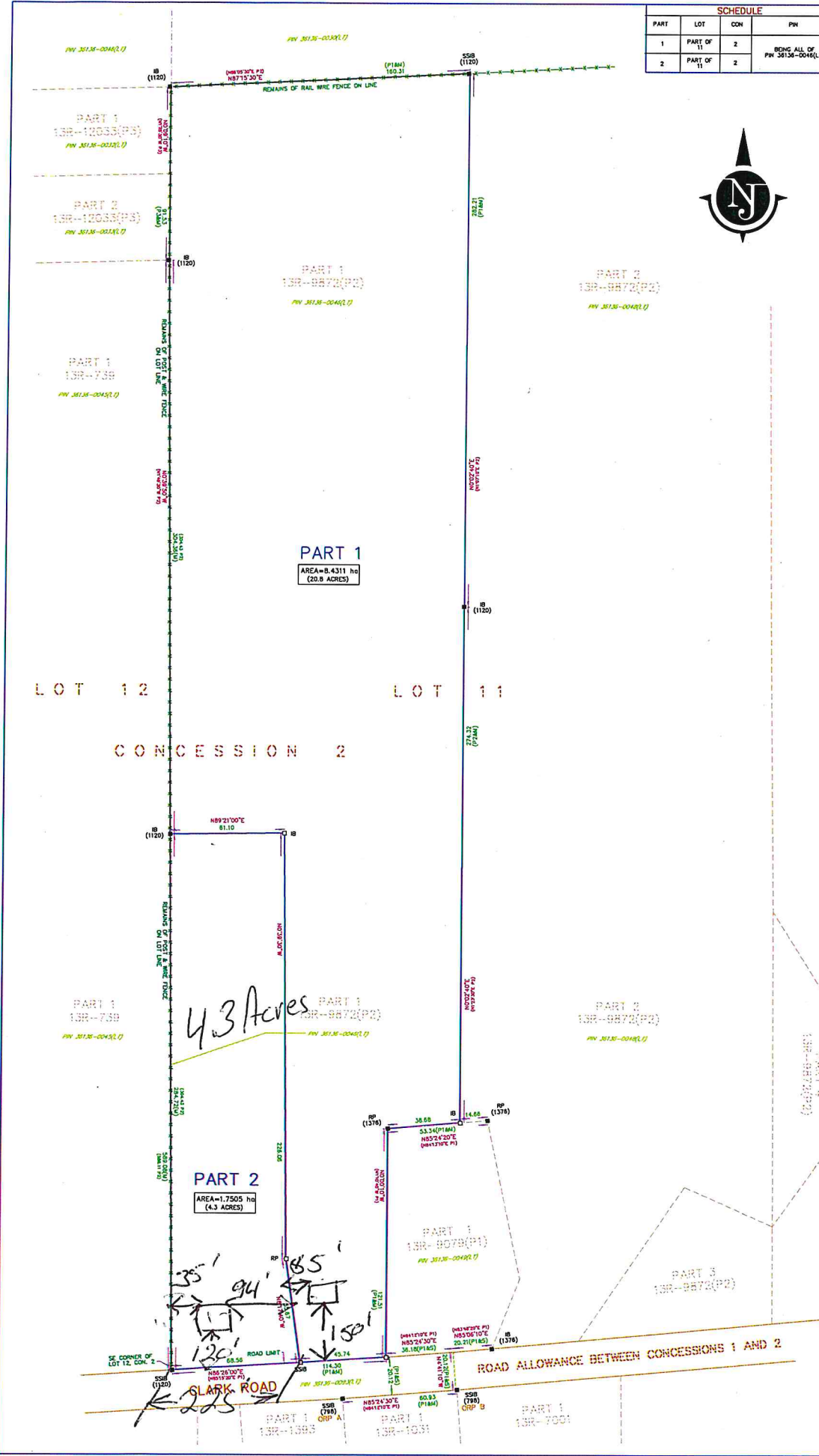
COMPARISONS SHOWN IN BRACKETS ARE TO ASTRONOMIC BEARINGS

INTEGRATION COORDINATE TABLE		
OBSERVED REFERENCE POINTS (ORP) DERIVED FROM GPS OBSERVATIONS USING THE PRECISE POINT POSITIONING (PPP) SERVICE, UTM ZONE 18, NAD83(CSRS)(2010) RURAL ACCURACY FOR SEC. 14(C) OF OREG. 218/10		
POINT ID	NORTHING (N)	EASTING (E)
ORP A	4912790.68	384412.01
ORP B	4912793.54	384472.72

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

ALL DISTANCES SHOWN HEREON ARE HORIZONTAL GROUND DISTANCES.  
GRID DISTANCES CAN BE CALCULATED BY MULTIPLYING THE GROUND DISTANCES SHOWN ON THE PLAN BY THE COMBINED SCALE FACTOR OF 0.999807823.

- DENOTES SURVEY MONUMENT PLANTED
  - SURVEY MONUMENT FOUND
  - SSB - SHORT STANDARD IRON BAR
  - SIB - STANDARD IRON BAR
  - IB - IRON BAR
  - RP - ROCK PLUG
  - WT - WITNESS
  - CALC - CALCULATED
  - S - SET
  - M - MEASURED
  - 1376 - PETER S. HOPKINS O.L.S.
  - 1120 - JAMES A. MINNES O.L.S.
  - 798 - RAY HANTER O.L.S.
  - P1 - PLAN 13R-8078
  - P2 - PLAN 13R-8872
  - P3 - PLAN 13R-12033
- SSB'S WERE PLANTED WHERE OVERBURN WAS INSUFFICIENT TO SET SIB'S



DATED DECEMBER 15, 2022

PARTY ORDER NO.	INSTRUMENT NO.	CHECKED BY/IN	PLAN BY/IN

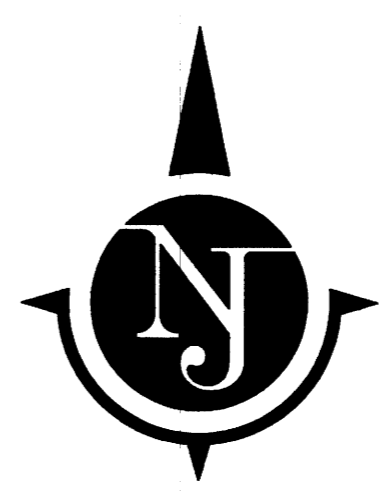
HOPKINS CHITTY LAND SURVEYORS INC.  
1224 GARDINERS ROAD, SUITE 102  
NEWTON, ONTARIO K7P 0C2  
913-384-2268 (toll free 1-800-353-3513)  
www.hopkinschitty.com

FILE: PO'D 2-11 2022-0628 #N/C #PLAN

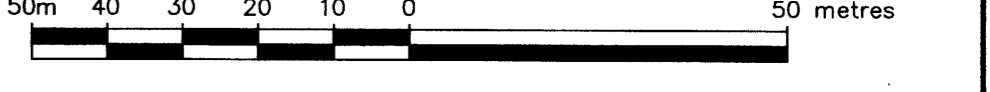
SCHEDULE			
PART	LOT	CON	PIN
1	PART OF 11	2	BEING ALL OF PIN 36136-0046(LT)
2	PART OF 11	2	

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.  
 DECEMBER 23, 2022  
 DATE:  
*Leslie M. Johnson*  
 LESLIE M. JOHNSON O.L.S.

PLAN 13R 22805  
 RECEIVED AND DEPOSITED  
 January 17<sup>th</sup> 2022  
 DATE:  
*Laura Héroux*  
 REPRESENTATIVE FOR LAND REGISTRAR  
 FOR THE LAND TITLES DIVISION OF  
 FRONTENAC No. 13



**PLAN OF SURVEY**  
 OF PART OF LOT 11  
 OF CONCESSION 2  
 TOWNSHIP OF SOUTH FRONTENAC  
 (GEOGRAPHIC TOWNSHIP OF PORTLAND)  
 COUNTY OF FRONTENAC  
 SCALE: 1 : 1000



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

HOPKINS CHITTY LAND SURVEYORS INC.  
 2022

**SURVEYOR'S CERTIFICATE:**

- I CERTIFY THAT:  
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.  
 2. THE SURVEY WAS COMPLETED ON THE 23<sup>rd</sup> DAY OF DECEMBER, 2022.

DECEMBER 23, 2022  
 DATE

*Leslie M. Johnson*  
 LESLIE M. JOHNSON  
 ONTARIO SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS SUBMISSION FORM NUMBER V-38403

**NOTE & LEGEND:**

BEARINGS SHOWN HEREON ARE GRID BEARINGS DERIVED FROM GPS OBSERVATIONS AND ARE RELATED TO MONUMENTS ORP A AND ORP B HAVING A BEARING OF N85°24'30"E, UTM ZONE 18, (75° WEST LONGITUDE) NAD83 (CSRS) (2010.0).

COMPARISONS SHOWN IN BRACKETS ARE TO ASTRONOMIC BEARINGS

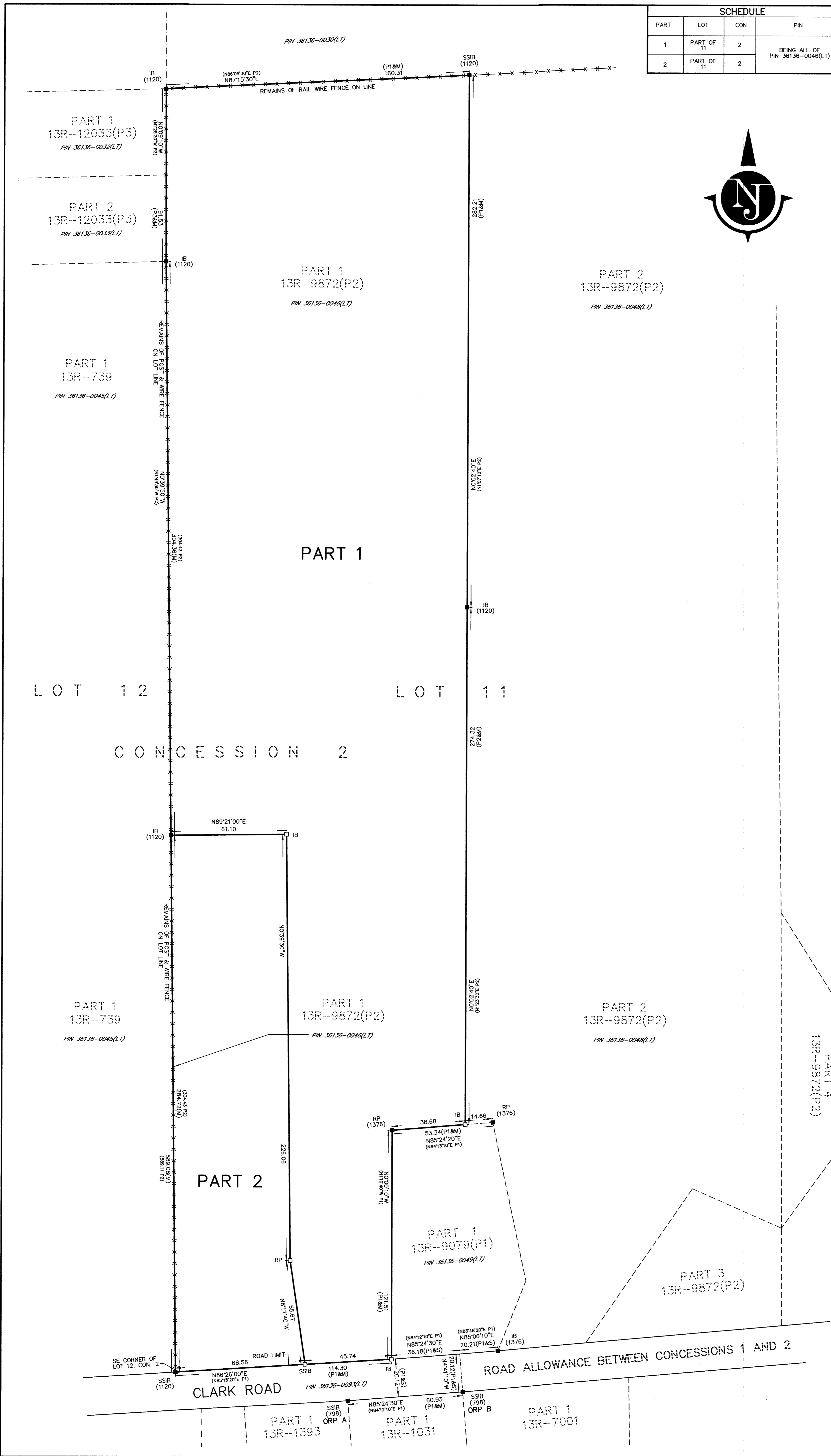
INTEGRATION COORDINATE TABLE		
OBSERVED REFERENCE POINTS(ORPs) DERIVED FROM GPS OBSERVATIONS USING THE PRECISE POINT POSITIONING (PPP) SERVICE, UTM ZONE 18, NAD83(CSRS)(2010.0) RURAL ACCURACY PER SEC. 14(2) OF O.REG. 216/10		
POINT ID	NORTHING (M)	EASTING (M)
ORP A	4913790.66	364412.01
ORP B	4913795.54	364472.72

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

ALL DISTANCES SHOWN HEREON ARE HORIZONTAL GROUND DISTANCES.  
 GRID DISTANCES CAN BE CALCULATED BY MULTIPLYING THE GROUND DISTANCES SHOWN ON THE PLAN BY THE COMBINED SCALE FACTOR OF 0.9998078723.

SYMBOL	DENOTES	SURVEY MONUMENT PLANTED
■	-	SURVEY MONUMENT FOUND
SSIB	-	SHORT STANDARD IRON BAR
SIB	-	STANDARD IRON BAR
IB	-	IRON BAR
RP	-	ROCK PLUG
WT	-	WITNESS
CALC	-	CALCULATED
S	-	SET
M	-	MEASURED
1376	-	PETER S. HOPKINS O.L.S.
1120	-	JAMES A. MINNES O.L.S.
798	-	RAY HUNTER O.L.S.
P1	-	PLAN 13R-9079
P2	-	PLAN 13R-9872
P3	-	PLAN 13R-12033

SSIB'S WERE PLANTED WHERE OVERBURDEN WAS INSUFFICIENT TO SET SIB'S



DATED DECEMBER 23, 2022

PARTY CHIEF: JO	INSTRUMENT: SG	CHECKED BY: LH	PLAN BY: JN
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HOPKINS CHITTY LAND SURVEYORS INC.  
 1224 GARDINERS ROAD, SUITE 102  
 KINGSTON, ONTARIO K7P 0G2  
 (613) 384-9266 (fax) 384-3513 www.hopkinschitty.com

FILE: PO'D 2-11	2022-0628 GNDC RPLAN
-----------------	----------------------

# Hopkins Chitty Land Surveyors Inc.

*Ontario Land Surveyors*

1224 Gardiners Road, Suite 102,

Kingston, Ontario K7P 0G2

Tel: (613)389-7986 Fax: (613)384-3513



January 20, 2023

Attention: Mike Benedikt

Re: Preparation of a Reference Plan for  
Lot Addition – 4657 Clark Road  
Lot 11, Concession 2  
Township of South Frontenac  
(Geographic Township of Portland)  
County of Frontenac

Dear Mr. Benedikt:

Please find enclosed copies of a 2 Part Reference Plan that has been deposited in the Land Registry Office as 13R-22805.

Part 1 represents the Lot Addition outlined in Consent Application PL-BDJ-2022-0107. This parcel has an Area of 8.4311 ha (20.8 Acres).

Part 2 represents the Retained Lands. It has an Area of 1.7505 ha (4.3 Acres).

The Frontage of Part 1 is 45.7 m and Part 2 is 68.5 m.

The horizontal position has been related to UTM Nad83 (Zone 18) (CSRS) (2010.0) ground coordinates (GPS).

From our Land Registry Office research, we found that these Lands have been assigned the Property Identification Number (PIN) 36136-0046(LT) and are described in Inst. No. FR689955 as Part 1 on Plan 13R-9872.

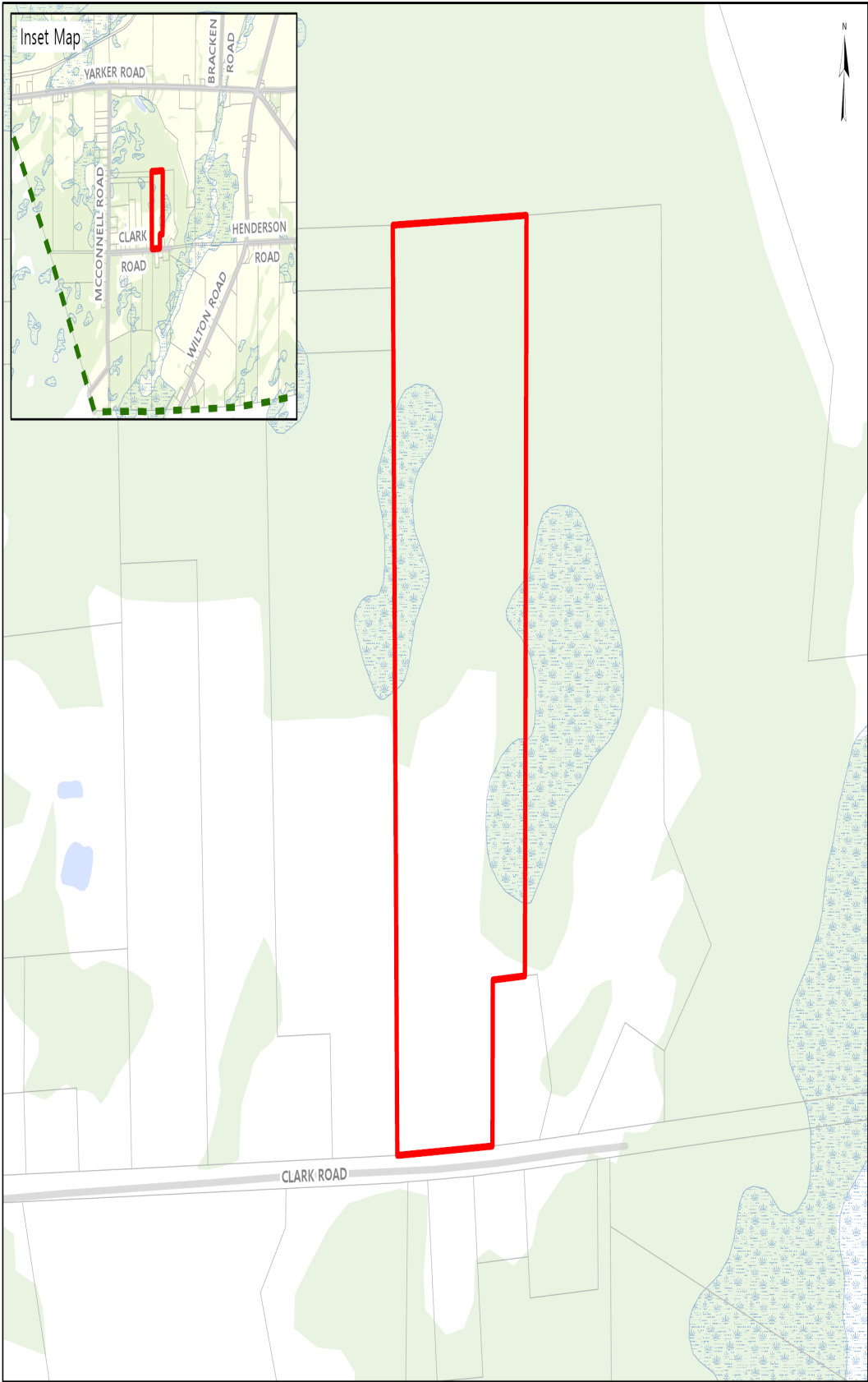
In the field we found survey bars marking all but two corners in the southeast corner of the site. We have re-established and replaced the missing corners using the location of the bars we found and information on plan 13R-9872.

New survey bars have been set along the east limit of Part 2.

If you have any questions or require additional information, please let me know.

Yours truly,

Leslie M. Higginson  
Ontario Land Surveyor



# SOUTH FRONTENAC

**PL-ZNA-2023-0006  
(BENEDIKT)**

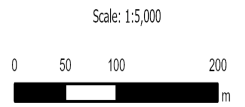
**4657 CLARK ROAD**

**Legend**

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

Produced by the County of Frontenac under license with the Ontario Ministry of Natural Resources © King's Printer for Ontario, 2022.

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



UTM Zone 18 NAD 83  
Date: 2023-01-23

# Township of South Frontenac Staff Report

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**To:** Committee of Adjustment

**Prepared by:** Development Services Department

**Date of Meeting:** February 9, 2023

**Subject: Minor Variance Application (S. 45(1) of the Planning Act)  
PL-ZNA-2023-0006, Donna and Michael Benedikt, 4657 Clark Road**

## Summary

The subject application seeks zoning relief for lot frontage. 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.

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## Background

**Official Plan Designation:** Rural

**Zoning:** Rural (RU)

### Zoning Relief Requested

Section 7.3.2 – to permit a lot frontage of 68.5 metres (224.7 feet), whereas a minimum lot frontage of 76 metres (250 feet) is required for single detached residential uses in the Rural Zone.

## Related Applications

The subject property is subject to Consent Application PL-BD-2022-0107. The Consent Application PL-BD-2022-0107 was for a lot addition to the property to the east (4645 Clark Road) and the consent application was approved by the Director of Development Services (Designate) on October 14<sup>th</sup>, 2022 as an undisputed consent as per Bylaw 2020-27.

## Discussion/Analysis

### Property Description

The subject property is a large rural property located on Clark Road. The subject property consists mostly of a large, wooded area on the north side of the property. The wooded area

contains limestone and rocky outcrops. There are also small wetland features in the north half of the property. The subject property contains a single-detached house and septic system built in 2020.

There are various residential properties surrounding the subject property along Clark Road and McConnell Road, which is the nearest crossroad.

### **Summary of Proposal**

Part 2 of the draft reference plan represents the Retained Lands from consent application PL-BDJ-2022-0107. It has an area of 4.3 acres (1.7 hectares). The frontage of Part 2 is 68.5 metres.

The retained parcel will be deficient in lot frontage. A variance is being requested to permit a minimum of 68.5 metres of lot frontage instead of 76 metres. A deficient frontage is being proposed for the retained parcel so that the new property line does not encroach on the existing lawn that is located on the lot addition that is already used by the owners of the benefitting lot.

### **Department and Agency Comments**

Public Services had no objection to the approval of the consent application (PL-BDJ-2022-0107) for a lot addition, with the retained parcel having reduced lot frontage.

### **Public Comments**

No public comments were received to date.

### **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 retained parcel (subject land) will have an area of 4.3 acres (1.7 hectares) and a frontage of 68.5 metres (224.7 feet) on Clark Road. As such, the retained parcel will have a reduced lot frontage, a difference of 7.5 metres (24.6 feet) from the minimum requirement from 76 metres (250 feet) for rural residential lots.

The Official Plan states that for a rural residential lot created through a consent application “the municipality may consider reductions to the minimum lot size and frontage requirements provided the overall intent of the Plan is maintained.” The retained parcel exceeds the minimum requirements for lot size.

In addition, the subject property is near the end of Clark Road, which is a very low traffic road, so there’s minimal risk of traffic hazards or vehicle safety and the road sight lines are not on curves. Therefore, the retained parcel would comply with Section 7.1 (i) of the land division policies. The driveway and single detached house are on the far east side of the retained parcel and Public Services did not voice any concerns in respect to road safety.

The retained parcel is already developed with a driveway, single-detached house, and septic system, therefore, there would be no impact to the adjacent properties by having a reduced lot frontage. There’s also no intention to build any new buildings or structures on the property therefore the reduced frontage would have a minimal effect on the use of the lot.

It is the opinion of staff that the overall intent of the Official Plan is maintained.

#### [Does the variance maintain the general intent and purpose of the Zoning By-law?](#)

The Rural (RU) zone section 7.3.3 of the Zoning By-law requires a minimum lot frontage of 76 metres (250 feet). As stated, the retained lot frontage would be deficient 7.5 metres (24.6 feet) of the minimum requirement for this zone.

Minimum road frontages are required to allow for a separation between driveways and the road and to improve traffic safety. The proposed reduced lot frontage of the retained parcel does not change the existing separation between uses/driveways.

Minimum road frontages are also required in order to ensure a development pattern that is reasonably consistent in nature, to avoid an overdeveloped appearance and to help ensure a reasonable separation between residential uses. In this case both the retained parcel and the parcel benefitting from the lot addition are already developed, and their lot areas exceed the minimum lot size. The retained parcel would comply with all other Zoning Bylaw requirements of the RU zone. Therefore, the general intent of the Zoning Bylaw is maintained with the granting of this minor variance for lot frontage.

#### [Is the requested variance desirable for the appropriate development or use of the land, building or structure in question?](#)

The variance is desirable for the appropriate development of the land, as reduced lot frontage for the retained parcel would allow the owners of the benefiting lot to continue to use the lawn that exists on the lot addition lands.

The subject property is located near the end of Clark Road. The proposed reduced lot frontage will not have any negative impact on the abutting residential land uses and is suitable for the existing residential use on the retained parcel.

### 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 of the land. The deficient lot frontage of the retained parcel is minimal and would not have impact on the functionality of the retained parcel as the lot has an approved entrance and is already developed. No adverse impacts are anticipated to neighbouring properties as there is no change in use or plans for additional development on the retained parcel. The deficient frontage does not affect the abutting lots in terms of spacing, privacy views, or character of the neighbourhood.

## 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-2023-0006, subject to the following conditions.

1. The minor variance is for reduced lot frontage. The retained parcel from Consent Application PL-BDJ-2022-0107 is permitted to have a minimum lot frontage of 68.5 metres.
2. Minor variance PL-ZNA-2023-0006 is applicable only to Zoning By-law No. 2003-75 and not to any subsequent zoning by-laws.

### Report Prepared By:

Sarah Cadue, MCIP RPP, Planner

### Reviewed By:

Christine Woods, MCIP, RPP, Senior Planner