TOWNSHIP OF SOUTH FRONTENAC
Committee Of Adjustment Meeting
Agenda

TIME: 7:00 PM,
DATE: Thursday, August 10, 2023
PLACE: Council Chambers/Virtual Via Zoom .

1. *Call to Order*

a) Resolution.

2. *Adoption of Agenda*

a) Resolution.

3. *Electronic Meeting Information*

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

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

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

b) PowerPoint Presentation Staff has prepared a PowerPoint Presentation that will be displayed on the screen of the meeting, you can also follow along with the PDF version that is in the attachment of this agenda item. 4 - 83

4. *Declaration of pecuniary interest*

a) None Declared.

5. *Approval of Minutes – July 13, 2023*

a) Resolution. 84 - 96

6. *Consent Applications from a Previous Meetings: (if applicable)*

a) There are none.

7. *New Consent Applications:*

a) There are none.

8. *Minor Variance / Permission Applications from a Previous Meetings: (if applicable)*

a) PL-ZNA-2023-0046 (Sheridan) 97 - 109

Property Address: 144 Timmerman Road (Bedford District)

Purpose and Effect of the Application:

The applicant is proposing to construct a new 102.9 square metre (1108 square feet) detached garage/quilt room on the subject property. The proposed accessory structure is to be setback 6.1 metres (20 feet) from the front lot line.

9. *New Minor Variance / Permission Applications:*

a) PL-ZNA-2023-0062 (Roach) 110 - 135

Property Address: Linea Drive (Storrington District)

Purpose and Effect of the Application:

The applicant seeks to permit a single detached dwelling to establish a minimum 10 metre front yard setback, whereas the R-10 zone requires a minimum 20 metre front yard setback.

b) PL-ZNA-2023-0063 (Duncan) 136 - 163

Property Address: 421 Stafford Lane (Storrington District)

Purpose and Effect of the Application:

The applicant seeks zoning relief to permit a seasonal dwelling to be erected 24 metres from the highwater mark of Little Cranberry Lake, whereas the Zoning By-law requires a minimum 30 metre setback from the highwater mark.

c) PL-ZNA-2023-0064 (Cain) 164 - 186

Property Address: 8270 Perth Road (Bedford District)

Purpose and Effect of the Application:

The applicant seeks to permit an accessory structure in the Waterfront Residential Zone to be setback less than 20m from the front lot line. The applicant is proposing to construct a 66.3sqm (713.6sqft) detached garage, setback 12.1m from the front lot line.

d) PL-ZNA-2023-0074 (Reitzel) 187 - 211

Property Address: 131A West Shore Lane (Bedford District)

Purpose and Effect of the Application:

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

e) PL-ZNA-2023-0083 (Cain) 212 - 229

Property Address: 8270 Perth Road (Bedford District)

Purpose and Effect of the Application:

The applicant seeks relief from Zoning By-law No. 2003-75 to permit an art studio/storage shed to be setback less than 15m from the top of bank, and less than 30m from the highwater mark of a waterbody. The structure was built without receiving the required planning and building approvals.

f) PL-ZNA-2023-0087 (McCreary) 230 - 250

Property Address: 42 Woodside Lane (Bedford District)

Purpose and Effect of the Application:

The applicant seeks 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 Thirty Island Lake.

10. *Other Business*

a) There is none.

11. *Adjournment*

a) Resolution.

Committee of Adjustment Meeting

Thursday, August 10, 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

- Kate Kaestner (Planning Clerk)
- Brad Wright (Director of Development Services)
- Christine Woods (Senior Planner)
- Noah Perron (Planner)
- Michael Kelly (Planning Intern)

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Call to Order

Adoption of Agenda

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

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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

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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.

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How to Speak to an Application

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

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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.

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Declaration of Pecuniary Interests

Approval of Minutes of Previous Meeting

Minor Variance / Permission to Enlarge Legal Non-Conforming Use Applications Carried Over from Previous Meeting

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Application PL-ZNA-2023-0046

Minor Variance

Applicant: Richard Sheridan

Property: 144 Timmerman Road

Background

- Original proposal deferred during June Committee Meeting
  - Zoning relief to reduce side yard setback of an accessory structure to ~1ft
  - Deferred to provide applicant an opportunity to revise the proposal

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Property Description

- Lot Area of 0.84Ha – Frontage on Timmerman Road and Sand Lake
- Existing dwelling with detached accessory structure
- Rural Designation
- RW Zone

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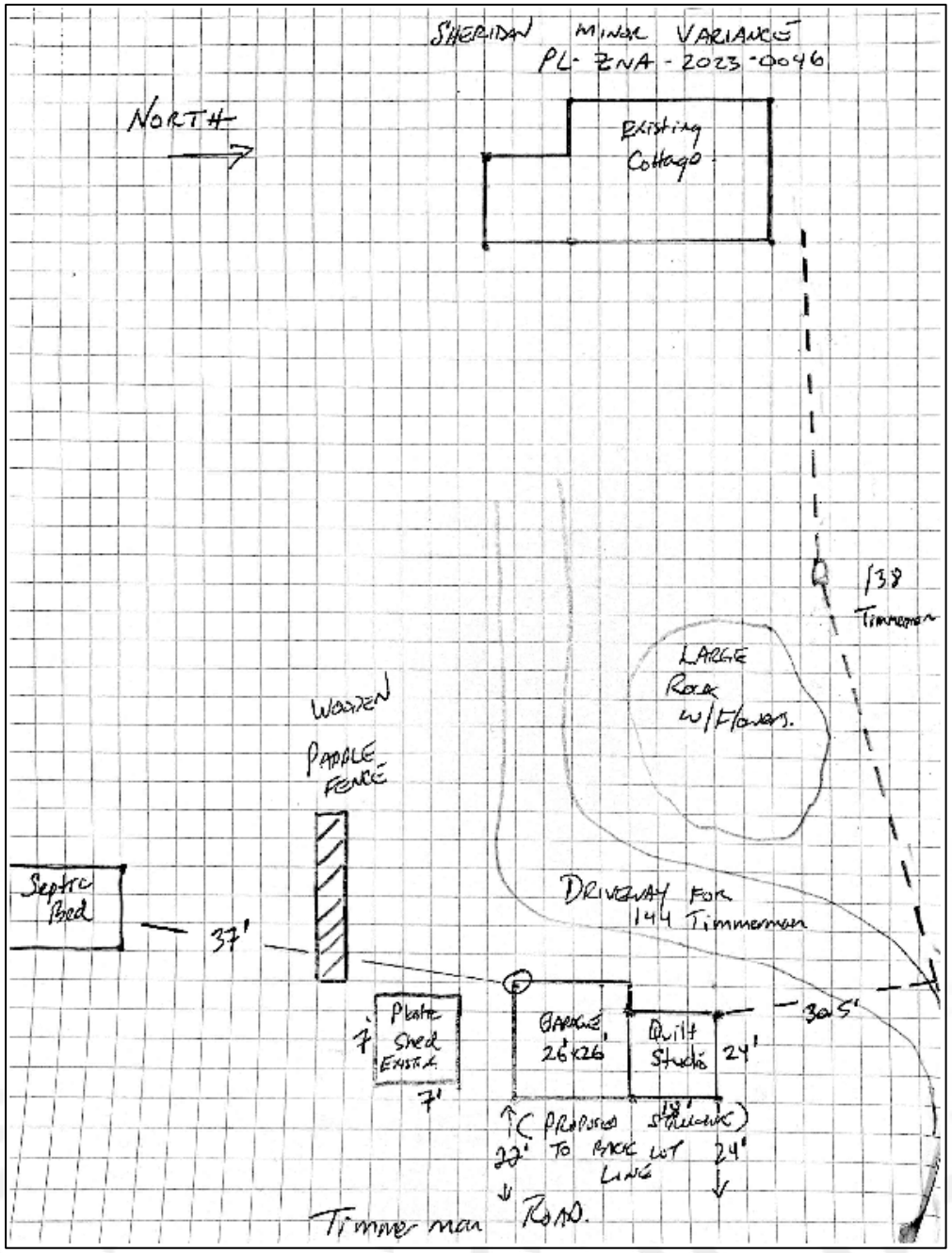
Proposal

- Proposed 1108sqft (102.9sqm) detached accessory structure (Garage/Quilt Room)
- Relief from Zoning By-law to permit:
  - A 22ft (6.7m) setback from the front lot line



Proposed Site Plan

Looking West towards Sand Lake

Looking East towards Timmerman Road (Green stakes show proposed garage location)

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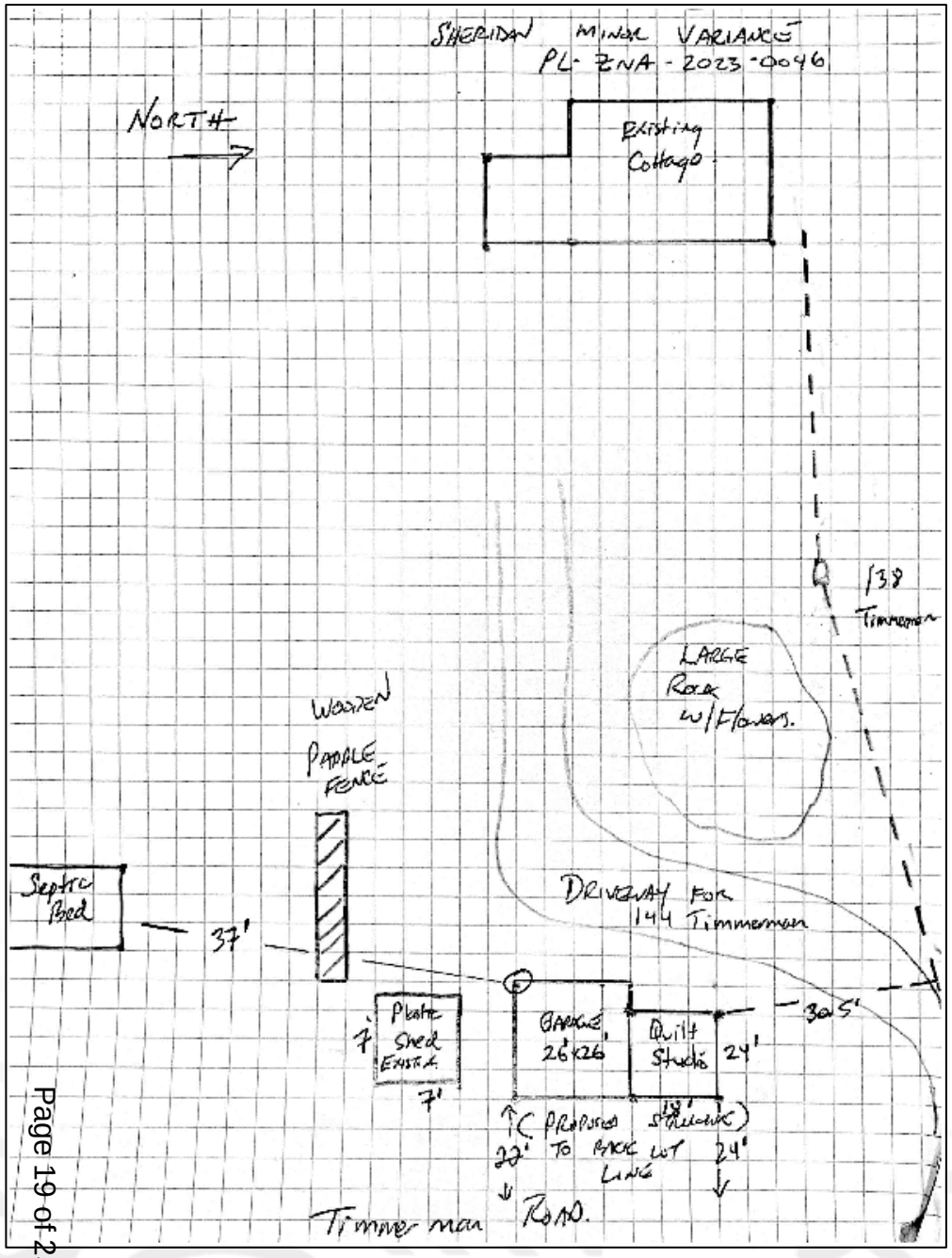
Preliminary Discussion

- During a site visit Planning Staff observed inconsistencies with the location of the proposed accessory structure.
- Proposed setbacks would result in accessory structure encroaching over front lot line.



Proposed Site Plan

Site imagery (Red: proposed accessory structure)

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Recommendation

- Deferral
- Provide applicant additional time to:
  - Have the location of lot lines confirmed by an OLS
  - Submit an acceptable sketch that accurately shows the size and location of the proposed building

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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.

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PL-ZNA-2023-0046
Committee Deliberation and Vote

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New Minor Variance / Permission to Enlarge Legal Non-Conforming Use Applications

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Application PL-ZNA-2023-0062
Minor Variance

Applicant: Stephen and Megan Roach

Property: Linea Drive

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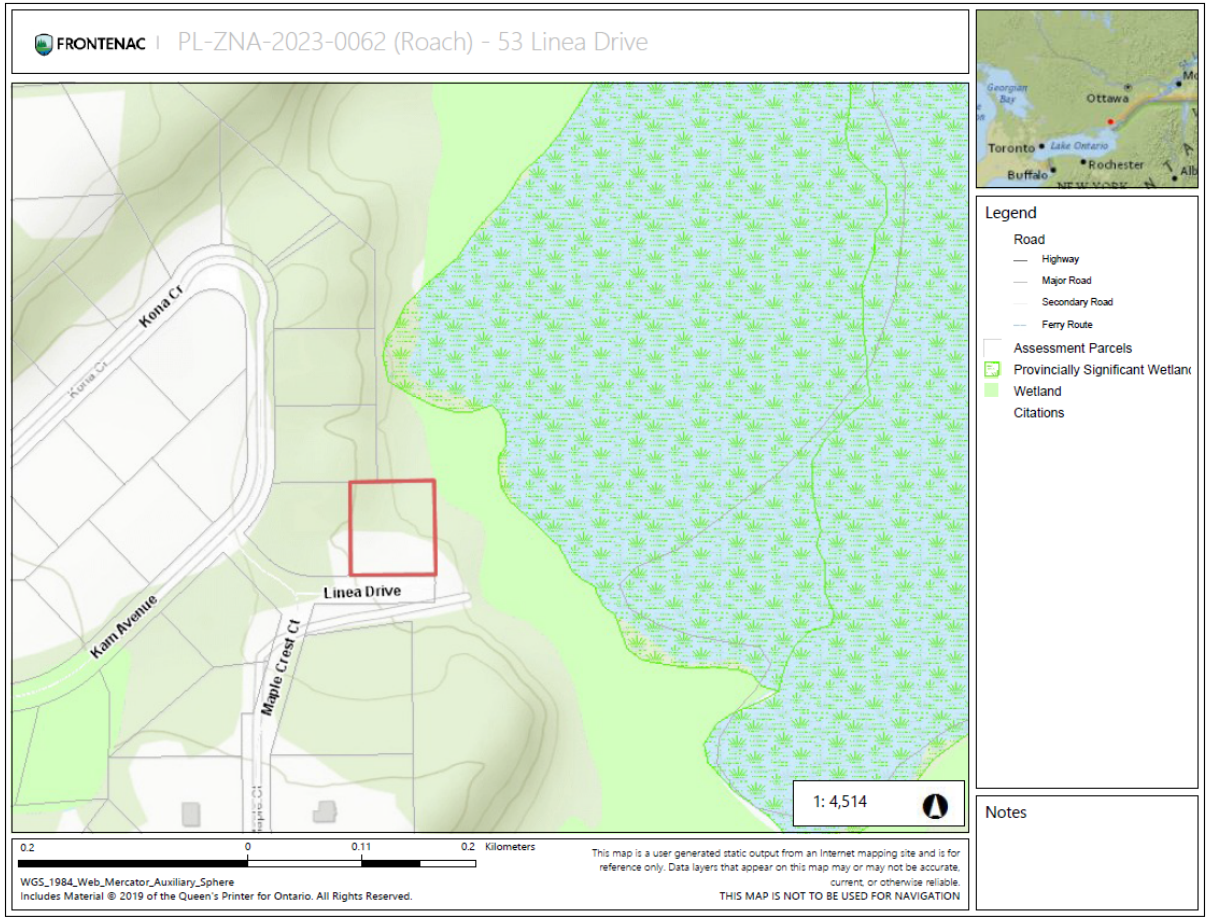
Property Description

- Lot area of 0.4Ha (1 acre) – 60.5m of frontage on Linea Drive
- Vacant Land that is generally forested with a clearing near road

- Rural Designation
- R-10 Special Residential Zone



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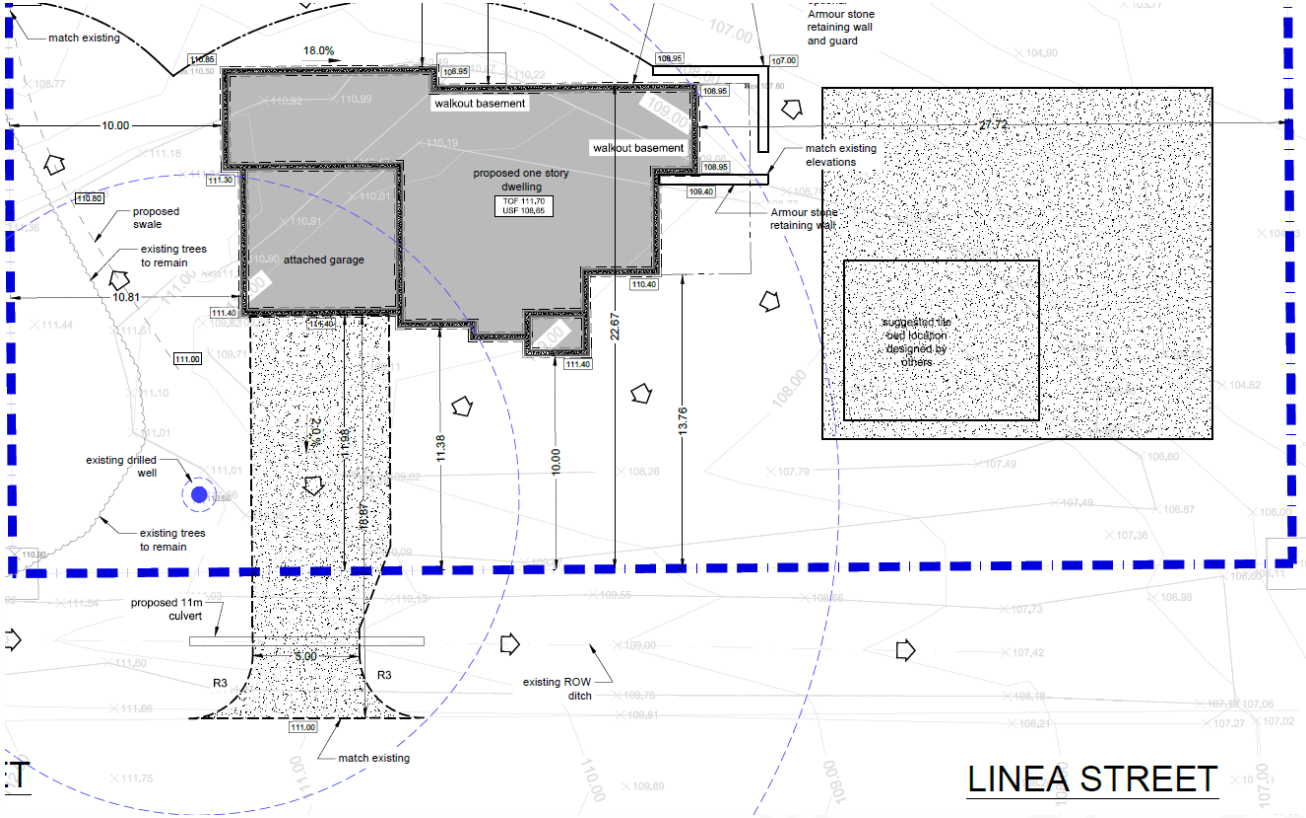
Proposal

- Construct a new 235 m² single detached dwelling with attached garage

- Seeking Relief from Zoning By-law to permit:
  - A front setback reduction to 10m from the required 20m



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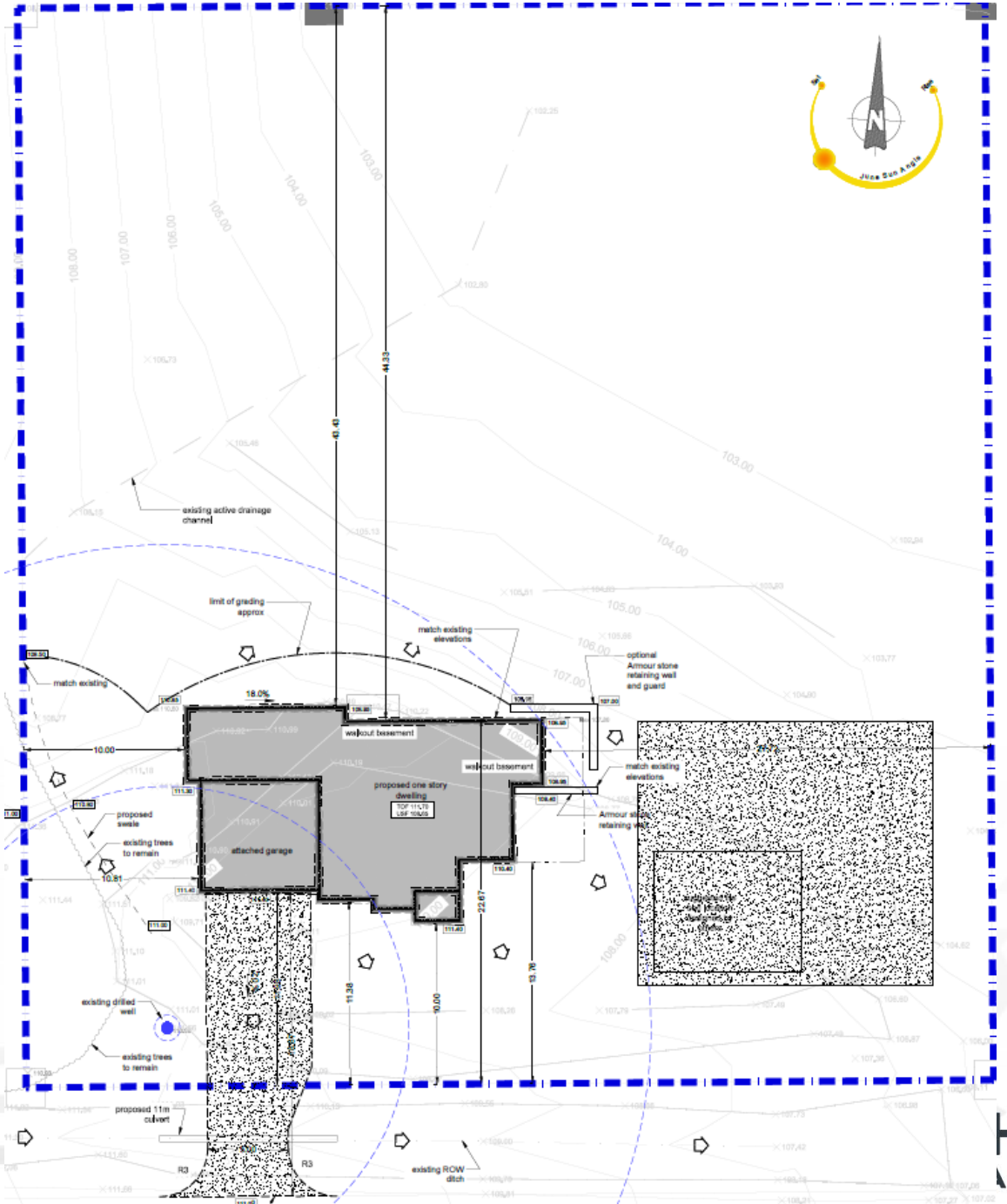
Proposal


existing active drainage channel
limit of grading approx
match existing elevations
optional Armour stone retaining wall and guard
match existing
18.0%
w/out basement
w/out basement
proposed one story dwelling
TOF 111.75
USF 109.05
match existing elevations
Armour stone retaining wall
proposed swale
existing trees to remain
attached garage
10.81
10.00
22.67
13.76
11.38
10.00
existing drilled well
existing trees to remain
proposed 11m culvert
R3
R3
existing ROW ditch

Department, Agency, and Public Comments

- Building Services- No Objection
- CRCA – No Concerns
  - However, they recommended that proper sediment and erosion controls be incorporated into construction plans. They also wanted to note that a permit would be required under O. Reg. 148/06 for the development at the building permit stage.
- Public Comments – None Received

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Planning Analysis

- Variance meets the 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. The proposal is desirable for the appropriate development of the lands in question
  4. The proposal is minor

Recommendation

- Approval
- Pending any comments received
- Subject to conditions outlined within the Staff Planning Report

Public Questions and Comments

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PL-ZNA-2023-0062
Committee Deliberation and Vote

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Application PL-ZNA-2023-0063

Minor Variance

- Applicant: Brett Duncan
- Agent: Anthony Wielamaker (Seaway Design)

- Property: 421 Stafford Lane

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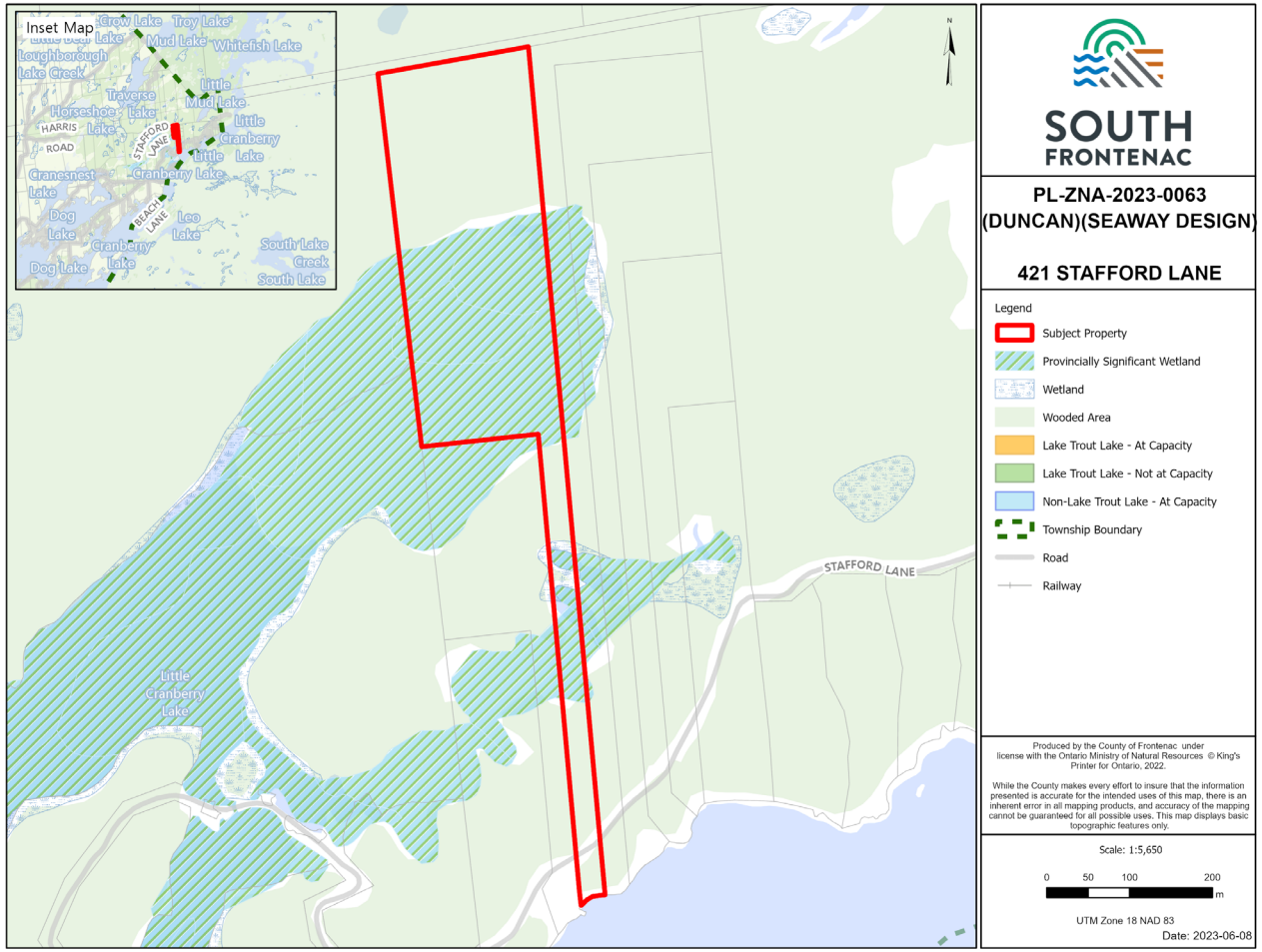
Property Description

- Lot area of 9.9Ha (24.5 acre) – Accessed by Stafford Lane with Waterfrontage on Little Cranberry Lake
- Existing Cottage with attached deck and numerous scattered accessory buildings
- Rural Designation
- RLSW & EP Zone



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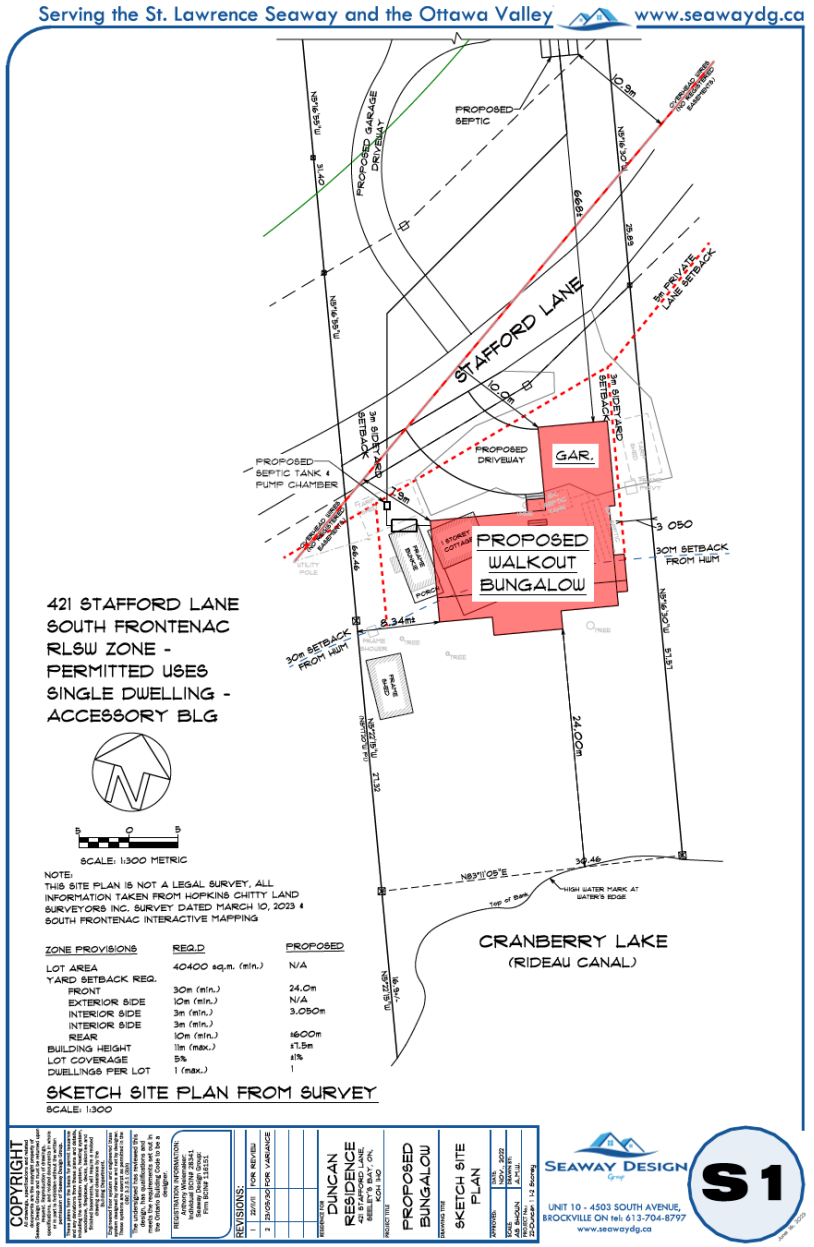
Proposal

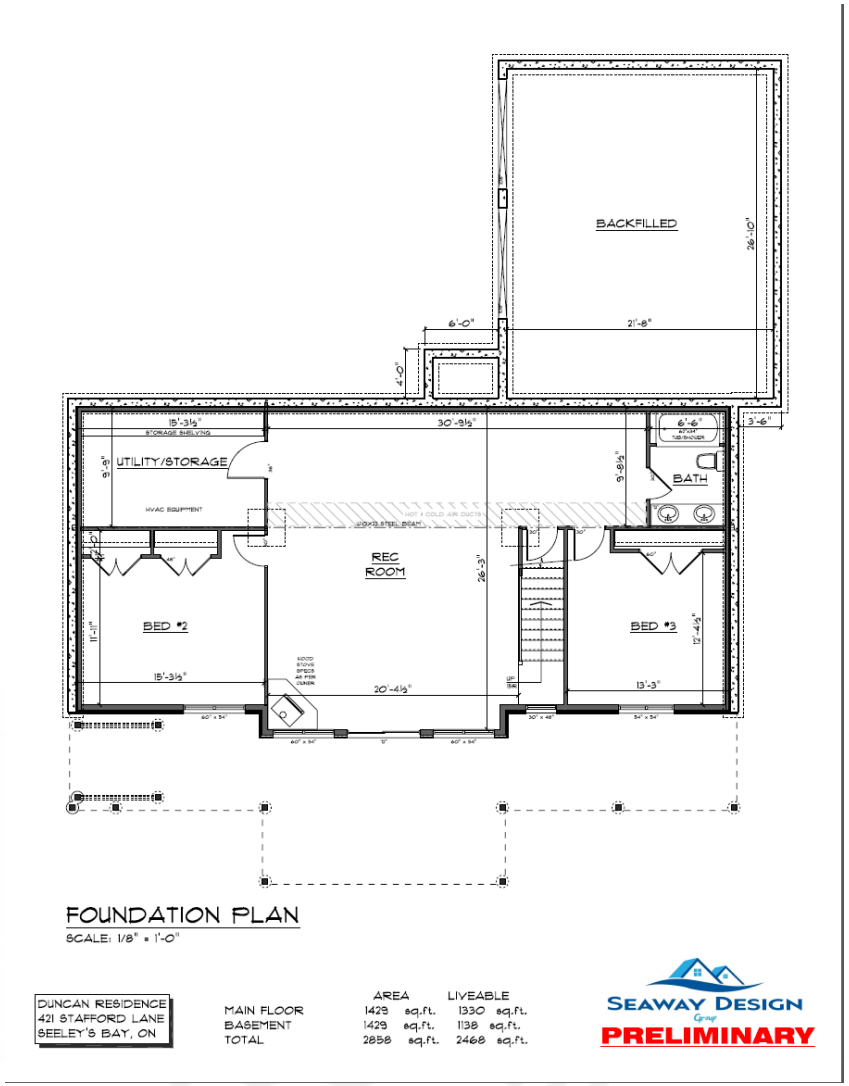
- Construct a 18.948m x 20.421m Seasonal Dwelling 24m From the highwater mark of Little Cranberry Lake

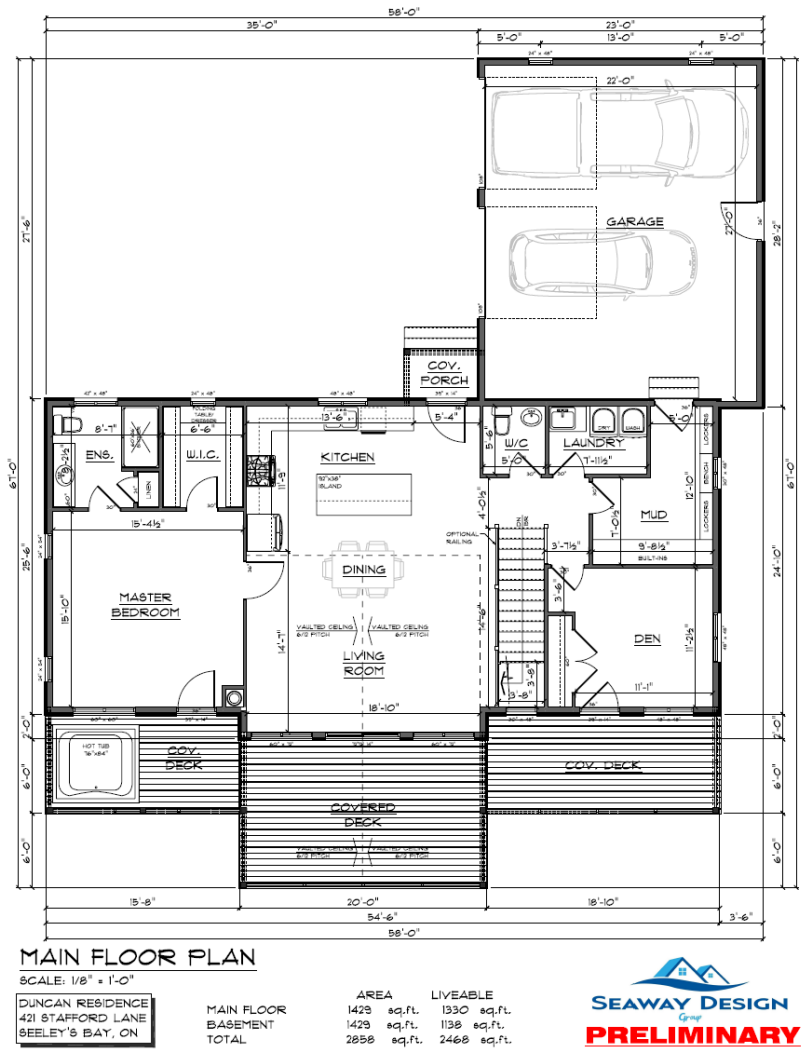
- Seeking Relief to permit building to be setback less than 30m from highwater mark of Little Cranberry Lake



SOUTH FRONTENAC

Proposal





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Department, Agency, and Public Comments

Building Services – No Objection
However, they noted that the complexities of constructing a septic system where the force main line is placed under a laneway may require a professional engineer with expertise in the field of sewage to design the system

Rideau Waterway Development Review Team (RWDRT) – Recommends Deferral

- Indicated that the proposed dwelling would be located outside the flooding hazard and shoreline erosion hazard associated with Little Cranberry Lake.
- Had concerns about possible impacts the development may have on the visual character of the Rideau Canal

Public Comments – None Received

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Planning Analysis

- Variance meets the 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. The proposal is desirable for the appropriate development of the lands in question
  4. The proposal is minor

Recommendation

- Approval
- Pending any comments received
- Subject to conditions outlined within the Staff Planning Report

Public Questions and Comments

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PL-ZNA-2023-0063
Committee Deliberation and Vote

SOUTH FRONTENAC

Application PL-ZNA-2023-0064

Minor Variance

Applicant: Donald Cain

Property: 8270 Perth Road

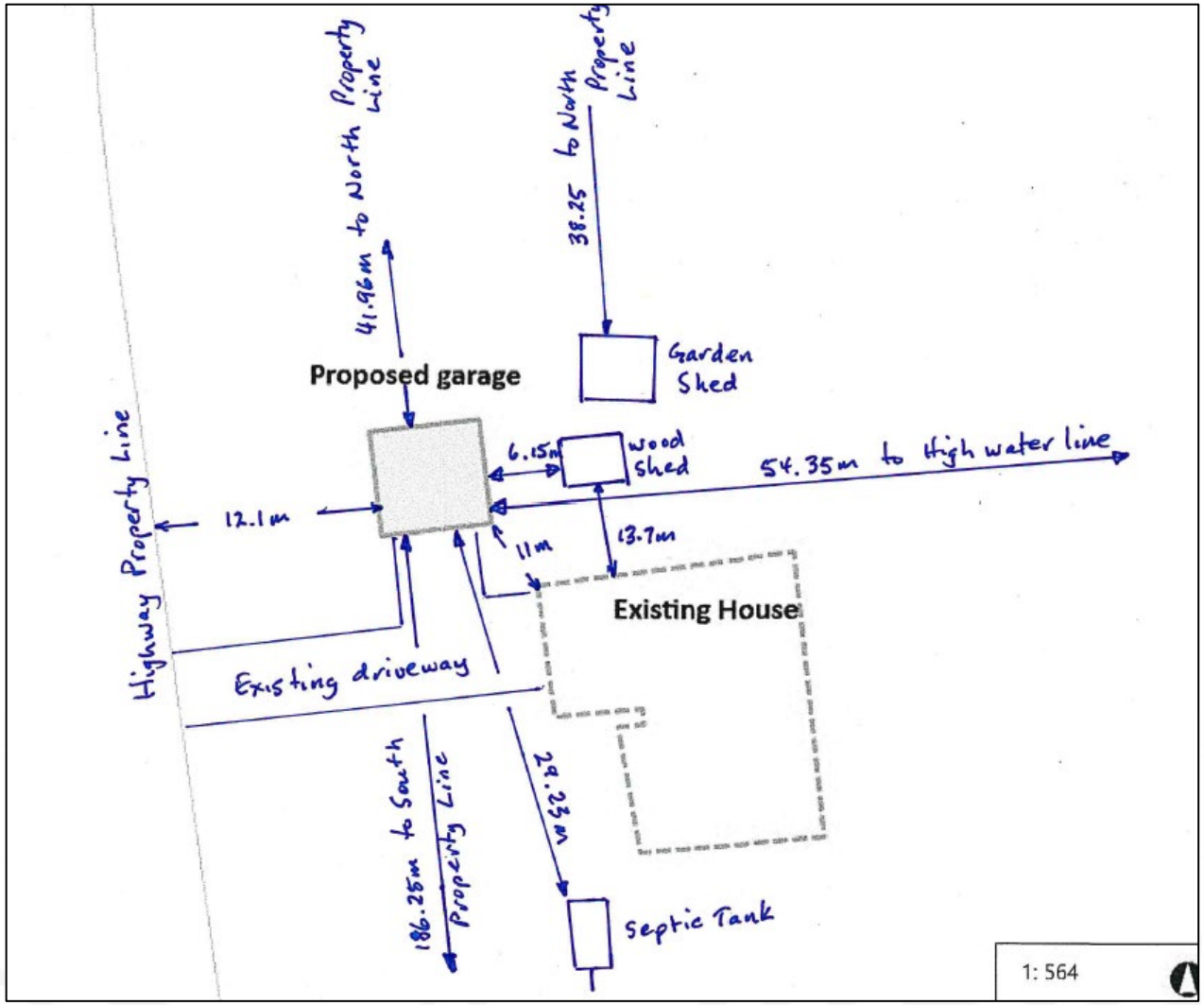
Property Description

- Lot area of 1.4Ha – With frontage on Perth Road and Pollywog Lake
- Existing dwelling with detached accessory structures
- Topography: Downward slope to Lake
- Rural Designation
- RW Zone

SOUTH FRONTENAC

Proposal

- New 713.6sqft (66.3sqm) detached garage
- Seeking relief from Zoning By-law to permit:
  - A 12.1m setback from the front lot line



Proposed Site Plan

SOUTH FRONTENAC

Facing North

Facing East

SOUTH FRONTENAC

Facing West

Facing East

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Department, Agency and Public Comments

- **Cataraqui Conservation –** No Objection
- **Public Services** – No Objection
- **Public Comment** – None received at the time of preparing this presentation

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 condition:
  - Location must be consistent with sketch submitted by applicant
  - Building permit for the proposed garage
  - Only application to Zoning By-law 2003-75

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Public Questions and Comments

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PL-ZNA-2023-0064
Committee Deliberation and Vote

SOUTH FRONTENAC

Application PL-ZNA-2023-0083

Minor Variance

Applicant: Donald Cain

Property: 8270 Perth Road

Background

- Through the submission of Minor Variance application PL-ZNA-2023-0064, it was discovered an accessory structure had been built on the subject property without receiving the required approvals.
- The following Minor Variance is to address the non-compliant accessory structure

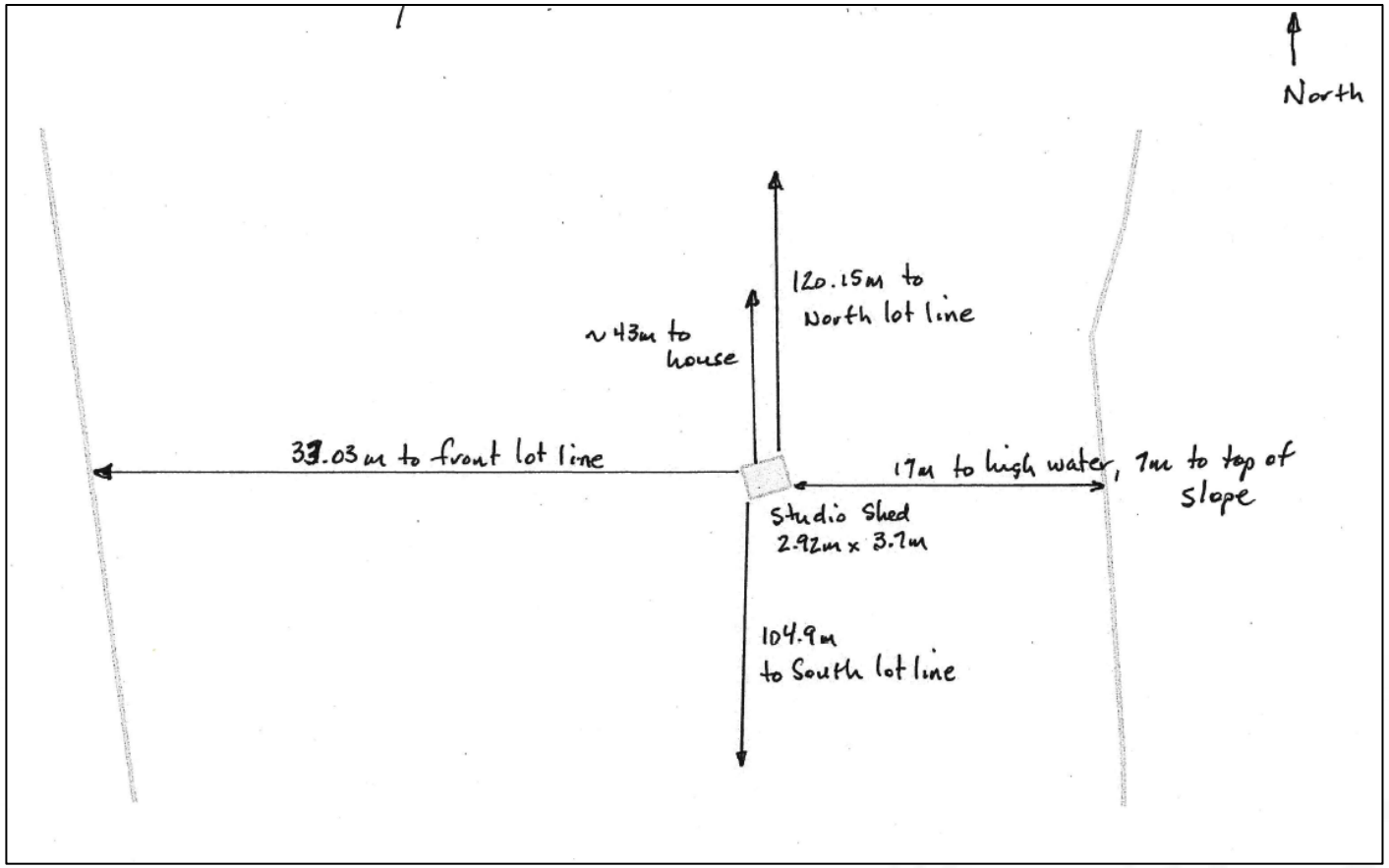
Property Description

- Lot area of 1.4Ha – With frontage on Perth Road and Pollywog Lake
- Existing dwelling with detached accessory structures
- Topography: Downward slope to Lake
- Rural Designation
- RW Zone

SOUTH FRONTENAC

Proposal

- 132.8sqft (12.34sqm) art studio/storage shed with 81.4sqft (7.56sqm) attached wooden platform
- Seeking relief from Zoning By-law to permit:
  - A 17m setback from the highwater mark of Pollywog Lake
  - A 7m setback from the top of bank



Proposed Site Plan

Current Location (Facing east towards Perth Road)

Looking West towards Pollywog Lake from the edge of the Wooden Platform

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Proposed location to the rear of current location (Facing east towards Perth Road)

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Department, Agency and Public Comments

- **Cataraqui Conservation:**
  - Current location was not supported by CRCA Staff due to proximity to top of bank
  - Accessory Structure would need to be 7m from the top of bank to receive a CRCA permit
  - With a 7m setback, CRCA staff have no objection
- **Public Comment –** None received at the time of preparing this presentation

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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 condition:
  - Location must be consistent with sketch submitted by applicant
  - Building permit for the structure
  - Only application to Zoning By-law 2003-75

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Public Questions and Comments

If you would like to speak:

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PL-ZNA-2023-0083
Committee Deliberation and Vote

SOUTH FRONTENAC

Application PL-ZNA-2023-0074

Permission to enlarge a legal non-complying structure

Applicants: Brian & Esther Reitzel

Property: 131A West Shore Lane

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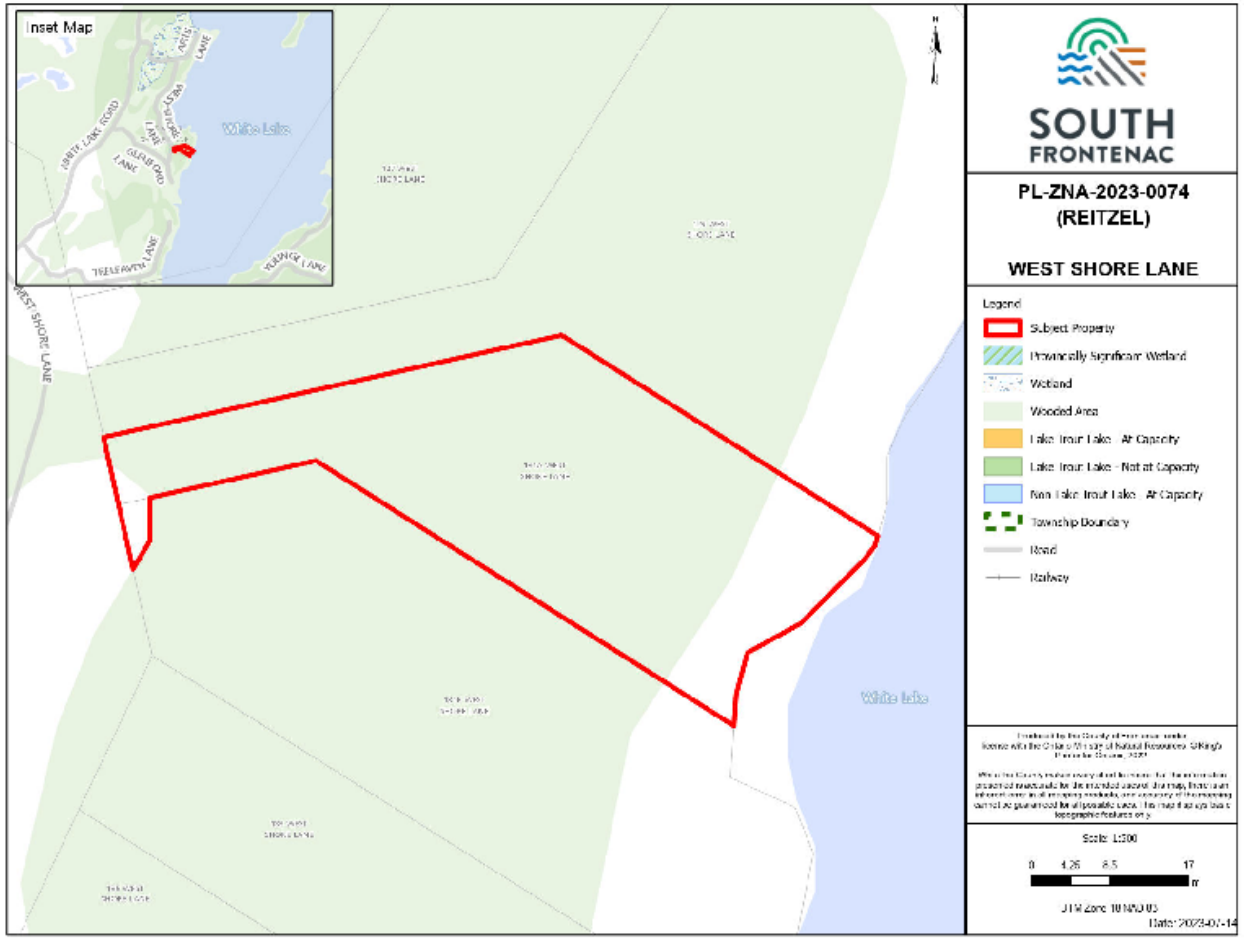
Property Description

- Area of 0.146Ha (0.36Ac) with frontage on West Shore Lane and White Lake.
- Existing 1777sqft (165.1sqm) dwelling with attached deck and accessory structures setback 23.8m (78ft) from White Lake
- Rural Designation
- RLSW Zone



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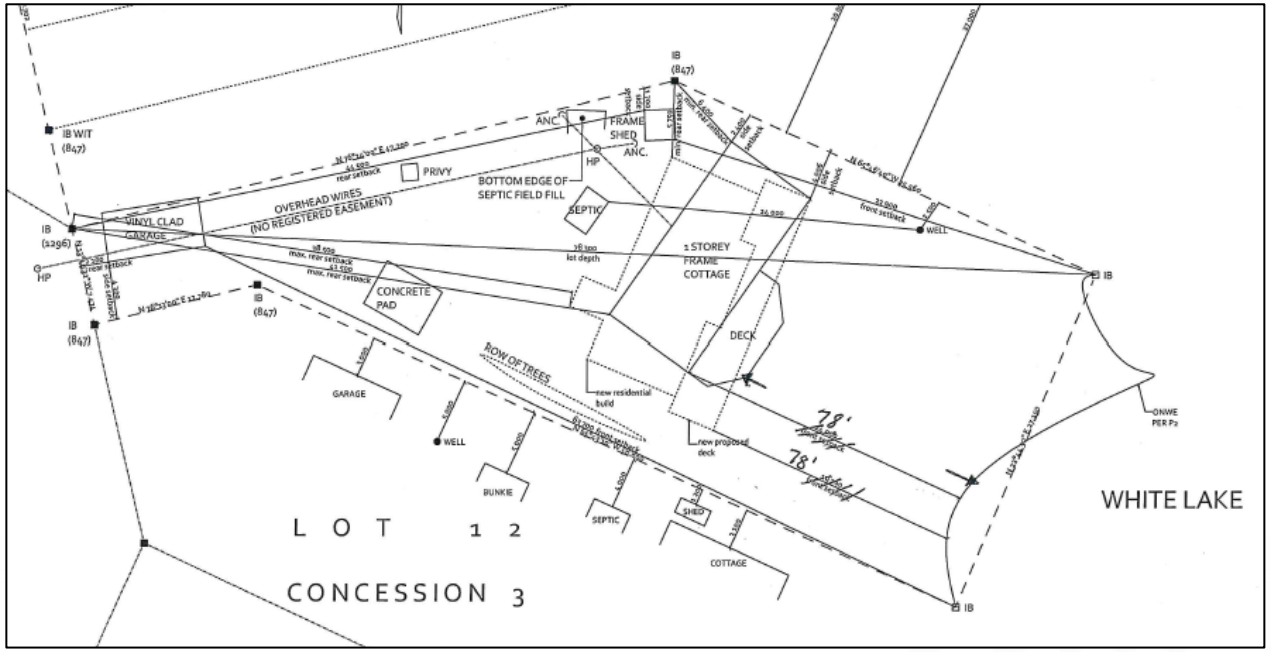
Proposal

- Permission under *S45(2)* of the *Planning Act* to enlarge the legal non-complying dwelling within 30m of the highwater mark of White Lake.
- Existing dwelling replaced with 1355.5sqft (125.9sqm) dwelling with 744sqft (69.1sqm) attached deck.
- Would encroach no further than existing dwelling (78ft).
- Permission to:
  - Increase gross floor area by 322.5sqft (29.9sqm)
  - Increase height to 22ft (6.7m)



Proposed Site Plan (Existing – solid line; Proposed – Dashed Line)

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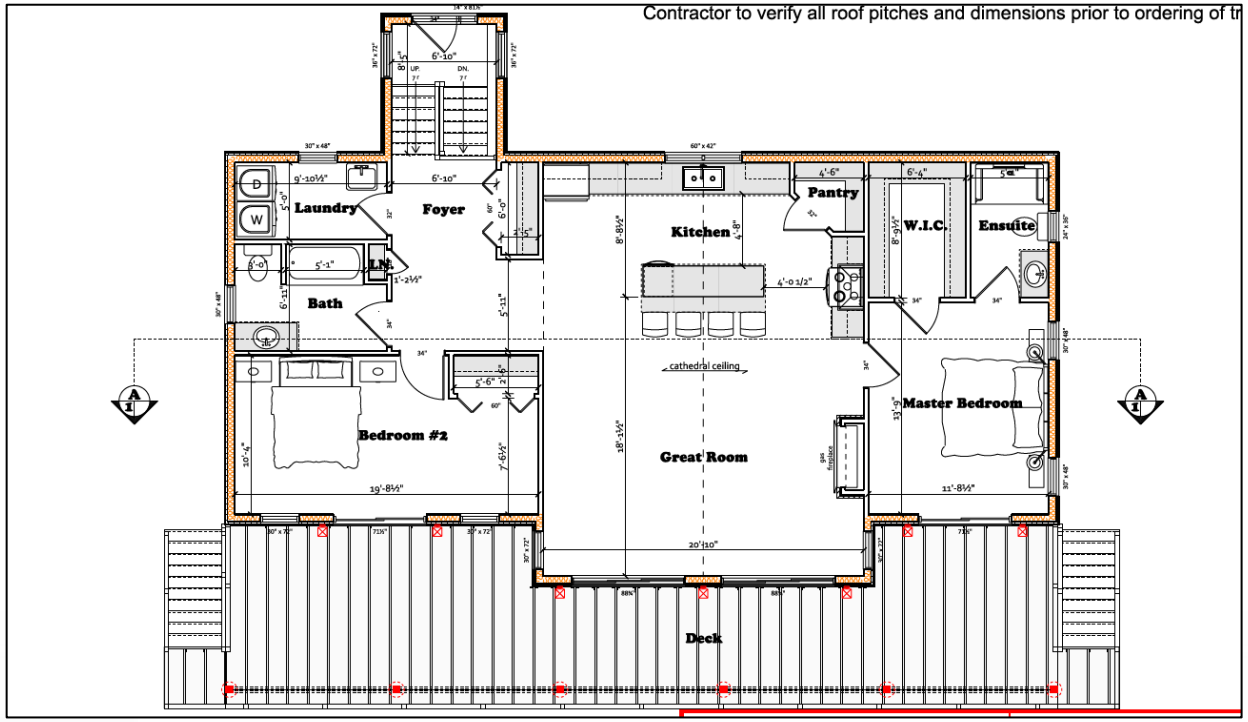

Proposed Main floor plans (w/ attached deck)

Existing Dwelling (Facing Northwest – towards West Shore Lane)

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Shoreline Area (facing southeast)

Rearview of existing dwelling (facing southeast)

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Department, Agency and Public Comments

- **Quinte Conservation** – No objection
  - Quinte Conservation permit required
- **Public Comments** – Supportive comments from two nearby landowners

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Planning Analysis

- Existing dwelling is legal non-conforming and is setback 23.8m (78ft) from White Lake.
- Section 5.10.2 of the Zoning By-law – enlargement on legal non-complying dwelling that would facilitate increases in gross floor area or height require permission from the Committee of Adjustment
- No further encroachment within 30m of the highwater mark of White Lake
- Scale and density of development is not out of character for the neighborhood
- Overlap with existing building footprint – minimal tree clearance
- Limited opportunity to construct dwelling in compliant location
- Maintaining existing vegetation will assist in mitigating visual impacts when viewed from the lake

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Recommendation

- Approval
- Pending any comments received
- Subject to conditions:
  - Location must be generally consistent with sketch submitted by applicant
  - Development agreement registered on the title of the property:
    - Erosion control
    - Roof runoff
    - Maintenance of natural vegetated buffer
  - Building permit for proposed dwelling

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Public Questions and Comments

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SOUTH FRONTENAC

PL-ZNA-2023-0074
Committee Deliberation and Vote

SOUTH FRONTENAC

Application PL-ZNA-2023-0087

Permission to enlarge a legal non-complying structure

Applicants: Rick McCreary & Lois Tobin

Agent: West Edwards

Property: 42 Woodside Lane

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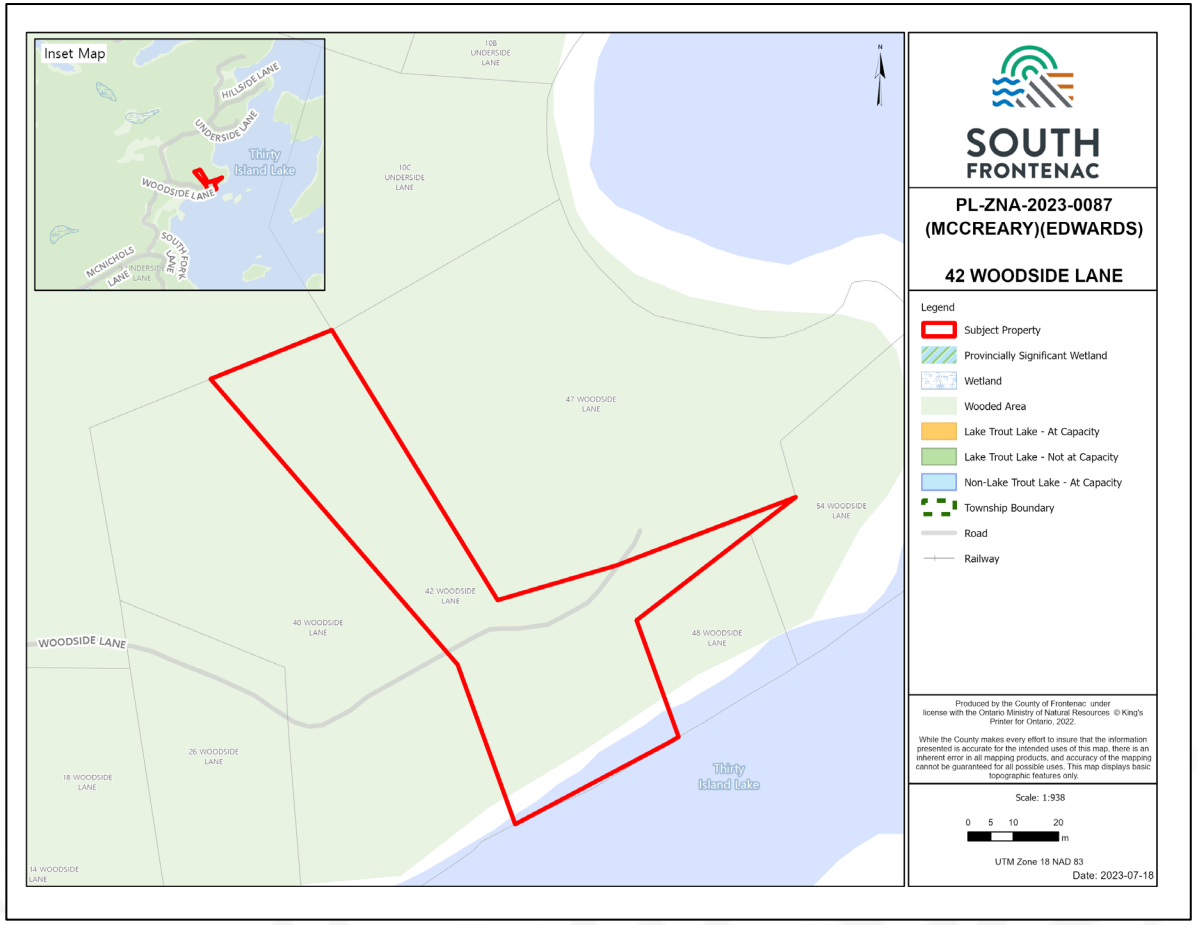
Property Description

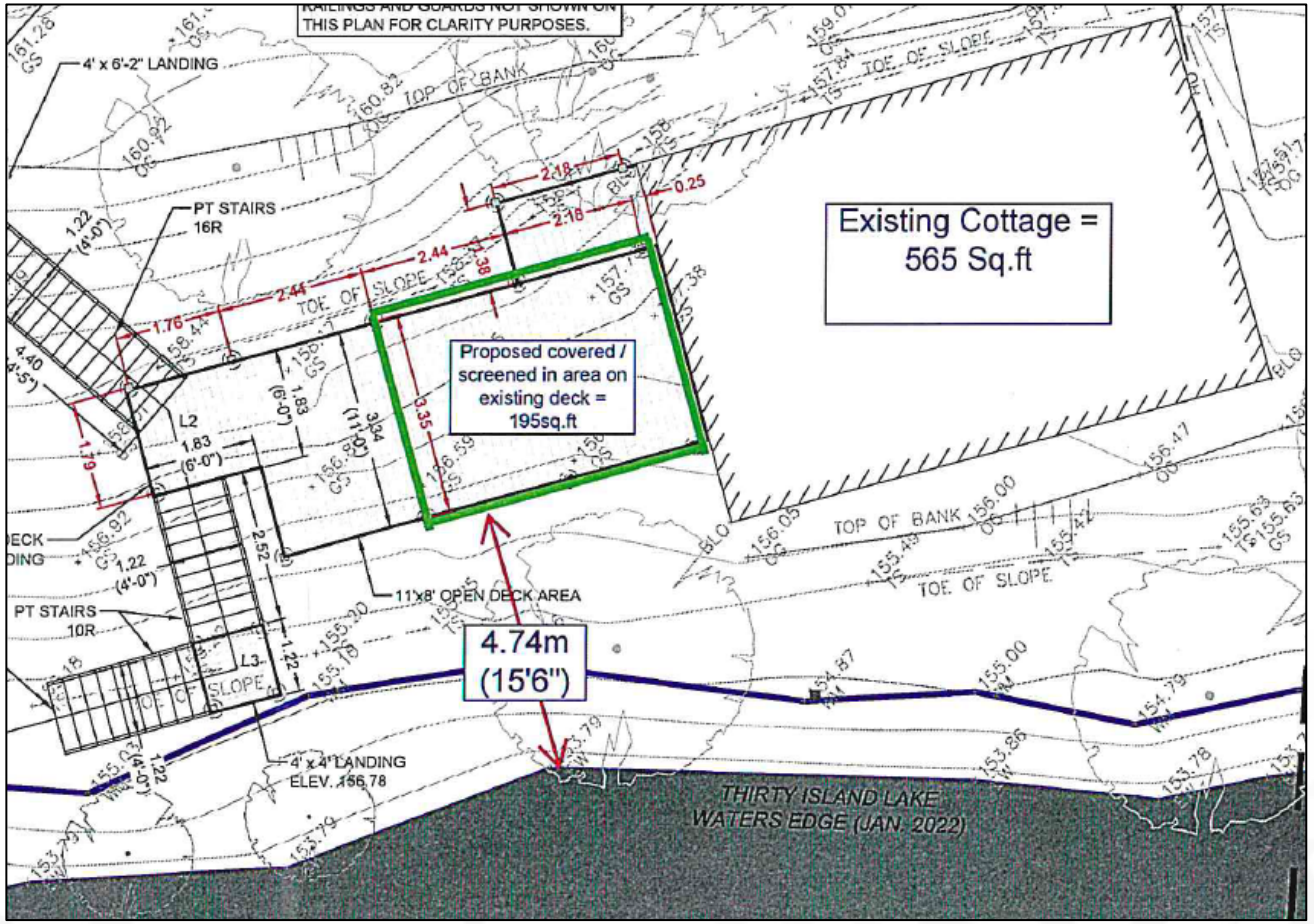
- Area of 0.37Ha (0.91Ac) – Frontage on Woodside Lane and Thirty Island Lake
- Existing 565sqft (52.5sqm) dwelling with attached deck, setback approximately 4m from the lake
- Situated within a steep slope which levels towards the shoreline
- Rural Designation
- RLSW Zone



SOUTH FRONTENAC

Proposal

- Permission under *S45(2)* of the *Planning Act* to enlarge the legal non-complying dwelling within 30m of the highwater mark of Thirty Island Lake.
- Proposed 195sqft (18.1sqm) attached screened in room, setback 4.7m from the lake
- No further encroachment
- Permission to:
  - Increase gross floor area



Proposed Site Plan

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Proposed Screened-in room location

Department, Agency and Public Comments

- **Quinte Conservation –** No Objection
  - Quinte Conservation permit requires
- **Public Comments –** None received at the time of preparing this presentation

Planning Analysis

- Existing dwelling is legal non-conforming and is setback approximately 4m from Thirty Island lake.
- Section 5.10.2 of the Zoning By-law – enlargement of legal non-complying dwelling that would facilitate increases in gross floor area require permission from the Committee of Adjustment
- Would not encroach further within 30m of Thirty Island Lake than the existing dwelling (4m vs. 4.7m)
- Existing mature trees and vegetation will effectively screen the proposed screened-in room
- Should have no greater impact on the surrounding area over existing built conditions.

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Recommendation

- Approval
- Pending any comments received
- Subject to conditions:
  - Location must be generally consistent with sketch submitted by applicant
  - Development agreement registered on the title of the property:
    - Erosion control
    - Roof runoff
    - Maintenance of natural vegetated buffer
  - Building permit for proposed Screened-in room

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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.

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PL-ZNA-2023-0087
Committee Deliberation and Vote

SOUTH FRONTENAC

Adjournment

Township of South Frontenac Committee of Adjustment Meeting Minutes

Meeting #

Time: 7:00 PM
Location: Council Chambers/Virtual Via Zoom

Present: Norm Roberts, Steve Pegrum, Randy Ruttan, Alan Revill, Brett Moreland, Kevin Fox, Mike Howe

Absent: Doug Morey

Staff: Christine Woods, Senior Planner, Noah Perron, Planner, Michael Kelly, Planning Intern, Kate Kaestner, Secretary-Treasurer & Planning Clerk

1 Call to Order

a) Resolution.

Resolution No. 2023-06-01
Moved by Kevin Fox

Seconded by Brett Moreland

That the July 13, 2023 Township of South Frontenac Committee of Adjustment Meeting is called to order at: 7:00pm.

Carried

2 Adoption of Agenda

a) Resolution.

Resolution No. 2023-06-02
Moved by Kevin Fox

Seconded by Brett Moreland
That the Committee of Adjustment adopts the Agenda for the July 13th, 2023 Committee of Adjustment meeting.

Carried

3 Electronic Meeting Information

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

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

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

b) A PowerPoint Presentation was displayed on the screen of the meeting.

4 Declaration of pecuniary interest

a) None declared.

5 Approval of Minutes – June 08, 2023

a) Resolution.

Resolution No. 2023-06-03
Moved by Kevin Fox

Seconded by Brett Moreland

That the Committee of Adjustment approves the minutes of the June 8th, 2023 Committee of Adjustment Meeting.

Carried

6 Consent Applications from a Previous Meetings: (if applicable)

a) There are none.

7 New Consent Applications:

a) PL-BDJ-2023-0029 (Itterman)

Property Address: 2348 Sands Road (Storrington District)

Purpose and Effect of the Application:

The applicant is requesting consent for the creation of one new residential lot. The severed parcel is vacant and would be approximately 4.8 acres in area with 69 metres of frontage. The retained parcel contains a house and would be approximately 1.6 acres in area with 76 metres of frontage

Christine Woods, Senior Planner, delivered her presentation to the Committee with a staff recommendation that the application be approved.

Chair Ruttan inquired (3 times) as to whether the Applicant, Agent or members of the public wished to speak to the application. (None heard).

Chair Ruttan inquired as to whether any Members of the Committee wished to speak to the Application.

Committee Member Revill spoke to the need for additional housing and the importance of allowing some minor variations to allow for residential lot creation. He voiced his support for the application.

Chair Ruttan inquired as to whether any other Members of the Committee wished to speak to the application. (None heard).

Resolution No. 2023-06-04
Moved by Kevin Fox

Seconded by Brett Moreland

That The Committee of Adjustment hereby approves Consent Application PL-BDJ-2023-0029 for the creation of one new residential lot, being 1.9 hectares in area, subject to conditions.

Carried

b) PL-BDJ-2023-0051 (Hand)

Property Address: 2181 Sands Road (Storrington District)

Purpose and Effect of the Application:

The applicant seeks to create one new residential lot that is to be 3.4 hectares in area and have 68.6 metres of frontage on Sands Road. The detached garage would be on the severed parcel and would be demolished if the application is approved. The retained parcel would be 6.6 hectares in area with 133 metres of frontage. The retained parcel would consist of the majority of the cultivated field and would contain the dwelling.

Christine Woods delivered her presentation to the Committee with respect to this Agenda item along with Agenda Item # 9, f), being Minor Variance Application PL-ZNA-2023-0051 as the applications are related. The presentation concluded with a staff recommendation of approval for both applications.

Chair Ruttan inquired (3 times) as to whether the Applicant, Agent or members of the public wished to speak to the application. (None heard).

Chair Rutten inquired as to whether there were any comments or questions from Committee Members. (None heard).

Resolution No. 2023-06-05
Moved by Brett Moreland

Seconded by Kevin Fox

That the Committee of Adjustment approves Consent Application PL-BDJ-2023-0051 for the creation of one new residential lot being 3.4 hectares in area, with a minimum road frontage of 67 metres, subject to conditions.

Carried

8 Minor Variance / Permission Applications from a Previous Meetings: (if applicable)

a) PL-ZNA-2023-0037 (Johnston)

Property Address: 332 Pineshores Lane (Bedford District)

Purpose and Effect of the Application:

The subject application seeks zoning relief to permit a 232 square foot detached garage and a 152 square foot carport with a setback of 14.6 metres from the highwater mark of Bob's Lake instead of the required 30 metres.

Christine Woods, Senior Planner, delivered her report to the Committee with respect to Minor Variance Applications PL-ZNA-2023-0037 and PL-ZNA-2023-0073, being Agenda items 8. a) and 9. k) as they share the same applicant and subject property. The presentation concluded with a staff recommendation of approval for Application # PL-ZNA-2023-0037 and a recommendation of denial for Application # PL-ZNA-2023-0073.

Chair Ruttan inquired as to whether the Applicant, Agent or members of the public wished to speak to the application.

Michael Johnston, the Applicant, spoke to the applications. Mr. Johnston stated that when he purchased the house in 2019, the footings for the new deck were already constructed and he assumed that the proper permissions were already in place.

He acknowledged his error in expanding the deck without any approvals.

Mr. Johnston spoke to the size of the lot and the difficulty in complying with current By-laws on a constrained property, and spoke to having received supporting feedback regarding the deck from his neighbours on Bobs Lake.

Mr. Johnston spoke to the deck being constructed behind an already existing shorewall that was constructed in the 1970s, and as such it is already not a natural shoreline. He opined that the deck does not hinder the appearance of the shoreline.

Mr. Johnston made reference to section 5.9.1 of the Zoning By-Law and spoke to there already being a deck on the dwelling when he purchased it and as such the use of the is simply being continued. He spoke to the importance of safe exit from the dwelling.

Mr. Johnston expressed that he was not sure if, should the application be denied, he would need to remove the entire structure, or remove it all except for the 75 square foot deck that existed when he purchased the cottage.

Chair Ruttan inquired (2nd and 3rd time) as to whether there were any further comments from the applicant, the agent or the public. None heard.

Chair Ruttan asked if any Committee Members would like to comment on the application.

Committee Member Pegrum commented that he visited the property and it was clear that the deck is not in compliance with the Ontario Building Code, and is concern that approving the application would thereby be approving a structure that is not in compliance with the OBC and as such he opined that it should not be an option.

Committee Member Revill asked Ms. Woods about one of the recommended conditions regarding the detached garage, being that the applicant would not be able to alter or Park on the Township owned Road Allowance.

Ms. Woods acknowledged that the cottage property has been accessed over the private lane and the Township road allowance for as long as the property has been there, however, this does not mean that the property owner has free reign over the road allowance. It is Township property, not their property. As such it needs to be recognized that the property owner wishes to use the road allowance for any purpose other than just accessing their property, they would need to enter into a License Agreement.

With respect to the deck, Committee Member Revill stated that because it has been altered, no Staff or Committee members had the benefit of knowing what existed before in an effort to substantiate what the applicant is claiming. He spoke to the difficulty in supporting the application given the sensitive location and proximity to the water.

Chair Ruttan spoke to the concern that adding the detached garage would increase the permitted lot coverage.

Ms. Woods advised that there is 5 percent allowed for the dwelling and an additional 5 percent allowable for accessory structures. The cottage already exceeds the lot coverage maximum by today's standard which is very typical of older dwellings on small waterfront lots that have existed for decades. The deck would increase the lot coverage by 2.5 percent but, the dwelling is legal non-conforming, so consideration needs to be given as to what is appropriate as an increase. The proposed garage would not exceed the allowable lot coverage for accessory structures.

Committee Member Roberts wanted it to be on record that he was not able to participate or vote on this application as he was not present at the June 08, 2023 Committee of Adjustment meeting at which this application was originally presented.

Resolution No. 2023-06-07
Moved by Brett Moreland

Seconded by Kevin Fox

That The Committee of Adjustment Approves Minor Variance Application PL-ZNA-2023-0037 for property municipally known as 332 Pine Shores Lane, to permit a detached garage and carport with a maximum square footage of 376 square feet, setback of 14.6 metres from the highwater mark of Bob's Lake, and an interior side yard setback of 1.4 metres, subject to conditions.

Carried

9 New Minor Variance / Permission Applications:

a) PL-ZNA-2022-0159 (Lyman)

Property Address: 212 Brooks Lane (Bedford District)

Purpose and Effect of Application:

The applicant seeks relief from Zoning By-Law 2003-75 as follows:

The applicant proposes to construct a 1200 square foot single detached dwelling with a walkout basement and an attached 132 square foot deck. The proposed dwelling would be setback 22 metres from the highwater mark and 8.3 metres from the top of bank. The proposed sewage system would be setback 17.3 metres from the highwater mark and 4.7 metres from the top of bank. The sewage system would also be setback 0 metres from the right-of-way. The existing mobile home, deck and gazebo would be removed from the property.

Christine Woods delivered her report to the committee, with a staff recommendation of approval.

Chair Ruttan inquired (3 times) as to whether the Applicant, Agent or members of the public wished to speak to this application. (None heard).

Chair Ruttan asked if any Committee members wished to speak regarding the application.

Committee Member Revell states he had been to the site and it is constrained. He expressed his support of the application.

Committee Member Roberts stated that he has also been to the site and he has no issues with the application.

Chair Ruttan expressed his initial concern with the lot size with respect to housing a sewage system but was satisfied that the applicant and the septic inspectors had come to a resolution on this matter. He inquired about the setback of 0 metres from the Right of Way.

Ms. Woods responded that the septic system that is now being proposed in an advanced treatment system that can minimize the area required for the system. The 0 metre setback is from the surveyed edge of the Right of Way, not the travelled portion, and as such there would be some distance between the system and the travelled lane.

Resolution No. 2023-06-09
Moved by Brett Moreland

Seconded by Kevin Fox

That the Committee of Adjustment approves Minor Variance Application PL-ZNA-2022-0159 for property municipally known as 212 Brooks Lane. To permit a 1200 square foot dwelling with walkout basement and attached 132 square foot deck, to be setback 22 metres from the highwater mark and 8.3 metres from top of bank; and to permit a sewage system to be setback 17.3 metres from the highwater mark, 4.7 metres from the top of bank and 0 metres from the right-of-way, subject to conditions.

Carried

b) PL-ZNA-2023-0050 (Young) (ZanderPlan)

Property Address: 79A Granite Lane (Bedford District)

Purpose and Effect of the Application:

The applicant is proposing to construct a new one-storey dwelling with walkout basement and attached deck and screened-in room on the subject property. The existing dwelling is currently located 10.1m from Devil Lake. The proposed dwelling would have a gross floor area of 258.6sqm and would be setback 20.2m from Devil Lake. Further the height of the dwelling will be increased to 10m. The proposal would result in an increase in lot coverage to 6.7%. The proposed dwelling is also to be located within a slope, and therefore cannot comply with the 15m setback from the top of bank. As such, this proposal is seeking permission from the Committee of Adjustment to permit the proposed dwelling to be located 20.2m from the lake, 0m from the top of bank and to result in 6.7% lot coverage.

Noah Perron delivered his report to the Committee with a recommendation of approval.

Chair Ruttan inquired as to whether the Applicant, Agent or members of the public wished to speak to the application.

Andrew Young (Applicant) spoke and stated that he had no comments.

Chair Ruttan inquired (2 more times) as to whether the Applicant, Agent or members of the public wished to speak to the application. (None heard).

Chair Ruttan asked if any Committee Members would like to comment on this application. (None heard).

Resolution No. 2023-06-10
Moved by Kevin Fox

Seconded by Brett Moreland
That the Committee of Adjustment approves Minor Variance application PL-ZNA-2023-0050 for property municipally known as 79A Granite Lane, to permit a 258.6 square metre one-storey dwelling with walkout basement and attached deck to be constructed 20.2 metres from the highwater mark of Devil Lake and 0 metres from top of bank, subject to conditions.

Carried

c) PL-ZNA-2023-0052 (McGillivray) (Alec Ring Architecture)

Property Address: Ridge Lane (Storrington District)

Purpose and Effect of the Application:

The Owner proposes to construct a 1316 square foot dwelling with a 460 square foot attached deck and screened porch. The proposed dwelling would be setback a minimum of 7.6 metres from the top of bank. A variance is being requested to allow the dwelling to be setback less than 15 metres from the top of bank. The dwelling would comply with all other zoning requirements including the setback from the highwater mark of Cranberry Lake.

Christine Woods delivered her report to the Committee with a recommendation of approval.

Chair Ruttan inquired 2 times as to whether the Applicant, Agent or members of the public wished to speak to the application.

Alec Ring (Agent) spoke and stated he was happy to answer any questions that Committee Members had.

Chair Ruttan inquired for a 3rd time as to whether the Applicant, Agent or members of the public wished to speak to the application. (None heard).

Chair Ruttan asked if any Committee Members wished to comment on this application. (None heard).

Resolution No. 2023-06-11
Moved by Mike Howe

Seconded by Alan Revill

That the Committee of Adjustment approves Minor Variance Application PL-ZNA-2023-0052 for property on Ridge Lane to permit a single detached dwelling to be constructed 7.6 metres from top of bank, subject to conditions.

Carried

d) PL-ZNA-2023-0053 (Lovegrove)

Property Address: 6607 Craig Road (Portland District)

Purpose and Effect of Application:

This proposal seeks relief from Zoning By-law No. 2003-75 to permit an accessory structure in a Rural zone to be located less than 20m from the front lot line. The applicant is proposing to construct a 74.3sqm (800sqft) car shelter on the subject property. The proposed garage is to be setback 11.3m from the

front lot line. Further, this proposal seeks permission to locate within 30m of the highwater mark of the existing wetland on the subject property. The proposed car shelter would be located 10m from the wetland.

Noah Perron, Planner, delivered his report to the Committee with a recommendation of approval.

Chair Ruttan inquired (3 times) as to whether the Applicant, Agent or members of the public wished to speak to the application. (None heard).

Chair Ruttan inquired as to whether any Committee Members wished to comment on this application.

Committee Member Revill expressed his support for the application and was satisfied that the existing trees would act as a buffer between the proposed carport and the road.

Chair Ruttan asked if any other Committee Members wished to comment on the application (Non heard).

Resolution No. 2023-06-12
Moved by Mike Howe

Seconded by Alan Revill

That the Committee of Adjustment approves Minor Variance application PL-ZNA-2023-0053 for property municipally known as 6607 Craig Road, to permit a 74.3 square metre accessory structure to be constructed 10 metres from the highwater mark of a wetland and 11.3 metres from the front lot line, subject to conditions.

Carried

e) PL-ZNA-2023-0055 (Nelder)

Property Address: 4635 Deer Run Way (Loughborough District)

Purpose and Effect of Application:

The Applicant is proposing to construct a 30 foot by 30 foot (9.14 metre by 9.14 metre), 900 square foot (83.54 square metre), detached garage. The garage would be located 9 metres from the front lot line, placing it in front of the front wall of the dwelling, to the north of the existing house. The garage would meet or exceed all other setback requirements.

An application for minor variance was received to permit the location of the accessory structure to be placed to the front of the front wall of the primary structure.

Michael Kelly, Planning Intern, delivered his report to the Committee with a recommendation of approval.

Chair Ruttan inquired (3 times) as to whether the Applicant, Agent or members of the public wished to speak to the application. (None heard).

Chair Ruttan asked if any Committee Members wished to comment on the application.

Committee Member Howe stated that had visited the property and was supportive of the application.

Chair Ruttan asked if any other Committee Members wished to speak regarding the application. (None heard).

Resolution No. 2023-06-13
Moved by Alan Revill

Seconded by Mike Howe

That the Committee of Adjustment approves Minor Variance application PL-ZNA-2023-0055 for property municipally known as 4635 Deer Run Way to permit an 83.5 square metre detached garage to be constructed 9 metres from the front lot line, subject to conditions.

Carried

f) PL-ZNA-2023-0059 (Hand)

Property Address: 2181 Sands Road (Storrington District)

Purpose and Effect of Application:

The applicant seeks to create a new residential lot that would be 3.4 hectares in area and have 68.6 metres of frontage on Sands Road.
Zoning relief is requested to permit the severed parcel to have 68.6 metres of lot frontage whereas a minimum lot frontage of 76 metres is required for single detached residential uses in the Rural zone.

This application was presented with Agenda item # 7. b).

Details above.

Resolution No. 2023-06-06
Moved by Brett Moreland

Seconded by Kevin Fox

That the Committee of Adjustment approves Minor Variance application PL-ZNA-2023-0059 for property municipally known as 2181 Sands Road to permit the creation of one new 3.4 hectare residential lot with a minimum of 67 metres of frontage on Sands Road, subject to conditions.

Carried

g) PL-ZNA-2023-0060 (Thompson) (Stokes)

Property Address: 1490 Thompson Lane (Storrington District)

Purpose and Effect of the Application:

The owner proposes to construct a 2287 square foot single detached dwelling on the property. The existing 484 square foot seasonal dwelling was demolished in 2023. It was setback approximately 40 metres from the highwater mark of Dog Lake. The proposed dwelling would be set back 4 metres from Thompson Lane and 20 metres from the highwater mark. Variances are being requested to allow the dwelling to be set back less than the minimum required 5 metres from Thompson Lane, and less than the minimum required 30 metres from the highwater mark. The dwelling would

comply with all other zoning requirements. A new sewage 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.

Christine Woods, Senior Planner, presented her report to the Committee with a recommendation of approval.

Chair Ruttan inquired as to whether the Applicant, Agent or members of the public wished to speak to the application.

Rod Stokes (Agent) stated that he reviewed the recommended conditions with the property owner and they were agreeable.

Chair Ruttan inquired (2 more times) as to whether there were any further comments from the applicant, agent or the public.

Chair Ruttan asked if any Committee Members wished to comment on the application. (None heard).

Resolution No. 2023-06-14
Moved by Alan Revill

Seconded by Mike Howe

That the Committee of Adjustment approves Minor Variance application PL-ZNA-2023-0060 for property municipally known as 1490 Thompson Lane to permit a single detached dwelling to be set back 4 metres from Thompson Lane and 20 metres from the highwater mark of Dog Lake, subject to conditions.

Carried

h) PL-ZNA-2023-0067 (Killins & Blinn)

Property Address: 14 Phoebe Lane (Bedford District)

Purpose and Effect of Application:

The owner proposes to construct a 128 square foot sleeping cabin with a 127 square foot attached deck. The structure would be setback 24 metres form the highwater mark, and more than 15 metres from the top of bank. A variance is being requested to allow the sleeping cabin to be setback less than the minimum required 30 metres from the highwater mark of Desert Lake.

Christine Woods, Senior Planner, delivered her report to the Committee with a recommendation of approval.

Chair Ruttan inquired (3 times) as to whether the Applicant, Agent or members of the public wished to speak to the application. (None heard).

Chair Ruttan asked if any Committee Members wished to comment on the application.

Committee Member Roberts inquired as to why Cataraqui Conservation commented on the application as he was under the impression it would be Quinte Conservation.

Ms. Woods clarified that Desert Lake is in the Cataraqui River Watershed and as such, the property is under the jurisdiction of CRCA.

Chair Ruttan asked if any other Committee Members wished to comment on the application. (None heard).

Resolution No. 2023-06-15
Moved by Alan Revill

Seconded by Mike Howe

That the Committee of Adjustment approves Minor Variance application number PL-ZNA-2023-0067 for property municipally known as 14 Phoebe Lane, to permit a 128 square foot sleeping cabin with 127 square feet of decking to be setback a minimum of 24 metres from the highwater mark of Desert Lake, subject to conditions.

Carried

i) PL-ZNA-2023-0068 (Boston)

Property Address: 615 Frye Lane (Loughborough District)

Purpose and Effect of Application:

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 Buck Lake. The enlargement would consist of a 527 square foot one storey addition to the rear of the dwelling. The addition would be setback 16 metres from the highwater mark, and 7 metres from the top of bank.

Christine Woods, Senior Planner, delivered her report to the Committee with a recommendation of approval.

Chair Ruttan inquired (3 times) as to whether the Applicant, Agent or members of the public wished to speak to the application. (None heard).

Chair Ruttan inquired as to whether any Committee members wished to comment on the application. (None heard).

Resolution No. 2023-06-16
Moved by Mike Howe

Seconded by Alan Revill

That application number PL-ZNA-2023-0047 for property municipally known as 615 Frye Lane is granted permission to enlarge the legal non-conforming dwelling with a 527 square foot one story addition and a 81 square foot utility room to be setback 16 metres from the highwater mark of Buck Lake and 7 metres from the top of bank.

Carried

j) PL-ZNA-2023-0069 (Itterman) - **WITHDRAWN**

Property Address: 2348 Sands Road (Storrington District)

Purpose and Effect of Application:

This application has been withdrawn, as a change to the corresponding Consent application PL-BDJ-2023-0029 will now require a Zoning By-Law Amendment application as opposed to a Minor Variance application.

k) PL-ZNA-2023-0073 (Johnston)

Property Address: 332 Pineshores Lane (Bedford District)

Purpose and Effect of Application:

The applicant is requesting a minor variance to permit an existing deck which fronts onto Bobs Lake.

Due to the undersized lot, the existing dwelling results in a total lot coverage of 7.5%, which exceeds the permitted lot coverage for residential use (5%). The existing deck was constructed without planning or building approval and increases the lot coverage to 10%.

The existing deck is 32.5 square meters and is setback 1.2 metres (4 feet) from the high water mark of Bobs Lake. The existing dwelling is 99 square metres and the existing deck increases the dwelling from 99 metres to 131.5 metres, an increase of 33%. This increase further reduces the existing setback from the high water mark of Bobs Lake from 5.49 metres to 1.2 metres. While an enlargement of the gross floor area or increase in height of a legal non-conforming structure within 30 metres of a waterbody can be permitted with a decision by the Committee of Adjustment, expansion of a legal non-conforming structure is not permitted to further encroach upon the 30 metre setback.

Agenda Item 9. k) was presented with Agenda Item # 8 a), the details of which are above.

Resolution No. 2023-06-08
Moved by Steve Pegrum

Seconded by Kevin Fox

That the Committee of Adjustment denies Minor Variance Application PL-ZNA-2023-0073 for property municipally known as 332 Pine Shores Lane.

Carried

10 Other Business

a) Consent Granting Authority Report

Kate Kaestner, Planning Clerk, delivered her report to the Committee.

11 Adjournment

a) Resolution.

Resolution No. 2023-06-17
Moved by Alan Revill

Seconded by Mike Howe

That the July 13th, 2023 meeting of the Township of South Frontenac Committee of Adjustment is hereby adjourned at 8:49 pm to reconvene on Thursday, August 10th, 2023 or at the call of the Chair.

Carried

_____
Randy Ruttan, Chair

SOUTH FRONTENAC

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.

Application Type:	Planning Fee:	Building Admin Fee:	TOTAL:
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 *Minor Variance Only* *Minor Variance WITH Performance Review* *Minor Variance in combination with a new Class 2, 3, 4, or 5 sewage system other than a Class A system*	$463.00 $720.00 $1,183.00
Cataraqui Region Conservation Authority	$445.00 ?
Quinte Conservation Authority	$450.00
Rideau Valley Conservation Authority	$410.00

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

3. **PLEASE READ THIS ITEM CAREFULLY**

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

4. **Collection of Personal Information**

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

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

Date Received: _____ File No: _____

Pre-Consultation for this application ☑ Yes ☐ No Feb 16, 2023

Planner: 1st Tom Fehr 2nd Christine Woxil Date of pre-consultation: April 20, 2023

1. Name of Owner(s): RICHARD SHERIDAN

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

Phone number of Owner(s): [redacted]

Email Address of Owner(s): [redacted]

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

Name of Authorized Agent: N/A

Full Mailing Address of Authorized Agent: N/A

Phone number of Authorized Agent: N/A

Email Address of Authorized Agent: N/A

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

N/A
Signature(s) of Owner(s)

3. The description of the subject land:

District: ☑ Bedford ☐ Portland ☐ Loughborough ☐ Storrington

Concession Number: 4 Lot Number: 4

Street Number: 144 Name of Road/Street: Timerman Rd.

Reference Plan Number: 13R16585 Part Number(s): 2

Roll Number: 10-29-020-040-25170-0000

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

Frontage (on water): 550' SHORELINE Frontage (on road/lane): 204' (ON TIMMERMAN

Depth: 258' Area: 2 ACRES

5. The current zoning of the subject land:

RESIDENTIAL

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

MINOR VARIANCE TO CONSTRUCT A GARAGE ATTACHED TO A CRAFT/QUILT ROOM

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

PROPOSED STRUCTURE TO BE ERECTED IN THE FRONT YARD AND CLOSE TO PROPERTY LINE WITH 138 TIMMERMAN

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

OR a privately maintained road? ☐ Yes ☑ No

Name of Road/Lane:

TIMMERMAN ROAD

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

N/A

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

RESIDENTIAL - COTTAGE PROPERTY

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:

	(1)	(2)	(3)	(4)
Type of Structure (E.g. residence)	COTTAGE	BUNK HOUSE		
Setback from Front Lot Line	124' (to Timmerman)	112' (to Timmerman)		
Setback from Rear Lot Line	(WATER) 108'	(WATER) 125'		
Setback from Side Lot Line	138 Timmerman Side 15.5'	160 Timmerman Side 82'		
Height of Building (Also indicate if it is one story or two story)	2 story	12'		
Dimensions of Floor Area	42x35 See below	12'x20'		
Setback from High Water Mark (If applicable)	115'	130'		

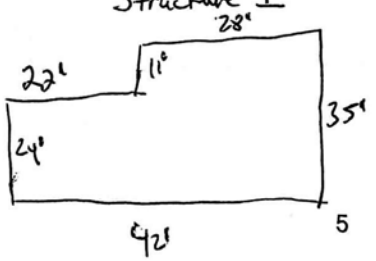
13. The proposed uses of the subject land:

COTTAGE PROPERTY

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

Structure 1



5

REVISED

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

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

	(1)	(2)	(3)	(4)
Type of Structure (E.g. residence)	~~GARAGE~~/ CRAFT ROOM	NEW PROPOSAL		
Setback from Front Lot Line	~~44'~~ TO TOWNSHIP RD	20 feet		
Setback from Rear Lot Line	~~179'~~ (WATER)	150 feet WATER		
Setback from Side Lot Line	~~proposed 4 foot~~	28 feet	NEIGHBOUR CLOSEST	
Height of Building (Also indicate if it is one story or two story)	~~ONE STORY 12'~~	10 feet		
Outside Dimensions of Building/Structure	~~APPROX 20'x24' HOT TUB~~	24×18 26×26 SINGLE STORY		
Setback from High Water Mark (If applicable)	~~135~~	155'		

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

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

If yes, please provide details:

_____

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

If yes, please provide details:

18. What are the uses of the proposed development?

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

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

MAY 7, 2007

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

COTTAGE (2006 - completed) BUNK HOUSE (2007)

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

SINCE PURCHASE MAY 7, 2007

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:

WELL INSIDE MAIN STRUCTURE

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

SEPTIC BED

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

NO

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

☐ Yes ☑ No

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

_____

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

☐ Yes ☑ No

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

N/A

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

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

[redacted]

SOUTH FRONTENAC

PL-ZNA-2023-0046 (SHERIDAN)

144 TIMMERMAN 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.

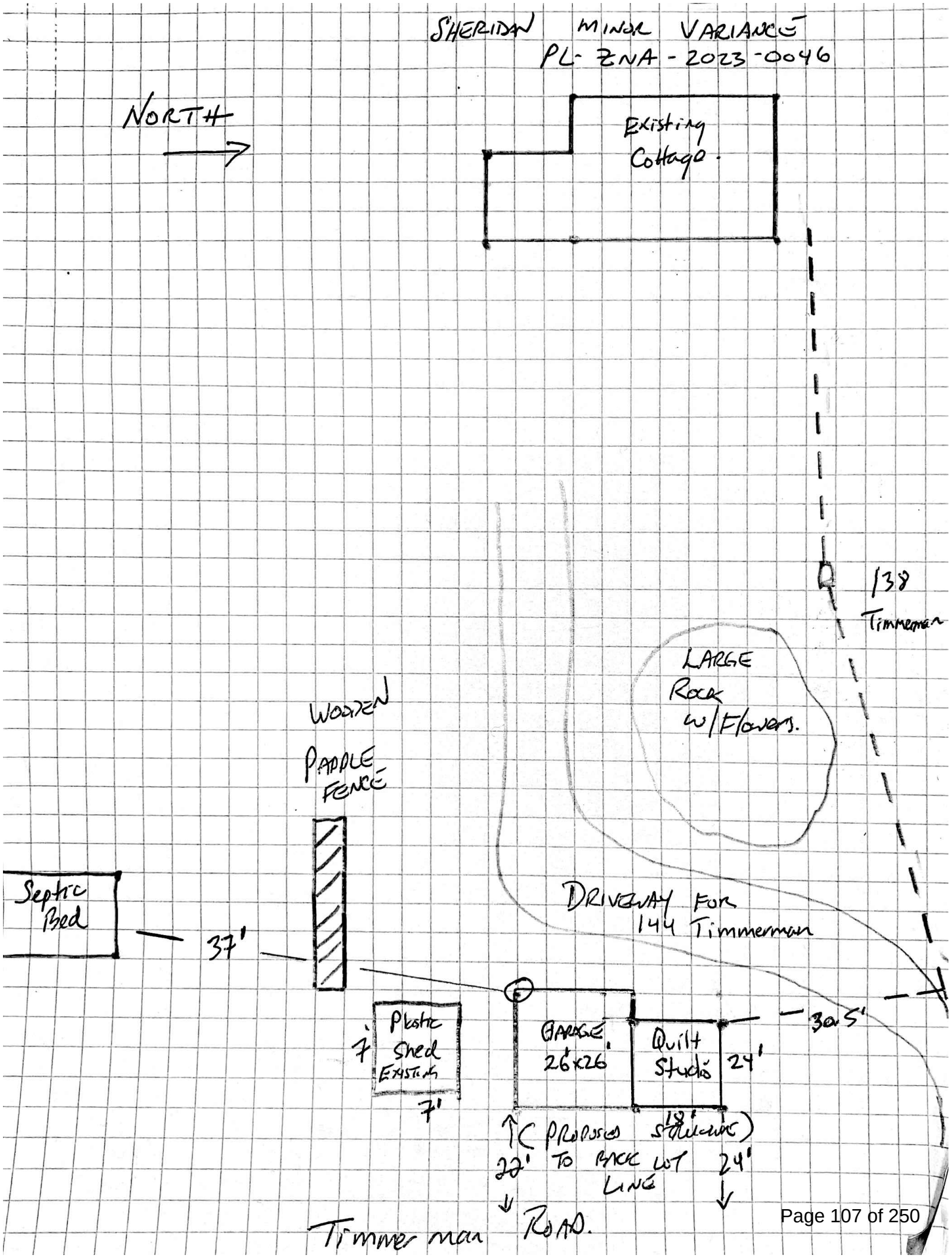
Scale: 1:1,000

0 12.5 25 50 m

UTM Zone 18 NAD 83

Date: 2023-04-28

SHERIDAN MINOR VARIANCE
PL-ZNA-2023-0046



Township of South Frontenac

Staff Report

To:	Committee of Adjustment
Prepared by:	Development Services Department
Date of Meeting:	August 10, 2023
Subject:	**Minor Variance Application (S. 45(1) of Planning Act) PL-ZNA-2023-0046, Sheridan, 144 Timmerman Road, Bedford District**

Recommendation

It is recommended that the Committee of Adjustment receive comments from the public and that the Committee defer making a decision on revised application PL-ZNA-2023-0046 until such time that the applicant has an Ontario Land Surveyor confirm the location of the property's lot lines and submits an acceptable sketch that accurately shows the size and location of the proposed building.

Background

Minor Variance application PL-ZNA-2023-0046 was previously presented to the Committee of Adjustment on June 8, 2023. Prior to the presentation, written comments were received from the abutting property owner, citing concerns related to the location of the proposed structure. Based on the comments received, Committee members deferred their decision to provide an opportunity for the applicant to revise their proposal.

Property Description

The subject property is an undersized lot of record measuring at 0.84Ha in area with frontage on Timmerman Road and Sand Lake. Access to the property is via a driveway extending from Timmerman Road. The property contains a 140.1sqm (1508sqft) two-storey single detached dwelling and a detached accessory structure ("bunkie house"). The subject property is primarily covered by mature trees. Finally, the property is located within an area characterized by similar waterfront residential developments.

Proposal

The applicant is proposing to construct a new 102.9sqm (1108sqft) detached garage/quilt room on the subject property. The proposed accessory structure is to be setback 6.1m (20ft) from the front lot line. As such, the applicants are requesting relief from Zoning By-law 2003-

75, in order to permit the proposed accessory structure to be setback less than 20m from the front lot line.

Preliminary Discussion

While conducting a site visit to the subject property, Planning Staff noticed several inconsistencies with the location of the proposed accessory structure. The proposed setbacks, as depicted in the submitted sketch, would result in the accessory structure encroaching on the front lot line of the property. As such, Township Planning Staff are recommending the application be deferred. This would provide the applicant additional time to have the location of the lot lines confirmed by an Ontario Land Surveyor, and to submit an acceptable sketch that accurately shows the size and location of the proposed building.

Report Prepared By:
Noah Perron, Planner

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

SOUTH FRONTENAC

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.

Application Type:	Planning Fee:	Building Admin Fee:	TOTAL:
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 *Minor Variance Only* *Minor Variance WITH Performance Review* *Minor Variance in combination with a new Class 2, 3, 4, or 5 sewage system other than a Class A system*	$463.00 ☆ $720.00 $1,183.00
Cataraqui Region Conservation Authority	$445.00 ☆
Quinte Conservation Authority	$450.00
Rideau Valley Conservation Authority	$410.00

RECEIVED
MAY 24 2023
TOWNSHIP OF SOUTH FRONTENAC PLANNING DEPARTMENT

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: _____

Pre-Consultation for this application ☑ Yes ☐ No

Planner: Noah Perron Date of pre-consultation: May 11, 2023

1. Name of Owner(s): Megan and Stephen Roach

Full Mailing Address of Owner(s): 443 County Road 2 East, RR2, Gananonque , ON, K7G 2V4

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: _____

RECEIVED
MAY 24 2023
TOWNSHIP OF SOUTH FRONTENAC PLANNING DEPARTMENT

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: 53

Street Number: 53 Name of Road/Street: Linea Street

Reference Plan Number: _____ Part Number(s): 13M56

Roll Number: 13R17710

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): 60.5

Depth: 67 Area: 4053

5. The current zoning of the subject land:

R10

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

front yard setback variance

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:

Linea Street

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?

none currenlty, zoned residental

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

☐ Yes ☑ No

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

Type of Structure (E.g. residence)	**(1)**	**(2)**	**(3)**	**(4)**
Setback from Front Lot Line				
Setback from Rear Lot Line				
Setback from Side Lot Line				
Height of Building (Also indicate if it is one story or two story)				
Dimensions of Floor Area				
Setback from High Water Mark (If applicable)				

13. The proposed uses of the subject land:

residental home

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

☑ Yes ☐ No

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

Type of Structure (E.g. residence)	**(1)** Primary Dwelling	**(2)**	**(3)**	**(4)**
Setback from Front Lot Line	10			
Setback from Rear Lot Line	43.43			
Setback from Side Lot Line	10			
Height of Building (Also indicate if it is one story or two story)	7			
Outside Dimensions of Building/Structure	see Plot			
Setback from High Water Mark (If applicable)	NA			

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

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

If yes, please provide details:

_____

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

If yes, please provide details:

18. What are the uses of the proposed development?

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

19. The date the subject land was acquired by the current owner:
april 28, 2013 nesp

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:
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.

☐ 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

[redacted]

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

A Guide to Completing the Minor Variance Form

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

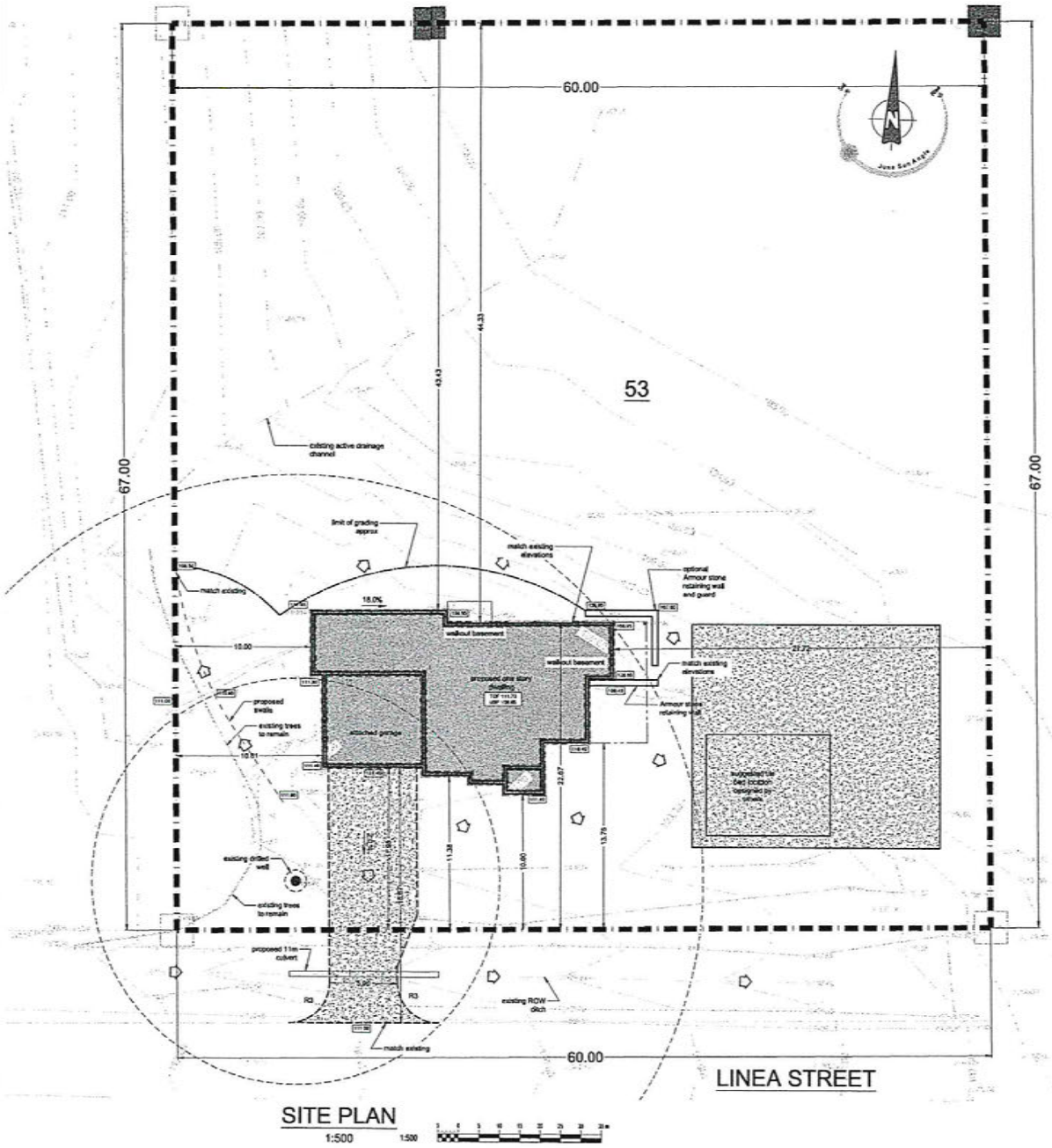
26) If yes: If there is a current application for severance or subdivision on the property, please indicate the file number. (Staff can help provide this information)

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

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

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

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



SITE PLAN

1:500 1:500

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SANITARY

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MINIMUM CLEARANCE DISTANCES OBC TABLE 8.2.1.6 A & B

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DRIVEWAY STRUCTURE FOR RESIDENTIAL WORKS

STRUCTURE TYPE	DEPTH(mm)	COMPACTION
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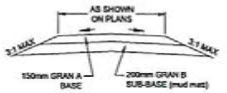
TOWNSHIP OF SOUTH FRONTENAC RESIDENTIAL ONE EXCEPTION R-10 ZONING

SINGLE DETACHED DWELLING	ZONING	PROPOSED	
LOT AREA (MIN)	-		
LOT FRONTAGE (MIN)	55 m		
FRONT YARD (MIN)	20 m	10 m	X
REAR YARD (MIN)	10 m	43.43m	✓
INTERIOR SIDE (MIN)	10 m	10 m	✓
LOT COVERAGE		5.8%	

TYPICAL 'V' BOTTOM SWALE
N.T.S.



RESIDENTIAL RURAL ENTRANCE
N.T.S.

PLAN LEGEND

- PROPERTY LIMIT (LEGAL)
- PROPOSED DWELLING
- PROPOSED DWELLING ACCESSORIES
- PROPOSED DRIVEWAY
- RESTRICTED ZONING AREA
- PROPOSED WATER SERVICE
- PROPOSED HYDRO SERVICE
- PROPOSED OVERLAND DRAINAGE PATH /DIRECTION
- WELL WITH 15m AND 30m SETBACKS
- OVERHEAD HYDRO POLE UTILITY
- EXISTING ELEVATION
- 312.73 EXISTING CONTOURING
- PROPOSED ELEVATION
- 2.5% PROPOSED GRADE
- SITE BENCHMARK

SITE BENCHMARKS

THE SITE BENCHMARKS PROVIDED BELOW ARE FOR CONSTRUCTION AND PERMIT. THEY ARE BASED ON THE TOPOGRAPHIC SURVEY COMPLETED BY FOREFRONT ENGINEERING, APRIL 2023. ELEVATIONS ARE UTM NAD-83 GEODETIC.

BM1 - ELEVATION = 111.561m
Top of existing well cap, see plan

ZONING LOT COVERAGE SCHEDULE

	AREA
DWELLING UNIT AREA	235 m^2
LOT AREA	4026 m^2
LOT COVERAGE RATIO	5.80%

GENERAL NOTES:

1. 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.
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NO.	DATE	BY	REVISION
1	2023.04.29	S.R.	ISSUED FOR APPLICATION

DESIGN
DRAWN S.R.
SCALE as shown

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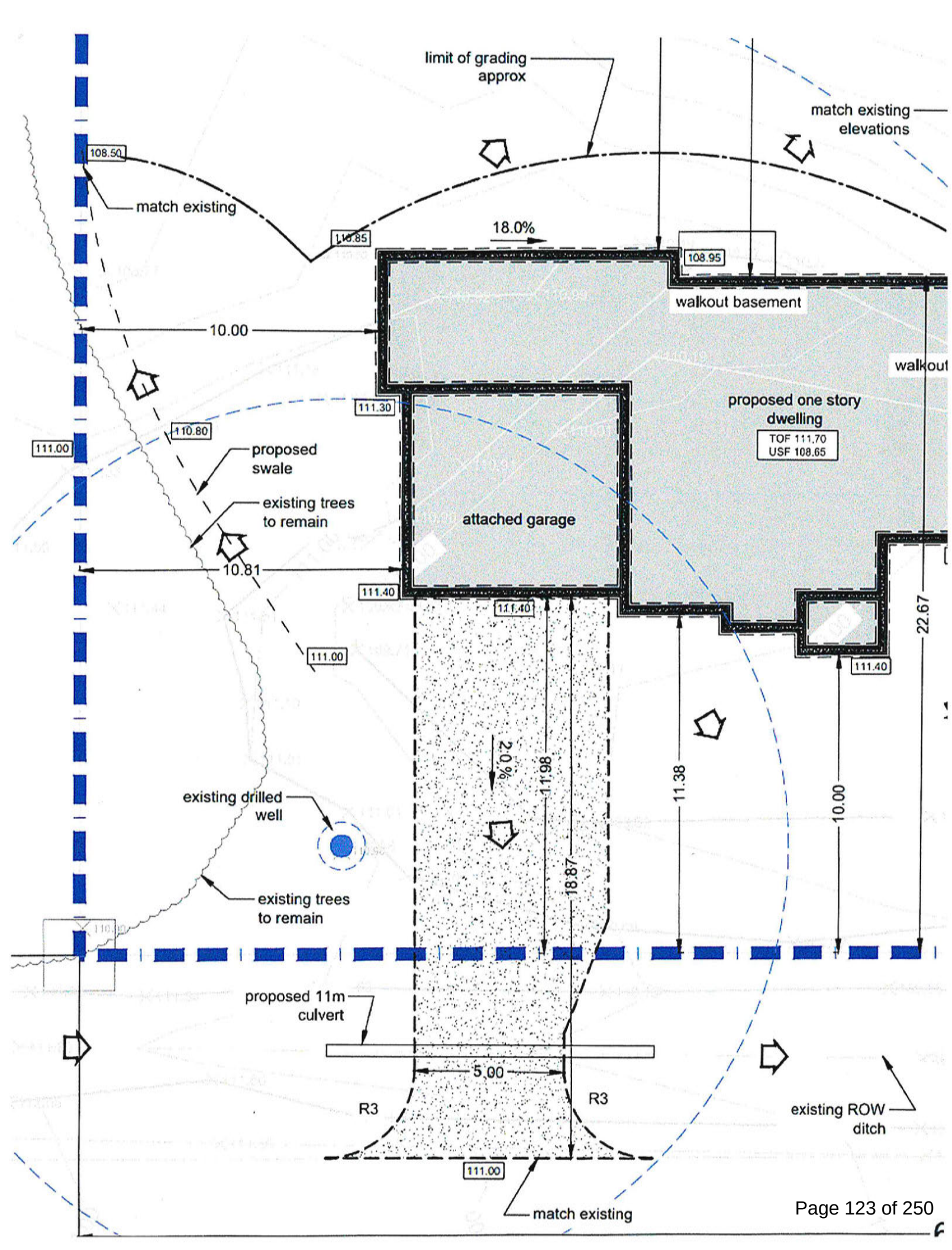
AVIDITY DESIGN

TOWNSHIP OF SOUTH FRONTENAC
LOT 53 LINEA STREET, PLAN 13M5
LYONS LANDING SUBDIVISION

PROPOSED MINOR VARIANCE PLO

FILE NO.

DRAWING NO.
SHEET 01 OF 01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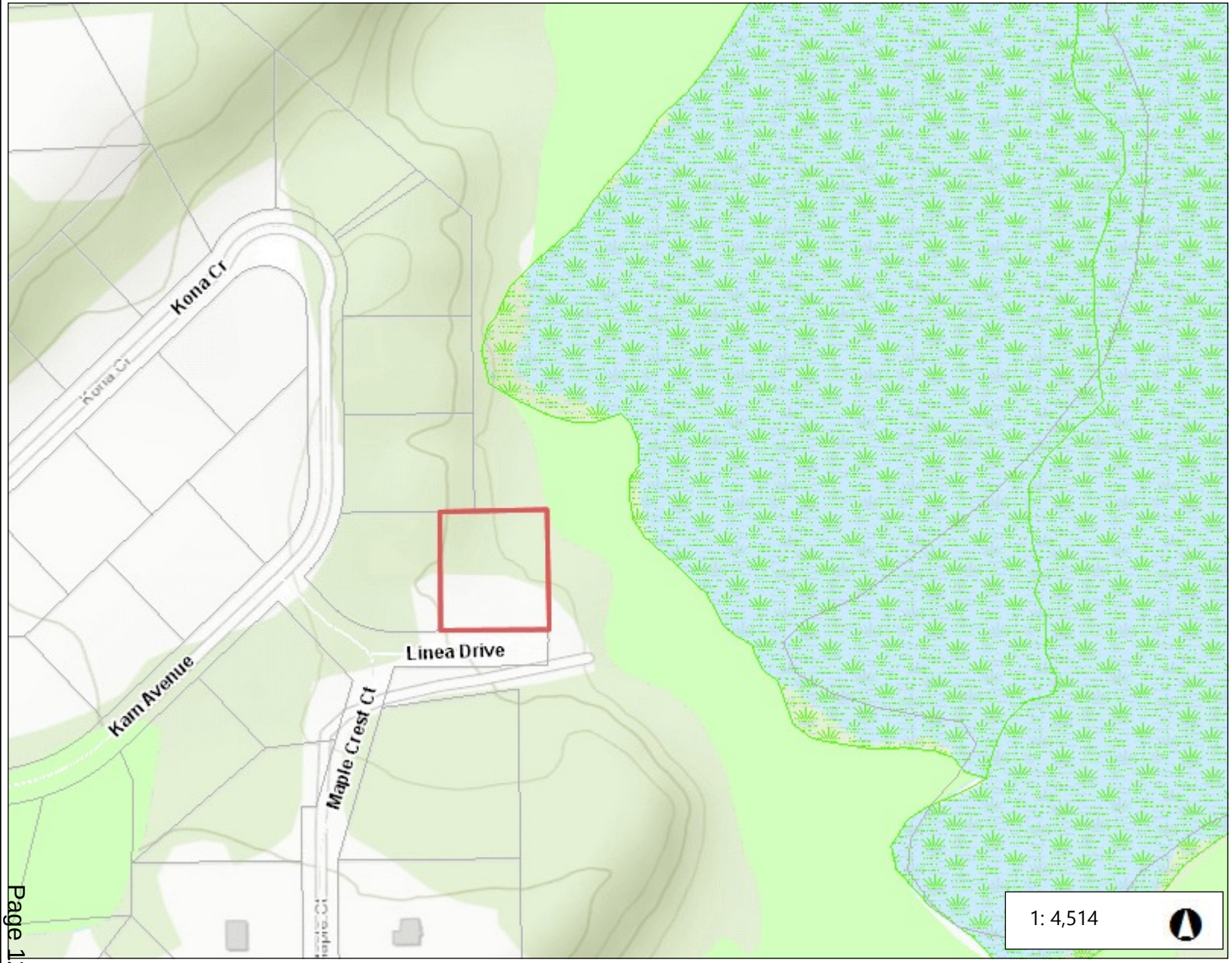
match existing elevations
108.50
match existing
110.85
18.0%
108.95
walkout basement
10.00
walkout
111.30
proposed one story dwelling
TOF 111.70
USF 108.65
110.80
111.00
proposed swale
existing trees to remain
attached garage
10.81
111.40
111.40
22.67
111.00
111.40
2.0%
11.98
11.38
10.00
existing drilled well
18.87
existing trees to remain
proposed 11m culvert
5.00
R3
R3
existing ROW ditch
111.00
match existing

FRONTENAC | PL-ZNA-2023-0062 (Roach) - 53 Linea Drive



Legend

- Road
  - Highway
  - Major Road
  - Secondary Road
  - Ferry Route
- Assessment Parcels
- Provincially Significant Wetland
- Wetland
- Citations

Notes

.2 0 0.11 0.2 Kilometers

WGS_1984_Web_Mercator_Auxiliary_Sphere

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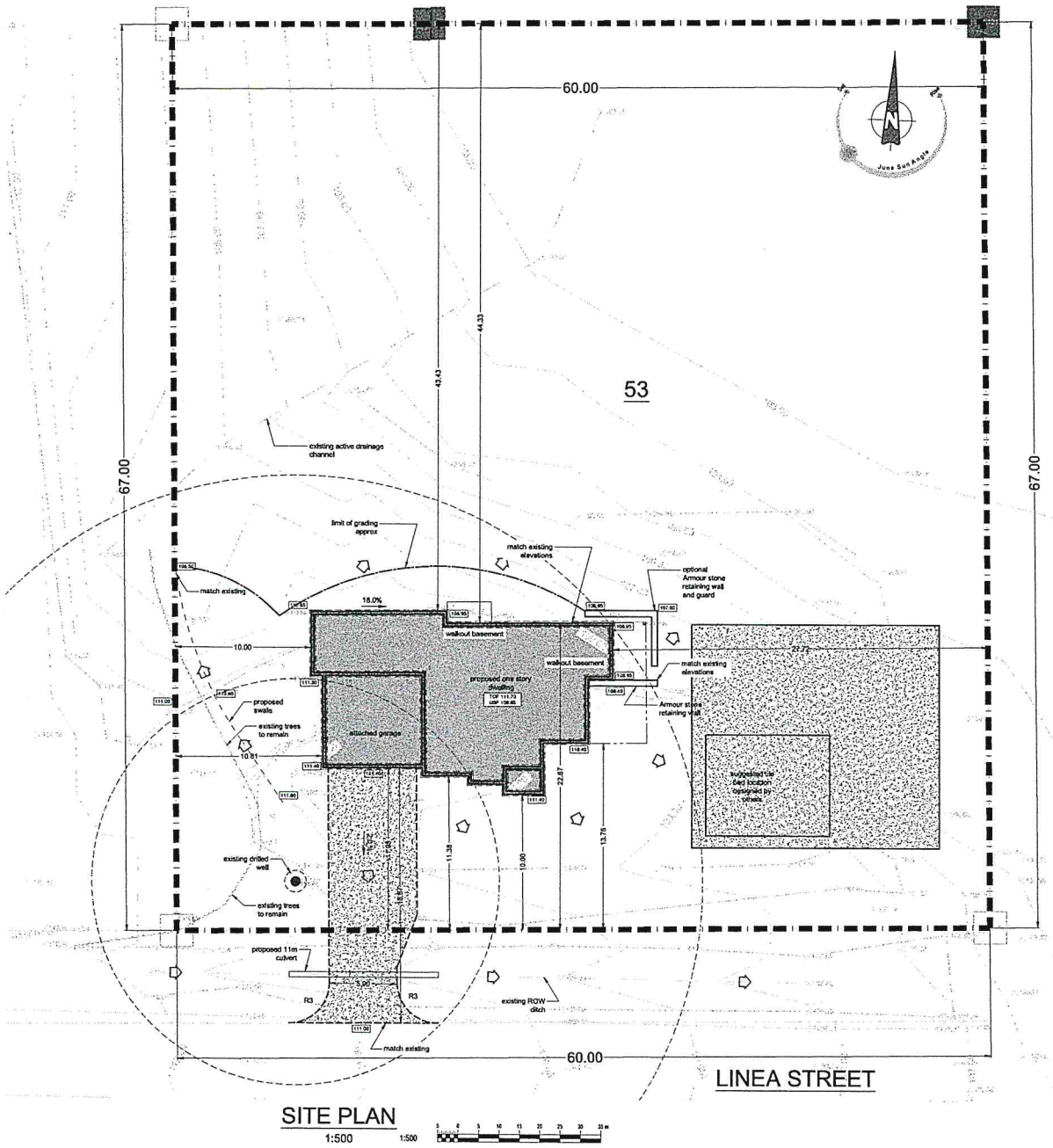
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



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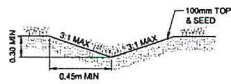

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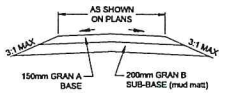

RESIDENTIAL RURAL ENTRANCE
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Top of existing well cap, see plan

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DRAWN S.R.
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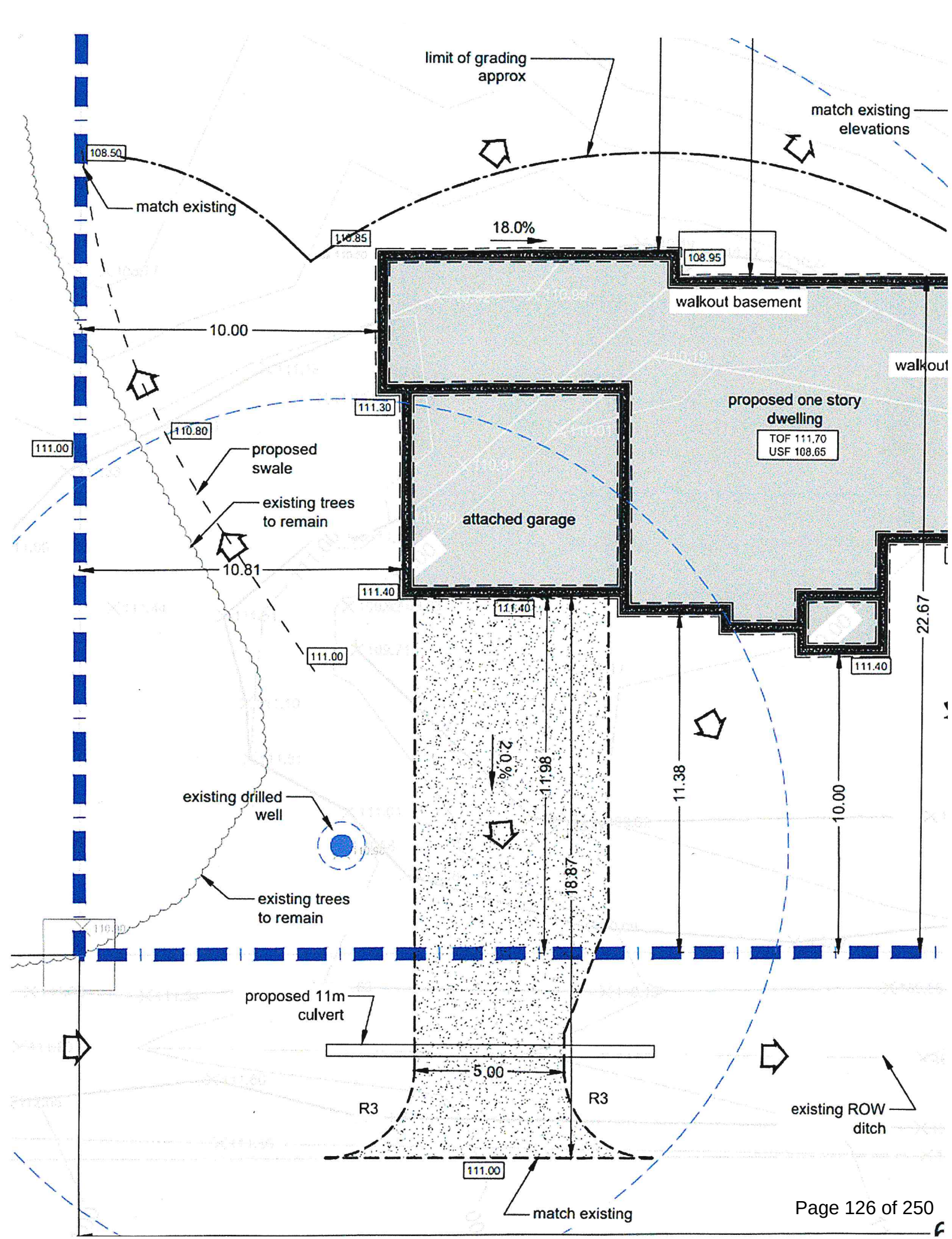
TOWNSHIP OF SOUTH FRONTENAC
LOT 53 LINEA STREET, PLAN 13M5...
LYONS LANDING SUBDIVISION

PROPOSED MINOR VARIANCE PLO...

FILE NO.
DRAWING NO.
SHEET 01 OF 01

C:\USERS\TEVIS\DROPBOX\AVIDITY WORKS\2023 PROJECTS\2023-14 LOT 53 LINEA\NEW PLOT.DWG


limit of grading approx
match existing elevations
108.50
match existing
110.85
18.0%
108.95
walkout basement
10.00
walkout
111.30
proposed one story dwelling
TOF 111.70
USF 108.65
110.80
111.00
proposed swale
existing trees to remain
attached garage
10.81
111.40
111.40
22.67
111.40
111.00
2.0%
11.98
11.38
10.00
18.87
existing drilled well
existing trees to remain
proposed 11m culvert
5.00
R3
R3
existing ROW ditch
111.00
match existing

Benchmark

BENCHMARK - TOP OF WELL CAP LOCATED AT LOT 40 KAM AVENUE. ELEVATION = 123.30

No.	Revision/Issue	Date

Forefront Engineering Inc

1329 Gardiners Road, Suite 210
Kingston, ON, Canada K7P 0L8
613.634.9009 tel.
1.888.884.9392 fax.

Client
STEPHEN ROACH

Project
LYONS LANDING LOT 53

Drawing
TOPOGRAPHIC PLAN

Drawn by:	Checked by:	Project No.
BCAT		
Designed by:	Approved by:	Drawing No.
	KMN	C1
Date: APRIL 2023		
Scale: 1:200 ANSI D		

Development Services
4432 George St, Box 100
Sydenham ON, K0H 2T0
613-376-3027 Ext 2226
building@southfrontenac.net

SEWAGE SYSTEM REVIEW COMMENTS

To:	Secretary-Treasurer, Committee of Adjustment Township of South Frontenac 4432 George St, Box 100 Sydenham, ON K0H 2T0
Application Number:	PL-ZNA-2023-0062
Type of Application or Proposal:	Zoning By-law Amendment
Applicant Name(s):	Roach, Stephen Frederick
Location:	Roll # 1029 060 010 07660, Linea Drive Township of South Frontenac (Storrington)
Comments:	No Objection, the location for the proposed sewage system appears suitable for the installtion. Specific requirements for design and installation will be reviewed through the Application to Construct a Sewage System prior to site development.
Building Inspector:	Chris Beeg
Date:	June 30, 2023

June 23, 2023 File: MV/FRS/132/2023

Sent by E-mail

Mr. Noah Perron, Planner
Township of South Frontenac
P.O. Box 100
Sydenham, Ontario
K0H 2T0

Dear Mr. Perron:

Re: Application for Minor Variance PL-ZNA-2023-0062 (Roach)
Pt Lot 32, Concession 7; 53 Linea Drive
Storrington District, Township of South Frontenac
Waterbody: Collins Creek Provincially Significant Wetland Complex

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 construction of a single detached dwelling on the subject property. The variance is requested to:

- Reduce the required setback from the front yard from 20 metres, as required by Section 12.5 of the South Frontenac Zoning By-law, to 10 metres to permit the construction of the new dwelling.

Site Description

The subject property is located within the eastern boundary of the previously approved Lyons Landing subdivision located along Holmes Road and Lakefield Drive in South Frontenac Township. The topography of the subject lands can be characterized as a low-lying area along the eastern portion that rises up a steep embankment and levels out again towards Linea Drive, where the development is proposed. With the exception of a cleared area near the road, the majority of the property is covered in mature deciduous tree growth. A portion of the Collins Creek provincially significant wetland complex is located to the east of the subject lots.

The property is currently designated as ‘Rural’ and in the Official Plan and is zoned ‘Special Residential’ (R-10) in the Zoning By-law for South Frontenac Township.

Discussion

Cataraqui Conservation's scope of review for this proposal includes the protection of the hydrologic function of Collins Creek Provincially Significant Wetland.

Collins Creek Provincially Significant Wetland / Ontario Regulation 148/06

As noted, the subject lands are located adjacent to Collins Creek Provincially Significant Wetland Complex. This wetland is designated Provincially Significant in the Township's Official Plan and zoned 'Environmental Protection' in the implementing Zoning By-Law. The Official Plan for South Frontenac contains provisions that protect the hydrologic and ecologic functions of wetlands. Cataraqui Conservation, under O. Reg. 148/06, regulates development and site alteration within 120 metres from the limit of the Collins Creek PSW, to protect the hydrologic function of the PSW. Our policies and guidelines prohibit new development within 30 metres from the limit of the PSW and can only permit new development within 30 – 120 metres from the PSW if the interference on the hydrologic function of the wetland has been deemed to be acceptable by Cataraqui Conservation. Based on the site plan submitted with the application, the proposed development will be located roughly 80 metres from the limit of the PSW. In this instance, staff are satisfied that the proposed development will not interfere with the hydrologic function of the PSW. Staff are also satisfied that the proposed reduction to the front yard setback will encourage a larger setback between future development and the wetland.

Staff have no concerns from a regulatory perspective. **If approved, staff recommend that proper sediment and erosion controls be incorporated into construction plans. Staff also note that a CRCA permit will be required for the development at the building permit stage.**

Recommendation

In summary, staff have no objection to the approval of application PL-ZNA-2023-0062 based on our consideration for Ontario Regulation 148/06.

We also recommend implementation of the above-noted environmental mitigation measures (in bold text) and advise the applicant that a CRCA permit will be required for the proposed development under O. Reg. 148/06.

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. Also, to ensure the protection of wetlands. For this property, any development (buildings and structures) and site alteration (excavation, grading, placement of fill) within 120 metres of the Collins Creek Provincially Significant is subject to O. Reg. 148/06. Therefore, a permit will be

required from our office for the proposed development. **The landowner(s) are advised to contact CRCA at the building permit stage for more information about permitting requirements under O. Reg. 148/06.**

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

Yours truly,

Janelle Treash
Resource Planner

cc: Noah Perron, Planner, via e-mail
Applicant, via e-mail

Township of South Frontenac

Staff Report

To:	Committee of Adjustment
Prepared by:	Development Services Department
Date of Meeting:	August 10, 2023
Subject:	**Minor Variance Application (S. 45(1) of the Planning Act) PL-ZNA-2023-0062, Stephen and Megan Roach, 1029-060-010-07660, Linea Drive, Storrington District**

Summary

The subject application seeks zoning relief to permit a single detached dwelling to establish a reduced front yard setback.

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: R-10 Special Residential

Zoning Relief Requested

Section 12.5 – to permit a single detached dwelling to establish a minimum 10 metre front yard setback, whereas the R-10 zone requires a minimum 20 metre front yard setback.

Related Applications

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

Discussion/Analysis

Property Description

The 0.4 hectare (1 acre) property is located within the eastern portion of the Lyon's Landing subdivision. The property fronts onto, and is accessed by, Linea Drive. The lot is currently vacant. The lands consist of a small relatively flat area directly adjacent to the road which

slopes down at a relatively steep angle as you move towards the rear of the property. The flat area near the road is largely cleared, but the rest of the property is generally forested. The property is located at least 45 metres from a provincially significant wetland, which is located to the north and east of the property.

Summary of Proposal

The Applicant is proposing to construct a 235 square metre single detached dwelling, including attached garage. The dwelling would be one storey with a walkout basement. The required sewage system would be located east of the dwelling at the top of the slope.

An application for minor variance was received to permit the dwelling to establish a minimum 10 metre front yard setback. The variance is being requested so that the dwelling can be erected on the flat area at the top and front of the property rather than on the slope that extends to the rear of the property.

Department and Agency Comments

The application was reviewed by Building Services, who had no objections to the proposal from a sewage system perspective.

The application was reviewed by Cataraqui Conservation, who had no concerns. However, they recommended that proper sediment and erosion controls be incorporated into construction plans. They also wanted to note that a permit would be required under O. Reg. 148/06 for the development at the building permit stage.

Public Comments

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

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 proposed single detached dwelling is associated with the permitted residential use of the property.

The lot is located within 120 metres of the Provincially Significant Collins Creek Wetland Complex. An environmental impact assessment was not required for the proposed development of the lot, as impact would have been assessed before the plan of subdivision was approved.

The proposed variance maintains the general intent and purpose of the Official Plan.

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

The proposed dwelling is a permitted use in the R-10 zone. The front yard setback is intended to allow for a sufficient distance between the dwelling and the road, both for safety and to account for possible future development. In this case the house fronts on a short dead-end road which is not favourably located for any future development. As a result, this road will almost certainly never need to be widened or support any large volume of traffic. A 10-metre front yard setback will not pose any real danger to the occupants or interrupt the general maintenance or operation of the roadway. A 10-metre front yard setback would be consistent with the requirements of the R-31 Zone which applies to the lots to the north of the subject property that are also located on the slope. 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 is desirable for the appropriate development of the land, as it would allow the dwelling to be founded mostly on the level section of the property. This would avoid the need to carry out extensive and environmentally disruptive landscaping, including tree clearing, filling, and lot grading, in the north of the property. By permitting the dwelling to be located closer to the front lot line, it would maximize its distance from the Provincially Significant Wetland located to the north and east of the property. Furthermore, a reduced setback for this property would be in keeping with the general character of the surrounding 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. Additionally, although the dwelling would have a reduced front yard setback than required, at 10 metres, it would not have any noticeable impacts on adjacent properties as they are being developed with a similar front yard, nor would it have any impacts on public works.

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 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-2023-0062, subject to the following conditions.

1. The minor variance is for a single detached dwelling. The dwelling is permitted to establish a minimum 10.0 metre front yard. All as per the submitted application and sketch.

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

3. Minor variance PL-ZNA-2023-0062 is applicable only to Zoning By-law No. 2003-75 and not to any subsequent zoning by-laws.

Report Prepared By:
Michael Kelly, Planning Student

Reviewed By:
Christine Woods, MCIP RPP, Senior Planner

RECEIVED
MAY 31 2023
TOWNSHIP OF SOUTH FRONTENAC
PLANNING DEPARTMENT

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

Date Received: _____ File No: _____

Pre-Consultation for this application ☑ Yes ☐ No

Planner: Noah Perron Date of pre-consultation: May 25, 2023

1. Name of Owner(s): Brett Duncan

   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: Anthony Wielamaker

   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(s) of Owner(s)

3. The description of the subject land:

   District: ☐ Bedford ☐ Portland ☐ Loughborough ☑ Storrington

   Concession Number: 11 Lot Number: 34

   Street Number: 421 Name of Road/Street: Stafford Lane

   Reference Plan Number: N/A Part Number(s): _____

   Roll Number: 10290700603600000000

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

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

   Frontage (on water): 30.46m Frontage (on road/lane): 35.78m

   Depth: 712.62m Area: 40400 sq.m.

5. The current zoning of the subject land:

   RLSW ZONE

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

   Reduction of 30m Setback from highwater mark or floodline of a body of water

   Setback reduced to 24m To House

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

   Stofford Lane ROW pushes building envelope forward making the envelope too small

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

   OR a privately maintained road? ☑ Yes ☐ No

   Name of Road/Lane:

   Stafford 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?

    Seasonal Cottage

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

    ☑ Yes ☐ No

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

Type of Structure (E.g. residence)	**(1)** Frame Shed	**(2)** Frame Bunkie	**(3)** Wood Deck	**(4)** 1 Storey Cottage
Setback from Front Lot Line	20.9m	32.7m	28.2m	34.7m
Setback from Rear Lot Line	688.5m	676.4m	680.5m	675.6m
Setback from Side Lot Line	.6m	4.0m	9.2m	8.0m
Height of Building **(Also indicate if it is one story or two story)**	3m 1 Storey	4m 1 Storey	.6m 1 Storey	3.5m 1 Storey
Dimensions of Floor Area	21.2sq.m. 6.1mx3.5m	22.9sq.m. 7.4x3.1m	39.8sq.m. 8.5mx5m	20.7sq.m. 4.2mx4.9
Setback from High Water Mark (If applicable)	20.9	32.7m	28.2m	34.7m

13. The proposed uses of the subject land:

Seasonal Cottage

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

☐ Yes ☐ No

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

Type of Structure (E.g. residence)	**(1)** Shed	**(2)**	**(3)**	**(4)**
Setback from Front Lot Line	29.4m			
Setback from Rear Lot Line	678.4m			
Setback from Side Lot Line	9.3m			
Height of Building (Also indicate if it is one story or two story)	4m			
Dimensions of Floor Area	10.4sq.m. 2.6mx4.0m			
Setback from High Water Mark (If applicable)	29.4m			

13. The proposed uses of the subject land:

Seasonal Cottage

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

☑ Yes ☐ No

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

Type of Structure (E.g. residence)	**(1)** Detached Garage	**(2)** HOUSE	**(3)**	**(4)**
Setback from Front Lot Line	88.7m	24.0m		
Setback from Rear Lot Line	615m	668 m		
Setback from Side Lot Line	9.148m	3.050m EAST 8.34m WEST		
Height of Building (Also indicate if it is one story or two story)	6.65m	7.5m		
Outside Dimensions of Building/Structure	118.92sq.m. 12.19mx9.15m	18.948m x 20.421m		
Setback from High Water Mark (If applicable)	88.7m	24.0M		

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:

All Current structures to be demolished or removed.

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:
February 10, 2012

20. The date the existing buildings and structures were constructed on the subject lands:
Main Cottage 1970's, Little Shed 2012, Bunkie 2014, Deck 2000's

21. The length of time that the existing uses of the subject land have continued:
50-60 years that we are aware of.

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

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

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

☐ Yes ☑ No

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

---

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

☐ Yes ☑ No

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

---

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

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

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

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

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

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

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

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

AGREEMENT TO INDEMNIFY

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

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

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

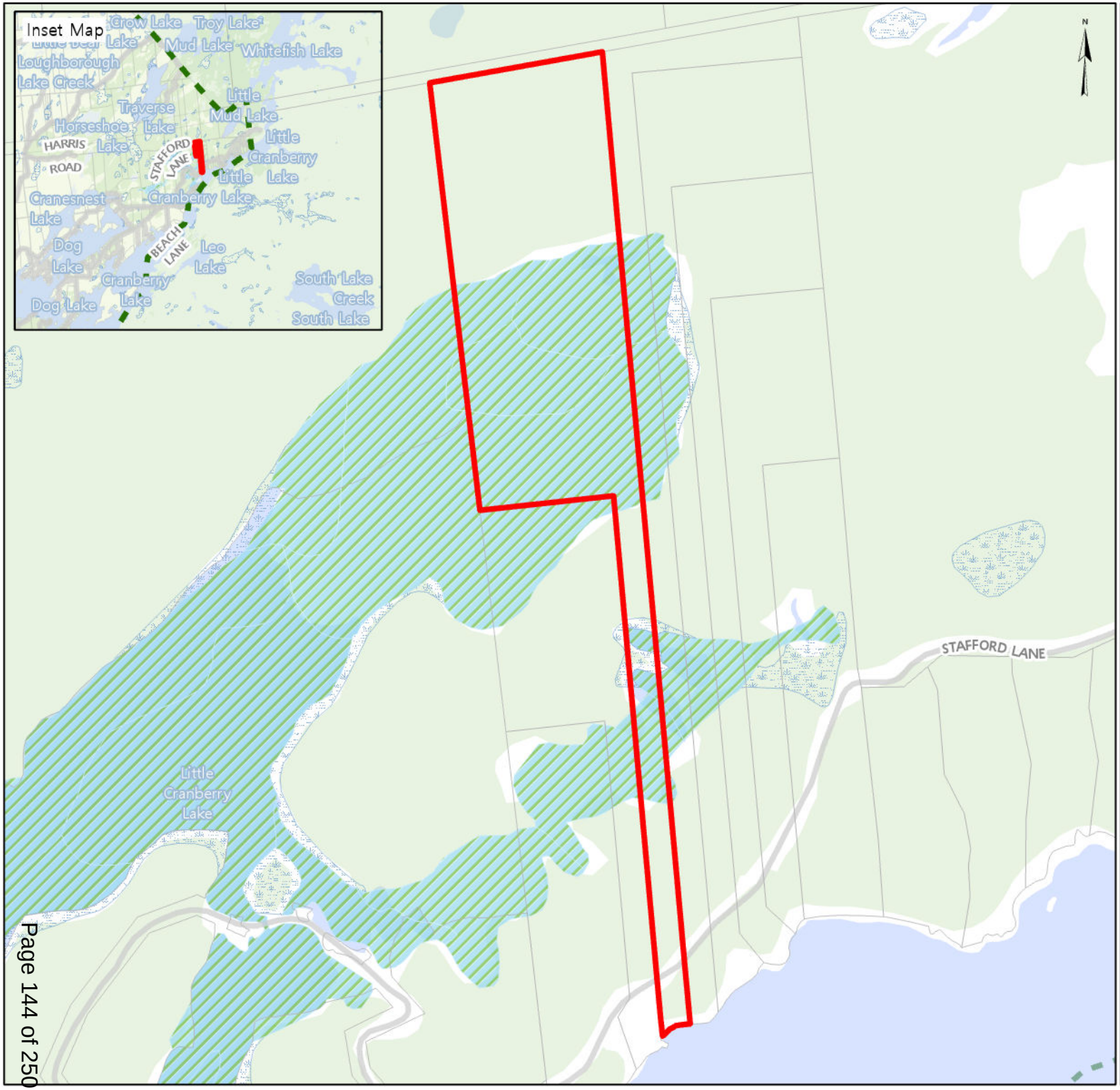
Without limiting the foregoing, such fees and expenses shall include the fees and expenses of consultants, planners, engineers, lawyers and such other professional and technical advisors as the municipality may, in its absolute discretion acting reasonably, consider necessary or advisable to more properly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

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

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

DATED AT THE TOWNSHIP OF SOUTH FRONTENAC

[redacted]



SOUTH FRONTENAC

PL-ZNA-2023-0063 (DUNCAN)(SEAWAY DESIGN)

421 STAFFORD LANE

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.

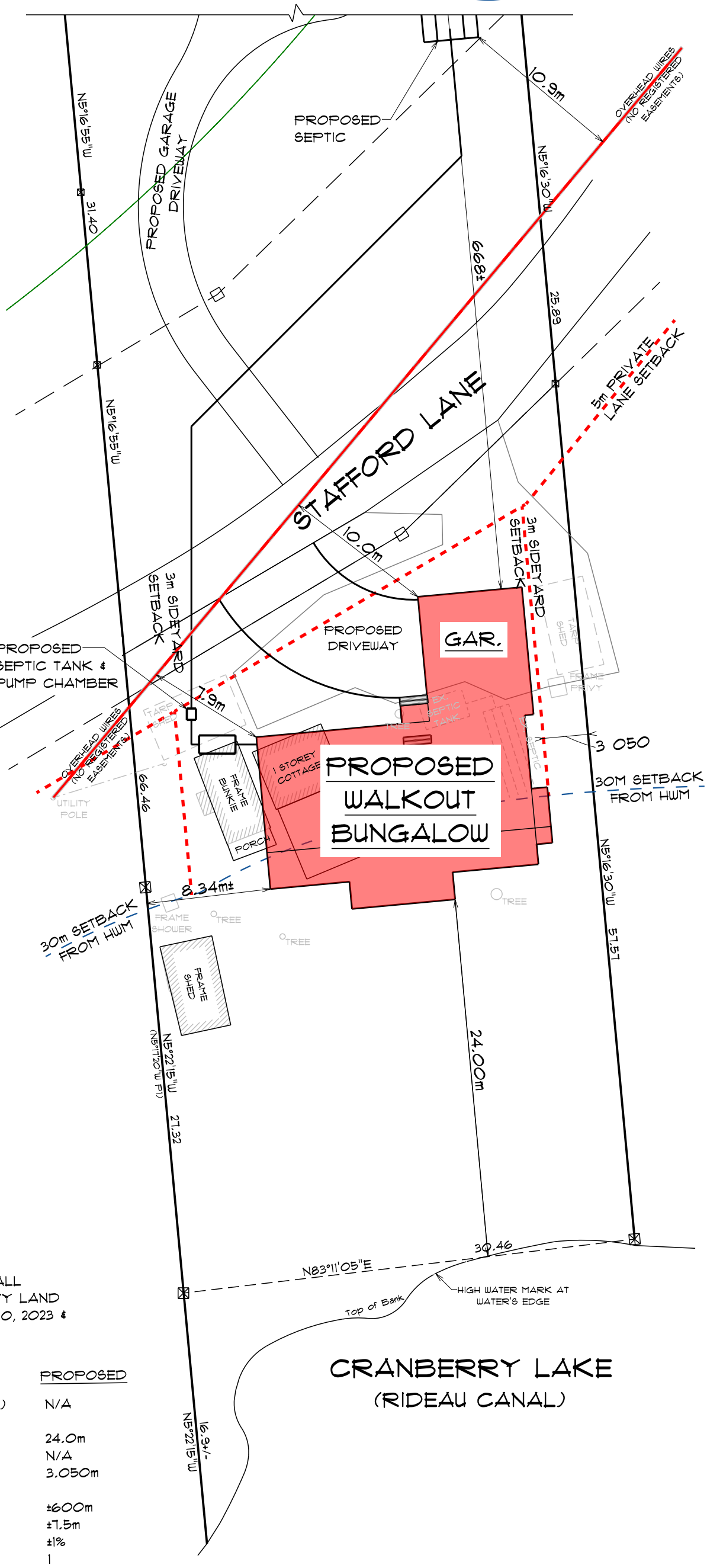
While the County makes every effort to insure that the information presented is accurate for the intended uses of this map, there is an inherent error in all mapping products, and accuracy of the mapping cannot be guaranteed for all possible uses. This map displays basic topographic features only.

Scale: 1:5,650

0 50 100 200 m

UTM Zone 18 NAD 83

Date: 2023-06-08



421 STAFFORD LANE SOUTH FRONTENAC RLSW ZONE - PERMITTED USES SINGLE DWELLING - ACCESSORY BLG

SCALE: 1:300 METRIC

NOTE:
THIS SITE PLAN IS NOT A LEGAL SURVEY, ALL INFORMATION TAKEN FROM HOPKINS CHITTY LAND SURVEYORS INC. SURVEY DATED MARCH 10, 2023 & SOUTH FRONTENAC INTERACTIVE MAPPING

ZONE PROVISIONS	REQ.D	PROPOSED
LOT AREA	40400 sq.m. (min.)	N/A
YARD SETBACK REQ.		
FRONT	30m (min.)	24.0m
EXTERIOR SIDE	10m (min.)	N/A
INTERIOR SIDE	3m (min.)	3.050m
INTERIOR SIDE	3m (min.)	
REAR	10m (min.)	±600m
BUILDING HEIGHT	11m (max.)	±7.5m
LOT COVERAGE	5%	±1%
DWELLINGS PER LOT	1 (max.)	1

SKETCH SITE PLAN FROM SURVEY

SCALE: 1:300

COPYRIGHT
All drawings, specifications and related documents are the copyright property of Seaway Design Group and must be returned upon request. Reproduction of drawings, specifications, and related documents in whole or in part is forbidden without the written permission of Seaway Design Group.

These plans form the basis for permit issuance and any deviations from these plans and details, including the ventilation system, heating system, woodstove, fireplaces, decks, balconies and finished basements, will require a revised drawing and clearance by the Building Department.

Engineered floor system and engineered truss system designed by others and not by designer. These systems are exempt as permitted in the OBC 3.2.5.1 (3)(h)

The undersigned has reviewed this design, has qualifications and meets the requirements set out in the Ontario Building Code to be a designer.

REGISTRATION INFORMATION:
Anthony Wielemaker:
Individual BCIN# 28341
Seaway Design Group:
Firm BCIN# 116151

REVISIONS:
1 22/11/11 FOR REVIEW
2 23/05/30 FOR VARIANCE

RESIDENCE FOR
DUNCAN RESIDENCE
421 STAFFORD LANE, BEELEY'S BAY, ON, K0H 1H0

PROJECT TITLE
PROPOSED BUNGALOW

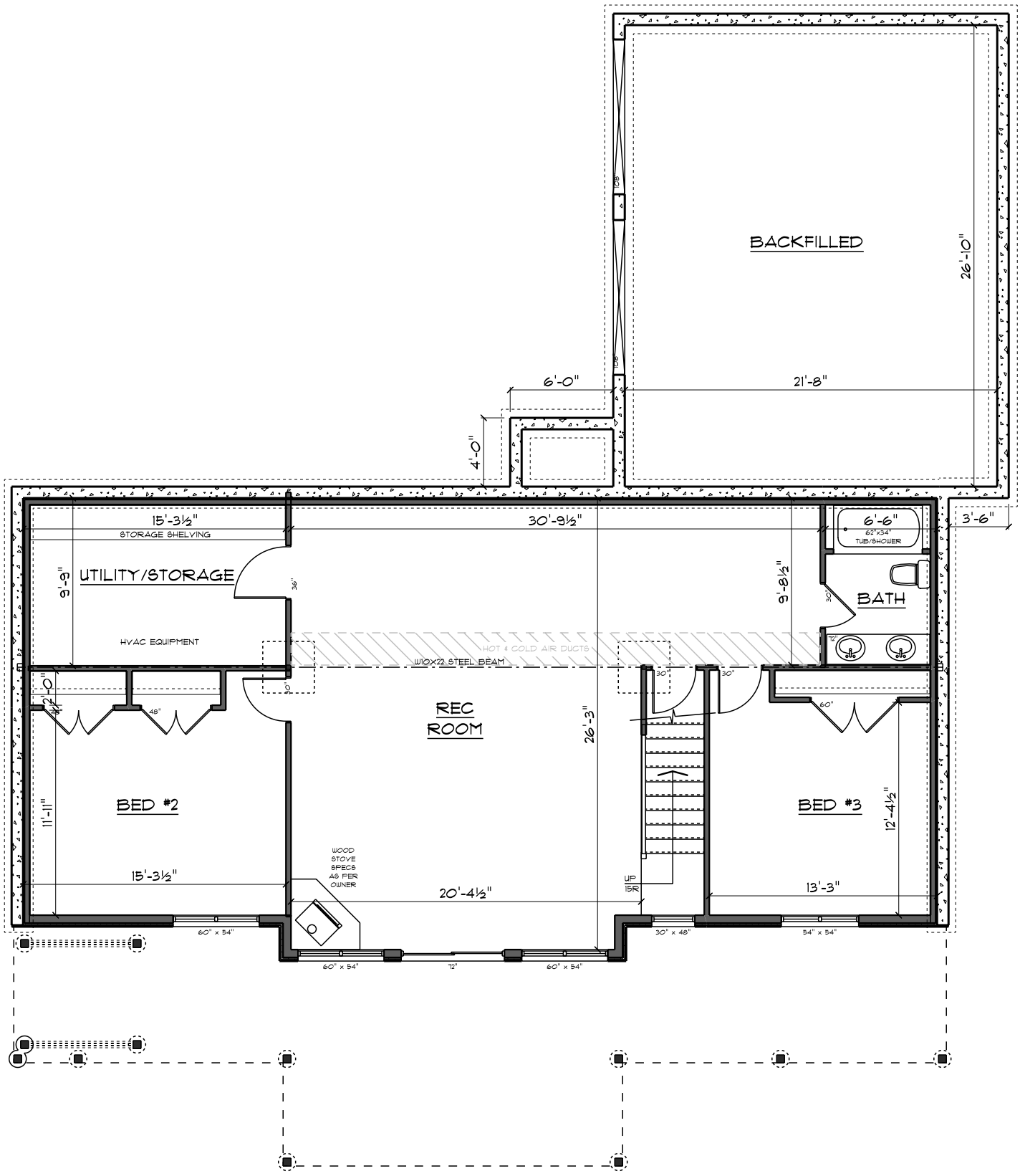
DRAWING TITLE
SKETCH SITE PLAN

APPROVED:
DATE: NOV., 2022
SCALE: AS SHOWN
DRAWN BY: A.M.W.
PROJECT No.: 22-Duncan 1 1-2 Storey

SEAWAY DESIGN Group
UNIT 10 - 4503 SOUTH AVENUE,
BROCKVILLE ON tel: 613-704-8797
www.seawaydg.ca

S 1

June 16, 2023



FOUNDATION PLAN

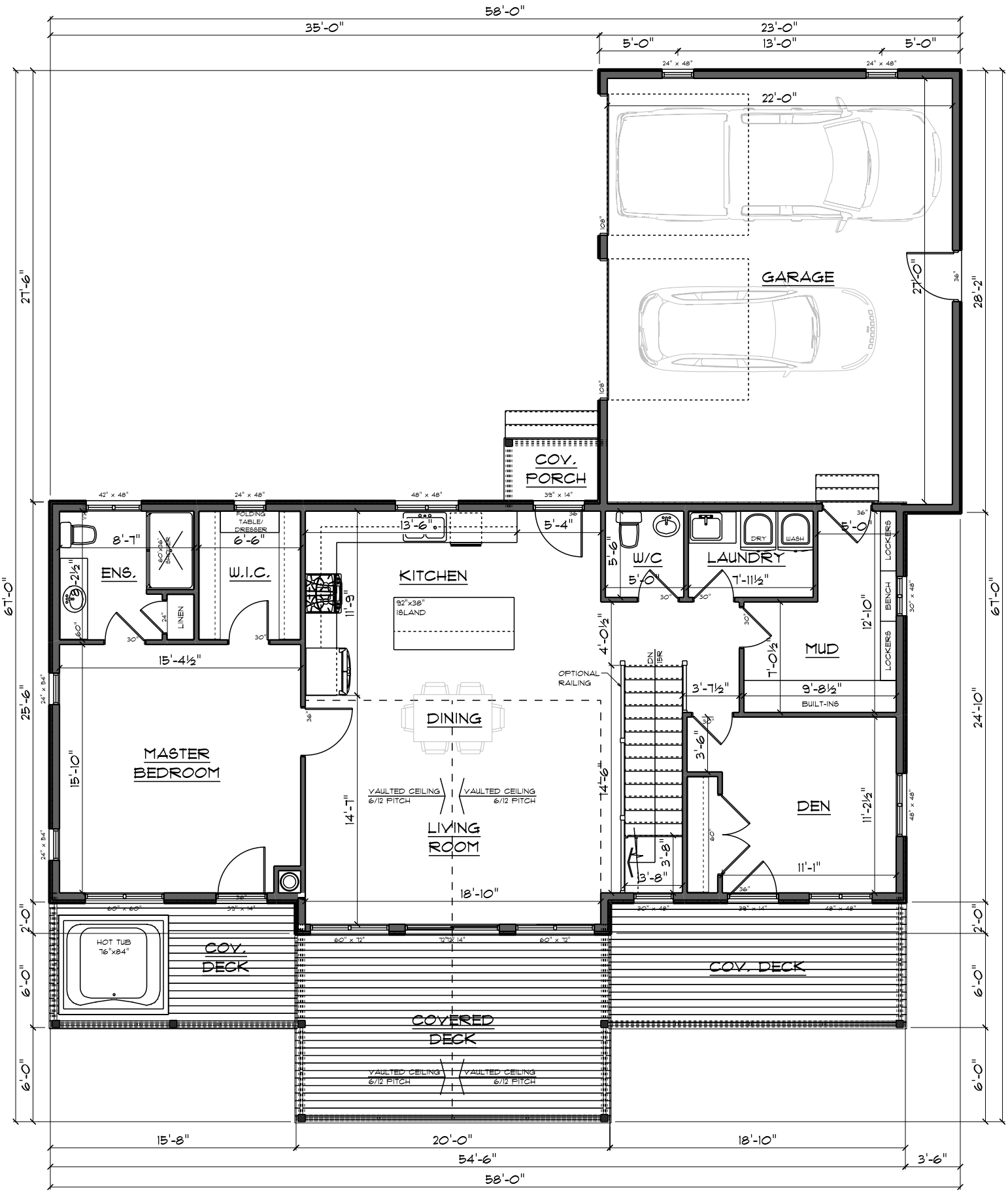
SCALE: 1/8" = 1'-0"

DUNCAN RESIDENCE
421 STAFFORD LANE
SEELEY'S BAY, ON

	AREA	LIVEABLE
MAIN FLOOR	1429 sq.ft.	1330 sq.ft.
BASEMENT	1429 sq.ft.	1138 sq.ft.
TOTAL	2858 sq.ft.	2468 sq.ft.

SEAWAY DESIGN Group

PRELIMINARY



MAIN FLOOR PLAN

SCALE: 1/8" = 1'-0"

DUNCAN RESIDENCE
421 STAFFORD LANE
SEELEY'S BAY, ON

	AREA	LIVEABLE
MAIN FLOOR	1429 sq.ft.	1330 sq.ft.
BASEMENT	1429 sq.ft.	1138 sq.ft.
TOTAL	2858 sq.ft.	2468 sq.ft.

SEAWAY DESIGN Group

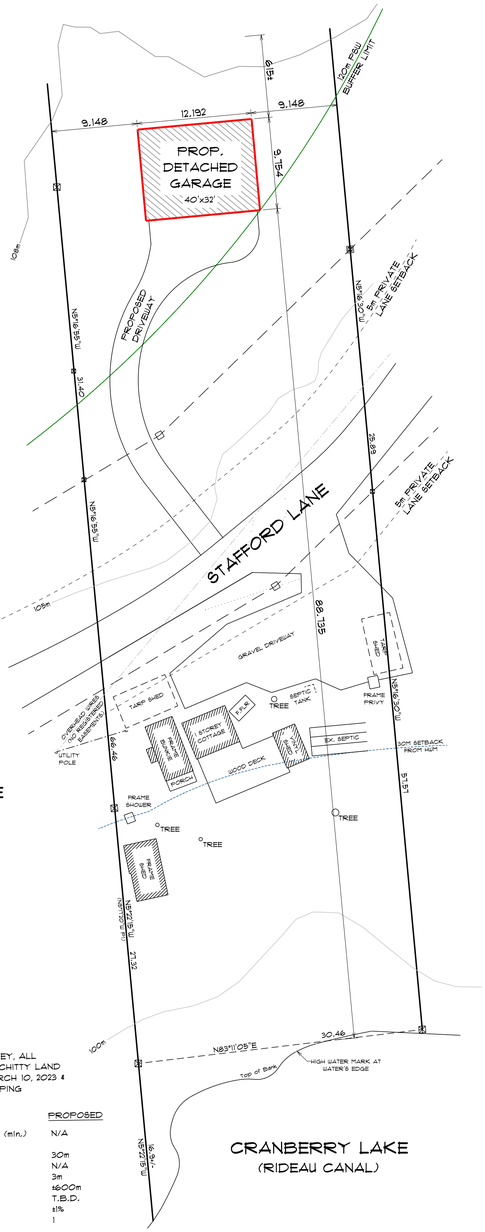
PRELIMINARY

DUNCAN RESIDENCE:
PROPOSED DETACHED GARAGE

421 STAFFORD LANE
BATTERSEA, ON.
K0H 1H0

LIST OF DRAWINGS:

G0 - TITLE PAGE, SKETCH SITE PLAN, & 3D VIEWS
G1 - FRONT & RIGHT ELEVATIONS
G2 - BUILDING PLANS, & NOTES
G3 - TYP. BUILDING SECTION & ASSEMBLIES



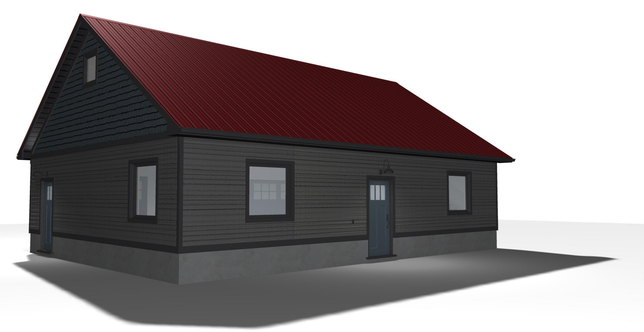
421 STAFFORD LANE
SOUTH FRONTENAC
RLSW ZONE -
PERMITTED USES
SINGLE DWELLING -
ACCESSORY BLG

5 0 5
SCALE: 1:300 METRIC

NOTE:
THIS SITE PLAN IS NOT A LEGAL SURVEY. ALL INFORMATION TAKEN FROM HOPKINS CHITTY LAND SURVEYORS INC. SURVEY DATED MARCH 10, 2023 & SOUTH FRONTENAC INTERACTIVE MAPPING

ZONE PROVISIONS	REQ.D	PROPOSED
LOT AREA	4040O sq.m. (min.)	N/A
YARD SETBACK REQ.		
FRONT	30m (min.)	30m
EXTERIOR SIDE	10m (min.)	N/A
INTERIOR SIDE	3m (min.)	3m
REAR	10m (min.)	±600m
BUILDING HEIGHT	11m (max.)	T.B.D.
LOT COVERAGE	5%	±1%
DWELLINGS PER LOT	1 (max.)	1

SKETCH SITE PLAN
SCALE: 1:300



DUNCAN RESIDENCE

SEAWAY DESIGN Group
UNIT 10 - 4503 SOUTH AVENUE, BROCKVILLE ON
tel: 613-704-8797 ~ www.seawaydg.ca

GO

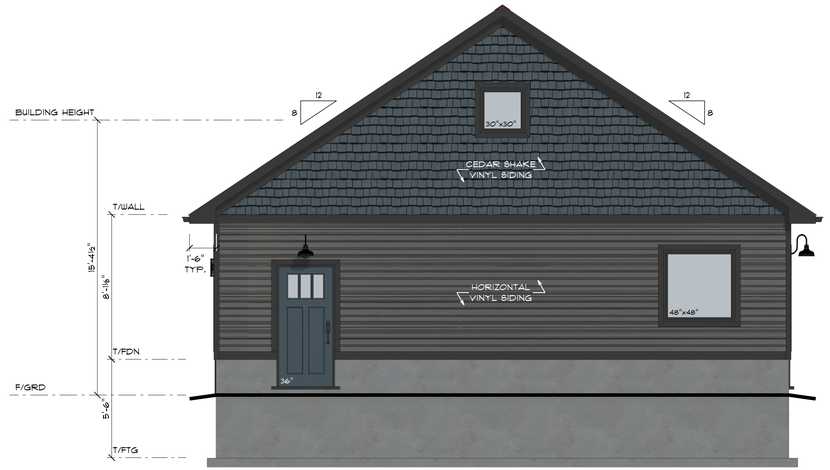
www.seawaydg.ca
Serving the St. Lawrence Seaway and the Ottawa Valley

www.seawaydg.ca

Serving the St. Lawrence Seaway and the Ottawa Valley

FRONT ELEVATION

SCALE: 1/4" = 1'-0"



RIGHT ELEVATION

SCALE: 1/4" = 1'-0"

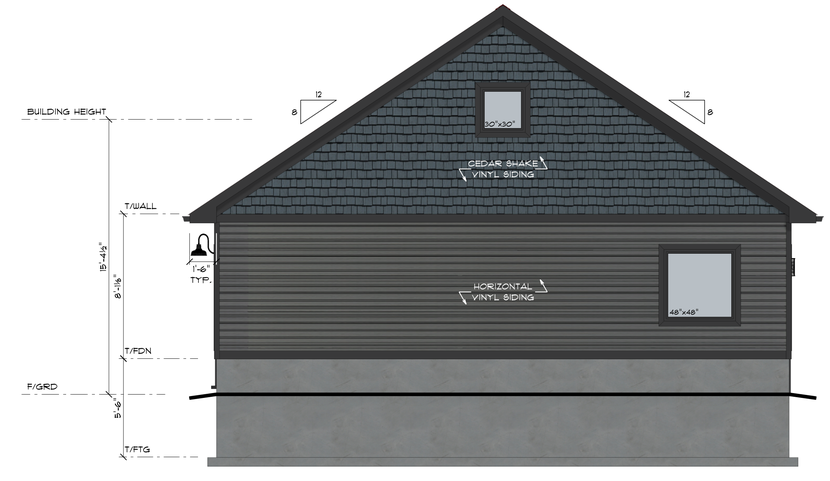
NOTE:
GRADES SHOWN ARE APPROXIMATE ONLY, FINISHED GRADES TO SUITE SITE CONDITIONS OR GRADING PLAN IF AVAILABLE.

WINDOW SIZES SHOWN ARE FOR A GUIDE ONLY AND MUST BE READ IN CONJUNCTION WITH THE FLOOR PLANS, WINDOW MANUFACTURER TO SUPPLY ALL R.S.O.'S PRIOR TO FRAMING.

ANY WINDOW GRILLS SHOWN MUST BE VERIFIED WITH CONTRACTOR BEFORE ORDERING.

REAR ELEVATION

SCALE: 1/4" = 1'-0"



LEFT ELEVATION

SCALE: 1/4" = 1'-0"

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These plans form the basis for permit issuance and any deviations from these plans and details, including the ventilation system, heating system, woodstove, fireplaces, decks, balconies and finished basements, will require a revised drawing and clearance by the Building Department.

Engineered floor system and engineered truss system designed by others and not by designer. These systems are exempt as permitted in the OBC 3.2.5.1 (3)h)

The undersigned has reviewed this design, has qualifications and meets the requirements set out in the Ontario Building Code to be a designer.

REGISTRATION INFORMATION:
Anthony Wielemaker: Individual BCIN# 28341
Seaway Design Group: Firm BCIN# 116151

April 4, 2023 — Date
Signature of Designer

REVISIONS:

1.	22/11/18	FOR REVIEW
2.	23/04/04	FOR PERMIT

P. ENG. STAMP:

CONTRACTOR:

RESIDENCE FOR:

DUNCAN RESIDENCE
421 STAFFORD LANE
BATTERSEA, ON.
K0H 1H0

PROJECT TITLE:

PROPOSED DETACHED GARAGE

DRAWING TITLE:

BUILDING ELEVATIONS

DATE:	SCALE:
APRIL, 2023	AS INDICATED
DESIGNED BY:	PROJECT No.:
T.S.	22-Duncan Garage
DRAWN BY:	APPROVED BY:
T.S.	A.M.W.

SEAWAY DESIGN Group
UNIT 10 - 4503 SOUTH AVENUE, BROCKVILLE ON
tel: 613-704-8797 ~ www.seawaydg.ca

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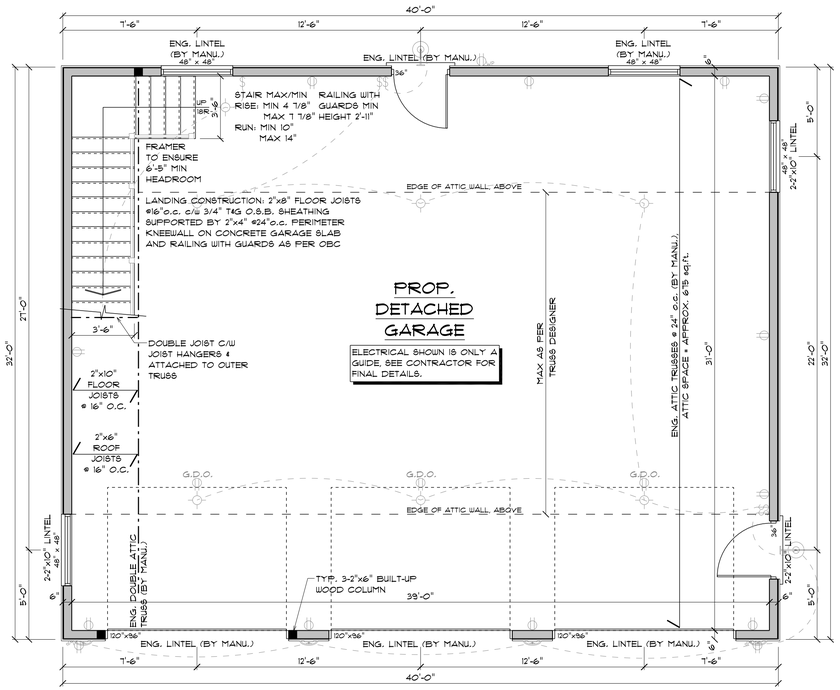
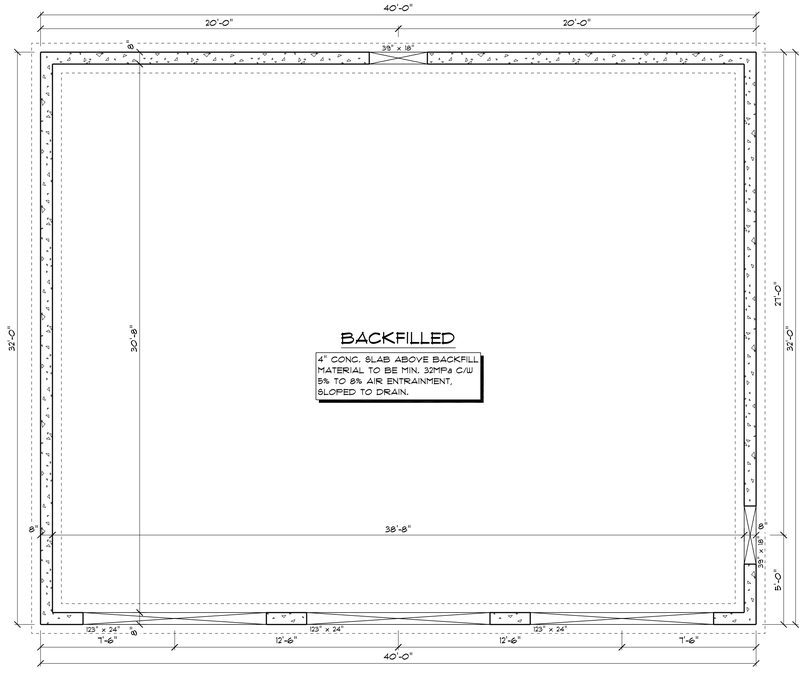


MAIN FLOOR PLAN
SCALE: 1/4" = 1'-0"



FOUNDATION PLAN
SCALE: 1/4" = 1'-0"

ELECTRICAL LEGEND:

ELECTRICAL	SYMBOL
TYP. LIGHT FIXTURE	
EXTERIOR LIGHT FIXTURE - a	
EXTERIOR LIGHT FIXTURE - b	
TYP. ELECTRICAL SWITCH	
TYP. ELECTRICAL OUTLET	
EXTERIOR ELECTRICAL OUTLET	

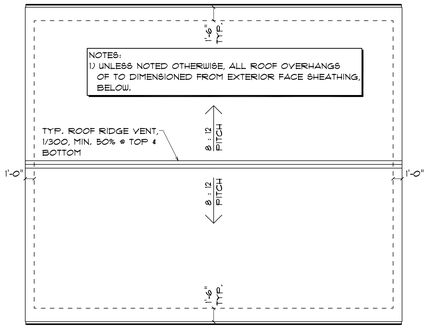
GENERAL NOTES:

FRAMING NOTES:

1. CONTRACTOR TO VERIFY ALL DIMENSIONS PRIOR TO START OF CONSTRUCTION.
2. ALL WORK TO BE DONE IN ACCORDANCE WITH THE LATEST EDITION OF THE ONTARIO BUILDING CODE.
3. WHERE NOT NOTED ON DRAWINGS, SPACING OF FRAMING MEMBERS TO BE TO THE LATEST EDITION OF THE ONTARIO BUILDING CODE.
4. ALL INTERIOR WOOD FRAMING TO BE MIN. No. 2 SPRUCE.
5. POINT LOADS INDICATED ON PLAN TO BE CONFIRMED BY ENGINEERS DESIGN.
6. ALL RAILINGS SHOWN SHALL INCLUDE GUARDS AS PER O.B.C. REQUIREMENTS.
7. CONTRACTOR TO REFER TO MANUFACTURERS GUIDELINES & SPECIFICATIONS FOR ALL "NUDURA ICF" BUILDING PRODUCTS FOR ALL WALL DETAILS & LINTEL DETAILS.
9. ROOF TRUSS SYSTEM BY OTHERS, MANUFACTURER TO PROVIDE ROOF TRUSS LAYOUT PLAN & SHOP DRAWINGS WITH STAMP OF STRUCTURAL ENGINEER LICENSED IN ONTARIO.
10. ROOF TRUSS MANUFACTURER TO PROVIDE ALL REQUIRED RATED HANGERS.
11. WINDOW MANUFACTURER TO PROVIDE ALL ROUGH FRAME OPENING SIZES.
12. CONTRACTOR TO PROVIDE HEATING & MECHANICAL VENTILATION SPECIFICATIONS.
13. CONTRACTOR TO PROVIDE SHOP DRAWINGS FOR ROOF TRUSSES FOR REVIEW BY DESIGNER PRIOR TO START OF CONSTRUCTION.
14. THE MAIN BATHROOM WALLS MUST BE REINFORCED TO ACCEPT FUTURE BARRIER FREE AMENITIES.
15. ALL TOILETS MUST BE MAXIMUM 6L FLUSH AND THE DOMESTIC HOT WATER SOURCE MUST BE PROTECTED BY A THERMOSTATIC MIXING VALVE.
16. ALL KITCHEN CABINETS MUST BE A MINIMUM OF 17 3/4" ABOVE THE RANGE LEVEL WITHIN 17 3/4" TO EACH SIDE.
17. ALL GUARDS MUST MEET SB-7 OF THE 2006 OBC. ALL AFTER MARKET GUARDS MUST BE ENGINEERED TO MEET THE REQUIREMENTS OF THE 2006 OBC. CONTRACTOR TO VERIFY PRIOR TO INSTALLATION.
18. ROOF VENTS BASED ON 75 SQ.IN. OF VENTING AREA PER VENT.

FOUNDATION NOTES:

1. ALL FOOTINGS TO BE 20"x6" UNLESS OTHERWISE NOTED & HAVE MIN. 5'-0" OF COVER & BEAR ON UNDISTURBED SOIL OR SOUND BEDROCK.
2. CONCRETE FOR FOOTINGS TO BE 20 MPa @ 28 DAYS w/ MAX. SLUMP OF 3 1/2".
3. CONCRETE FOR FOUNDATION WALLS TO BE 20 MPa @ 28 DAYS w/ MAX. SLUMP OF 3 1/2".
4. CONCRETE FOR BASEMENT FLOOR SLAB TO BE 25 MPa @ 28 DAYS w/ MAX. SLUMP OF 3 1/2".
5. CONCRETE FOR GARAGE FLOOR & PORCHES TO BE 32 MPa @ 28 DAYS w/ AIR CONTENT OF 5-8% & MAX. SLUMP OF 3 1/2".
6. FOUNDATION DRAINAGE AS PER O.B.C 9.14
7. MAINTAIN EXISTING SITE DRAINAGE AWAY FROM NEW FOUNDATIONS.
8. ASSUMED BEARING PRESSURE OF 75kPa TO BE VERIFIED BY GEOTECHNICAL ENGINEER.



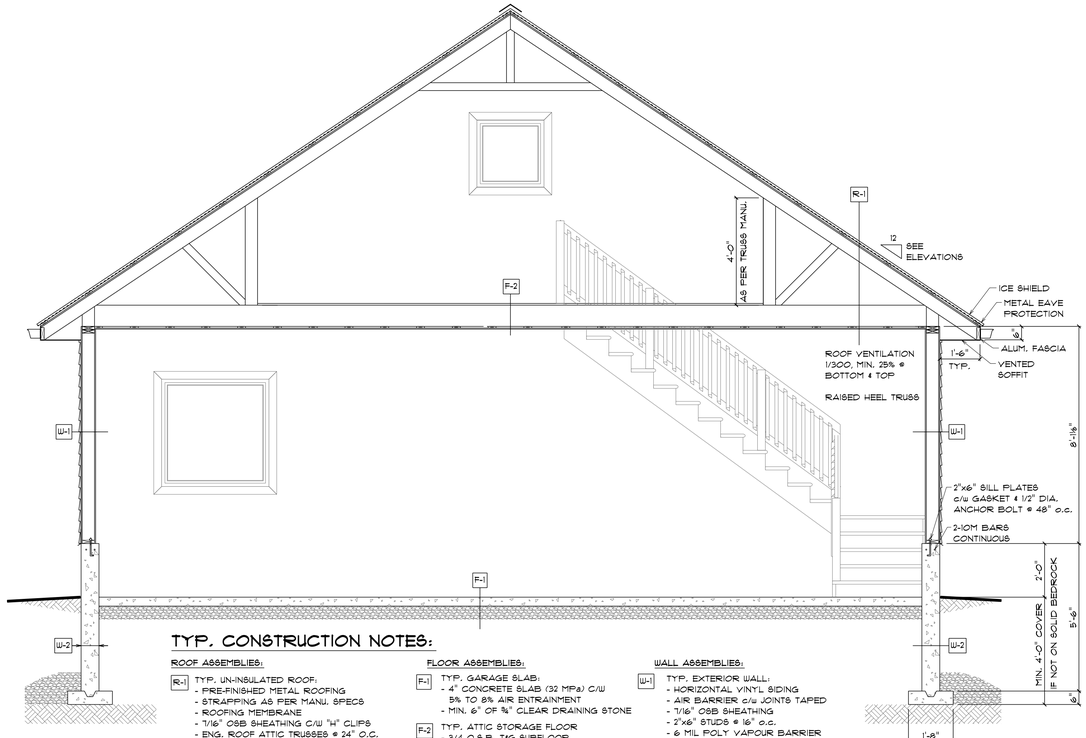
ROOF PLAN
SCALE: 1/8" = 1'-0"

MECHANICAL NOTES:

1. CONTRACTOR TO PROVIDE HEATING AND MECHANICAL VENTILATION SPECIFICATIONS.
2. MECHANICAL VENTILATION REQUIRED TO CONFORM TO O.B.C. 9.32. WITH ALL MECHANICAL VENTS TO EXHAUST TO OUTSIDE.
3. FRAMING TYPE & LOCATION FOR GAS FIREPLACES TO BE CONFIRMED WITH GAS FIREPLACE INSTALLER PRIOR TO FRAMING.
4. SMOKE ALARMS TO BE INSTALLED AS PER O.B.C. 9.10.19
5. THE SOUND PATTERN OF SMOKE ALARMS SHALL MEET THE TEMPORAL PATTERNS OF ALARM SIGNALS OR BE A COMBINATION OF TEMPORAL PATTERN & VOICE RELAY.
6. CARBON MONOXIDE DETECTORS TO BE INSTALLED AS PER O.B.C. 9.33.4.
7. ALL ATTIC SPACES TO BE PROVIDED WITH UNOBSTRUCTED VENT AREA NOT LESS 1/300 OF THE INSULATED CEILING AREA w/ NOT LESS THEN 25% OF THIS AREA AT THE BOTTOM OF THE SPACE.
8. LOOSE CEILING INSULATION TO BE BLOCKED AT EAVES WITH BATT INSULATION & ATTIC VENTS.
9. ALL POLY VAPOUR/MOISTURE BARRIER TO CONFORM TO O.B.C. 9.25.3 OR O.B.C. 9.25.4. & SUPPLEMENTARY STANDARD SB-12. CAULK & SEAL ALL JOINTS w/ 4" MIN. LAP @ JOINTS.
10. AN AIR BARRIER SYSTEM CONFORMING TO O.B.C. 9.25.3 TO BE INSTALLED IN BETWEEN GARAGE & THE REMAINDER OF THE BUILDINGING PROVIDING AN EFFECTIVE BARRIER TO GAS & EXHAUST FUMES.
11. ALL DOORS BETWEEN GARAGE & HOUSE TO BE PROVIDED WITH SELF CLOSERS & AIR TIGHT WEATHERSTRIPPING.
12. CAULK ALL PERIMETERS, INSIDE & OUTSIDE OF ALL EXTERIOR DOORS & WINDOWS.
13. FLASHING TO BE INSTALLED AT EVERY HORIZONTAL JUNCTION OF CLADDING, EVERY HORIZONTAL OFFSET IN THE CLADDING & EVERY HORIZONTAL LINE WHERE THE CLADDING SUBSTATE CHANGES & CONCENTRATED CAN OCCUR OR THE SUBSTRATE MAY COMPROMISE THE DRAINAGE OF MOISTURE.
14. PROVIDE VALLEY FLASHING AT ROOF PITCH INTERSECTIONS AS PER O.B.C. 9.26.4.3
15. PROVIDE FLASHING AT ALL INTERSECTIONS OF ROOF & WALLS AS PER O.B.C. 9.26.4
16. DWHR TO BE INSTALLED ON DRAIN LINE FROM 2 SHOWERS IF INSTALLATION IS POSSIBLE.
17. OPTIONAL ELECTRICAL VEHICLE CHARGING SYSTEM REQUIRES 200A PANEL MIN., & 27mm CONDUIT TO ALLOW FOR FUTURE CABLE & 4 11/16" TRADE SIZE ELECTRICAL OUTLET BOX INSTALLED IN THE GARAGE OR ADJACENT TO THE DRIVEWAY.

AREA STATISTICS

BUILDING AREAS:	AREA
PROP. DETACHED GARAGE =	1,280 sq.ft.



TYPICAL SECTION
SCALE: 3/8" = 1'-0"

TYP. CONSTRUCTION NOTES:

ROOF ASSEMBLIES:

R-1 TYP. UN-INSULATED ROOF:
- FIRE-FINISHED METAL ROOFING
- STRAPPING AS PER MANU. SPECS
- ROOFING MEMBRANE
- 7/16" OSB SHEATHING C/W "H" CLIPS
- ENG. ROOF ATTIC TRUSSES @ 24" O.C. (BY MANU.)
- 6 MIL POLY VAPOUR BARRIER (OPTIONAL)
- 1"x4" STRAPPING @ 16"o.c. (OPTIONAL)
- ½" GYPSUM BOARD (OPTIONAL)

FLOOR ASSEMBLIES:

F-1 TYP. GARAGE SLAB:
- 4" CONCRETE SLAB (32 MPa) C/W 5% TO 8% AIR ENTRAINMENT
- MIN. 6" OF ¾" CLEAR DRAINING STONE

F-2 TYP. ATTIC STORAGE FLOOR
- 3/4 O.S.B. T&G SUBFLOOR
- ENG. ROOF ATTIC TRUSS BOTTOM CHORD @ 24" O.C. (BY MANU.)

WALL ASSEMBLIES:

W-1 TYP. EXTERIOR WALL:
- HORIZONTAL VINYL SIDING
- AIR BARRIER c/w JOINTS TAPED
- 7/16" OSB SHEATHING
- 2"x6" STUDS @ 16" o.c.
- 6 MIL POLY VAPOUR BARRIER
- ½" GYPSUM BOARD

W-2 TYP. CONCRETE FOUNDATION:
- 8" POURED CONCRETE FOUNDATION

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Engineered floor system and engineered truss system designed by others and not by designer. These systems are exempt as permitted in the OBC 3.2.5.1 (3)(h)

The undersigned has reviewed this design, has qualifications and meets the requirements set out in the Ontario Building Code to be a designer.

REGISTRATION INFORMATION:
Anthony Wielemaker: Individual BCIN# 28341
Seaway Design Group: Firm BCIN# 116151
April 4, 2023 — Date — Signature of Designer

REVISIONS:

1.	22/11/18	FOR REVIEW
2.	23/04/04	FOR PERMIT

P. ENG. STAMP:

CONTRACTOR:

RESIDENCE FOR:

DUNCAN RESIDENCE
421 STAFFORD LANE
BATTERSEA, ON.
K0H 1H0

PROJECT TITLE:

PROPOSED DETACHED GARAGE

DRAWING TITLE:

BUILDING PLANS, NOTES/SECTION

DATE:	SCALE:
APRIL, 2023	AS INDICATED
DESIGNED BY:	PROJECT No.:
T.S.	22-Duncan Garage
DRAWN BY:	APPROVED BY:
T.S.	A.M.W.

SEAWAY DESIGN Group
UNIT 10 - 4503 SOUTH AVENUE, BROCKVILLE ON
tel: 613-704-8797 ~ www.seawaydg.ca

G2

Development Services
4432 George St, Box 100
Sydenham ON, K0H 2T0
613-376-3027 Ext 2226
building@southfrontenac.net

SEWAGE SYSTEM REVIEW COMMENTS

To:	Secretary-Treasurer, Committee of Adjustment Township of South Frontenac 4432 George St, Box 100 Sydenham, ON K0H 2T0
Application Number:	PL-ZNA-2023-0063
Type of Application or Proposal:	Minor Variance
Applicant Name(s):	Duncan, Brett
Location:	421 Stafford Lane Township of South Frontenac (Storrington)
Comments:	No Objection, an adequate area for the installation of a class 4 sewage exists on north side of the Right of Way of Stafford Lane. Due to the complexity of the installtion because of the distance from proposed dwelling to sewage system and installtion of the force main under the lane way a design by a professional engineer with the expertise in field of sewage system design may be required.
Building Inspector:	Chris Beeg
Date:	July 4, 2023

Rideau Waterway Development Review Team

June 23, 2023 CRCA File: MV/FRS/128/2023

Sent by e-mail

Mr. Noah Perron, Planner
Township of South Frontenac
P.O. Box 100
Sydenham, Ontario
K0H 2T0

Dear Mr. Perron:

Re: Application for Minor Variance PL-ZNA-2023-0063 (Duncan)(Seaway Design)
Pt Lot 34, Concession 11; 421 Stafford Lane
ARN: 1029070060360000000
Storrington District, Township of South Frontenac
Waterbody: Little Cranberry Lake (Rideau Canal)

The Rideau Waterway Development Review Team (RWDRT), made up of staff from Cataraqui Conservation (CRCA) and Parks Canada, have reviewed the above-noted application, and provide the following comments for the Committee of Adjustment's consideration.

Summary of Proposal

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

- Reduce the required setback from the highwater mark from 30 metres, as required by Section 5.8.2.a) of the South Frontenac Zoning By-law, to 24 metres to permit the construction of the new dwelling.

Site Description

The property is located on the north shore of Little Cranberry Lake, which is part of the Rideau Canal. The topography of the site can be characterized as rising steadily from the shoreline up to a plateau of land located further to the north of the lot, then descending again towards a low-lying area where the Beacon Point Provincially Significant Wetland is located. There is currently a frame shed, frame bunkie, wooden deck, and 1 storey cottage located on the property between Stafford Lane and the shoreline of Little Cranberry Lake, which are proposed to be

removed. In addition to the new proposed dwelling, there is also a detached garage proposed to the north of Stafford Lane. With the exception of the area immediately surrounding the existing development which is vegetated with a mix of grass and sparse tree cover, the majority of the lot is heavily vegetated with mature woodlands.

The property is currently designated as 'Rural' in the Official Plan and is zoned 'Limited Service Residential – Waterfront (RLSW) and 'Environmental Protection' (EP) in the Zoning By-law for South Frontenac Township. The EP zone appears to coincide with the location of the Beacon Point Provincially Significant Wetland.

Discussion

The main interests of the RWDRT with respect to this application are the avoidance of natural hazards associated with the shoreline and the protection of the cultural and natural heritage and scenic values of the Rideau Canal National Historic Site and UNESCO World Heritage Site.

Natural Hazards / Ontario Regulation 148/06

Cataraqui Conservation, through our implementation of Ontario Regulation 148/06 and, in accordance with the natural hazards policies of the 2020 Provincial Policy Statement (PPS), directs development away from lands subject to natural hazards, such as flooding and erosion.

Flooding: The maximum recorded water level for Little Cranberry Lake is 98.95 metres geodetic. For Little Cranberry 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 all development and site alteration to be set back a minimum of 6 metres from the regulatory floodplain of a waterbody. Based upon elevation mapping data and the site plan submitted with the application, the proposed development will be located outside of any area that may be subject to potential flood risk.

Erosion: Cataraqui Conservation, in accordance with provincial technical standards, defines the erosion hazard limit associated with the shoreline of Little Cranberry Lake as the sum of an allowance for toe erosion (estimated to be 2 metres), a stable slope allowance of 1(h):1(v) for bedrock shorelines and a minimum erosion access allowance of 6 metres. For a 1 metre high slope, the erosion hazard would therefore extend approximately 9 metres inland from the toe of slope (1 + 2 + 6). Staff have concluded that the proposed development will be located outside the extent of the erosion hazard limit.

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

Heritage Values of the Rideau Canal

The subject property is located on Little Cranberry Lake, part of the Rideau Canal National Historic Site and UNESCO World Heritage site. The Rideau Canal National Historic Site is valued in part for its historic, ecological and visual associations with shore lands and communities along the

waterway which contribute to the unique historical environment of the canal [Parks Canada, Rideau Canal Commemorative Integrity Statement, 2000].

In addition, when the Rideau Canal was inscribed on the World Heritage List in 2007, the World Heritage Committee recognized a 30 metre buffer zone surrounding the inscribed property and recommended that consideration be given to strengthening the canal's visual protection outside the buffer zone, in order to ensure that the visual values of the setting are protected alongside environmental values. In this sector of the Canal the buffer zone extends back from the high water mark of Little Cranberry Lake.

Per the *Operational Guidelines for the Implementation of the World Heritage Convention*, effective management of a world heritage site goes beyond the property to include any buffer zone(s), as well as the broader setting. Ways this can be achieved are through limiting development within the 30 metre buffer zone, and by designing development to be unobtrusive, visually screened and integrated within the vegetation and topography.

We encourage developing the property in a manner that complements the visual character of the landscape and minimizes visual impact on the protected heritage property. The use of building materials and colours that blend in with the surrounding landscape are encouraged. Earth tones and neutral colours are recommended for the finished exteriors. Reflective materials, such as galvanized and bare metals, particularly for roof coverings and support structures, are discouraged.

In accordance with the PPS (2020), planning authorities shall strive to maintain, and where possible, enhance water quality through the review of development proposals. One way to achieve this and to protect natural heritage is through provision of an adequate riparian buffer or "ribbon-of-life". A minimum buffer of 30 metres can provide a buffer of undisturbed soil and vegetation along the shoreline, which will help to filter runoff, prevent soil erosion, and provide wildlife habitat.

The proposal includes a near four-fold increase in the developed area along the waterfront alone (this calculation does not include the proposed garage at 88m from water), and further increases encroachment towards the water, into the 30m buffer zone, than the existing development. To help protect the natural heritage, cultural heritage and scenic values of the waterway, **we recommend that the proposed development encroaches no further towards the water than the closest point of the existing wood deck.**

For long term protection, we recommend preservation and, where possible, enhancement of the vegetative buffer between the proposed building and the water. This can be achieved through:

- **Limiting vegetation and soil mantle disturbance within 30 m of the water;**
- **Directing runoff from hardened surfaces (e.g. roofs, decking, patios) away from the water to a vegetated area to allow for maximum infiltration before entering the lake;**
- **Use of native, non-invasive species when landscaping and gardening on waterfront properties.**

Over the last ten years, Parks Canada has been working closely with all 13 municipalities, three counties, two conservations authorities, the Province and First Nations along the Rideau Canal as part of a collaborative working group called the Rideau Corridor Landscape Strategy. One of the initiatives undertaken by this group is the Principles for Good Waterfront Development. The 10 Principles provide helpful guidance when undertaking new development/redevelopment along the historic site.

Recommendation

In summary, the RWDRT recommends deferral of the proposed development under application PL-ZNA-2023-0063 until the above-noted concerns are addressed. Specifically, we recommend that the proposed dwelling be shifted further back from the water, or reconfigured, so that it maintains the current highwater mark setback of the existing dwelling and attached deck. We also recommend implementation of the above-noted environmental mitigation measures (in bold text).

Regulatory Requirements

Please note that portions of the subject lands are subject to Ontario Regulation 148/06: *Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses*, which is administered by the CRCA. The purpose of the regulation is to ensure that proposed changes (e.g. development and site alteration) to a property are not affected by natural hazards, such as flooding and erosion, and that the changes do not put other properties at greater risk from these hazards. For this property, any development (buildings and structures) and site alteration (excavation, grading, placement of fill) within 15 metres of the floodplain of Little Cranberry Lake, within 18 metres of the toe of slope of the shoreline, or within 120 meters of the limit of the PSW is subject to O. Reg. 148/06. **Therefore, a CRCA permit will not be required for the construction of the dwelling, but a CRCA permit will be required for the proposed detached garage. The landowner(s) should contact CRCA's office at the building permit stage for more information about permitting requirements under O. Reg. 148/06.**

The Parks Canada Rideau Canal Office is an approval authority for all in-water and shoreline works along the Rideau Canal. If the landowner wishes to carry out any in-water and shoreline works, the Rideau Canal Office must be contacted. Written approval must be obtained prior to the commencement of construction. Work must adhere to the Policies for In-water and Shoreline Works and Related Activities. The Parks Canada/Rideau Canal permitting staff can be reached at on-rc-cr.permits-permis@pc.gc.ca.

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

Yours truly,

Janelle Treash

Janelle Treash
Resource Planner
Cataraqui Conservation

cc: Susan Millar, Planner, Ontario Waterways Unit, Parks Canada
Applicant, via email

Township of South Frontenac

Staff Report

To:	Committee of Adjustment
Prepared by:	Development Services Department
Date of Meeting:	August 10, 2023
Subject:	**Minor Variance Application (S. 45(1) of the Planning Act) PL-ZNA-2023-0063 (Duncan/Seaway Design) – 421 Stafford Lane, District of Storrington**

Summary

The subject application seeks zoning relief to permit a seasonal dwelling to be erected 24 metres from the highwater mark of Little Cranberry 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 under section 45(1) of Planning Act.

Background

Official Plan Designation: Rural

Zoning: Limited Service Residential – Waterfront (RLSW) & Environmental Protection (EP)

Zoning Relief Requested

Section 5.8.2(a) – to permit a seasonal dwelling to be setback a minimum of 24 metres from the highwater mark of Little Cranberry Lake, whereas the Zoning By-law requires a minimum 30 metre setback from the highwater mark for any building.

Section 10.3.1 – to permit a seasonal dwelling to establish a 24 metre front yard and to be setback a minimum of 24 metres from the highwater mark of Little Cranberry Lake, whereas the Zoning by-law requires a minimum 30 metre front yard and setback from the highwater mark for the principal building.

Discussion/Analysis

Property Description

The 9.9 hectare (24.5 acre) subject property has frontage on Little Cranberry Lake and is accessed by Stafford Lane. The property is in an area of similar waterfront residential development. The property is a flag shaped lot which extends from the shoreline of Little Cranberry Lake northward in a thin strip until expanding substantially in the northern section of the property. The northern area is characterized by a large Provincially Significant Wetland, which is zoned Environmental Protection. Stafford Lane cuts through the property, separating its southern most tip from the rest of the property. All of the existing buildings are located at the southernmost end of the property, more than 120 metres from the wetland, south of Stafford Lane.

The property currently has a seasonal cottage (34.7 metres from highwater mark) with a deck (28.2 metres from highwater mark) between Stafford Lane and Little Cranberry Lake, as well as numerous accessory structures around the property. A septic system is currently located on the eastern side of the property, adjacent to the current location of the cottage.

Summary of Proposal

The Applicant is proposing to demolish all of the existing structures on the property, and to construct a seasonal dwelling with an attached garage and covered deck south for Stafford Lane. The building will possess a 193sq metre footprint. The seasonal dwelling will be one story tall with a finished walkout basement. The building will be setback a minimum of 24 metres from the highwater mark of Little Cranberry Lake at its closest point. It would be located in the same general area as the existing seasonal dwelling. A new septic system would be installed north of Stafford Lane.

The Applicant also intends to build a detached garage on the north side of Stafford Lane which will conform to all zoning requirements.

Department and Agency Comments

Building Services

The application was reviewed by Building Services who had no objections from a septic system perspective. However, they noted that the complexities of constructing a septic

system where the force main line is placed under a laneway may require a professional engineer with expertise in the field of sewage to design the system.

Rideau Waterway Development Review Team (RWDRT)

The RWDRT, consisting of staff from Cataraqui Conservation and Parks Canada, indicated in a letter dated June 23, 2023, that the proposed dwelling would be located outside the flooding hazard and shoreline erosion hazard associated with Little Cranberry Lake.

The RWDRT expressed concerns about a possible impact the proposed development may have on the visual character of the Rideau Canal with particular concern about encroachment within a 30m buffer-zone of the shoreline. They recommend deferral of the application so that the Applicant can consider shifting the proposed dwelling further back from the water, or to reconfigure the dwelling, so that it maintains the current highwater mark setback of the existing dwelling and attached deck. If the application is approved, the RWDRT recommend the following for long term protection of the lake:

- Limiting vegetation and soil mantle disturbance within 30m of the water;
- Directing runoff from hardened surfaces (e.g. roofs, decking, patios) away from the water to a vegetated area to allow for maximum infiltration before entering the lake;
- Use of native, non-invasive species when landscaping and gardening on waterfront properties.

Public Comments

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

Planning Analysis

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

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

The subject property is designated Rural in the Township Official Plan. The proposed dwelling is consistent with the permitted residential use of the property.

Although the property is quite large, it was created with the intent that the main use of the property would be located between Stafford Lane and Little Cranberry Lake. All of the

properties along the lane, including the subject property, were developed with the buildings and structures located south of the lane and with a range of setbacks from the highwater mark.

Section 5.2.7(b)(3) of the Official Plan contains policies for development and site alterations adjacent to lakes and rivers. The policy allows for the consideration of expanding buildings within 30 metres of the highwater mark based on an evaluation of the total building footprint and lot coverage being proposed, the closeness of the existing building to the high-water mark, and the capacity of the lot to accommodate a greater setback. The proposal was evaluated in line with these policies. The combined footprint area of the existing buildings and structures on the property is 115 square metres, while the footprint area of the new seasonal dwelling would be 193 square metres. This represents a total lot coverage increase of 0.0008%, which is negligible. The dwelling is proposed to be setback 24m from the highwater mark, which is 10.7m closer than the existing cottage, and slightly closer than the existing deck that is in front of the cottage. However, it will be setback farther than an existing shed which has a current setback of 20.9 metres. Since all the existing buildings will be removed, the new dwelling location represents a net increase in setback for this lot. Finally, this lot does not have the capacity to accommodate a greater setback from the water while remaining in the established developed area on the south side of Stafford Lane. As a result, the proposed location of the seasonal dwelling is setback as far as possible from the highwater mark while allowing for functional and safe access to and from the Lane.

With all these factors considered, the proposed variances maintain the general intent and purpose of the Official Plan.

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

The property is zoned Limited Service Residential Waterfront (RLSW). The proposed seasonal dwelling is a permitted use on the property. The dwelling complies with all applicable zoning provisions with the exception of the front yard/highwater mark setback. The intent of the 30-metre setback from water is generally to avoid pollution or degradation to the waterbody in question, through the provision of a natural riparian buffer. Generally, the largest contributor to possible water pollution is a buildings sewage system. In this proposal, the re-development of the site would result in the sewage system being relocated to significantly increase its distance from the lake (~75m).
As indicated above, the dwelling footprint would be 78sq m (840sq ft) larger than the combined footprint area of all the existing structures that will be removed from the property. This would result in the consolidation of the developed area of the lot, to one centralized location.
As stated above, it was the intention when this lot was created that the primary use of the lot would be developed to the south of Stafford Lane. This is in line with the historical use of both

the subject property and the surrounding property. By adhering to this historical precedent, development is pushed closer to the lands directly adjacent to Little Cranberry Lake. As a result, the area around the currently developed cottage represents the most desirable area for the rebuild. Further, the proposed location of the seasonal dwelling is setback as far as reasonably possible from the highwater mark of Little Cranberry Lake while respecting the required setbacks and safe distance from Stafford Lane. As the proposal places its development on the previously developed area, as far away from the lake as possible; the proposal does 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 variance is desirable for the appropriate development of the land. The property in question is a large lot, however the existing developed area is quite small. Stafford Lane cuts through the property, severing it into an expansive northern piece and a small southern slice. A large portion of the northern piece of the property is covered by forest and the Beacon Point Provincially Significant Wetland. Building on the southern piece of this lot would ensure that the development takes place as far as possible from this environmentally sensitive area. It is the intention of the applicant to rebuild the dwelling on the same general location as the current cottage. The proposed location represents the least disruptive area to build on the lot as the site is already developed. The proposed dwelling is to be placed as far away from the shore of Little Cranberry Lake as is possible with consideration to the location of the lane and the need for a functional driveway. The new septic system will be built to the north of the lane, which is an improvement over the existing condition. The lack of disruption to vegetation, the redevelopment on previously developed land, the location of the dwelling as far as possible from Little Cranberry Lake, and the relocation of the septic system represents the desirable and appropriate development of the land. As a result of all these factors the requested variance is desirable for the appropriate development of these lands.

Is the variance minor?

Yes, the variance is minor as it maintains the general intent and purpose of the Official Plan and Zoning By-law, and is desirable for the appropriate development of the land. The proposed development would be in keeping with the general development of surrounding properties. A shoreline remediation plan is a recommended condition of approval to improve the vegetation buffer between the dwelling and the shoreline. This would help to mitigate any potential visual impact on the Rideau Canal.

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 e-mail to prescribed persons and public bodies

This application was originally circulated under Section 45(2) of the Planning Act. Upon further review it was determined that it should be considered under section 45(1) of the Planning Act. A new notification was not required as the proposal is unchanged.

Recommendation

That the Committee of Adjustment receive comments from the public and, pending comments received, **approve** minor variance application PL-ZNA-2023-0063 for 421 Stafford Lane subject to the following conditions:

1. The Minor Variance is for a seasonal dwelling. The structure is permitted to be establish a minimum 24 metre front yard, and to be setback a minimum of 24 metres from the highwater mark of Little Cranberry Lake, as per the drawings and building plans submitted 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 Little Cranberry 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. The soil mantle and a natural vegetated buffer must be maintained in its natural state within 20 metres of the shoreline.

    d. Preparation of a shoreline remediation plan. The purpose of the plan is to create and enhance the natural vegetative buffer within at least 20 metres of

the highwater mark of Little Cranberry Lake. The plan shall be reviewed by the Township prior to the issuance of an occupancy permit under the Ontario Building Code. The plan shall be implemented within 6 months of an occupancy permit being issued for the dwelling associated with application PL-ZNA-2023-0063.

2. All structures on the portion of the property South of Stafford Lane shall be removed prior to the construction of the proposed seasonal dwelling through a demolition permit obtained under the Ontario Building Code, to the satisfaction of the Township Chief Building Official or his designate.

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

4. Minor variance PL-ZNA-2023-0063 is applicable only to Zoning By-law No. 2003-75 and not to any subsequent zoning by-laws.

Report Prepared By:
Michael Kelly, Planning Student

Reviewed By:
Christine Woods, MCIP RPP, Senior Planner

SOUTH FRONTENAC

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.

Application Type:	Planning Fee:	Building Admin Fee:	TOTAL:
1-3 Variances	$999.00	$97.00	~~$1,096.00~~ $1,230 ☆
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 *Minor Variance Only* *Minor Variance WITH Performance Review* *Minor Variance in combination with a new Class 2, 3, 4, or 5 sewage system other than a Class A system*	$463.00 ☆ $720.00 $1,183.00
Cataraqui Region Conservation Authority	$445.00 ☆
Quinte Conservation Authority	$450.00
Rideau Valley Conservation Authority	$410.00

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

3. **PLEASE READ THIS ITEM CAREFULLY**

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

4. **Collection of Personal Information**

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

RECEIVED
MAY 29 2023
TOWNSHIP OF SOUTH FRONTENAC PLANNING DEPARTMENT

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

Date Received: _____ File No: _____

Pre-Consultation for this application ☑ Yes ☐ No

Planner: Noah Perron Date of pre-consultation: May 26/23

1. Name of Owner(s): Don and Carol Cain

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

Phone number of Owner(s): [redacted]

Email Address of Owner(s): [redacted]

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

Name of Authorized Agent: _____

Full Mailing Address of Authorized Agent: _____

Phone number of Authorized Agent: _____

Email Address of Authorized Agent: _____

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

[redacted]
Signature(s) of Owner(s)

3. The description of the subject land:

District: ☑ Bedford ☐ Portland ☐ Loughborough ☐ Storrington

Concession Number: 12 Lot Number: 3 RP 13R12051

Street Number: 8270 Name of Road/Street: Perth Road

Reference Plan Number: 13R12051 Part Number(s): PT 1 Pollywog Lake

Roll Number: 010-030-18820-0000

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): 255.45m Frontage (on road/lane): 239.42m

Depth: 77.73m Area: 3.12

5. The current zoning of the subject land:

RW

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

Request is ~~to~~ add an additional garage in proximately to the existing house and allow use of existing driveway. The proposed (over)

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

locating the proposed garage in accordance with the by-law would require removal of heathey forest and place the structure closer to the lake.

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

OR a privately maintained road? ☐ Yes ☑ No

Name of Road/Lane:

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

N/A

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

Residential - primary

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

☑ Yes ☐ No

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

Type of Structure (E.g. residence)	(1) Garden Shed	(2) Wood Shed	(3) Bunkie	(4) House
Setback from Front Lot Line	28.7m	25.9m	37.03m	22m
Setback from Rear Lot Line	42.6m	43.5m	17m	18m
Setback from Side Lot Line	North 38.25m South 195.01m	North 44.16m South 190.01m	South 104.9m North 120.15m	North 53:45 South. 159m
Height of Building (Also indicate if it is one story or two story)	2.40m 1 Story	3.10m 1 Story	14' 4.30m 1.5 Story	20' 6.15 1 Story
Dimensions of Floor Area	10'x12' 3.07m x 3.7m	8'x10' 2.46m x 3.07m	9.5'x12' 2.92m x 3.7m	55'x 95 16.9m x 10.5m
Setback from High Water Mark (If applicable)	42.6m	43.5m	17m	22m

13. The proposed uses of the subject land:

Detached garage.

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

☑ Yes ☒ No

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

	(1)	(2)	(3)	(4)
Type of Structure (E.g. residence)	Garage			
Setback from Front Lot Line	12.1 m			
Setback from Rear Lot Line	54.35 m			
Setback from Side Lot Line	North 41.96 m South 186.25m			
Height of Building (Also indicate if it is one story or two story)	4 m			
Outside Dimensions of Building/Structure	7.7m x 8.61m			
Setback from High Water Mark (If applicable)	54.35 m			

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

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

If yes, please provide details:

_____

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

If yes, please provide details:

18. What are the uses of the proposed development?

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

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

1 April 2020

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

Unknown. House built 2003.

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

Unknown. - became owners in April 2020
Residential since 2003 & 20 years.

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

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 - Privately owned & operated Company

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

Other means - normal run off - ditches on roadside of property.

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

☐ Yes ☑ No

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

---

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

☐ Yes ☑ No

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

---

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

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

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

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

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

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

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

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

AGREEMENT TO INDEMNIFY

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

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

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

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

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

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

[redacted]

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

A Guide to Completing the Minor Variance Form

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

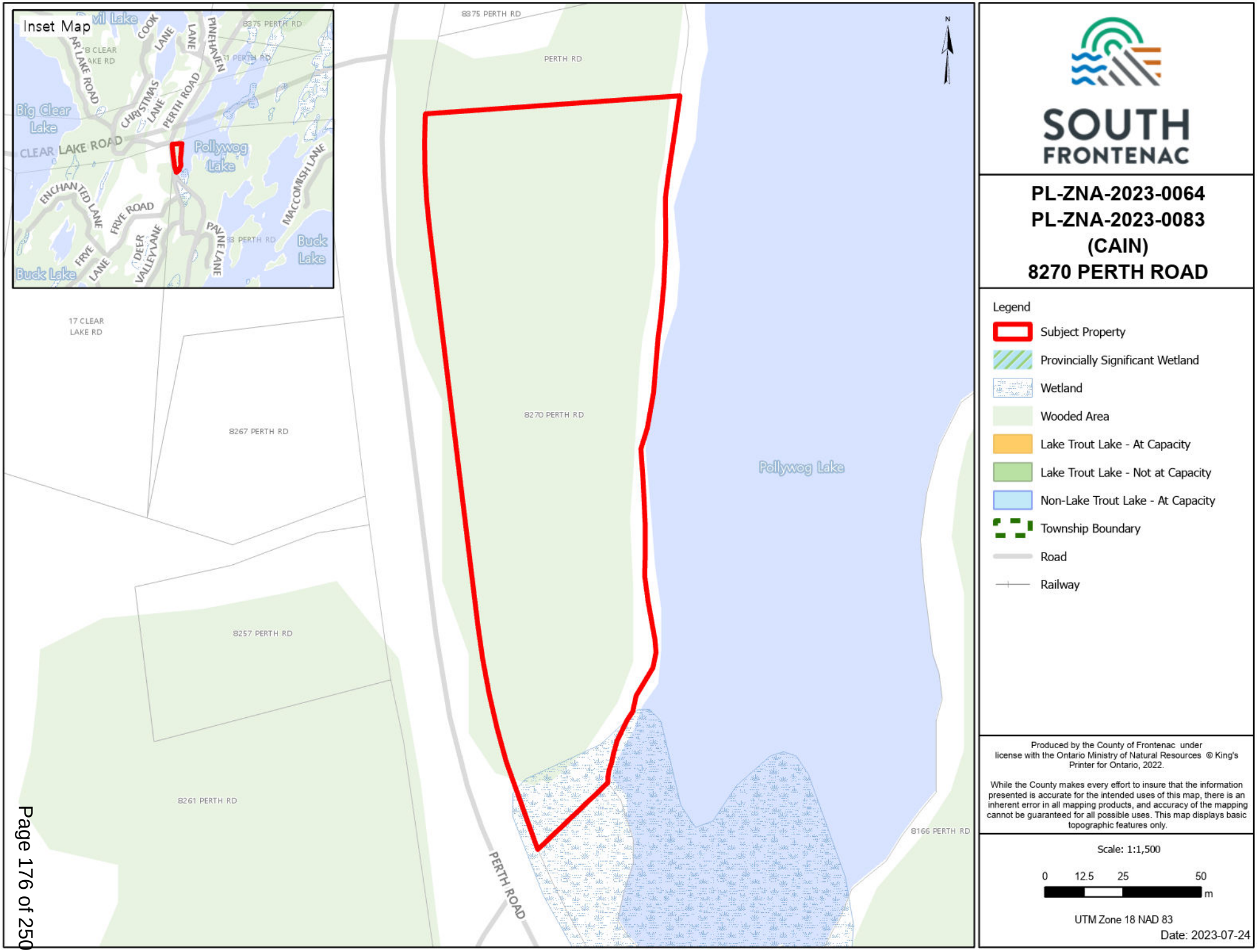
26) If yes: If there is a current application for severance or subdivision on the property, please indicate the file number. (Staff can help provide this information)

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

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

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

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



SOUTH FRONTENAC

PL-ZNA-2023-0064
PL-ZNA-2023-0083
(CAIN)
8270 PERTH 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.

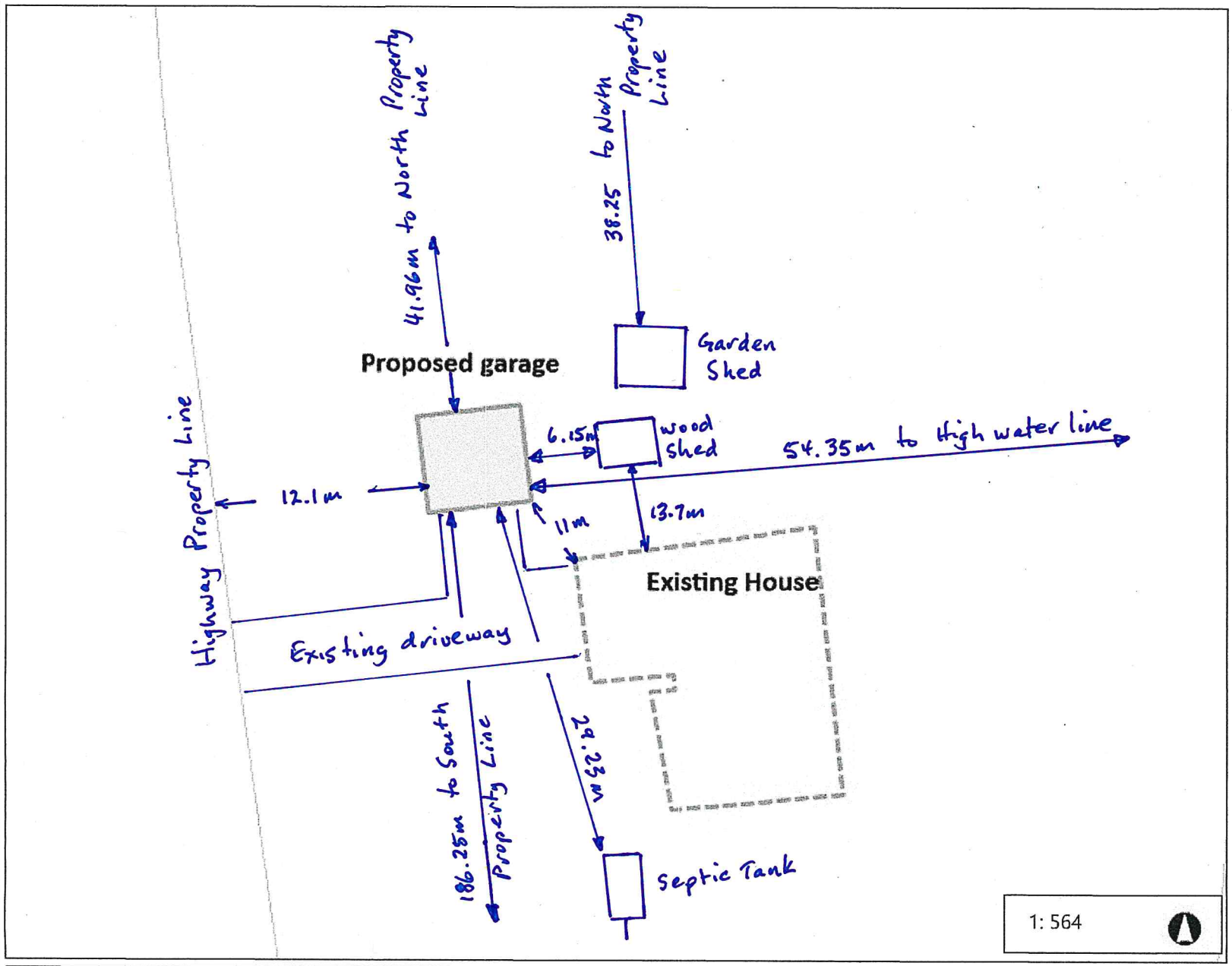
Scale: 1:1,500

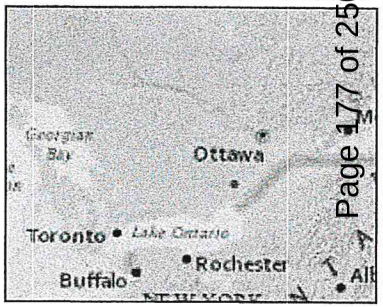
0 12.5 25 50 m

UTM Zone 18 NAD 83

Date: 2023-07-24

FRONTENAC | Proposed Garage Location - 8270 Perth Rd





Legend

- Parcels
- Citations

Notes

1: 564

0.0 0 0.01 0.0 Kilometers

WGS_1984_Web_Mercator_Auxiliary_Sphere

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

From: Evan Bancroft
To: planning; Noah Perron
Cc: Troy Dunlop
Subject: RE: Public Services Review - PL-ZNA-2023-0064
Date: June 16, 2023 1:01:55 PM

Hello Planning,

We have no issues with this one. Operationally the setback requirements do not concern Public Services.

Thanks,
Evan

Evan Bancroft, C.Tech.
Operations Technologist
Township of South Frontenac

p: +613-376-3027 ext. 3350
e: ebancroft@southfrontenac.net
a: 4432 George St., Box 100, Sydenham, ON
www.southfrontenac.net

Please consider the environment before printing this email

-----Original Message-----
From: Troy Dunlop <tdunlop@southfrontenac.net>
Sent: Friday, June 16, 2023 12:22 PM
To: Evan Bancroft <ebancroft@southfrontenac.net>
Subject: FW: Public Services Review - PL-ZNA-2023-0064

W. Troy Dunlop, C.E.T.
Manager of Engineering and Capital Projects Public Services Department Township of South Frontenac

p: +613-376-3027 ext.3333
e: tdunlop@southfrontenac.net
a: 4432 George St., Box 100, Sydenham, ON, K0H 2T0 www.southfrontenac.net

Please consider the environment before printing this email

-----Original Message-----
From: planning <planning@southfrontenac.net>
Sent: Monday, June 12, 2023 11:48 AM
To: Troy Dunlop <tdunlop@southfrontenac.net>
Cc: Noah Perron <nperron@southfrontenac.net>
Subject: Public Services Review - PL-ZNA-2023-0064

Hello Troy,

Just wanted to circulate this to you as the proposed garage would be set closer to Perth Road than our by-law allows.

When I visited the property last Friday, I did notice a natural tree buffer between the location of the proposed garage and the road.

Please find attached to this email, documentation for your review with respect to:

Application number: PLZNA20230064
Roll Number: 102901003018820
Legal Description: CON 12 PT LOT 3 RP 13R12051;PT PART 1 POLLYWOG LAKE

Applicant: CAIN DONALD

Owner: CAIN DONALD

Proposal: To vary section 8.3.2 of Zoning By-law No. 2003-75 to permit a detached garage in the RW zone to be located 12.1m from the front lot line, whereas the by-law requires a minimum setback of 20m. Further, to vary section 8.3.3 to permit an existing bunkie to be located within 17m of the highwater mark of Pollywog Lake, whereas the by-law requires 30m. The bunkie in question was raised without seeking planning approval or a building permit.
Location (civic address): 8270 PERTH ROAD

Staff contact: Noah Perron
Kindly provide your comments on this application to planning@southfrontenac.net by June 26, 2023.

Regards,

Noah Perron,
Planner
Township of South Frontenac

p: +613-376-3027 ext. 2357
e: nperron@southfrontenac.net
a: 4432 George St., Box 100, Sydenham, ON www.southfrontenac.net

June 29, 2023 File: MV/FRS/133/2023

Sent by E-mail

Mr. Noah Perron, Planner
Township of South Frontenac
P.O. Box 100
Sydenham, Ontario
K0H 2T0

Dear Mr. Perron:

Re: Application for Minor Variance PL-ZNA-2023-0064 (Cain)
Pt Lot 3, Concession 12; 8270 Perth Road
Bedford District, Township of South Frontenac
Waterbody: Pollywog Lake

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 construction of a garage and bunkie on the subject property. The garage has not been constructed yet, however the bunkie was constructed without planning or permit approvals. 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 17 metres to permit the construction of the bunkie. **Staff note that based on observations taken on site, the bunkie is estimated to be located 12 – 13 metres from the highwater mark, rather than 17 metres as indicated on the application and supporting site plan.**
- Provide relief from Section 8.3.2 of the Zoning By-law to permit the detached garage to be located 12.1 metres from the front lot line.

Site Description

The subject property is located on the east side of Perth Road and the property has water frontage on Pollywog Lake. The topography of the site can be characterized as having a high and steep rock embankment adjacent to the lake, which levels out to a tableland where the development is proposed. There are young and mature trees interspersed throughout the lot. The property currently contains an existing dwelling, a garden shed, a wood shed, a bunkie, and some stairs down to the water. Staff visited the site on June 27, 2023.

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

Discussion

Cataraqui Conservation’s scope of review for this proposal includes the avoidance of natural hazards (e.g. flooding and erosion) associated with the shoreline of Pollywog Lake.

Natural Hazards / Ontario Regulation 148/06

Flooding: Cataraqui Conservation does not have floodplain mapping for Pollywog Lake. However, due to the difference in elevation between the highwater mark of Pollywog Lake and the top of bank, flooding is not expected to occur inland of the top of bank. 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. Therefore, the proposed garage and constructed bunkie are considered to be outside of any area of potential flood risk.

Erosion: Section 5.8.2.b) of the Township’s Zoning By-law requires that no building or structure or septic tank installation shall be located within 15 metres horizontal of the top of bank of any embankment, the slope of which is greater than 30% from horizontal. Cataraqui Conservation, in accordance with provincial technical standards, defines the extent of the erosion hazard associated with the shoreline of Pollywog Lake as the sum of an allowance for toe erosion (estimated to be 1 metre), a stable slope allowance of 1(h):1(v) for bedrock shorelines and a minimum erosion access allowance of 6 metres.

Based on elevation mapping, aerial imagery, and observations taken on site, the rock embankment is roughly 9.5 metres high, therefore the erosion hazard would extend approximately 16.5 metres inland from the toe of slope (1 + 9.5 + 6). The constructed bunkie consists of a 12.34 square metre enclosed structure (including an enclosed, cantilevered second storey) and a 7.56 square metre wood platform. The platform is currently located about 3.18 metres from the top of bank, and the enclosed structure is about 4.7 metres from the top of bank. The top of bank is located about 9.5 metres inland from the toe of slope, therefore the bunkie falls within the extent of the erosion hazard.

In order to comply with CRCA’s Guidelines for Implementing Ontario Regulation 148/06, the bunkie, including the attached platform, will need to be relocated or reconfigured so that it is located at least 7 metres from the top of bank. Alternatively, to remain in its current location, the platform could be removed and the enclosed structure could be reduced in size so that it is less than 10 square metres in area (including the cantilevered second storey), since CRCA does not regulate structures smaller than 10 square metres.

Recommendation

In summary, staff have no concerns with the proposed detached garage based on our consideration for natural hazard policies, however, since the constructed bunkie is located within the regulatory erosion hazard setback, staff do not support approval of this part of the minor variance application. We recommend deferral of application PL-ZNA-2023-0064 until the above-noted concerns (in bold text) are addressed to the satisfaction of Cataraqui Conservation.

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 highwater mark of Pollywog Lake or within 25.5 metres of the toe of slope of the shoreline is subject to O. Reg. 148/06. Therefore, a permit will be required from our office for the bunkie, however a permit will not be required for the proposed garage. **Staff will follow-up with landowner(s) to provide more information about how the constructed bunkie can achieve compliance with O. Reg. 148/06.**

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

Yours truly,

Janelle Treash
Resource Planner

cc: Noah Perron, Planner, South Frontenac
Don and Carol Cain, Applicants, via e-mail
Hailey Esdon, Cataraqui Conservation Development Officer

Township of South Frontenac

Staff Report

To:	Committee of Adjustment
Prepared by:	Development Services Department
Date of Meeting:	August 10, 2023
Subject:	**Minor Variance Application (S. 45(1) of Planning Act) PL-ZNA-2023-0064, Cain, 8270 Perth Road, Bedford District**

Summary

This report recommends that the Committee of Adjustment grant approval of this application for zoning relief for a proposed garage, 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: Waterfront Residential (RW)

Zoning Relief Requested

Section 8.3.2 – To permit an accessory detached garage to be setback 12.1m from the front lot line, whereas the zoning by-law requires a minimum of 20m.

Related Applications

The subject property is subject to Minor Variance Application PL-ZNA-2023-0083 for an additional detached accessory structure (art studio/storage shed).

Discussion

Property Description

The subject property is a lot of record measuring at approximately 1.4ha in area with frontage on Perth Road and Pollywog Lake. The property contains an existing 177.4sqm (1909.5sqft) one-storey dwelling and three detached accessory structures. Regarding topography, the subject property is relatively flat around the area of the sewage system and the front of the dwelling, before sloping down steeply towards the shoreline. The subject property is primarily forested, with the exception of cleared areas where the existing dwelling and driveway are

situated. Finally, the surrounding area is characterized by similar rural residential, and waterfront residential developments.

Summary of Proposal

This proposal seeks relief from Zoning By-law No. 2003-75 to permit an accessory structure in the Waterfront Residential Zone to be setback less than 20m from the front lot line. The applicant is proposing to construct a 66.3sqm (713.6sqft) detached garage, setback 12.1m from the front lot line.

Agency Comments

Cataraqui Conservation staff, in a letter dated June 29, 2023, provided comments stating that they had no objection to approval of the application.

Public Services staff reviewed the proposal in light of the reduced front yard setback and its potential effect on Perth Road. They had no objection to the approval of the application.

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 the construction of a detached garage on lands designated Rural on Schedule A of the Township Official Plan. The type and amount of development on rural lands must maintain the rural character, natural heritage, and cultural landscape in the Township. The proposed detached garage is accessory to the permitted residential use of the property.

It is the opinion of Township Planning staff that the proposed variance maintains the general intent and purpose of the Official Plan, specifically the policies related to waterfront residential development.

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

An accessory structure is a permitted use within the RW zone. The proposed detached garage complies with all requirements of the Zoning By-law except the minimum setback from the front lot line.

Section 8.3.2 of the Zoning By-law requires accessory structures be setback a minimum of 20m from the front lot line, whereas the proposed detached garage is to be setback 12.1m. The purpose of this setback is to avoid an overdeveloped appearance near roadways and to ensure the rural character of the area is maintained. When considering the change in topography, the 30m setback from Pollywog Lake and the location of existing accessory structures, there would be limited opportunity to locate a compliant structure. Further, the location of the proposed garage has been selected to maximize functionality of the subject property, being a natural extension from the existing driveway. The proposed location is currently used for outdoor storage and is cleared of trees and vegetation, therefore minimal vegetation will be lost during construction. Finally, there are existing trees and vegetation between the proposed location and the road which will effectively screen the proposed garage.

As such, it is the opinion of Township staff that 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 proposed location of the garage will maximize functionality of the structure as it extends directly from the existing driveway. Further, the proposed garage will be visually screened from Perth Road by an existing tree buffer and will not have a greater impact of the surrounding are than existing conditions.

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. Further, the requested variance is desirable for the appropriate development of the lands. It is anticipated that there will be no negative impact on surrounding properties as a result of the proposed garage.

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 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-2023-0064 for 8270 Perth Road, subject to the following conditions.

1. The minor variance is for a 66.3sqm detached accessory structure. The minimum front yard setback for the accessory structure is permitted to be 12.1m. The location of the accessory structure on the property must be generally consistent with the sketch submitted by the applicant on May 29, 2023.

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-2023-0064 is applicable only to Zoning By-law No. 2003-75 and not to any subsequent zoning by-laws.

Report Prepared By:
Noah Perron, Planner

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

SOUTH FRONTENAC

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.

Application Type:	Planning Fee:	Building Admin Fee:	TOTAL:
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 *Minor Variance Only* *Minor Variance WITH Performance Review* *Minor Variance in combination with a new Class 2, 3, 4, or 5 sewage system other than a Class A system*	$463.00 $720.00 $1,183.00
Cataraqui Region Conservation Authority	$445.00
Quinte Conservation Authority	$450.00
Rideau Valley Conservation Authority	$410.00

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

3. **PLEASE READ THIS ITEM CAREFULLY**

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

4. **Collection of Personal Information**

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

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

Date Received: _____ File No: _____

Pre-Consultation for this application ☐ Yes ☐ No

Planner: _____ Date of pre-consultation: _____

1. Name of Owner(s): Brian & Esther Reitzel

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

Phone number of Owner(s): [redacted]

Email Address of Owner(s): [redacted]

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

Name of Authorized Agent: _____

Full Mailing Address of Authorized Agent: _____

Phone number of Authorized Agent: _____

Email Address of Authorized Agent: _____

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

_____
Signature(s) of Owner(s)

3. The description of the subject land:

District: ☒ Bedford ☐ Portland ☐ Loughborough ☐ Storrington

Concession Number: 3 Lot Number: 12

Street Number: 131A Name of Road/Street: West Shore Lane

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

Roll Number: 020-040-17509-0000.

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

Frontage (on water): 89 ft (27.15 m) Frontage (on road/lane): 24.5 ft (7.48 m)

Depth: 248 ft (78.3 m) Area: 16,184 sq.ft. (1,504 sq.m.)

5. The current zoning of the subject land:

~~RLES~~ RLSW

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

BUILDING A NEW HOUSE REQUIRING LESS THAN 30m SETBACK FROM THE LAKE

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

THE EXISTING COTTAGE IS 24m FROM THE LAKE

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

OR a privately maintained road? ☒ Yes ☐ No

Name of Road/Lane:

~~N/A~~ WEST SHORE LANE.

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

N/A

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

3 season cottage.

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

☒ Yes ☐ No

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

Type of Structure (E.g. residence)	(1) 3 Season Cottage	(2) Garage	(3) Shed	(4) AUXILIARY BLD
Setback from Front Lot Line	79 ft (24 m) 78' ER	209 ft (63.7 m)	111 ft (33.9 m)	Greater than 30 m
Setback from Rear Lot Line	Min. 21 ft (6.4 m) Max. 136 ft (41.5 m)	7 ft (2.1 m)	146 ft (44.5 m)	Greater than 10 m
Setback from Side Lot Line	8 ft (2.4 m)	14 ft (4.3 m)	5.5 ft (1.7 m)	1.83 m
Height of Building (Also indicate if it is one story or two story)	ONE STORY 4 METRES	4 METRES	7 FEET (2.15 m)	10 FEET (3m)
Dimensions of Floor Area	1,282 sq.ft. (119.1 sq.m.)	298 sq.ft. (27.7 sq.m.)	56 sq.ft. (5.2 sq.m.)	192 SQ FT
Setback from High Water Mark (If applicable)	~~24m~~ 78' Kutzel ER	63.7 m	33.9 m	Greater than 30m.

* Current Deck Approx ~~12'x20'~~ 16½x30 Deck to Water 78 feet

13. The proposed uses of the subject land:

New Residential Build.

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

☒ Yes ☐ No

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

Type of Structure (E.g. residence)	(1) New Residential Build	(2)	(3)	(4)
Setback from Front Lot Line	~~78'~~ ER ~~19.7 m~~			
Setback from Rear Lot Line	38.5 m			
Setback from Side Lot Line	4 m			
Height of Building (Also indicate if it is one story or two story)	1 Storey 22 ft high (6.7 m)			
Outside Dimensions of Building/Structure	62' x 12' (Deck) ~~24'~~ ER 54 ft x ~~37~~ ft (Dwelling) (16.5 m x 11.3 m)			
Setback from High Water Mark (If applicable)	78' ~~[illegible]~~ m ~~20m~~ BK			

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:

3 season cottage will need to be demolished for purpose of constructing new residential build.

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:

JULY 2000

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

EARLY 1980's IS BEST GUESS

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

ORIGINAL OWNERS FROM EARLY 1980's

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

CURRENTLY LAKE WATER

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

800 GALLON SEPTIC TANK AND SYSTEM AND A PRIVY

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

NO

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

☐ Yes ☒ No

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

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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.

AUXILLARY BUILDING VARIANCE MV-15-08-B COMPLETE

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

[redacted]

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

A Guide to Completing the Minor Variance Form

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

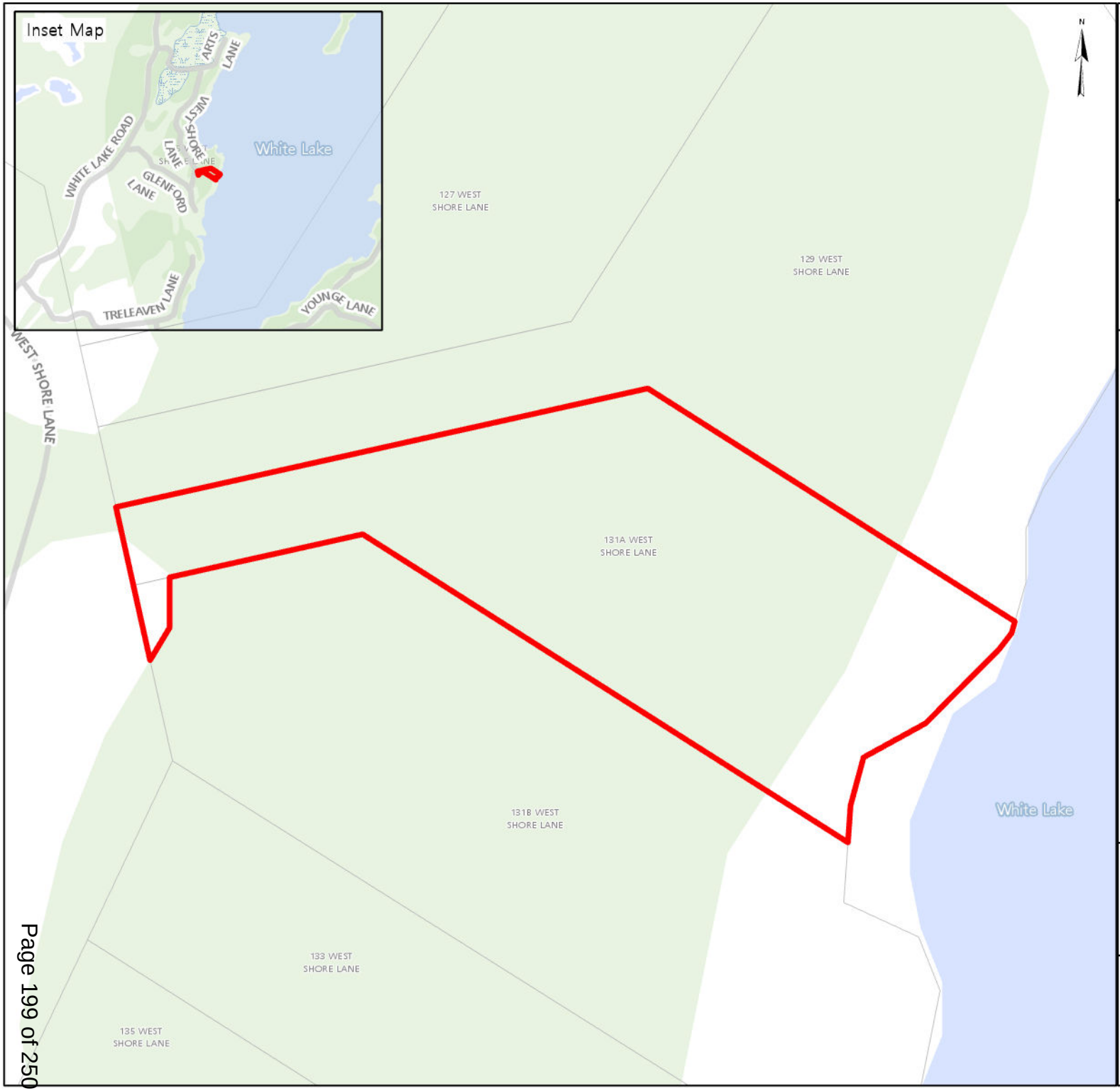
26) If yes: If there is a current application for severance or subdivision on the property, please indicate the file number. (Staff can help provide this information)

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

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

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

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



SOUTH FRONTENAC

PL-ZNA-2023-0074 (REITZEL)

WEST SHORE LANE

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.

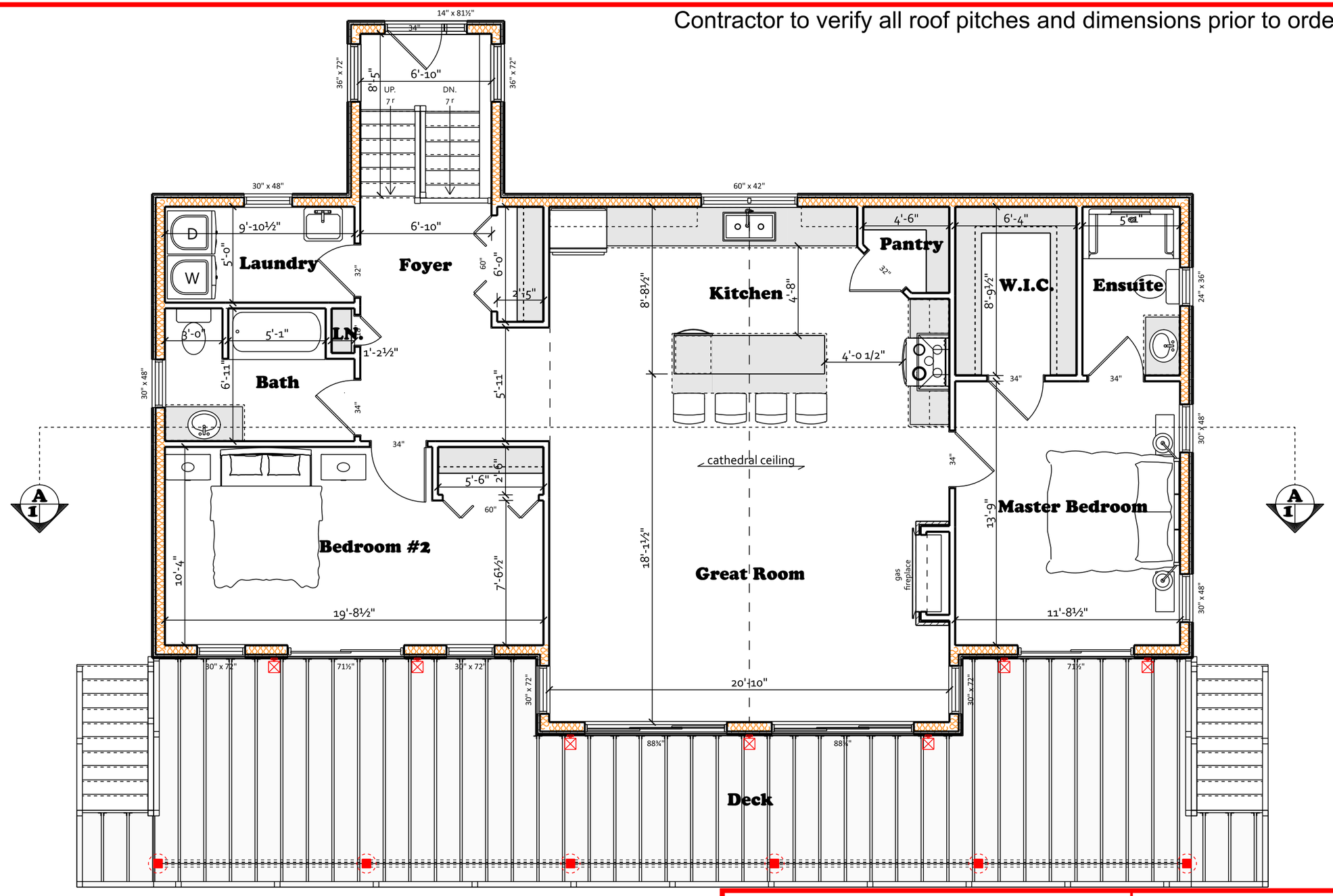
Scale: 1:500

0 4.25 8.5 17 m

UTM Zone 18 NAD 83

Date: 2023-07-14

Contractor to verify all roof pitches and dimensions prior to ordering of trusses.



ATKINSON Home hardware building centre

5276 Hinchinbrooke Road
Hartington, Ontario, K0H 1W0
Tel: 613-372-2931
logan@homehardwarekingston.ca

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Banff #2 - Reversed
131A Westshore Lane
Godfrey, ON
K0H 1T0
For: Brian & Esther Reitzel

AREA **1,384 SQ.FT.**

DESIGNER	SCALE	DATE	DRAWING TITLE	DRAWING #
Logan Drew	3/16" = 1'-0"	June 29, 2023	MAIN FLOOR	1 of 3

3D

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3D

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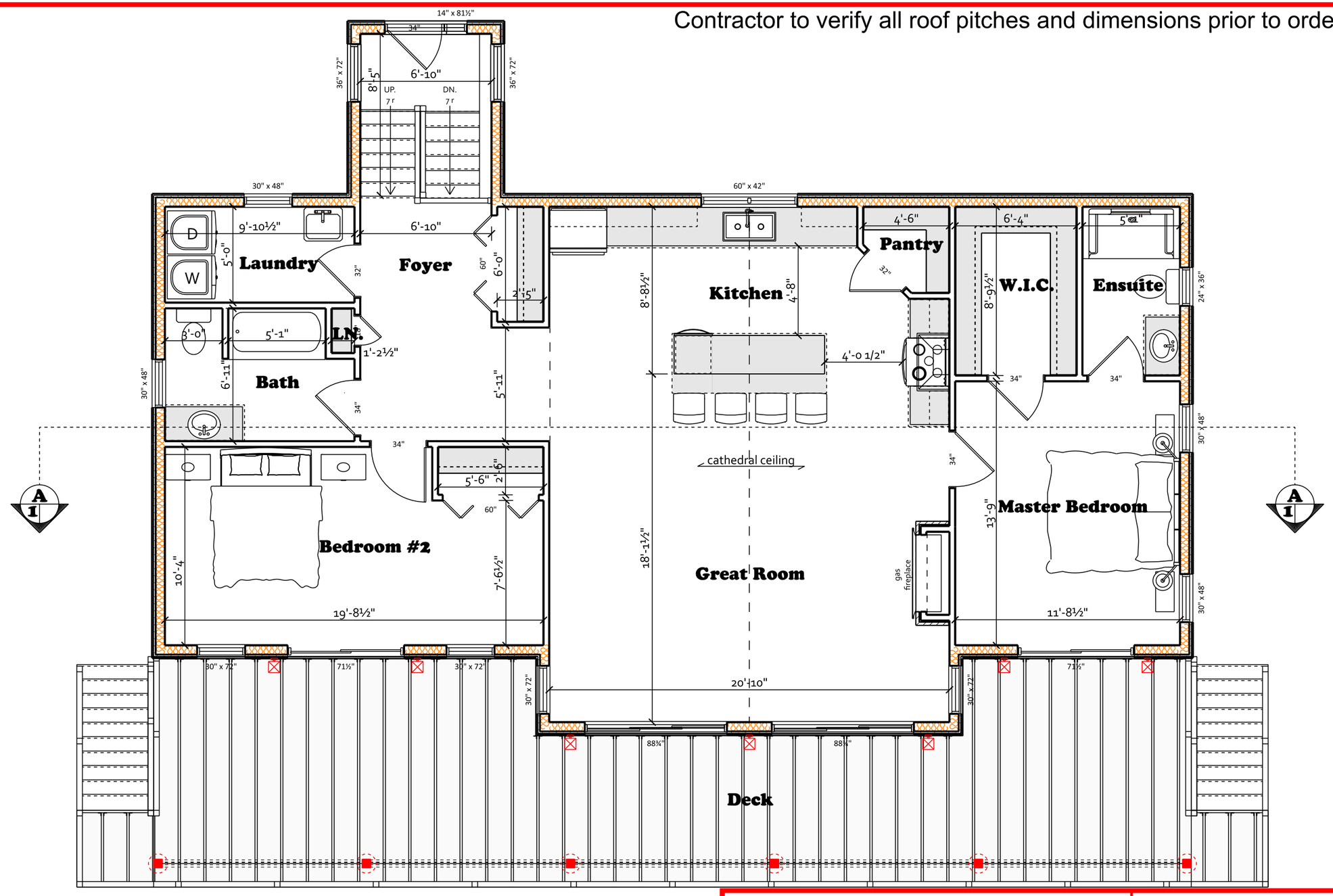
DESIGNER	SCALE	DATE	DRAWING TITLE	DRAWING #
Logan Drew	As Noted	June 29, 2023	INTERIOR 3D IMAGES	3 of 3

Contractor to verify all roof pitches and dimensions prior to ordering of trusses.



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Logan Drew	As Noted	June 29, 2023	INTERIOR 3D IMAGES	3 of 3

Quinte CONSERVATION

2061 OLD HIGHWAY 2, RR#2, BELLEVILLE, ON, K8N 4Z2
PHONE: (613) 968-3434 • **FAX:** (613) 968-8240
www.quinteconservation.ca

QUINTE CONSERVATION - PLANNING ACT REVIEW

QC File No. PL0183-2023

Municipality:	**Township of South Frontenac**		
Landowner:	**Brian and Esther Reitzel**		
Location:	**131A West Shore Lane**	**Part Lot 12, Concession 3**	**Bedford**
Roll #:	**10290200401750900000**		
Application Description:	**Minor Variance Application File No. PLZNA 2023 0074**	**Relief from Township of South Frontenac Zoning By-law No. 2003-75 to allow for the proposed dwelling to be setback 20 metres, rather than the required 30 metres from the high-water mark of White Lake. The proposal also is seeking permission to increase lot coverage for the principal structure to 12.7%.**	
Feature:	**White Lake**		

Comments:

Natural Hazard policies of the PPS, Quinte Conservation Planning Act Review policy, and Ontario Regulation #319/09

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. Staff are satisfied that the application as presented is consistent with section 3.1 of the PPS.

The subject lands lie within the regulated area of White Lake (by virtue of Ontario Regulation #319/09 – Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses). The existing dwelling on the property is located within the setback allowance (15 metres) of the 1:100-year flood plain of White Lake. As per the minor variance application, it is understood that the footprint of the new dwelling will be setback 24 metres from the seasonal high-water mark of the Lake and that the new attached deck will be located 20 metres from the seasonal high-water mark of the Lake. The proposed dwelling and deck will not encroach any closer to White Lake than the existing footprint of the current dwelling and attached deck which is consistent with Quinte Conservation regulation and policies [specifically, Section 5.13.1.c) and 5.13.3 of Watershed Regulations Policy Manual, dated January 2023]. As a result, staff have no concerns regarding the proposed reconstruction of the dwelling.

It should be noted that, if the new dwelling necessitates an enlargement of the current sewage system, the proposed sewage system must meet a minimum of 15 metres from the 1:100-year flood plain of White Lake.

These planning comments do not constitute permission to develop within a Quinte Conservation regulated area. A permit from Quinte Conservation will be required for any excavation below grade (demolition of basement), and for the construction of the proposed new dwelling, in addition to any other development (construction / site grading / filling / excavation) within 30 metres of the 1:100-year flood plain of White Lake. The permitting process is a separate process from the plan review process, and a separate fee will be applied to future permit application(s) to this office.

Quinte Region Source Protection Plan

Quinte Conservation provides Risk Management services as prescribed by the *Clean Water Act*, 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. Policies for significant threats in the Quinte Region Source Protection Plan are not applicable as the subject property lies outside of an intake protection

	zone or wellhead protection area for a municipal drinking water system. As such no Section 59 Clearance Notice is required. **Other Potential Municipal/Township Studies** As per Sections 21.1.1 and 21.1.2 of Ontario Regulation 596/22 (amendments made under the Conservation Authorities Act) as a result of the More Homes Built Faster Act, 2022, conservation authorities are no longer able to review or provide comment on Natural Heritage and Hydrogeology, nor is this office able to peer-review technical reports related to these maters. If the Township requests a hydrogeological assessment or Environmental Impact Study (EIS) it should be peer-reviewed by a qualified consultant.
Final Comments:	Quinte Conservation has no objection to the minor variance application as presented.

Sam Carney
Planning Technician

July 25, 2023
Date

Township of South Frontenac

Staff Report

To:	Committee of Adjustment
Prepared by:	Development Services Department
Date of Meeting:	August 10, 2023
Subject:	**Permission Application (S. 45(2) of Planning Act) PL-ZNA-2023-0074, Reitzel, 131A West Shore Lane, Bedford 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)

Zoning Relief Requested

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

Related Applications

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

Discussion

Property Description

The subject property is an undersized lot of record measuring at 0.146Ha (0.36Ac) in area with frontage on West Shore Lane and White Lake. The property is accessible by private lane (West Shore Lane) via White Lake Road. Existing development consists of a 1777sqft (165.1sqm) dwelling with attached deck and three accessory structures. The subject property is mostly flat, with a subtle change in elevation near the shoreline. The property contains several mature trees and vegetation growth. Finally, the subject property exists within an area characterized by similar waterfront residential development.

Summary of Proposal

To request permission under section 45(2) of the Planning Act to enlarge a legal non-complying dwelling located within 30m of the highwater mark of White Lake. The existing 1282sqft (119.1sqm) dwelling with 495sqft (46sqm) attached deck is setback 78ft (23.8m) from the highwater mark of the lake. The existing dwelling is to be replaced with a 1355.5sqft (125.9sqm) one-storey dwelling with 744sqft (69.1sqm) attached deck. A majority of the proposed dwelling will be located within the footprint of the existing dwelling and will be setback slightly farther from White Lake. However, the applicants are seeking permission for the same setback value (78ft) to provide additional flexibility at the build stage. As such, the proposed dwelling will not encroach any farther from the highwater mark than the existing dwelling. Finally, the proposal would facilitate an increase in dwelling height from 13.1ft (4m) to 22ft (6.7m) and a 2.1% increase in lot coverage from 11.3% to 13.4%.

Agency Comments

Quinte Conservation staff, in a letter dated July 25, 2023, provided comments stating that they had no objection to approval of the application. They note that the proposed development is located within the area regulated by O. Reg 319/09. Therefore, the proposed dwelling will require a Quinte Conservation Permit.

The sewage system on the subject property was installed under the assumption that the existing dwelling would be enlarged. As such, there are no concerns with capacity. Further, the sewage system is located appropriately from the proposed dwelling. For these reasons, Building Services were not circulated on the application.

Public Comments

Supportive comments were received from an adjacent property owner.

Planning Analysis

The property is zoned RLSW. Dwellings are a permitted use in the RLSW Zone.

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 gross floor area or increase in height. This provision prohibits the enlargement of existing buildings, without seeking permission from the Committee of Adjustment. The existing seasonal dwelling holds legal non-complying status as it was constructed prior to the current Zoning By-law and is setback approximately 78ft (23.8m) from the highwater mark of White Lake.

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

The proposed enlargement would involve the existing 1777sqft (165.1sqm) dwelling (w/attached deck) being replaced with a 2099.5sqft (195sqm) dwelling (w/attached deck), a 322.5sqft (29.9sqm) increase in gross floor area. Further, the enlargement would facilitate an increase in dwelling height from 13.1ft (4m) to 22ft (6.7m) and a 2.1% increase in lot coverage from 11.3% to 13.4%. The proposed enlargement would not result in further encroachment within 30m of the highwater mark of White Lake and will be setback a minimum of 78ft (23.8m).

Lot coverage of the existing dwelling is currently 11.3%. As such, the proposed increase to 13.4% is interpreted as a modest increase over existing conditions. This scale and density of development is not out of character for the neighbourhood and would not conflict with surrounding properties. Further, there will be considerable overlap in the footprint of the proposed building compared to the existing which will minimize the amount of site disturbance and vegetation removal.

Given the irregular shape of the lot and the location of the existing sewage system (just beyond 5m to the rear of the dwelling) and accessory structures, there would be limited opportunity to construct the new dwelling in a compliant location. Maintaining existing vegetation within 30m of White Lake will assist in screening the development from adjacent properties and assist in mitigating visual impacts when viewed from the lake. Maintenance of a healthy shoreline buffer of native vegetation is recommended by way of development agreement registered on the title of the property.

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 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-2023-0074 for 131A West Shore Lane, subject to the following conditions.

1. Permission is granted to enlarge the legal non-complying dwelling on the subject property. The dwelling is permitted to be enlarged to 1355.5sqft (125.9sqm) with a 744sqft (69.1sqm) attached deck, and to be 22ft (6.7m) in height. The dwelling with attached deck may be setback a minimum of 78ft (23.8m) from the highwater mark of White Lake. The location and dimensions of the proposed dwelling must be generally

consistent with the application and with the applicant's site sketch, submitted August 2, 2033, 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 White 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, except in the immediate are of the building envelope.

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:
Noah Perron, Planner

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

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

Date Received: _____ File No: _____

Pre-Consultation for this application ☐ Yes ☐ No

Planner: _____ Date of pre-consultation: _____

1. Name of Owner(s): Don & Carol Cain

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: 12 Lot Number: 3 RP 13R12051

Street Number: 8270 Name of Road/Street: Perth Road

Reference Plan Number: 13R12051 Part Number(s): PT1 Rollyway Lake

Roll Number: 010-030-18820-0000

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

Frontage (on water): 255.45m Frontage (on road/lane): 239.42 m

Depth: 77.73m Area: 3.12 ac

5. The current zoning of the subject land:

RW

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

see separate sheet

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

see separate sheet.

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.

N/A

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

Residential - primary

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

☑ Yes ☐ No

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

Type of Structure (E.g. residence)	(1) Residence	(2) Wood Shed	(3) Garden Shed	(4)
Setback from Front Lot Line	33.53m	25.9m	28.7m	
Setback from Rear Lot Line	27.63	43.5m	42.6m	
Setback from Side Lot Line	North 59.66m South 157.05m	North 44.16m South 190.01m	North 38.25m South 195.01m	
Height of Building (Also indicate if it is one story or two story)	20' single story	3.10m 1 story	2.4m 1 story	
Dimensions of Floor Area	18.29m x 9.45m 60'x 31' 1850 sq ft. 171.87 sq m	2.46m x 3.07m	10' x 12' 3.07m x 3.7m	
Setback from High Water Mark (If applicable)	27.63	43.5m	42.6m	

13. The proposed uses of the subject land:

Art Studio Shed / storage

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

☑ Yes ☐ No

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

	(1)	(2)	(3)	(4)
Type of Structure (E.g. residence)	Art Studio Shed Storage	Garage		
Setback from Front Lot Line	33.03m			
Setback from Rear Lot Line	17m	on separate application		
Setback from Side Lot Line	North 120.15m South 104.9m			
Height of Building (Also indicate if it is one story or two story)	4.30m 1 story with Storage loft			
Outside Dimensions of Building/Structure	2.92m x 3.7m			
Setback from High Water Mark (If applicable)	17m (after move)			

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:

_____

6. Seeking permission to locate a Art Studio shed/storage 17m from High water mark of the lake, whereas the zoning by-law requires a minimum of 30m.

Also seeking permission to locate a Art Studio shed/storage 7m from the top of bank, whereas the zoning by-law requires a minimum of 15m.

7. The building was built under guidance of the township by-law that permits building without a permit for buildings less than 160sqft. When we built, we were unaware of the limitation on location to edge of water or top-of slope.

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:

1 April 2020

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

Unknown House built 2003

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

Unknown - became owners in April 2003 - residential since 2003.

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 - Privately owned & operated company

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

Other means - normal run off - ditches on road side of property.

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

☐ Yes ☑ No

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

---

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

☑ Yes ☐ No

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

PL-ZNA-2023-0064 - pending

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.

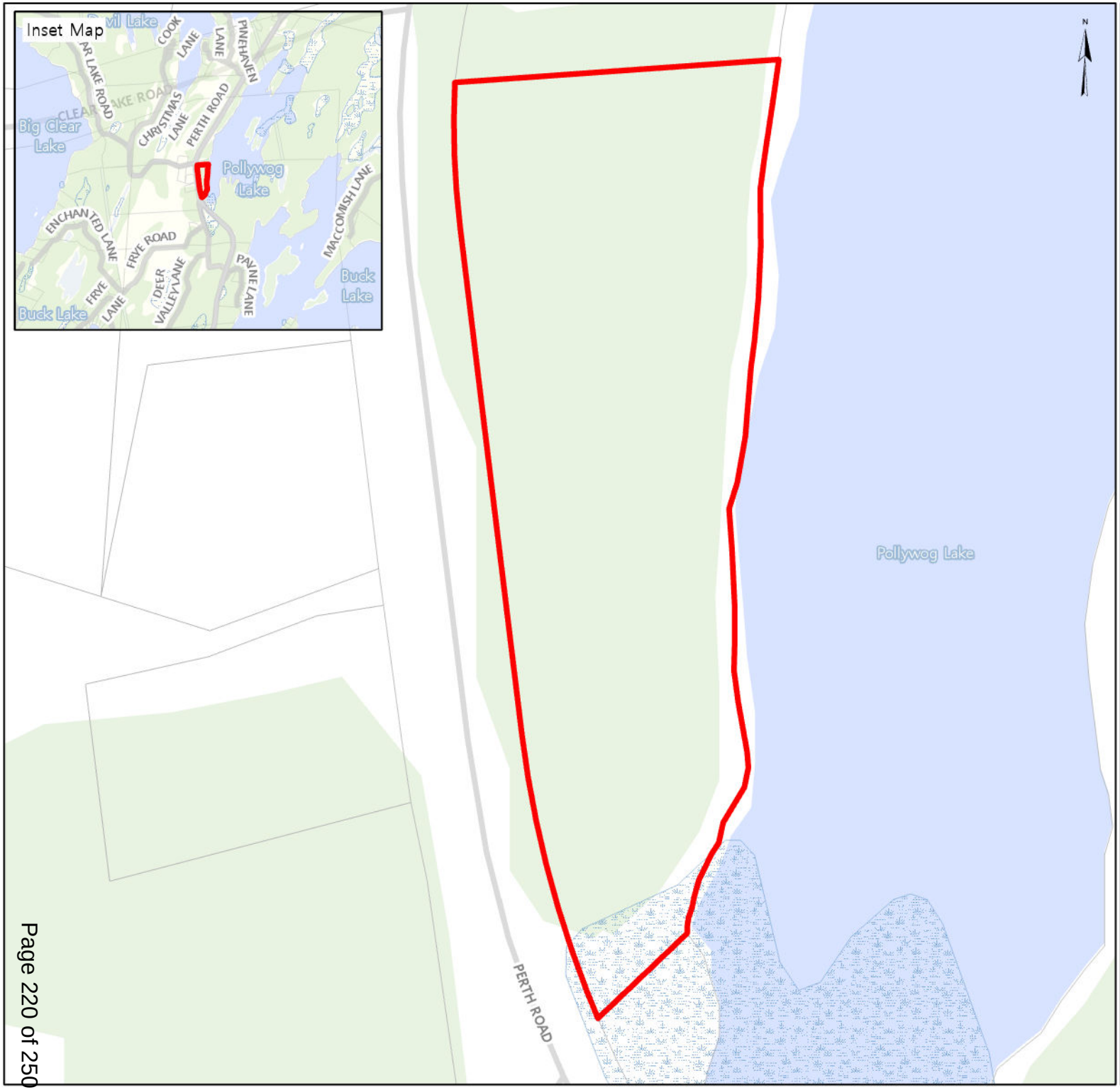
The Owner/Applicant/Agent agrees to reimburse and indemnify the municipality for all fees and expenses incurred by the municipality to process the application, including any fees and expenses attributable to proceedings before the Ontario Municipal Board or any court or other administrative tribunal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



SOUTH FRONTENAC

PL-ZNA-2023-0064
PL-ZNA-2023-0083
(CAIN)
8270 PERTH 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: 1:1,350

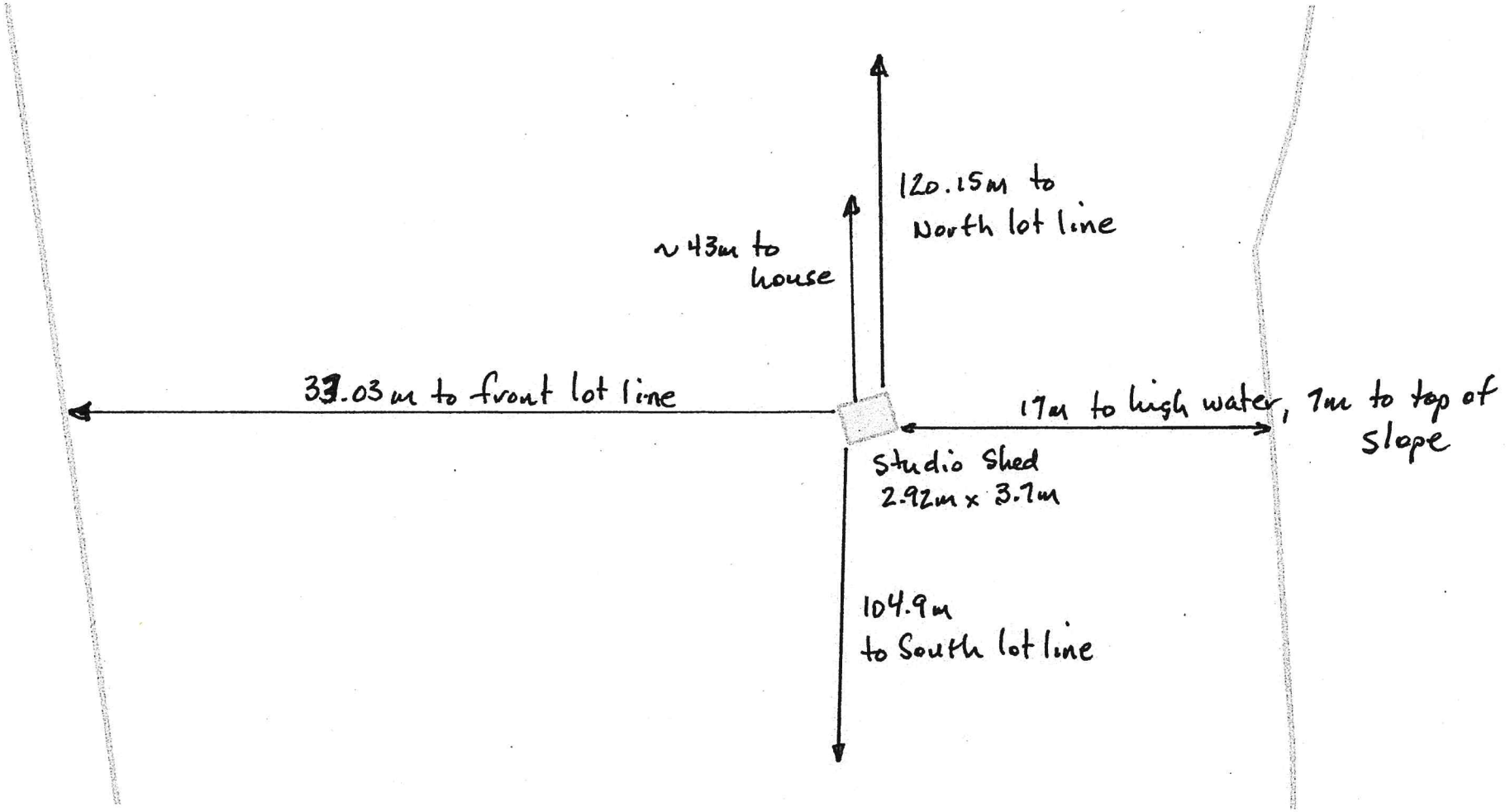
0 10 20 40 m

UTM Zone 18 NAD 83

Date: 2023-07-21

Art Studio/Shed - 8270 Perth Road

North



June 29, 2023 File: MV/FRS/133/2023

Sent by E-mail

Mr. Noah Perron, Planner
Township of South Frontenac
P.O. Box 100
Sydenham, Ontario
K0H 2T0

Dear Mr. Perron:

Re: Application for Minor Variance PL-ZNA-2023-0064 (Cain)
Pt Lot 3, Concession 12; 8270 Perth Road
Bedford District, Township of South Frontenac
Waterbody: Pollywog Lake

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 construction of a garage and bunkie on the subject property. The garage has not been constructed yet, however the bunkie was constructed without planning or permit approvals. 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 17 metres to permit the construction of the bunkie. **Staff note that based on observations taken on site, the bunkie is estimated to be located 12 – 13 metres from the highwater mark, rather than 17 metres as indicated on the application and supporting site plan.**
- Provide relief from Section 8.3.2 of the Zoning By-law to permit the detached garage to be located 12.1 metres from the front lot line.

Site Description

The subject property is located on the east side of Perth Road and the property has water frontage on Pollywog Lake. The topography of the site can be characterized as having a high and steep rock embankment adjacent to the lake, which levels out to a tableland where the development is proposed. There are young and mature trees interspersed throughout the lot. The property currently contains an existing dwelling, a garden shed, a wood shed, a bunkie, and some stairs down to the water. Staff visited the site on June 27, 2023.

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

Discussion

Cataraqui Conservation’s scope of review for this proposal includes the avoidance of natural hazards (e.g. flooding and erosion) associated with the shoreline of Pollywog Lake.

Natural Hazards / Ontario Regulation 148/06

Flooding: Cataraqui Conservation does not have floodplain mapping for Pollywog Lake. However, due to the difference in elevation between the highwater mark of Pollywog Lake and the top of bank, flooding is not expected to occur inland of the top of bank. 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. Therefore, the proposed garage and constructed bunkie are considered to be outside of any area of potential flood risk.

Erosion: Section 5.8.2.b) of the Township’s Zoning By-law requires that no building or structure or septic tank installation shall be located within 15 metres horizontal of the top of bank of any embankment, the slope of which is greater than 30% from horizontal. Cataraqui Conservation, in accordance with provincial technical standards, defines the extent of the erosion hazard associated with the shoreline of Pollywog Lake as the sum of an allowance for toe erosion (estimated to be 1 metre), a stable slope allowance of 1(h):1(v) for bedrock shorelines and a minimum erosion access allowance of 6 metres.

Based on elevation mapping, aerial imagery, and observations taken on site, the rock embankment is roughly 9.5 metres high, therefore the erosion hazard would extend approximately 16.5 metres inland from the toe of slope (1 + 9.5 + 6). The constructed bunkie consists of a 12.34 square metre enclosed structure (including an enclosed, cantilevered second storey) and a 7.56 square metre wood platform. The platform is currently located about 3.18 metres from the top of bank, and the enclosed structure is about 4.7 metres from the top of bank. The top of bank is located about 9.5 metres inland from the toe of slope, therefore the bunkie falls within the extent of the erosion hazard.

In order to comply with CRCA’s Guidelines for Implementing Ontario Regulation 148/06, the bunkie, including the attached platform, will need to be relocated or reconfigured so that it is located at least 7 metres from the top of bank. Alternatively, to remain in its current location, the platform could be removed and the enclosed structure could be reduced in size so that it is less than 10 square metres in area (including the cantilevered second storey), since CRCA does not regulate structures smaller than 10 square metres.

Recommendation

In summary, staff have no concerns with the proposed detached garage based on our consideration for natural hazard policies, however, since the constructed bunkie is located within the regulatory erosion hazard setback, staff do not support approval of this part of the minor variance application. We recommend deferral of application PL-ZNA-2023-0064 until the above-noted concerns (in bold text) are addressed to the satisfaction of Cataraqui Conservation.

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 highwater mark of Pollywog Lake or within 25.5 metres of the toe of slope of the shoreline is subject to O. Reg. 148/06. Therefore, a permit will be required from our office for the bunkie, however a permit will not be required for the proposed garage. **Staff will follow-up with landowner(s) to provide more information about how the constructed bunkie can achieve compliance with O. Reg. 148/06.**

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

Yours truly,

Janelle Treash
Resource Planner

cc: Noah Perron, Planner, South Frontenac
Don and Carol Cain, Applicants, via e-mail
Hailey Esdon, Cataraqui Conservation Development Officer

Township of South Frontenac

Staff Report

To:	Committee of Adjustment
Prepared by:	Development Services Department
Date of Meeting:	August 10, 2023
Subject:	**Minor Variance Application (S. 45(1) of Planning Act) PL-ZNA-2023-0083, Cain, 8270 Perth Road, Bedford District**

Summary

This report recommends that the Committee of Adjustment grant approval of this application for zoning relief for an art studio/storage shed, 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: Waterfront Residential (RW)

Zoning Relief Requested

Section 5.8.2 – To permit an accessory structure to be setback 7m from the top of bank, whereas the Zoning By-law requires a minimum of 15m.

Section 8.3.3 – To permit an accessory structure to be setback 17m from the highwater mark of a waterbody, whereas the Zoning By-law requires a minimum of 30m.

Related Applications

The subject property is subject to Minor Variance Application PL-ZNA-2023-0064 for a detached garage.

Discussion

Property Description

The subject property is a lot of record measuring at approximately 1.4ha in area with frontage on Perth Road and Pollywog Lake. The property contains an existing 177.4sqm (1909.5sqft) one-storey dwelling and three detached accessory structures. Regarding topography, the subject property is relatively flat around the area of the sewage system and the front of the

dwelling, before sloping down steeply towards the shoreline. The subject property is primarily forested, with the exception of cleared areas where the existing dwelling and driveway are situated. Finally, the surrounding area is characterized by similar rural residential, and waterfront residential developments.

Summary of Proposal

Through the submission of Minor Variance application PL-ZNA-2023-0064, it was discovered that the applicant had constructed an accessory structure (art studio/storage shed) without receiving the required planning and building approvals. This structure was reported to be 10.8sqm in size and is setback 3m from the top of bank and 13m from the highwater mark of Pollywog Lake. It was determined that the structure is actually 19.9sqm (214sqft), and consisted of a 12.34sqm enclosed structure and a 7.56sqm wood platform. The applicant is proposing to relocate the structure so that it would be setback 7m from the top of bank and 17m from the highwater mark of Pollywog Lake.

As such, this proposal seeks relief from Zoning By-law No. 2003-75 to permit the art studio/storage shed to be setback less than 15m from the top of bank, and less than 30m from the highwater mark of a waterbody.

Agency Comments

Cataraqui Conservation staff, in a letter dated June 29, 2023, provided comment regarding the application. CRCA staff noted that the existing accessory structure was within the extent of the erosion hazard and would need to be relocated a minimum 7m from the top of bank to receive a permit under Ontario Regulation 148/06. The applicant was agreeable to this condition and has relocated the accessory structure to 7m from the top of bank. The 7m setback considers the 6m erosion access allowance, in addition to the 1m toe erosion allowance. The erosion access allowance is intended to ensure access to the site for emergencies and maintenance, and the toe erosion allowance reflects the possible erosion of the toe of the slope. Under these conditions, CRCA staff have no objection to the approval of the application. Further, the existing accessory structure will require a CRCA permit.

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 recognize the proposed location of an art studio/storage shed that was constructed without the necessary planning and building approvals. The structure is on lands designated Rural on Schedule A of the Township Official Plan. The type and amount of development on rural lands must maintain the rural character, natural heritage, and cultural landscape in the Township. The proposed art studio/storage shed is accessory to the permitted residential use of the property.

Section 5.2.4 of the Official Plan states that the Township will direct development or site alterations away from lands which may be subject to shoreline erosion hazard. This is typically addressed through a 15m setback from the top of bank, as required by the Zoning By-law. Cataraqui Conservation staff reviewed the proposal and concluded the accessory structure, located 3m from the top of bank, is within the extent of the erosion hazard. The proposed location was not supportable. However, they could support a minor variance for a minimum 7m setback from the top of bank and could issue a permit under O. Reg. 148/06. The 7m setback would ensure the accessory structure would be accessible for maintenance or in the case of emergency. Further, it would ensure the accessory structure is outside of the possible erosion area of the toe of the slope. As such, Township Planning staff are satisfied that the proposed development would not result in, or be impacted by, a shoreline erosion hazard.

Section 5.2.7 of the Official Plan requires buildings and structures to be setback a minimum of 30m 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 impacts by reducing phosphorus inputs, preventing erosion and by maintaining the natural appearance of shorelines. The proposed location is partially cleared of trees due to an existing walking path and rock outcropping. Therefore, minimal tree clearance would be required to accommodate the structure. Further, the structure is not built on a foundation, and will have minimal impact on the soil mantle. Regarding the potential influence of the structure on the surrounding area, existing tree cover would adequately screen the accessory structure from the lake. Also, the elevation of the proposed location relative to the lake would minimize any intrusive effects.

It is the opinion of Township Planning staff that the proposed variance maintains the general intent and purpose of the Official Plan, specifically the policies related to waterfront residential development and development in sensitive environmental areas.

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

An accessory structure is a permitted use within the RW Zone. The re-located art studio/bunkie would comply with all requirements of the Zoning By-law except the minimum setback from the top of bank and highwater mark of a waterbody.

Section 5.8.2 of the Zoning By-law states that no structures shall be located within 15m horizontal of the top of bank of a slope which is greater than 30% from horizontal. As described above, the accessory structure will be outside the extent of the erosion hazard.

Sections 5.8.2 and 8.3.3 of the Zoning By-law require structures to be setback a minimum of 30m from the highwater mark of a waterbody. The purpose of this setback is to minimize environmental and visual impacts to the lake. Given the size of the accessory structure and its proposed use as an art studio/storage shed, a 17m setback is unlikely to deteriorate the environmental quality of Pollywog Lake. The primary use of the structure will be recreational in nature and will involve minimal storage of art supplies. Further, the existing tree coverage and elevation relative to the highwater mark will minimize any intrusive effects the accessory structure may have on the lake. Finally, as the proposed location would effectively limit risk to the structure from any potential shoreline erosion hazard, Planning staff are satisfied with a minimum setback of 17m from the highwater mark.

As such, it is the opinion of Township staff that 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 proposed location relative to the lake is appropriate given the recreational use of the structure and would limit potential erosional hazard. Further, the elevation of the property relative to the lake and existing vegetation growth will effectively screen the accessory structure and minimize any intrusive effects. Finally, the proposed location will be setback far enough into the interior of the property so as to have no greater effect on the surrounding area as existing conditions.

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. Further, the requested variance is desirable for the appropriate development of the land. It is anticipated that there will be no negative impact on surrounding properties as a result of allowing the proposed art studio/storage shed in the proposed location on the property.

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 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-2023-0083 for 8270 Perth Road, subject to the following conditions.

1. The minor variance is for a 19.9sqm (214sqft) accessory structure. The minimum top of bank setback for the accessory structure is permitted to be 7m. Further, the minimum setback for this structure from the highwater mark of Pollywog Lake is permitted to be 17m. The location of the accessory structure must be generally consistent with the sketch submitted by the applicant on July 12, 2023.

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-2023-0083 is applicable only to Zoning By-law No. 2003-75 and not to any subsequent zoning by-laws.

Report Prepared By:
Noah Perron, Planner

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

SOUTH FRONTENAC

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.

Application Type:	Planning Fee:	Building Admin Fee:	TOTAL:
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 *Minor Variance Only* *Minor Variance WITH Performance Review* *Minor Variance in combination with a new Class 2, 3, 4, or 5 sewage system other than a Class A system*	$463.00 $720.00 $1,183.00
Cataraqui Region Conservation Authority	$445.00
Quinte Conservation Authority	$450.00
Rideau Valley Conservation Authority	$410.00

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

3. **PLEASE READ THIS ITEM CAREFULLY**

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

4. **Collection of Personal Information**

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

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

Date Received: _____ File No: _____

Pre-Consultation for this application ☐ Yes ☐ No

Planner: Noah Perron Date of pre-consultation: July 7, 2023

1. Name of Owner(s): Rick McCreary and Lois Tobin

   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: West Edwards, P.Eng

   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(s) of Owner(s)

3. The description of the subject land:

   District: ☑ Bedford ☐ Portland ☐ Loughborough ☐ Storrington

   Concession Number: III Lot Number: 7

   Street Number: 42 Name of Road/Street: Woodside Lane

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

   Roll Number: 020-040-11500-0000

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

Frontage (on water): 100' Frontage (on road/lane): ~100'

Depth: 244' Area: 0.56a

5. The current zoning of the subject land:

RLSW - Residential Limited Service Waterfront

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

Proposed screened-in roofed area on existing deck does not comply with minimum setback from lake.

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

The existing structure is non-compliant for setback from lake.

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

OR a privately maintained road? ☑ Yes ☐ No

Name of Road/Lane:

Woodside 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?

Seasonal cottage

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

☑ Yes ☐ No

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

Type of Structure (E.g. residence)	**(1)** Cottage	**(2)**	**(3)**	**(4)**
Setback from Front Lot Line	15.5'			
Setback from Rear Lot Line	Not applicable			
Setback from Side Lot Line	4'			
Height of Building (Also indicate if it is one story or two story)	one story - average height above grade approx 15'			
Dimensions of Floor Area	20'x30'			
Setback from High Water Mark (If applicable)	15.5'			

13. The proposed uses of the subject land:

Seasonal Cottage use

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

☑ Yes ☐ No

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	15.5'			
Setback from Rear Lot Line	Not applicable			
Setback from Side Lot Line	35'			
Height of Building (Also indicate if it is one story or two story)	single-storey roofed area on existing deck			
Outside Dimensions of Building/Structure	11'x16'			
Setback from High Water Mark (If applicable)	15.5'			

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

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

If yes, please provide details:

_____

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

If yes, please provide details:

18. What are the uses of the proposed development?

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

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

1999

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

Cottage construction predates ownership. Decks reconstructed 2023.

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

approx 24+ 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:

Lake-line

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?

other.

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

[redacted]

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

A Guide to Completing the Minor Variance Form

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SOUTH FRONTENAC

PL-ZNA-2023-0087 (MCCREARY)(EDWARDS)

42 WOODSIDE LANE

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: 1:938

0 5 10 20 m

UTM Zone 18 NAD 83

Date: 2023-07-18

GRAVEL ROAD
WOODSIDE LANE

TOP OF BANK

TOE OF SLOPE

OVERHEAD HYDRO

HP

BM#2
nail in tree
ELEV: 98.33m

BM#1
nail in tree
ELEV: 96.80m

TIMBER CRIBBING STEPS
9R

5.40
(17'-9")

1.22
(4'-0")

CENTRELINE LENGTH
11.28
(37'-0")

STONE DUST PATH
15% SLOPE

TIMBER CRIBBING STEPS
10R

STONE DUST PATH
15% SLOPE

TIMBER CRIBBING STEPS
8R

OPTIONAL HANDRAIL

IRREGULAR SHAPED STEP
(24" DEEP SHORT END)

STONE DUST PATH
0% SLOPE

1.96
(6'-6")

4' x 6'-2" LANDING

6'-2"

4'-0"

6.00
(19'-8")

5.28
(17'-4")

3.32
(10'-11")

PT STAIRS
16R

4.40
(14'-5")

1.22
(4'-0")

L2
1.83
(6'-0")

L3
1.83
(6'-0")

3.84
(12'-7")

6'x6' DECK
LANDING

1.22
(4'-0")

PT STAIRS
10R

GRADE LANDING
PROVIDE LEVEL PAD FOR
BASE OF DECK STAIRS

4' x 4' LANDING
ELEV. 156.78

11'x8' OPEN DECK AREA

4.74m
(15'6")

NOTE:

DECK AND STAIR STRUCTURES SHALL INCLUDE BUILT UP PRESSURE TREATED GUARDS AND RAILINGS (OR APPROVED PRE-ENG RAILING SYSTEM) CONFORMING TO O.B.C. 9.8.8.

RAILINGS AND GUARDS NOT SHOWN ON THIS PLAN FOR CLARITY PURPOSES.

Existing Cottage =
565 Sq.ft

Proposed covered / screened in area on existing deck = 195sq.ft

PROPERTY LINE (APPROXIMATE)

PROPERTY LINE (APPROXIMATE)

42 WOODSIDE LANE

40 WOODSIDE LANE

THIRTY ISLAND LAKE
WATERS EDGE (JAN. 2022)

THIRTY ISLAND LAKE

EX. DOCK ELEV.

PLAN - 42 WOODSIDE LANE
1:75

NO.	DATE	BY	REVISION
3	2022.06.16	MC	REVISED DESIGN FOR FIELD LAYOUT
2	2022.05.09	MC	ISSUED FOR FIELD LAYOUT
1	2022.03.09	MC	PRELIMINARY LAYOUT FOR CLIENT REVIEW

DESIGN	W.E.
DRAWN	M.C.
SCALE	AS SHOWN

THESE DESIGN DOCUMENTS ARE PREPARED SOLELY FOR THE USE BY 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.

AVIDITY DESIGNS
TECHNICAL-CREATIVE-IMPASSIONED

ON POINT
DRAFTING & SURVEY

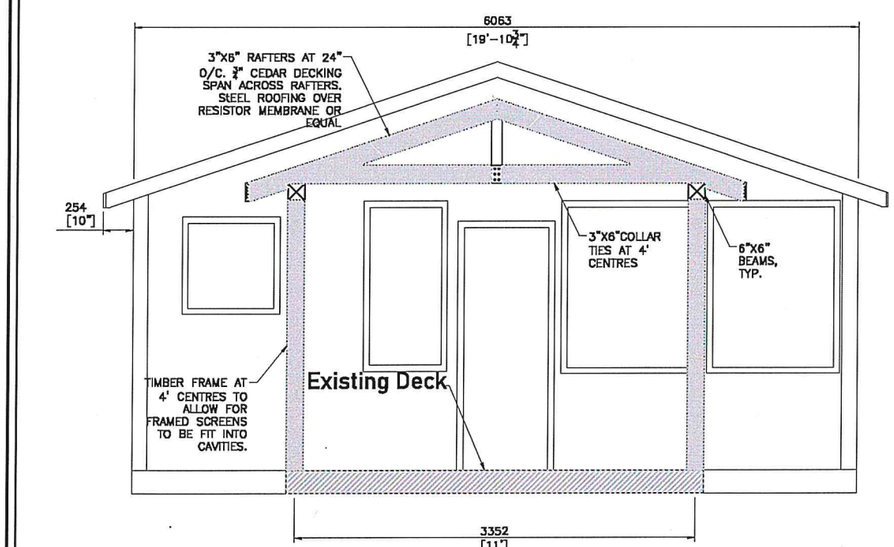
42 WOODSIDE LANE
WOOD CRIBBING, PATHWAY AND DECK CONFIGURATION
SOUTH FRONTENAC

FILE NO.

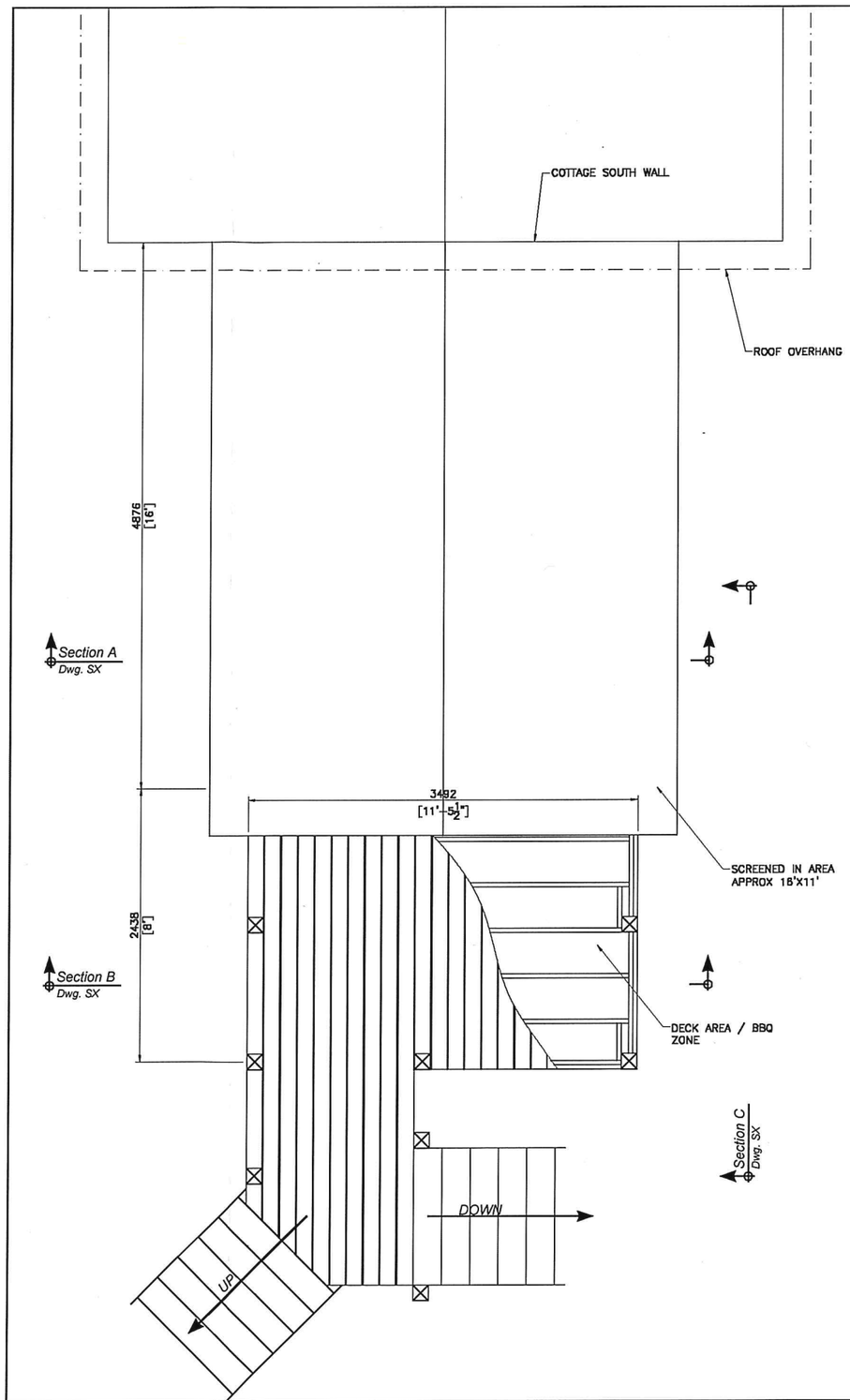
DRAWING NO.

SHEET 1 OF 2

C:\USERS\MASON\ONEDRIVE\FAMILY ROOM\2022 PROJECT\2022-03 49 WOODSIDE LANE\WOODSIDE LANE.DWG



A ELEV 1:50 EXISTING FOOTINGS AND FLOOR FRAMING



B PLAN 1:50 SCREENED PORCH AND DECK PLAN

WEST EDWARDS ENGINEERING INC.
2864 Bear Creek Rd, Inverary Ontario, K0H 1X0, Tel: (613) 484-7531, Email: west@edwardsengineering.ca

Client: Rick McCreary

Dwg. No: S1

Sheet: 1 of x

Project: 30 Island Lake Cottage
42 Woodside Lane
South Frontenac Township, ON

Job No: 1920-160

Date:

Title: Deck / SCREENED PORCH

Scale: AS SHOWN

Design: WCPE

Drawn: WCPE

No.	Date	Revision

MEASURED SCALE ON DRAWING 0 10mm 50mm

Quinte CONSERVATION

2061 OLD HIGHWAY 2, RR#2, BELLEVILLE, ON, K8N 4Z2
PHONE: (613) 968-3434 • **FAX:** (613) 968-8240
www.quinteconservation.ca

QUINTE CONSERVATION - PLANNING ACT REVIEW

QC File No. PL0184-2023

Municipality:	**Township of South Frontenac**		
Landowner / Agent:	**Rick McCreary and Lois Tobin / West Edwards**		
Location:	**42 Woodside Lane**	**Part Lot 7, Concession 3**	**Bedford**
Roll #:	**1029020040115000000**		
Application Description:	**Minor Variance Appl'n File No. PLZNA 2023 0087**	**Seeking permission under Section 45(2) of the Planning Act to enlarge the legal non-complying cottage setback approximately 4 metres from Thirty Island Lake. The applicant is proposing to build an 18.1 square metre screened-in room over a portion of the existing attached deck. The gross floor area of the cottage will be increased from 52.5 square metres to 70.6 square metres. The screened-in room will not encroach further towards the lake than the footprint of the existing cottage.**	
Feature:	**Thirty Island Lake**		

Comments:

Natural Hazard policies of the PPS, Quinte Conservation Planning Act Review policy, and Ontario Regulation 319/09

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.

The existing cottage is located above the 1:100-year flood plain of Thirty Island Lake, and the proposed screened-in room will not encroach any closer to the hazard. As a result, staff are satisfied that the application as presented is consistent with section 3.1 of the PPS, and is consistent with Section 5.13.1.d) of Quinte Conservation Watershed Regulations Policy Manual, dated January 2023.

The subject lands lie within the regulated area of Thirty Island Lake (by virtue of Ontario Regulation #319/09 – Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses). Please note that the owners will need to apply to the Conservation Authority for a permit prior to any development (construction / filling/ excavation/ site grading) within 30 metres of the 1:100-year flood plain of the lake.

These planning comments do not constitute permission to develop within a Quinte Conservation regulated area. A permit from Quinte Conservation will be required for the proposed screened-in room, as well as for the proposed decking and stairway access down to the water as illustrated within the site plan sketch provided with the application. The permitting process is a separate process from the plan review process, and a separate fee will be applied to future permit application(s) to this office.

Quinte Region Source Protection Plan

Quinte Conservation provides Risk Management services as prescribed by the *Clean Water Act*, 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. Policies for significant threats in the Quinte Region Source Protection Plan are not applicable as the subject property lies outside of an intake protection zone or wellhead protection area for a municipal drinking water system. As such no Section 59 Clearance Notice is required.

	Other Potential Municipal/Township Studies As per Sections 21.1.1 and 21.1.2 of Ontario Regulation 596/22 (amendments made under the Conservation Authorities Act) as a result of the More Homes Built Faster Act, 2022, conservation authorities are no longer able to review or provide comment on Natural Heritage and Hydrogeology, nor is this office able to peer-review technical reports related to these maters. If the Township/Municipality requests a hydrogeological assessment or Environmental Impact Study (EIS) it should be peer-reviewed by a qualified consultant.
Final Comments:	Quinte Conservation has no objection to the minor variance application as presented. The application is consistent with Section 3.1 of the PPS, Quinte Conservation Regulation and policies. The proposed screened-in room does not encroach any closer to the water than the footprint of the existing cottage. A permit will be required for the proposed screened-in room, as well as the decking and stairway access down to the water as illustrated within the site plan sketch provided with the application. Staff kindly request a copy of the Committee of Adjustment's decision for this application when it comes available.

Sam Carney
Planning Technician

July 27, 2023
Date

Township of South Frontenac

Staff Report

To:	Committee of Adjustment
Prepared by:	Development Services Department
Date of Meeting:	August 10, 2023
Subject:	**Permission Application (S. 45(2) of Planning Act) PL-ZNA-2023-0087, McCreary, 42 Woodside Lane, Bedford 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)

Permission Requested

The applicant seeks 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 Thirty Island Lake.

Related Applications

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

Discussion

Property Description

The subject property is an undersized lot of record measuring at 0.37Ha (0.91Ac) in area with frontage on Woodside Lane and Thirty Island Lake. Access is via private lane (Woodside Lane) which cuts through the middle of the subject property. Existing development consists of a 565sqft (52.5sqm) seasonal dwelling with attached deck. The existing dwelling is setback approximately 13.4ft (4m) from the highwater mark of the lake, and the attached deck is setback 15.6ft (4.7m). Regarding topography, the subject property is situated within a slope

which levels out slightly near the shoreline of Thirty Island Lake. As a result of this slope, there is a raised staircase which provides access to the seasonal dwelling from Woodside Lane. The property contains several mature trees and vegetation growth. Finally, the subject property exists within an area characterized by similar waterfront residential development.

Summary of Proposal

To request permission under section 45(2) of the Planning Act to enlarge a legal non-conforming dwelling located within 30m of the highwater mark of Thirty Island Lake. The applicant is proposing to increase the gross floor area of the existing seasonal dwelling on the subject property. The proposed enlargement would involve constructing a screened-in room over a portion of the existing attached deck. The 195sqft (18.1sqm) proposed screened-in room would increase the gross floor area of the seasonal dwelling to 760sqft (70.6sqm) and would be setback 15.6ft (4.7m) from the highwater mark of Thirty Island Lake. The height of the proposed roof will be lower than the roof of the existing dwelling. Further, the overhang of the proposed roof will be less than that of the existing dwelling. Therefore, the proposed structure would not be greater in height, nor would it encroach further towards the lake, than the existing dwelling.

Agency Comments

Quinte Conservation staff, in a letter dated July 27, 2023, provided comments stating they had no objection to the approval of the application. Further, they identified that the proposed development is within the area regulated by O. Reg 319/09. Therefore, a Quinte Conservation permit will be required for the proposed screened-in room if it is approved by the Committee of Adjustment.

Public Comments

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

Planning Analysis

The subject property is zoned RLSW. The proposed attached screened-in room is accessory to the permitted residential use of the subject property.

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 gross floor area or increase in height. This provision prohibits the enlargement of existing buildings, without seeking permission from the Committee of Adjustment. The existing seasonal dwelling holds legal non-conforming status as it was constructed prior to the current Zoning By-law and is setback approximately 13.4ft (4m) from the highwater mark, with the attached deck being setback 15.6ft (4.7m).

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

The proposed enlargement would consist of a 195sqft (18.1sqm) screened-in room built over a portion of the existing attached deck. The proposed screened-in room would maintain the setback of the deck and be no closer to the highwater mark than the existing seasonal dwelling.

There are existing mature trees between the existing seasonal dwelling and Thirty Island Lake which effectively screen the structure. As such, the proposed screened-in room should have no greater impact on the surrounding area over the existing building condition.

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 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-2023-0087 for 42 Woodside Lane, subject to the following conditions.

1. Permission is granted to enlarge the legal non-conforming seasonal dwelling on the subject property. The dwelling may be enlarged by a 195sqft (18.1sqm) screened-in room setback a minimum of 15.6ft (4.7m) from the highwater mark of Thirty Island Lake. The location and dimensions of the screened-in room must be consistent with the applicants' site sketch 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 Thirty Island 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, except in the immediate area of the building envelope.

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:
Noah Perron, Planner

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