TOWNSHIP OF SOUTH FRONTENAC
Committee Of Adjustment Meeting
Agenda

TIME: 7:00 PM,
DATE: Thursday, December 14, 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 - 92

4. *Declaration of pecuniary interest*

a) None heard.

5. *Approval of Minutes – November Meetings*

a) Resolution - Approval of November 09, 2023 Minutes 93 - 100

b) Resolution - Approval of November 15, 2023 Minutes 101 - 102

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

7. *New Consent Applications:*

a) PL-BDJ-2023-0080 (Hughson) (The Boulevard Group) - Storrington District 103 - 159

Property Address: Horning Road at Sydenham Road

Purpose & Effect of the Application:

Consent for the creation of one new rural residential lot, being 2.5 acres in area and having 80 metres of frontage on Horning Road.

b) PL-BDJ-2023-0081 (Hughson) (The Boulevard Group) - Storrington District 160 - 216

Property Address: Horning Road at Sydenham Road
Purpose & Effect of the Application:
Consent for the creation of one new rural residential lot, being 2.5 acres in area and having 80 metres of frontage on Horning Road.

c) PL-BDJ-2023-0082 (Hughson) (The Boulevard Group) - Storrington District 217 - 273

Property Address: Horning Road at Sydenham Road
Purpose & Effect of the Application:
Consent for the creation of one new rural residential lot, being 2.5 acres in area and having 80 metres of frontage on Horning Road.

d) PL-BDJ-2023-0119 (Upton) - Bedford District 274 - 298

Property Address: 2163 Devil Lake Road

Purpose & Effect of the Application:

The applicants propose to abandon the existing right-of-way that runs through the developed area of the subject property and to establish a new right-of-way in a different location on the property. The new right-of-way would continue to provide legal access to multiple waterfront properties. The proposed right-of-way would be 750 metres long and 4.5 metres wide.

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

9. *New Minor Variance / Permission Applications:*

a) PL-ZNA-2023-0117 (Leonard) - Loughborough District 299 - 324

Property Address: 1004 Goslin Lane

Purpose & 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 Knowlton Lake

b) PL-ZNA-2023-0124 (Holmes & Menard) (Preston) - Bedford District 325 - 348

Property Address: 35 That Way Lane

Purpose & 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 Devil Lake.

c) PL-ZNA-2023-0125 (Duff) (McNutt) - Bedford District 349 - 379

Property Address: 126 Mill Bay Lane

Purpose & Effect of the Application:

The applicant is proposing to construct a 264sqft (24.5sqm) addition to the existing 1643sqft (152.6sqm) seasonal dwelling. The proposed addition would increase overall lot coverage of the seasonal dwelling from 6.9% to 8.1%.

d) PL-ZNA-2023-0126 (Goldie) - Storrington District 380 - 425

Property Address: 1121A Beach Lane

Purpose & 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 Cranberry Lake

e) PL-ZNA-2023-0127 (Asanin) - Loughborough District 426 - 451

Property Address: 1023 Koen Lane

Purpose & 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 Loughborough Lake.

10. *Other Business*

a) Consent Granting Authority Report 452 - 453

11. *Adjournment*

a) Resolution

Committee of Adjustment Meeting

Thursday, December 14, 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/Secretary-Treasurer)
- Christine Woods (Senior Planner)
- Noah Perron (Planner)
- Tom Fehr (Planner)

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Agenda

- **Call to Order**
- **Adoption of Agenda**
- 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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Format for Each Hearing

1. Chair introduces application
2. Planner presents application
3. Applicant/agent permitted to address Committee
4. Members of the public permitted to address Committee (maximum 5 minutes per individual)
5. Staff and/or applicant to provide response to public comments / questions
6. Questions from Committee members (no comments or debate)
7. Secretary-Treasurer reads the resolution
8. Committee discussion and vote

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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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Notice of Collection

- Personal information, as defined by the *Municipal Freedom of Information and protection of Privacy Act* (*MFIPPA*), including (but not limited to names, addresses, opinions and comments, is collected under the authority of the *Municipal Act, 2001*, *Planning Act* and in accordance with *MFIPPA*.
- All personal information may form part of the meeting agendas and minutes, and therefore will be made available to members of the public at the meetings, through requests, and through the website of the Corporation of the Township of South Frontenac.
- Questions regarding the collection, use and disclosure of this personal information may be directed to the Township Clerk.

SOUTH FRONTENAC

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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New Consent Applications

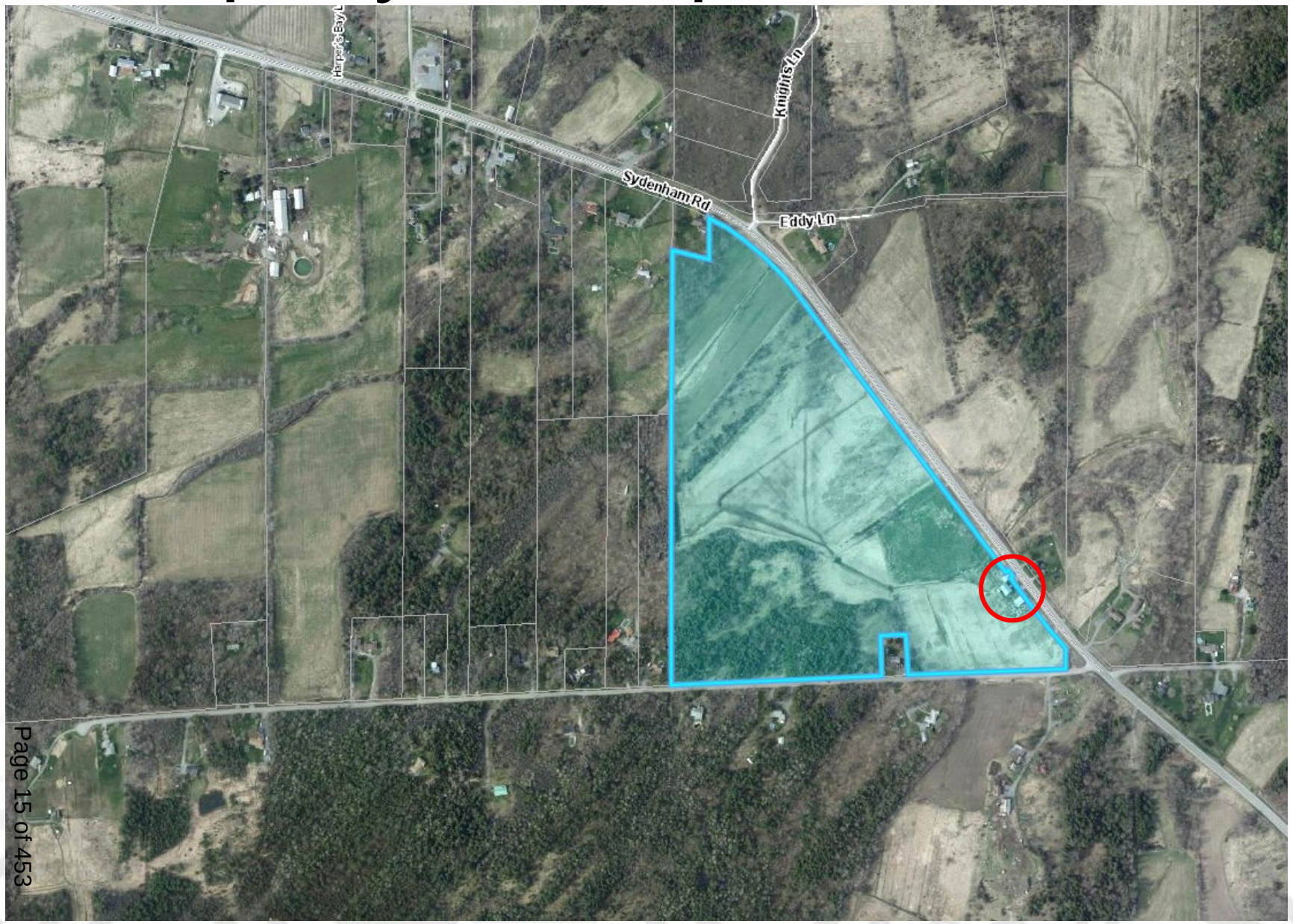
Application PL-BDJ-2023-0080, -0081 & -0082
Consent Application

Applicant: Herbert Hughson

Agent: The Boulevard Group

Property: Unaddressed Lands on the Corner of Sydenham Road & Horning Road

Property Description

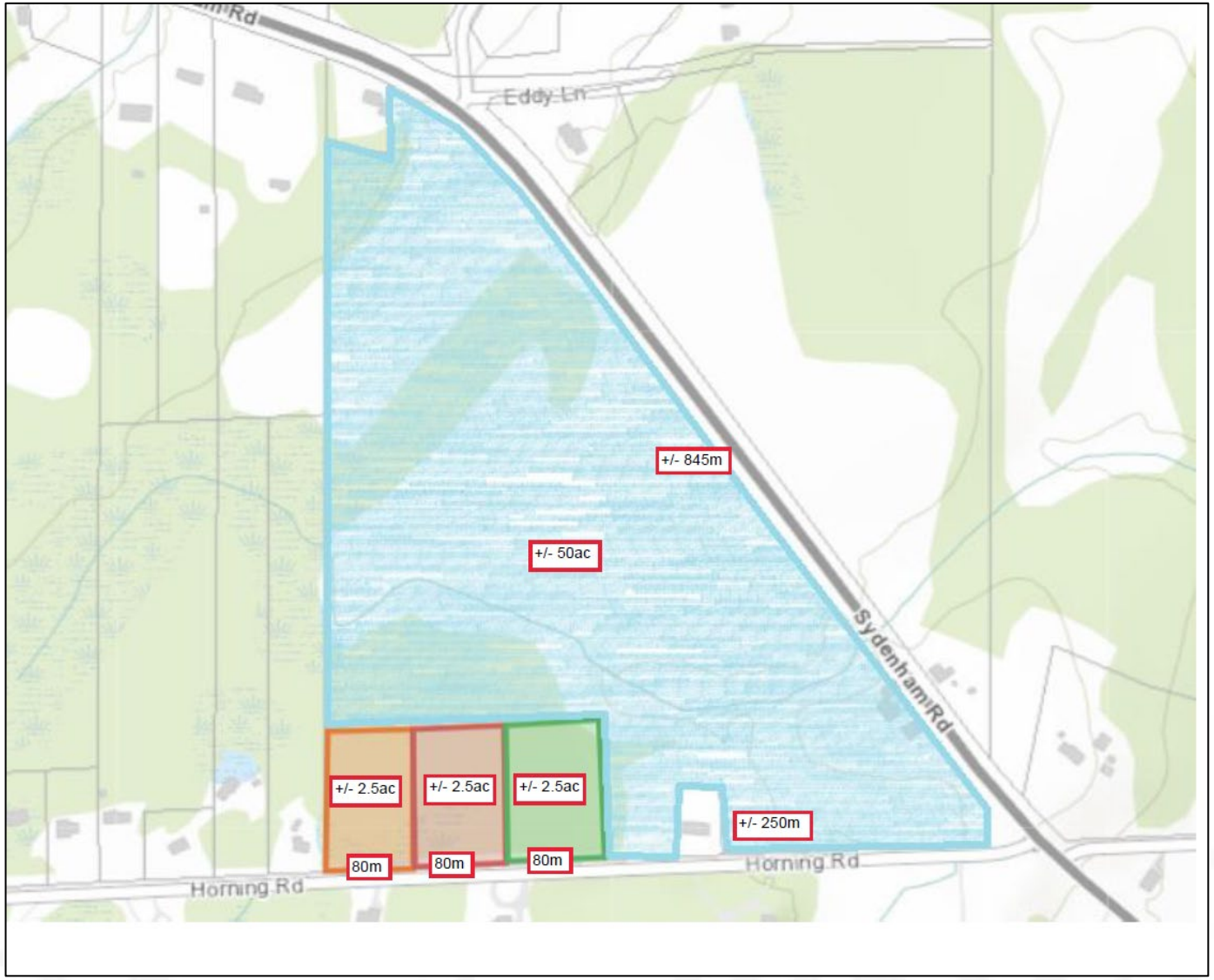


- Lot area of ~57.5Ac – With frontage on Sydenham Rd. & Horning Road
- 3 existing barns (Red)
- Rural Designation
- RU Zone

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Proposal

- 3 new rural residential lots
- Severed lots:
  - 2Ac in area; 80m of frontage on Horning Road
- Retained lot:
  - 50Ac in area; 250m of frontage on Horning Road & 845m on Sydenham Road



Proposed Site Plan

SOUTH FRONTENAC

Department and Agency Comments

- **Public Services** – No Objection
- **Building Services –** No Objection
- **Conservation Authority** – Circulation not required following joint site-visit with Planning Staff

Public Comments

- Application circulated for public comment on August 11, 2023
- Planning Staff received approximately 15 letters objecting the proposed severance
- Concerns included:
  - Groundwater availability
  - Groundwater quality
  - Impacts to adjacent groundwater users
  - Lack of groundwater studies
  - Compensation should the newly created lots impact existing wells

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Planning Analysis

- The PPS & County OP (S. 3.3) permit residential development on rural lands. Township OP permits residential development in the Rural designation.
- Eligible for maximum of 3 severances (Section 5.7.4)
- Satisfies minimum requirements for area and frontage (OP Section 5.7.4; ZBL Section 7.3.2)
- Conforms to General Consent Policies:
  - Complies with Minimum Distance Separation I requirements
  - Applicant has demonstrated the ability for all lots to be serviced by private sewage disposal system (Section 7.1)

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Planning Analysis

- Water Servicing (Section 6.10.3 & 7.1(s))
  - Demonstrated as condition of approval – 6-hour pump test
  - Given concerns & independent review of well records on Horning Road – the Township will require a more detailed demonstration
  - Applicant to submit Hydrogeological Assessment completed by a Hydrogeologist (P. Eng or P. Geo)
  - To be prepared in accordance with the Townships Standards for Hydrogeological Assessment
  - Assessment to include:
    - Standard 6-hour pump test
    - Assessment of groundwater quality and quantity
    - Assessment of the potential for impact to adjacent water well users and properties
  - Submitted study to be peer-review by subject matter expert
  - Satisfactory assessment is required to clear the condition, and for Certificates of Official to be issued.

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Hydrogeological Assessment

- Water Quantity and Interference Assessment
  - To determine whether a new well has adequate and sustainable groundwater quantity, and to demonstrate whether operation of the new well will have unacceptable impact on the quantity of groundwater available to existing, adjacent users of the groundwater resource.
  - Hydrogeologist to provide comments on the acceptability of draw down interference on adjacent existing wells. The radius of interference to be determined by the Hydrogeologist and must be justified in the final report.
  - Considerations for adjacent owners do not wish to have their wells monitored for interference

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Recommendation

- Approval
- Pending any comments received
- Subject to condition
  - Conditions satisfied within 2 years
  - Severance is for 3 rural residential lots
  - Reference Plan deposited to LRO
  - Requirements for road widening (to be determined by OLS)
  - Payment of outstanding taxes
  - Parkland dedication
  - **Hydrogeological Assessment**
  - Closure of abandoned wells
  - Development Agreement registered on the title of the property (entrance permits, lot grading and drainage plans)

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Questions & Comments

1. Applicant/Agent
2. Members of the Public
3. Committee Member questions

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PL-ZNA-2023-0080, -0081 & -0082 Resolution and Vote

Application PL-BDJ-2023-0119

Consent Application

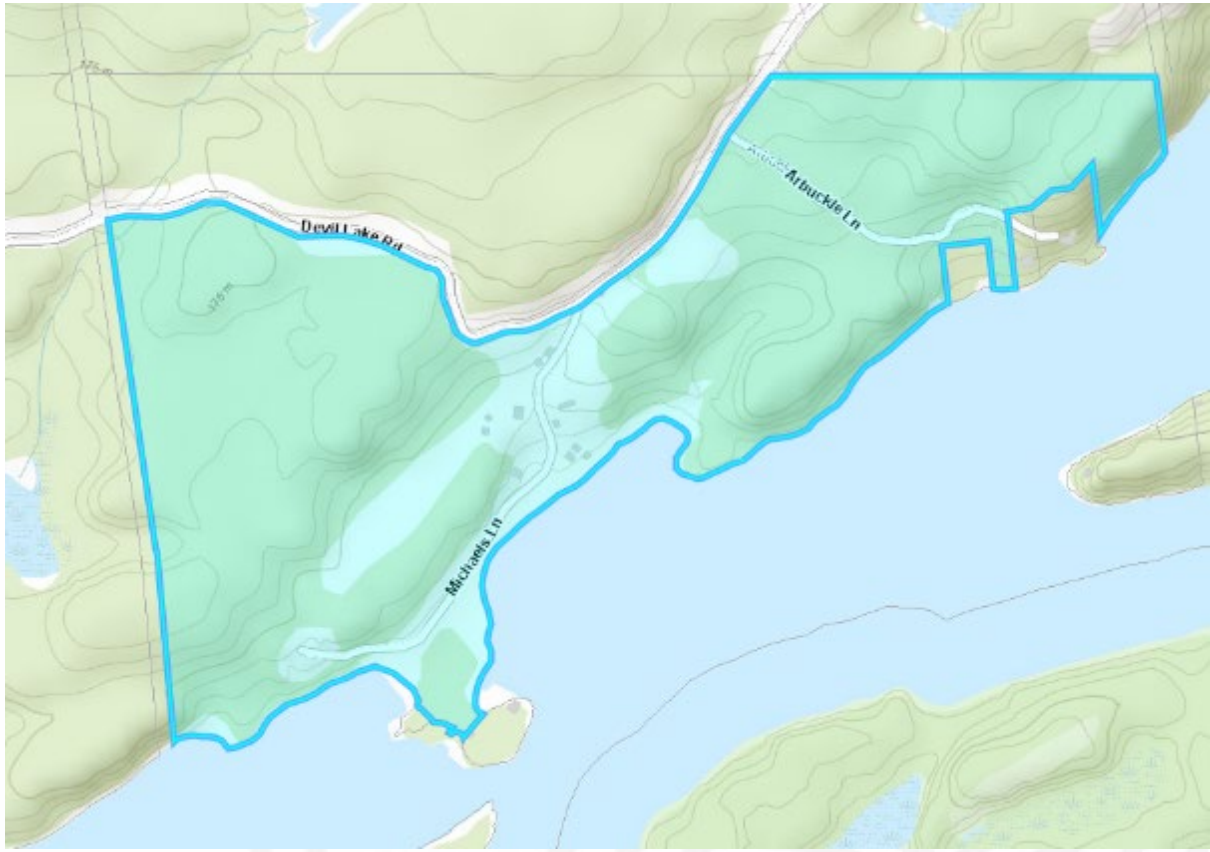
Applicants: Tim Upton

Property: 2163 Devil Lake Road

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Property Description

- Rural Designation
- RU and RRC-50 Zones
- 100 acre
- Frontage on Devil Lake and Devil Lake Road
- Former resort and campground



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Proposal

- Establish a new right-of-way for Michaels Lane
- Abandon the existing right-of-way
- 750 m long
- 4.5 m wide





Existing ROW to left, new proposed ROW to right



Proposed ROW looking east

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Top left: Proposed ROW
Bottom left: End of Proposed ROW
Right: Existing ROW

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Department, Agency and Public Comments

- **Public Services –** New ROW must be surveyed to 20m width; lane designed and constructed to Township's Private Lane Standards
- **Cataraqui Conservation –** No objection; new lane requires a permit under O. Reg. 148/06
- **Public Comment –** Mr. Compton raised concerns about the steepness of grade and tight curve; the concerns will be alleviated if new lane constructed to Township standards

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Planning Analysis

- Existing ROW runs through developed area of property and near shoreline
- The new ROW would facilitate redevelopment plans
- Survey and construction standards needed to ensure safe access for users and emergency service vehicles
- Legal access would continue to multiple waterfront properties

SOUTH FRONTENAC

Recommendation

- Approval
- Pending any comments received
- Subject to conditions outlined in planning report:
  - 750m long, 20m width
  - Reference plan
  - Maintenance of legal deeded access
  - Proof of transfer, release and abandonment of existing ROW
  - Payment of property taxes
  - Lane construction to Township Private Lane Standards

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Questions & Comments

1. Applicant/Agent
2. Members of the Public
3. Committee Member questions

PL-BDJ-2023-0119
Resolution and Vote

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

SOUTH FRONTENAC

Application PL-ZNA-2023-0117

Permission to Enlarge Legal Non-Conforming Use

Applicant: Brad & Stephanie Leonard

Property: 1004 Goslin Lane

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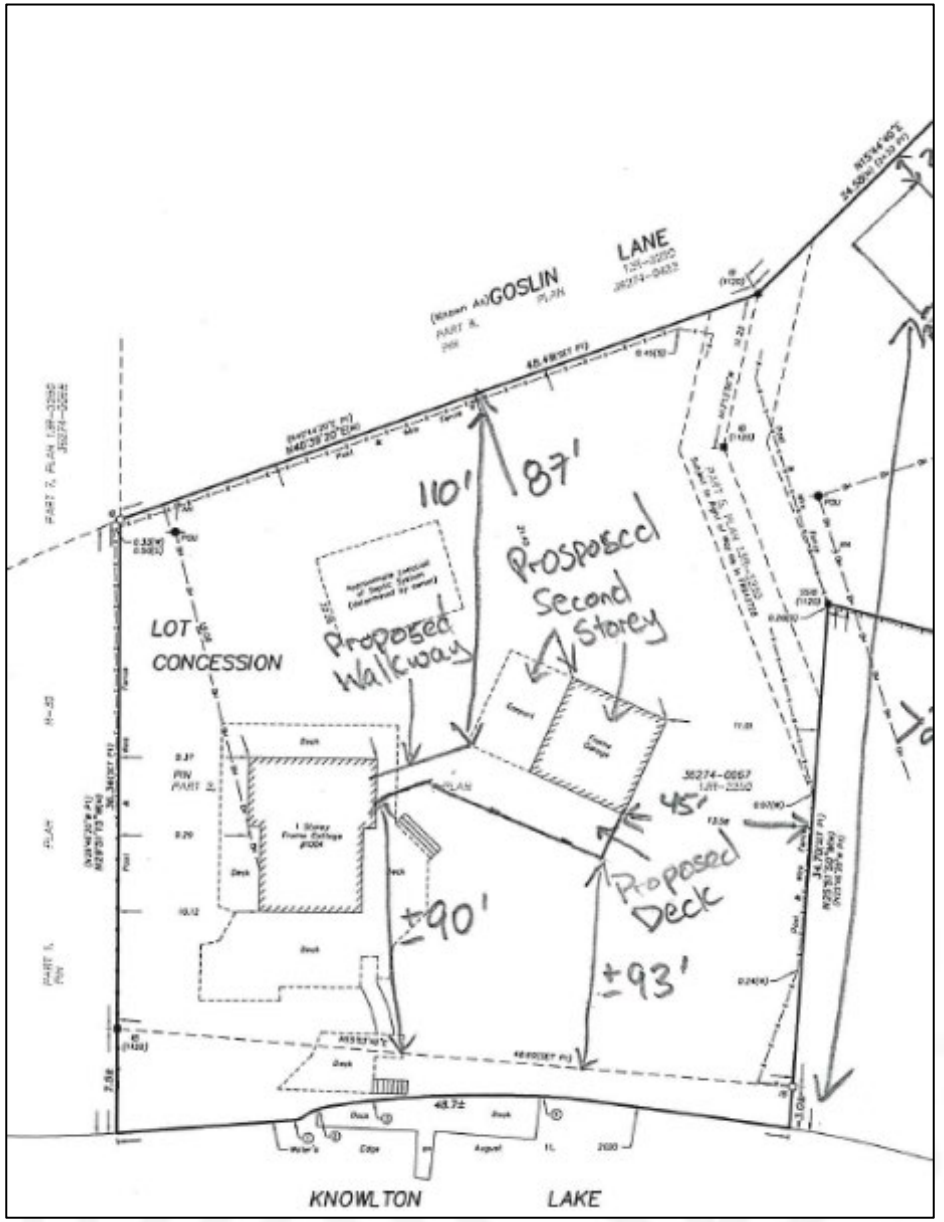
Property Description

- Lot area of 1.05Ac – frontage on western shore Knowlton lake
- Existing Dwelling (1900sqft) w/ attached deck (2063sqft) (red) & detached garage/carport (1000sqft) (purple)
- HWM setbacks
  - Dwelling: 10m
  - Garage/Carport: 26.8m
- Topography & Vegetation
- Rural Designation
- RLSW Zone



Proposal

- Enlarge existing garage/carport
  - Two additional stories (“Man-Cave” & Storage)
  - Attached Covered Deck
- Connect dwelling & garage/carport via covered walkway
- Permission required to
  - Increase GFA of garage/carport to 2667sqft and height to 9.7m
  - Reduce highwater mark setback of garage/carport to 23.2m
  - Connect dwelling & garage/carport via covered walkway (180sqft increase in GFA)
- The footprint would increase by the area of attached deck (480sqft) & covered walkway (180sqft). This increases overall lot coverage by 1.5%.
- As connected structures, the garage/carport would become a component of the existing dwelling

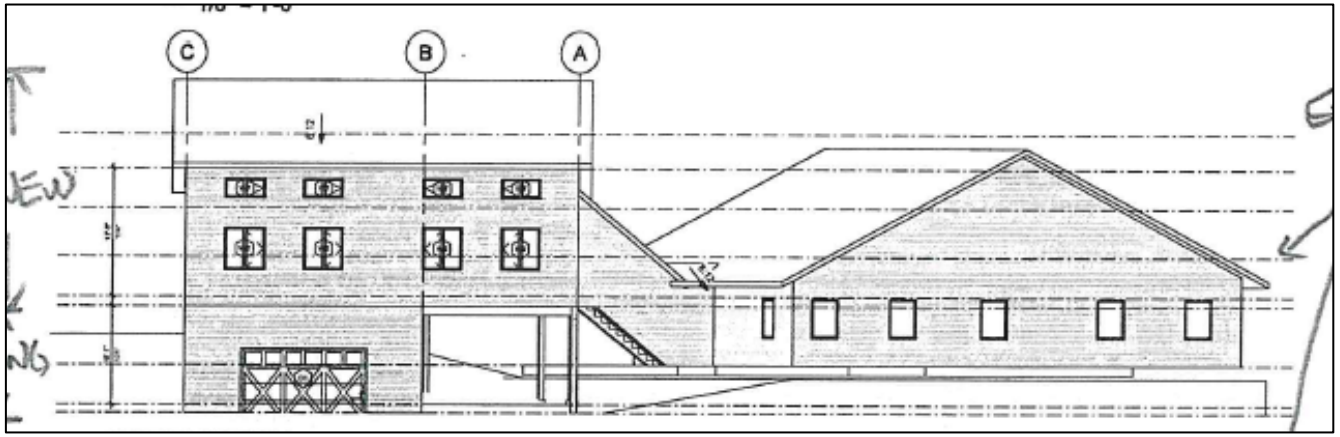


Proposed Site Plan

SOUTH FRONTENAC



Rear view of existing structures (Looking SE towards Knowlton Lake)



Conceptual drawing of existing structures following renovation (rear view)



Front view of garage/carport (Dwelling to the left; Ridge between structure and slope viewable)



Conceptual drawing of existing structures following renovation (front view)



Conceptual drawing of existing structures following renovation (Side view)



Conceptual drawing showing proposed covered deck

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Department, Agency and Public Comments

- **Building Services** – No objection – Existing sewage system will need to be replaced
- **Cataraqui Conservation –** No objection
- **Public Comments –** None received

Planning Analysis

- Existing garage/carport & dwelling are legal non-conforming uses, setback 26.8m and 10m from the HWM of Knowlton Lake.
- Enlargements of legal non-conforming uses require permission from the Committee of Adjustment
- No anticipated negative impacts on the environment or surrounding area:
  - Existing ridge, recommended runoff measures and tree buffer along shoreline will mitigate impacts
- Desirable for the appropriate development of the lands
  - More favourable to enlarge garage/carport as opposed to the existing dwelling that is setback closer to the lake

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Recommendation

- Approval
- Pending any comments received
- Subject to condition:
  - Permission to:
    - Enlarge GFA & height of garage/carport
    - Reduce HWM setback of garage/carport
    - Connect dwelling & garage/carport via covered walkway
  - Locations and dimensions should be consistent with submitted plot plans and drawings
  - Development agreement (erosion, runoff, shoreline vegetation)
  - Building permit

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Questions & Comments

1. Applicant/Agent
2. Members of the Public
3. Committee Member questions

PL-ZNA-2023-0117
Resolution and Vote

Application PL-ZNA-2023-0124

Permission to Enlarge Legal Non-Conforming Use

Applicant: Karly Holmes and Alexandre Menard

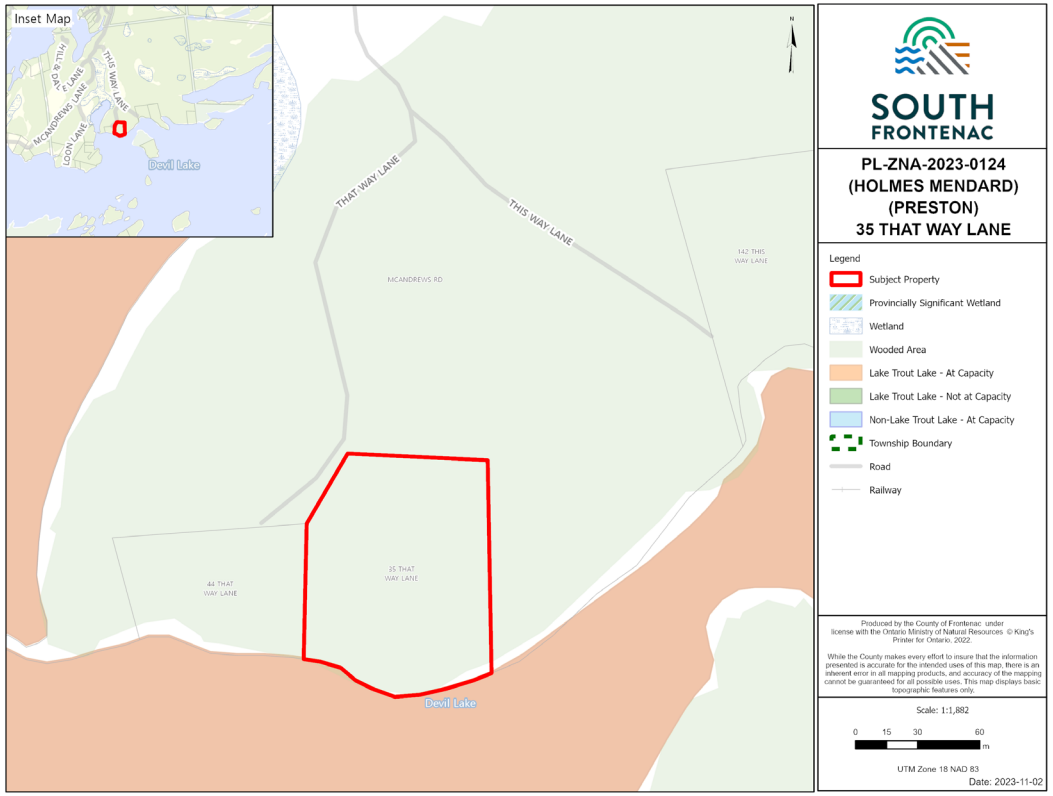
Agent: Mike Preston

Property: 35 That Way Lane

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Property Description

- 0.9ha lot area
- 96 m frontage on Devil Lake; access from That Way Lane
- Property slopes steadily down to lake and has mature tree cover
- Contains existing dwelling and boathouse
- Rural
- RLSW zone

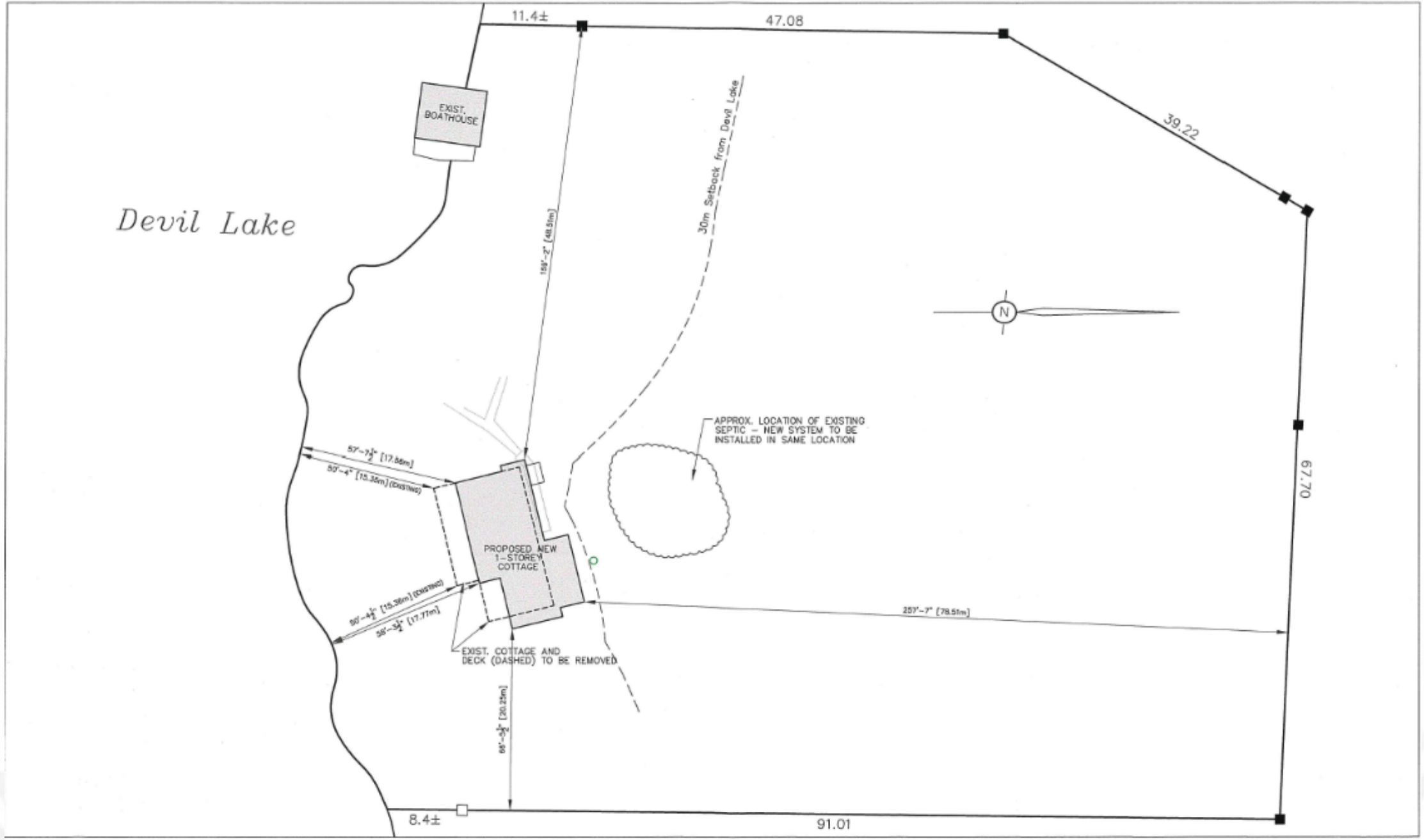


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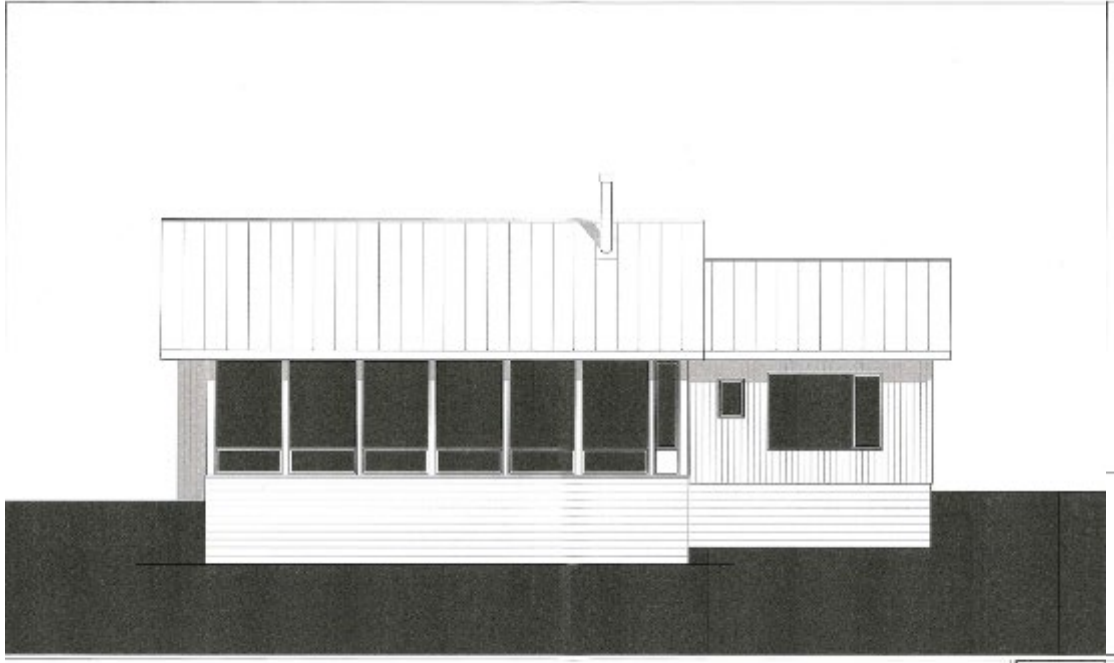
Proposal

- Permission under section 45(2) of the Planning Act to enlarge a legal non-conforming dwelling
- Existing dwelling
  - Single storey – 6.5 m height
  - 115.3 sqm ground floor area
  - Set back 15.3m from lake
- Proposed dwelling
  - Single storey – 8.2m height
  - 149.2 sqm ground floor area
  - Set back 17.5m from lake

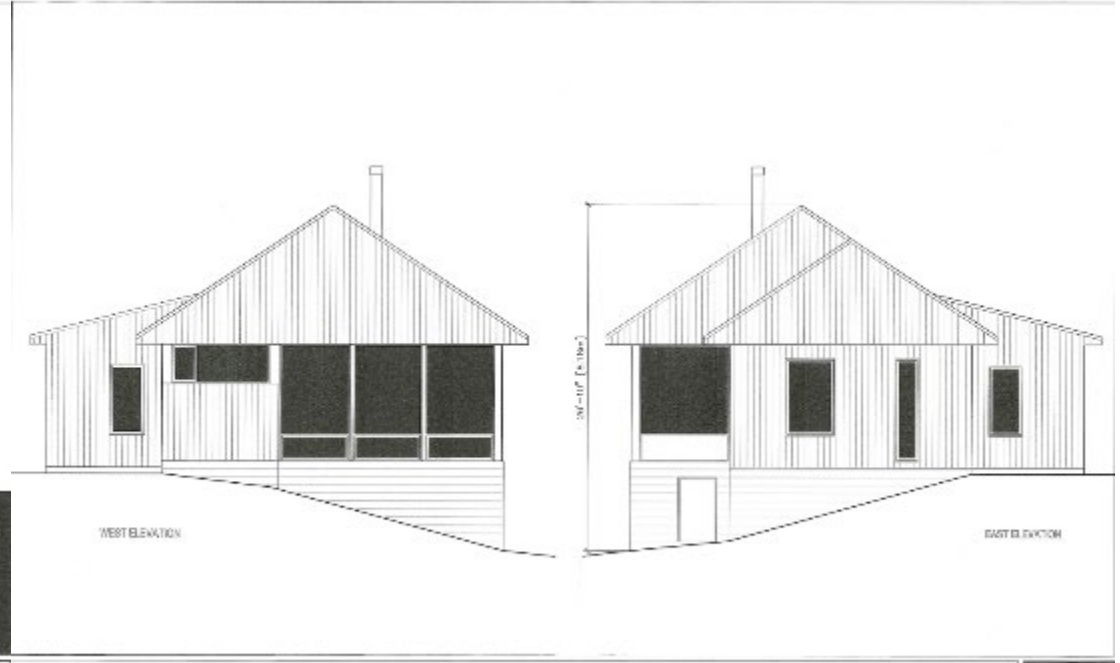




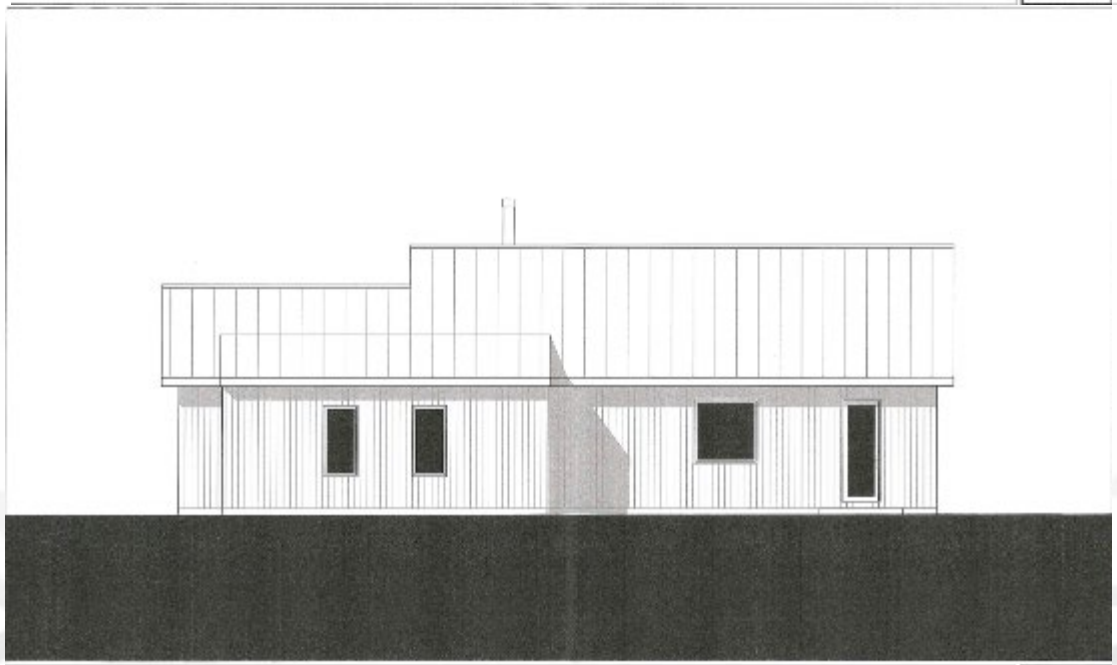
A-1	27 / 10 / 23	1/32"=1'	SITE PLAN PROPOSAL	MENARD - DEVIL LAKE	MPD



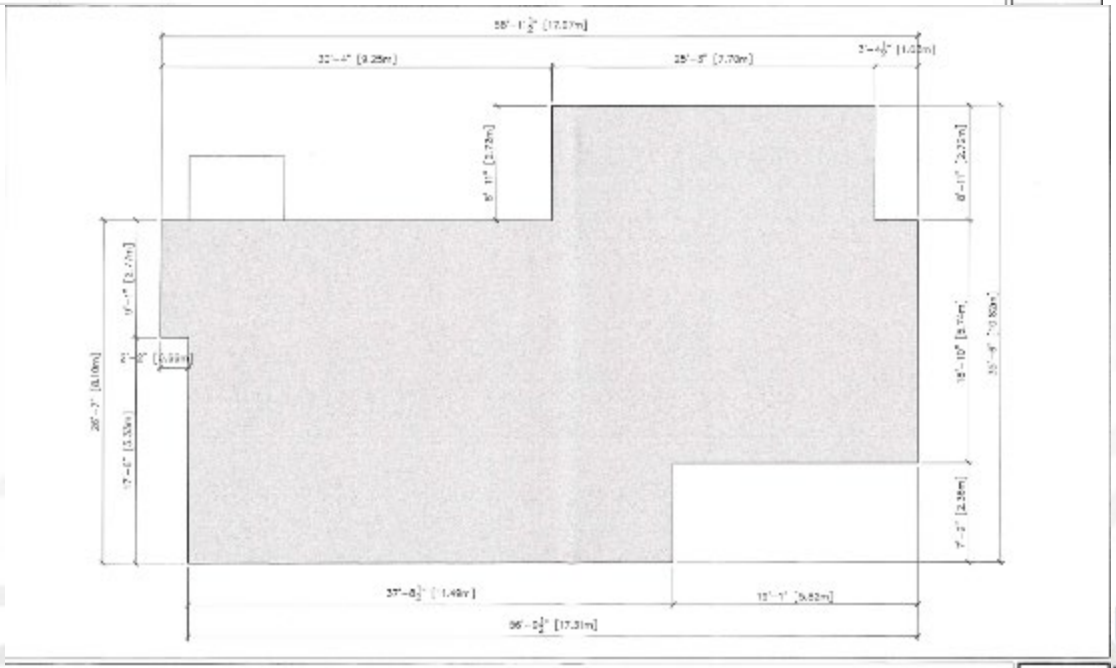
A-3 | 27 / 10 / 23 | 3/16"=1' | SOUTH ELEVATION PROPOSAL | MENARD - DEVIL LAKE | MPD



A-5 | 27 / 10 / 23 | 3/16"=1' | EAST AND WEST ELEVATIONS | MENARD - DEVIL LAKE | MPD



A-4 | 27 / 10 / 23 | 3/16"=1' | NORTH ELEVATION PROPOSAL | MENARD - DEVIL LAKE | MPD



A-2 | 27 / 10 / 23 | 3/16"=1' | BUILDING FOOTPRINT | MENARD - DEVIL LAKE | MPD



Rear of existing dwelling and area of proposed development



Front of existing dwelling



Towards waterfront from dwelling



Area of existing septic system

Department, Agency and Public Comments

- **Building Services** – No objection to approval – property has flexibility for siting of septic system.
- **Cataraqui Conservation** – No objection to approval. A permit under their regulation will be required prior to development.
- **Public Comments** – None received

Planning Analysis

- Minimal footprint compared to existing = 33.9sqm increase
  - Lot coverage increasing from 1.3% to 1.6%
- Setback of dwelling from lake is increasing by 2.2m
- New septic system to be in compliant location
- Proposed dwelling constructed in similar location as existing – minimize site disturbance/vegetation removal
- No visual impacts anticipated from height increase
- Conditions recommended related to controlling runoff, vegetation retention/removal, sediment erosion controls.

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Recommendation

- Approval
- Pending any comments received
- Subject to conditions
  - The application is approved in accordance with submitted drawings;
  - Development agreement to address runoff, erosion controls, vegetation retention.
  - Building permit is required for ALL demolition and construction on the property

Questions & Comments

1. Applicant/Agent
2. Members of the Public
3. Committee Member questions

PL-ZNA-2023-0124
Resolution and Vote

SOUTH FRONTENAC

Application PL-ZNA-2023-0125
Minor Variance

Applicant: Barry & Debbie Duff

Agent: Cameron McNutt

Property: 126 Mill Bay Lane

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Property Description

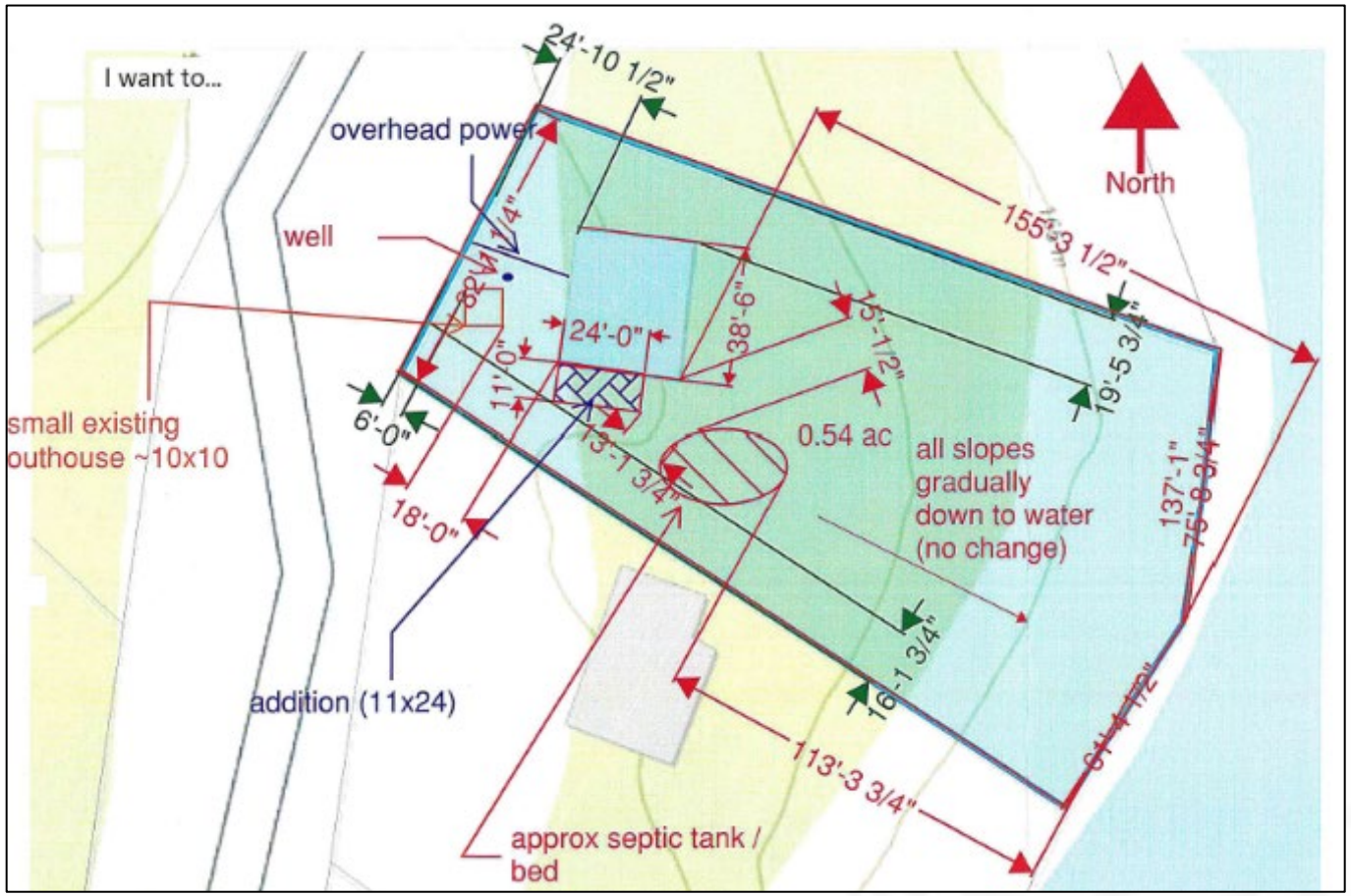
- Lot area of 0.54Ac (2185sqm) – frontage on Mill Bay Lane & Bob's Lake
- Existing Seasonal Dwelling w/ covered porch (1418sqft), attached deck/walkway (140sqft) & attached ramp (86sqft)
- Rural Designation
- RLSW Zone



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Proposal

- Proposed 264sqft addition
- Seeking relief from Zoning By-law to permit:
  - Increase in overall lot coverage to 8.2%
- Proposal would comply with all other requirements of the Zoning By-law



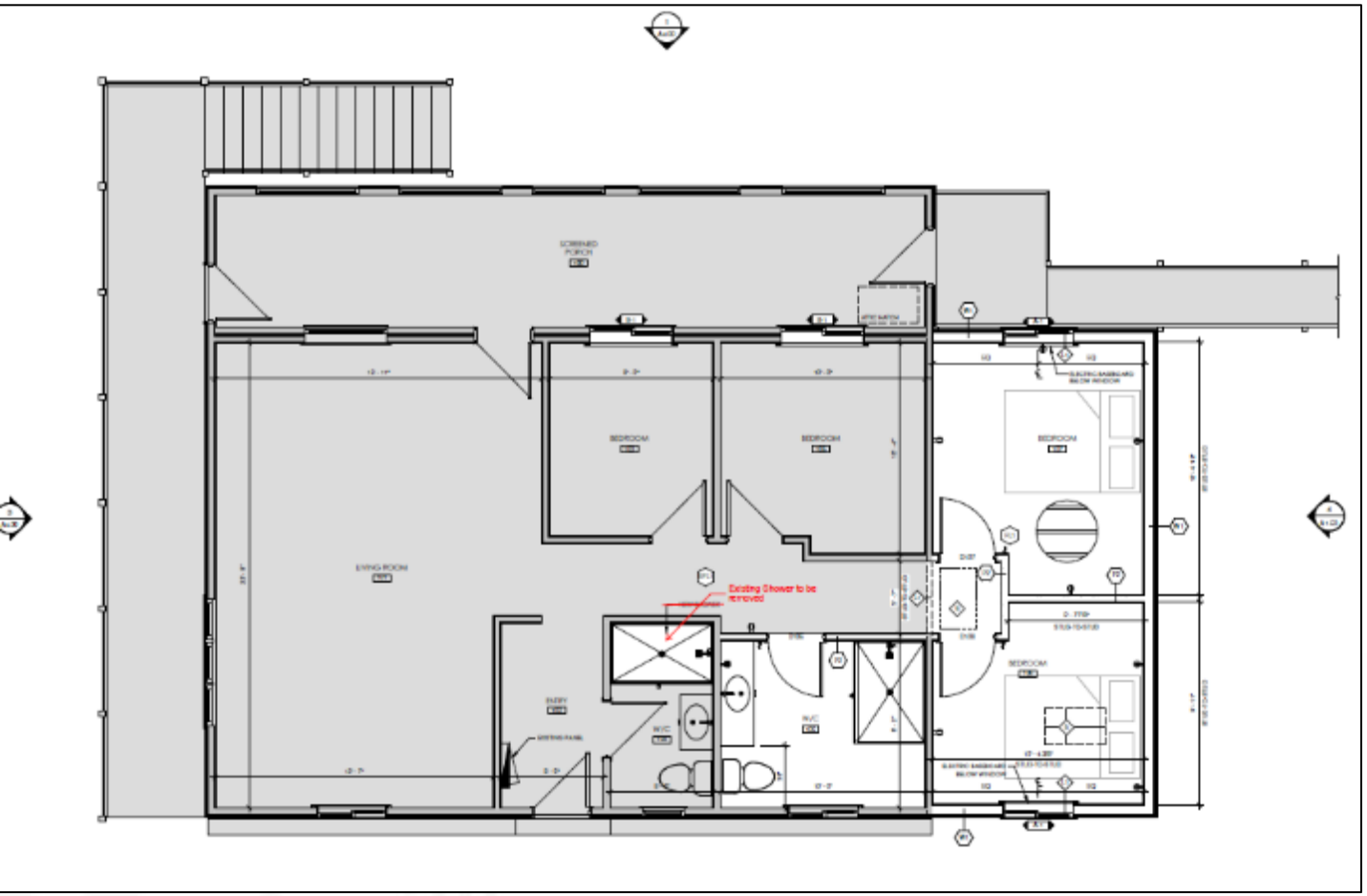
Proposed Site Plan



Rearview of existing dwelling (facing SE towards Bob's Lake)



Sideview of existing dwelling (addition to occur behind existing ramp)



Proposed floor plans



Conceptual image of dwelling with proposed addition

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Department, Agency and Public Comments

- **Building Services** – No objection
- **Rideau Valley Conservation –** No objection
- **Public Comment** – None received

Planning Analysis

Variance meets four tests of a minor variance

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

Recommendation

- Approval
- Pending any comments received
- Subject to condition:
  - Minor variance is for a 264sqft addition. Lot coverage is permitted to be a maximum of 8.2%. Location must be consistent with sketch submitted by applicant
  - Development agreement (erosion, runoff, maintenance of shoreline buffer)
  - Building permit for the proposed structure
  - Only applicable to Zoning By-law 2003-75

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Questions & Comments

1. Applicant/Agent
2. Members of the Public
3. Committee Member questions

PL-ZNA-2023-0125
Resolution and Vote

SOUTH FRONTENAC

Application PL-ZNA-2023-0126

Permission to Enlarge Legal Non-Conforming Use

Applicant: Warren & Tracey Goldie

Property: 1121A Beach Lane

SOUTH FRONTENAC

Property Description

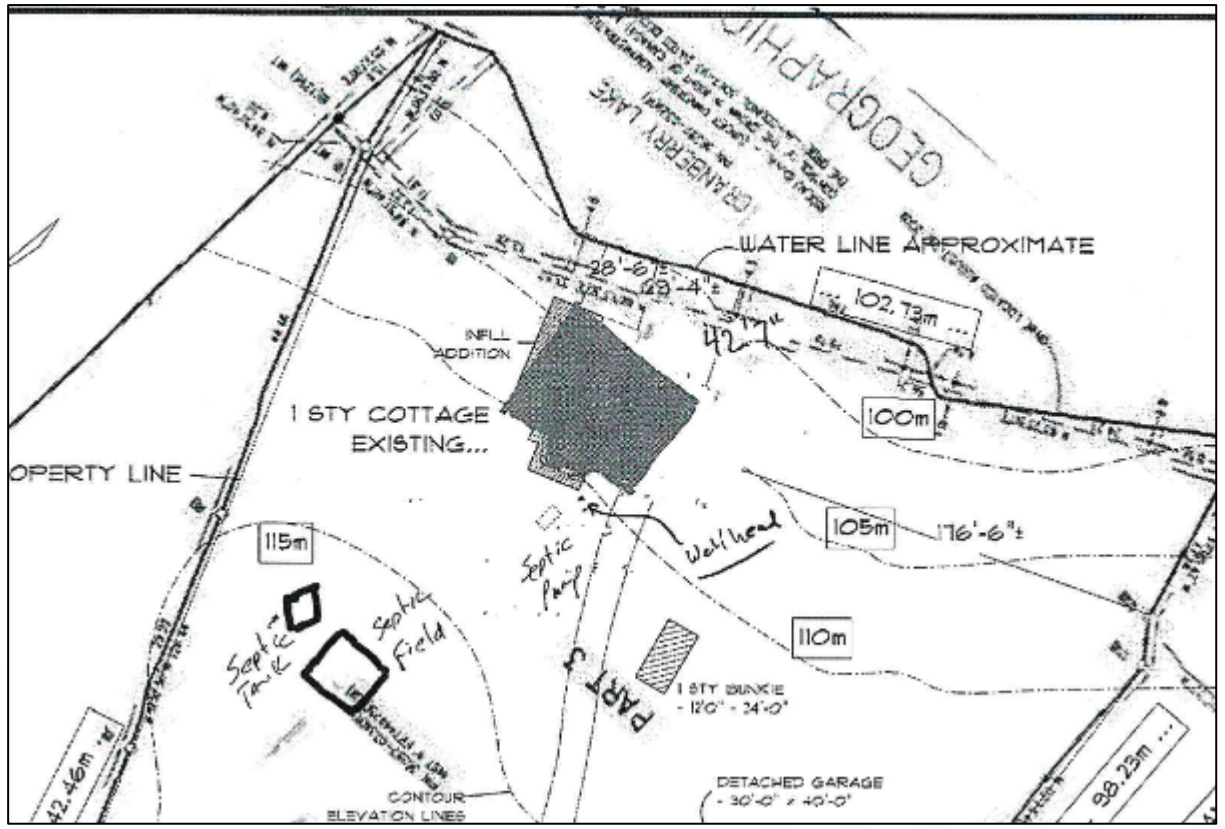
- Lot area of 1.05Ha with frontage on Cranberry Lake
- Existing seasonal dwelling (1606.2sqft) w/ attached deck (804sqft), detached garage & bunkie
- Dwelling setback 8.7m from HWM
- High bedrock bank along shoreline
- Rural Designation
- RLSW Zone



SOUTH FRONTENAC

Proposal

- Replace existing seasonal dwelling
- New dwelling built mostly within same building footprint (increase to 3850sqft; 358sqm) with reduce height
- Permission required to
  - Increase gross floor area to 5047sqft (469sqm)
- HWM setback of existing to be maintained (8.7m) – new dwelling to be re-oriented
- Maintain same top of bank setback (2m)



Proposed Site Plan

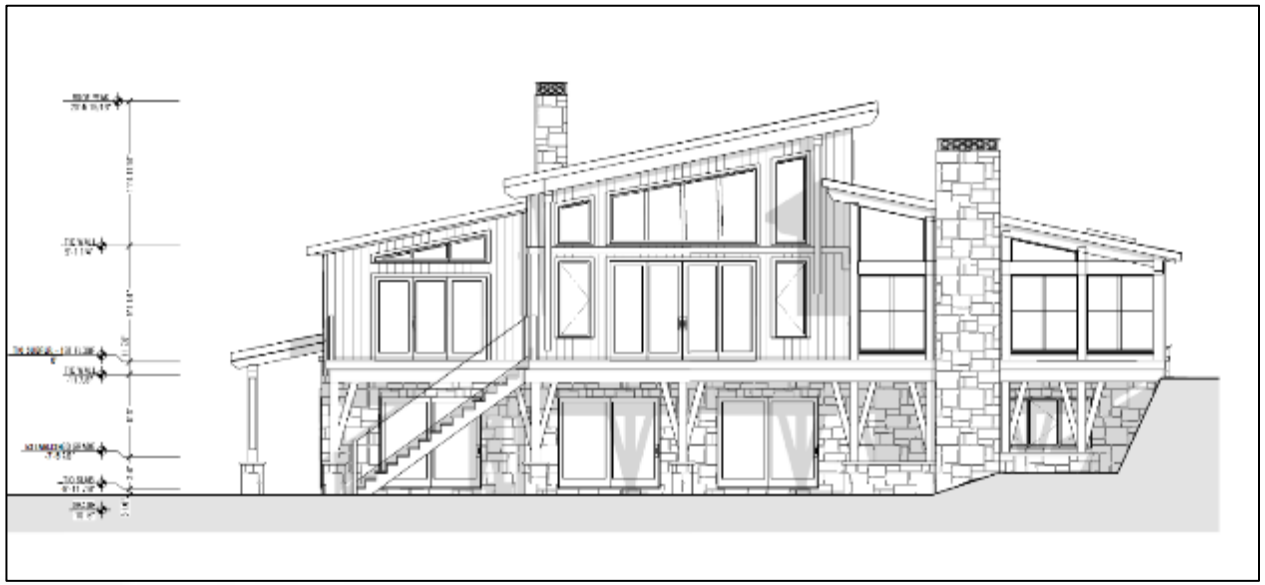
SOUTH FRONTENAC



Rearview of existing seasonal dwelling (looking south towards Cranberry Lake)



Front view of existing seasonal dwelling (bedrock slope to shoreline partially viewable)



Conceptual front view



Conceptual rearview

Supporting Documentation

- **Slope and Erosion Assessment (Concord Engineering, July 7, 2023)**
  - Proposed development would be founded on bedrock
  - No anticipated with erosion or global slope stability from building on bedrock
  - The proposed development may be safely regulated by the site conditions, corresponding to the current location of the dwelling

SOUTH FRONTENAC

Department, Agency and Public Comments

- **Building Services** – No objection
- **Rideau Waterway Development Review Team** – No objection
  - Slope and Erosion Assessment considered sufficient
- **Public Comment** – None received

Planning Analysis

- Existing seasonal dwelling is a legal non-conforming use setback 8.7m from the HWM of Cranberry Lake
- Enlargements of legal non-conforming uses require permission from the Committee of Adjustment
- No anticipated negative impacts to the environment or surrounding area
  - Maintain existing HWM setback, runoff control & maintenance of shoreline buffer would mitigate environmental impacts
  - Scale and density of development not out of character for the neighbourhood, reduction in height
- Desirable for the appropriate development of the lands
  - Existing dwelling deteriorating with age
  - Maintain same top of bank setback
  - Improve existing conditions

SOUTH FRONTENAC

Recommendation

- Approval
- Pending any comments received
- Subject to conditions
  - Permission to enlarge. Dwelling may have 3850sqft footprint area, 5047sqft gross floor area and 20.5ft building height, and be setback 8.7m from HWM of Cranberry Lake. Location and dimensions should be consistent with submitted drawing and plot plan.
  - Development agreement (erosion, runoff, maintenance of shoreline buffer)
    - Implement recommendations outline in Slope and Erosion Assessment
  - Building permit

SOUTH FRONTENAC

Questions & Comments

1. Applicant/Agent
2. Members of the Public
3. Committee Member questions

PL-ZNA-2023-0126
Resolution and Vote

SOUTH FRONTENAC

Application PL-ZNA-2023-0127

Minor Variance

Applicant: Vera Asanin

Property: 1023 Koen Lane

SOUTH FRONTENAC

Background

- The following enlargement proposal was referred from Building Services after it was discovered that work had begun without receiving building permit or the necessary planning approvals.

Property Description

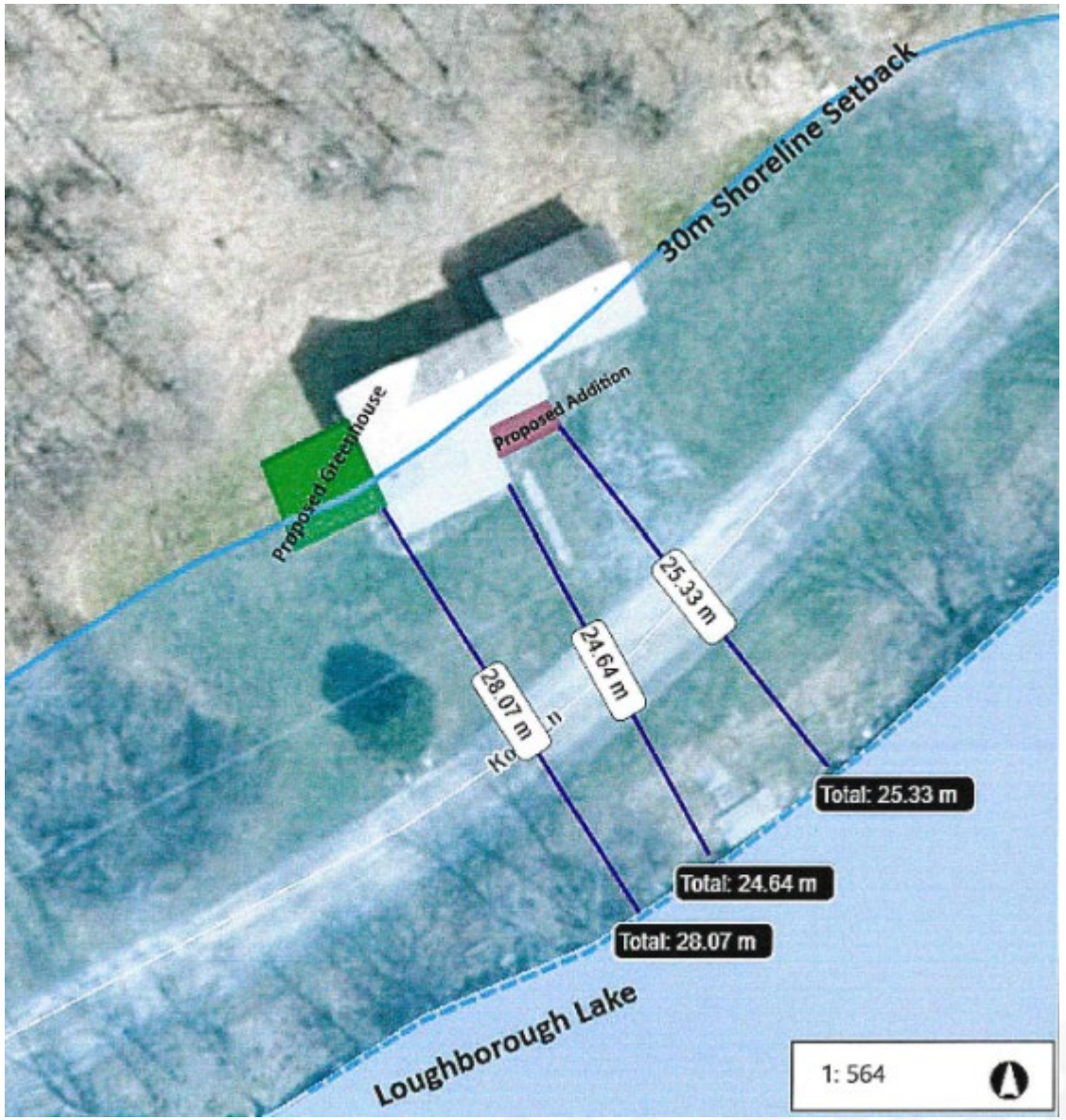
- Lot area of 21Ac – Frontage on Koen Lane & Loughborough Lake
- Existing 1291.7sqft two-storey dwelling (Red) & detached storage barn (purple)
- HWM setback
  - Dwelling: 25m
- Rural Designation
- Rural Zone



SOUTH FRONTENAC

Proposal

- Enlarge dwelling
  - Enclose portion of covered deck
  - Add greenhouse
  - Increase height
- Permission to
  - Increase GFA to 2917.1sqft
  - Increase height to 25.25ft
- Maintain existing HWM setback (25m)
- Acknowledge garage addition to north side of dwelling, setback more than 30m from HWM of Loughborough Lake



Proposed Site Plan

SOUTH FRONTENAC



Front view of existing dwelling (Facing north; enclosed porch shown in red)



Side view of dwelling (Approximate location of proposed greenhouse)

Department, Agency and Public Comments

- **Building Services** – Applicant required to replace existing sewage system
- **Cataraqui Conservation** – did not require formal circulation as the renovation is to occur outside their area of regulation
- **Public Comment** – None received

Planning Analysis

- Existing dwelling is a legal non-conforming use, setback 25m from the HWM of Loughborough Lake
- Enlargements of legal non-conforming uses require permission from the Committee of Adjustment
- No anticipated negative impacts on the environment or surrounding area:
  - None anticipated due to the modest size of the addition, recommended development agreement and maintenance of existing 25m HWM setback
- Desirable for the appropriate development of the lands
  - Dwelling has deteriorated in quality with age and sat vacant for some time
  - Enlargement provides opportunity to revitalize the dwelling and make it livable once again

SOUTH FRONTENAC

Recommendation

- Approval
- Pending any comments received
- Subject to conditions
  - Permission is granted to enlarge the existing dwelling. The dwelling may be enlarged to a GFA of 2917.1sqft and a height of 25.25ft, setback 25m from the HWM of Loughborough Lake. Location and Dimensions should be consistent with submitted plot plans.
  - Development agreement (runoff, erosion, maintenance of shoreline vegetation)
  - Building permit

SOUTH FRONTENAC

Questions & Comments

1. Applicant/Agent
2. Members of the Public
3. Committee Member questions

PL-ZNA-2023-0127
Resolution and Vote

Consent Granting Authority Report

- **PL-BDJ-2023-0079 (Tasneem) (ZanderPlan) - Loughborough**
  - The purpose of this consent application was for the creation of one waterfront residential lot, being 6.2 hectares in area, and having frontage on 14 Island Lake. The newly created parcel would be accessed via an extension of Stewart Lane.
- **PL-BDJ-2023-0106 (Creasy) - Storrington**
  - The purpose of this consent application was for the creation of one rural residential lot from property municipally known as 4371 Duff Road, being 0.8 hectares in area, with 76 metres of frontage on Keir Road.
- **PL-BDJ-2023-0118 (Schenkel) (Whiticar) - Bedford**
  - The purpose of this consent application was for one residential lot addition, being 0.13 hectares in area, from property municipally known as 1115 Lee Lane.

SOUTH FRONTENAC

Consent Granting Authority (cont'd)

- **PL-BDJ-2022-0056 (Bechard) - Bedford**
  - The purpose of this consent application was for the creation of one waterfront residential lot from property municipally known as 223 Sleapview Lane, being 3.4 hectares in area, with 103 metres of frontage on Sleapview Lane and 205 metres of frontage on Desert Lake
- **PL-BDJ-2023-0114 (Cumpson) - Storrington**
  - The purpose of this consent application was for one residential lot addition, being 0.19 acres in area, from property municipally known as 4403 Latimer Road.
- **PL-BDJ-2023-0115 (Sanderson) - Portland**
  - The purpose of this consent application was for one new rural residential lot from property municipally known as 3786 McConnel Road, being 1.5 hectares in area.

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, Doug Morey, Steve Pegrum, Randy Ruttan, Alan Revill, Brett Moreland, Kevin Fox, Mike Howe

Absent:

Staff: Christine Woods, Senior Planner, Tom Fehr, Planner, Noah Perron, Planner, Kate Kaestner, Planning Clerk & Secretary-Treasurer

1 Call to Order

2 Adoption of Agenda

a) Resolution.

Resolution No. 2023-10-02

Moved by: Norm Roberts

Seconded by: Kevin Fox

THAT The Committee of Adjustment adopts the agenda for the November 09, 2023 Committee of Adjustment meeting.

Carried

3 Electronic Meeting Information

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

b) A PowerPoint Presentation, prepared by Township Staff, was displayed on the screen of the meeting.

4 Declaration of pecuniary interest

a) None declared.

5 Approval of Minutes – October 12, 2023 Meeting

a) Resolution.

Resolution No. 2023-10-03

Moved by Kevin Fox

Seconded by: Norm Roberts

THAT the Committee of Adjustment approves the minutes of the October 12, 2023 Committee of Adjustment meeting.

Carried

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

7 New Consent Applications:

a) PL-BDJ-2023-0103 (Deroche) - Loughborough

Property Address: 1048 Shallow Lane

Purpose & Effect of the Application:

Consent for the creation of one new limited-service residential lot, being 2.0 acres in area, with frontage on Shallow Lane. The retained property would be 2.5 acres in area with frontage on Dusty Lane and Sydenham Lake.

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

Randy Ruttan, Chair, inquired as to whether there were any questions from the applicant, heir agent or members of the public regarding this application.

Gay Beckwith, neighbouring property owner, stated that he had no objections to the proposed severance, however, he was concerned that the survey sketch that was circulated for the application was not the most up-to-date version and did not accurate depict the existing easements.

Mr. Perron replied that should the application be approved, a new survey would be a required condition, and that survey would portray the most current information with respect to property lines and any easements. He stated that the Planning Department does not require the application sketch to be a plan of survey.

Chair Ruttan inquired, 2 more times as to whether there were any further comments from the applicant, their agent or members of the public surrounding this application. None heard.

Chair Ruttan inquired as to whether the members of the Committee had any questions or comments regarding this application. (None heard).

Resolution No. 2023-10-04

Moved by: Alan Revill

Seconded by: Steve Pegrum
THAT the Committee of Adjustment approves Consent application PL-BDJ-2023-0103 for property municipally known as 1048 Shallow Lane for the creation of one new limited-service residential lot, to be a minimum of 2.0 acres in area and fronting on Shallow Lane, subject to conditions.

Carried

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

a) PL-ZNA-2023-0046 (Sheridan) - Bedford District

Property Address: 144 Timmerman Road

Purpose & Effect of the Application:

To permit a 98.2 sqm detached accessory structure to be setback 3.4 metres from the front lot line, whereas the Zoning By-Law requires 20 metres.

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

Chair Ruttan inquired, 3 times, as to whether there were any comments from the applicant, their agent, or members of the public regarding the application. (None heard).

Chair Ruttan asked members of the Committee whether they had any comments or questions regarding this application. (None heard).

Resolution No. 2023-10-05

Moved by: Steve Pegrum

Seconded by: Alan Revill
THAT the Committee of Adjustment approves Minor Variance application PL-ZNA-2023-0046 for property municipally known as 144 Timmerman Road, to permit a 98.2 square metre detached accessory structure to be setback 3.4 metres from the front lot line, subject to conditions.

Carried

9 New Minor Variance / Permission Applications:

a) PL-ZNA-2023-0105 (Todd) - Loughborough District

Property Address: 5970 Bedford Road

Purpose & Effect of the Application:

To request permission under Section 45(2) of the Planning Act to enlarge an existing 40.1sqm single storey legal non-conforming dwelling located within 30m of the highwater mark of Cronk Lake. The existing dwelling is also non-conforming as it is one of three dwellings currently on the property. The existing building will be raised and a new foundation and ground floor storey will be added underneath the existing structure. The footprint of the structure will also be expanded with an addition with a ground floor area of 10.4sqm. The addition will extend closer to the water than the existing dwelling. The gross floor area of the structure will increase from 40.1sqm to 101sqm and the height of the structure will increase from 4.3m to 6.6m

Tom Fehr, Planner, delivered his report to the Committee with a staff recommendation of approval of the application, subject to conditions.

Chair Ruttan inquired, 3 times, as to whether there were any comments from the applicant, their agent or the public regarding the application. (None heard).

Chair Ruttan inquired as to whether there were any questions or comments from Committee Members regarding the application.

Committee Member Mike Howe stated that he had attended the property and noted that it was quite small and constrained. He referenced a written comment from a neighbouring land owner, and questioned the suitabiilty of the septic system on the property with respect to serving the proposed development.

Mr. Fehr replied that the Township was able to locate the septic permit records for all 3 septic systems on the property, confirming that they were installed with

permits, and confirmed that the suitability of the septic system in relation to the proposed development would be addressed by the Building department at the building permit stage.

Chair Ruttan inquired again as to whether there were any further questions from Committee members regarding the application. (None heard).

Resolution No. 2023-10-06

Moved by: Alan Revill

Seconded by: Steve Pegrum

THAT application PL-ZNA-2023-0105 for property municipally known as 5970 Bedford Road is granted permission to enlarge the existing legal non-conforming dwelling to have 101 square metres in gross floor area, 50.5 square metres in ground floor area, and a height of 6.6 metres; subject to conditions.

Carried

b) PL-ZNA-2023-0110 (Wilson) - Storrington District

Property Address: 20500 Bearberry Island

Purpose & Effect of the Application:

To request permission under Section 45(2) of the Planning Act to enlarge a legal non-conforming use. The subject property contains a seasonal dwelling with a gross floor area of 134.5sqm and a height of 4.8m, setback 6.3m from Loughborough Lake. The applicant is proposing a new enlarged seasonal dwelling with a gross floor area of 251.5sqm and a height of 8.2m, setback 9.7m from Loughborough Lake. The proposed dwelling would occupy a lesser footprint but would include an additional storey.

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

Chair Ruttan inquired, 3 times, as to whether there were any comments from the applicant, their agent, or the public. (None heard).

Chair Ruttan asked Committee members as to whether they had any questions or comments with respect to the application. (None heard).

Resolution No. 2023-10-07

Moved by: Doug Morey

Seconded by: Kevin Fox

THAT application PL-ZNA-2023-0110 for property municipally known as 20500 Bearberry Island be granted permission to enlarge the legal-non conforming dwelling to have a gross floor area of 251.5 square metres and a height of 8.2 metres, and to be setback 9.7 metres from the highwater mark of Loughborough Lake, subject to conditions.

Carried

c) PL-ZNA-2023-0122 (Pritchard) - Bedford District

Property Address: 55 Oak Shores Crescent

Purpose & Effect of the Application:

To request permission under Section 45(2) of the Planning Act to enlarge an existing 70.6sqm deck attached to an existing dwelling. The existing deck and dwelling are legal non-conforming due to being located within 30m of the highwater mark of Bob's Lake. The existing deck is set back 16.7m from the lake and wraps around the dwelling on three sides. The deck attached to the west side of the dwelling has been expanded. The new overall area of the deck is 91.7sqm and it is set back 15.2m from Bob's Lake. The deck has been reconstructed and expanded prior to the granting of the required approvals and building permits

Tom Fehr, Planner, delivered his report to the Committee with a staff recommendation of approval of the application, subject to conditions.

Chair Ruttan inquired, 3 times, whether there were any comments from the applicant, their agent or members of the public with respect to the application. (None heard).

Chair Ruttan inquired as to whether there were any questions or comments from Committee members.

Steve Pegrum, Councillor and Committee Member, noted that the Committee does not like to see development that has taken place prior to obtaining the appropriate approvals and permits, and inquired as to what recourse there has been for this occurrence. He also inquired as to whether any of the concerns of the neighbouring property owner had been addressed.

Mr. Fehr replied that one of the conditions of approval of the application is that the applicant would be required to obtain the appropriate building permits for the construction, and that there would be recourse under the building Code Act should be not obtain those permits.

Mr. Fehr stated that with respect to the concerns raised by the neighbour, the Township is working with the property owner to ensure that the property is brought into compliance with the zoning by-law. He also stated that the subject application was circulated in accordance with the provisions outlined in the Planning Act.

Chair Ruttan inquired why the applicant is only now asking for permission when the work has already been completed.

Mr. Fehr stated that in order to obtain he required building permit, the property owner first has to receive permission from the Committee so that the proposal would be in compliance with all applicable law and the permit could be issued.

Chair Ruttan inquired as to whether there would be the required inspections on the deck with respect to it's safe construction.

Mr. Fehr confirmed that once the building department would be inspecting the deck and ensuring it's compliance with the Ontario Building Code.

Committee Member Alan Revill echoed his frustration with the fact that the construction had taken place prior to obtaining the proper approvals, however,

with the department recommending approval, it may not be fruitful to deny the application.

Committee Member and Councillor Norm Roberts inquired as to whether the applicant would be forced to remove the deck should the application be denied.

Christine Woods, Senior Planner, stated that the construction was originally discovered by a Building Inspector. When this occurs, the property owner is issued an order and given two options: either apply for and obtain all required approvals and permits, or to remove the structure. It is up to the owner how to proceed. If they wish to keep the deck, then there is a process that needs to be followed. There was already an existing deck on the dwelling which was rebuilt, and this application is for the small extension of the deck. If approved, they will then need to prove to the building department that it was constructed in compliance with the OBC.

Mr. Pegrum inquired as to whether there was any sort of penalty for doing construction without the required approvals or permits.

Ms. Woods stated that the application fee and the building permit fees are both increased when development occurs prior to obtaining the proper approvals.

Mr. Howe expressed his hope that there are consequences and that the public hears and understands that the rules must be followed, and permits must be obtained prior to commencing construction.

Resolution No. 2023-10-08

Moved by: Steve Pegrum

Seconded by: Mike Howe

THAT application PL-ZNA-2023-0122 for property municipally known as 55 Oak Shores Lane is granted permission to enlarge the existing deck to be 91.7 square metres in area and to be setback 15.2 metres from the highwater mark of Bob's Lake; subject to conditions.

Carried

d) PL-ZNA-2023-0123 (Kaack) - Loughborough District

Property Address: 7248 Perth Road

Purpose & Effect of Application:

The applicant proposes to construct a 97.7sqm single detached dwelling, a new septic system, a 32sqm detached garage, and relocate two existing 9sqm sheds on the property. Minor variances are being requested for relief from the 15m top of bank setback as well as from the 30m setback from a watercourse that runs through the property. The proposed setbacks from the watercourse are 22m for the single detached dwelling, 21m for the septic system, 22m for the detached garage, and 18m for the sheds. The proposed setbacks from top of bank are 6m for the single detached dwelling, 6.5m for the septic system, 22m for the detached garage, and 10m for the sheds.

Tom Fehr, Planner, delivered his report to the Committee with a staff recommendation of approval of the application, subject to conditions.

Chair Ruttan inquired, 3 times, as to whether there were any comments from the applicant, their agent, or members of the public regarding the application. (None heard).

Chair Ruttan inquired as to whether there were any comments or questions from members of the Committee.

Mr. Howe stated that he had visited the property and noted that it was very narrow. He inquired as to how concerns regarding the contamination from runoff during construction.

Mr. Fehr stated that the Development Agreement, which would be a condition of approval, would speak to the requirements surrounding runoff and protection of the waterbody.

Committee member and Councillor Doug Morey stated that while he appreciated that a Development Agreement was going to be put into place, he inquired as to how the Agreement is enforced, and whether it is purely complaint based or whether there is active monitoring that occurs at the site during construction by someone who is knowledgeable on the protection of watercourses.

Ms. Woods stated that there isn't active monitoring of the requirements of the Agreement(s) but that the Building Inspectors are aware that the Agreement is in place and what the Agreement speaks to. When they are on site and they observe something that is of concern they will raise that concern with the Planning Department. One of the requirements under the Agreement is for sediment and erosion control, which usually requires a silt fence at the top of the ridge so that no materials enter into the watercourse.

Mr. Pegrum stated that when he attended the site, he noticed a rock ridge between the proposed development area and the waterbody and he suspects that this ridge will help to act as a buffer during construction.

Resolution No. 2023-10-09

Moved by: Mike Howe

Seconded by: Steve Pegrum

THAT the Committee of Adjustment approves minor variance application PL-ZNA-2023-0123 for property municipally known as 7248 Perth Road to permit a 97.7 square metre single detached dwelling to be located 22 metres from the highwater mark and 6 metres from the top of bank , a septic system to be located 21 metres from the highwater mark and 6.5 metres from the top of bank, to permit a 32 square metre detached garage to be located 22 metres from the highwater mark, and to permit two (2) 9 square metre accessory buildings, being storage sheds, to be located 10 metres from the top of bank and 18 metres from the watercourse; subject to conditions.

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. 2023-10-010
Moved by: Kevin Fox

Seconded by: Doug Morey

THAT the November 09, 2023 meeting of the Committee of Adjustment for the Township of South Frontenac is hereby adjourned at :02 pm to reconvene on Thursday, December 14, 2023 at 7:00pm or at the call of the Chair.

Carried

_____
Randy Ruttan, Chair

Township of South Frontenac
Committee of Adjustment Meeting
Minutes

Meeting #

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

Present: Norm Roberts, Doug Morey, Steve Pegrum, Randy Ruttan, Alan Revill, Brett Moreland, Kevin Fox, Mike Howe, Tony Fleming (Municipal Solicitor)

Absent:

Staff: Christine Woods, Senior Planner, Tom Fehr, Planner, Noah Perron, Planner, Kate Kaestner, Planning Clerk & Secretary-Treasurer, James Thompson, Clerk

1 Call to Order

2 Adoption of Agenda

a) Resolution.

Resolution No. 2023-11-02

Moved by: Norm Roberts

Seconded by: Kevin Fox

THAT the Committee of Adjustment adopts the Agenda for the special November 15th, 2023 Committee of Adjustment meeting.

Carried

3 Scheduled Closed Session

a) Resolution

Councillor and Committee Member Norm Roberts inquired as to why the Committee had to go into Closed Session for training purposes.

James Thompson, Clerk, replied that under section 239(1) 3.1 of the Municipal Act, Committees of Council can go into closed session for the purposes of education and training.

Resolution No. 2023-11-03
Moved by: Alan Revill

Seconded by: Steve Pegrum

THAT the Committee of Adjustment resolve into Closed Session as permitted by Section 239 (1) 3.1 of the *Municipal Act*, for the purposes of education and training.

Carried

b) Education/Training session - Committee Procedure

c) Resolution

Resolution No. 2023-11-04

Moved by: Steve Pegrum

Seconded by: Alan Revill

THAT the Committee of Adjustment rise from "Closed Meeting" without reporting.

Carried

4 Adjournment

a) Resolution.

Resolution No. 2023-11-05

Moved by: Alan Revill

Seconded by: Steve Pegrum

THAT the November 15, 2023 special meeting for the Committee of Adjustment is hereby adjourned at 9:00 pm, to reconvene on Thursday December 14th, 2023 or at the call of the Chair.

Carried

_____

Randy Ruttan, Chair

SOUTH FRONTENAC

Consent Application

Orange Parcel

Application Requirements

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

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

Pre-consultation meeting fee	$105.00

☐ 2. One hard copy of this completed application form signed and commissioned.

☐ 3. A Sketch of your proposal (see Question 25 for details on what to include). The sketch must be drawn with accurate dimensions and measurements. It is recommended that you take your time to carefully assemble the data and crate the sketch. You may wish to secure the assistance of a person who specializes in the drafting of sketches.

☐ 4. The applicable **non-refundable** application fee, payable to the Township of South Frontenac:

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

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

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

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

☐ 6. Required studies & Supporting Information identified at pre-consultation (if applicable)

☐ 7. Deed or transfer, or authorization for Township Staff to acquire title documents (if applicable)

TOWNSHIP OF SOUTH FRONTENAC CONSENT APPLICATION

Collection of Personal Information:

Personal information requested on the application form is required under the *Planning* Act. This information will be used by the Township for the purpose of reviewing the application. It may be made available to those boards, Commissions, Authorities, Agencies and Persons having an interest in this matter. Any questions regarding the collection of this information should be directed to the Secretary Treasurer of the Committee of Adjustment (P.O. Box 100, Sydenham, Ont., K0H 2T0, Phone 613-376-3027 ext. 2224).

What is considered when reviewing an application?

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

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

TOWNSHIP OF SOUTH FRONTENAC CONSENT APPLICATION

For Office Use Only

Date Received: _____ File Number: _____

1. Name of Owner(s): Bert Hughson

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

Phone number of Owner(s): [redacted]

Email Address of Owner(s): [redacted]

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

Name of Authorized Applicant/Agent: The Boulevard Group (Jason Sands)

Full Mailing Address of Authorized Applicant/Agent: [redacted]

Phone number of Authorized Applicant/Agent: [redacted]

Email Address of Authorized Applicant/Agent: [redacted]

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

[redacted]

Signature(s) of Owner(s)

Communications are to be sent to: ☐ Owner(s) ☑ Agent

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

[redacted]

(Signature of the property owner) (Signature of the property owner) July 3, 2023 (Date)

TOWNSHIP OF SOUTH FRONTENAC CONSENT APPLICATION

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

☑ Yes ☐ No Date Fee Paid: As part of Formal submission

Name of Planner: Noah Perron Date of Meeting: June 12, 2023

5. The description of the subject land:

District: ☐ Bedford ☐ Portland ☐ Loughborough ☑ Storrington

Civic Address: Unaddressed Sydenham Road

Concession Number: 7 Lot Number: 14 & 15

Reference Plan Number: 13R-4613 Part Number(s): 2

Roll Number: 1029-060-010-02102

Property Identification Number (PIN): Unknown

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

Frontage on water (m): N/A Frontage on road/lane (m): +/- 250m / +/- 845m

Name of Waterbody: N/A Name of Road/Lane: Horning / Sydenham

Depth(m): +/- 480m Area(acres/ha): +/- 58 acres

7. Select the type of consent being applied for:

☑ Creation of a New Lot
☐ Easement (right of way)
☐ Lot Addition
☐ Charge/Discharge of Mortgage
☐ Correction of Title
☐ Lease
☐ Other:

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

consent application seeking to create a new vacant parcel expected to be developed with residential uses in the future while maintaining the existing agricultural uses on the proposed retained parcel.

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

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

	Severed Lot (Proposed new lot):	Retained Lot:
Frontage on Road/Lane (m):	+/- 80m	+/- 250m Horning Rd / +/- 845m Sydenham
Name of Road/Lane:	Horning Road	Horning Rd & Sydenham Rd
Frontage on Water (m):	N/A	N/A
Name of Waterbody:	N/A	N/A
Depth (m):	+/- 130m	+/- 400m
Acres (acres or ha):	+/- 2.5 acres	+/- 50 acres

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

	Severed Lot (Proposed new lot):	Retained Lot:
Existing Use of Lot:	Vacant - underutilized	Agricultural
Existing Buildings/Structures:	Vacant	Agricultural
Proposed Use of Lot:	Residential	Agricultural
Proposed Buildings/Structures:	Unknown	None

10. LOT ADDITION – Complete this section ONLY if you are applying for a lot addition.

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

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

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

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

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

	Lot Addition:	**Retained Lands:**	**Benefitting Lands:**
Existing Use of Lot:			
Existing Buildings/Structures:			
Proposed Use of Lot:			
Proposed Buildings/Structures:			

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

Length:_____ Depth: _____ Width: _____ Area: _____

Civic address of Benefitting lands:_____

Roll Number of Benefitting Lands: _____

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

_____

_____

_____

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

(NEW LOT) Severed Parcel		Retained Parcel	
☐	Municipal water system	☐	Municipal water system
☑	Privately owned and operated well	☑	Privately owned and operated well
☐	Lake water	☐	Lake water
☐	Other: _____	☐	Other: _____

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

(NEW LOT) Severed Parcel		Retained Parcel (None)	
☐	Publicly owned and operated communal septic system	☐	Publicly owned and operated communal septic system
☐	Privately owned and operated individual septic system:	☐	Privately owned and operated individual septic system:
☑	Leaching Bed (Class 4)	☐	Leaching bed (Class 4)
☐	Holding Tank (Class 5)	☐	Holding Tank (Class 5)
☐	Greywater Pit (Class 2)	☐	Greywater Pit (Class 2)
☐	Privy/Outhouse (Class 1)	☐	Privy/Outhouse (Class 1)

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

Unknown

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

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

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

17. Name of road or lane which accesses:

The new lot (lot addition or Right of Way): Horning Road

The retained lot: Sydenham Road

Please indicate whether access to the land will be by:

☐	Provincial highway	☐	Lane
☑	Municipal Road - maintained year round	☐	A right of way
☐	Municipal Road - seasonally maintained	☐	Water (see next page)

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

The New Lot: _____

The Retained Lot: _____

18. What is the zoning of the subject lands? (Check www.frontenacmaps.ca)

RU

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

Rural

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

The subject property is designated Rural in the Township offical Plan, and in our opinion the proposed residential intensification is appropriate in scale and density in accordance with section 5.7.4 of the Plan - specifically 5.7.4(1) which recognizes the form of single detached dwellings.

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

☑ Yes ☐ No ☐ Unknown

Please explain:

The proposed lot creation in the rural area to facilitate limited rural residential development is appropriate and does not seek to cause enviromental or public health & safety concerns (section 1.1.1 c), will not prevent the efficient expansion of settlement areas (section 1.1.1 d), uses rural infrastructure & avoids unjustified & uneconomical expansion (Section 1.1.3.2 b), is compatible with rural landscape (Section 1.1.5.4) and is compliant with provincial minimum distance separation formulae (Section 1.1.5.8) as well as individual on-site sewage (section 1.6.6.4). Overall our opinion is that the proposal is consistent with the 2020 PPS.

22. Has the subject land ever been, or is currently, the subject of an application for approval of a plan of subdivision under section 51 of the *Planning Act*, for a consent under section 53 of the *Planning Act*, for a minor variance, for approval of a site plan, or for an amendment to an official plan, an amendment to the zoning by-law or a Minister's zoning order? Complete all applicable

☐ Yes ☐ No ☑ Unknown			
Application Type	Application Number	Date of Application	Decision
☐ Plan of Subdivision			
☐ Consent			
☐ Minor Variance			
☐ Site Plan Approval			
☐ Official Plan Amendment			
☐ Zoning By-law Amendment			
☐ Minister's Zoning Order			

23. Has land been previously severed from the subject property, since September 5, 2000? If yes, please provide date of transfer; name of transferee and uses of the land.

☐ Yes _____ ☑ No

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

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

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

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

TOWNSHIP OF SOUTH FRONTENAC CONSENT APPLICATION

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

The sketch must include the following:

☐ A directional arrow with North at the top of the page.

☐ The boundaries and dimensions of the whole property. LABEL the part that is to be severed and the part that is to be retained, including the total area (acres or hectares), road frontages on all roads/lanes for each and waterbodies.

☐ Indicate if the owner of the subject property also owns other lands near the proposal.

☐ The distance between the subject land and the nearest road, bridge or railway crossing

☐ The location of all land previously severed from the parcel (if applicable) originally acquired by the current owner of the subject land.

☐ All natural and artificial features that are located on the subject property and on land beside the subject property. Please label and show the approximate location of:

a. Existing Buildings, wells and septic systems, bridges, railways, roads, hydro lines

b. Waterbodies, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas

c. Landfills, propane facility, quarry's and pits

d. Barns

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

☐ Please include any information on natural and artificial features (as listed above) that in the applicant's opinion may affect the application

☐ Please indicate the current uses of land that is surrounding the property, such as residential, agricultural and commercial uses (if agricultural, please indicate the approximate distance of any barn structure from the proposed new lot).

☐ The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way.

☐ If access to the subject land is by water only, please show the location of the parking and boat docking facilities to be used, and the title documents to demonstrate legal deeded use of these facilities

☐ The location and nature of any easement affecting the subject land.

☐ The location of any abandoned wells on the property

PERMISSION, ACKNOWLEDGEMENT, AGREEMENT AND DECLARATION OF APPLICATION

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

ACKNOWLEDGEMENT OF ADDITIONAL REQUIREMENTS

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

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

AGREEMENT TO INDEMNIFY

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

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

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

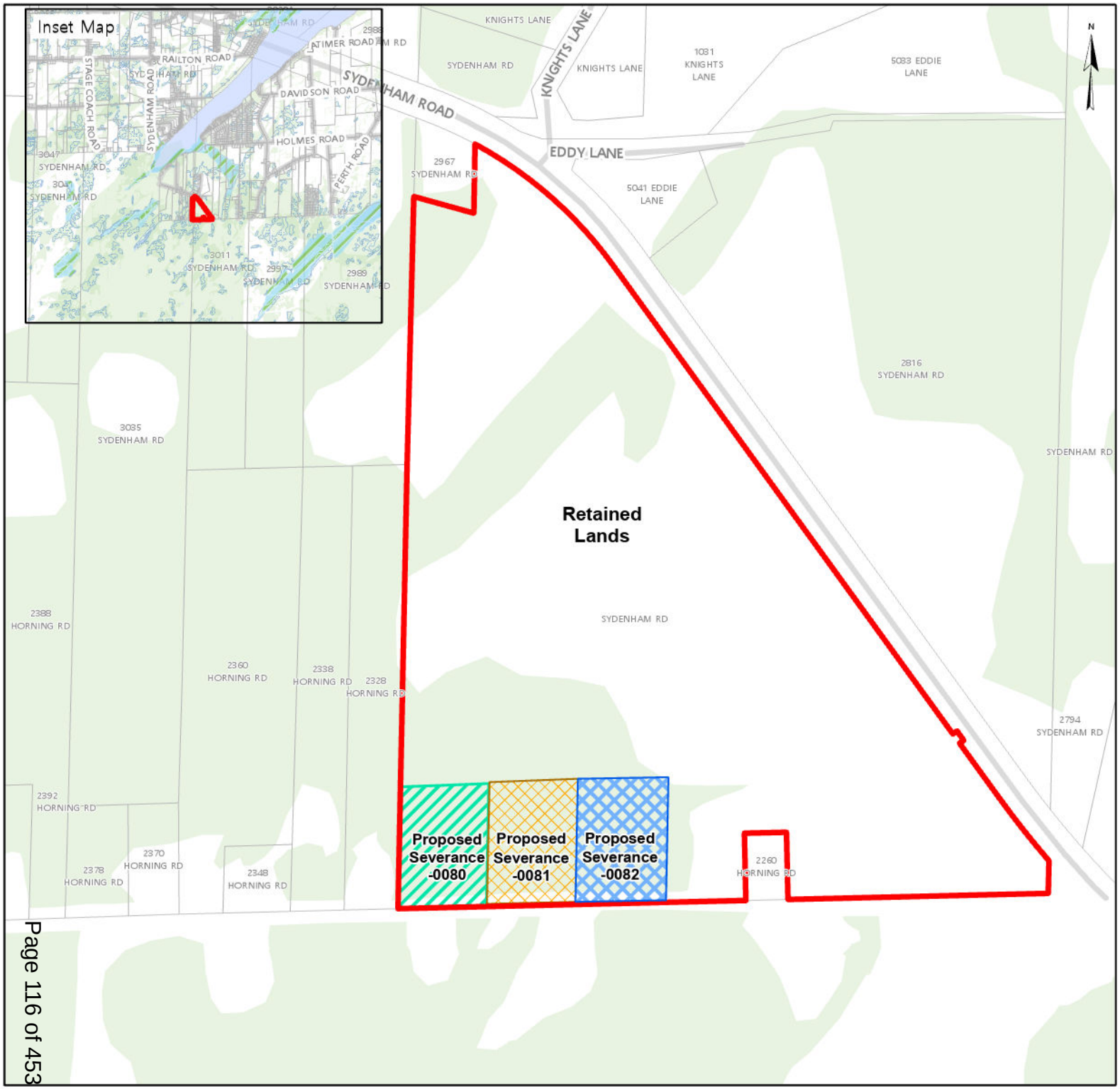
TOWNSHIP OF SOUTH FRONTENAC CONSENT APPLICATION

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

DECLARATION FOR THE PRESCRIBED INFORMATION

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





SOUTH FRONTENAC

PL-BDJ-2023-0080/81/82
(HUGHSON)
(THE BOULEVARD GROUP)
HORNING ROAD &
SYDENHAM ROAD

Legend

- Subject Property
- Proposed Severance 3
- Proposed Severance 2
- Proposed Severance 1
- Wooded Area
- Lake Trout Lake - At Capacity
- Lake Trout Lake - Not at Capacity
- Non-Lake Trout Lake - At Capacity
- Waterbody
- Road

Produced by the County of Frontenac under license with the Ontario Ministry of Natural Resources © King's Printer for Ontario, 2022.

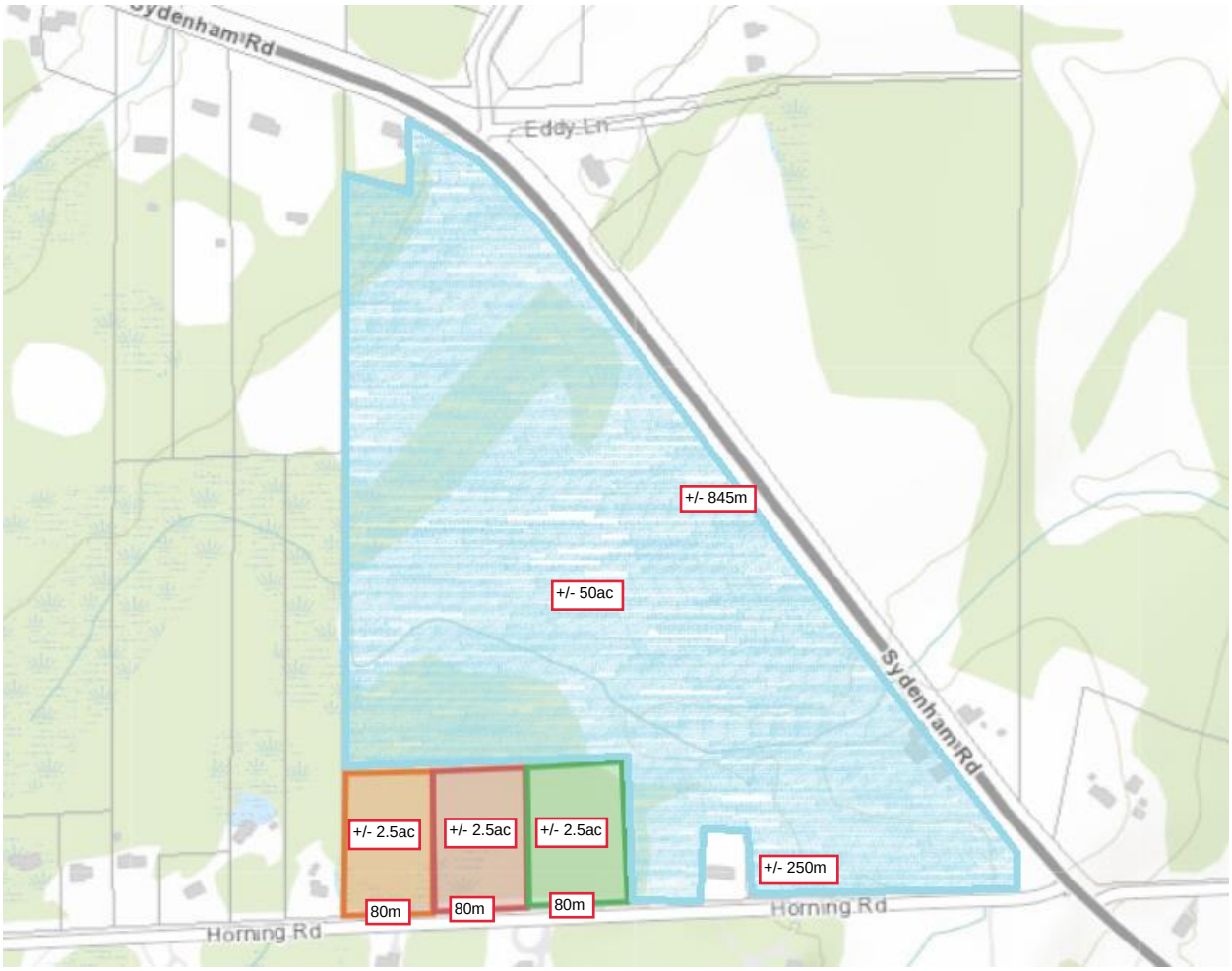
While the County makes every effort to insure that the information presented is accurate for the intended uses of this map, there is an inherent error in all mapping products, and accuracy of the mapping cannot be guaranteed for all possible uses. This map displays basic topographic features only.

Scale: 1:4,850

0 35 70 140 m

UTM Zone 18 NAD 83

Date: 2023-07-18


Sydenham Rd
Eddy Ln
+/- 845m
+/- 50ac
Sydenham Rd
+/- 2.5ac
+/- 2.5ac
+/- 2.5ac
+/- 250m
80m
80m
80m
Horning Rd
Horning Rd

Minimum Distance Separation (MDS) Assessment

July 2023

RE: Unaddressed parcel fronting Sydenham Road
Roll #: 1029-060-010-02102
Applications for consent (lot creation)

This Minimum Distance Separation (MDS) Assessment utilizes the 2017 MDS formulae as provided in Publication 853 issued by the Ministry of Agriculture, Food and Rural Affairs (OMAFRA). Publication 853 includes the definitions, implementation guidelines and factor tables (i.e., calculations) which collectively make up the MDS formulae referenced in the Provincial Policy Statement (PPS), as well as additional information to assist with the interpretation and application of the MDS formulae. The calculations are completed using the AgriSuite software supplied by OMAFRA, while the definitions and guidelines provide necessary direction to interpret and apply the calculations.

Publication 853 provides two classes of MDS formulae: MDS I and MDS II. MDS I applies the setbacks between proposed new development and existing livestock facilities. MDS II applies to setbacks from new, enlarged, or renovated livestock facilities and existing or approved development. The owner of the subject property is seeking to subdivide the parcel into a total of four (4) separately conveyable parcels, maintaining the existing livestock facility and accessory structures on the proposed retained parcel (fronting Sydenham Road) while establishing three (3) vacant parcels suited for residential development fronting Horning Road. Based on the *Planning Act* application (Section 53), the proposal is subject to MDS I consideration.

In accordance with Publication 853 Implementation Guidelines (IG) #2, an MDS setback is required for proposed lot creation in accordance with IG #8. IG #8 requires an MDS I setback where lot creation is proposed. Section 5.35(a) & Section 5.35(b) of the Township of South Frontenac Zoning By-law Number 2003-75 includes the following general provisions applicable to MDS:



Figure 1 – Subject Property

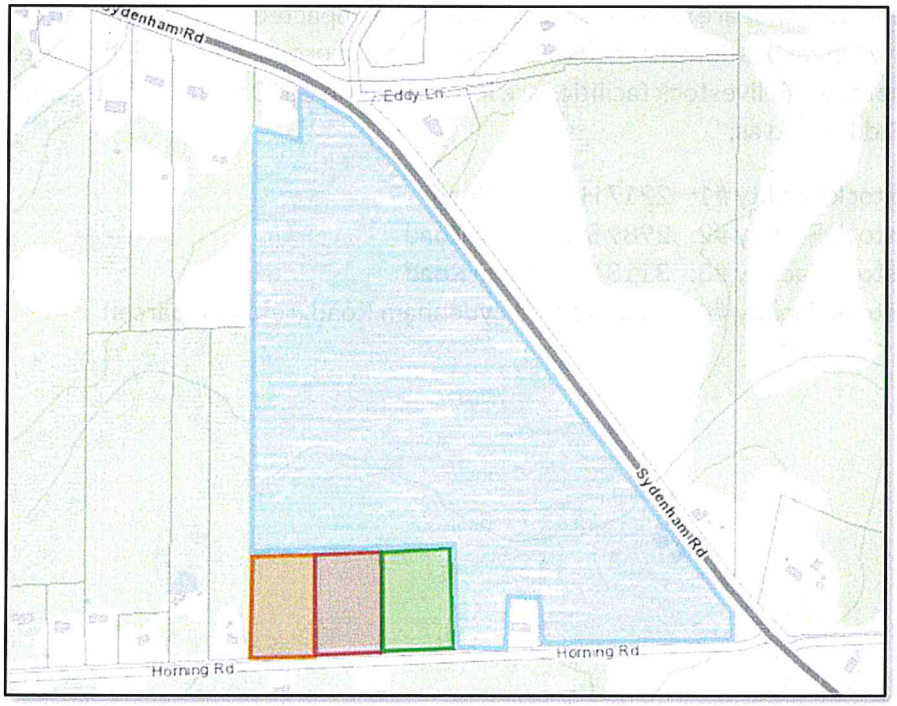


Figure 2 – Concept Plan

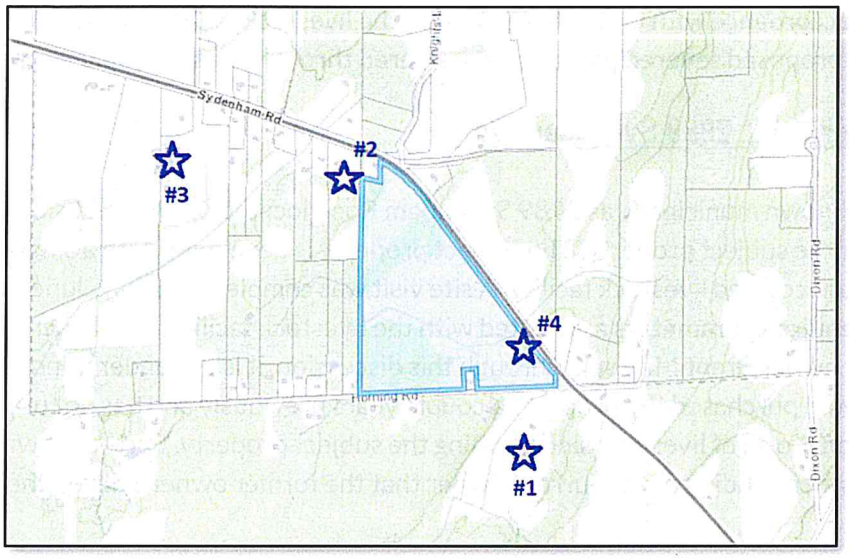


Figure 3 delineates the livestock facilities described above so that spatially, there location as it relates to the subject property is better understood and represented visually.

Livestock Facility #1: 2217 Horning Road

The property known municipally as 2217 Horning Road located on the south side of Horning Road, immediately west of the Horning Road & Sydenham Road intersection. The subject property measures approximately 40.0 hectares in area and is developed with a single detached dwelling, unoccupied livestock facility and multiple accessory structures. The subject property is the home of Carey Equipment Sales, which sells agricultural equipment (see Exhibit A – Livestock Facilities Photos). Although the subject property maintains multiple accessory structures and a livestock facility, the unoccupied livestock facility has been converted internally to support the agricultural equipment sales use, no longer capable of housing livestock.

A site visit was completed Friday, June 23, 2023, to confirm the required parameters associated with the livestock facility. During the site visit, the author spoke with the owner (Neil Carey), who toured the property and confirmed the lack of livestock on-site and the conversions which took place years past to support the agricultural equipment sales use. The former livestock facility has and currently functions as a machinery storage facility.

Although the buildings on the subject property fail to accommodate livestock currently, the unoccupied (former) livestock facility was assessed in accordance with OMAFRA Publication 853 and Zoning By-law MDS I setback requirements per Section 5.35(a).

In accordance with Implementation Guideline #3 of OMAFRA Publication 853, a machinery shed is not subject to MDS I setback requirements. Although the structure was formerly a livestock facility, the internal conversions of the structure to facilitate machinery storage have rendered the facility unable to accommodate livestock (see Exhibit A – Livestock Facilities Photos).

experienced multiple additions over the past decades, most recently in 2020. Through discussions with the owner, it was confirmed that the livestock facility is designed to accommodate 35 dairy cattle (see Exhibit B – Livestock Facilities Photos). The MDS assessment utilizing the OMAFRA AgriSuite software and the agricultural use parameters summarized above, a required MDS setback of 370 metres was yielded using OMAFRA AgriSuite software (see Exhibit A – MDS Calculation) as it relates to the livestock facility and 433 metres was yielded from the manure pit. The proposed severed parcels on the subject property are located on the southern extent of the lands, fronting Horning Road, which are well beyond the MDS I setback generated from the livestock facility located at 3113 Sydenham Road. Therefore, in accordance with OMAFRA guidance, the livestock facility will have no adverse odour impact on the proposed development as considered through this consent application.

Livestock Facility #4: unaddressed Sydenham Road (retained parcel)

The subject property located at the northwest corner of Sydenham Road & Horning Road is unaddressed. The subject property is currently development with a livestock facility, that is located immediately adjacent to Sydenham Road, along the easternmost boundary of the land holding. The existing livestock facilities are proposed to be maintained through the processing of these Consent applications and entirely located on the proposed retained parcel. The subject property is currently utilized for beef cattle pasturing, while the livestock maintains access to the existing livestock facility for shelter.

The livestock facility measures (15.5m x 11.0m) 170.5 square metres that is a wood framed structure clad in wood siding. Notwithstanding the total livestock facility area, the owner pastures 25 beef backgrounders on the subject property, with limited access to the structure. The subject property currently maintains 58.5 acres, whereas should the proposed consent applications be approved the proposed retained parcel would be approximately 51.0 acres. The northernmost structure is an open building that is used for storage, not livestock. The southernmost building is utilized for both hay and equipment storage, therefore exempt from being included in the total livestock facility area for the purposes of the MDS calculation.

A site visit was completed Friday, June 23, 2023, to confirm the required parameters associated with the livestock facility; which included obtaining multiple photos of the structure to augment previous discussions with the owner of the lands, Mr, Bert Hughson (see Exhibit B – Livestock Facilities Photos).

The MDS assessment utilizing the OMAFRA AgriSuite software and the agricultural use parameters summarized above, a required MDS setback of 233 metres was yielded using OMAFRA AgriSuite software (see Exhibit A – MDS Calculation). The proposed severed parcels on the subject property are located on the southwestern extent of the subject property, fronting Horning Road, which are beyond the MDS I setback generated from the livestock facility proposed to be maintained and entirely located on the retained parcel. Therefore, in accordance with

Exhibit A: MDS Assessment – Structure Photos

2217 Horning Road



Figure 1 – Subject property & equipment sale yard fronting Horning Road



Figure 4 – Accessory structure utilized for equipment storage



Figure 5 – former livestock facility used for machinery storage and shop



Figure 8 – former livestock facility used for machinery storage and shop



Figure 9 – former livestock facility used for machinery storage and shop

2989 Sydenham Road



Figure 12 – 2989 Sydenham Road driveway



Figure 13 – unoccupied livestock facility on the subject property

3113 Sydenham Road



Figure 16 – 3113 Sydenham Road driveway



Figure 17 – 3113 Sydenham Road driveway

Unaddressed Sydenham Road (retained parcel)



Figure 20 – structures on the subject property



Figure 21 – southernmost structure on the subject property



Figure 24 – interior of southernmost structure on the subject property – used for storage

Preparer signoff & disclaimer

Preparer contact information
Jason Sands
The Boulevard Group
Kingston, ON
613-453-2715
jason@theblvdgroup.ca

Signature of preparer

Jason Sands	27 June 2023
	Date (mmm-dd-yyyy)

Note to the user

The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) has developed this software program for distribution and use with the Minimum Distance Separation (MDS) Formulae as a public service to assist farmers, consultants, and the general public. This version of the software distributed by OMAFRA will be considered to be the official version for purposes of calculating MDS. OMAFRA is not responsible for errors due to inaccurate or incorrect data or information; mistakes in calculation; errors arising out of modification of the software, or errors arising out of incorrect inputting of data. All data and calculations should be verified before acting on them.

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Preparer signoff & disclaimer

Preparer contact information
Jason Sands
The Boulevard Group
Kingston, ON
613-453-2715
jason@theblvdgroup.ca

Signature of preparer

Jason Sands	27 June 2023
	Date (mmm-dd-yyyy)

Note to the user

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Preparer signoff & disclaimer

Preparer contact information
Jason Sands
The Boulevard Group
Kingston, ON
613-453-2715
jason@theblvdgroup.ca

Signature of preparer

	27 June 2023
Jason Sands	**Date (mmm-dd-yyyy)**

Note to the user

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Katherine Christmas and Peter Raftis
2328 Horning Road
Elginburg ON. KH 1M0

RECEIVED
AUG 17 2023
TOWNSHIP OF
SOUTH FRONTENAC
PLANNING DEPARTMENT

Kate Kaestner
Secretary-Treasurer, Committee of Assessment
South Frontenac Township
PO Box 100
4432 George Street
Sydenham ON K0H 2T0

Re: NOTICE OF CONSENT APPLICATIONS PLBDJ2023-0080, 0081 & 0082 (Horning Road)
(HERBERT HUGHSON AND THE BOULEVARD GROUP)

We are writing to make our objection to the above-named proposed property severance known. The severance of the land, we believe, will cause significant reductions in the limited ground water that we have access to on this small, rural road.

It is well known by the residents of Horning Road that we have a very low ground water table and even with careful water conservation, we and many of our neighbours experience periods where there is not sufficient ground water to our wells.

Common sense tells us that large homes will be built on those newly severed, large lots and we feel that there is a good chance that we will lose our ground water and that our properties would be deemed worthless.

Have Frontenac Township officials studied the water tables in our area? Are they aware that access to ground water is precarious in this area? Water trucks consistently have to deliver water to most of the residents on our road. The neighbour directly across the road from us (on the City of Kingston side) was denied the ability to sever his property and build on the proposed severed land solely because, after drilling a new well, there was not sufficient ground water to support another dwelling on his land.

We would ask South Frontenac Township officials to provide assurance that there is ample ground water to support any large new homes that we expect will be built on the severed properties and also explain to us how we would be compensated should we lose access to the ground water that we desperately depend on, in the event that new wells are drilled or dug on the three properties noted above. If this should occur, we and other residents of Horning Road will be seeking compensation. We will not accept any document or assurance regarding ground water levels from any individual that has been compensated by the landowner or his consultants.

We would also ask that we be notified of any decision made with regard to the proposed severance of the properties adjacent to our land and would ask that you pass along our strong objection to the property owner and his consultants.

Please do not take this matter lightly. Deep pockets should never come before residents' right to water. A public meeting, with residents of Horning Road invited needs to be called. This issue is too important and urgent to us and our neighbours.

Thank you for your attention to our concerns.

[redacted]

Katherine Christmas, Property Owner, 2328 Horning Road, Tel: [redacted]
Peter Raftis, Property Owner, 2328 Horning Road, Tel: [redacted]

August 18,2023

Kate Kaestner

Secretary-Treasurer, Committee of Assessment

South Frontenac Township

PO Box 100, 4432 George Street

Sydenham, On

K0H 2T0



RE :Notice of consent applications PLBDJ2023-0080, 0081 &0082 Horning Road (Herbert Hughson and the Boulevard Group)

We are a family of five currently residing on the Kingston (south) side of Horning Road. Although we are not south Frontenac residents I do believe that water sources do not start nor stop at a township line. We are writing to covey our objections to the proposed property severance applications.

Before building our home we realized water resources were extremely limited in this area and had the foresight to install a 3000 gallon cistern. This water supply back up is a necessity for us to be able to live here. Learning water conservation was a lesson taught early in life to our children. It is not uncommon to see water trucks supplying residents on a monthly basis.

We believe that with the addition of three more homes would cause significant damage to our very limited water reserves. The loss of ground water supply could eventually happen with the drilling of these wells resulting in devastating property value loss for residents that currently have water issues.

We are asking what guarantees, if any, the township is offering the existing residents of Horning Road that our water resources will not be affected if the applications are granted. With global warming our seasons are not the norm and it could take at least a twelve month period to ascertain if our water table has been affected.

We would appreciate being notified of the decision of this application and also request the public record to not include our address and phone number

We appreciate your consideration to our concerns

[redacted]

Steven and Emily Landon

[redacted]

[redacted]

August 18,2023

Kate Kaestner

Secretary-Treasurer, Committee of Assessment

South Frontenac Township

PO Box 100, 4432 George Street

Sydenham, On

K0H 2T0



RE :Notice of consent applications PLBDJ2023-0080, 0081 &0082 Horning Road

(Herbert Hughson and the Boulevard Group)

As a resident of Horning Road I'm writing to express my objection to the above named property severance applications.

It is common knowledge to all of the home owners on Horning Rd (west off Sydenham Rd) that the quality and resources of our water supplies are extremely limited. It is not unusual to see water trucks delivering on our road constantly and not only in the summer months.

I firmly believe that with the addition of three more residential buildings, being of considerable size according to the acreage would be a further strain on our very limited water reserves. The result of which would be further hardships for residents with current water shortages and possibly cause a significant loss in property values.

I am inquiring what assurance the township is offering the existing residents of Horning Road that our water supplies will not be affected if these severance applications are granted. It could possibly take up to a year with the completion of all four seasonal cycles to get a clear idea if our current water table has been affected.

I wish to be notified of the decision of this application. I also request the public record to not include my address and phone number

Thank you for your attention to this matter

[redacted]

Elizabeth Turcotte

[redacted]

[redacted]

August 19, 2023

Herman and Ann Marie Cornel
[redacted]



Kate Kaestner
Secretary-Treasurer, Committee of Assessment
South Frontenac
P.O. Box 100
4432 George Street
Sydenham ON, K0H 2T0

Subject: Notice of Consent Applications PLBDJ20230080/81/82 (Horning Road)
(Owner/Applicant: Herbert Hughson and the Boulevard Group)

Further to my emails of Aug17, we are formally writing you to voice our objection to the subject proposed property severance. With well water being a well known issue on Horning Road, both in quantity and quality, having more homes on Horning Road raises our concerns about more new wells affecting our existing wells.

It is expected that if this severance is accepted that these large lots will have large homes with large demands on water. Most residents on Horning Road already have to bring in water at times throughout the year and not just during dry times. As you well know water trucks are on this road all year long. Water is fundamental to existence and should take precedence over development, profit and an increased tax base.

What is South Frontenac's plan to assure the existing residents of Horning Road that our wells will not be affected by such a development? Has the water table been studied by South Frontenac? Such a study should be recent and any such study should be completely independent of the landowner Herbert Hughson. What is the compensation plan to the existing residents of Horning Road should these applications be accepted and the result is detrimental affects to our existing wells?

A public meeting is requested, with the residents of Horning Road and we ask to be notified of any decision regarding these applications.

As stated in the subject notice we request that the public record of this communication not include our "postal address, telephone number and e-mail address".

We look forward to your feedback on this very important matter.

[redacted]

Herman Cornel
(Cell: [redacted])

[redacted]

Ann Marie Cornel

Noah Perron

From: Herman Cornel [redacted]
Sent: August 17, 2023 7:24 AM
To: planning
Cc: Del Blakney
Subject: Notice of Consent Applications: PL-BDJ-2023-0080/81/82

Follow Up Flag: Follow up
Flag Status: Completed

Kate Kaestner:

Hi, I've been informed by a neighbour of the subject application for severance by applicant Herbert Hughson and its deadline for comments (2023Aug28) and therefore I am writing to you as the notice indicates with my comments/concerns.

With well water being a well known issue on Horning, both in quantity and quality, having more homes on Horning Rd raises our concern about more new wells affecting our existing wells.

Is it correct that now or in the near future lots of 2.5acres in size, as being proposed here, will be permitted to have two homes each, making these three lots possibly to include six homes, not just three?

Is there a requirement for the applicant to provide a well water study to convince/assure the existing residents that our wells will not be affected?

What is the plan to assure the existing residents of Horning Rd that our wells will not be affected by this development?

I trust that this written email is adequate to fulfill the requirements for "comments or objections to this application" and I look forward to any feedback on this important matter.
Further, as stated in the subject notice, I request to be notified of the application decision and I assume this e-mail written request is sufficient for such a request.
Also as stated in the subject notice, I request the public record of this communication NOT include my "postal address, telephone number and e-mail address" and I assume this e-mail written request is sufficient for such a request.

/Herman Cornel
[redacted]

Victor Caspary & Paula Scott
2293 Horning Rd.
Elginburg, ON
K0H 1M0

Kate Kaestner
Secretary Treasurer,Committee of Adjustment,
South Frontenac Twp.
PO Box 100
4432 George St.
Sydenham ON
K0H 2T0

Re: NOTICE OF CONSENT APPLICATIONS PLBDJ20230080,
PLBDJ20230081
PLBDJ20230082
Horning Rd. (owner/applicant Herbert Hughson and the Boulevard Gp.)

We are writing to voice our strong objection to these applications.
We have struggled with the low flow and quality of the water on our property since we bought in1974.Our first large Thanksgiving dinner was a disaster since our city guests and we didn't realize that flushing every time would empty the well .The dishes had to wait for another two days to get washed.
We learned our lesson and are very careful not to always flush or take baths. It is embarrassing to convey this to somebody who is new to our home.
The thought of someone new drilling a well just across the road fills us with great anxiety as we worry that we will lose all of our water.
The quality of the water in this limestone is also very poor. I have replaced all my plumbing twice , so far because of the high sulphur content. I have asked the local well driller about drilling a new well but was told I would waste my money. Everyone on the road who drills gets either no water, sulphur or salt.
The water in this area is a considerable problem that can't be rectified because the geology is what it is.
I would request that the council carefully consider the water issue and hear from the experiences of the residents .
I am sure that once all the water related facts are presented, you will not permit another well to be drilled in such a fragile area.

Property owner Victor G. Caspary 2293 Horning Rd. [redacted]
Property owner Paula Scott 2293 Horning Rd. [redacted]

Noah Perron

From: Jim Neeson [redacted]
Sent: August 21, 2023 1:24 PM
To: planning
Subject: Notice of Consent Applications PLBDJ20230080 ,PLBDJ20230081 , &PLBDJ20230081

ATT; Noah

As a resident of Horning Road for over 35 years,
I strongly object to this severance application. The only reason is the lack of a constant water supply. When I moved here on September 1 st 1988
, the well was dry for several weeks. When I went to Ministry of the Enviroment of Ontario on October 16 ,2012 to obtain a copy of the well record. There was only one well record which is dated February 28 ,1983. The person dealing with my application at the Ministry of the Enviroment stated the he would never built a house there because of this well report. I applied to MPAC for a lower evaluation of my house due to at least 3 months of having a dry well . I received a lower evaluation.

The well being dry is also full of Sulpher when I do have water. It must be noted that a resident of City of Kingston who lives almost across the street from this location had a well drilled and went down over 200 feet and came up dry. Apparently he spent $20,000.00

Yours truly

Jim Neeson
Sent from Mail for Windows

Noah Perron

From: Jay Clayton [redacted]>
Sent: August 21, 2023 5:38 PM
To: planning
Subject: Land severance

Follow Up Flag: Follow up
Flag Status: Completed

Kate Kaestner
Secretary-Treasurer, Committee of Adjustment
P.O. Box 100, 4432 George Street
Sydenham, Ontario K0H 2T0

I am writing with reference to the application PLBDJ20230080, PLBDJ20230081 and PLBDJ20230082. I live at 2392 Horning Road. The water situation is already taxed in my area, in which I am forced to primarily use my cistern as a water source. The severance will make this much worse for all involved.

Thanks for your concern,
Jason Clayton
2392 Horning Road
Elginburg, ON K0H 1M

Eric slade
2373 Horning Rd
Elginburg, Ont
KOH1MO
[redacted]

17 Aug 2023

Kate Kaestner
secretary Treasurer
Committee of Adjustment
P.O. Box 100
4432 George St
Sydenham, Ont
KOH 2TO

SUBJECT: Proposed Severances: Ref: Notice of Concent Applications; PLBDJ20230080,81 & 82 by applicant, Herbert Hughson (The Boulevard Group) Horning & Sydenham Rd.

Dear Kate Kaestner

I own a home on Horning Rd, I have NO water, two attempts were made to drill a well, both efforts failed. One was drilled to a depth of 168 feet at which point a hydrologist I spoke advised that I go no deeper due to the possibility/probability that any water that we did come to would be contaminated with sulfur, iron or evensalt. The second well was drilled down to 100 feet, again completly dry so no further attempts ere made. The house my wife and I were building at the time was altered to include a large cistern and the water used is delivered by tanker truck from the city.

The availability of water all along Horning Rd is a major concern for all residents. The wells that people do have are not all that dependable and cannot be relied upon to meet everday needs on consistent basis. Water being trucked to many of the homes is not an uncommen sight along Horning Rd.

Finally - a close neighbour of mine needed a new well, the driller he hired bored a hole just over 200 feet deep at considerable expense. The well produced a very small amount of waterright at the bottom but due to the high mineral content it was not useable - according to the test results. A very, very expensive hole in the ground.

Because of the water situation in the area and the unknown effect that additional well drilling (iffy at best) may have on the supply of water that my neighbours have right NOW, I believe these severences should NOT, I repeat NOT go ahead.

I am also concerned about the impact heavy construction equipment will have on this stretch of land, it is tree covered limestone with a relatively thin layer of soil. The use of heavy equipment to all the trees, break up the limestone to level the land and then excavate for basements may well have a detrimental effect on the water table worsening the situation that already exists.

[redacted]

Eric Slade

P.S. PSE EXCUSE MY TYPING SKILLS, I'VE BEEN OUT OF PRACTISE FOR A LONG TIME

[redacted]

Victor Caspary & Paula Scott
2293 Horning Rd.
Elginburg, ON
K0H 1M0

Kate Kaestner
Secretary Treasurer,Committee of Adjustment,
South Frontenac Twp.
PO Box 100
4432 George St.
Sydenham ON
K0H 2T0

Re: NOTICE OF CONSENT APPLICATIONS PLBDJ20230080,
PLBDJ20230081
PLBDJ20230082
Horning Rd. (owner/applicant Herbert Hughson and the Boulevard Gp.)

We are writing to voice our strong objection to these applications.
We have struggled with the low flow and quality of the water on our property since we bought in1974.Our first large Thanksgiving dinner was a disaster since our city guests and we didn't realize that flushing every time would empty the well .The dishes had to wait for another two days to get washed.
We learned our lesson and are very careful not to always flush or take baths. It is embarrassing to convey this to somebody who is new to our home.
The thought of someone new drilling a well just across the road fills us with great anxiety as we worry that we will lose all of our water.
The quality of the water in this limestone is also very poor. I have replaced all my plumbing twice , so far because of the high sulphur content. I have asked the local well driller about drilling a new well but was told I would waste my money. Everyone on the road who drills gets either no water, sulphur or salt.
The water in this area is a considerable problem that can't be rectified because the geology is what it is.
I would request that the council carefully consider the water issue and hear from the experiences of the residents .
I am sure that once all the water related facts are presented, you will not permit another well to be drilled in such a fragile area.

Property owner Victor G. Caspary 2293 Horning Rd. [redacted]
Property owner Paula Scott 2293 Horning Rd. [redacted]
[redacted] AUG. 20, 2023
[redacted] AUG 20, 2023

Kirk Ryder & Allison Ryder
2388 Horning Road,
Elginburg, ON K0H 1M0

RECEIVED
AUG 24 2023
TOWNSHIP OF
SOUTH FRONTENAC
PLANNING DEPARTMENT

August 24, 2023

South Frontenac
Att: Kate Kaestner
Secretary-Treasurer, Committee of Adjustment
PO Box 100, 4432 George Street
Sydenham, ON K0H 2T0

Via: planning@southfrontenac.net and copy hand delivered

RE: Notice of Consent Applications PLBDJ20230080, PLBDJ20200081 & PLBDJ20230082
Owner/Applicant: Herbert Hughson

We are writing in Objection to the above-named proposed property severance. We believe that the severance of the land along with the addition of three new wells, will cause significant reductions in the already limited ground water that we have access to.

Horning Road residents are aware of the very low ground water table and low supply of water. Even taking precautions with water conservation, we, and our neighbours experience periods where there is not sufficient ground water to our wells.

We believe the severance of the lots and additional wells will cause a reduction and even loss of ground water to wells in the area. Has South Frontenac Township conducted water table studies relative to the residences on Horning Road?

Our property has already been subject to the loss of ground water since the first/original well; resulting in an alternative source having to be used. As well, several neighbours that had wells, now rely on a cistern and water to be delivered. These families have been unexpectedly burdened with these additional costs. Another neighbour drilled a new well and discovered there was insufficient ground water to support the required amount/flow of water.

We strongly object this application to the proposed severance of properties. We ask the South Frontenac Township Officials take the above noted comments along with other neighbours submissions in mind.

We request that we receive notification of any decision made with respect to the above noted application.

Thank you

[redacted]

Kirk Ryder & Allison Ryder

August 25, 2023

Francis & Kathie Groenewegen

[redacted]



Kate Kaestner

Sec. Tres. COA

South Frontenac

P.O. Box 100

4432 George St.

Sydenham, ON

Regarding Notice of Consent Applications PLBDJ20230080, PLBDJ20230081, PLBDJ20230082 (Owner/Applicant: Herbert Hughson and the Boulevard Group.)

We are writing in support of the residents of Horning Road in voicing their objections to the severance of the parcels listed above.

Our farm backs onto Horning Road, the 7th concession which our property is a lot thereof.

Water is in extremely short supply in this area. This year has been unseasonably wet, historically our house and dairy farm run out of water every year near the end of June or early July when we are forced to purchase water to supply our animals and household. A single truckload of which cost approximately $225 and can require as many as 3-4 per week. Our wells have run consistently dry in 31 of the last 34 years we have been farming on this property.

Further to this point our dairy plant which has been in operation for the last 11 years has had 100% of its water needs purchased and delivered by truck.

One need only look on the Ontario well maps webpage to see that there are numerous wells drilled in the area that have either come up dry, contaminated with chloride or sulphur.

Most of the wells that have been successfully drilled or dug in the area meet only the bare minimum in production of water to allow a severance or mortgage.

The reports of any wells drilled or dug in this unusually wet year should be reviewed with a healthy dose of skepticism. If any hydrogeological surveys are proposed to address these concerns, steps must be taken to ensure such a study remains fair and independent for all parties concerned.

We request that the public record of this letter not include our postal address, email address or telephone number.

Francis and Kathie Groenewegen [redacted]

[redacted]

Gary and Paula Appleton
2348 Horning Road
Elginburg, ON. K0H 1M0



August 25, 2023

Kate Kaestner
Secretary-Treasurer, Committee of Assessment
South Frontenac Township
PO Box 100
4432 George Street
Sydenham, ON. K0H 2T0

Re: NOTICE OF CONSENT APPLICATIONS PLBDJ2023-0080, 0081 & 0082 (Horning Road) (HERBERT HUGHSON AND THE BOULEVARD GROUP)

We are writing to make our objection to the above-named proposed property severance known. We mirror the previously submitted objection and opinions of Katherine Christmas and Peter Raftis (see attached copy for reference). We reiterate, the severance of the land, we believe, will cause significant reductions in the already limited ground water that we currently have access to on this small rural road.

Further, we wish to highlight all the previously made points and concerns as mentioned in the Katherine Christmas and Peter Raftis letter regarding the severing of lots and the potential building of additional homes:

- Questioning if studies were performed by South Frontenac Township Officials regarding the water tables in our area?
- We request South Frontenac Township Officials provide assurance of ample ground water to support any new build homes, on the severed properties, and explain how we would be compensated should we lose access to the already limited ground water that we rely on.
- In the event new wells are drilled or dug on the three (3) properties noted above, we and the other residents of Horning Road will be seeking compensation. We will not accept and document or assurance regarding ground water levels from any individual that has been compensated by the landowner or his counterparts.
- We ask to be notified of any decision made with regard to the proposed severance of the above-named properties and would ask that you pass along our strong objection to the property owner and his consultants.
- A public meeting, with residents of Horning Road invited needs to be called. This issue is too important and urgent to us and our neighbors.

Thank you for your attention and consideration regarding our concerns.

Gary Appleton, Property Owner, 2348 Horning Road, Tel: [redacted]
Paula Appleton, Property Owner, 2348 Horning Road, Tel: [redacted]

Katherine Christmas and Peter Raftis
2328 Horning Road
Elginburg ON. KH 1M0

RECEIVED
AUG 29 2023
TOWNSHIP OF
SOUTH FRONTENAC
PLANNING DEPARTMENT

Kate Kaestner
Secretary-Treasurer, Committee of Assessment
South Frontenac Township
PO Box 100
4432 George Street
Sydenham ON K0H 2T0

Re: NOTICE OF CONSENT APPLICATIONS PLBDJ2023-0080, 0081 & 0082 (Horning Road) (HERBERT HUGHSON AND THE BOULEVARD GROUP)

We are writing to make our objection to the above-named proposed property severance known. The severance of the land, we believe, will cause significant reductions in the limited ground water that we have access to on this small, rural road.

It is well known by the residents of Horning Road that we have a very low ground water table and even with careful water conservation, we and many of our neighbours experience periods where there is not sufficient ground water to our wells.

Common sense tells us that large homes will be built on those newly severed, large lots and we feel that there is a good chance that we will lose our ground water and that our properties would be deemed worthless.

Have Frontenac Township officials studied the water tables in our area? Are they aware that access to ground water is precarious in this area? Water trucks consistently have to deliver water to most of the residents on our road. The neighbour directly across the road from us (on the City of Kingston side) was denied the ability to sever his property and build on the proposed severed land solely because, after drilling a new well, there was not sufficient ground water to support another dwelling on his land.

We would ask South Frontenac Township officials to provide assurance that there is ample ground water to support any large new homes that we expect will be built on the severed properties and also explain to us how we would be compensated should we lose access to the ground water that we desperately depend on, in the event that new wells are drilled or dug on the three properties noted above. If this should occur, we and other residents of Horning Road will be seeking compensation. We will not accept any document or assurance regarding ground water levels from any individual that has been compensated by the landowner or his consultants.

We would also ask that we be notified of any decision made with regard to the proposed severance of the properties adjacent to our land and would ask that you pass along our strong objection to the property owner and his consultants.

Please do not take this matter lightly. Deep pockets should never come before residents' right to water. A public meeting, with residents of Horning Road invited needs to be called. This issue is too important and urgent to us and our neighbours.

Thank you for your attention to our concerns.

Katherine Christmas, Property Owner, 2328 Horning Road, Tel: [redacted]
Peter Raftis, Property Owner, 2328 Horning Road, Tel: [redacted]

Katherine Christmas and Peter Raftis
2328 Horning Road
Elginburg ON. KH 1M0

Kate Kaestner
Secretary-Treasurer, Committee of Assessment
South Frontenac Township
PO Box 100
4432 George Street
Sydenham ON K0H 2T0

Re: NOTICE OF CONSENT APPLICATIONS PLBDJ2023-0080, 0081 & 0082 (Horning Road) (HERBERT HUGHSON AND THE BOULEVARD GROUP)

Further to our letter delivered to your office on August 17, 2023, it has been brought to our attention that South Frontenac Township does not measure **well recovery rates**[1, 2] on newly drilled wells but rather you measure volume only. If this true, this is a foolhardy and shocking approach to responsible ground water management.

According to the Government of Ontario, Ministry of Environment and Energy's guidelines "the recovery water levels must be measured and recorded [3] - simply recording and measuring well pumping rates is not enough.

We are aware that our neighbours on Horning and Sydenham Roads are all deeply concerned about this issue and we hope that you will take all factors into consideration before allowing this atrocity to continue with regard to and further drilling of wells on this road.

Sincerely,

Katherine Christmas and Peter Raftis
2328 Horning Road, Elginburg ON K0H 1M0
[redacted]

[1] Well Recovery Rate is the rate at which water runs into the well from the rock fissures and openings into the lower portion of the well below the steel casing, while we're pumping water out of the well. Some other terms for well recovery rate include well yield, well flow rate, and well water quantity. Recovery is the rate, in gallons per minute, at which water in the well returns to its static water level after the pump is turned off. The recovery rate is another estimate of well yield. To get this data, the driller measures depth to water in the well immediately at the end of the test. This is the drawdown. Then, at some later time, say one hour, depth to water is measured again. From this information, the driller figures *the amount the water level rose in the well (e.g., the length of the water column) in that period of time. This is the recovery of the well.*

[2] (Estimating Private Well Yields using DEM's Well Completion Report and Pumping Test Information) https://www.mass.gov/doc/estimating-private-well-yields-0/download

[3] Government of Ontario, Ministry of Environment and Energy

From: [redacted]
To: planning
Subject: Attention Kate Kaestner re: PLBDJ2023-0080, -0081 and 0082
Date: August 19, 2023 2:38:19 PM

Greetings.

I write concerning plans for the serverence of land in South Frontenac near my home at 2247 Horning Rd. and the possible residential development of that land.

That I am aware of, there are three homes on the south side of Horning Rd., my home being one of them, that have water cisterns. In my case, the presence of the cistern ensured my water supply during a severe summer drought in the 1990s when supply was quite limited. Though I haven't had to use it since, it is reassuring to know that it is there. Since that time, the city of Kingston has prohibited any new cisterns from being installed. Therefore, any significant increase in the demand for ground water could leave at least some of the current residents of Horning Rd. with a dramatic decline in available water that could not be overcome by having current cisterns maintained or new ones installed, the expense aside.

I have no difficulties with residential development of any land that is not useful for farming or conservation purposes. However, the supply of water is critical and will the developer guarantee that that supply will be maintained?

Yours truly,

Anita Smith Down

2247 Horning Rd., Elginburg, ON, K0H 1M0

[redacted]

Delbert Blakney and Sarah Boughen
2338 Horning Road
Elginburg ON. K0H 1M0

Kate Kaestner
Secretary-Treasurer, Committee of Assessment
South Frontenac Township
PO Box 100
4432 George Street
Sydenham ON K0H 2T0

Re: NOTICE OF CONSENT APPLICATIONS PLBDJ2023-0080, 0081 & 0082 (Horning Road) (HERBERT HUGHSON AND THE BOULEVARD GROUP)

We are writing to make our objection to the above-named proposed property severance known.

We were most excited to move to the country and live on a well so we wouldn't have to pay for water anymore however, we were very wrong. The water quality is very poor, over 18 ppm of sulfur that requires an expensive filtration system and ongoing chemical costs. Many of our neighbours wells run dry. Many neighbours on the street have cisterns and are constantly having water delivered. We have a water account with the City of Kingston so we may purchase water for gardening and filling the hot tub and pool as this would not be possible with the well water.

Our neighbour immediately across the street who resides in the City of Kingston attempted to drill a well last year and despite drilling 110 feet was unable to achieve a successful hydrogeological report to support their application for severance. This partial driveway and well head is visible from the street less than 200 feet from the proposed severances noted above.

Horning Road residents struggle with water quality and supply. Adding additional residential buildings will aggravate the current conditions significantly and will undoubtedly add expense to the current homeowners.

The official plan section 7.01 discusses the division of land and lot creation.
The following points of concern are submitted for your consideration in regards to the official plan.

A) As all new lots require potable water, the creation of the new lots will clearly have an adverse economical impact on adjacent land uses contrary to provision of the official plan.

B) The application for consent failed to provide a sketch identifying all buildings, septic systems and wells on the lands subject to the consent application as well as on adjacent lands, nor are separation distances identified.

C) 2328 Horning Road and 2338 Horning Road are lots containing residences, zoned agricultural that I understand have already been severed from the parcel that is proposing three additional severances.

We would also ask that we be notified of any public meetings with staff and the applicant as well as opportunities to address South Frontenac Counsel with our concerns. We also respectfully ask to be notified of any decision made with regard to the proposed severance of the properties.

Respectfully,

[redacted]

Delbert Blakney
Sarah Boughen [redacted]

SOUTH FRONTENAC

Building Services
4432 George St, Box 100
Sydenham, ON K0H 2T0
613-376-3027

Consent to Sever Inspection Report

File Number: PL-BDJ-2023-0080		**Receipt Number:** Receipt number
Owner(s): Hughson, Herbert		**Roll Number:** 1029 060 010 02102
Municipality: Township of South Frontenac		**Ward / Former Township:** Storrington
Lot: 14 and 15 **Concession:** 7	**Reference Plan:** 13R4613 **Part(s):** 2	**Plan of Subdivision:** **Sub-lot:**

General Description (existing buildings, surface features, slopes, site services for water and sewage, etc)

Severed: The proposed severed lot consists of flat wooded area with rocky outcrops and grassy openings. The proposed lot is bordered by Horning Road to the south, private property to the west, another proposed severed lot to the east and retained parcel to the north. The test holes were located near southern property line and excavated to a depth of 0.25 to 0.3 meters.

Retained: N/A

Soil type, depth and water table on each part of potential leaching bed areas. Indicate water table with bar.

Severed	Depth of Soil	Retained
Topsoil and organics	0.05 m	N/A
TH #1 Clay	0.25 m	
TH #2 Clay	0.30 m	
Bedrock		

Percolation rate (estimated): > 50 min/cm

Percolation rate (estimated): N/A

NOTE: the approval of any new lot is based on its suitability to provide an area for a Class 4 sewage system for an average three (3) bedroom home. Approval to build a larger home on this lot will be subject to availability of sufficient area for a larger sewage system.

Parcel suitability for on-site sewage system:

SEVERED Conditions:

- [x] Satisfactory
- [ ] Unsatisfactory
- [x] Site Flexible
- [ ] Site Specific

No objection to the proposed severance as the application states the consent is for a lot-creation.
Soil conditions found on the lot will require additional suitable granular soil to construct a sewage system. Specific requirements for additional soil will be indicated on an Application to Construct a Sewage System prior to site development.
The proposed lot is capable of providing flexibility in siting a sewage system, dependent on the proposal submitted through an Application to Construct a Sewage System.

RETAINED Conditions: N/A

- [ ] Satisfactory
- [ ] Unsatisfactory
- [ ] Site Flexible
- [ ] Site Specific

Inspector: Chris Beeg	**Approved:**	**Date:** November 29, 2023

Report from Public Services

Application Number: PL-BDJ-2023-0080

Applicant's Name: Hughson Herbert Seth

Concession: 7 **Lot:** 14 **District:** Storrington

Road: Horning Road

Road Maintenance: Year-round ☑ Seasonal ☐

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

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

RETAINED PARCEL: ADEQUATE ENTRANCE SIGHT LINES.

SEVERED PARCEL: ADEQUATE ENTRANCE SIGHT LINES

Road Conditions:

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

   Yes ☑ No ☐

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

   This is a boundary road with the City of Kingston who have been circulated on this file. Existing drainage conditions flow through this property which cannot be adversely affected. Applicant is required to submit a grading and drainage plan for approval which addresses drainage from the existing cross culvert at this location

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

   Yes ☑ No ☐

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

Road Widening Required?

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

Any specific requirement?

Local road - rural classification. Ensure that there is a 20m (66ft road allowance) otherwise applicant to dedicate any shortfall of 10m from centerline.

Approved by the Public Services?

Yes ☐ Yes, with conditions ☑ No ☐

If yes, with conditions, please describe conditions below.

Refer to drainage comments

Evan Bancroft

Signature on behalf of Public Services

2023-09-13

Date

Township of South Frontenac

Staff Report

To:	Committee of Adjustment
Prepared by:	Development Services Department
Date of Meeting:	December 14, 2023
Subject:	**Consent Applications PL-BDJ-2023-0080, PL-BDJ-2023-0081 & PL-BDJ-2023-0082, Horning Road, Pt Lots 14-15 CON 7, Storrington District**

Summary

These applications are for the creation of three new rural residential lots. The applications have unresolved objections/concerns raised by the public. For this reason, the Committee of Adjustment is being asked to make a decision on the consent applications. This report recommends approval of the applications.

Background

The purpose of these applications is to create three new rural residential lots. The retained parcel is intended to be used for agricultural purposes.

Application Details

	Severed Parcel 1 (PL-BDJ-2023-0080)	Severed Parcel 2 (PL-BDJ-2023-0081)	Severed Parcel 3 (PL-BDJ-2023-0082)	Retained Parcel
Area (Ac)	2.5	2.5	2.5	50.0
Frontage on Horning Road (m)	80	80	80	250.0
Frontage on Sydenham Road (m)	0	0	0	845.0

Designation and Zoning

The subject property is designated Rural in the Township Official Plan. The property is zoned Rural (RU) in Zoning By-law No. 2003-75.

Related Applications

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

Review

✓ Conforms to section 51 (24) of the *Planning Act*;

✓ Does not require a plan of subdivision for the proper and orderly development of the municipality (s. 53(1) *Planning Act*);

✓ Is consistent with the Provincial Policy Statement (s. 3(5) *Planning Act*);

✓ Conforms to the County of Frontenac Official Plan (s. 3.3 & 7.1);

✓ Conforms to the Township of South Frontenac Official Plan (s. 5.7.4 & 7.1);

✓ Does not comply with Zoning By-law No. 2003-75; and

X Has unresolved objections/concerns raised from agencies or the public.

Property Description

The subject property is approximately 57.5Ac in area with 490m of frontage on Horning Road and 845m of frontage on Sydenham Road. Horning Road exists at the southernmost extent of Township and is a shared boundary with the City of Kingston. The property contains three livestock barns adjacent to Sydenham Road along the eastern lot line. The primary use of the property is beef cattle pasturing, with the existing barns being used for shelter. With the exception of the southwest corner, which is densely covered in mature tree and vegetation growth, a majority of the subject property is cleared. Topographically, the property is mostly flat but varies slightly. For example, the southwest corner is elevated slightly from the remainder of the property. Additionally, there is an existing drainage channel which flows through the bottom half of the property east across Sydenham Road, towards an existing wetland feature on an adjacent property. Finally, the surrounding area consists mainly of rural residential and agricultural land uses.

Department and Agency Comments

Public Services provided their comments on September 13, 2023. Public Services have no objection to the approval of the three consent applications. It was noted that there are adequate sight lines to permit entrances from Horning Road for the three severed parcels and the retained parcel. Public Services staff also noted that Horning Road is a boundary road with the City of Kingston and existing drainage conditions cannot be adversely impacted. For this reason, the applicant will be required to submit a grading and drainage plan which addresses drainage from the existing cross culvert.

Road widening is to be determined by an Ontario Land Surveyor. Any shortfall of the 20m road allowance, measured 10m from the centreline of Horning Road, shall be dedicated for the severed lots.

Building Services provided their comment on November 29, 2023. Staff had no objection with the approval of the three consent applications. Staff noted that additional suitable granular soil would be required to accommodate the installation of sewage systems on the three severed lots. The specific requirements for additional soil will be indicated on an Application to Construct a Sewage System prior to site development. Finally, staff noted that the proposed severed lots are capable of providing flexibility in locating a sewage system.

Cataraqui Conservation conducted a joint site visit with Township Planning staff to assess the subject lands for natural heritage features. During the site visit it was determined that no natural heritage features were present. For this reason, Cataraqui Conservation Staff indicated that they would not require formal circulation on the applications.

Public Comments

All three consent applications were circulated for public comment on August 11, 2023. During the 14 day comment period, Township Planning Staff received approximately fifteen (15) letters objecting the proposed severances. The primary concerns outlined within the letters of objection included, but were not limited to, water availability, water quality, lack of groundwater studies, the need for hydrogeological studies and potential compensation should the newly created lots adversely effect existing wells. At this time, the public concerns addressed remain unresolved. Planning Staff elaborate on how these unresolved concerns are to be addressed in a later section of this report.

Planning Analysis

Minimum Distance Separation from Livestock Facilities

In conformity with the Provincial Policy Statement, the Township Official Plan requires all division of land for non-farm uses to comply with the Minimum Distance Separation Formulae

I (MDS I) (Section 7.1 (I)). The Township Zoning By-law also requires residential development to comply with MDS.

Township Planning Staff identified six livestock facilities within 750m of the proposed severed lots which warranted further investigation. Three of the six facilities exist on the retained parcel, with only one being used to shelter livestock. The applicant's agent calculated MDS I setbacks for three facilities and provided evidence that the facility located at 2217 Horning Road and the two remaining facilities on the retained parcel no longer house livestock. The following table identifies the actual and required MDS I setbacks for livestock and related manure storage.

Location of Livestock Barn and Manure Storage	Actual Distance from Livestock Barn to Nearest Severed Parcel (Metres)	Minium Required MDS I Setback (Metres)
2989 Sydenham Road	472	235
3113 Sydenham Road	715	433
Retained Parcel	253	233

The applicant's agent submitted an MDS package which included a description of each facility, results of on-site investigation, MDS I calculation sheets and photographs. Using this information, Township Planning Staff created sketches that confirmed a development enveloped on all three severed parcels that would meet the required MDS I setbacks, in addition to all other required zoning setbacks.

Rural Residential Development

The PPS allows growth and development to be directed to rural lands, including lot creation that is locally appropriate. The County Official Plan and the Township Official Plan permit residential development in the Rural Designation.

Section 5.7.4 of the Official Plan indicates that a maximum of three rural residential lots may be created by consent from landholdings provided that the new lots meet the General Consent Policies, as well as other applicable policies. The subject property has existed in its current configuration since July 17, 1981. As no lots have been severed since the adoption of the Township Official Plan, the subject property is eligible for a maximum of three severed lots.

Section 5.7.4 of the Official Plan requires the frontage, size and shape of any lot created for rural residential purposes through the severance approval process to be appropriate for the proposed use and to comply with the requirements of the Zoning By-law. All three severed parcels and the retained parcel would satisfy the requirements for a minimum lot area of 0.8 hectares and minimum 76 metres of frontage on a public road.

General Consent Policies

Sections 6.10.3 and 7.1(s) of the Official Plan indicate that where applicable, the applicant will provide sufficient information to substantiate that all lots created have a source of potable water and appropriate sanitary sewage disposal facilities in accordance with current regulations to the satisfaction on the Township.

The Owner demonstrated to the satisfaction of Building Services that the severed parcels would have the ability to be serviced by private sewage disposal systems.

The Township typically requires the ability of a lot to be serviced by a private well to be demonstrated as a condition of consent approval. The condition requires the submission of a well driller's report demonstrating a potable water pumping capacity of 3.5 gallons per minute sustained over a 6-hour pump test. Given the concerns raised by the public, Township Planning Staff conducted an independent review of well records along Horning Road. This review found that several wells along Horning Road were pumping at rates less than or equal to 3.5 gallons per minute. In light of this review and supportive official plan policies, it was determined that a more detailed demonstration should be required. For this reason, a recommended condition of approval is to require the applicant to submit a Hydrogeological Assessment completed by and signed and stamped by a Hydrogeologist (P. Eng. or P. Geo.). The assessment must be prepared in accordance with D-5-5 Private Wells: Water Supply Assessment, include the standard 6-hour pump test, address groundwater quality and quantity, and the potential for impact to adjacent water well users and properties. The Hydrogeological Assessment would need to be peer reviewed by County's Hydrogeologist. A satisfactory Hydrogeological Assessment would be required to clear the condition, and for Certificates of Official to be issued for the proposed severed lots.

Conclusion

The severed parcels would be consistent with the Provincial Policy Statement and conform to the County Official Plan and Township Official Plan, provided that a satisfactory Hydrogeological Assessment is produced that demonstrates an adequate supply of potable water is available for each of the new lots and no unacceptable impacts to adjacent water well users and properties. The severed parcels would also comply with Zoning By-law No. 2003-75.

Notice/Consultation

Notice of the Statutory Public Hearing was given pursuant to the requirements of the Planning Act, at least 14 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 on the Townships Current Planning Applications webpage
- by posting notice signs on the subject lands
- by e-mail to prescribed persons and public bodies

Recommendation

It is recommended that applications PL-BDJ-2023-0080, PL-BDJ-2023-0081 and PL-BDJ-2023-0082 be approved for consent for the creation of three new rural residential lots from property legally described as PT Lots 14-15 CON 7, Storrington District (ARN: 102906001002102), each subject to the following conditions:

Expiry Period

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

Severed Lands

2. The lands to be severed by Consent Applications PL-BDJ-2023-0080, PL-BDJ-2023-0081 and PL-BDJ-2023-0082 shall be for the creation of three new residential lots each with a minimum of 2.5Ac of area and a minimum of 80m of frontage on Horning Road.

Survey/Reference Plan or Registerable Description

3. An acceptable reference plan or legal description of the severed lands in duplicate [Registry Act, s.81, Land Titles Act, s. 150], the deed or instrument conveying the severed lands, and the Certificate of Official shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of two years [Planning Act, s. 53(41)] after the date that "Notice of Decision" is given [Planning Act, ss. 53(17) and 53(24)].

4. The surveyor or applicant shall submit the draft Reference Plan(s), including an area calculation and noting frontage along the roads, electronically or in paper form for review and approval by planning staff prior to depositing the Reference Plan with the Land Registry Office.

Road Widening

5. The surveyor who prepares the reference plan(s) referred to in Condition #3 and #4 shall also determine by survey the width of Horning Road to be 20m. If such a width is less than 20m, the owner shall dedicate to the Township land along the frontage of each of the severed lands in the following manner as required:

    a. The land to be dedicated shall be the width required to provide 10m from the centre of the existing travelled road for Horning Road;

    b. The land to be dedicated shall be described as a separate part on a Reference Plan of Survey to be prepared and deposited at the Owner's expense and filed with the Secretary-Treasurer prior to the issuance of the Certificate of Official;

    c. The Transfer/Deed from the Owner for the land to be dedicated shall be engrossed in the of "The Corporation of the Township of South Frontenac", and shall include the following attached to the Transfer/Deed as a Schedule:

    The Transferor hereby transfers the lands to the municipality for the purpose of widening the adjacent highway pursuant to Section 31(6) of the Municipal Act, 2001, Chapter 25, as amended.

    d. The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense;

    e. The duplicate registered Transfer/Deed for the land to be dedicated together with a letter of opinion of a solicitor qualified to practice law in the Province of Ontario addressed to the Secretary-Treasurer confirming that the municipality acquired good and marketable title to the land free and clear of all liens and encumbrances shall be delivered to the Secretary-Treasurer prior to the issuance of the Certificate of Official.

Municipal Requirements

1. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. This includes all taxes levied as of the date of the issuance of the Certificate of Official.

2. The Township of South Frontenac shall receive 5% of the value of the three (3) severed parcels, in lieu of parkland [Planning Act, s. 51(1)].

3. The Owner shall submit a Hydrogeological Assessment that demonstrates an adequate supply of potable water is available for each severed parcel and no unacceptable impacts to adjacent water well users and properties, to the satisfaction

of the Township. The Hydrogeological Assessment shall be prepared in accordance with the Township's Standards for Hydrogeological Assessment. In determining whether the assessment is satisfactory, the Township shall require the submitted Hydrogeological Assessment to be peer reviewed. The peer review process shall be initiated by the Township but will be at the cost of the Owner.

4. In the event that there are abandoned wells located on the three (3) severed parcels or the retained property, they shall be sealed in accordance with the requirements of the Ministry of the Environment, Conservation and Parks and that this work shall be accomplished prior to the issuance of the Certificate of Official.

5. The applicant shall enter into a Development Agreement with the Township to be registered on title to the severed parcels to address the development of the lot, including requirement for an entrance permit, as well as a lot grading and drainage plan to be submitted at the building permit stage.

Zoning

6. Where a violation of Zoning By-law No. 2003-75 is evident, the appropriate minor variance or rezoning be obtained to the satisfaction of the Municipality.

Report Prepared By:
Noah Perron, Planner

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

SOUTH FRONTENAC

Consent Application

Green Parcel

Application Requirements

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

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

Pre-consultation meeting fee	$105.00

☐ 2. One hard copy of this completed application form signed and commissioned.

☐ 3. A Sketch of your proposal (see Question 25 for details on what to include). The sketch must be drawn with accurate dimensions and measurements. It is recommended that you take your time to carefully assemble the data and crate the sketch. You may wish to secure the assistance of a person who specializes in the drafting of sketches.

☐ 4. The applicable **non-refundable** application fee, payable to the Township of South Frontenac:

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

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

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

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

☐ 6. Required studies & Supporting Information identified at pre-consultation (if applicable)

☐ 7. Deed or transfer, or authorization for Township Staff to acquire title documents (if applicable)

Collection of Personal Information:

Personal information requested on the application form is required under the *Planning* Act. This information will be used by the Township for the purpose of reviewing the application. It may be made available to those boards, Commissions, Authorities, Agencies and Persons having an interest in this matter. Any questions regarding the collection of this information should be directed to the Secretary Treasurer of the Committee of Adjustment (P.O. Box 100, Sydenham, Ont., K0H 2T0, Phone 613-376-3027 ext. 2224).

What is considered when reviewing an application?

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

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

TOWNSHIP OF SOUTH FRONTENAC CONSENT APPLICATION

For Office Use Only

Date Received: _____ File Number: _____

1. Name of Owner(s): Bert Hughson

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

Phone number of Owner(s): [redacted]

Email Address of Owner(s): [redacted]

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

Name of Authorized Applicant/Agent: The Boulevard Group (Jason Sands)

Full Mailing Address of Authorized Applicant/Agent: [redacted]

Phone number of Authorized Applicant/Agent: [redacted]

Email Address of Authorized Applicant/Agent: [redacted]

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

Sig[redacted]

Communications are to be sent to: ☐ Owner(s) ☑ Agent

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

[redacted]

(Signature of the property owner) July 3, 2023 (Date)

TOWNSHIP OF SOUTH FRONTENAC CONSENT APPLICATION

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

☑ Yes ☐ No Date Fee Paid: As part of formal submission

Name of Planner: Noah Perron Date of Meeting: June 12, 2023

5. The description of the subject land:

District: ☐ Bedford ☐ Portland ☐ Loughborough ☑ Storrington

Civic Address: Unaddressed Sydenham Road

Concession Number: 7 Lot Number: 14 & 15

Reference Plan Number: 13R-4613 Part Number(s): 2

Roll Number: 1029-060-010-02102

Property Identification Number (PIN): Unknown

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

Frontage on water (m): N/A Frontage on road/lane (m): +/- 250m / +/- 845m

Name of Waterbody: N/A Name of Road/Lane: Horning / Sydenham

Depth(m): +/- 480m Area(acres/ha): +/- 58 acres

7. Select the type of consent being applied for:

☑ Creation of a New Lot
☐ Easement (right of way)
☐ Lot Addition
☐ Charge/Discharge of Mortgage
☐ Correction of Title
☐ Lease
☐ Other:

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

Consent application seeking to create a new vacant parcel expected to be developed with residential uses in the future while maintaining the existing agricultural uses on the proposed retained parcel

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

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

	Severed Lot (Proposed new lot):	Retained Lot:
Frontage on Road/Lane (m):	+/- 80m	+/- 250m Horning Rd / +/- 845m Sydenham
Name of Road/Lane:	Horning Road	Horning Rd & Sydenham Rd
Frontage on Water (m):	N/A	N/A
Name of Waterbody:	N/A	N/A
Depth (m):	+/- 130m	+/- 400m
Acres (acres or ha):	+/- 2.5 acres	+/- 50 acres

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

	Severed Lot (Proposed new lot):	Retained Lot:
Existing Use of Lot:	Vacant - undeveloped	Agricultural
Existing Buildings/Structures:	Vacant	Agricultural
Proposed Use of Lot:	Residential	Agricultural
Proposed Buildings/Structures:	Unknown	None

10. LOT ADDITION – Complete this section ONLY if you are applying for a lot addition.

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

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

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

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

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

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

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

Length:_____ Depth: _____ Width: _____ Area: _____

Civic address of Benefitting lands:_____

Roll Number of Benefitting Lands: _____

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

_____

_____

_____

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

(NEW LOT) Severed Parcel		Retained Parcel	
☐	Municipal water system	☐	Municipal water system
☑	Privately owned and operated well	☑	Privately owned and operated well
☐	Lake water	☐	Lake water
☐	Other: _____	☐	Other: _____

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

(NEW LOT) Severed Parcel		Retained Parcel (None)	
☐	Publicly owned and operated communal septic system	☐	Publicly owned and operated communal septic system
☐	Privately owned and operated individual septic system:	☐	Privately owned and operated individual septic system:
☑	Leaching Bed (Class 4)	☐	Leaching bed (Class 4)
☐	Holding Tank (Class 5)	☐	Holding Tank (Class 5)
☐	Greywater Pit (Class 2)	☐	Greywater Pit (Class 2)
☐	Privy/Outhouse (Class 1)	☐	Privy/Outhouse (Class 1)

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

Unknown

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

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

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

17. Name of road or lane which accesses:

The new lot (lot addition or Right of Way): Herring Road

The retained lot: Sydenham Road

Please indicate whether access to the land will be by:

☐	Provincial highway	☐	Lane
☑	Municipal Road - maintained year round	☐	A right of way
☐	Municipal Road - seasonally maintained	☐	Water (see next page)

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

The New Lot: _____

The Retained Lot: _____

18. What is the zoning of the subject lands? (Check www.frontenacmaps.ca)

RU

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

Rural

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

The subject property is designated Rural in the Township Official Plan, and in our opinion the proposed residential intensification is appropriate in scale and density in accordance with section 5.7.4 of the Plan - specifically 5.7.4(1) which recognizes the form of single detached dwellings.

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

☑ Yes ☐ No ☐ Unknown

Please explain:

The proposed lot creation in the rural area to facilitate limited rural residential development is appropriate and does not seek to cause environmental or public health & safety concerns (section 1.1.1 c), will not prevent the efficient expansion of settlement areas (section 1.1.1 d), uses rural infrastructure & avoids unjustified & uneconomical expansion (Section 1.1.3.2 b), is compatible with rural landscape (Section 1.1.5.4) and is compliant with provincial minimum distance separation formulae (Section 1.1.5.8) as well as individual on-site sewage (section 1.6.6.4). Overall our opinion is that the proposal is consistent with the 2020 PPS.

22. Has the subject land ever been, or is currently, the subject of an application for approval of a plan of subdivision under section 51 of the *Planning Act*, for a consent under section 53 of the *Planning Act*, for a minor variance, for approval of a site plan, or for an amendment to an official plan, an amendment to the zoning by-law or a Minister's zoning order? Complete all applicable

☐ Yes ☐ No ☑ Unknown			
Application Type	Application Number	Date of Application	Decision
☐ Plan of Subdivision			
☐ Consent			
☐ Minor Variance			
☐ Site Plan Approval			
☐ Official Plan Amendment			
☐ Zoning By-law Amendment			
☐ Minister's Zoning Order			

23. Has land been previously severed from the subject property, since September 5, 2000? If yes, please provide date of transfer; name of transferee and uses of the land.

☐ Yes _____ ☑ No

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

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

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

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

TOWNSHIP OF SOUTH FRONTENAC CONSENT APPLICATION

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

The sketch must include the following:

☐ A directional arrow with North at the top of the page.

☐ The boundaries and dimensions of the whole property. LABEL the part that is to be severed and the part that is to be retained, including the total area (acres or hectares), road frontages on all roads/lanes for each and waterbodies.

☐ Indicate if the owner of the subject property also owns other lands near the proposal.

☐ The distance between the subject land and the nearest road, bridge or railway crossing

☐ The location of all land previously severed from the parcel (if applicable) originally acquired by the current owner of the subject land.

☐ All natural and artificial features that are located on the subject property and on land beside the subject property. Please label and show the approximate location of:

a. Existing Buildings, wells and septic systems, bridges, railways, roads, hydro lines

b. Waterbodies, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas

c. Landfills, propane facility, quarry's and pits

d. Barns

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

☐ Please include any information on natural and artificial features (as listed above) that in the applicant's opinion may affect the application

☐ Please indicate the current uses of land that is surrounding the property, such as residential, agricultural and commercial uses (if agricultural, please indicate the approximate distance of any barn structure from the proposed new lot).

☐ The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way.

☐ If access to the subject land is by water only, please show the location of the parking and boat docking facilities to be used, and the title documents to demonstrate legal deeded use of these facilities

☐ The location and nature of any easement affecting the subject land.

☐ The location of any abandoned wells on the property

PERMISSION, ACKNOWLEDGEMENT, AGREEMENT AND DECLARATION OF APPLICATION

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

ACKNOWLEDGEMENT OF ADDITIONAL REQUIREMENTS

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

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

AGREEMENT TO INDEMNIFY

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

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

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

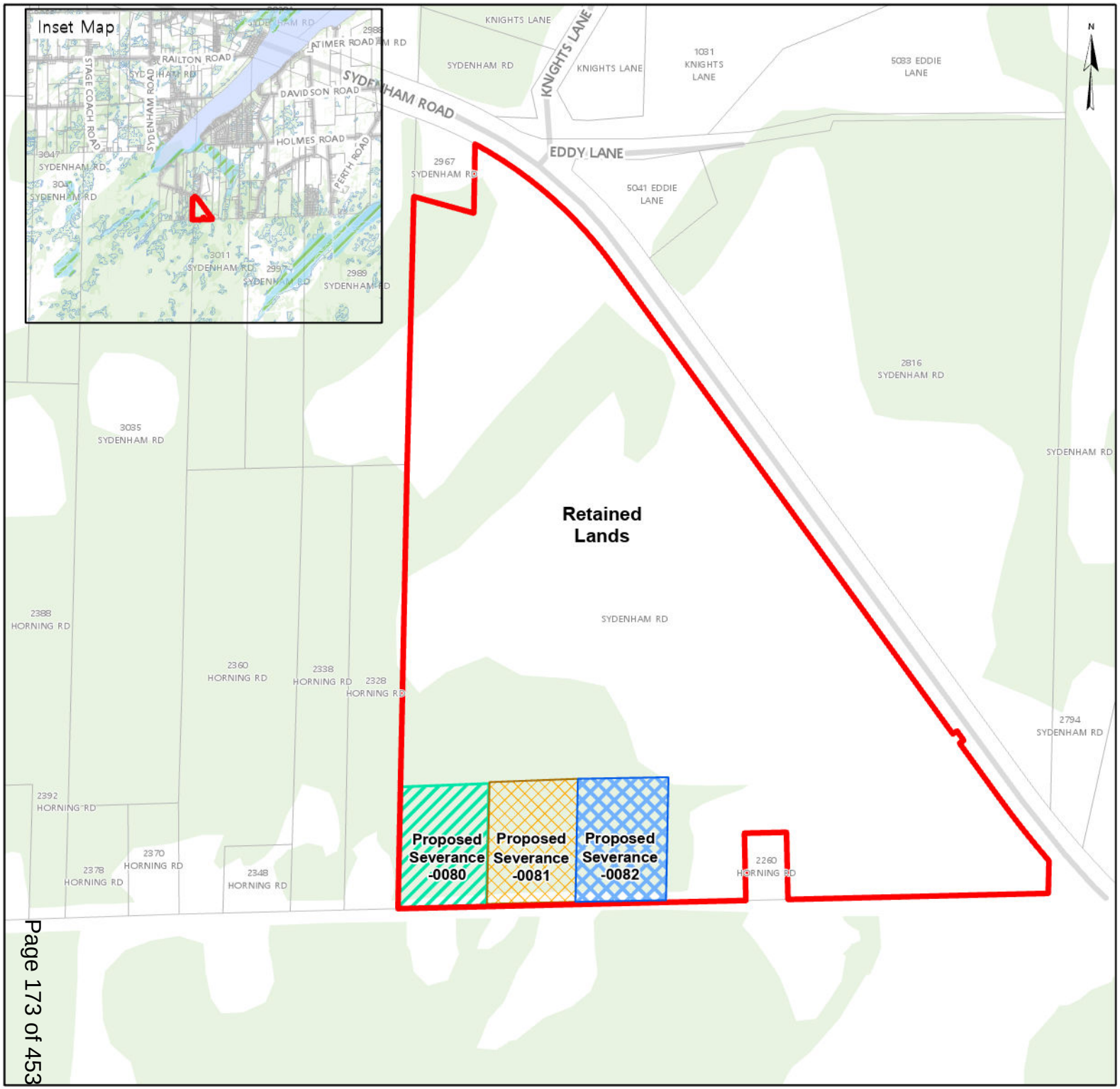
TOWNSHIP OF SOUTH FRONTENAC CONSENT APPLICATION

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

DECLARATION FOR THE PRESCRIBED INFORMATION

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





SOUTH FRONTENAC

PL-BDJ-2023-0080/81/82
(HUGHSON)
(THE BOULEVARD GROUP)
HORNING ROAD &
SYDENHAM ROAD

Legend

- Subject Property
- Proposed Severance 3
- Proposed Severance 2
- Proposed Severance 1
- Wooded Area
- Lake Trout Lake - At Capacity
- Lake Trout Lake - Not at Capacity
- Non-Lake Trout Lake - At Capacity
- Waterbody
- Road

Produced by the County of Frontenac under license with the Ontario Ministry of Natural Resources © King's Printer for Ontario, 2022.

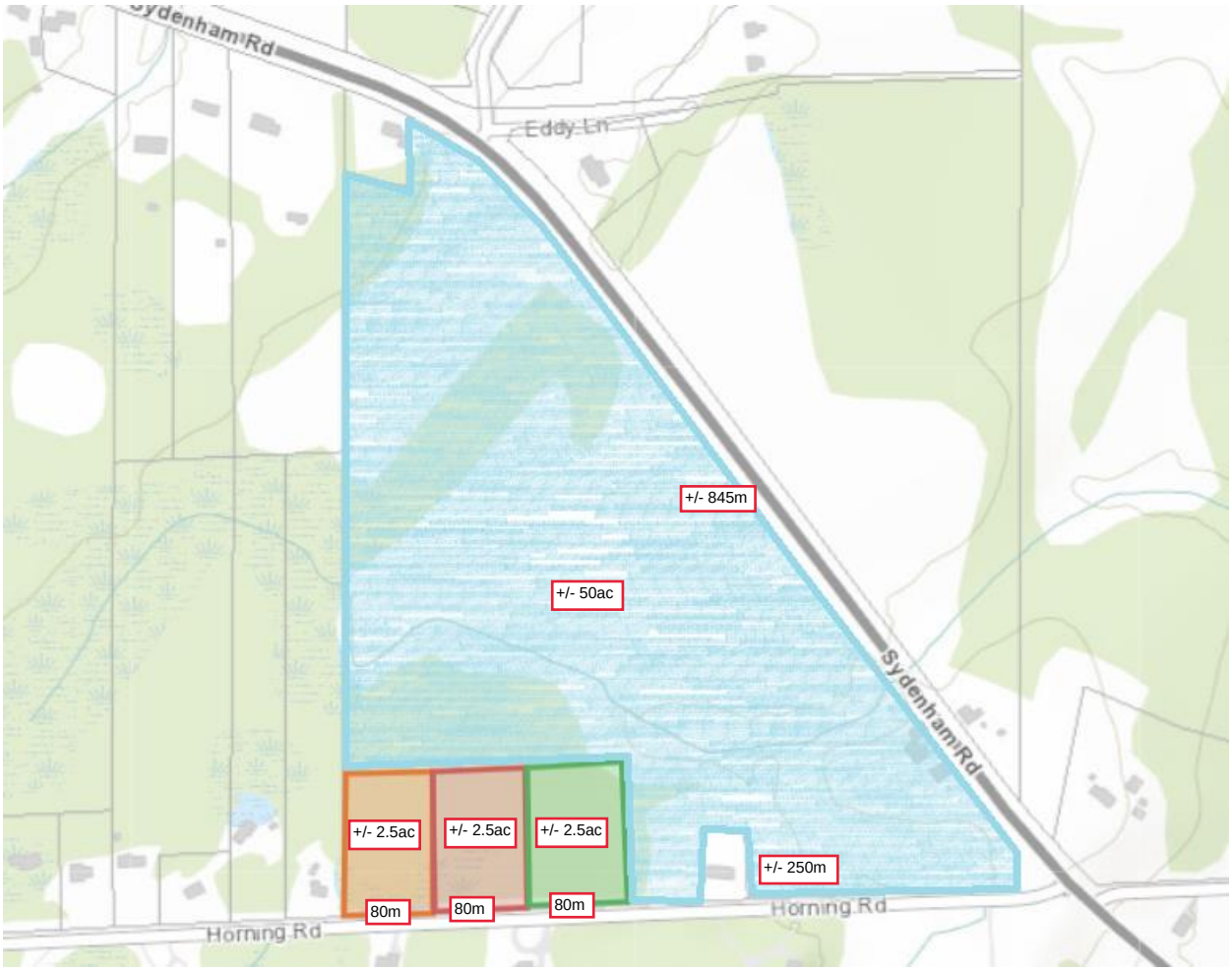
While the County makes every effort to insure that the information presented is accurate for the intended uses of this map, there is an inherent error in all mapping products, and accuracy of the mapping cannot be guaranteed for all possible uses. This map displays basic topographic features only.

Scale: 1:4,850

0 35 70 140 m

UTM Zone 18 NAD 83

Date: 2023-07-18


Sydenham Rd
Eddy Ln
+/- 845m
+/- 50ac
Sydenham Rd
+/- 2.5ac
+/- 2.5ac
+/- 2.5ac
+/- 250m
80m
80m
80m
Horning Rd
Horning Rd

Minimum Distance Separation (MDS) Assessment

July 2023

RE: Unaddressed parcel fronting Sydenham Road
Roll #: 1029-060-010-02102
Applications for consent (lot creation)

This Minimum Distance Separation (MDS) Assessment utilizes the 2017 MDS formulae as provided in Publication 853 issued by the Ministry of Agriculture, Food and Rural Affairs (OMAFRA). Publication 853 includes the definitions, implementation guidelines and factor tables (i.e., calculations) which collectively make up the MDS formulae referenced in the Provincial Policy Statement (PPS), as well as additional information to assist with the interpretation and application of the MDS formulae. The calculations are completed using the AgriSuite software supplied by OMAFRA, while the definitions and guidelines provide necessary direction to interpret and apply the calculations.

Publication 853 provides two classes of MDS formulae: MDS I and MDS II. MDS I applies the setbacks between proposed new development and existing livestock facilities. MDS II applies to setbacks from new, enlarged, or renovated livestock facilities and existing or approved development. The owner of the subject property is seeking to subdivide the parcel into a total of four (4) separately conveyable parcels, maintaining the existing livestock facility and accessory structures on the proposed retained parcel (fronting Sydenham Road) while establishing three (3) vacant parcels suited for residential development fronting Horning Road. Based on the *Planning Act* application (Section 53), the proposal is subject to MDS I consideration.

In accordance with Publication 853 Implementation Guidelines (IG) #2, an MDS setback is required for proposed lot creation in accordance with IG #8. IG #8 requires an MDS I setback where lot creation is proposed. Section 5.35(a) & Section 5.35(b) of the Township of South Frontenac Zoning By-law Number 2003-75 includes the following general provisions applicable to MDS:



Figure 1 – Subject Property

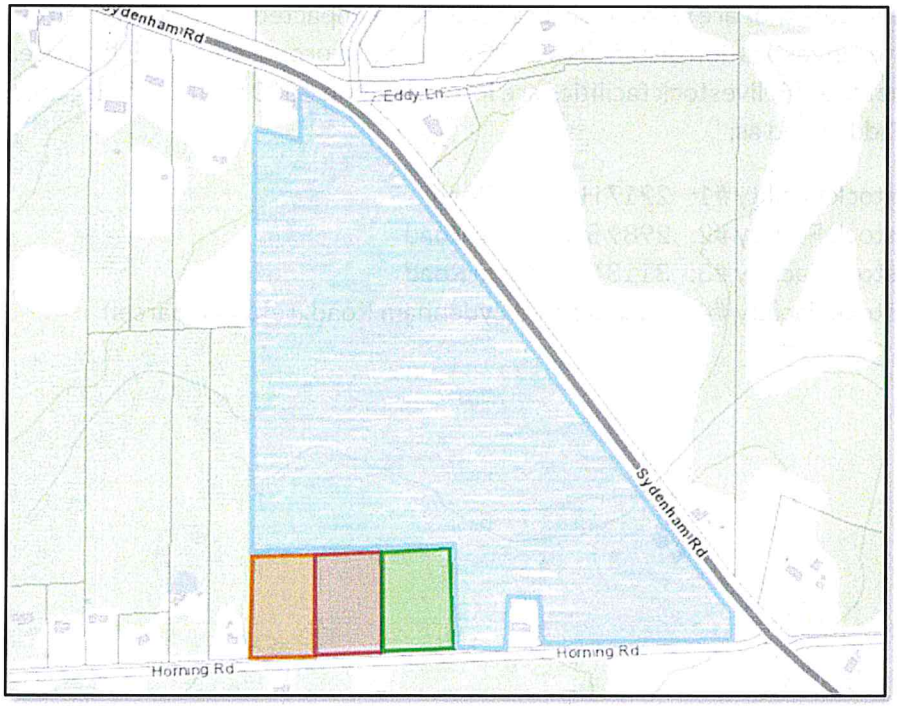


Figure 2 – Concept Plan

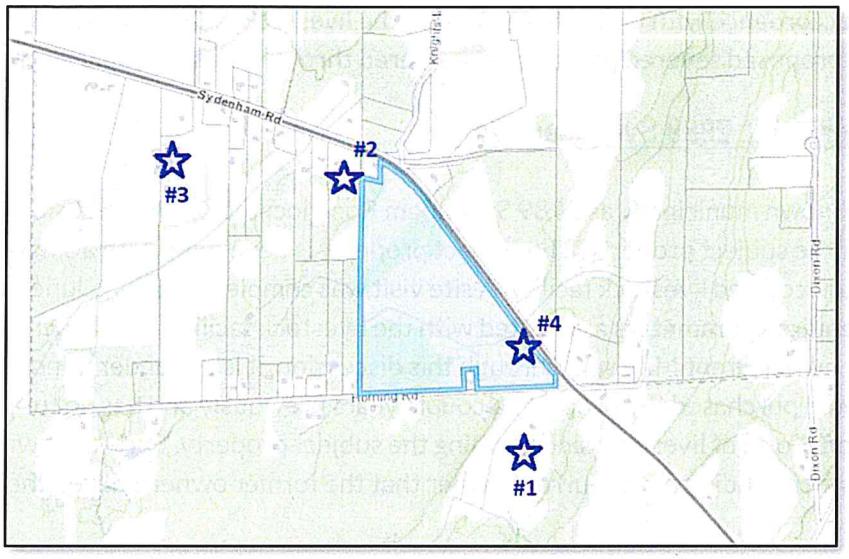


Figure 3 delineates the livestock facilities described above so that spatially, there location as it relates to the subject property is better understood and represented visually.

Livestock Facility #1: 2217 Horning Road

The property known municipally as 2217 Horning Road located on the south side of Horning Road, immediately west of the Horning Road & Sydenham Road intersection. The subject property measures approximately 40.0 hectares in area and is developed with a single detached dwelling, unoccupied livestock facility and multiple accessory structures. The subject property is the home of Carey Equipment Sales, which sells agricultural equipment (see Exhibit A – Livestock Facilities Photos). Although the subject property maintains multiple accessory structures and a livestock facility, the unoccupied livestock facility has been converted internally to support the agricultural equipment sales use, no longer capable of housing livestock.

A site visit was completed Friday, June 23, 2023, to confirm the required parameters associated with the livestock facility. During the site visit, the author spoke with the owner (Neil Carey), who toured the property and confirmed the lack of livestock on-site and the conversions which took place years past to support the agricultural equipment sales use. The former livestock facility has and currently functions as a machinery storage facility.

Although the buildings on the subject property fail to accommodate livestock currently, the unoccupied (former) livestock facility was assessed in accordance with OMAFRA Publication 853 and Zoning By-law MDS I setback requirements per Section 5.35(a).

In accordance with Implementation Guideline #3 of OMAFRA Publication 853, a machinery shed is not subject to MDS I setback requirements. Although the structure was formerly a livestock facility, the internal conversions of the structure to facilitate machinery storage have rendered the facility unable to accommodate livestock (see Exhibit A – Livestock Facilities Photos).

experienced multiple additions over the past decades, most recently in 2020. Through discussions with the owner, it was confirmed that the livestock facility is designed to accommodate 35 dairy cattle (see Exhibit B – Livestock Facilities Photos). The MDS assessment utilizing the OMAFRA AgriSuite software and the agricultural use parameters summarized above, a required MDS setback of 370 metres was yielded using OMAFRA AgriSuite software (see Exhibit A – MDS Calculation) as it relates to the livestock facility and 433 metres was yielded from the manure pit. The proposed severed parcels on the subject property are located on the southern extent of the lands, fronting Horning Road, which are well beyond the MDS I setback generated from the livestock facility located at 3113 Sydenham Road. Therefore, in accordance with OMAFRA guidance, the livestock facility will have no adverse odour impact on the proposed development as considered through this consent application.

Livestock Facility #4: unaddressed Sydenham Road (retained parcel)

The subject property located at the northwest corner of Sydenham Road & Horning Road is unaddressed. The subject property is currently development with a livestock facility, that is located immediately adjacent to Sydenham Road, along the easternmost boundary of the land holding. The existing livestock facilities are proposed to be maintained through the processing of these Consent applications and entirely located on the proposed retained parcel. The subject property is currently utilized for beef cattle pasturing, while the livestock maintains access to the existing livestock facility for shelter.

The livestock facility measures (15.5m x 11.0m) 170.5 square metres that is a wood framed structure clad in wood siding. Notwithstanding the total livestock facility area, the owner pastures 25 beef backgrounders on the subject property, with limited access to the structure. The subject property currently maintains 58.5 acres, whereas should the proposed consent applications be approved the proposed retained parcel would be approximately 51.0 acres. The northernmost structure is an open building that is used for storage, not livestock. The southernmost building is utilized for both hay and equipment storage, therefore exempt from being included in the total livestock facility area for the purposes of the MDS calculation.

A site visit was completed Friday, June 23, 2023, to confirm the required parameters associated with the livestock facility; which included obtaining multiple photos of the structure to augment previous discussions with the owner of the lands, Mr, Bert Hughson (see Exhibit B – Livestock Facilities Photos).

The MDS assessment utilizing the OMAFRA AgriSuite software and the agricultural use parameters summarized above, a required MDS setback of 233 metres was yielded using OMAFRA AgriSuite software (see Exhibit A – MDS Calculation). The proposed severed parcels on the subject property are located on the southwestern extent of the subject property, fronting Horning Road, which are beyond the MDS I setback generated from the livestock facility proposed to be maintained and entirely located on the retained parcel. Therefore, in accordance with

Exhibit A: MDS Assessment – Structure Photos

2217 Horning Road



Figure 1 – Subject property & equipment sale yard fronting Horning Road



Figure 4 – Accessory structure utilized for equipment storage



Figure 5 – former livestock facility used for machinery storage and shop



Figure 8 – former livestock facility used for machinery storage and shop



Figure 9 – former livestock facility used for machinery storage and shop

2989 Sydenham Road



Figure 12 – 2989 Sydenham Road driveway



Figure 13 – unoccupied livestock facility on the subject property

3113 Sydenham Road



Figure 16 – 3113 Sydenham Road driveway



Figure 17 – 3113 Sydenham Road driveway

Unaddressed Sydenham Road (retained parcel)

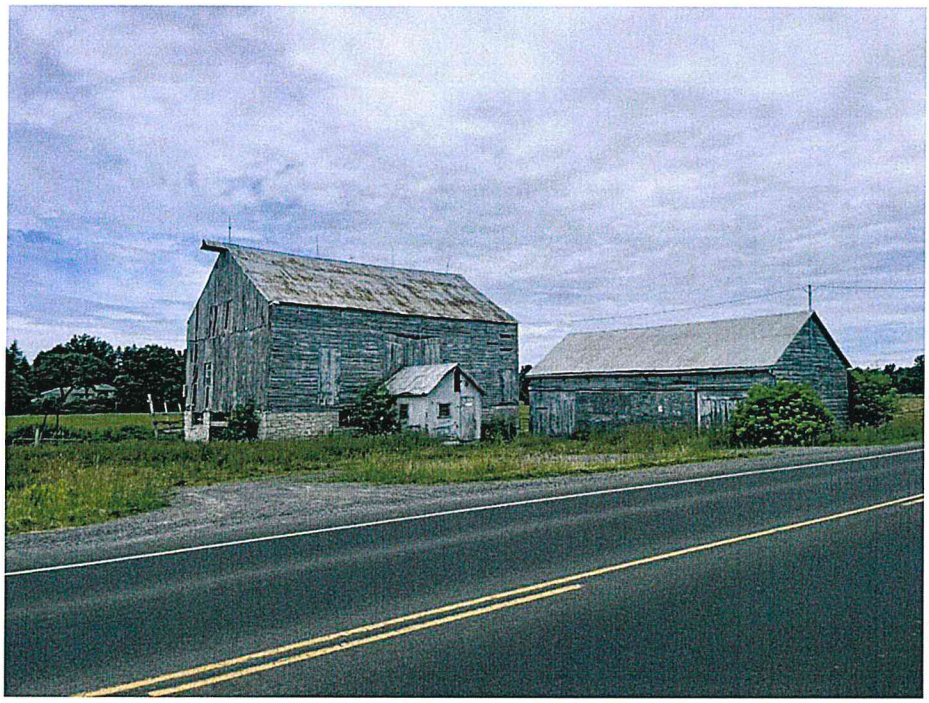


Figure 20 – structures on the subject property



Figure 21 – southernmost structure on the subject property



Figure 24 – interior of southernmost structure on the subject property – used for storage

Preparer signoff & disclaimer

Preparer contact information
Jason Sands
The Boulevard Group
Kingston, ON
613-453-2715
jason@theblvdgroup.ca

Signature of preparer

Jason Sands	27 June 2023
	Date (mmm-dd-yyyy)

Note to the user

The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) has developed this software program for distribution and use with the Minimum Distance Separation (MDS) Formulae as a public service to assist farmers, consultants, and the general public. This version of the software distributed by OMAFRA will be considered to be the official version for purposes of calculating MDS. OMAFRA is not responsible for errors due to inaccurate or incorrect data or information; mistakes in calculation; errors arising out of modification of the software, or errors arising out of incorrect inputting of data. All data and calculations should be verified before acting on them.

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Preparer signoff & disclaimer

Preparer contact information
Jason Sands
The Boulevard Group
Kingston, ON
613-453-2715
jason@theblvdgroup.ca

Signature of preparer

Jason Sands	27 June 2023
	Date (mmm-dd-yyyy)

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Preparer signoff & disclaimer

Preparer contact information
Jason Sands
The Boulevard Group
Kingston, ON
613-453-2715
jason@theblvdgroup.ca

Signature of preparer

	27 June 2023
Jason Sands	**Date (mmm-dd-yyyy)**

Note to the user

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Katherine Christmas and Peter Raftis
2328 Horning Road
Elginburg ON. KH 1M0

RECEIVED
AUG 17 2023
TOWNSHIP OF
SOUTH FRONTENAC
PLANNING DEPARTMENT

Kate Kaestner
Secretary-Treasurer, Committee of Assessment
South Frontenac Township
PO Box 100
4432 George Street
Sydenham ON K0H 2T0

Re: NOTICE OF CONSENT APPLICATIONS PLBDJ2023-0080, 0081 & 0082 (Horning Road)
(HERBERT HUGHSON AND THE BOULEVARD GROUP)

We are writing to make our objection to the above-named proposed property severance known. The severance of the land, we believe, will cause significant reductions in the limited ground water that we have access to on this small, rural road.

It is well known by the residents of Horning Road that we have a very low ground water table and even with careful water conservation, we and many of our neighbours experience periods where there is not sufficient ground water to our wells.

Common sense tells us that large homes will be built on those newly severed, large lots and we feel that there is a good chance that we will lose our ground water and that our properties would be deemed worthless.

Have Frontenac Township officials studied the water tables in our area? Are they aware that access to ground water is precarious in this area? Water trucks consistently have to deliver water to most of the residents on our road. The neighbour directly across the road from us (on the City of Kingston side) was denied the ability to sever his property and build on the proposed severed land solely because, after drilling a new well, there was not sufficient ground water to support another dwelling on his land.

We would ask South Frontenac Township officials to provide assurance that there is ample ground water to support any large new homes that we expect will be built on the severed properties and also explain to us how we would be compensated should we lose access to the ground water that we desperately depend on, in the event that new wells are drilled or dug on the three properties noted above. If this should occur, we and other residents of Horning Road will be seeking compensation. We will not accept any document or assurance regarding ground water levels from any individual that has been compensated by the landowner or his consultants.

We would also ask that we be notified of any decision made with regard to the proposed severance of the properties adjacent to our land and would ask that you pass along our strong objection to the property owner and his consultants.

Please do not take this matter lightly. Deep pockets should never come before residents' right to water. A public meeting, with residents of Horning Road invited needs to be called. This issue is too important and urgent to us and our neighbours.

Thank you for your attention to our concerns.

[redacted]

Katherine Christmas, Property Owner, 2328 Horning Road, Tel: [redacted]
Peter Raftis, Property Owner, 2328 Horning Road, Tel: [redacted]

August 18,2023

Kate Kaestner

Secretary-Treasurer, Committee of Assessment

South Frontenac Township

PO Box 100, 4432 George Street

Sydenham, On

K0H 2T0



RE :Notice of consent applications PLBDJ2023-0080, 0081 &0082 Horning Road (Herbert Hughson and the Boulevard Group)

We are a family of five currently residing on the Kingston (south) side of Horning Road. Although we are not south Frontenac residents I do believe that water sources do not start nor stop at a township line. We are writing to covey our objections to the proposed property severance applications.

Before building our home we realized water resources were extremely limited in this area and had the foresight to install a 3000 gallon cistern. This water supply back up is a necessity for us to be able to live here. Learning water conservation was a lesson taught early in life to our children. It is not uncommon to see water trucks supplying residents on a monthly basis.

We believe that with the addition of three more homes would cause significant damage to our very limited water reserves. The loss of ground water supply could eventually happen with the drilling of these wells resulting in devastating property value loss for residents that currently have water issues.

We are asking what guarantees, if any, the township is offering the existing residents of Horning Road that our water resources will not be affected if the applications are granted. With global warming our seasons are not the norm and it could take at least a twelve month period to ascertain if our water table has been affected.

We would appreciate being notified of the decision of this application and also request the public record to not include our address and phone number

We appreciate your consideration to our concerns

[redacted]

Steven and Emily Landon

[redacted]

[redacted]

August 18,2023

Kate Kaestner

Secretary-Treasurer, Committee of Assessment

South Frontenac Township

PO Box 100, 4432 George Street

Sydenham, On

K0H 2T0



RE :Notice of consent applications PLBDJ2023-0080, 0081 &0082 Horning Road

(Herbert Hughson and the Boulevard Group)

As a resident of Horning Road I'm writing to express my objection to the above named property severance applications.

It is common knowledge to all of the home owners on Horning Rd (west off Sydenham Rd) that the quality and resources of our water supplies are extremely limited. It is not unusual to see water trucks delivering on our road constantly and not only in the summer months.

I firmly believe that with the addition of three more residential buildings, being of considerable size according to the acreage would be a further strain on our very limited water reserves. The result of which would be further hardships for residents with current water shortages and possibly cause a significant loss in property values.

I am inquiring what assurance the township is offering the existing residents of Horning Road that our water supplies will not be affected if these severance applications are granted. It could possibly take up to a year with the completion of all four seasonal cycles to get a clear idea if our current water table has been affected.

I wish to be notified of the decision of this application. I also request the public record to not include my address and phone number

Thank you for your attention to this matter

[redacted]

Elizabeth Turcotte

[redacted]

[redacted]

August 19, 2023

Herman and Ann Marie Cornel
[redacted]



Kate Kaestner
Secretary-Treasurer, Committee of Assessment
South Frontenac
P.O. Box 100
4432 George Street
Sydenham ON, K0H 2T0

Subject: Notice of Consent Applications PLBDJ20230080/81/82 (Horning Road)
(Owner/Applicant: Herbert Hughson and the Boulevard Group)

Further to my emails of Aug17, we are formally writing you to voice our objection to the subject proposed property severance. With well water being a well known issue on Horning Road, both in quantity and quality, having more homes on Horning Road raises our concerns about more new wells affecting our existing wells.

It is expected that if this severance is accepted that these large lots will have large homes with large demands on water. Most residents on Horning Road already have to bring in water at times throughout the year and not just during dry times. As you well know water trucks are on this road all year long. Water is fundamental to existence and should take precedence over development, profit and an increased tax base.

What is South Frontenac's plan to assure the existing residents of Horning Road that our wells will not be affected by such a development? Has the water table been studied by South Frontenac? Such a study should be recent and any such study should be completely independent of the landowner Herbert Hughson. What is the compensation plan to the existing residents of Horning Road should these applications be accepted and the result is detrimental affects to our existing wells?

A public meeting is requested, with the residents of Horning Road and we ask to be notified of any decision regarding these applications.

As stated in the subject notice we request that the public record of this communication not include our "postal address, telephone number and e-mail address".

We look forward to your feedback on this very important matter.

[redacted]

Herman Cornel
(Cell: [redacted])

[redacted]

Ann Marie Cornel

Noah Perron

From: Herman Cornel [redacted]
Sent: August 17, 2023 7:24 AM
To: planning
Cc: Del Blakney
Subject: Notice of Consent Applications: PL-BDJ-2023-0080/81/82

Follow Up Flag: Follow up
Flag Status: Completed

Kate Kaestner:

Hi, I've been informed by a neighbour of the subject application for severance by applicant Herbert Hughson and its deadline for comments (2023Aug28) and therefore I am writing to you as the notice indicates with my comments/concerns.

With well water being a well known issue on Horning, both in quantity and quality, having more homes on Horning Rd raises our concern about more new wells affecting our existing wells.

Is it correct that now or in the near future lots of 2.5acres in size, as being proposed here, will be permitted to have two homes each, making these three lots possibly to include six homes, not just three?

Is there a requirement for the applicant to provide a well water study to convince/assure the existing residents that our wells will not be affected?

What is the plan to assure the existing residents of Horning Rd that our wells will not be affected by this development?

I trust that this written email is adequate to fulfill the requirements for "comments or objections to this application" and I look forward to any feedback on this important matter.
Further, as stated in the subject notice, I request to be notified of the application decision and I assume this e-mail written request is sufficient for such a request.
Also as stated in the subject notice, I request the public record of this communication NOT include my "postal address, telephone number and e-mail address" and I assume this e-mail written request is sufficient for such a request.

/Herman Cornel
[redacted]

Victor Caspary & Paula Scott
2293 Horning Rd.
Elginburg, ON
K0H 1M0

Kate Kaestner
Secretary Treasurer,Committee of Adjustment,
South Frontenac Twp.
PO Box 100
4432 George St.
Sydenham ON
K0H 2T0

Re: NOTICE OF CONSENT APPLICATIONS PLBDJ20230080,
PLBDJ20230081
PLBDJ20230082
Horning Rd. (owner/applicant Herbert Hughson and the Boulevard Gp.)

We are writing to voice our strong objection to these applications.
We have struggled with the low flow and quality of the water on our property since we bought in1974.Our first large Thanksgiving dinner was a disaster since our city guests and we didn't realize that flushing every time would empty the well .The dishes had to wait for another two days to get washed.
We learned our lesson and are very careful not to always flush or take baths. It is embarrassing to convey this to somebody who is new to our home.
The thought of someone new drilling a well just across the road fills us with great anxiety as we worry that we will lose all of our water.
The quality of the water in this limestone is also very poor. I have replaced all my plumbing twice , so far because of the high sulphur content. I have asked the local well driller about drilling a new well but was told I would waste my money. Everyone on the road who drills gets either no water, sulphur or salt.
The water in this area is a considerable problem that can't be rectified because the geology is what it is.
I would request that the council carefully consider the water issue and hear from the experiences of the residents .
I am sure that once all the water related facts are presented, you will not permit another well to be drilled in such a fragile area.

Property owner Victor G. Caspary 2293 Horning Rd. [redacted]
Property owner Paula Scott 2293 Horning Rd. [redacted]

Noah Perron

From: Jim Neeson [redacted]
Sent: August 21, 2023 1:24 PM
To: planning
Subject: Notice of Consent Applications PLBDJ20230080 ,PLBDJ20230081 , &PLBDJ20230081

ATT; Noah

As a resident of Horning Road for over 35 years,
I strongly object to this severance application. The only reason is the lack of a constant water supply. When I moved here on September 1 st 1988
, the well was dry for several weeks. When I went to Ministry of the Enviroment of Ontario on October 16 ,2012 to obtain a copy of the well record. There was only one well record which is dated February 28 ,1983. The person dealing with my application at the Ministry of the Enviroment stated the he would never built a house there because of this well report. I applied to MPAC for a lower evaluation of my house due to at least 3 months of having a dry well . I received a lower evaluation.

The well being dry is also full of Sulpher when I do have water. It must be noted that a resident of City of Kingston who lives almost across the street from this location had a well drilled and went down over 200 feet and came up dry. Apparently he spent $20,000.00

Yours truly

Jim Neeson
Sent from Mail for Windows

Noah Perron

From: Jay Clayton [redacted]>
Sent: August 21, 2023 5:38 PM
To: planning
Subject: Land severance

Follow Up Flag: Follow up
Flag Status: Completed

Kate Kaestner
Secretary-Treasurer, Committee of Adjustment
P.O. Box 100, 4432 George Street
Sydenham, Ontario K0H 2T0

I am writing with reference to the application PLBDJ20230080, PLBDJ20230081 and PLBDJ20230082. I live at 2392 Horning Road. The water situation is already taxed in my area, in which I am forced to primarily use my cistern as a water source. The severance will make this much worse for all involved.

Thanks for your concern,
Jason Clayton
2392 Horning Road
Elginburg, ON K0H 1M

Eric slade
2373 Horning Rd
Elginburg, Ont
K0H1M0
[redacted]

17 Aug 2023

Kate Kaestner
secretary Treasurer
Committee of Adjustment
P.O. Box 100
4432 George St
Sydenham, Ont
K0H 2T0

SUBJECT: Proposed Severances: Ref: Notice of Concent Applications; PLBDJ20230080,81 & 82 by applicant, Herbert Hughson (The Boulevard Group) Horning & Sydenham Rd.

Dear Kate Kaestner

I own a home on Horning Rd, I have NO water, two attempts were made to drill a well, both efforts failed. One was drilled to a depth of 168 feet at which point a hydrologist I spoke advised that I go no deeper due to the possibility/probability that any water that we did come to would be contaminated with sulfur, iron or evensalt. The second well was drilled down to 100 feet, again completly dry so no further attempts ere made. The house my wife and I were building at the time was altered to include a large cistern and the water used is delivered by tanker truck from the city.

The availability of water all along Horning Rd is a major concern for all residents. The wells that people do have are not all that dependable and cannot be relied upon to meet everday needs on consistent basis. Water being trucked to many of the homes is not an uncommen sight along Horning Rd.

Finally - a close neighbour of mine needed a new well, the driller he hired bored a hole just over 200 feet deep at considerable expense. The well produced a very small amount of waterright at the bottom but due to the high mineral content it was not useable - according to the test results. A very, very expensive hole in the ground.

Because of the water situation in the area and the unknown effect that additional well drilling (iffy at best) may have on the supply of water that my neighbours have right NOW, I believe these severences should NOT, I repeat NOT go ahead.

I am also concerned about the impact heavy construction equipment will have on this stretch of land, it is tree covered limestone with a relatively thin layer of soil. The use of heavy equipment to all the trees, break up the limestone to level the land and then excavate for basements may well have a detrimental effect on the water table worsening the situation that already exists.

[redacted]

Eric Slade

P.S. PSE EXCUSE MY TYPING SKILLS, I'VE BEEN OUT OF PRACTISE FOR A LONG TIME

[redacted]

Victor Caspary & Paula Scott
2293 Horning Rd.
Elginburg, ON
K0H 1M0

Kate Kaestner
Secretary Treasurer,Committee of Adjustment,
South Frontenac Twp.
PO Box 100
4432 George St.
Sydenham ON
K0H 2T0

Re: NOTICE OF CONSENT APPLICATIONS PLBDJ20230080,
PLBDJ20230081
PLBDJ20230082
Horning Rd. (owner/applicant Herbert Hughson and the Boulevard Gp.)

We are writing to voice our strong objection to these applications.
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We learned our lesson and are very careful not to always flush or take baths. It is embarrassing to convey this to somebody who is new to our home.
The thought of someone new drilling a well just across the road fills us with great anxiety as we worry that we will lose all of our water.
The quality of the water in this limestone is also very poor. I have replaced all my plumbing twice , so far because of the high sulphur content. I have asked the local well driller about drilling a new well but was told I would waste my money. Everyone on the road who drills gets either no water, sulphur or salt.
The water in this area is a considerable problem that can't be rectified because the geology is what it is.
I would request that the council carefully consider the water issue and hear from the experiences of the residents .
I am sure that once all the water related facts are presented, you will not permit another well to be drilled in such a fragile area.

Property owner Victor G. Caspary 2293 Horning Rd. [redacted]
Property owner Paula Scott 2293 Horning Rd. [redacted]
[redacted]
[redacted]

AUG. 20, 2023

AUG 20, 2023

Kirk Ryder & Allison Ryder
2388 Horning Road,
Elginburg, ON K0H 1M0

RECEIVED
AUG 24 2023
TOWNSHIP OF
SOUTH FRONTENAC
PLANNING DEPARTMENT

August 24, 2023

South Frontenac
Att: Kate Kaestner
Secretary-Treasurer, Committee of Adjustment
PO Box 100, 4432 George Street
Sydenham, ON K0H 2T0

Via: planning@southfrontenac.net and copy hand delivered

RE: Notice of Consent Applications PLBDJ20230080, PLBDJ20200081 & PLBDJ20230082
Owner/Applicant: Herbert Hughson

We are writing in Objection to the above-named proposed property severance. We believe that the severance of the land along with the addition of three new wells, will cause significant reductions in the already limited ground water that we have access to.

Horning Road residents are aware of the very low ground water table and low supply of water. Even taking precautions with water conservation, we, and our neighbours experience periods where there is not sufficient ground water to our wells.

We believe the severance of the lots and additional wells will cause a reduction and even loss of ground water to wells in the area. Has South Frontenac Township conducted water table studies relative to the residences on Horning Road?

Our property has already been subject to the loss of ground water since the first/original well; resulting in an alternative source having to be used. As well, several neighbours that had wells, now rely on a cistern and water to be delivered. These families have been unexpectedly burdened with these additional costs. Another neighbour drilled a new well and discovered there was insufficient ground water to support the required amount/flow of water.

We strongly object this application to the proposed severance of properties. We ask the South Frontenac Township Officials take the above noted comments along with other neighbours submissions in mind.

We request that we receive notification of any decision made with respect to the above noted application.

Thank you

[redacted]

Kirk Ryder & Allison Ryder

August 25, 2023

Francis & Kathie Groenewegen

[redacted]



Kate Kaestner

Sec. Tres. COA

South Frontenac

P.O. Box 100

4432 George St.

Sydenham, ON

Regarding Notice of Consent Applications PLBDJ20230080, PLBDJ20230081, PLBDJ20230082 (Owner/Applicant: Herbert Hughson and the Boulevard Group.)

We are writing in support of the residents of Horning Road in voicing their objections to the severance of the parcels listed above.

Our farm backs onto Horning Road, the 7th concession which our property is a lot thereof.

Water is in extremely short supply in this area. This year has been unseasonably wet, historically our house and dairy farm run out of water every year near the end of June or early July when we are forced to purchase water to supply our animals and household. A single truckload of which cost approximately $225 and can require as many as 3-4 per week. Our wells have run consistently dry in 31 of the last 34 years we have been farming on this property.

Further to this point our dairy plant which has been in operation for the last 11 years has had 100% of its water needs purchased and delivered by truck.

One need only look on the Ontario well maps webpage to see that there are numerous wells drilled in the area that have either come up dry, contaminated with chloride or sulphur.

Most of the wells that have been successfully drilled or dug in the area meet only the bare minimum in production of water to allow a severance or mortgage.

The reports of any wells drilled or dug in this unusually wet year should be reviewed with a healthy dose of skepticism. If any hydrogeological surveys are proposed to address these concerns, steps must be taken to ensure such a study remains fair and independent for all parties concerned.

We request that the public record of this letter not include our postal address, email address or telephone number.

Francis and Kathie Groenewegen [redacted]

[redacted]

Gary and Paula Appleton
2348 Horning Road
Elginburg, ON. K0H 1M0



August 25, 2023

Kate Kaestner
Secretary-Treasurer, Committee of Assessment
South Frontenac Township
PO Box 100
4432 George Street
Sydenham, ON. K0H 2T0

Re: NOTICE OF CONSENT APPLICATIONS PLBDJ2023-0080, 0081 & 0082 (Horning Road) (HERBERT HUGHSON AND THE BOULEVARD GROUP)

We are writing to make our objection to the above-named proposed property severance known. We mirror the previously submitted objection and opinions of Katherine Christmas and Peter Raftis (see attached copy for reference). We reiterate, the severance of the land, we believe, will cause significant reductions in the already limited ground water that we currently have access to on this small rural road.

Further, we wish to highlight all the previously made points and concerns as mentioned in the Katherine Christmas and Peter Raftis letter regarding the severing of lots and the potential building of additional homes:

- Questioning if studies were performed by South Frontenac Township Officials regarding the water tables in our area?
- We request South Frontenac Township Officials provide assurance of ample ground water to support any new build homes, on the severed properties, and explain how we would be compensated should we lose access to the already limited ground water that we rely on.
- In the event new wells are drilled or dug on the three (3) properties noted above, we and the other residents of Horning Road will be seeking compensation. We will not accept and document or assurance regarding ground water levels from any individual that has been compensated by the landowner or his counterparts.
- We ask to be notified of any decision made with regard to the proposed severance of the above-named properties and would ask that you pass along our strong objection to the property owner and his consultants.
- A public meeting, with residents of Horning Road invited needs to be called. This issue is too important and urgent to us and our neighbors.

Thank you for your attention and consideration regarding our concerns.

Gary Appleton, Property Owner, 2348 Horning Road, Tel: [redacted]
Paula Appleton, Property Owner, 2348 Horning Road, Tel: [redacted]

Katherine Christmas and Peter Raftis
2328 Horning Road
Elginburg ON. KH 1M0

RECEIVED
AUG 29 2023
TOWNSHIP OF
SOUTH FRONTENAC
PLANNING DEPARTMENT

Kate Kaestner
Secretary-Treasurer, Committee of Assessment
South Frontenac Township
PO Box 100
4432 George Street
Sydenham ON K0H 2T0

Re: NOTICE OF CONSENT APPLICATIONS PLBDJ2023-0080, 0081 & 0082 (Horning Road) (HERBERT HUGHSON AND THE BOULEVARD GROUP)

We are writing to make our objection to the above-named proposed property severance known. The severance of the land, we believe, will cause significant reductions in the limited ground water that we have access to on this small, rural road.

It is well known by the residents of Horning Road that we have a very low ground water table and even with careful water conservation, we and many of our neighbours experience periods where there is not sufficient ground water to our wells.

Common sense tells us that large homes will be built on those newly severed, large lots and we feel that there is a good chance that we will lose our ground water and that our properties would be deemed worthless.

Have Frontenac Township officials studied the water tables in our area? Are they aware that access to ground water is precarious in this area? Water trucks consistently have to deliver water to most of the residents on our road. The neighbour directly across the road from us (on the City of Kingston side) was denied the ability to sever his property and build on the proposed severed land solely because, after drilling a new well, there was not sufficient ground water to support another dwelling on his land.

We would ask South Frontenac Township officials to provide assurance that there is ample ground water to support any large new homes that we expect will be built on the severed properties and also explain to us how we would be compensated should we lose access to the ground water that we desperately depend on, in the event that new wells are drilled or dug on the three properties noted above. If this should occur, we and other residents of Horning Road will be seeking compensation. We will not accept any document or assurance regarding ground water levels from any individual that has been compensated by the landowner or his consultants.

We would also ask that we be notified of any decision made with regard to the proposed severance of the properties adjacent to our land and would ask that you pass along our strong objection to the property owner and his consultants.

Please do not take this matter lightly. Deep pockets should never come before residents' right to water. A public meeting, with residents of Horning Road invited needs to be called. This issue is too important and urgent to us and our neighbours.

Thank you for your attention to our concerns.

Katherine Christmas, Property Owner, 2328 Horning Road, Tel: [redacted]
Peter Raftis, Property Owner, 2328 Horning Road, Tel: [redacted]

Katherine Christmas and Peter Raftis
2328 Horning Road
Elginburg ON. KH 1M0

Kate Kaestner
Secretary-Treasurer, Committee of Assessment
South Frontenac Township
PO Box 100
4432 George Street
Sydenham ON K0H 2T0

Re: NOTICE OF CONSENT APPLICATIONS PLBDJ2023-0080, 0081 & 0082 (Horning Road) (HERBERT HUGHSON AND THE BOULEVARD GROUP)

Further to our letter delivered to your office on August 17, 2023, it has been brought to our attention that South Frontenac Township does not measure **well recovery rates**[1, 2] on newly drilled wells but rather you measure volume only. If this true, this is a foolhardy and shocking approach to responsible ground water management.

According to the Government of Ontario, Ministry of Environment and Energy's guidelines "the recovery water levels must be measured and recorded [3] - simply recording and measuring well pumping rates is not enough.

We are aware that our neighbours on Horning and Sydenham Roads are all deeply concerned about this issue and we hope that you will take all factors into consideration before allowing this atrocity to continue with regard to and further drilling of wells on this road.

Sincerely,

Katherine Christmas and Peter Raftis
2328 Horning Road, Elginburg ON K0H 1M0
[redacted]

[1] Well Recovery Rate is the rate at which water runs into the well from the rock fissures and openings into the lower portion of the well below the steel casing, while we're pumping water out of the well. Some other terms for well recovery rate include well yield, well flow rate, and well water quantity. Recovery is the rate, in gallons per minute, at which water in the well returns to its static water level after the pump is turned off. The recovery rate is another estimate of well yield. To get this data, the driller measures depth to water in the well immediately at the end of the test. This is the drawdown. Then, at some later time, say one hour, depth to water is measured again. From this information, the driller figures *the amount the water level rose in the well (e.g., the length of the water column) in that period of time. This is the recovery of the well.*

[2] (Estimating Private Well Yields using DEM's Well Completion Report and Pumping Test Information) https://www.mass.gov/doc/estimating-private-well-yields-0/download

[3] Government of Ontario, Ministry of Environment and Energy

From: [redacted]
To: planning
Subject: Attention Kate Kaestner re: PLBDJ2023-0080, -0081 and 0082
Date: August 19, 2023 2:38:19 PM

Greetings.

I write concerning plans for the serverence of land in South Frontenac near my home at 2247 Horning Rd. and the possible residential development of that land.

That I am aware of, there are three homes on the south side of Horning Rd., my home being one of them, that have water cisterns. In my case, the presence of the cistern ensured my water supply during a severe summer drought in the 1990s when supply was quite limited. Though I haven't had to use it since, it is reassuring to know that it is there. Since that time, the city of Kingston has prohibited any new cisterns from being installed. Therefore, any significant increase in the demand for ground water could leave at least some of the current residents of Horning Rd. with a dramatic decline in available water that could not be overcome by having current cisterns maintained or new ones installed, the expense aside.

I have no difficulties with residential development of any land that is not useful for farming or conservation purposes. However, the supply of water is critical and will the developer guarantee that that supply will be maintained?

Yours truly,

Anita Smith Down

2247 Horning Rd., Elginburg, ON, K0H 1M0

[redacted]

Delbert Blakney and Sarah Boughen
2338 Horning Road
Elginburg ON. K0H 1M0

Kate Kaestner
Secretary-Treasurer, Committee of Assessment
South Frontenac Township
PO Box 100
4432 George Street
Sydenham ON K0H 2T0

Re: NOTICE OF CONSENT APPLICATIONS PLBDJ2023-0080, 0081 & 0082 (Horning Road) (HERBERT HUGHSON AND THE BOULEVARD GROUP)

We are writing to make our objection to the above-named proposed property severance known.

We were most excited to move to the country and live on a well so we wouldn't have to pay for water anymore however, we were very wrong. The water quality is very poor, over 18 ppm of sulfur that requires an expensive filtration system and ongoing chemical costs. Many of our neighbours wells run dry. Many neighbours on the street have cisterns and are constantly having water delivered. We have a water account with the City of Kingston so we may purchase water for gardening and filling the hot tub and pool as this would not be possible with the well water.

Our neighbour immediately across the street who resides in the City of Kingston attempted to drill a well last year and despite drilling 110 feet was unable to achieve a successful hydrogeological report to support their application for severance. This partial driveway and well head is visible from the street less than 200 feet from the proposed severances noted above.

Horning Road residents struggle with water quality and supply. Adding additional residential buildings will aggravate the current conditions significantly and will undoubtedly add expense to the current homeowners.

The official plan section 7.01 discusses the division of land and lot creation.
The following points of concern are submitted for your consideration in regards to the official plan.

A) As all new lots require potable water, the creation of the new lots will clearly have an adverse economical impact on adjacent land uses contrary to provision of the official plan.

B) The application for consent failed to provide a sketch identifying all buildings, septic systems and wells on the lands subject to the consent application as well as on adjacent lands, nor are separation distances identified.

C) 2328 Horning Road and 2338 Horning Road are lots containing residences, zoned agricultural that I understand have already been severed from the parcel that is proposing three additional severances.

We would also ask that we be notified of any public meetings with staff and the applicant as well as opportunities to address South Frontenac Counsel with our concerns. We also respectfully ask to be notified of any decision made with regard to the proposed severance of the properties.

Respectfully,

[redacted]

Delbert Blakney
Sarah Boughen [redacted]

SOUTH FRONTENAC

Building Services
4432 George St, Box 100
Sydenham, ON K0H 2T0
613-376-3027

Consent to Sever Inspection Report

File Number: PL-BDJ-2023-0081		**Receipt Number:** Receipt number
Owner(s): Hughson, Herbert		**Roll Number:** 1029 060 010 02102
Municipality: Township of South Frontenac		**Ward / Former Township:** Storrington
Lot: 14 and 15 **Concession:** 7	**Reference Plan:** 13R4613 **Part(s):** 2	**Plan of Subdivision:** **Sub-lot:**

General Description (existing buildings, surface features, slopes, site services for water and sewage, etc)

Severed: The proposed severed lot consists of flat wooded area with rocky outcrops and grassy openings. The proposed lot is bordered by Horning Road to the south, two other proposed severed lots to the east and west and retained parcel to the north. The test holes were located near southern property line and excavated to a depth of 0.35 to 0.4 meters

Retained: N/A

Soil type, depth and water table on each part of potential leaching bed areas. Indicate water table with bar.

Severed	Depth of Soil	Retained
Topsoil and organics	0.05 m	N/A
TH # 1	0.35 m	
TH # 2	0.40 m	
Bedrock		

Percolation rate (estimated): > 50 min/cm

Percolation rate (estimated): N/A

NOTE: the approval of any new lot is based on its suitability to provide an area for a Class 4 sewage system for an average three (3) bedroom home. Approval to build a larger home on this lot will be subject to availability of sufficient area for a larger sewage system.

Parcel suitability for on-site sewage system:

SEVERED Conditions:

- [x] Satisfactory
- [ ] Unsatisfactory
- [x] Site Flexible
- [ ] Site Specific

No objection to the proposed severance as the application states the consent is for a lot-creation.
Soil conditions found on the lot will require additional suitable granular soil to construct a sewage system. Specific requirements for additional soil will be indicated on an Application to Construct a Sewage System prior to site development.
The proposed lot is capable of providing flexibility in siting a sewage system, dependent on the proposal submitted through an Application to Construct a Sewage System.

RETAINED Conditions: N/A

- [ ] Satisfactory
- [ ] Unsatisfactory
- [ ] Site Flexible
- [ ] Site Specific

Inspector: Chris Beeg	**Approved:**	**Date:** November 29, 2023

Report from Public Services

Application Number: PL-BDJ-2023-0081

Applicant's Name: Hughson Herbert Seth

Concession: 7 **Lot:** 14 **District:** Storrington

Road: Horning Road

Road Maintenance: Year-round ☑ Seasonal ☐

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

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

RETAINED PARCEL: ADEQUATE ENTRANCE SIGHT LINES.

SEVERED PARCEL: ADEQUATE ENTRANCE SIGHT LINES

Road Conditions:

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

   Yes ☑ No ☐

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

   This is a boundary road with the City of Kingston who have been circulated on this file. Existing drainage conditions flow through this property which cannot be adversely affected. Applicant is required to submit a grading and drainage plan for approval which addresses drainage from the existing cross culvert at this location

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

   Yes ☑ No ☐

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

Road Widening Required?

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

Any specific requirement?

Local road - rural classification. Ensure that there is a 20m (66ft road allowance) otherwise applicant to dedicate any shortfall of 10m from centerline.

Approved by the Public Services?

Yes ☐ Yes, with conditions ☑ No ☐

If yes, with conditions, please describe conditions below.

Refer to drainage comments

Evan Bancroft

Signature on behalf of Public Services

2023-09-13

Date

Township of South Frontenac

Staff Report

To:	Committee of Adjustment
Prepared by:	Development Services Department
Date of Meeting:	December 14, 2023
Subject:	**Consent Applications PL-BDJ-2023-0080, PL-BDJ-2023-0081 & PL-BDJ-2023-0082, Horning Road, Pt Lots 14-15 CON 7, Storrington District**

Summary

These applications are for the creation of three new rural residential lots. The applications have unresolved objections/concerns raised by the public. For this reason, the Committee of Adjustment is being asked to make a decision on the consent applications. This report recommends approval of the applications.

Background

The purpose of these applications is to create three new rural residential lots. The retained parcel is intended to be used for agricultural purposes.

Application Details

	Severed Parcel 1 (PL-BDJ-2023-0080)	Severed Parcel 2 (PL-BDJ-2023-0081)	Severed Parcel 3 (PL-BDJ-2023-0082)	Retained Parcel
Area (Ac)	2.5	2.5	2.5	50.0
Frontage on Horning Road (m)	80	80	80	250.0
Frontage on Sydenham Road (m)	0	0	0	845.0

Designation and Zoning

The subject property is designated Rural in the Township Official Plan. The property is zoned Rural (RU) in Zoning By-law No. 2003-75.

Related Applications

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

Review

✓ Conforms to section 51 (24) of the *Planning Act*;

✓ Does not require a plan of subdivision for the proper and orderly development of the municipality (s. 53(1) *Planning Act*);

✓ Is consistent with the Provincial Policy Statement (s. 3(5) *Planning Act*);

✓ Conforms to the County of Frontenac Official Plan (s. 3.3 & 7.1);

✓ Conforms to the Township of South Frontenac Official Plan (s. 5.7.4 & 7.1);

✓ Does not comply with Zoning By-law No. 2003-75; and

X Has unresolved objections/concerns raised from agencies or the public.

Property Description

The subject property is approximately 57.5Ac in area with 490m of frontage on Horning Road and 845m of frontage on Sydenham Road. Horning Road exists at the southernmost extent of Township and is a shared boundary with the City of Kingston. The property contains three livestock barns adjacent to Sydenham Road along the eastern lot line. The primary use of the property is beef cattle pasturing, with the existing barns being used for shelter. With the exception of the southwest corner, which is densely covered in mature tree and vegetation growth, a majority of the subject property is cleared. Topographically, the property is mostly flat but varies slightly. For example, the southwest corner is elevated slightly from the remainder of the property. Additionally, there is an existing drainage channel which flows through the bottom half of the property east across Sydenham Road, towards an existing wetland feature on an adjacent property. Finally, the surrounding area consists mainly of rural residential and agricultural land uses.

Department and Agency Comments

Public Services provided their comments on September 13, 2023. Public Services have no objection to the approval of the three consent applications. It was noted that there are adequate sight lines to permit entrances from Horning Road for the three severed parcels and the retained parcel. Public Services staff also noted that Horning Road is a boundary road with the City of Kingston and existing drainage conditions cannot be adversely impacted. For this reason, the applicant will be required to submit a grading and drainage plan which addresses drainage from the existing cross culvert.

Road widening is to be determined by an Ontario Land Surveyor. Any shortfall of the 20m road allowance, measured 10m from the centreline of Horning Road, shall be dedicated for the severed lots.

Building Services provided their comment on November 29, 2023. Staff had no objection with the approval of the three consent applications. Staff noted that additional suitable granular soil would be required to accommodate the installation of sewage systems on the three severed lots. The specific requirements for additional soil will be indicated on an Application to Construct a Sewage System prior to site development. Finally, staff noted that the proposed severed lots are capable of providing flexibility in locating a sewage system.

Cataraqui Conservation conducted a joint site visit with Township Planning staff to assess the subject lands for natural heritage features. During the site visit it was determined that no natural heritage features were present. For this reason, Cataraqui Conservation Staff indicated that they would not require formal circulation on the applications.

Public Comments

All three consent applications were circulated for public comment on August 11, 2023. During the 14 day comment period, Township Planning Staff received approximately fifteen (15) letters objecting the proposed severances. The primary concerns outlined within the letters of objection included, but were not limited to, water availability, water quality, lack of groundwater studies, the need for hydrogeological studies and potential compensation should the newly created lots adversely effect existing wells. At this time, the public concerns addressed remain unresolved. Planning Staff elaborate on how these unresolved concerns are to be addressed in a later section of this report.

Planning Analysis

Minimum Distance Separation from Livestock Facilities

In conformity with the Provincial Policy Statement, the Township Official Plan requires all division of land for non-farm uses to comply with the Minimum Distance Separation Formulae

I (MDS I) (Section 7.1 (I)). The Township Zoning By-law also requires residential development to comply with MDS.

Township Planning Staff identified six livestock facilities within 750m of the proposed severed lots which warranted further investigation. Three of the six facilities exist on the retained parcel, with only one being used to shelter livestock. The applicant's agent calculated MDS I setbacks for three facilities and provided evidence that the facility located at 2217 Horning Road and the two remaining facilities on the retained parcel no longer house livestock. The following table identifies the actual and required MDS I setbacks for livestock and related manure storage.

Location of Livestock Barn and Manure Storage	Actual Distance from Livestock Barn to Nearest Severed Parcel (Metres)	Minium Required MDS I Setback (Metres)
2989 Sydenham Road	472	235
3113 Sydenham Road	715	433
Retained Parcel	253	233

The applicant's agent submitted an MDS package which included a description of each facility, results of on-site investigation, MDS I calculation sheets and photographs. Using this information, Township Planning Staff created sketches that confirmed a development enveloped on all three severed parcels that would meet the required MDS I setbacks, in addition to all other required zoning setbacks.

Rural Residential Development

The PPS allows growth and development to be directed to rural lands, including lot creation that is locally appropriate. The County Official Plan and the Township Official Plan permit residential development in the Rural Designation.

Section 5.7.4 of the Official Plan indicates that a maximum of three rural residential lots may be created by consent from landholdings provided that the new lots meet the General Consent Policies, as well as other applicable policies. The subject property has existed in its current configuration since July 17, 1981. As no lots have been severed since the adoption of the Township Official Plan, the subject property is eligible for a maximum of three severed lots.

Section 5.7.4 of the Official Plan requires the frontage, size and shape of any lot created for rural residential purposes through the severance approval process to be appropriate for the proposed use and to comply with the requirements of the Zoning By-law. All three severed parcels and the retained parcel would satisfy the requirements for a minimum lot area of 0.8 hectares and minimum 76 metres of frontage on a public road.

General Consent Policies

Sections 6.10.3 and 7.1(s) of the Official Plan indicate that where applicable, the applicant will provide sufficient information to substantiate that all lots created have a source of potable water and appropriate sanitary sewage disposal facilities in accordance with current regulations to the satisfaction on the Township.

The Owner demonstrated to the satisfaction of Building Services that the severed parcels would have the ability to be serviced by private sewage disposal systems.

The Township typically requires the ability of a lot to be serviced by a private well to be demonstrated as a condition of consent approval. The condition requires the submission of a well driller's report demonstrating a potable water pumping capacity of 3.5 gallons per minute sustained over a 6-hour pump test. Given the concerns raised by the public, Township Planning Staff conducted an independent review of well records along Horning Road. This review found that several wells along Horning Road were pumping at rates less than or equal to 3.5 gallons per minute. In light of this review and supportive official plan policies, it was determined that a more detailed demonstration should be required. For this reason, a recommended condition of approval is to require the applicant to submit a Hydrogeological Assessment completed by and signed and stamped by a Hydrogeologist (P. Eng. or P. Geo.). The assessment must be prepared in accordance with D-5-5 Private Wells: Water Supply Assessment, include the standard 6-hour pump test, address groundwater quality and quantity, and the potential for impact to adjacent water well users and properties. The Hydrogeological Assessment would need to be peer reviewed by County's Hydrogeologist. A satisfactory Hydrogeological Assessment would be required to clear the condition, and for Certificates of Official to be issued for the proposed severed lots.

Conclusion

The severed parcels would be consistent with the Provincial Policy Statement and conform to the County Official Plan and Township Official Plan, provided that a satisfactory Hydrogeological Assessment is produced that demonstrates an adequate supply of potable water is available for each of the new lots and no unacceptable impacts to adjacent water well users and properties. The severed parcels would also comply with Zoning By-law No. 2003-75.

Notice/Consultation

Notice of the Statutory Public Hearing was given pursuant to the requirements of the Planning Act, at least 14 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 on the Townships Current Planning Applications webpage
- by posting notice signs on the subject lands
- by e-mail to prescribed persons and public bodies

Recommendation

It is recommended that applications PL-BDJ-2023-0080, PL-BDJ-2023-0081 and PL-BDJ-2023-0082 be approved for consent for the creation of three new rural residential lots from property legally described as PT Lots 14-15 CON 7, Storrington District (ARN: 102906001002102), each subject to the following conditions:

Expiry Period

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

Severed Lands

2. The lands to be severed by Consent Applications PL-BDJ-2023-0080, PL-BDJ-2023-0081 and PL-BDJ-2023-0082 shall be for the creation of three new residential lots each with a minimum of 2.5Ac of area and a minimum of 80m of frontage on Horning Road.

Survey/Reference Plan or Registerable Description

3. An acceptable reference plan or legal description of the severed lands in duplicate [Registry Act, s.81, Land Titles Act, s. 150], the deed or instrument conveying the severed lands, and the Certificate of Official shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of two years [Planning Act, s. 53(41)] after the date that "Notice of Decision" is given [Planning Act, ss. 53(17) and 53(24)].

4. The surveyor or applicant shall submit the draft Reference Plan(s), including an area calculation and noting frontage along the roads, electronically or in paper form for review and approval by planning staff prior to depositing the Reference Plan with the Land Registry Office.

Road Widening

5. The surveyor who prepares the reference plan(s) referred to in Condition #3 and #4 shall also determine by survey the width of Horning Road to be 20m. If such a width is less than 20m, the owner shall dedicate to the Township land along the frontage of each of the severed lands in the following manner as required:

    a. The land to be dedicated shall be the width required to provide 10m from the centre of the existing travelled road for Horning Road;

    b. The land to be dedicated shall be described as a separate part on a Reference Plan of Survey to be prepared and deposited at the Owner's expense and filed with the Secretary-Treasurer prior to the issuance of the Certificate of Official;

    c. The Transfer/Deed from the Owner for the land to be dedicated shall be engrossed in the of "The Corporation of the Township of South Frontenac", and shall include the following attached to the Transfer/Deed as a Schedule:

    The Transferor hereby transfers the lands to the municipality for the purpose of widening the adjacent highway pursuant to Section 31(6) of the Municipal Act, 2001, Chapter 25, as amended.

    d. The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense;

    e. The duplicate registered Transfer/Deed for the land to be dedicated together with a letter of opinion of a solicitor qualified to practice law in the Province of Ontario addressed to the Secretary-Treasurer confirming that the municipality acquired good and marketable title to the land free and clear of all liens and encumbrances shall be delivered to the Secretary-Treasurer prior to the issuance of the Certificate of Official.

Municipal Requirements

1. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. This includes all taxes levied as of the date of the issuance of the Certificate of Official.

2. The Township of South Frontenac shall receive 5% of the value of the three (3) severed parcels, in lieu of parkland [Planning Act, s. 51(1)].

3. The Owner shall submit a Hydrogeological Assessment that demonstrates an adequate supply of potable water is available for each severed parcel and no unacceptable impacts to adjacent water well users and properties, to the satisfaction

of the Township. The Hydrogeological Assessment shall be prepared in accordance with the Township's Standards for Hydrogeological Assessment. In determining whether the assessment is satisfactory, the Township shall require the submitted Hydrogeological Assessment to be peer reviewed. The peer review process shall be initiated by the Township but will be at the cost of the Owner.

4. In the event that there are abandoned wells located on the three (3) severed parcels or the retained property, they shall be sealed in accordance with the requirements of the Ministry of the Environment, Conservation and Parks and that this work shall be accomplished prior to the issuance of the Certificate of Official.

5. The applicant shall enter into a Development Agreement with the Township to be registered on title to the severed parcels to address the development of the lot, including requirement for an entrance permit, as well as a lot grading and drainage plan to be submitted at the building permit stage.

Zoning

6. Where a violation of Zoning By-law No. 2003-75 is evident, the appropriate minor variance or rezoning be obtained to the satisfaction of the Municipality.

Report Prepared By:
Noah Perron, Planner

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

SOUTH FRONTENAC

Consent Application

Red Parcel

Application Requirements

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

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

Pre-consultation meeting fee	$105.00

☐ 2. One hard copy of this completed application form signed and commissioned.

☐ 3. A Sketch of your proposal (see Question 25 for details on what to include). The sketch must be drawn with accurate dimensions and measurements. It is recommended that you take your time to carefully assemble the data and crate the sketch. You may wish to secure the assistance of a person who specializes in the drafting of sketches.

☐ 4. The applicable **non-refundable** application fee, payable to the Township of South Frontenac:

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

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

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

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

☐ 6. Required studies & Supporting Information identified at pre-consultation (if applicable)

☐ 7. Deed or transfer, or authorization for Township Staff to acquire title documents (if applicable)

Collection of Personal Information:

Personal information requested on the application form is required under the *Planning* Act. This information will be used by the Township for the purpose of reviewing the application. It may be made available to those boards, Commissions, Authorities, Agencies and Persons having an interest in this matter. Any questions regarding the collection of this information should be directed to the Secretary Treasurer of the Committee of Adjustment (P.O. Box 100, Sydenham, Ont., K0H 2T0, Phone 613-376-3027 ext. 2224).

What is considered when reviewing an application?

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

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

TOWNSHIP OF SOUTH FRONTENAC CONSENT APPLICATION

For Office Use Only

Date Received: _____ File Number: _____

1. Name of Owner(s): Bert Hughson

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

Phone number of Owner(s): [redacted]

Email Address of Owner(s): [redacted]

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

Name of Authorized Applicant/Agent: The Boulevard Group (Jason Sands)

Full Mailing Address of Authorized Applicant/Agent: [redacted]

Phone number of Authorized Applicant/Agent: [redacted]

Email Address of Authorized Applicant/Agent: [redacted]

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

Sig[redacted]

Communications are to be sent to: ☐ Owner(s) ☑ Agent

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

([redacted]) _____ July 3, 2023

(Signature of the property owner) (Date)

TOWNSHIP OF SOUTH FRONTENAC CONSENT APPLICATION

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

☑ Yes ☐ No Date Fee Paid: As part of Formal submission

Name of Planner: Noah Perron Date of Meeting: June 12, 2023

5. The description of the subject land:

District: ☐ Bedford ☐ Portland ☐ Loughborough ☑ Storrington

Civic Address: Unaddressed Sydenham Road

Concession Number: 7 Lot Number: 14 & 15

Reference Plan Number: 13R-4613 Part Number(s): 2

Roll Number: 1029-060-010-02102

Property Identification Number (PIN): Unknown

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

Frontage on water (m): N/A Frontage on road/lane (m): +/- 250m / +/- 845m

Name of Waterbody: N/A Name of Road/Lane: Horning / Sydenham

Depth(m): +/- 480m Area(acres/ha): +/- 58 acres

7. Select the type of consent being applied for:

☑ Creation of a New Lot
☐ Easement (right of way)
☐ Lot Addition
☐ Charge/Discharge of Mortgage
☐ Correction of Title
☐ Lease
☐ Other:

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

Consent application seeking to create a new vacant parcel expected to be developed with residential uses in the future while maintaining the existing agricultural uses on the proposed retained parcel

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

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

	Severed Lot (Proposed new lot):	Retained Lot:
Frontage on Road/Lane (m):	+/- 80m	+/- 250m Horning Rd / +/- 845m Sydenham
Name of Road/Lane:	Horning Road	Horning Rd & Sydenham Rd
Frontage on Water (m):	N/A	N/A
Name of Waterbody:	N/A	N/A
Depth (m):	+/- 130m	+/- 400m
Acres (acres or ha):	+/- 2.5 acres	+/- 50 acres

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

	Severed Lot (Proposed new lot):	Retained Lot:
Existing Use of Lot:	Vacant - undeveloped	Agricultural
Existing Buildings/Structures:	Vacant	Agricultural
Proposed Use of Lot:	Residential	Agricultural
Proposed Buildings/Structures:	Unknown	None

10. LOT ADDITION – Complete this section ONLY if you are applying for a lot addition.

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

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

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

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

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

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

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

Length:_____ Depth: _____ Width: _____ Area: _____

Civic address of Benefitting lands:_____

Roll Number of Benefitting Lands: _____

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

_____

_____

_____

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

(NEW LOT) Severed Parcel		Retained Parcel	
☐	Municipal water system	☐	Municipal water system
☑	Privately owned and operated well	☑	Privately owned and operated well
☐	Lake water	☐	Lake water
☐	Other: _____	☐	Other: _____

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

(NEW LOT) Severed Parcel		Retained Parcel (None)	
☐	Publicly owned and operated communal septic system	☐	Publicly owned and operated communal septic system
☐	Privately owned and operated individual septic system:	☐	Privately owned and operated individual septic system:
☑	Leaching Bed (Class 4)	☐	Leaching bed (Class 4)
☐	Holding Tank (Class 5)	☐	Holding Tank (Class 5)
☐	Greywater Pit (Class 2)	☐	Greywater Pit (Class 2)
☐	Privy/Outhouse (Class 1)	☐	Privy/Outhouse (Class 1)

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

Unknown

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

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

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

17. Name of road or lane which accesses:

The new lot (lot addition or Right of Way): Horning Road

The retained lot: Sydenham Road

Please indicate whether access to the land will be by:

☐	Provincial highway	☐	Lane
☑	Municipal Road - maintained year round	☐	A right of way
☐	Municipal Road - seasonally maintained	☐	Water (see next page)

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

The New Lot: _____

The Retained Lot: _____

18. What is the zoning of the subject lands? (Check www.frontenacmaps.ca)

RU

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

Rural

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

The subject property is designated Rural in the Township offical Plan, and in our opinion the proposed residential intensification is appropriate in scale and density in accordance with section 5.7.4 of the Plan - specifically 5.7.4(i) which recognizes the form of single detached dwellings.

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

☑ Yes ☐ No ☐ Unknown

Please explain:

The proposed lot creation in the rural area to facilitate limited rural residential development is appropriate and does not seek to cause environmental or public health & safety concerns (section 1.1.1 c), will not prevent the efficient expansion of settlement areas (section 1.1.1 d), uses rural infrastructure & avoids unjustified & uneconomical expansion (Section 1.1.3.2 b), is compatible with rural landscape (Section 1.1.5.4) and is compliant with provincial minimum distance separation formulae (Section 1.1.5.8) as well as individual on-site sewage (section 1.6.6.4). Overall our opinion is that the proposal is consistent with the 2020 PPS.

22. Has the subject land ever been, or is currently, the subject of an application for approval of a plan of subdivision under section 51 of the *Planning Act*, for a consent under section 53 of the *Planning Act*, for a minor variance, for approval of a site plan, or for an amendment to an official plan, an amendment to the zoning by-law or a Minister's zoning order? Complete all applicable

☐ Yes ☐ No ☑ Unknown

Application Type	Application Number	Date of Application	Decision
☐ Plan of Subdivision			
☐ Consent			
☐ Minor Variance			
☐ Site Plan Approval			
☐ Official Plan Amendment			
☐ Zoning By-law Amendment			
☐ Minister's Zoning Order			

23. Has land been previously severed from the subject property, since September 5, 2000? If yes, please provide date of transfer; name of transferee and uses of the land.

☐ Yes _____ ☑ No

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

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

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

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

TOWNSHIP OF SOUTH FRONTENAC CONSENT APPLICATION

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

The sketch must include the following:

☐ A directional arrow with North at the top of the page.

☐ The boundaries and dimensions of the whole property. LABEL the part that is to be severed and the part that is to be retained, including the total area (acres or hectares), road frontages on all roads/lanes for each and waterbodies.

☐ Indicate if the owner of the subject property also owns other lands near the proposal.

☐ The distance between the subject land and the nearest road, bridge or railway crossing

☐ The location of all land previously severed from the parcel (if applicable) originally acquired by the current owner of the subject land.

☐ All natural and artificial features that are located on the subject property and on land beside the subject property. Please label and show the approximate location of:

a. Existing Buildings, wells and septic systems, bridges, railways, roads, hydro lines

b. Waterbodies, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas

c. Landfills, propane facility, quarry's and pits

d. Barns

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

☐ Please include any information on natural and artificial features (as listed above) that in the applicant's opinion may affect the application

☐ Please indicate the current uses of land that is surrounding the property, such as residential, agricultural and commercial uses (if agricultural, please indicate the approximate distance of any barn structure from the proposed new lot).

☐ The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way.

☐ If access to the subject land is by water only, please show the location of the parking and boat docking facilities to be used, and the title documents to demonstrate legal deeded use of these facilities

☐ The location and nature of any easement affecting the subject land.

☐ The location of any abandoned wells on the property

PERMISSION, ACKNOWLEDGEMENT, AGREEMENT AND DECLARATION OF APPLICATION

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

ACKNOWLEDGEMENT OF ADDITIONAL REQUIREMENTS

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

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

AGREEMENT TO INDEMNIFY

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

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

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

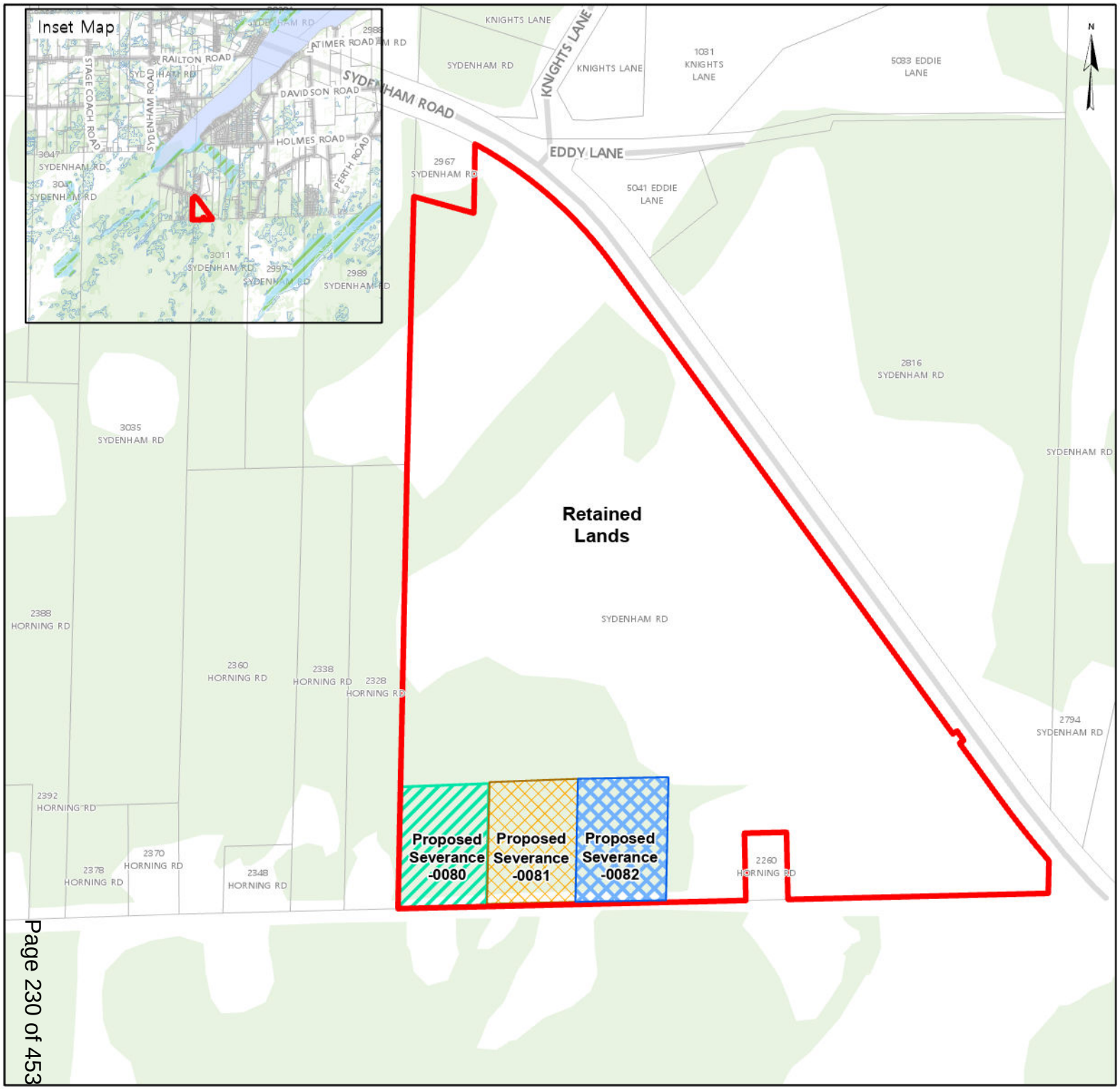
TOWNSHIP OF SOUTH FRONTENAC CONSENT APPLICATION

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

DECLARATION FOR THE PRESCRIBED INFORMATION

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





SOUTH FRONTENAC

PL-BDJ-2023-0080/81/82
(HUGHSON)
(THE BOULEVARD GROUP)
HORNING ROAD &
SYDENHAM ROAD

Legend

- Subject Property
- Proposed Severance 3
- Proposed Severance 2
- Proposed Severance 1
- Wooded Area
- Lake Trout Lake - At Capacity
- Lake Trout Lake - Not at Capacity
- Non-Lake Trout Lake - At Capacity
- Waterbody
- Road

Produced by the County of Frontenac under license with the Ontario Ministry of Natural Resources © King's Printer for Ontario, 2022.

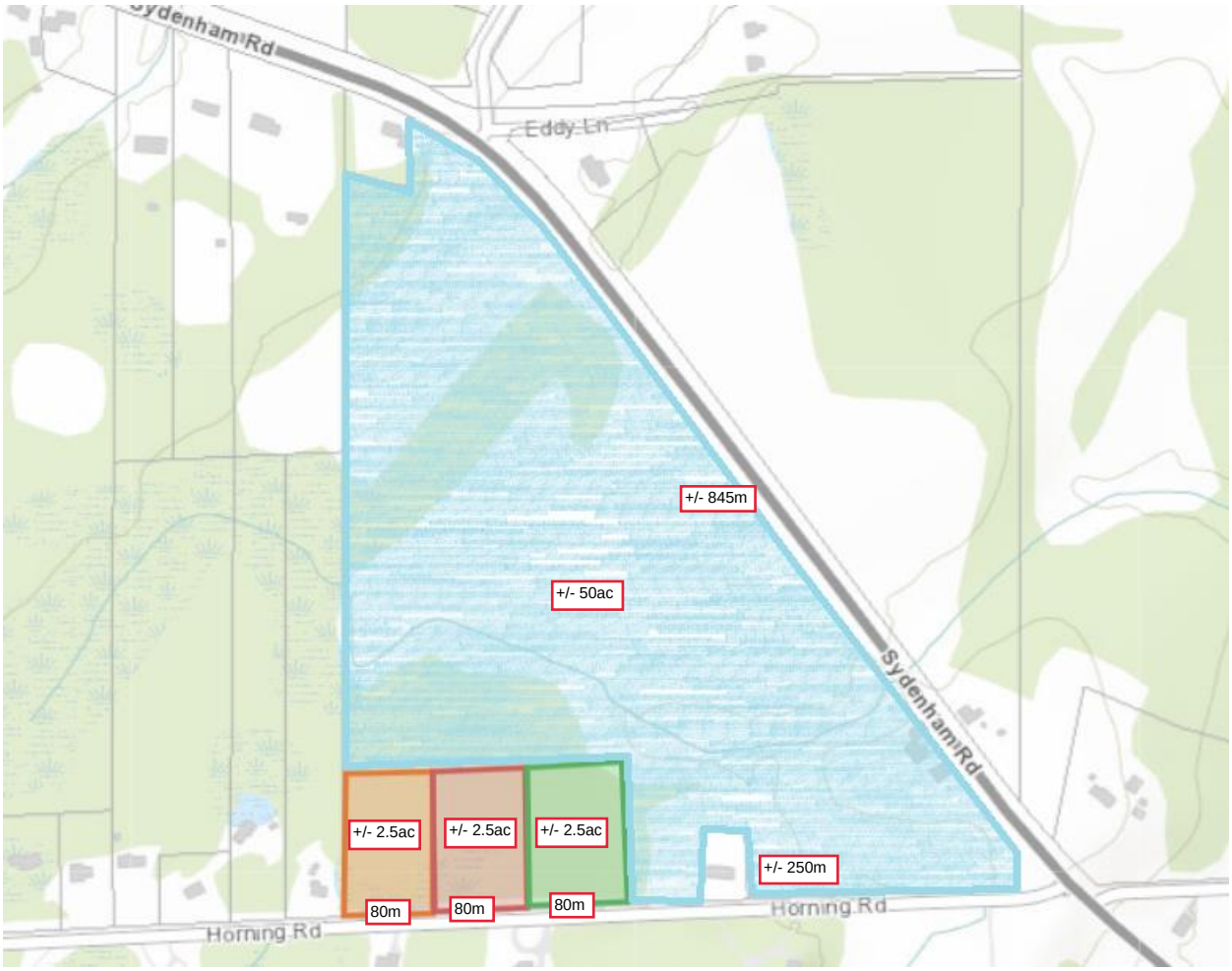
While the County makes every effort to insure that the information presented is accurate for the intended uses of this map, there is an inherent error in all mapping products, and accuracy of the mapping cannot be guaranteed for all possible uses. This map displays basic topographic features only.

Scale: 1:4,850

0 35 70 140 m

UTM Zone 18 NAD 83

Date: 2023-07-18


Sydenham Rd
Eddy Ln
+/- 845m
+/- 50ac
Sydenham Rd
+/- 2.5ac
+/- 2.5ac
+/- 2.5ac
+/- 250m
80m
80m
80m
Horning Rd
Horning Rd

Minimum Distance Separation (MDS) Assessment

July 2023

RE: Unaddressed parcel fronting Sydenham Road
Roll #: 1029-060-010-02102
Applications for consent (lot creation)

This Minimum Distance Separation (MDS) Assessment utilizes the 2017 MDS formulae as provided in Publication 853 issued by the Ministry of Agriculture, Food and Rural Affairs (OMAFRA). Publication 853 includes the definitions, implementation guidelines and factor tables (i.e., calculations) which collectively make up the MDS formulae referenced in the Provincial Policy Statement (PPS), as well as additional information to assist with the interpretation and application of the MDS formulae. The calculations are completed using the AgriSuite software supplied by OMAFRA, while the definitions and guidelines provide necessary direction to interpret and apply the calculations.

Publication 853 provides two classes of MDS formulae: MDS I and MDS II. MDS I applies the setbacks between proposed new development and existing livestock facilities. MDS II applies to setbacks from new, enlarged, or renovated livestock facilities and existing or approved development. The owner of the subject property is seeking to subdivide the parcel into a total of four (4) separately conveyable parcels, maintaining the existing livestock facility and accessory structures on the proposed retained parcel (fronting Sydenham Road) while establishing three (3) vacant parcels suited for residential development fronting Horning Road. Based on the *Planning Act* application (Section 53), the proposal is subject to MDS I consideration.

In accordance with Publication 853 Implementation Guidelines (IG) #2, an MDS setback is required for proposed lot creation in accordance with IG #8. IG #8 requires an MDS I setback where lot creation is proposed. Section 5.35(a) & Section 5.35(b) of the Township of South Frontenac Zoning By-law Number 2003-75 includes the following general provisions applicable to MDS:



Figure 1 – Subject Property

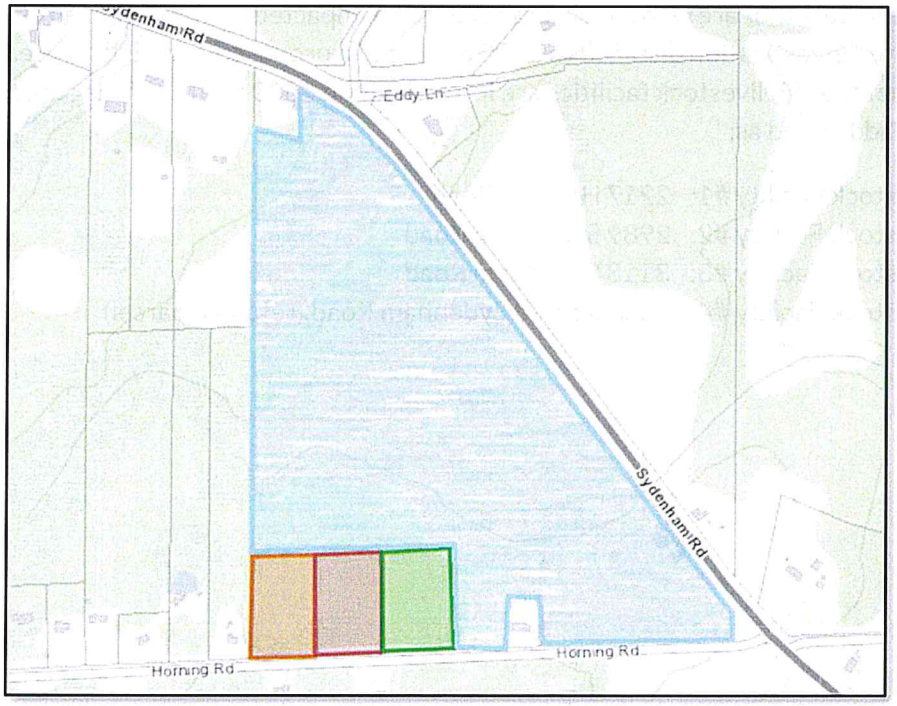


Figure 2 – Concept Plan

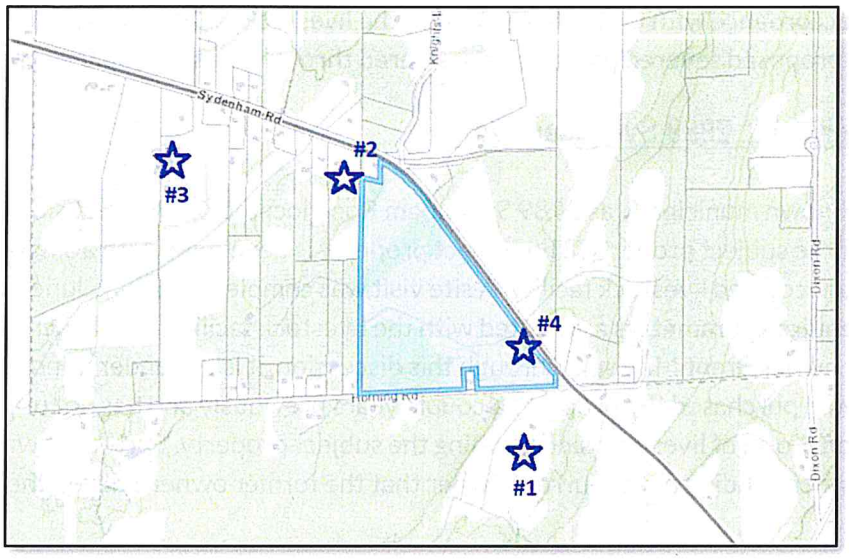


Figure 3 delineates the livestock facilities described above so that spatially, there location as it relates to the subject property is better understood and represented visually.

Livestock Facility #1: 2217 Horning Road

The property known municipally as 2217 Horning Road located on the south side of Horning Road, immediately west of the Horning Road & Sydenham Road intersection. The subject property measures approximately 40.0 hectares in area and is developed with a single detached dwelling, unoccupied livestock facility and multiple accessory structures. The subject property is the home of Carey Equipment Sales, which sells agricultural equipment (see Exhibit A – Livestock Facilities Photos). Although the subject property maintains multiple accessory structures and a livestock facility, the unoccupied livestock facility has been converted internally to support the agricultural equipment sales use, no longer capable of housing livestock.

A site visit was completed Friday, June 23, 2023, to confirm the required parameters associated with the livestock facility. During the site visit, the author spoke with the owner (Neil Carey), who toured the property and confirmed the lack of livestock on-site and the conversions which took place years past to support the agricultural equipment sales use. The former livestock facility has and currently functions as a machinery storage facility.

Although the buildings on the subject property fail to accommodate livestock currently, the unoccupied (former) livestock facility was assessed in accordance with OMAFRA Publication 853 and Zoning By-law MDS I setback requirements per Section 5.35(a).

In accordance with Implementation Guideline #3 of OMAFRA Publication 853, a machinery shed is not subject to MDS I setback requirements. Although the structure was formerly a livestock facility, the internal conversions of the structure to facilitate machinery storage have rendered the facility unable to accommodate livestock (see Exhibit A – Livestock Facilities Photos).

experienced multiple additions over the past decades, most recently in 2020. Through discussions with the owner, it was confirmed that the livestock facility is designed to accommodate 35 dairy cattle (see Exhibit B – Livestock Facilities Photos). The MDS assessment utilizing the OMAFRA AgriSuite software and the agricultural use parameters summarized above, a required MDS setback of 370 metres was yielded using OMAFRA AgriSuite software (see Exhibit A – MDS Calculation) as it relates to the livestock facility and 433 metres was yielded from the manure pit. The proposed severed parcels on the subject property are located on the southern extent of the lands, fronting Horning Road, which are well beyond the MDS I setback generated from the livestock facility located at 3113 Sydenham Road. Therefore, in accordance with OMAFRA guidance, the livestock facility will have no adverse odour impact on the proposed development as considered through this consent application.

Livestock Facility #4: unaddressed Sydenham Road (retained parcel)

The subject property located at the northwest corner of Sydenham Road & Horning Road is unaddressed. The subject property is currently development with a livestock facility, that is located immediately adjacent to Sydenham Road, along the easternmost boundary of the land holding. The existing livestock facilities are proposed to be maintained through the processing of these Consent applications and entirely located on the proposed retained parcel. The subject property is currently utilized for beef cattle pasturing, while the livestock maintains access to the existing livestock facility for shelter.

The livestock facility measures (15.5m x 11.0m) 170.5 square metres that is a wood framed structure clad in wood siding. Notwithstanding the total livestock facility area, the owner pastures 25 beef backgrounders on the subject property, with limited access to the structure. The subject property currently maintains 58.5 acres, whereas should the proposed consent applications be approved the proposed retained parcel would be approximately 51.0 acres. The northernmost structure is an open building that is used for storage, not livestock. The southernmost building is utilized for both hay and equipment storage, therefore exempt from being included in the total livestock facility area for the purposes of the MDS calculation.

A site visit was completed Friday, June 23, 2023, to confirm the required parameters associated with the livestock facility; which included obtaining multiple photos of the structure to augment previous discussions with the owner of the lands, Mr, Bert Hughson (see Exhibit B – Livestock Facilities Photos).

The MDS assessment utilizing the OMAFRA AgriSuite software and the agricultural use parameters summarized above, a required MDS setback of 233 metres was yielded using OMAFRA AgriSuite software (see Exhibit A – MDS Calculation). The proposed severed parcels on the subject property are located on the southwestern extent of the subject property, fronting Horning Road, which are beyond the MDS I setback generated from the livestock facility proposed to be maintained and entirely located on the retained parcel. Therefore, in accordance with

Exhibit A: MDS Assessment – Structure Photos

2217 Horning Road



Figure 1 – Subject property & equipment sale yard fronting Horning Road



Figure 4 – Accessory structure utilized for equipment storage



Figure 5 – former livestock facility used for machinery storage and shop



Figure 8 – former livestock facility used for machinery storage and shop



Figure 9 – former livestock facility used for machinery storage and shop

2989 Sydenham Road



Figure 12 – 2989 Sydenham Road driveway



Figure 13 – unoccupied livestock facility on the subject property

3113 Sydenham Road



Figure 16 – 3113 Sydenham Road driveway



Figure 17 – 3113 Sydenham Road driveway

Unaddressed Sydenham Road (retained parcel)



Figure 20 – structures on the subject property



Figure 21 – southernmost structure on the subject property



Figure 24 – interior of southernmost structure on the subject property – used for storage

Preparer signoff & disclaimer

Preparer contact information
Jason Sands
The Boulevard Group
Kingston, ON
613-453-2715
jason@theblvdgroup.ca

Signature of preparer

Jason Sands	27 June 2023
	Date (mmm-dd-yyyy)

Note to the user

The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) has developed this software program for distribution and use with the Minimum Distance Separation (MDS) Formulae as a public service to assist farmers, consultants, and the general public. This version of the software distributed by OMAFRA will be considered to be the official version for purposes of calculating MDS. OMAFRA is not responsible for errors due to inaccurate or incorrect data or information; mistakes in calculation; errors arising out of modification of the software, or errors arising out of incorrect inputting of data. All data and calculations should be verified before acting on them.

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	27 June 2023
Jason Sands	**Date (mmm-dd-yyyy)**

Note to the user

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Katherine Christmas and Peter Raftis
2328 Horning Road
Elginburg ON. KH 1M0

RECEIVED
AUG 17 2023
TOWNSHIP OF
SOUTH FRONTENAC
PLANNING DEPARTMENT

Kate Kaestner
Secretary-Treasurer, Committee of Assessment
South Frontenac Township
PO Box 100
4432 George Street
Sydenham ON K0H 2T0

Re: NOTICE OF CONSENT APPLICATIONS PLBDJ2023-0080, 0081 & 0082 (Horning Road)
(HERBERT HUGHSON AND THE BOULEVARD GROUP)

We are writing to make our objection to the above-named proposed property severance known. The severance of the land, we believe, will cause significant reductions in the limited ground water that we have access to on this small, rural road.

It is well known by the residents of Horning Road that we have a very low ground water table and even with careful water conservation, we and many of our neighbours experience periods where there is not sufficient ground water to our wells.

Common sense tells us that large homes will be built on those newly severed, large lots and we feel that there is a good chance that we will lose our ground water and that our properties would be deemed worthless.

Have Frontenac Township officials studied the water tables in our area? Are they aware that access to ground water is precarious in this area? Water trucks consistently have to deliver water to most of the residents on our road. The neighbour directly across the road from us (on the City of Kingston side) was denied the ability to sever his property and build on the proposed severed land solely because, after drilling a new well, there was not sufficient ground water to support another dwelling on his land.

We would ask South Frontenac Township officials to provide assurance that there is ample ground water to support any large new homes that we expect will be built on the severed properties and also explain to us how we would be compensated should we lose access to the ground water that we desperately depend on, in the event that new wells are drilled or dug on the three properties noted above. If this should occur, we and other residents of Horning Road will be seeking compensation. We will not accept any document or assurance regarding ground water levels from any individual that has been compensated by the landowner or his consultants.

We would also ask that we be notified of any decision made with regard to the proposed severance of the properties adjacent to our land and would ask that you pass along our strong objection to the property owner and his consultants.

Please do not take this matter lightly. Deep pockets should never come before residents' right to water. A public meeting, with residents of Horning Road invited needs to be called. This issue is too important and urgent to us and our neighbours.

Thank you for your attention to our concerns.

[redacted]

Katherine Christmas, Property Owner, 2328 Horning Road, Tel: [redacted]
Peter Raftis, Property Owner, 2328 Horning Road, Tel: [redacted]

August 18,2023

Kate Kaestner

Secretary-Treasurer, Committee of Assessment

South Frontenac Township

PO Box 100, 4432 George Street

Sydenham, On

K0H 2T0



RE :Notice of consent applications PLBDJ2023-0080, 0081 &0082 Horning Road (Herbert Hughson and the Boulevard Group)

We are a family of five currently residing on the Kingston (south) side of Horning Road. Although we are not south Frontenac residents I do believe that water sources do not start nor stop at a township line. We are writing to covey our objections to the proposed property severance applications.

Before building our home we realized water resources were extremely limited in this area and had the foresight to install a 3000 gallon cistern. This water supply back up is a necessity for us to be able to live here. Learning water conservation was a lesson taught early in life to our children. It is not uncommon to see water trucks supplying residents on a monthly basis.

We believe that with the addition of three more homes would cause significant damage to our very limited water reserves. The loss of ground water supply could eventually happen with the drilling of these wells resulting in devastating property value loss for residents that currently have water issues.

We are asking what guarantees, if any, the township is offering the existing residents of Horning Road that our water resources will not be affected if the applications are granted. With global warming our seasons are not the norm and it could take at least a twelve month period to ascertain if our water table has been affected.

We would appreciate being notified of the decision of this application and also request the public record to not include our address and phone number

We appreciate your consideration to our concerns

[redacted]

Steven and Emily Landon

[redacted]

[redacted]

August 18,2023

Kate Kaestner

Secretary-Treasurer, Committee of Assessment

South Frontenac Township

PO Box 100, 4432 George Street

Sydenham, On

K0H 2T0



RE :Notice of consent applications PLBDJ2023-0080, 0081 &0082 Horning Road

(Herbert Hughson and the Boulevard Group)

As a resident of Horning Road I'm writing to express my objection to the above named property severance applications.

It is common knowledge to all of the home owners on Horning Rd (west off Sydenham Rd) that the quality and resources of our water supplies are extremely limited. It is not unusual to see water trucks delivering on our road constantly and not only in the summer months.

I firmly believe that with the addition of three more residential buildings, being of considerable size according to the acreage would be a further strain on our very limited water reserves. The result of which would be further hardships for residents with current water shortages and possibly cause a significant loss in property values.

I am inquiring what assurance the township is offering the existing residents of Horning Road that our water supplies will not be affected if these severance applications are granted. It could possibly take up to a year with the completion of all four seasonal cycles to get a clear idea if our current water table has been affected.

I wish to be notified of the decision of this application. I also request the public record to not include my address and phone number

Thank you for your attention to this matter

[redacted]

Elizabeth Turcotte

[redacted]

[redacted]

August 19, 2023

Herman and Ann Marie Cornel
[redacted]



Kate Kaestner
Secretary-Treasurer, Committee of Assessment
South Frontenac
P.O. Box 100
4432 George Street
Sydenham ON, K0H 2T0

Subject: Notice of Consent Applications PLBDJ20230080/81/82 (Horning Road)
(Owner/Applicant: Herbert Hughson and the Boulevard Group)

Further to my emails of Aug17, we are formally writing you to voice our objection to the subject proposed property severance. With well water being a well known issue on Horning Road, both in quantity and quality, having more homes on Horning Road raises our concerns about more new wells affecting our existing wells.

It is expected that if this severance is accepted that these large lots will have large homes with large demands on water. Most residents on Horning Road already have to bring in water at times throughout the year and not just during dry times. As you well know water trucks are on this road all year long. Water is fundamental to existence and should take precedence over development, profit and an increased tax base.

What is South Frontenac's plan to assure the existing residents of Horning Road that our wells will not be affected by such a development? Has the water table been studied by South Frontenac? Such a study should be recent and any such study should be completely independent of the landowner Herbert Hughson. What is the compensation plan to the existing residents of Horning Road should these applications be accepted and the result is detrimental affects to our existing wells?

A public meeting is requested, with the residents of Horning Road and we ask to be notified of any decision regarding these applications.

As stated in the subject notice we request that the public record of this communication not include our "postal address, telephone number and e-mail address".

We look forward to your feedback on this very important matter.

[redacted]

Herman Cornel
(Cell: [redacted])

[redacted]

Ann Marie Cornel

Noah Perron

From: Herman Cornel [redacted]
Sent: August 17, 2023 7:24 AM
To: planning
Cc: Del Blakney
Subject: Notice of Consent Applications: PL-BDJ-2023-0080/81/82

Follow Up Flag: Follow up
Flag Status: Completed

Kate Kaestner:

Hi, I've been informed by a neighbour of the subject application for severance by applicant Herbert Hughson and its deadline for comments (2023Aug28) and therefore I am writing to you as the notice indicates with my comments/concerns.

With well water being a well known issue on Horning, both in quantity and quality, having more homes on Horning Rd raises our concern about more new wells affecting our existing wells.

Is it correct that now or in the near future lots of 2.5acres in size, as being proposed here, will be permitted to have two homes each, making these three lots possibly to include six homes, not just three?

Is there a requirement for the applicant to provide a well water study to convince/assure the existing residents that our wells will not be affected?

What is the plan to assure the existing residents of Horning Rd that our wells will not be affected by this development?

I trust that this written email is adequate to fulfill the requirements for "comments or objections to this application" and I look forward to any feedback on this important matter.
Further, as stated in the subject notice, I request to be notified of the application decision and I assume this e-mail written request is sufficient for such a request.
Also as stated in the subject notice, I request the public record of this communication NOT include my "postal address, telephone number and e-mail address" and I assume this e-mail written request is sufficient for such a request.

/Herman Cornel
[redacted]

Victor Caspary & Paula Scott
2293 Horning Rd.
Elginburg, ON
K0H 1M0

Kate Kaestner
Secretary Treasurer,Committee of Adjustment,
South Frontenac Twp.
PO Box 100
4432 George St.
Sydenham ON
K0H 2T0

Re: NOTICE OF CONSENT APPLICATIONS PLBDJ20230080,
PLBDJ20230081
PLBDJ20230082
Horning Rd. (owner/applicant Herbert Hughson and the Boulevard Gp.)

We are writing to voice our strong objection to these applications.
We have struggled with the low flow and quality of the water on our property since we bought in1974.Our first large Thanksgiving dinner was a disaster since our city guests and we didn't realize that flushing every time would empty the well .The dishes had to wait for another two days to get washed.
We learned our lesson and are very careful not to always flush or take baths. It is embarrassing to convey this to somebody who is new to our home.
The thought of someone new drilling a well just across the road fills us with great anxiety as we worry that we will lose all of our water.
The quality of the water in this limestone is also very poor. I have replaced all my plumbing twice , so far because of the high sulphur content. I have asked the local well driller about drilling a new well but was told I would waste my money. Everyone on the road who drills gets either no water, sulphur or salt.
The water in this area is a considerable problem that can't be rectified because the geology is what it is.
I would request that the council carefully consider the water issue and hear from the experiences of the residents .
I am sure that once all the water related facts are presented, you will not permit another well to be drilled in such a fragile area.

Property owner Victor G. Caspary 2293 Horning Rd. [redacted]
Property owner Paula Scott 2293 Horning Rd. [redacted]

Noah Perron

From: Jim Neeson [redacted]
Sent: August 21, 2023 1:24 PM
To: planning
Subject: Notice of Consent Applications PLBDJ20230080 ,PLBDJ20230081 , &PLBDJ20230081

ATT; Noah

As a resident of Horning Road for over 35 years,
I strongly object to this severance application. The only reason is the lack of a constant water supply. When I moved here on September 1 st 1988
, the well was dry for several weeks. When I went to Ministry of the Enviroment of Ontario on October 16 ,2012 to obtain a copy of the well record. There was only one well record which is dated February 28 ,1983. The person dealing with my application at the Ministry of the Enviroment stated the he would never built a house there because of this well report. I applied to MPAC for a lower evaluation of my house due to at least 3 months of having a dry well . I received a lower evaluation.

The well being dry is also full of Sulpher when I do have water. It must be noted that a resident of City of Kingston who lives almost across the street from this location had a well drilled and went down over 200 feet and came up dry. Apparently he spent $20,000.00

Yours truly

Jim Neeson
Sent from Mail for Windows

Noah Perron

From: Jay Clayton [redacted]>
Sent: August 21, 2023 5:38 PM
To: planning
Subject: Land severance

Follow Up Flag: Follow up
Flag Status: Completed

Kate Kaestner
Secretary-Treasurer, Committee of Adjustment
P.O. Box 100, 4432 George Street
Sydenham, Ontario K0H 2T0

I am writing with reference to the application PLBDJ20230080, PLBDJ20230081 and PLBDJ20230082. I live at 2392 Horning Road. The water situation is already taxed in my area, in which I am forced to primarily use my cistern as a water source. The severance will make this much worse for all involved.

Thanks for your concern,
Jason Clayton
2392 Horning Road
Elginburg, ON K0H 1M

Eric slade
2373 Horning Rd
Elginburg, Ont
K0H1M0
[redacted]

17 Aug 2023

Kate Kaestner
secretary Treasurer
Committee of Adjustment
P.O. Box 100
4432 George St
Sydenham, Ont
K0H 2T0

SUBJECT: Proposed Severances: Ref: Notice of Concent Applications; PLBDJ20230080,81 & 82 by applicant, Herbert Hughson (The Boulevard Group) Horning & Sydenham Rd.

Dear Kate Kaestner

I own a home on Horning Rd, I have NO water, two attempts were made to drill a well, both efforts failed. One was drilled to a depth of 168 feet at which point a hydrologist I spoke advised that I go no deeper due to the possibility/probability that any water that we did come to would be contaminated with sulfur, iron or evensalt. The second well was drilled down to 100 feet, again completly dry so no further attempts ere made. The house my wife and I were building at the time was altered to include a large cistern and the water used is delivered by tanker truck from the city.

The availability of water all along Horning Rd is a major concern for all residents. The wells that people do have are not all that dependable and cannot be relied upon to meet everday needs on consistent basis. Water being trucked to many of the homes is not an uncommen sight along Horning Rd.

Finally - a close neighbour of mine needed a new well, the driller he hired bored a hole just over 200 feet deep at considerable expense. The well produced a very small amount of waterright at the bottom but due to the high mineral content it was not useable - according to the test results. A very, very expensive hole in the ground.

Because of the water situation in the area and the unknown effect that additional well drilling (iffy at best) may have on the supply of water that my neighbours have right NOW, I believe these severences should NOT, I repeat NOT go ahead.

I am also concerned about the impact heavy construction equipment will have on this stretch of land, it is tree covered limestone with a relatively thin layer of soil. The use of heavy equipment to all the trees, break up the limestone to level the land and then excavate for basements may well have a detrimental effect on the water table worsening the situation that already exists.

[redacted]

Eric Slade

P.S. PSE EXCUSE MY TYPING SKILLS, I'VE BEEN OUT OF PRACTISE FOR A LONG TIME

[redacted]

Victor Caspary & Paula Scott
2293 Horning Rd.
Elginburg, ON
K0H 1M0

Kate Kaestner
Secretary Treasurer,Committee of Adjustment,
South Frontenac Twp.
PO Box 100
4432 George St.
Sydenham ON
K0H 2T0

Re: NOTICE OF CONSENT APPLICATIONS PLBDJ20230080,
PLBDJ20230081
PLBDJ20230082
Horning Rd. (owner/applicant Herbert Hughson and the Boulevard Gp.)

We are writing to voice our strong objection to these applications.
We have struggled with the low flow and quality of the water on our property since we bought in1974.Our first large Thanksgiving dinner was a disaster since our city guests and we didn't realize that flushing every time would empty the well .The dishes had to wait for another two days to get washed.
We learned our lesson and are very careful not to always flush or take baths. It is embarrassing to convey this to somebody who is new to our home.
The thought of someone new drilling a well just across the road fills us with great anxiety as we worry that we will lose all of our water.
The quality of the water in this limestone is also very poor. I have replaced all my plumbing twice , so far because of the high sulphur content. I have asked the local well driller about drilling a new well but was told I would waste my money. Everyone on the road who drills gets either no water, sulphur or salt.
The water in this area is a considerable problem that can't be rectified because the geology is what it is.
I would request that the council carefully consider the water issue and hear from the experiences of the residents .
I am sure that once all the water related facts are presented, you will not permit another well to be drilled in such a fragile area.

Property owner Victor G. Caspary 2293 Horning Rd. [redacted]
Property owner Paula Scott 2293 Horning Rd. [redacted]
[redacted]
[redacted]

AUG. 20, 2023

AUG 20, 2023

Kirk Ryder & Allison Ryder
2388 Horning Road,
Elginburg, ON K0H 1M0

RECEIVED
AUG 24 2023
TOWNSHIP OF
SOUTH FRONTENAC
PLANNING DEPARTMENT

August 24, 2023

South Frontenac
Att: Kate Kaestner
Secretary-Treasurer, Committee of Adjustment
PO Box 100, 4432 George Street
Sydenham, ON K0H 2T0

Via: planning@southfrontenac.net and copy hand delivered

RE: Notice of Consent Applications PLBDJ20230080, PLBDJ20200081 & PLBDJ20230082
Owner/Applicant: Herbert Hughson

We are writing in Objection to the above-named proposed property severance. We believe that the severance of the land along with the addition of three new wells, will cause significant reductions in the already limited ground water that we have access to.

Horning Road residents are aware of the very low ground water table and low supply of water. Even taking precautions with water conservation, we, and our neighbours experience periods where there is not sufficient ground water to our wells.

We believe the severance of the lots and additional wells will cause a reduction and even loss of ground water to wells in the area. Has South Frontenac Township conducted water table studies relative to the residences on Horning Road?

Our property has already been subject to the loss of ground water since the first/original well; resulting in an alternative source having to be used. As well, several neighbours that had wells, now rely on a cistern and water to be delivered. These families have been unexpectedly burdened with these additional costs. Another neighbour drilled a new well and discovered there was insufficient ground water to support the required amount/flow of water.

We strongly object this application to the proposed severance of properties. We ask the South Frontenac Township Officials take the above noted comments along with other neighbours submissions in mind.

We request that we receive notification of any decision made with respect to the above noted application.

Thank you

[redacted]

Kirk Ryder & Allison Ryder

August 25, 2023

Francis & Kathie Groenewegen

[redacted]

RECEIVED
AUG 29 2023
TOWNSHIP OF
SOUTH FRONTENAC
PLANNING DEPARTMENT

Kate Kaestner

Sec. Tres. COA

South Frontenac

P.O. Box 100

4432 George St.

Sydenham, ON

Regarding Notice of Consent Applications PLBDJ20230080, PLBDJ20230081, PLBDJ20230082 (Owner/Applicant: Herbert Hughson and the Boulevard Group.)

We are writing in support of the residents of Horning Road in voicing their objections to the severance of the parcels listed above.

Our farm backs onto Horning Road, the 7th concession which our property is a lot thereof.

Water is in extremely short supply in this area. This year has been unseasonably wet, historically our house and dairy farm run out of water every year near the end of June or early July when we are forced to purchase water to supply our animals and household. A single truckload of which cost approximately $225 and can require as many as 3-4 per week. Our wells have run consistently dry in 31 of the last 34 years we have been farming on this property.

Further to this point our dairy plant which has been in operation for the last 11 years has had 100% of its water needs purchased and delivered by truck.

One need only look on the Ontario well maps webpage to see that there are numerous wells drilled in the area that have either come up dry, contaminated with chloride or sulphur.

Most of the wells that have been successfully drilled or dug in the area meet only the bare minimum in production of water to allow a severance or mortgage.

The reports of any wells drilled or dug in this unusually wet year should be reviewed with a healthy dose of skepticism. If any hydrogeological surveys are proposed to address these concerns, steps must be taken to ensure such a study remains fair and independent for all parties concerned.

We request that the public record of this letter not include our postal address, email address or telephone number.

Francis and Kathie Groenewegen [redacted]

[redacted]

Gary and Paula Appleton
2348 Horning Road
Elginburg, ON. K0H 1M0



August 25, 2023

Kate Kaestner
Secretary-Treasurer, Committee of Assessment
South Frontenac Township
PO Box 100
4432 George Street
Sydenham, ON. K0H 2T0

Re: NOTICE OF CONSENT APPLICATIONS PLBDJ2023-0080, 0081 & 0082 (Horning Road) (HERBERT HUGHSON AND THE BOULEVARD GROUP)

We are writing to make our objection to the above-named proposed property severance known. We mirror the previously submitted objection and opinions of Katherine Christmas and Peter Raftis (see attached copy for reference). We reiterate, the severance of the land, we believe, will cause significant reductions in the already limited ground water that we currently have access to on this small rural road.

Further, we wish to highlight all the previously made points and concerns as mentioned in the Katherine Christmas and Peter Raftis letter regarding the severing of lots and the potential building of additional homes:

- Questioning if studies were performed by South Frontenac Township Officials regarding the water tables in our area?
- We request South Frontenac Township Officials provide assurance of ample ground water to support any new build homes, on the severed properties, and explain how we would be compensated should we lose access to the already limited ground water that we rely on.
- In the event new wells are drilled or dug on the three (3) properties noted above, we and the other residents of Horning Road will be seeking compensation. We will not accept and document or assurance regarding ground water levels from any individual that has been compensated by the landowner or his counterparts.
- We ask to be notified of any decision made with regard to the proposed severance of the above-named properties and would ask that you pass along our strong objection to the property owner and his consultants.
- A public meeting, with residents of Horning Road invited needs to be called. This issue is too important and urgent to us and our neighbors.

Thank you for your attention and consideration regarding our concerns.

Gary Appleton, Property Owner, 2348 Horning Road, Tel: [redacted]
Paula Appleton, Property Owner, 2348 Horning Road, Tel: [redacted]

Katherine Christmas and Peter Raftis
2328 Horning Road
Elginburg ON. KH 1M0

RECEIVED
AUG 29 2023
TOWNSHIP OF
SOUTH FRONTENAC
PLANNING DEPARTMENT

Kate Kaestner
Secretary-Treasurer, Committee of Assessment
South Frontenac Township
PO Box 100
4432 George Street
Sydenham ON K0H 2T0

Re: NOTICE OF CONSENT APPLICATIONS PLBDJ2023-0080, 0081 & 0082 (Horning Road) (HERBERT HUGHSON AND THE BOULEVARD GROUP)

We are writing to make our objection to the above-named proposed property severance known. The severance of the land, we believe, will cause significant reductions in the limited ground water that we have access to on this small, rural road.

It is well known by the residents of Horning Road that we have a very low ground water table and even with careful water conservation, we and many of our neighbours experience periods where there is not sufficient ground water to our wells.

Common sense tells us that large homes will be built on those newly severed, large lots and we feel that there is a good chance that we will lose our ground water and that our properties would be deemed worthless.

Have Frontenac Township officials studied the water tables in our area? Are they aware that access to ground water is precarious in this area? Water trucks consistently have to deliver water to most of the residents on our road. The neighbour directly across the road from us (on the City of Kingston side) was denied the ability to sever his property and build on the proposed severed land solely because, after drilling a new well, there was not sufficient ground water to support another dwelling on his land.

We would ask South Frontenac Township officials to provide assurance that there is ample ground water to support any large new homes that we expect will be built on the severed properties and also explain to us how we would be compensated should we lose access to the ground water that we desperately depend on, in the event that new wells are drilled or dug on the three properties noted above. If this should occur, we and other residents of Horning Road will be seeking compensation. We will not accept any document or assurance regarding ground water levels from any individual that has been compensated by the landowner or his consultants.

We would also ask that we be notified of any decision made with regard to the proposed severance of the properties adjacent to our land and would ask that you pass along our strong objection to the property owner and his consultants.

Please do not take this matter lightly. Deep pockets should never come before residents' right to water. A public meeting, with residents of Horning Road invited needs to be called. This issue is too important and urgent to us and our neighbours.

Thank you for your attention to our concerns.

Katherine Christmas, Property Owner, 2328 Horning Road, Tel: [redacted]
Peter Raftis, Property Owner, 2328 Horning Road, Tel: [redacted]

Katherine Christmas and Peter Raftis
2328 Horning Road
Elginburg ON. KH 1M0

Kate Kaestner
Secretary-Treasurer, Committee of Assessment
South Frontenac Township
PO Box 100
4432 George Street
Sydenham ON K0H 2T0

Re: NOTICE OF CONSENT APPLICATIONS PLBDJ2023-0080, 0081 & 0082 (Horning Road) (HERBERT HUGHSON AND THE BOULEVARD GROUP)

Further to our letter delivered to your office on August 17, 2023, it has been brought to our attention that South Frontenac Township does not measure **well recovery rates**[1, 2] on newly drilled wells but rather you measure volume only. If this true, this is a foolhardy and shocking approach to responsible ground water management.

According to the Government of Ontario, Ministry of Environment and Energy's guidelines "the recovery water levels must be measured and recorded [3] - simply recording and measuring well pumping rates is not enough.

We are aware that our neighbours on Horning and Sydenham Roads are all deeply concerned about this issue and we hope that you will take all factors into consideration before allowing this atrocity to continue with regard to and further drilling of wells on this road.

Sincerely,

Katherine Christmas and Peter Raftis
2328 Horning Road, Elginburg ON K0H 1M0
[redacted]

[1] Well Recovery Rate is the rate at which water runs into the well from the rock fissures and openings into the lower portion of the well below the steel casing, while we're pumping water out of the well. Some other terms for well recovery rate include well yield, well flow rate, and well water quantity. Recovery is the rate, in gallons per minute, at which water in the well returns to its static water level after the pump is turned off. The recovery rate is another estimate of well yield. To get this data, the driller measures depth to water in the well immediately at the end of the test. This is the drawdown. Then, at some later time, say one hour, depth to water is measured again. From this information, the driller figures *the amount the water level rose in the well (e.g., the length of the water column) in that period of time. This is the recovery of the well.*

[2] (Estimating Private Well Yields using DEM's Well Completion Report and Pumping Test Information) https://www.mass.gov/doc/estimating-private-well-yields-0/download

[3] Government of Ontario, Ministry of Environment and Energy

From: [redacted]
To: planning
Subject: Attention Kate Kaestner re: PLBDJ2023-0080, -0081 and 0082
Date: August 19, 2023 2:38:19 PM

Greetings.

I write concerning plans for the serverence of land in South Frontenac near my home at 2247 Horning Rd. and the possible residential development of that land.

That I am aware of, there are three homes on the south side of Horning Rd., my home being one of them, that have water cisterns. In my case, the presence of the cistern ensured my water supply during a severe summer drought in the 1990s when supply was quite limited. Though I haven't had to use it since, it is reassuring to know that it is there. Since that time, the city of Kingston has prohibited any new cisterns from being installed. Therefore, any significant increase in the demand for ground water could leave at least some of the current residents of Horning Rd. with a dramatic decline in available water that could not be overcome by having current cisterns maintained or new ones installed, the expense aside.

I have no difficulties with residential development of any land that is not useful for farming or conservation purposes. However, the supply of water is critical and will the developer guarantee that that supply will be maintained?

Yours truly,

Anita Smith Down

2247 Horning Rd., Elginburg, ON, K0H 1M0

[redacted]

Delbert Blakney and Sarah Boughen
2338 Horning Road
Elginburg ON. K0H 1M0

Kate Kaestner
Secretary-Treasurer, Committee of Assessment
South Frontenac Township
PO Box 100
4432 George Street
Sydenham ON K0H 2T0

Re: NOTICE OF CONSENT APPLICATIONS PLBDJ2023-0080, 0081 & 0082 (Horning Road) (HERBERT HUGHSON AND THE BOULEVARD GROUP)

We are writing to make our objection to the above-named proposed property severance known.

We were most excited to move to the country and live on a well so we wouldn't have to pay for water anymore however, we were very wrong. The water quality is very poor, over 18 ppm of sulfur that requires an expensive filtration system and ongoing chemical costs. Many of our neighbours wells run dry. Many neighbours on the street have cisterns and are constantly having water delivered. We have a water account with the City of Kingston so we may purchase water for gardening and filling the hot tub and pool as this would not be possible with the well water.

Our neighbour immediately across the street who resides in the City of Kingston attempted to drill a well last year and despite drilling 110 feet was unable to achieve a successful hydrogeological report to support their application for severance. This partial driveway and well head is visible from the street less than 200 feet from the proposed severances noted above.

Horning Road residents struggle with water quality and supply. Adding additional residential buildings will aggravate the current conditions significantly and will undoubtedly add expense to the current homeowners.

The official plan section 7.01 discusses the division of land and lot creation.
The following points of concern are submitted for your consideration in regards to the official plan.

A) As all new lots require potable water, the creation of the new lots will clearly have an adverse economical impact on adjacent land uses contrary to provision of the official plan.

B) The application for consent failed to provide a sketch identifying all buildings, septic systems and wells on the lands subject to the consent application as well as on adjacent lands, nor are separation distances identified.

C) 2328 Horning Road and 2338 Horning Road are lots containing residences, zoned agricultural that I understand have already been severed from the parcel that is proposing three additional severances.

We would also ask that we be notified of any public meetings with staff and the applicant as well as opportunities to address South Frontenac Counsel with our concerns. We also respectfully ask to be notified of any decision made with regard to the proposed severance of the properties.

Respectfully,

[redacted]

Delbert Blakney
Sarah Boughen [redacted]

SOUTH FRONTENAC

Building Services
4432 George St, Box 100
Sydenham, ON K0H 2T0
613-376-3027

Consent to Sever Inspection Report

File Number: PL-BDJ-2023-0082		**Receipt Number:** Receipt number
Owner(s): Hughson, Herbert		**Roll Number:** 1029 060 010 02102
Municipality: Township of South Frontenac		**Ward / Former Township:** Storrington
Lot: 14 and 15 **Concession:** 7	**Reference Plan:** 13R4613 **Part(s):** 2	**Plan of Subdivision:** **Sub-lot:**

General Description (existing buildings, surface features, slopes, site services for water and sewage, etc)

Severed: The proposed severed lot consists of flat wooded area with rocky outcrops and grassy openings. The proposed lot is bordered by Horning Road to the south, two other proposed severed lots to the east and west and retained parcel to the north. The test holes were located near southern property line and excavated to a depth of 0.5 meters.

Retained: N/A

Soil type, depth and water table on each part of potential leaching bed areas. Indicate water table with bar.

Severed	Depth of Soil	Retained
Topsoil and organics	0.05 m	N/A
TH #1&2Ground water table	0.2 m	
TH #1&2 Clay	0.5 m	
Bedrock		

Percolation rate (estimated): > 50 min/cm

Percolation rate (estimated): N/A

NOTE: the approval of any new lot is based on its suitability to provide an area for a Class 4 sewage system for an average three (3) bedroom home. Approval to build a larger home on this lot will be subject to availability of sufficient area for a larger sewage system.

Parcel suitability for on-site sewage system:

SEVERED Conditions: ☑ Satisfactory ☐ Unsatisfactory ☑ Site Flexible ☐ Site Specific	No objection to the proposed severance as the application states the consent is for a lot-creation. Soil conditions found on the lot will require additional suitable granular soil to construct a sewage system. Specific requirements for additional soil will be indicated on an Application to Construct a Sewage System prior to site development. The proposed lot is capable of providing flexibility in siting a sewage system, dependent on the proposal submitted through an Application to Construct a Sewage System.
RETAINED Conditions: ☐ Satisfactory ☐ Unsatisfactory ☐ Site Flexible ☐ Site Specific	N/A

Inspector: Chris Beeg	**Approved:**	**Date:** November 29, 2023

Report from Public Services

Application Number: PL-BDJ-2023-0082

Applicant's Name: Hughson Herbert Seth

Concession: 7 **Lot:** 14/15 **District:** Storrington

Road: Horning Road

Road Maintenance: Year-round ☑ Seasonal ☐

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

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

RETAINED PARCEL: ADEQUATE ENTRANCE SIGHT LINES.

SEVERED PARCEL: ADEQUATE ENTRANCE SIGHT LINES

Road Conditions:

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

   Yes ☑ No ☐

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

   This is a boundary road with the City of Kingston who have been circulated on this file. Existing drainage conditions flow through this property which cannot be adversely affected. Applicant is required to submit a grading and drainage plan for approval which addresses drainage from the existing cross culvert at this location

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

   Yes ☑ No ☐

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

Road Widening Required?

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

Any specific requirement?

Local road - rural classification. Ensure that there is a 20m (66ft road allowance) otherwise applicant to dedicate any shortfall of 10m from centerline.

Approved by the Public Services?

Yes ☐ Yes, with conditions ☑ No ☐

If yes, with conditions, please describe conditions below.

Refer to drainage comments

Signature on behalf of Public Services

2023-09-13

Date

To:	Committee of Adjustment
Prepared by:	Development Services Department
Date of Meeting:	December 14, 2023
Subject:	**Consent Applications PL-BDJ-2023-0080, PL-BDJ-2023-0081 & PL-BDJ-2023-0082, Horning Road, Pt Lots 14-15 CON 7, Storrington District**

Summary

These applications are for the creation of three new rural residential lots. The applications have unresolved objections/concerns raised by the public. For this reason, the Committee of Adjustment is being asked to make a decision on the consent applications. This report recommends approval of the applications.

Background

The purpose of these applications is to create three new rural residential lots. The retained parcel is intended to be used for agricultural purposes.

Application Details

	Severed Parcel 1 (PL-BDJ-2023-0080)	Severed Parcel 2 (PL-BDJ-2023-0081)	Severed Parcel 3 (PL-BDJ-2023-0082)	Retained Parcel
Area (Ac)	2.5	2.5	2.5	50.0
Frontage on Horning Road (m)	80	80	80	250.0
Frontage on Sydenham Road (m)	0	0	0	845.0

Designation and Zoning

The subject property is designated Rural in the Township Official Plan. The property is zoned Rural (RU) in Zoning By-law No. 2003-75.

Related Applications

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

Review

✓ Conforms to section 51 (24) of the *Planning Act*;

✓ Does not require a plan of subdivision for the proper and orderly development of the municipality (s. 53(1) *Planning Act*);

✓ Is consistent with the Provincial Policy Statement (s. 3(5) *Planning Act*);

✓ Conforms to the County of Frontenac Official Plan (s. 3.3 & 7.1);

✓ Conforms to the Township of South Frontenac Official Plan (s. 5.7.4 & 7.1);

✓ Does not comply with Zoning By-law No. 2003-75; and

X Has unresolved objections/concerns raised from agencies or the public.

Property Description

The subject property is approximately 57.5Ac in area with 490m of frontage on Horning Road and 845m of frontage on Sydenham Road. Horning Road exists at the southernmost extent of Township and is a shared boundary with the City of Kingston. The property contains three livestock barns adjacent to Sydenham Road along the eastern lot line. The primary use of the property is beef cattle pasturing, with the existing barns being used for shelter. With the exception of the southwest corner, which is densely covered in mature tree and vegetation growth, a majority of the subject property is cleared. Topographically, the property is mostly flat but varies slightly. For example, the southwest corner is elevated slightly from the remainder of the property. Additionally, there is an existing drainage channel which flows through the bottom half of the property east across Sydenham Road, towards an existing wetland feature on an adjacent property. Finally, the surrounding area consists mainly of rural residential and agricultural land uses.

Department and Agency Comments

Public Services provided their comments on September 13, 2023. Public Services have no objection to the approval of the three consent applications. It was noted that there are adequate sight lines to permit entrances from Horning Road for the three severed parcels and the retained parcel. Public Services staff also noted that Horning Road is a boundary road with the City of Kingston and existing drainage conditions cannot be adversely impacted. For this reason, the applicant will be required to submit a grading and drainage plan which addresses drainage from the existing cross culvert.

Road widening is to be determined by an Ontario Land Surveyor. Any shortfall of the 20m road allowance, measured 10m from the centreline of Horning Road, shall be dedicated for the severed lots.

Building Services provided their comment on November 29, 2023. Staff had no objection with the approval of the three consent applications. Staff noted that additional suitable granular soil would be required to accommodate the installation of sewage systems on the three severed lots. The specific requirements for additional soil will be indicated on an Application to Construct a Sewage System prior to site development. Finally, staff noted that the proposed severed lots are capable of providing flexibility in locating a sewage system.

Cataraqui Conservation conducted a joint site visit with Township Planning staff to assess the subject lands for natural heritage features. During the site visit it was determined that no natural heritage features were present. For this reason, Cataraqui Conservation Staff indicated that they would not require formal circulation on the applications.

Public Comments

All three consent applications were circulated for public comment on August 11, 2023. During the 14 day comment period, Township Planning Staff received approximately fifteen (15) letters objecting the proposed severances. The primary concerns outlined within the letters of objection included, but were not limited to, water availability, water quality, lack of groundwater studies, the need for hydrogeological studies and potential compensation should the newly created lots adversely effect existing wells. At this time, the public concerns addressed remain unresolved. Planning Staff elaborate on how these unresolved concerns are to be addressed in a later section of this report.

Planning Analysis

Minimum Distance Separation from Livestock Facilities

In conformity with the Provincial Policy Statement, the Township Official Plan requires all division of land for non-farm uses to comply with the Minimum Distance Separation Formulae

I (MDS I) (Section 7.1 (I)). The Township Zoning By-law also requires residential development to comply with MDS.

Township Planning Staff identified six livestock facilities within 750m of the proposed severed lots which warranted further investigation. Three of the six facilities exist on the retained parcel, with only one being used to shelter livestock. The applicant's agent calculated MDS I setbacks for three facilities and provided evidence that the facility located at 2217 Horning Road and the two remaining facilities on the retained parcel no longer house livestock. The following table identifies the actual and required MDS I setbacks for livestock and related manure storage.

Location of Livestock Barn and Manure Storage	Actual Distance from Livestock Barn to Nearest Severed Parcel (Metres)	Minium Required MDS I Setback (Metres)
2989 Sydenham Road	472	235
3113 Sydenham Road	715	433
Retained Parcel	253	233

The applicant's agent submitted an MDS package which included a description of each facility, results of on-site investigation, MDS I calculation sheets and photographs. Using this information, Township Planning Staff created sketches that confirmed a development enveloped on all three severed parcels that would meet the required MDS I setbacks, in addition to all other required zoning setbacks.

Rural Residential Development

The PPS allows growth and development to be directed to rural lands, including lot creation that is locally appropriate. The County Official Plan and the Township Official Plan permit residential development in the Rural Designation.

Section 5.7.4 of the Official Plan indicates that a maximum of three rural residential lots may be created by consent from landholdings provided that the new lots meet the General Consent Policies, as well as other applicable policies. The subject property has existed in its current configuration since July 17, 1981. As no lots have been severed since the adoption of the Township Official Plan, the subject property is eligible for a maximum of three severed lots.

Section 5.7.4 of the Official Plan requires the frontage, size and shape of any lot created for rural residential purposes through the severance approval process to be appropriate for the proposed use and to comply with the requirements of the Zoning By-law. All three severed parcels and the retained parcel would satisfy the requirements for a minimum lot area of 0.8 hectares and minimum 76 metres of frontage on a public road.

General Consent Policies

Sections 6.10.3 and 7.1(s) of the Official Plan indicate that where applicable, the applicant will provide sufficient information to substantiate that all lots created have a source of potable water and appropriate sanitary sewage disposal facilities in accordance with current regulations to the satisfaction on the Township.

The Owner demonstrated to the satisfaction of Building Services that the severed parcels would have the ability to be serviced by private sewage disposal systems.

The Township typically requires the ability of a lot to be serviced by a private well to be demonstrated as a condition of consent approval. The condition requires the submission of a well driller's report demonstrating a potable water pumping capacity of 3.5 gallons per minute sustained over a 6-hour pump test. Given the concerns raised by the public, Township Planning Staff conducted an independent review of well records along Horning Road. This review found that several wells along Horning Road were pumping at rates less than or equal to 3.5 gallons per minute. In light of this review and supportive official plan policies, it was determined that a more detailed demonstration should be required. For this reason, a recommended condition of approval is to require the applicant to submit a Hydrogeological Assessment completed by and signed and stamped by a Hydrogeologist (P. Eng. or P. Geo.). The assessment must be prepared in accordance with D-5-5 Private Wells: Water Supply Assessment, include the standard 6-hour pump test, address groundwater quality and quantity, and the potential for impact to adjacent water well users and properties. The Hydrogeological Assessment would need to be peer reviewed by County's Hydrogeologist. A satisfactory Hydrogeological Assessment would be required to clear the condition, and for Certificates of Official to be issued for the proposed severed lots.

Conclusion

The severed parcels would be consistent with the Provincial Policy Statement and conform to the County Official Plan and Township Official Plan, provided that a satisfactory Hydrogeological Assessment is produced that demonstrates an adequate supply of potable water is available for each of the new lots and no unacceptable impacts to adjacent water well users and properties. The severed parcels would also comply with Zoning By-law No. 2003-75.

Notice/Consultation

Notice of the Statutory Public Hearing was given pursuant to the requirements of the Planning Act, at least 14 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 on the Townships Current Planning Applications webpage
- by posting notice signs on the subject lands
- by e-mail to prescribed persons and public bodies

Recommendation

It is recommended that applications PL-BDJ-2023-0080, PL-BDJ-2023-0081 and PL-BDJ-2023-0082 be approved for consent for the creation of three new rural residential lots from property legally described as PT Lots 14-15 CON 7, Storrington District (ARN: 102906001002102), each subject to the following conditions:

Expiry Period

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

Severed Lands

2. The lands to be severed by Consent Applications PL-BDJ-2023-0080, PL-BDJ-2023-0081 and PL-BDJ-2023-0082 shall be for the creation of three new residential lots each with a minimum of 2.5Ac of area and a minimum of 80m of frontage on Horning Road.

Survey/Reference Plan or Registerable Description

3. An acceptable reference plan or legal description of the severed lands in duplicate [Registry Act, s.81, Land Titles Act, s. 150], the deed or instrument conveying the severed lands, and the Certificate of Official shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of two years [Planning Act, s. 53(41)] after the date that "Notice of Decision" is given [Planning Act, ss. 53(17) and 53(24)].

4. The surveyor or applicant shall submit the draft Reference Plan(s), including an area calculation and noting frontage along the roads, electronically or in paper form for review and approval by planning staff prior to depositing the Reference Plan with the Land Registry Office.

Road Widening

5. The surveyor who prepares the reference plan(s) referred to in Condition #3 and #4 shall also determine by survey the width of Horning Road to be 20m. If such a width is less than 20m, the owner shall dedicate to the Township land along the frontage of each of the severed lands in the following manner as required:

    a. The land to be dedicated shall be the width required to provide 10m from the centre of the existing travelled road for Horning Road;

    b. The land to be dedicated shall be described as a separate part on a Reference Plan of Survey to be prepared and deposited at the Owner's expense and filed with the Secretary-Treasurer prior to the issuance of the Certificate of Official;

    c. The Transfer/Deed from the Owner for the land to be dedicated shall be engrossed in the of "The Corporation of the Township of South Frontenac", and shall include the following attached to the Transfer/Deed as a Schedule:

    The Transferor hereby transfers the lands to the municipality for the purpose of widening the adjacent highway pursuant to Section 31(6) of the Municipal Act, 2001, Chapter 25, as amended.

    d. The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense;

    e. The duplicate registered Transfer/Deed for the land to be dedicated together with a letter of opinion of a solicitor qualified to practice law in the Province of Ontario addressed to the Secretary-Treasurer confirming that the municipality acquired good and marketable title to the land free and clear of all liens and encumbrances shall be delivered to the Secretary-Treasurer prior to the issuance of the Certificate of Official.

Municipal Requirements

1. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. This includes all taxes levied as of the date of the issuance of the Certificate of Official.

2. The Township of South Frontenac shall receive 5% of the value of the three (3) severed parcels, in lieu of parkland [Planning Act, s. 51(1)].

3. The Owner shall submit a Hydrogeological Assessment that demonstrates an adequate supply of potable water is available for each severed parcel and no unacceptable impacts to adjacent water well users and properties, to the satisfaction

of the Township. The Hydrogeological Assessment shall be prepared in accordance with the Township's Standards for Hydrogeological Assessment. In determining whether the assessment is satisfactory, the Township shall require the submitted Hydrogeological Assessment to be peer reviewed. The peer review process shall be initiated by the Township but will be at the cost of the Owner.

4. In the event that there are abandoned wells located on the three (3) severed parcels or the retained property, they shall be sealed in accordance with the requirements of the Ministry of the Environment, Conservation and Parks and that this work shall be accomplished prior to the issuance of the Certificate of Official.

5. The applicant shall enter into a Development Agreement with the Township to be registered on title to the severed parcels to address the development of the lot, including requirement for an entrance permit, as well as a lot grading and drainage plan to be submitted at the building permit stage.

Zoning

6. Where a violation of Zoning By-law No. 2003-75 is evident, the appropriate minor variance or rezoning be obtained to the satisfaction of the Municipality.

Report Prepared By:
Noah Perron, Planner

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

SOUTH FRONTENAC

Consent Application

Application Requirements

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

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

Pre-consultation meeting fee	$150.00

☐ 2. One hard copy of this completed application form signed and commissioned.

☐ 3. A Sketch of your proposal (see Question 25 for details on what to include). The sketch must be drawn with accurate dimensions and measurements. It is recommended that you take your time to carefully assemble the data and crate the sketch. You may wish to secure the assistance of a person who specializes in the drafting of sketches.

☐ 4. The applicable **non-refundable** application fee, payable to the Township of South Frontenac:

Application Type:	**Planning Application Fee:**		**TOTAL:**
Consent Application	$1,347.00		$1,347.00
Change of conditions	$320.00		$320.00
Change of conditions requiring re-circulation	$560.00		$560.00

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

Agency:	**TOTAL:**
Township of South Frontenac onsite sewage disposal review (per new lot)	$515
Cataraqui Conservation (per new lot or lot addition)	$445
Quinte Conservation (per new lot or lot addition)	$450
Rideau Valley Conservation Authority (per new lot or lot addition)	$500

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

☐ 6. Required studies & Supporting Information identified at pre-consultation (if applicable)

☐ 7. Deed or transfer, or authorization for Township Staff to acquire title documents (if applicable)

TOWNSHIP OF SOUTH FRONTENAC CONSENT APPLICATION

Collection of Personal Information:

Personal information requested on the application form is required under the *Planning* Act. This information will be used by the Township for the purpose of reviewing the application. It may be made available to those boards, Commissions, Authorities, Agencies and Persons having an interest in this matter. Any questions regarding the collection of this information should be directed to the Secretary Treasurer of the Committee of Adjustment (P.O. Box 100, Sydenham, Ont., K0H 2T0, Phone 613-376-3027 ext. 2224).

What is considered when reviewing an application?

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

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

TOWNSHIP OF SOUTH FRONTENAC CONSENT APPLICATION

For Office Use Only

Date Received: _____ File Number: _____

1. Name of Owner(s): Tim Upton

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

   Phone number of Owner(s): [redacted]

   Email Address of Owner(s): [redacted]

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

   Name of Authorized Applicant/Agent: _____

   Full Mailing Address of Authorized Applicant/Agent: _____

   Phone number of Authorized Applicant/Agent: _____

   Email Address of Authorized Applicant/Agent: _____

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

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

   Communications are to be sent to: ☒ Owner(s) ☐ Agent

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

   [redacted]
   (Signature of the property owner) _____ (Signature of the property owner) Sept 13, 2023 (Date)

TOWNSHIP OF SOUTH FRONTENAC CONSENT APPLICATION

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

☑ Yes ☐ No Date Fee Paid: _____

Name of Planner: Christine Woods Date of Meeting: Aug 31, 2023

5. The description of the subject land:

District: ☑ Bedford ☐ Portland ☐ Loughborough ☐ Storrington

Civic Address: 2163 Devil Lake Road

Concession Number: 9 Lot Number: 7,8

Reference Plan Number: 13R22271 Part Number(s): _____

Roll Number: 010-030-01500-0000

Property Identification Number (PIN): 36250-0089

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

Frontage on water (m): 2,000 Frontage on road/lane (m): 2,000

Name of Waterbody: Devil Lake Name of Road/Lane: Michaels Lane

Depth(m): _____ Area(acres/ha): 240 Acres

7. Select the type of consent being applied for:

☐ Creation of a New Lot
☑ Easement (right of way)
☐ Lot Addition
☐ Charge/Discharge of Mortgage
☐ Correction of Title
☐ Lease
☐ Other: _____

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

Move the right of way to a new location which is away from buildings and out of the front yard of the new cabin.

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

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

	Severed Lot (Proposed new lot):	**Retained Lot:**
Frontage on Road/Lane (m):		
Name of Road/Lane:		
Frontage on Water (m):		
Name of Waterbody:		
Depth (m):		
Acres (acres or ha):		

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

	Severed Lot (Proposed new lot):	**Retained Lot:**
Existing Use of Lot:		
Existing Buildings/Structures:		
Proposed Use of Lot:		
Proposed Buildings/Structures:		

10. LOT ADDITION – Complete this section ONLY if you are applying for a lot addition.

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

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

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

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

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

	Lot Addition:	**Retained Lands:**	**Benefitting Lands:**
Existing Use of Lot:			
Existing Buildings/Structures:			
Proposed Use of Lot:			
Proposed Buildings/Structures:			

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

Length: 750M Depth: _____ Width: 4.5 Area: _____

Civic address of Benefitting lands: 2163 Devil Lake Road

Roll Number of Benefitting Lands: 010-030-01500-0000

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

The new location will allow traffic for 3 affected properties to travel away from the occupied area of the property

This will improve safety by seperating trafic from residents

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

(NEW LOT) Severed Parcel	Retained Parcel
☐ Municipal water system	☐ Municipal water system
☐ Privately owned and operated well	☐ Privately owned and operated well
☐ Lake water	☐ Lake water
☐ Other: _____	☐ Other: _____

TOWNSHIP OF SOUTH FRONTENAC CONSENT APPLICATION

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

(NEW LOT) Severed Parcel	Retained Parcel
☐ Publicly owned and operated communal septic system	☐ Publicly owned and operated communal septic system
☐ Privately owned and operated individual septic system:	☐ Privately owned and operated individual septic system:
☐ Leaching Bed (Class 4)	☐ Leaching bed (Class 4)
☐ Holding Tank (Class 5)	☐ Holding Tank (Class 5)
☐ Greywater Pit (Class 2)	☐ Greywater Pit (Class 2)
☐ Privy/Outhouse (Class 1)	☐ Privy/Outhouse (Class 1)

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

_____

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

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

Roll: 102901003001900 (Hannigan), Roll: 102901003001700 (Compton), Roll: 102901003001600 (Michaels)

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

17. Name of road or lane which accesses:

The new lot (lot addition or Right of Way): Michaels Lane

The retained lot: _____

Please indicate whether access to the land will be by:

☐ Provincial highway	☑ Lane
☐ Municipal Road - maintained year round	☑ A right of way
☐ Municipal Road - seasonally maintained	☐ Water (see next page)

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

The New Lot: _____

The Retained Lot: _____

18. What is the zoning of the subject lands? (Check www.frontenacmaps.ca)

RU, RRC-50

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

Rural

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

N/A

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

☐ Yes ☐ No ☑ Unknown

Please explain:

22. Has the subject land ever been, or is currently, the subject of an application for approval of a plan of subdivision under section 51 of the *Planning Act*, for a consent under section 53 of the *Planning Act*, for a minor variance, for approval of a site plan, or for an amendment to an official plan, an amendment to the zoning by-law or a Minister's zoning order? Complete all applicable

☐ Yes ☑ No ☐ Unknown			
Application Type	Application Number	Date of Application	Decision
☐ Plan of Subdivision			
☐ Consent			
☐ Minor Variance			
☐ Site Plan Approval			
☐ Official Plan Amendment			
☐ Zoning By-law Amendment			
☐ Minister's Zoning Order			

23. Has land been previously severed from the subject property, since September 5, 2000? If yes, please provide date of transfer; name of transferee and uses of the land.

☐ Yes _____ ☑ No

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

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

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

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

TOWNSHIP OF SOUTH FRONTENAC CONSENT APPLICATION

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

The sketch must include the following:

☐ A directional arrow with North at the top of the page.

☐ The boundaries and dimensions of the whole property. LABEL the part that is to be severed and the part that is to be retained, including the total area (acres or hectares), road frontages on all roads/lanes for each and waterbodies.

☐ Indicate if the owner of the subject property also owns other lands near the proposal.

☐ The distance between the subject land and the nearest road, bridge or railway crossing

☐ The location of all land previously severed from the parcel (if applicable) originally acquired by the current owner of the subject land.

☐ All natural and artificial features that are located on the subject property and on land beside the subject property. Please label and show the approximate location of:

a. Existing Buildings, wells and septic systems, bridges, railways, roads, hydro lines

b. Waterbodies, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas

c. Landfills, propane facility, quarry's and pits

d. Barns

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

☐ Please include any information on natural and artificial features (as listed above) that in the applicant's opinion may affect the application

☐ Please indicate the current uses of land that is surrounding the property, such as residential, agricultural and commercial uses (if agricultural, please indicate the approximate distance of any barn structure from the proposed new lot).

☐ The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way.

☐ If access to the subject land is by water only, please show the location of the parking and boat docking facilities to be used, and the title documents to demonstrate legal deeded use of these facilities

☐ The location and nature of any easement affecting the subject land.

☐ The location of any abandoned wells on the property

PERMISSION, ACKNOWLEDGEMENT, AGREEMENT AND DECLARATION OF APPLICATION

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

ACKNOWLEDGEMENT OF ADDITIONAL REQUIREMENTS

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

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

AGREEMENT TO INDEMNIFY

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

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

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

TOWNSHIP OF SOUTH FRONTENAC CONSENT APPLICATION

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

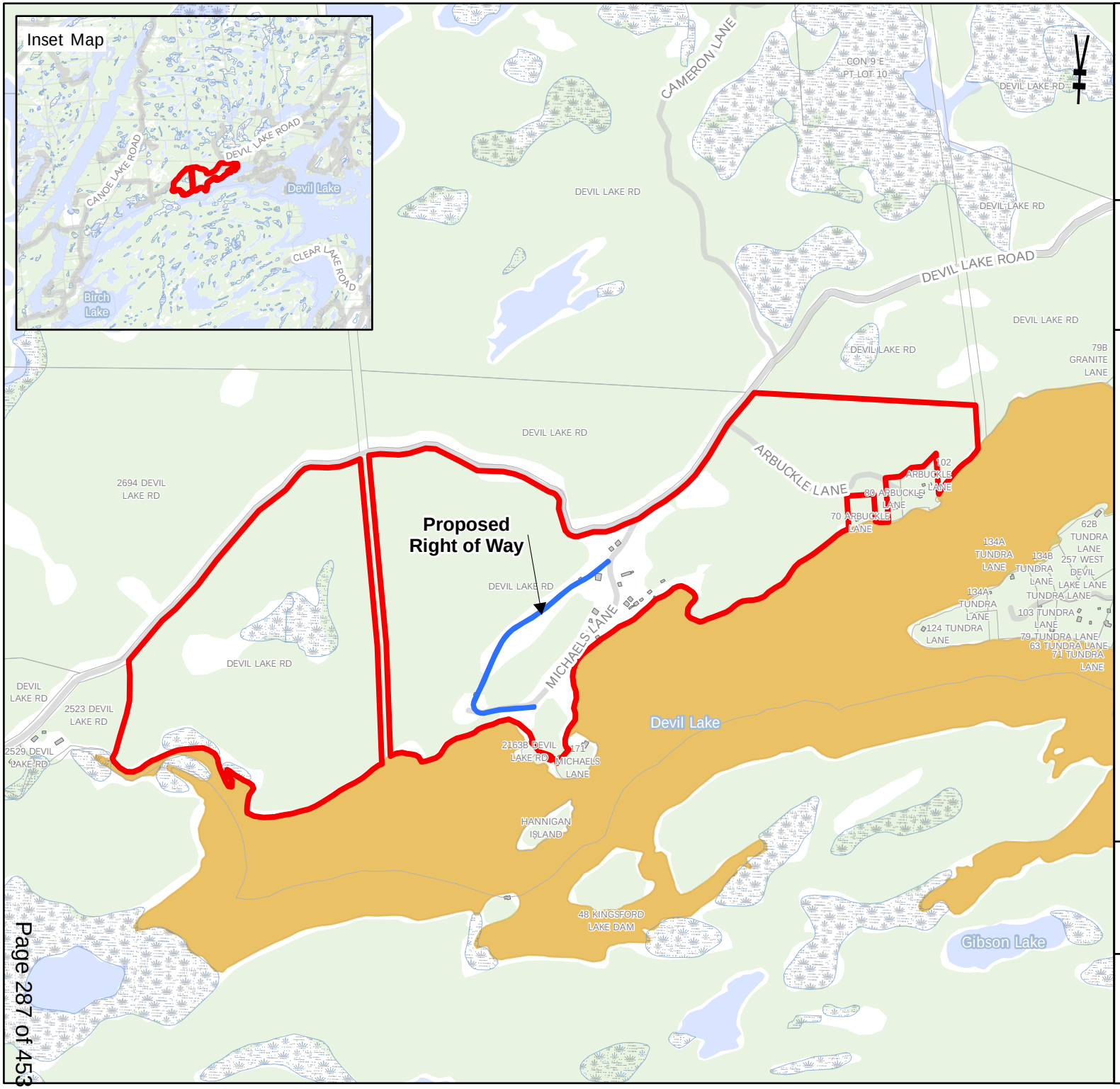
DECLARATION FOR THE PRESCRIBED INFORMATION

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

I/We, Tim Upton ,

(Name of Owner / Agent)





SOUTH FRONTENAC

PL-BDJ-2023-0119 (UPTON)

DEVIL LAKE ROAD

Legend

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

Produced by the County of Frontenac under license with the Ontario Ministry of Natural Resources © King's Printer for Ontario, 2023.

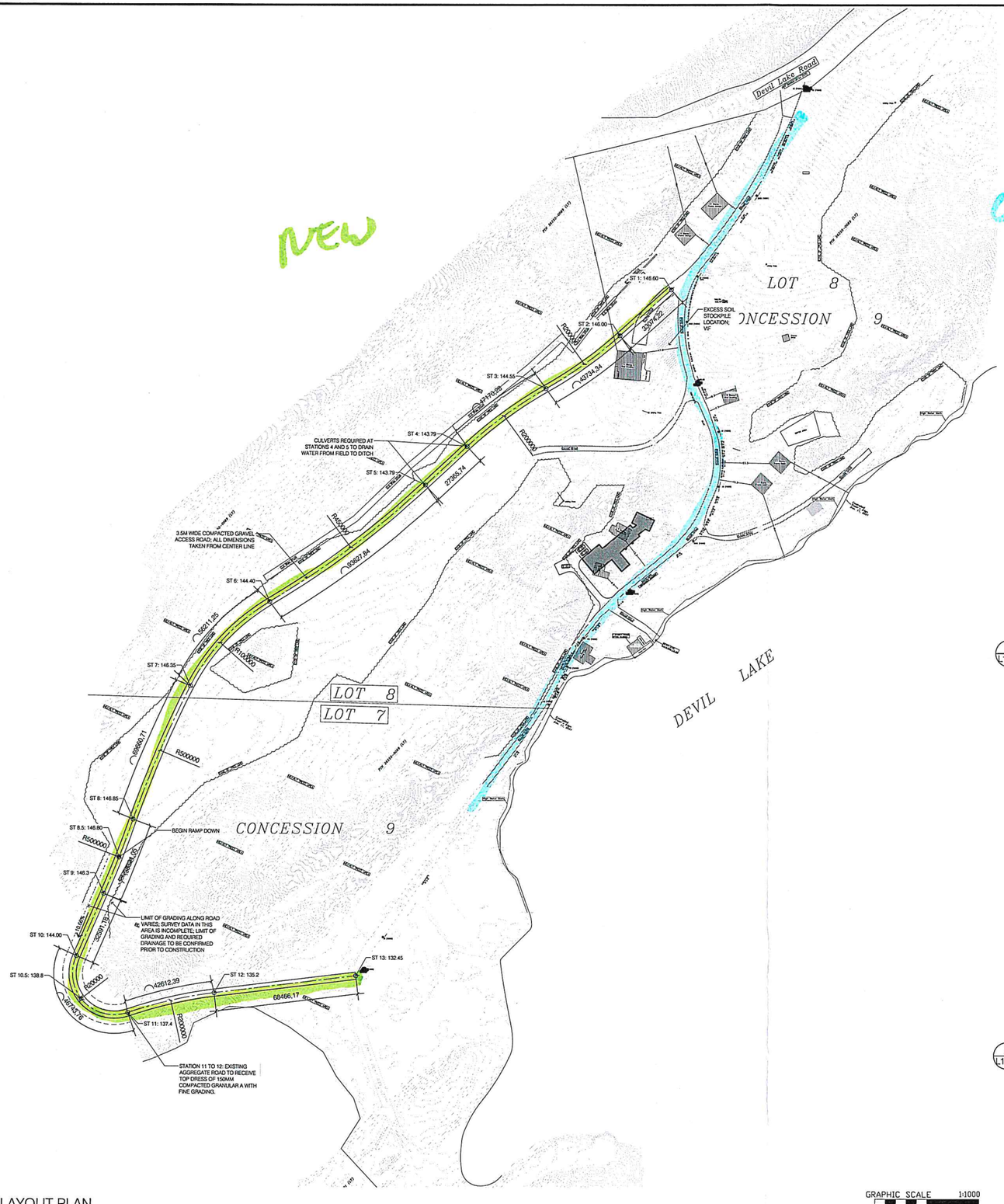
While the County makes every effort to insure that the information presented is accurate for the intended uses of this map, there is an inherent error in all mapping products, and accuracy of the mapping cannot be guaranteed for all possible uses. This map displays basic topographic features only.

Scale: 1:12,000

0 105 210 420 m

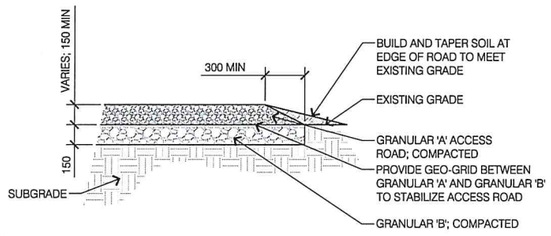
UTM Zone 18 NAD 83

Date: 2023-10-10

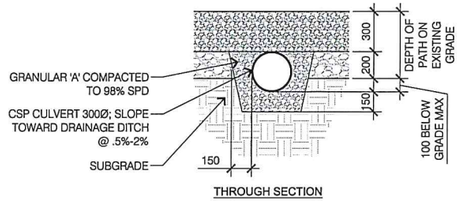


1 L1-01 DRIVEWAY LAYOUT PLAN

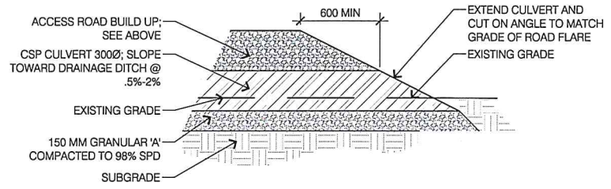
GRAPHIC SCALE 1:1000
0 5 10 15 20 25 50 m



1 L1-01 ACCESS ROAD 1:20

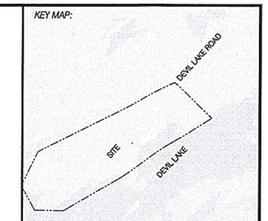


THROUGH SECTION



2 L1-01 CULVERT 1:20

KEY MAP:



GENERAL NOTES:

1. ALL GENERAL SITE INFORMATION AND CONDITIONS COMPILED FROM EXISTING PLANS AND SURVEYS.
2. REFER TO ENGINEERING DRAWINGS FOR GRADING AND SERVICING LAYOUTS.
3. THE LOCATION OF THE TREES SHOWN ON THIS PLAN IS APPROXIMATE AND SHALL NOT BE SCALED FROM THIS DRAWING. THE PLAN MUST BE READ IN CONJUNCTION WITH THE APPROVED COMPOSITE UTILITY PLAN, THE CITY OF OTTAWA RIGHT OF WAY DRAWINGS AND THE RESTRICTIONS LISTED BELOW IN ORDER TO SITE EACH INDIVIDUAL TREE.
4. DO NOT SCALE THIS DRAWING.
5. REPORT ANY DISCREPANCIES PRIOR TO COMMENCING WORK. NO RESPONSIBILITY IS BORN BY THE CONSULTANT FOR UNKNOWN SUBSURFACE CONDITIONS.
6. CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS ON SITE AND REPORT ANY ERRORS AND/OR OMISSIONS TO THE CONSULTANT.
7. REINSTATE ALL AREAS AND ITEMS DAMAGED AS A RESULT OF CONSTRUCTION ACTIVITIES TO THE SATISFACTION OF THE CONSULTANT, INCLUDING AREAS BEYOND THE PROPERTY LINE.
8. THE LANDSCAPE ARCHITECT CERTIFIES THAT THE PROPOSED SPECIES AND LOCATIONS OF TREES ARE IN KEEPING WITH THE RECOMMENDATIONS OF THE APPROVED GEOTECHNICAL REPORT.
9. DRAWING MAY NOT BE USED FOR CONSTRUCTION UNTIL SIGNED BY LANDSCAPE ARCHITECT AS ISSUED FOR CONSTRUCTION.
10. THE ACCURACY OF THE POSITION OF UTILITIES IS NOT GUARANTEED.
11. INDIVIDUAL UTILITY COMPANY MUST BE CONTACTED FOR CONFIRMATION OF UTILITY EXISTENCE AND LOCATION PRIOR TO DIGGING.
12.
13. THIS DRAWING IS AN INSTRUMENT OF SERVICE AND REQUIRES THE PERMISSION OF THE LANDSCAPE ARCHITECT FOR USE. COPYRIGHT IS RESERVED BY LASHLEY + ASSOCIATES CORPORATION.
14. THE INSTALLER SHALL ENSURE THAT ALL UTILITY LOCATES ARE OBTAINED PRIOR TO ANY EXCAVATION FOR LANDSCAPING.
15. THE LANDSCAPE ARCHITECT CERTIFIES THAT THE PROPOSED LOCATION OF TREES DOES NOT CONFLICT WITH INFRASTRUCTURE OR UTILITY INSTALLATIONS AS IDENTIFIED ON THE APPROVED COMPOSITE UTILITY PLAN EXISTING PLANS AND SURVEYS AT THE TIME OF DRAWING PREPARATION.

No.	REVISIONS	MM/DD/YYYY
7		
6		
5		
4		
3		
2	ISSUE FOR TENDER	09/21/2022
1	FOR COORDINATION ONLY	08/04/2022

LASHLEY + ASSOCIATES
LANDSCAPE ARCHITECTURE
& SITE ENGINEERING
332-600 GLADSTONE AVENUE
OTTAWA, ON K1Y 3E8
T 613 233 8579
F 613 233 4301
W LashleyLA.com
LASHLEY + ASSOCIATES LANDSCAPE ARCHITECTURE AND SITE ENGINEERING OTTAWA - MONTREAL

Project Title
TIMBER LANDING COTTAGES
2163 DEVIL LAKE ROAD
WESTPORT, ONTARIO K0G1X0

Seal

Drawing Title
DRIVEWAY LAYOUT PLAN

Scale	Date
AS SHOWN	2022-08-09
Drawn: S.J.P.	Checked: RP
Project No.: 22841-1	Drawing No.: L1-01

From: Evan Bancroft
To: Christine Woods
Cc: Troy Dunlop
Subject: RE: 2163 DEVIL LAKE ROAD - External Agency Review - PL-BDJ-2023-0119
Date: October 26, 2023 3:06:01 PM

Hello Christine,

Public services has no comment on the planning components of this application.

Should the application be successful the new access must comply with the private lane standards and an engineered design of the Lane would be required.

Thank you,
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, K0H 2T0
www.southfrontenac.net

Please consider the environment before printing this email

-----Original Message-----
From: Troy Dunlop <tdunlop@southfrontenac.net>
Sent: Wednesday, October 25, 2023 8:56 AM
To: Evan Bancroft <ebancroft@southfrontenac.net>
Subject: 2163 DEVIL LAKE ROAD - External Agency Review - PL-BDJ-2023-0119

Hi Evan,

I would like you to work on this file when you have time. We should have an advance discussion.

Deadline is November 10th.

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, October 23, 2023 8:50 AM
To: Troy Dunlop <tdunlop@southfrontenac.net>; Evan Bancroft <ebancroft@southfrontenac.net>
Subject: External Agency Review - PL-BDJ-2023-0119

Dear Troy and Evan,

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

Application number: PLBDJ20230119
Roll Number: 102901003001500
Owner/Applicant: UPTON TIMOTHY JOSEPH
Location (civic address): 2163 DEVIL LAKE ROAD, Unit:B Legal Description: CON 9 PT LOT 7 LOT 8 DEVIL;LAKE

Proposal: Consent for a right-of-way. The applicants propose to abandon the existing right-of-way that runs through the developed area of the property and to establish a new right-of-way in a different location on the property. The new right-of-way would continue to provide legal access to two waterfront properties.

Staff contact: Christine Woods
Kindly provide your comments on this application to planning@southfrontenac.net by November 10, 2023.

Regards,

Christine Woods
Senior Planner
(613) 376-3027
cwoods@southfrontenac.net

List of emails for circulation:

November 10, 2023 File: SEV/FRS/256/2023

Sent by E-mail

Ms. Christine Woods, Senior Planner
Township of South Frontenac
P.O. Box 100
Sydenham, Ontario
K0H 2T0

Dear Ms. Woods:

Re: Application for Consent to Sever PL-BDJ-2023-0119 (Upton)
Pt Lot 7/8, Concession 9; 2163 Devil Lake Road
Bedford District, Township of South Frontenac
Waterbody: Devil Lake

Staff of the Cataraqui Region Conservation Authority (CRCA) have reviewed the above-noted application for consent to sever and offer the following comments for the Land Division Committee's consideration, based on our role as a commenting agency responsible for natural hazards on *Planning Act* applications, and as administrator of Ontario Regulation 148/06: *Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses*.

Summary of the Proposal

This application involves the creation of a new right-of-way which will replace the existing right-of-way that runs through the developed area of the property to provide legal access to two waterfront properties. The driveway layout plan indicates that there is an existing access road in the location of the proposed easement, but some site alteration, including the placement of compacted gravel fill and grading work, is proposed to facilitate the new driveway.

Site Description

The subject lands are irregular in shape, located northwest of the west basin of Devil Lake, and have road frontage on Devil Lake Road. The topography along the shoreline where the development is located is relatively flat, though there is a slope/embankment between the existing access road and the interior of the lot. Presently, the main building is under construction and there are two cabins/accessory buildings located along the shoreline, to the east of the existing access road. The property is heavily forested with mature trees and natural vegetation. The proposed easement splits off from the existing access road where the development is located and runs north along a level area between two slopes, before turning south and connecting with the driveway down to the waterfront homes on the southern peninsula. Staff understand that there is an existing aggregate road where the right-of-way is proposed, which will be upgraded as part of the proposed development. Staff visited the site on September 19, 2023.

The subject lands are designated 'Rural' and 'Environmental Protection' per Schedule A of the Township's Official Plan, and zoned 'Rural' (RU) and 'Recreational Resort Commercial' (RRC-50)

in the implementing Zoning By-law. The RRC-50 zone applies to the portion of the site next to the shoreline where the tourist development is located.

Discussion

CRCA's scope of review with respect to this application is the avoidance of natural hazards (e.g. flooding and erosion) associated with the shoreline of Devil Lake.

Natural Hazards

Flooding: The highest recorded water level for Devil Lake is 131.96 metres geodetic. For Devil Lake, the highest 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 access road will be located outside of any area that may be subject to potential flood risk.

Erosion: CRCA, in accordance with provincial technical standards, defines the extent of potential erosion hazards along the shoreline of Devil Lake to include an allowance for toe erosion, a stable slope allowance for till shorelines of 3(h):1(v) and 1(h):1(v) for rock, plus an erosion access allowance of 6 metres. Based on the site plan and observations taken on site, the proposed right-of-way will be located along portions of the shoreline embankment which fall within the extent of the erosion hazard.

CRCA's regulatory policies allow for the construction of an access road through the erosion hazard in order to provide access to the water provided there is no viable alternative outside of the erosion hazard, the provision of safe access has been considered, and there is no impact on existing and future slope stability.

Staff recognize that the road must cross through the erosion hazard (i.e. the shoreline slope) at some point in order to access the waterfront properties further south. Staff are satisfied that the proposed location of the right-of-way and proposed modifications to the existing roadway will not put the road at further risk of erosion or instability, however a CRCA permit will be required for the roadway upgrades within approximately 30 metres of the shoreline (including grading, excavation, or placement of fill). As part of the permit review process, CRCA will require additional details about the design (quantity of fill etc.) and location of the roadway in order to confirm that the driveway will not be subject to instability or put the slope at further risk of instability. Overall, staff are satisfied that CRCA's regulatory policies for natural hazards can be addressed at the permitting stage.

Recommendation

Staff have no objection to the approval of application PL-BDJ-2023-0119 based on our consideration for natural hazard policies.

Ontario Regulation 148/06

Please note that portions of the subject lands are subject to Ontario Regulation 148/06: *Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses*, which is administered by the CRCA. The purpose of the regulation is to ensure that proposed changes (e.g. development and site alteration) to a property are not affected by natural hazards, such as

flooding and erosion, and that the changes do not put other properties at greater risk from these hazards. For this property, any development (buildings and structures) and site alteration (excavation, grading, placement of fill) within 15 metres of the floodplain of Devil Lake (the elevation 136.96 m geodetic) or within 30 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 proposed roadway upgrades.** The landowner(s) are advised to contact CRCA about permitting requirements under O. Reg. 148/06 at the building permit stage.

Please inform this office of any decision made by the Committee with regard to these applications. 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: Tim Upton, Owner, via e-mail

Township of South Frontenac

Staff Report

To:	Committee of Adjustment
Prepared by:	Development Services Department
Report Date:	December 14, 2023
Subject:	**Consent Application PL-BDJ-2023-0119, Upton, 2163 Devil Lake Road, Bedford District**

Summary

This application is for consent for a right-of-way. The Committee of Adjustment is being asked to make a decision on this application, as it is a disputed consent per By-law 2020-27. Specifically, one of the landowners who would use the right-of-way has concerns with the location and design of the lane.

Background

The applicants propose to abandon the existing right-of-way that runs through the developed area of the subject property and to establish a new right-of-way in a different location on the property. The new right-of-way would continue to provide legal access to multiple waterfront properties. The proposed right-of-way would be 750 metres long and 4.5 metres wide.

Designation and Zoning

The subject property over which the right-of-way is proposed is designated Rural and is zoned Rural (RU) and Recreational Resort Commercial – Special Provision (RRC-50). The benefitting lands are zoned Limited Service Residential – Waterfront (RLSW).

Related Applications

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

Review

This application:

- ✓ Conforms to section 51(24) of the *Planning Act*;
- ✓ Does not require a plan of subdivision for the proper and orderly development of the municipality (s. 53(1) *Planning Act*);

- ✓ Is consistent with the Provincial Policy Statement (s. 3(5) *Planning Act*);
- ✓ Conforms to the County of Frontenac Official Plan (s. 3.2 & 7.1);
- ✓ Conforms to the Township of South Frontenac Official Plan (s. 5.2, 5.7.7 & 7.1);
- ✓ Complies with Zoning By-law No. 2003-75; and
- X Has unresolved objections/concerns raised from agencies or the public.

Property Description

The subject property over which the right-of-way is proposed is on Devil Lake south of Devil Lake Road. The property is more than 100 acres in area. The central portion of the property is developed with a former resort and campground. The remainder of the property is forested and vacant. The new right-of-way would follow an existing trail that leads to the same endpoint as the existing right-of-way.

Department and Agency Comments

Public Services indicated on October 26, 2023, that should the application be successful, the new right-of-way will need to be surveyed to a 20 metre width, and be designed and constructed to the Township's Private Lane Standards.

Cataraqui Conservation indicated on November 10, 2023, that they have no objection to the approval of the application. They noted that a permit under O. Reg. 148/06 would be required for lane upgrades within approximately 30 metres of the shoreline. As part of the permit application, they would required additional details about the design and location of the laneway in order to confirm that the driveway will not be subject to instability or put the shoreline slope at further risk of instability.

Public Comments

Mr. Joseph Compton (171 Michaels Lane) indicated in writing and verbally to staff that he did not accept the proposed plans to change the right-of-way that he uses to access his property. He raised concerns about the steepness of the grade and the tight curve near the shoreline. It is the understanding of staff that the applicant discussed these matters with this individual, and that changes were subsequently made to the lane. Mr. Compton indicated on December 4, 2023, that his concerns would be alleviated if the new lane were to be constructed to the Township's Private Lane Standards.

Planning Analysis

The existing right-of-way for Michaels Lane runs through the developed area of the subject property and near the shoreline, in close proximity to a replacement tourist cabin/dwelling that is under construction. It is also close to another cabin near the water's edge, which is

proposed to be demolished and replaced with a new, same sized cabin farther from the shoreline.

The proposal is to abandon the existing right-of-way and to establish a new right-of-way in a different location on the property in order to facilitate the redevelopment plans of the applicant. The new right-of-way would continue to provide legal access to multiple waterfront properties.

The proposed right-of-way would need to be surveyed to have a 20 metre width, and the new lane will need to be constructed within the right-of-way and in accordance with the Township's Private Lane Standards. The new lane will also need to be constructed to Cataraqui Conservation's standards for access through an area that may be subject to shoreline erosion hazard. The purpose of the Township and Conservation Authority's standards is to ensure that private lanes will provide safe access for the users of the lane as well as for emergency service vehicles.

The applicant, through their lawyer, would be responsible for ensuring that all of the properties that currently have legal access over the existing Michaels Lane will have legal access over the new Michaels Lane.

Notice/Consultation

Notice of the Application was given pursuant to the requirements of the Planning Act, at least 14 days before the applications were reviewed. 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

Notice of the Public Hearing was given by mail to every owner of land within 60 metres of the subject lands.

Recommendation

It is recommended that application PL-BDJ-2023-0119 for the creation of a right-of-way over 2163 Devil Lake Road in Part of Lots 7 and 8, Concession 9, Bedford District, be approved subject to the following conditions.

Expiry Period

1. Conditions imposed must be met within two years of the date of Notice of Decision, as required by Section 53(41) of the *Planning Act*, RSO 1990, as amended. If conditions are not fulfilled as prescribed within two years, the application shall be

deemed to be refused. Provided the conditions are fulfilled within two years, the application is valid for two years from the date of Certificate of Official issuance.

2. The proposed right-of-way will be approximately 750 metres in length and shall be surveyed to a width of 20 metres along its length. The right-of-way will have a total area of approximately 15,000 square metres.

Survey/Reference Plan or Registerable Description

3. An acceptable reference plan or legal description of the right-of-way, in duplicate [Registry Act, s.81, Land Titles Act, s. 150], and the Certificate of Official shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of two years [Planning Act, s. 53(41)] after the date that "Notice of Decision" is given [Planning Act, ss. 53(17) and 53(24)].

4. The surveyor or applicant shall submit the draft Reference Plan electronically or in paper form for review and approval by planning staff prior to depositing the Reference Plan with the Land Registry Office.

5. The lawyer for the Owner shall submit the pertinent documentation noting all servient and dominant lands in draft form to the Secretary-Treasurer for review prior to registration. The documentation provided shall include any necessary rights-of-way to ensure legal deeded access is maintained for all dominant lands. All reference plans noted in the documentation shall be provided electronically, if they are different from the reference plan in Condition #4.

Municipal Requirements

6. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. This includes all taxes levied as of the date of the issuance of the Certificate of Official.

7. The right-of-way described in condition 2 shall be constructed in accordance with the Township of South Frontenac Private Lane Standards, to the satisfaction of the Township.

Zoning

8. Where a violation of Zoning By-law No. 2003-75 is evident, the appropriate minor variance or rezoning be obtained to the satisfaction of the Township.

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

SOUTH FRONTENAC

TOWNSHIP OF SOUTH FRONTENAC
APPLICATION FOR MINOR VARIANCE
OR PERMISSION (s. 45(2))
Updated June, 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.

Pre-Consultation $50 Fee

Application Type:	Planning Application Fee:
1-3 Variances	$1,230.00 ★
4+ Variances	$1,445.00
After building without a permit	$2,206.00

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 Date of pre-consultation: Aug/2023

1. Name of Owner(s): Bradley & Stephanie Leonard

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

Phone number of Owner(s) [redacted]

Email Address of Owner(s): [redacted]

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

Name of Authorized Agent: _____

Full Mailing Address of Authorized Agent: _____

_____

Phone number of Authorized Agent: _____

Email Address of Authorized Agent: _____

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

_____
Signature(s) of Owner(s)

3. The description of the subject land:

District: ☐ Bedford ☐ Portland ☒ Loughborough ☐ Storrington

Concession Number: 8 Lot Number: 1

Street Number: 1004 Name of Road/Street: GOSLIN LANE

Reference Plan Number: 13R 2250 Part Number(s): 1, 2, 5

Roll Number: 040-020-15100-0000

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

Frontage (on water): 160 Feet Frontage (on road/lane): 387 Feet

Depth: Irregular ~ 198 Feet Area: 1.047 acres

5. The current zoning of the subject land:

RLSW

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

We would like add a top Floor addition to an accessory building as well as a deck & walkway from principal structure

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

The accessory building is within 30 meters of the high water mark.

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

OR a privately maintained road? ☒ Yes ☐ No

Name of Road/Lane:

Goslin 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.

Not Applicable

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

Residential home

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) Dwelling with attached deck	(2) Accessory Structure + Carport	(3) Accessory Structure (Studio)	(4) Deck on the land
Setback from Front Lot Line	± 33 Feet from Deck	± 105 Feet	20 Feet	± 5 Feet
Setback from Rear Lot Line	± 47 Feet	± 87 Feet	± 160 Feet	± 200 Feet
Setback from Side Lot Line	± 12 Feet	± 36 Feet	± 40 Feet	± 50 Feet
Height of Building (Also indicate if it is one story or two story)	One story	one story	one story	N/A
Dimensions of Floor Area	Dwelling is 1900 square feet	1000 square feet	625 Feet	360 square feet
Setback from High Water Mark (If applicable)	± 33 Feet From Creek deck	± 105 Feet	> ± 250 Feet	± 5 Feet

13. The proposed uses of the subject land:

Residential

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

☒ Yes ☐ No

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

	(1)	(2)	(3)	(4)
Type of Structure (E.g. residence)	Addition to Accessory Structure	Deck	Walkway	
Setback from Front Lot Line	± 105 Feet	± 93 Feet	± 85 Feet	
Setback from Rear Lot Line	± 110 Feet	± 110 Feet	± 110 Feet	
Setback from Side Lot Line	± 45 Feet	± 45 Feet	± 90 Feet	
Height of Building (Also indicate if it is one story or two story)	Two Storey ± 30 Feet Similar height as primary structure	Second Storey deck ± 10 Feet	Second Storey Walkway Similar height to primary structure	
Outside Dimensions of Building/Structure	40' x 25'	40' x 12'	± 30' x ± 6'	
Setback from High Water Mark (If applicable)	± 105 Feet	± 93 Feet	± 85 Feet	

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:

We are adding a top Floor addition to an existing structure

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:

January 6th, 2020

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

Primary Building 1980's remodeled 2021, Garage 1990s, Studio 2021

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

Approximately 70 years

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

Private well

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

Private septic system

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

Natural Drainage

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

☐ Yes ☒ No

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

---

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

☒ Yes ☐ No

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

In 1996 & 2020 minor variance was granted

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?

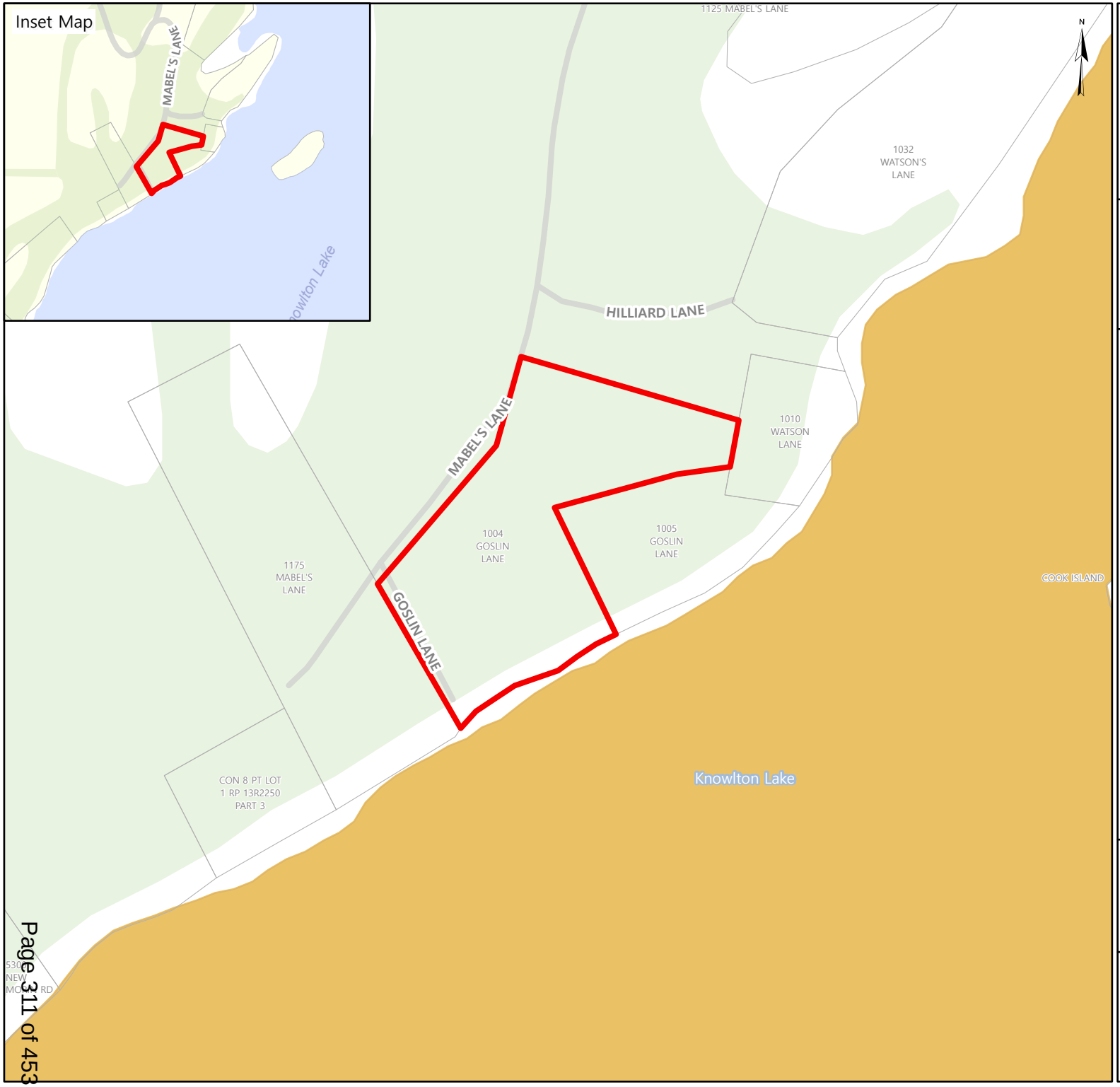
26) If yes: If there is a current application for severance or subdivision on the property, please indicate the file number. (Staff can help provide this information)

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-2023-0117 (LEONARD)

1004 GOSLIN 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: 1:1,421

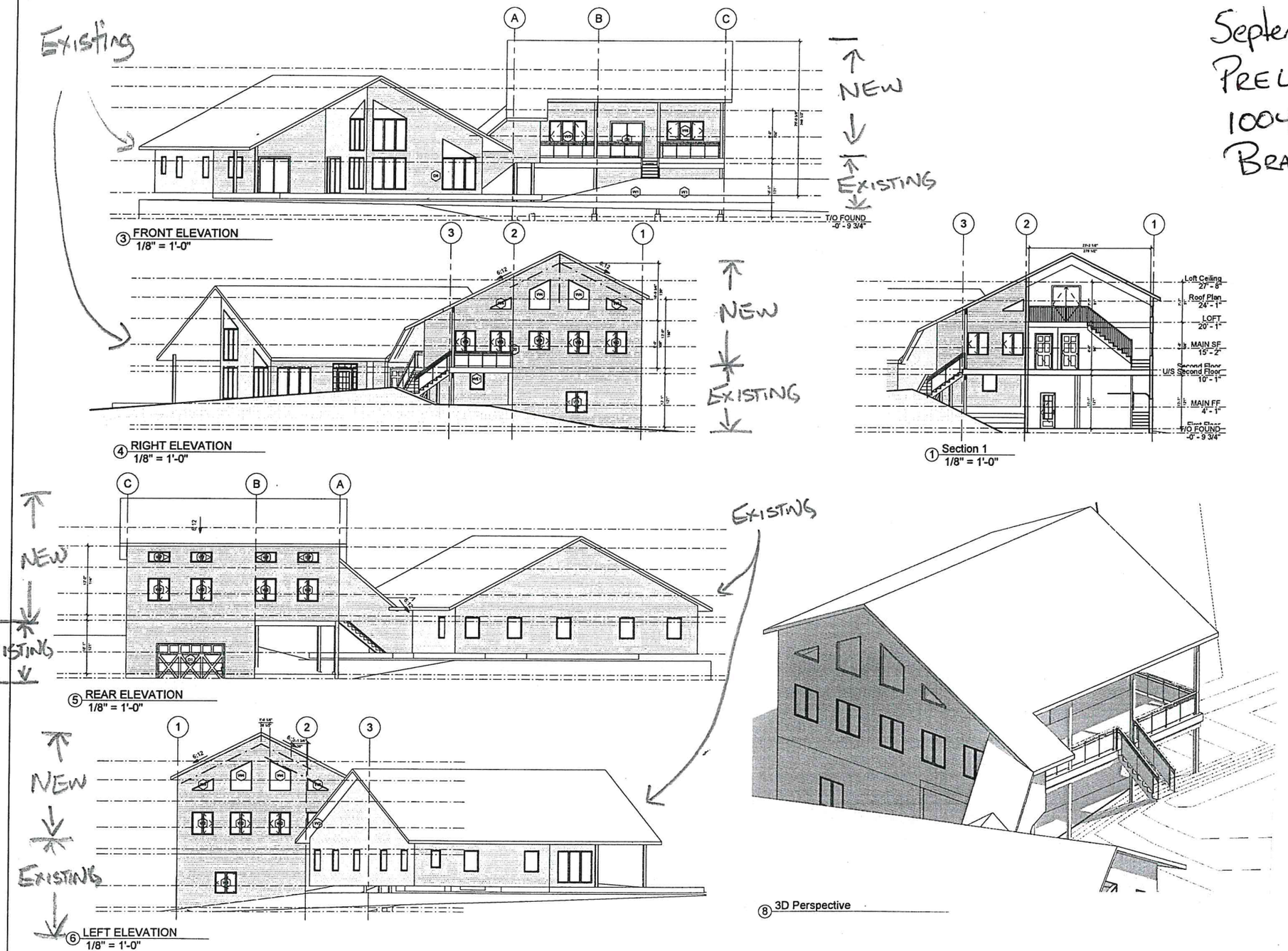
0 12.5 25 50

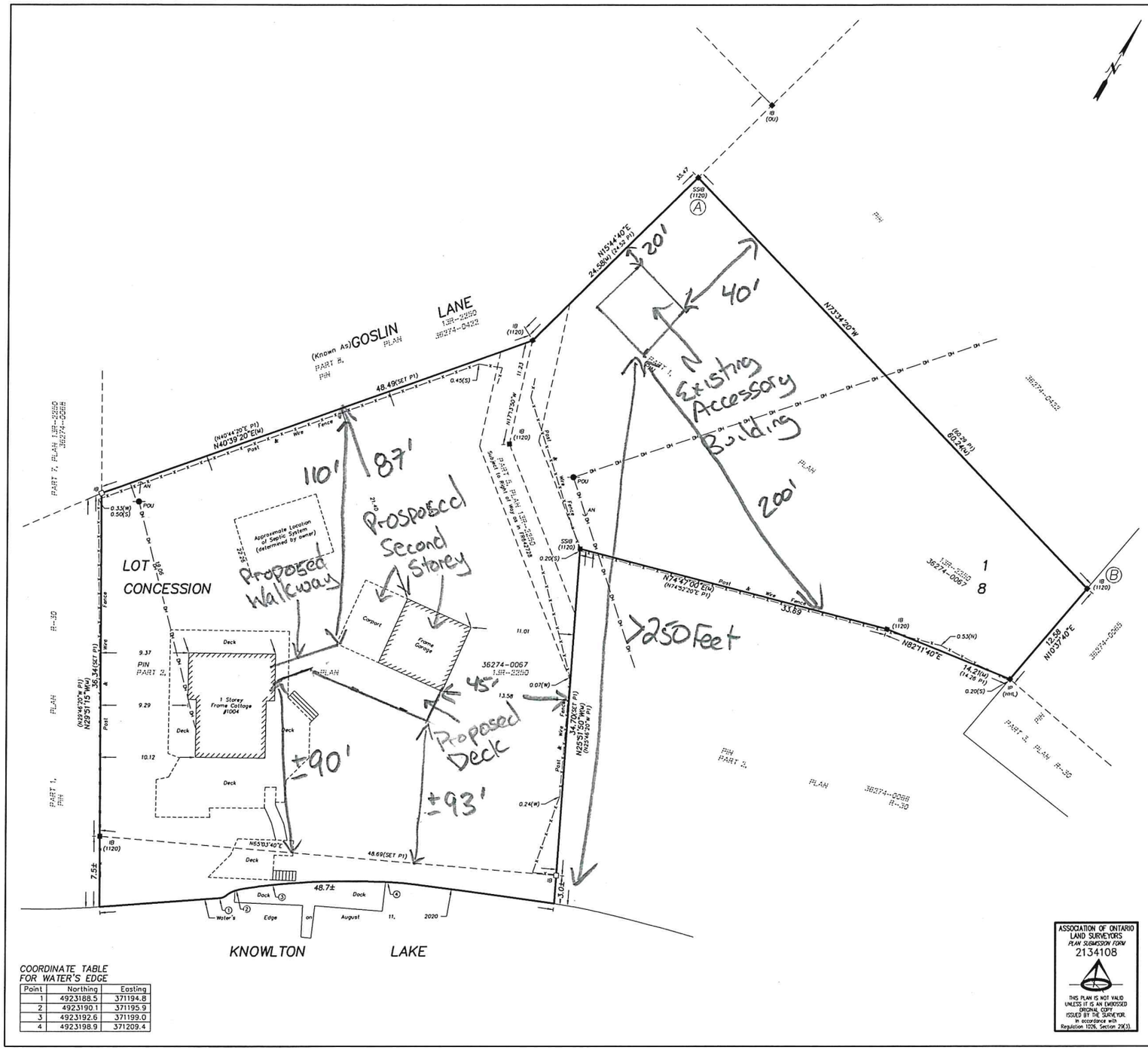
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UTM Zone 18 NAD 83

Date: 2023-09-26

September 18, 2023
PRELIMINARY DRAWINGS
1004 GOSCIN LANE
BRAD & STEPH LEONARD





COORDINATE TABLE FOR WATER'S EDGE

Point	Northing	Easting
1	4923188.5	371194.8
2	4923190.1	371195.9
3	4923192.6	371199.0
4	4923198.9	371209.4

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PLAN OF SURVEY OF
PART OF LOT 1
CONCESSION 8
GEOGRAPHIC TOWNSHIP LOUGHBOROUGH
TOWNSHIP OF SOUTH FRONTENAC
COUNTY OF FRONTENAC

SCALE 1 : 250 METRES
0 1 2 3 4 5 10 20

LEGEND

■	DENOTES SURVEY MONUMENT FOUND
□	DENOTES SURVEY MONUMENT SET
SSIB	DENOTES SHORT STANDARD IRON BAR
SIB	DENOTES STANDARD IRON BAR
IB	DENOTES IRON BAR
IP	DENOTES IRON PIPE
ø	DENOTES ROUND
WIT	DENOTES WITNESS
M	DENOTES MEASURED
⟵AN	DENOTES ANCHOR POINT
—●—POU	DENOTES UTILITY POLE
—OH—	DENOTES OVERHEAD WIRES
P1	DENOTES PLAN 1JR-2250
1120	DENOTES J.A. MINNES, O.L.S.
HHL	DENOTES H.H. LAWSON, O.L.S.
OU	DENOTES ORIGIN UNKNOWN

CAUTION

THE WORK AND DRAWINGS HEREIN WERE COMPLETED FOR THE EXCLUSIVE USE OF OUR CLIENT AND NO LIABILITY IS ASSUMED TO ANY THIRD PARTIES OR SUBSEQUENT OWNERS.

BEARING NOTES

BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK OBSERVATIONS, UTM ZONE 18, NAD83(CSRS)(2010).

FOR BEARING COMPARISONS, THE FOLLOWING ROTATIONS WERE APPLIED: P1 – 1°15'40" CLOCKWISE.

DISTANCE NOTES – METRIC

DISTANCES ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999787.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON AUGUST 11, 2020.

AUGUST 31, 2020 — DATE
KERRY BOEHME, O.L.S.

ASSOCIATION OF ONTARIO LAND SURVEYORS
PLAN SUBMISSION FORM
2134108
THIS PLAN IS NOT VALID UNLESS IT IS AN EMBOSSED ORIGINAL COPY ISSUED BY THE SURVEYOR. In accordance with Regulation 1026, Section 29(3)

INTEGRATION DATA

OBSERVED REFERENCE POINTS DERIVED FROM GPS OBSERVATIONS USING A REAL TIME NETWORK AND ARE REFERRED TO UTM ZONE 18 (75° WEST LONGITUDE) NAD83(CSRS)(2010).

URBAN ACCURACY PER SEC. 14(2), O.REG. 216/10.

POINT ID	NORTHING	EASTING
A	4923279.81	371200.60
B	4923262.78	371258.37

CAUTION: COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

IBW SURVEYORS

IBW SURVEYORS.COM | 1.800.267.0856

FILE # CHECKED BY	SURVEYED	CHECKED BY	SCALE
FILE NAME: P:\2134\PLOT_2			

PL-ZNA-2023-0017 (Leonard) – Permission to Enlarge

Description:
The following seeks permission to enlarge the legal non-conforming use located within 30m of Knowlton Lake. The subject property is developed with a single dwelling and detached garage/carport, setback 10m and 26.8m from the highwater mark respectively. The proposed enlargement would consist of two parts 1) Add two extra storeys and attached deck to garage/carport; 2) Connect both structures via semi-covered walkway. As connected structures, the garage/carport would become part of the principal structure. The proposal would facilitate an increase in gross floor area to 680sqm and height to 9.7m. The enlarged structure would encroach no further towards Knowlton Lake, with the deck addition being setback approximately 23.2m.

Existing Structures

	Dwelling (w/ attached deck)	Garage/ Carport
Ground Floor Area (m^2)	368.2	92.9
Gross Floor Area (m^2)	368.2	92.9
Height (m)	8	3
Highwater Mark Setback (m)	10	26.8
Lot Coverage (%)	8.6	2.2

Proposed Structures

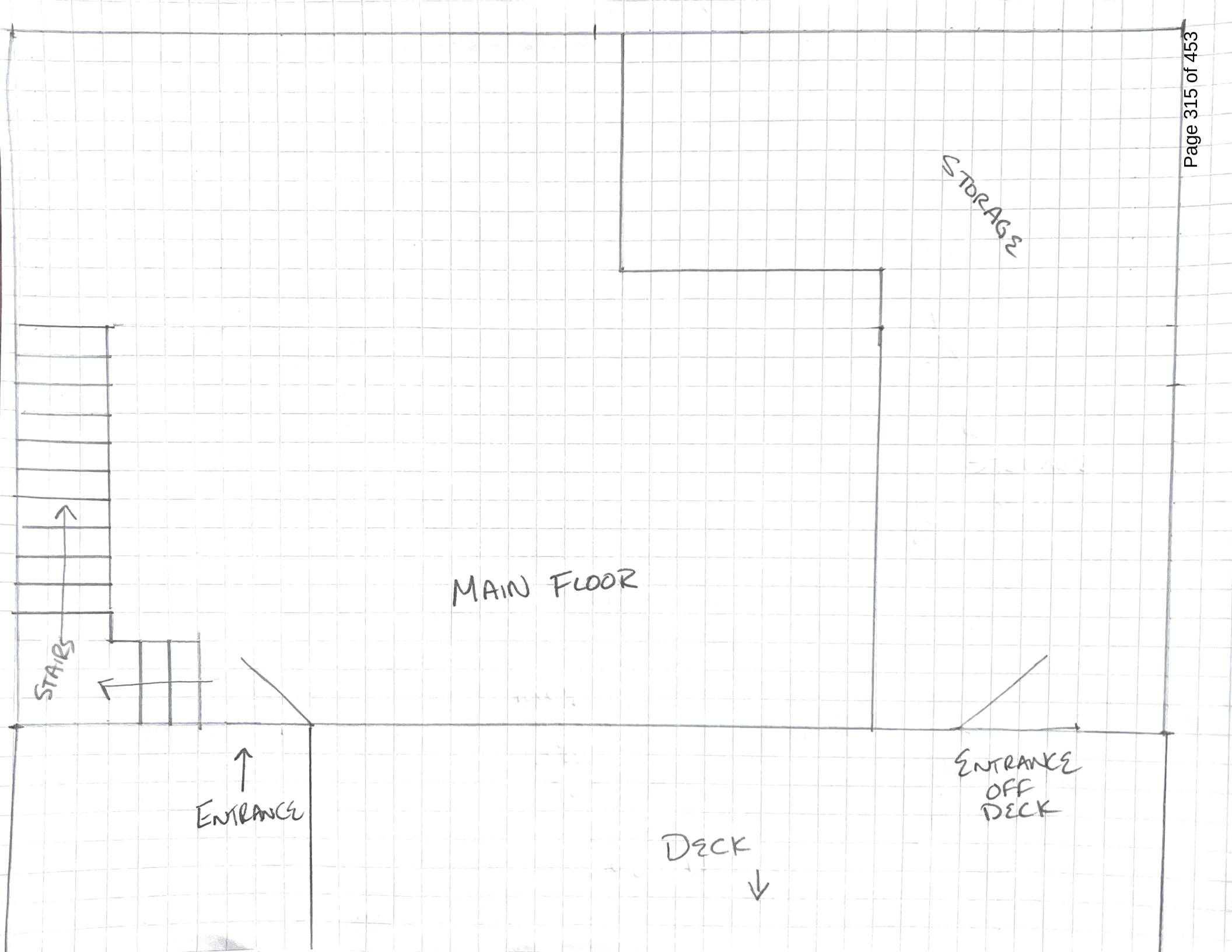
	Garage/ Carport Upward Addition (2 Storeys) *	Garage Carport Deck Addition	Semi-covered Walkway
Ground Floor Area (m^2)	92.9	44.6	16.7
Gross Floor Area (m^2)	250.0	44.6	16.7
Height (m)	9.7	n/a	n/a
Highwater Mark Setback (m)	26.8	23.2	24.2
Lot Coverage (%)	2.2	1.04	0.4

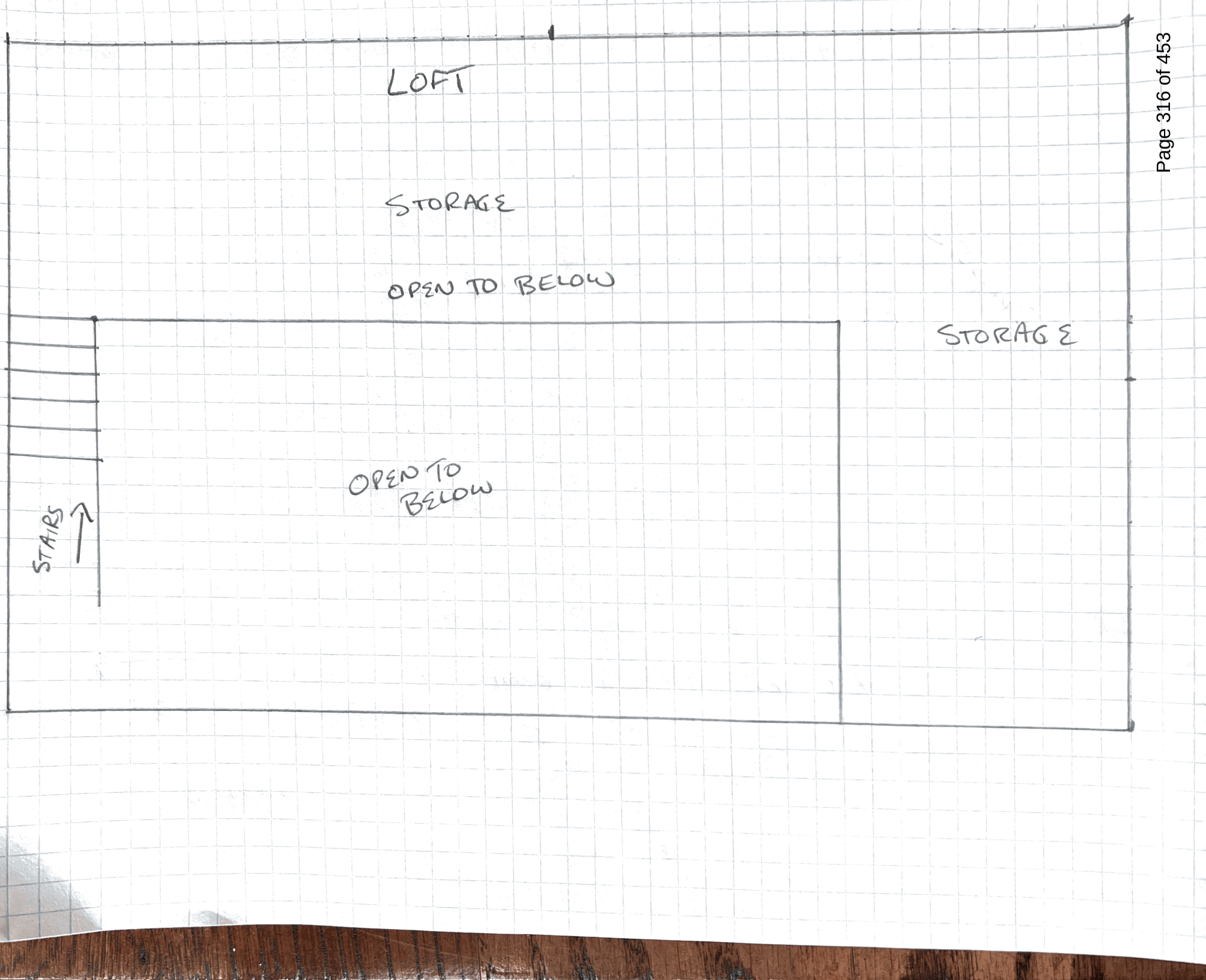
* Upward addition to consist of 1 full storey (92.9sqm) and 1 partially open loft storey (64sqm)

Resultant Structure

	Dwelling (w/attached deck) + Enlarged garage/carport (w/ attached deck) *
Ground Floor Area (m^2)	**522.4** (368.2 + 92.9 + 44.6 + 16.7)
Gross Floor Area (m^2)	**680.0** (368.2 + 250.0 + 44.6 + 16.7)
Height (m)	**9.7** (2-storey addition height)
Highwater Mark Setback (m)	**10** (Existing dwelling setback)
Lot Coverage (%)	**12.2** (8.6 + 2.2 + 1.04 + 0.4)

*All considered the principal structure


STORAGE
MAIN FLOOR
STAIRS
ENTRANCE
ENTRANCE OFF DECK
DECK


LOFT
STORAGE
OPEN TO BELOW
STORAGE
OPEN TO BELOW
STAIRS

Township of South Frontenac

Staff Report

To:	Committee of Adjustment
Prepared by:	Development Services Department
Date of Meeting:	December 14, 2023
Subject:	**Permission Application (S. 45(2) of the *Planning Act*), PL-ZNA-2023-0117, Leonard, 1004 Goslin Lane, Loughborough District**

Summary

This report recommends that the Committee of Adjustment grant approval of this application for permission to enlarge a legal non-complying 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 Knowlton Lake.

Related Applications

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

Discussion

Property Description

The subject property is 1.05Ac in area and has approximately 48m of frontage on the western shore of Knowlton Lake. The property is accessible via private laneway (Goslin Lane) via Mabels Lane and New Morin Road. There currently exists a 1900sqft (176.5sqm) one-storey dwelling with 2063sqft (191.7sqm) attached deck, a 1000sqft (92.9sqm) detached garage/carport and a 625sqft (58sqm) detached accessory structure. The dwelling with attached deck is setback 33ft (10m) from the highwater mark of Knowlton Lake, with the detached garage/car port being setback 88ft (26.8m). The topography of the site can be

characterized as having relatively steep embankment at the shoreline that rises towards the location of the existing dwelling. There is a small ridge between the detached garage/car port and the embankment. The shoreline is well vegetated, but the developed portion of the property is mostly cleared of trees. The surrounding area is characterized by rural residential and agricultural land uses.

Summary of Proposal

To request permission under section 45(2) of the *Planning Act* to enlarge the legal non-conforming building located within 30m of the highwater mark of Knowlton Lake. The applicant is proposing to enlarge the existing garage/carport setback 26.8m from the highwater mark of Knowlton Lake by adding two additional stories and an attached covered deck. The proposed addition is to be utilized as a “Man-Cave” and storage area. The applicant would also connect the dwelling and the garage/carport via a covered walkway.

As connected structures, the garage/carport would become part of the principal dwelling.

The two-storey addition to the garage/car port will include a main floor and a loft. This addition would increase gross floor area of the garage/carport from 1000sqft (92.9sqm) to 1667sqft (154.8sqm) and would increase overall height from 8m to 9.7m. This would be taller than the existing dwelling. The proposed 480sqft (44.6sqm) covered deck would not increase gross floor area but would increase building footprint and reduce the highwater mark setback of the garage/carport from 26.8m to 23.2m. The proposed covered walkway connecting the garage/carport and the house would increase gross floor area and building footprint by 180sqft (16.7sqm). For reference, the proposal would facilitate a 1.5% increase in overall lot coverage.

In summary, the proposal requires permission to increase the gross floor area of the garage/carport to 2667sqft (247.7sqm) and increase height to 32ft (9.7). Further, the proposed deck addition requires permission to be setback 23.2m from the highwater mark of Knowlton Lake. Finally, permission is required to connect the enlarged garage/carport to the dwelling via semi covered walkway, increasing gross floor area by 180sqft (16.7sqm).

Department and Agency Comments

Cataraqui Conservation submitted their comments in a letter dated November 27, 2023. Staff cited no objection to the approval of the application. Additionally, staff noted that proper sediment and erosion controls should be incorporated into construction plans, as well as maintenance and enhancement of a healthy buffer of shoreline vegetation. Finally, the proposed development is within the area regulated by O. Reg 148/06, therefore a CRCA permit will be required.

Building Services conducted a performance level review of the existing sewage system on the subject property. Ultimately, staff determined that the existing system did not have the capacity to accommodate the proposed increase in livable space. As such, the applicant will be required to install a new Class 4 sewage system to accommodate the proposed development. The specifics of the new Sewage System are to be addressed the time of applying for a building permit.

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 dwelling and garage/carport are permitted uses within 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 dwelling and garage/carport are legal non-conforming uses as they were constructed prior to the current Zoning By-law. The existing dwelling with attached deck is setback 10m and the garage/carport is setback 26.8m from the highwater mark of Knowlton 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 connecting the existing dwelling and detached garage/car port via covered walkway. Further, two storeys and an attached deck will be added to the detached garage/car port. The proposed enlargement would occur mostly within the existing footprint of the garage/carport, with the proposed attached deck and covered walkway slightly increasing overall ground floor area and lot coverage. As connected structures, the garage/car port would become a part of the existing dwelling. Therefore, the proposed enlargement would facilitate an increase in gross floor area of the existing dwelling to 6845.8sqft (636sqm), and an increase in height to 9.7m. The proposed deck addition would reduce the highwater mark setback of the garage/car port to 23.2m but would maintain a greater setback than the dwelling (10m).

Proposal to enlarge legal non-conforming uses are not required to demonstrate conformity with Official Plan policy or compliance with Zoning By-law requirements. However, the Committee of Adjustment may consider potential impacts, as well as the desirability of the proposal for the appropriate development or use of the land. It is unlikely that the proposed

enlargement would result in negative environmental impacts on Knowlton Lake. The proposed enlargement would encroach no further towards the shoreline than the existing dwelling. Additionally, the small ridge occurring between the garage/carport and the embankment of the downward slope towards the shoreline should direct runoff away from Knowlton Lake. It is also unlikely that the proposed enlargement would have a negative effect on the surrounding area. The shoreline of the subject property is well vegetated and should effectively screen the enlarged structure from the lake and surrounding properties. Further, the proposal would minimally increase overall lot coverage by 1.5%. The proposed enlargement is also desirable for the appropriate development of the land. The applicants have chosen to enlarge the garage/carport, as opposed to the existing dwelling setback approximately 12m closer to Knowlton Lake. Enlarging the existing dwelling would have the possibility of resulting in negative impacts. Therefore, planning staff interpret the enlargement of the garage/car port as more favorable.

It is the opinion of Township Planning Staff that it is appropriate for the Committee of Adjustment to grant permission to enlarge the legal non-conforming use 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-2023-0117 for 1004 Goslin Lane, subject to the following conditions.

1. Permission is granted to enlarge the legal non-conforming garage/carport and the dwelling on the subject property. The garage/carport may be enlarged to a gross floor area of 2667sqft (247.7sqm) and a height of 9.7m. The proposed deck addition to the garage/carport is permitted to be setback 23.2m from the highwater mark of Knowlton Lake. Finally, the enlarged garage/car port and dwelling are permitted to be connected via 180sqft (16.7m) covered walkway. The location and dimensions of the proposed enlargement should be consistent with the plot plans and drawings submitted by the applicant, 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 Knowlton Lake and neighbouring buildings and structures and discharged to natural or constructed leaching pits/areas to maximize infiltration or onto coarse rock rubble splash pads to reduce the velocity of runoff.

    c. A natural vegetated buffer must be maintained in its natural state within 20 metres of the shoreline.

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, RPP, MCIP, Senior Planner

November 27, 2023 File: MV/FRS/277/2023

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 Permission PL-ZNA-2023-0117 (Leonard)
Pt Lot 1, Concession 8; 1004 Goslin Lane
Loughborough District, Township of South Frontenac
Waterbody: Knowlton Lake

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

Proposal

The proposal involves a request for permission to enlarge an existing legal nonconforming use and structure. Specifically, the applicant is seeking to add two storeys to an existing detached garage/carport, add a deck, and connect the structure to the principal dwelling via a semi-covered walkway. The permission is requested to:

- Reduce the required setback from the highwater mark from 30 metres, as required by Section 5.8.2.a) of the South Frontenac Zoning By-law, to 23.2 metres to permit the construction of the addition and deck.

Site Description

The property is located on the western shore of Knowlton Lake. The topography of the site can be characterized as having a relatively steep embankment at the shoreline that rises towards the location of the existing dwelling. There appears to be a small ridge between the existing detached garage and the shoreline embankment. Presently, the lot has a mixture of wooded and open areas.

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

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 Knowlton Lake.

Natural Hazards / Ontario Regulation 148/06

Flooding: Cataraqui Conservation does not have floodplain mapping for Knowlton Lake. However, based upon a review of Lidar elevation mapping, the floodplain is not anticipated to extend inland further than the roughly 5 metre high slope adjacent to the shoreline. Cataraqui Conservation's Guidelines for Implementing Ontario Regulation 148/06 (see description below) requires that all development be set back a minimum of 6 metres from the regulatory floodplain of a waterbody. The proposed development will be located outside of the setback from the regulatory flood plain. Therefore, staff have no concerns with the proposal from a flooding hazard perspective.

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. Due to the bedrock shoreline, and in accordance with provincial technical standards, Cataraqui Conservation defines the extent of the erosion hazard associated with the shoreline of Knowlton Lake to be 6 metres from the stable top of bank. The purpose of this setback is to ensure that regular maintenance or repair of buildings and structures, or bank stabilization and shoreline protection works, can occur, and that emergency personnel have the ability to access shoreline areas. Based on the relevant aerial and elevation mapping and the site plan submitted with the application, staff are satisfied that the proposed development will meet the 6 metre top of bank setback and will not further impede access to the shoreline.

Staff therefore have no concerns from a natural hazards perspective.

If approved, staff recommend that proper sediment and erosion controls be incorporated into construction plans. Staff also recommend the maintenance and enhancement of a healthy buffer of native vegetation between all buildings/structures and the water, to help stabilize soils into the long-term.

Recommendation

In summary, staff have no objection to the approval of application PL-ZNA-2023-0117 based on our consideration for natural hazard policies.

We also recommend implementation of the above-noted environmental mitigation measures (in bold text) and advise the applicant that a permit will be required for the proposed work 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. For this property, any development (buildings and structures) and site alteration (excavation, grading, placement of fill) within 30 metres of the highwater mark of Knowlton Lake 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: Brad Leonard, Applicant, via e-mail

SOUTH FRONTENAC

TOWNSHIP OF SOUTH FRONTENAC
APPLICATION FOR MINOR VARIANCE
OR PERMISSION (s. 45(2))
Updated June, 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 Application Fee:**
1-3 Variances	$1,230.00
4+ Variances	$1,445.00
After building without a permit	$2,206.00

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: Christine Woods Date of pre-consultation: September 26, 2023

1. Name of Owner(s): Karly Allison Holmes and Alexandre Samuel Jacques Menard

   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: Michael Preston

   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: 12 Lot Number: Part Lot 9

   Street Number: 35 Name of Road/Street: That Way Lane

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

   Roll Number: 102901003024300

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

Frontage (on water): 315' Frontage (on road/lane): 222.11'

Depth: 328' Area: 2.25 acres

5. The current zoning of the subject land:

RLSW Limited Service Residential - Waterfront Zone

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

We are looking for permission to enlarge a legal non-conforming use. The existing cottage is closer to the water than allowed. We would like to re-build in roughly the same location.

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

Moving the cottage back beyond the 30m water setback would require building in a gully, as well as encroaching on the septic system.

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

OR a privately maintained road? ☒ Yes ☐ No

Name of Road/Lane:

That Way 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 dwelling

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

☒ Yes ☐ No

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

Type of Structure (E.g. residence)	**(1)** Dwelling (cottage)	**(2)** Boathouse	**(3)**	**(4)**
Setback from Front Lot Line	15.35m	0m		
Setback from Rear Lot Line	81.87m	92.60m		
Setback from Side Lot Line	21.02m 49.04m	7.47m 73.74m		
Height of Building (Also indicate if it is one story or two story)	6.5m - 1 story	5m - 1 story		
Dimensions of Floor Area	15.8m x 7.3m	6m x 7.3m		
Setback from High Water Mark (If applicable)	15.35m	0m		

13. The proposed uses of the subject land:

Seasonal dwelling

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

☒ Yes ☐ No

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

Type of Structure (E.g. residence)	**(1)** Dwelling (cottage)	**(2)**	**(3)**	**(4)**
Setback from Front Lot Line	17.56m			
Setback from Rear Lot Line	78.51m			
Setback from Side Lot Line	20.25m 48.51m			
Height of Building (Also indicate if it is one story or two story)	8.2m - 1 story			
Outside Dimensions of Building/Structure	17m x 10.7m			
Setback from High Water Mark (If applicable)	17.56m			

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

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

If yes, please provide details:

Existing cottage to be demolished

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:

November 19, 2012

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

1960s

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

Since 1960s

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

Lake water currently

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

Individual, privately owned septic system

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

Ditches and swales

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

☐ Yes ☒ No

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

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

☐ Yes ☒ No

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

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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.

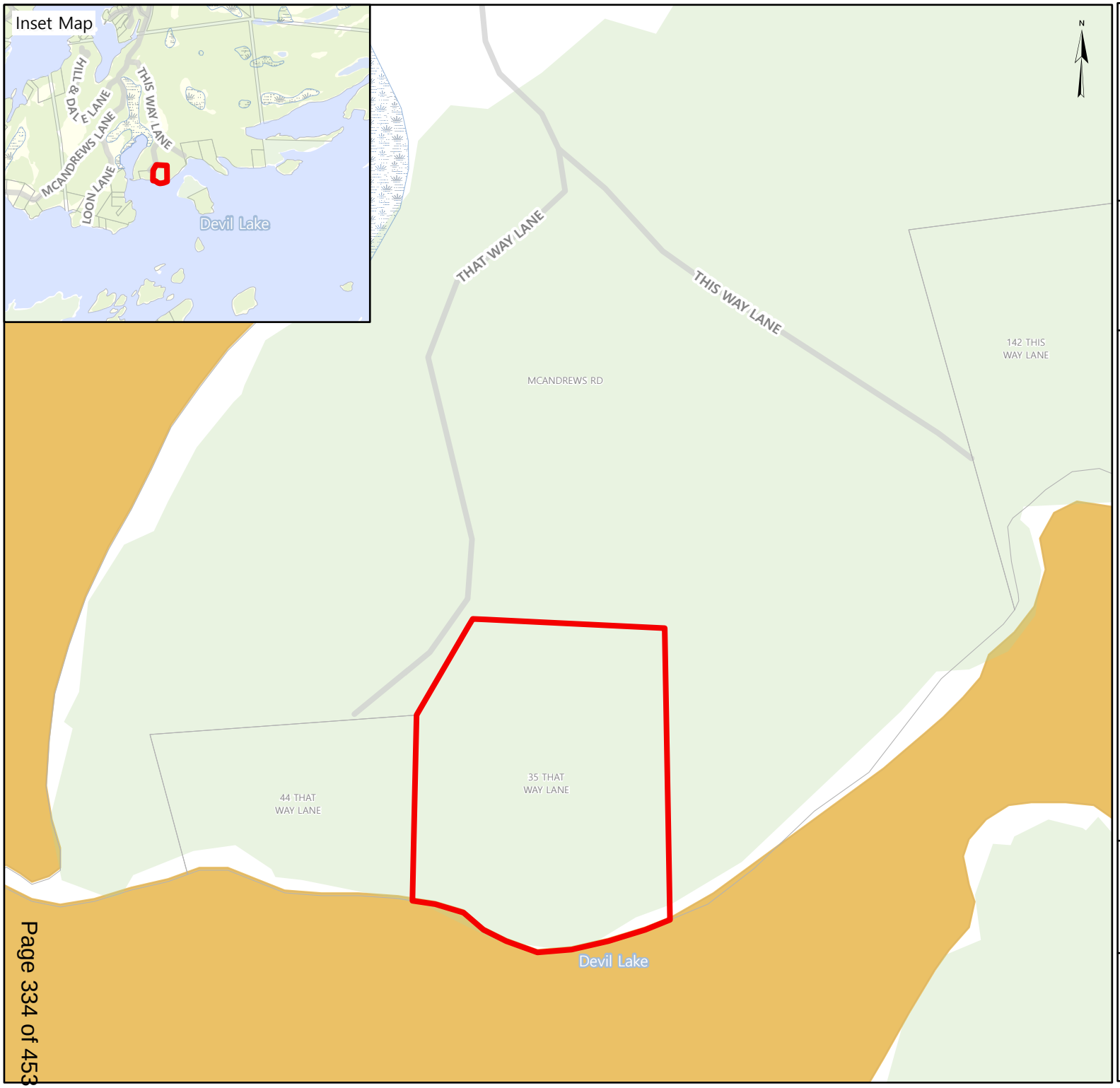
Without limiting the foregoing, such fees and expenses shall include the fees and expenses of consultants, planners, engineers, lawyers and such other professional and technical advisors as the municipality may, in its absolute discretion acting reasonably, consider necessary or advisable to more properly 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-2023-0124 (HOLMES MENDARD) (PRESTON) 35 THAT WAY 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: 1:1,882

0 15 30 60 m

UTM Zone 18 NAD 83

Date: 2023-11-02

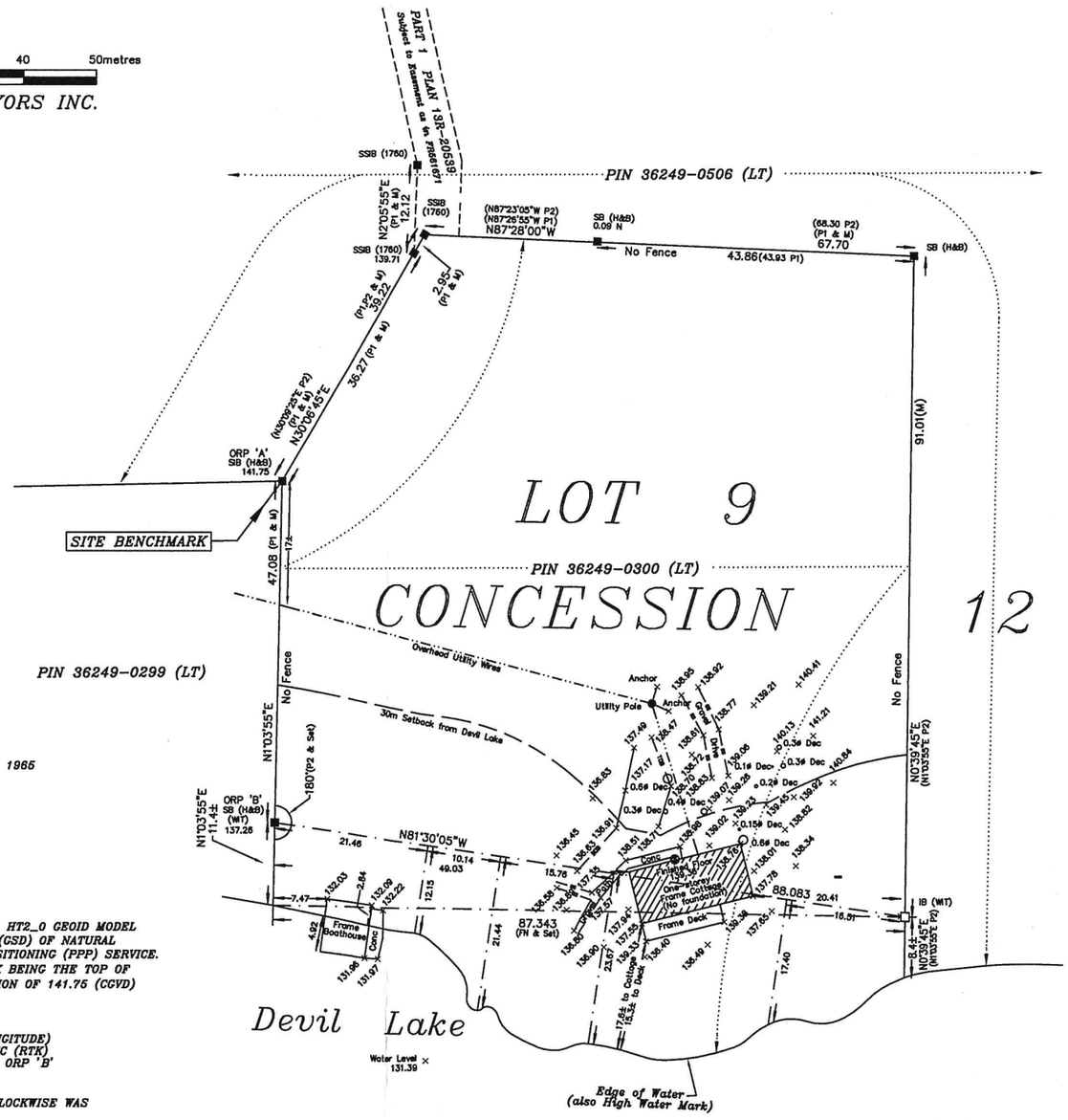
TOPOGRAPHIC PLAN of
PART of LOT 9, CONCESSION 12
Geographic Township of Bedford
TOWNSHIP OF SOUTH FRONTENAC
COUNTY of FRONTENAC

SCALE=1:500

10metres 0 10 20 30 40 50metres

HOPKINS CHITTY LAND SURVEYORS INC.
-2021 -





LEGEND:

SSIB'S PLANTED DUE TO INSUFFICIENT OVERBURDEN

-□-	denotes	Planted Survey Monument
-■-	"	Found Survey Monument
SIB	"	Standard Iron Bar
SSIB	"	Short Standard Iron Bar
IB	"	Iron Bar
IBø	"	Iron Bar (round)
RB	"	Rock Bar
RPL	"	Rock Plug
SB	"	Subdivision Bar
(WIT)	"	Witness
(M)	"	Measured
(H&B)	"	Humphries & Burgham Ltd.-O.L.S.
(1760)	"	George Bracken Limited-O.L.S.
(P1)	"	Reference Plan 13R-20539
(P2)	"	Plan by (H&B) dated June 2, 1965
(FN)	"	Field Notes by (H&B) dated February 11, 1965
Conc	"	Concrete
TOB	——	Top of Bank
BOB	——	Bottom of Bank
ES	——	Edge of Gravel

ELEVATION NOTE:

ELEVATIONS ARE GEODETIC AND ARE REFERRED TO THE HT2_0 GEOID MODEL BEING A PRODUCT OF THE GEODETIC SURVEY DIVISION (GSD) OF NATURAL RESOURCES CANADA, DERIVED FROM PRECISE POINT POSITIONING (PPP) SERVICE. THE ELEVATIONS ARE REFERRED TO A SITE BENCHMARK BEING THE TOP OF SIB (H&B), DESIGNATED AS ORP 'A' HAVING AN ELEVATION OF 141.75 (CGVD)

BEARING NOTE:

BEARINGS ARE UTM GRID, UTM ZONE 18 (75° WEST LONGITUDE) NAD83 (CSRS) (2010) DERIVED FROM REAL-TIME KINETIC (RTK) GPS OBSERVATIONS AND TRANSFERRED TO ORP 'A' AND ORP 'B' BY CONVENTIONAL TOTAL STATION OPERATIONS.

FOR BEARING COMPARISONS, A ROTATION OF 3°08'40" CLOCKWISE WAS APPLIED TO BEARINGS ON (P1).

FOR BEARING COMPARISONS, A ROTATION OF 0°46'55" CLOCKWISE WAS APPLIED TO BEARINGS ON (P2).

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.9997473

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

TIES TO THE WATER'S EDGE ARE PERPENDICULAR TO THE TRAVERSE LINE UNLESS OTHERWISE NOTED.

SURVEYOR'S CERTIFICATE:

1. The SURVEY was completed on the 3rd day of June, 2021.

HOPKINS CHITTY LAND SURVEYORS INC.

DATE: JUNE 7, 2021

PHIL W. CHITTY - O.L.S.

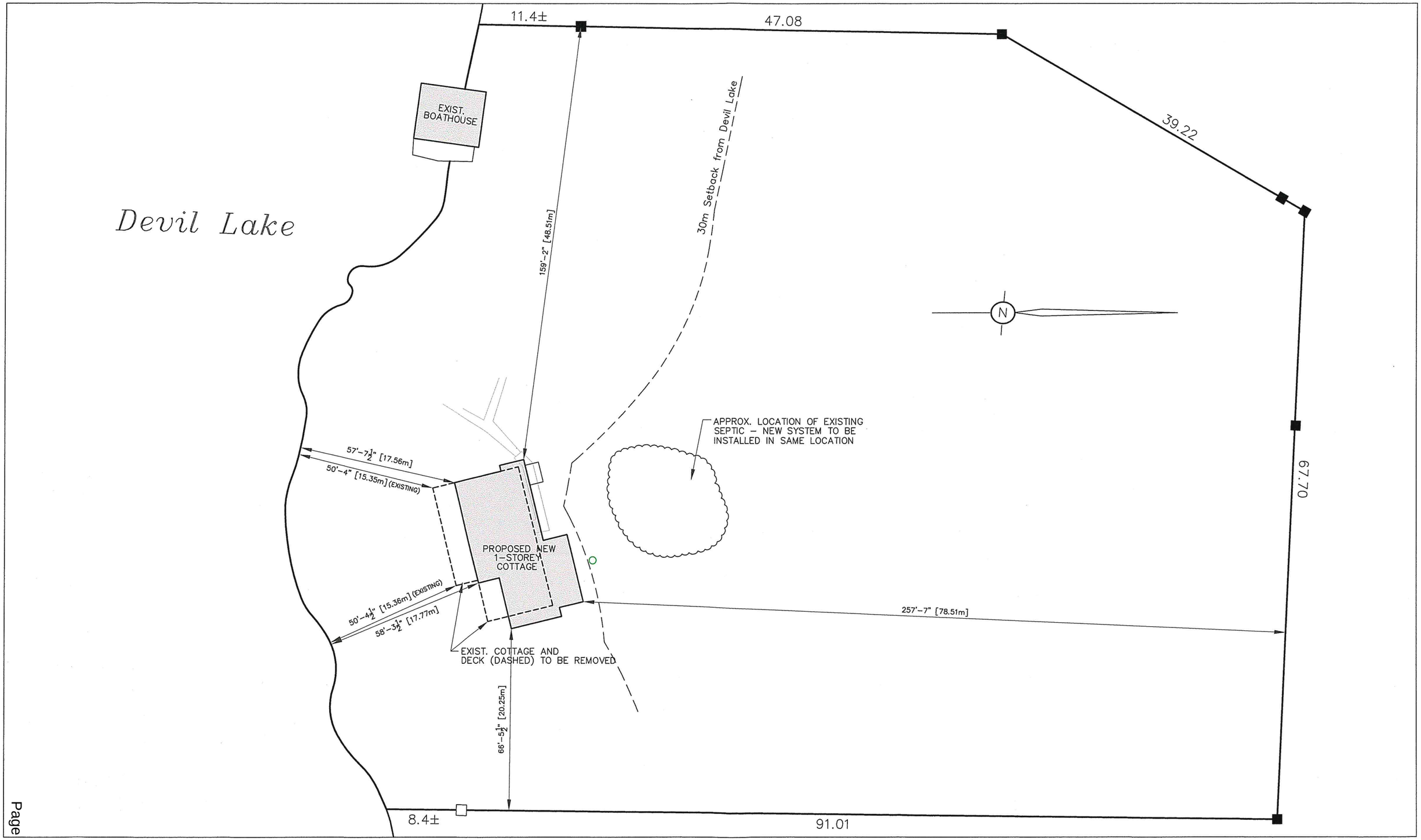
Party Chief: TJ	Instrument: TM	Checked By: PWC	Plan By: FF

HCLS

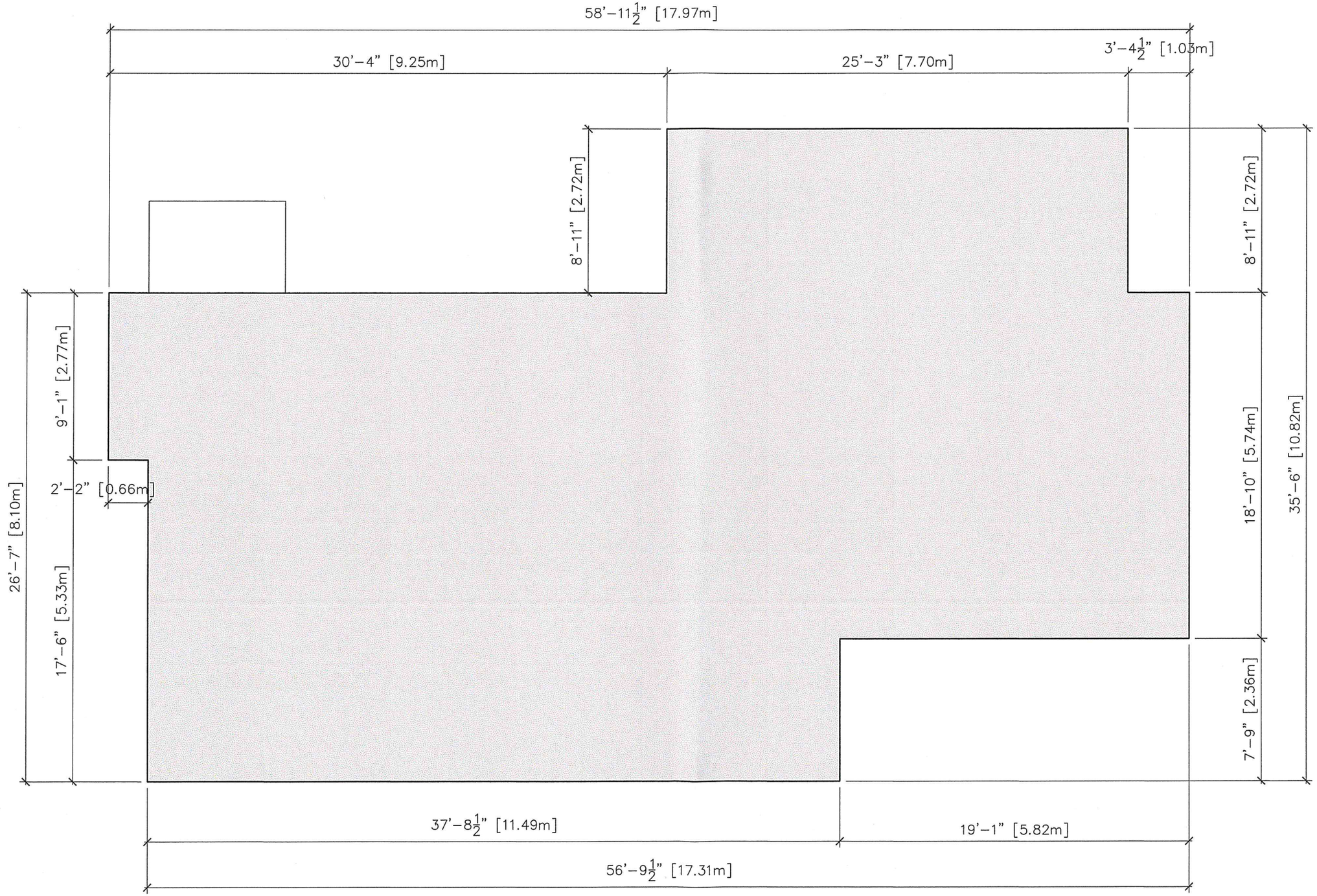
HOPKINS CHITTY
LAND SURVEYORS INC.
Ontario Land Surveyors
www.hopkinschitty.com

1224 GARDINERS ROAD, SUITE 102
KINGSTON, ONTARIO K7P 0G2
Tel (613) 384-9266
Fax (613) 384-3513

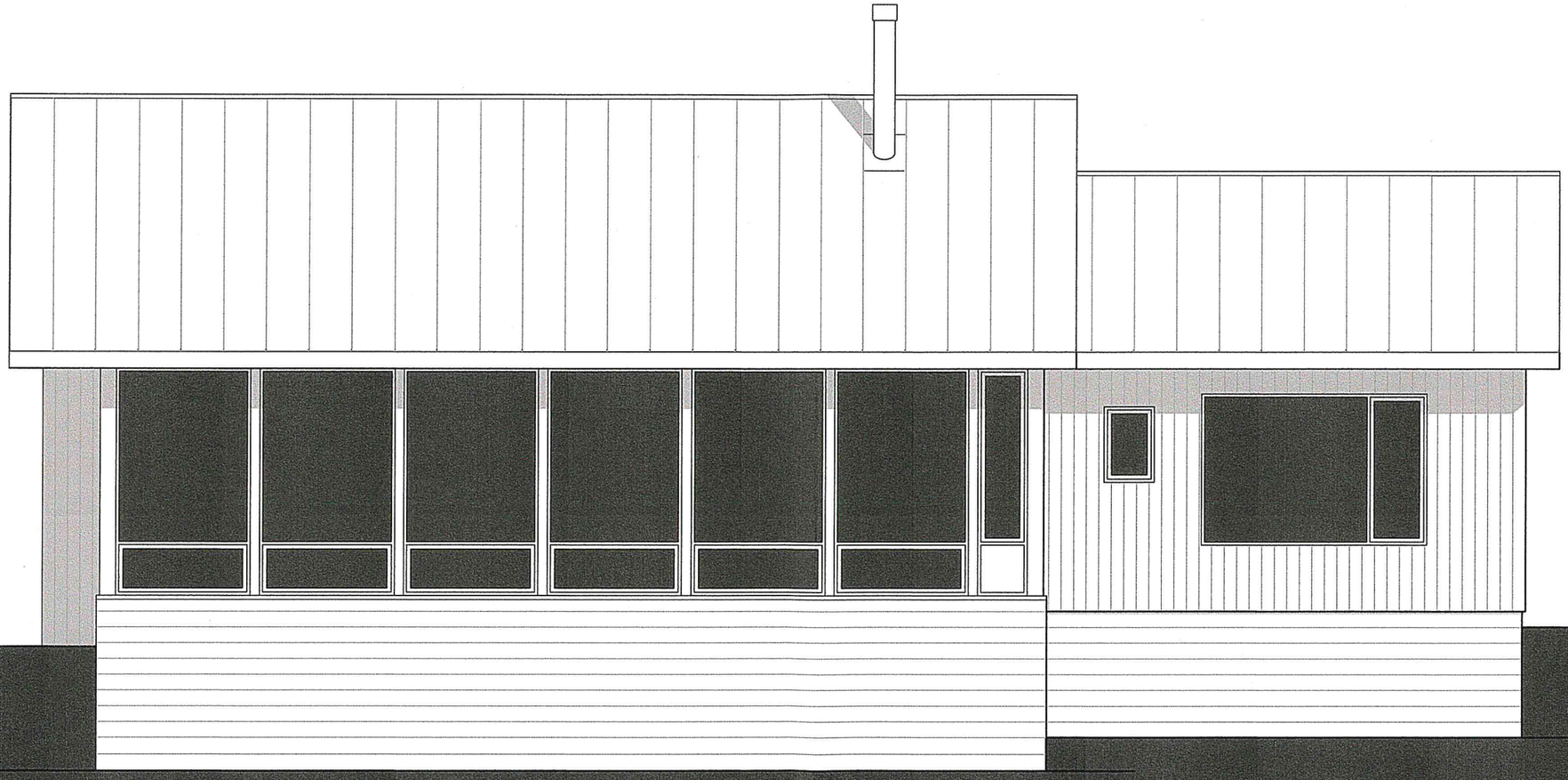
PROJECT No. 2020-0768
LOT 9, CONCESSION 12
TOWNSHIP OF BEDFORD



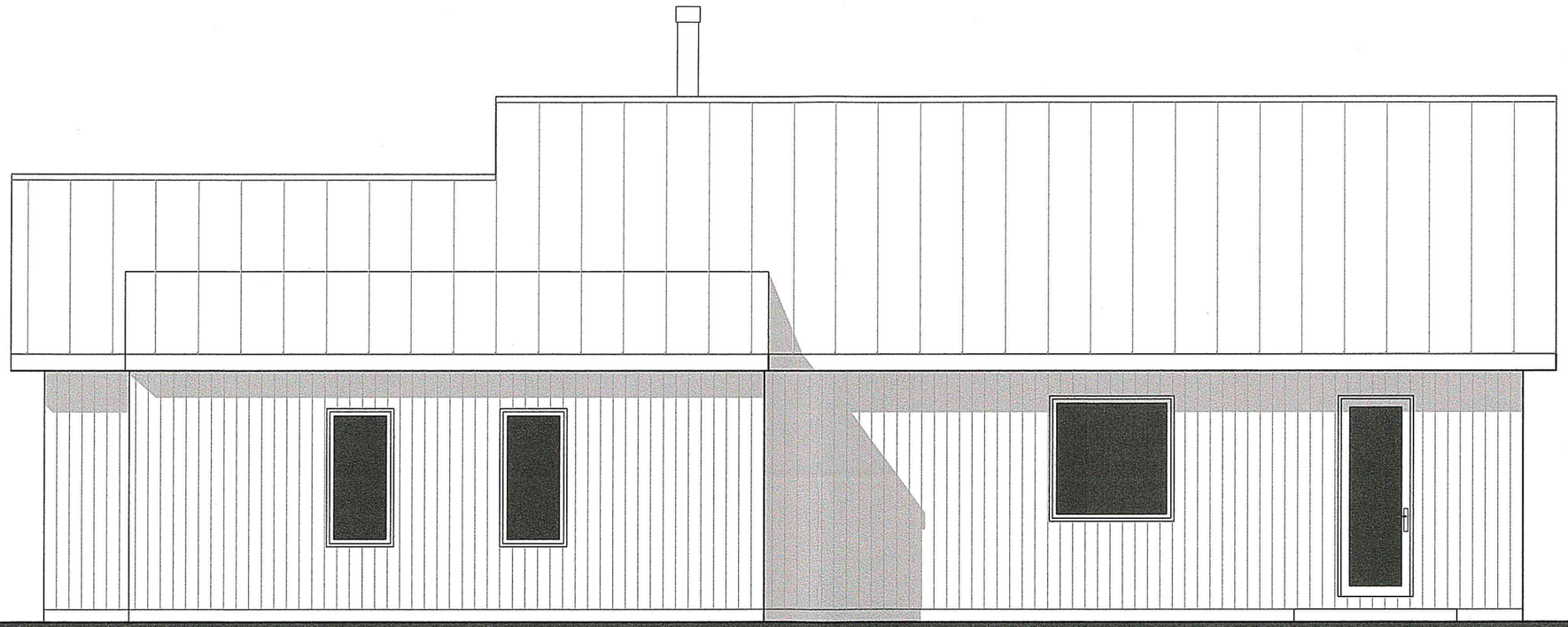
A-1	27 / 10 / 23	1/32"=1'	SITE PLAN PROPOSAL	MENARD - DEVIL LAKE	MPD



A-2	27 / 10 / 23	3/16"=1'	BUILDING FOOTPRINT	MENARD - DEVIL LAKE	MPD



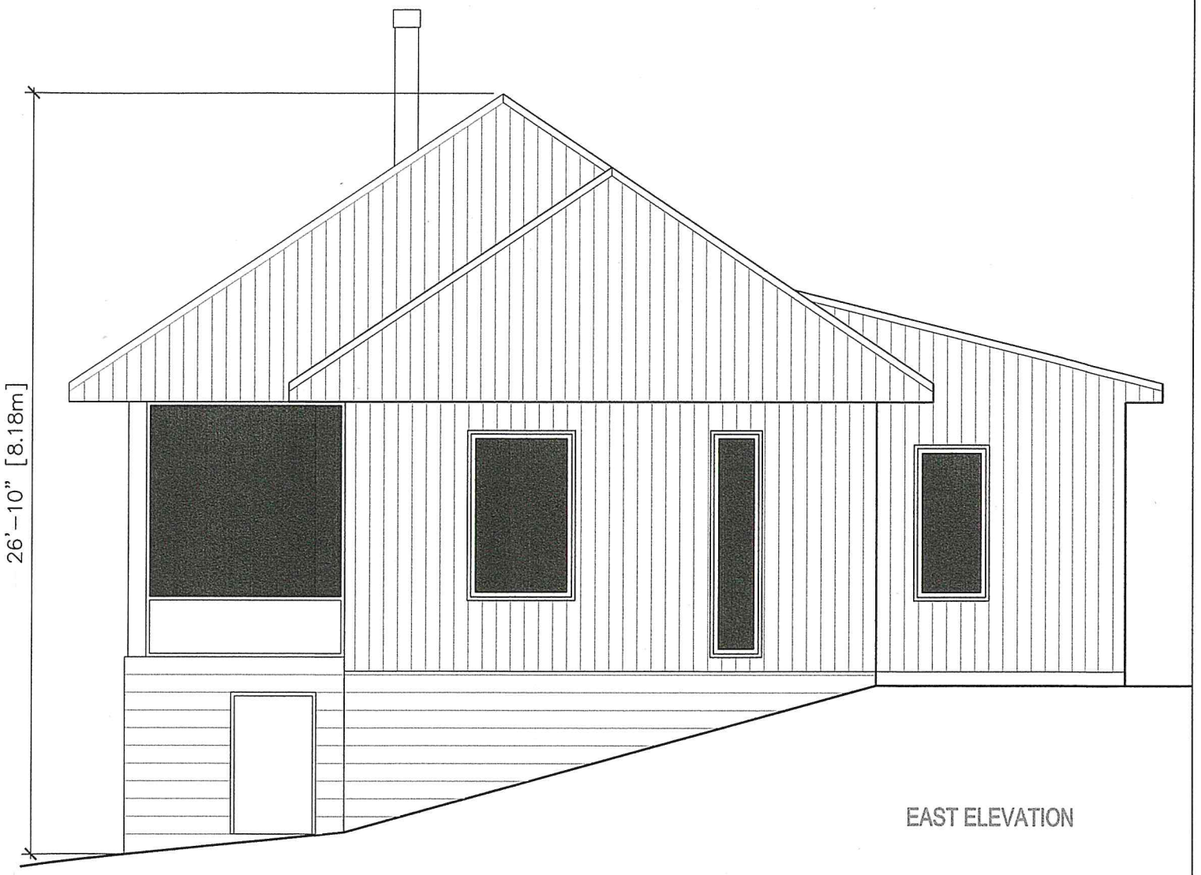
A-3	27 / 10 / 23	3/16"=1'	SOUTH ELEVATION PROPOSAL	MENARD - DEVIL LAKE	MPD



A-4	27 / 10 / 23	3/16"=1'	NORTH ELEVATION PROPOSAL	MENARD - DEVIL LAKE	MPD



WEST ELEVATION



EAST ELEVATION

A-5	27 / 10 / 23	3/16"=1'	EAST AND WEST ELEVATIONS	MENARD - DEVIL LAKE	MPD

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

SEWAGE SYSTEM REVIEW COMMENTS

To:	Planning Department Township of South Frontenac 4432 George St, Box 100 Sydenham, ON K0H 2T0
Application Number:	PL-ZNA-2023-0124
Type of Application or Proposal:	Minor Variance
Applicant Name(s):	Holmes, Karley (Preston)
Location:	35 That Way Lane Township of South Frontenac (Bedford)
Comments:	No objections, setbacks to the hydro lines must be considered for a replacement of the sewage system is the current location. The property is capable of providing flexibility in siting a sewage system, dependent on the proposal submitted through an Application to Construct a Sewage System.
Building Inspector:	Chris Beeg
Date:	December 7, 2023

December 6, 2023 File: MV/FRS/284/2023

Sent by E-mail

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

Dear Mr. Fehr:

Re: Application for Permission PL-ZNA-2023-0124 (Holmes & Menard)(Preston)
Pt Lot 9, Concession 12; 35 That Way Lane
Bedford District, Township of South Frontenac
Waterbody: Devil Lake

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

Proposal

The proposal involves a request for permission to enlarge an existing legal nonconforming dwelling on the subject property by expanding the footprint and raising the height. The permission is requested to:

- Reduce the required setback from the highwater mark from 30 metres, as required by Section 5.8.2.a) of the South Frontenac Zoning By-law, to 17.5 metres to permit the construction of the enlarged dwelling.

Site Description

The property is located on the northern shore of Devil Lake. The topography of the site can be characterized as having a relatively steep embankment at the shoreline that rises towards the location of the existing dwelling and continues to gradually rise towards the north of the lot. The property is densely covered in mature woodlands. Currently, there is an existing dwelling and boathouse located on the property.

The property is currently designated as ‘Rural’ in the Official Plan and is zoned ‘Limited Service Waterfront Residential’ (RLSW) 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 Devil Lake.

Natural Hazards / Ontario Regulation 148/06

Flooding: The highest recorded water level for Devil Lake is 131.96 metres geodetic. For Devil Lake, the highest 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: 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. Due to the bedrock shoreline, and in accordance with provincial technical standards, Cataraqui Conservation defines the extent of the erosion hazard associated with the shoreline of Devil Lake to be 6 metres from the stable top of bank. The purpose of this setback is to ensure that regular maintenance or repair of buildings and structures, or bank stabilization and shoreline protection works, can occur, and that emergency personnel have the ability to access shoreline areas.

Based on the relevant aerial imagery and elevation mapping and the site plan submitted with the application, staff are satisfied that the proposed development will be set back at least 6 metres from the top of bank of the immediate shoreline slope. While the dwelling is still situated on a gradual slope, staff are satisfied that the development will not impede access between the dwelling and the shoreline or aggravate the erosion hazard.

Staff therefore have no concerns from a natural hazards perspective.

If approved, staff recommend that proper sediment and erosion controls be incorporated into construction plans. Staff also recommend the maintenance and enhancement of a healthy buffer of native vegetation between all buildings/structures and the water, to help stabilize soils into the long-term.

Recommendation

In summary, staff have no objection to the approval of application PL-ZNA-2023-0124 based on our consideration for natural hazard policies.

We also recommend implementation of the above-noted environmental mitigation measures (in bold text) and advise the applicant that a permit will be required for the proposed work 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. For this property, any development (buildings and structures) and site alteration (excavation, grading, placement of fill) within 15 metres of the floodplain of Desert Lake (the elevation 131.96 m geodetic) or within 15 metres of the top of bank of the shoreline 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: Michael Preston, Agent, via e-mail

Township of South Frontenac

Staff Report

To:	Committee of Adjustment
Prepared by:	Development Services Department
Date of Meeting:	December 14, 2023
Subject:	**Permission Application (S. 45(2) of the Planning Act) PL-ZNA-2023-0124, Holmes and Menard (Preston), 35 That Way 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)

Relief 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 Devil Lake.

Related Applications

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

Discussion/Analysis

Property Description

The subject property has a lot area of 0.9ha with 96m of frontage on Devil Lake and is accessed from That Way Lane. The property contains an existing dwelling with an attached deck and a boathouse. The property slopes down towards the water and the lot contains mature tree cover. The property is located in an area of 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 Devil Lake. The existing 115.3sqm single storey dwelling is set back 15.3m from the lake. The existing dwelling is to be demolished and will be replaced with a 149.2sqm single storey dwelling that is set back 17.5m from the lake. The height of the dwelling will increase from 6.5m to 8.2m. A new septic system is also proposed in a complying location to service the expanded dwelling.

Agency Comments

The application was circulated to Building Services and Cataraqui Conservation.

Building Services had no objection to the application and noted that the property is capable of providing flexibility in siting the replacement septic system.

Cataraqui Conservation provided comments stating they have no objection to approval of the application. They recommended that appropriate sediment and erosion controls are incorporated into construction plans and the maintenance and enhancement of a healthy buffer of native vegetation between the development and the lake.

Public Comments

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

Planning Analysis

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

Section 5.10.2 of the Zoning By-law states that existing buildings with less than the minimum 30 metre setback from the highwater mark of a waterbody may be repaired, renovated or strengthened to a safe condition provided there is no enlargement of the gross floor area or increase in height. This provision prohibits the enlargement of these existing buildings, without seeking permission from the Committee of Adjustment. The existing dwelling is a legal non-conforming building because it was constructed prior to the current Zoning By-law and is setback 15.3 metres from the highwater mark.

Through its powers under section 45(2) of the Planning Act, the Committee of Adjustment may grant permission to enlarge the dwelling. The criteria for considering an application under Section 45(2) are:

- Whether the application is desirable for appropriate development of the subject property; and

- Whether the application will result in undue adverse impacts on the surrounding properties and neighbourhood.

The proposed dwelling will be located further from the water than the existing dwelling as it will be set back 17.5m from the highwater mark compared to the 15.3m setback of the existing dwelling. There would be minimal opportunity to increase the set back further due to the location of the proposed septic system which will be in a compliant location set back more than 30m from the lake. The building location minimizes the amount of site disturbance and the amount of vegetation removal that would be required as there is significant overlap of the existing and proposed building footprints.

Regarding lot coverage, the proposed dwelling footprint is slightly larger than the existing dwelling and lot coverage will be increasing from 1.3% to 1.6% as a result of the development.

Both the existing and expanded dwellings will be one storey structures. The building height will slightly increase from 6.5 metres to 8.2 metres which is within the maximum permitted height of the RLSW zone. Maintaining existing vegetation will assist in screening the development from adjacent properties and help mitigate any visual impacts.

Conclusion

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

Notice/Consultation

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

- by mail to every owner of land within 60 metres of the subject lands
- by posting notice signs on the subject lands
- by e-mail to prescribed persons and public bodies

Recommendation

That the Committee of Adjustment receive comments from the public and, pending comments received, **approve** for application PL-ZNA-2023-0124 for 35 That Way Lane, subject to the following conditions.

1. Permission is granted to enlarge the legal non-conforming dwelling on the subject property. The replacement dwelling is permitted to have a 149.2 square metre ground floor area, a maximum building height of 8.2 metres, and be set back a minimum of 17.5 metres from the high water mark of Devil Lake, consistent with the submitted plans (MPD. dated 2023-10-27) 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 Devil Lake and neighbouring buildings and structures, and discharged to natural or constructed leaching pits/areas to maximize infiltration or onto coarse rock rubble splash pads to reduce the velocity of runoff.

    c. A natural vegetated buffer must be maintained in its natural state within 30 metres of the shoreline.

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

Report Prepared By:

Tom Fehr, Planner

Report Reviewed By:

Christine Woods, MCIP RPP, Senior Planner

SOUTH FRONTENAC

TOWNSHIP OF SOUTH FRONTENAC
APPLICATION FOR MINOR VARIANCE
OR PERMISSION (s. 45(2))
Updated June, 2023

RECEIVED
NOV 02 2023
TOWNSHIP OF SOUTH FRONTENAC
PLANNING DEPARTMENT

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 Application Fee:**
1-3 Variances	$1,230.00
4+ Variances	$1,445.00
After building without a permit	$2,206.00

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: November 2, 2023 File No: _____

Pre-Consultation for this application ☐ Yes ☐ No

Planner: Noah Perron Date of pre-consultation: September 26, 2023

1. Name of Owner(s): Barry and Debbie Duff

   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: R.K.Porter General Contracting (C/O Cameron McNutt)

   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] [redacted]

   Signature(s) of Owner(s)

3. The description of the subject land:

   District: ☒ Bedford ☐ Portland ☐ Loughborough ☐ Storrington

   Concession Number: 7 Lot Number: PT Lot 33,34

   Street Number: 126 Name of Road/Street: Mill Bay Lane.

   Reference Plan Number: RP 13R167 Part Number(s): 31

   Roll Number: 030-020-93360-0000

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

Frontage (on water): 137 ft Frontage (on road/lane): 82 ft

Depth: 225 ft Area: 0.54 acres

5. The current zoning of the subject land:

RLSW

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

Permit the lot coverage to exceed the 5% maximum for a new 11x24 addition.

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

Undersized lot does not permit the zoning.

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

OR a privately maintained road? ☐ Yes ☐ No

Name of Road/Lane:

Unknown, road is Mill Bay Lane, Maberly (Off of Badour Rd)

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

NA

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

3 season residential dwelling

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

☒ Yes ☐ No

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

Type of Structure (E.g. residence)	(1) Dwelling	(2) Outhouse	(3)	(4)
Setback from Front Lot Line	155'	205'		
Setback from Rear Lot Line	25'	6'		
Setback from Side Lot Line	19' / 27'	20'		
Height of Building (Also indicate if it is one story or two story)	18'	9'		
Dimensions of Floor Area	24'x36'	10x10'		
Setback from High Water Mark (If applicable)	155'	205'		

13. The proposed uses of the subject land:

Same use, with the proposed addition

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) Addition of dwelling	(2)	(3)	(4)
Setback from Front Lot Line	160'			
Setback from Rear Lot Line	40'			
Setback from Side Lot Line	55' / 16'			
Height of Building (Also indicate if it is one story or two story)	18'			
Outside Dimensions of Building/Structure	24'x11'			
Setback from High Water Mark (If applicable)	160'			

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:

Just some interior partition walls

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:

~1990

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

~1991

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

~32 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:

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:

Septic system

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

natural drainage

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

☐ Yes ☒ No

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

---

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

☐ Yes ☒ No

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

---

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

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

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

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

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

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

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

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?

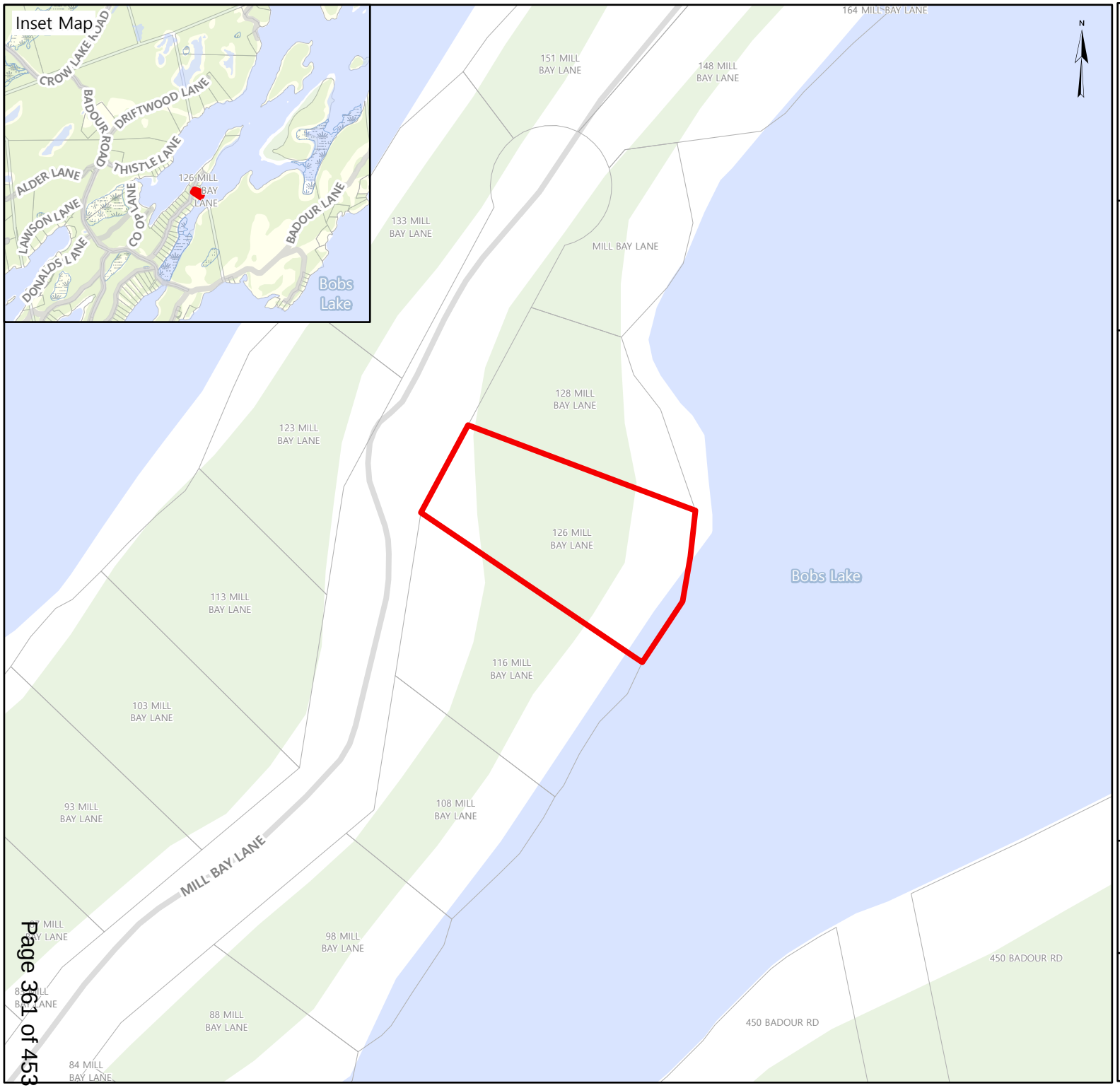
26) If yes: If there is a current application for severance or subdivision on the property, please indicate the file number. (Staff can help provide this information)

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-2023-0125 (DUFF) (MCNUTT)

126 MILL BAY 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: 1:1,341

0 12.5 25 50 m

UTM Zone 18 NAD 83

Date: 2023-11-08

FRONTENAC FIND YOURSELF #INFRONTENAC

126 mill bay lane

Getting Around | Identify | Measure | Drawing | Coordinates | Printing & Exporting

Tool Labels

Pan | Zoom In | Zoom Out | Initial View | Previous Extent | Next Extent | Bookmarks

Navigation

102903002093360

Description

126 MILL BAY LANE

Details

FID
3381

Shape
N/A

ARN
102903002093360

Shape_Length
194.3221

Shape_Area
2156.6966

Location
126 MILL BAY LANE

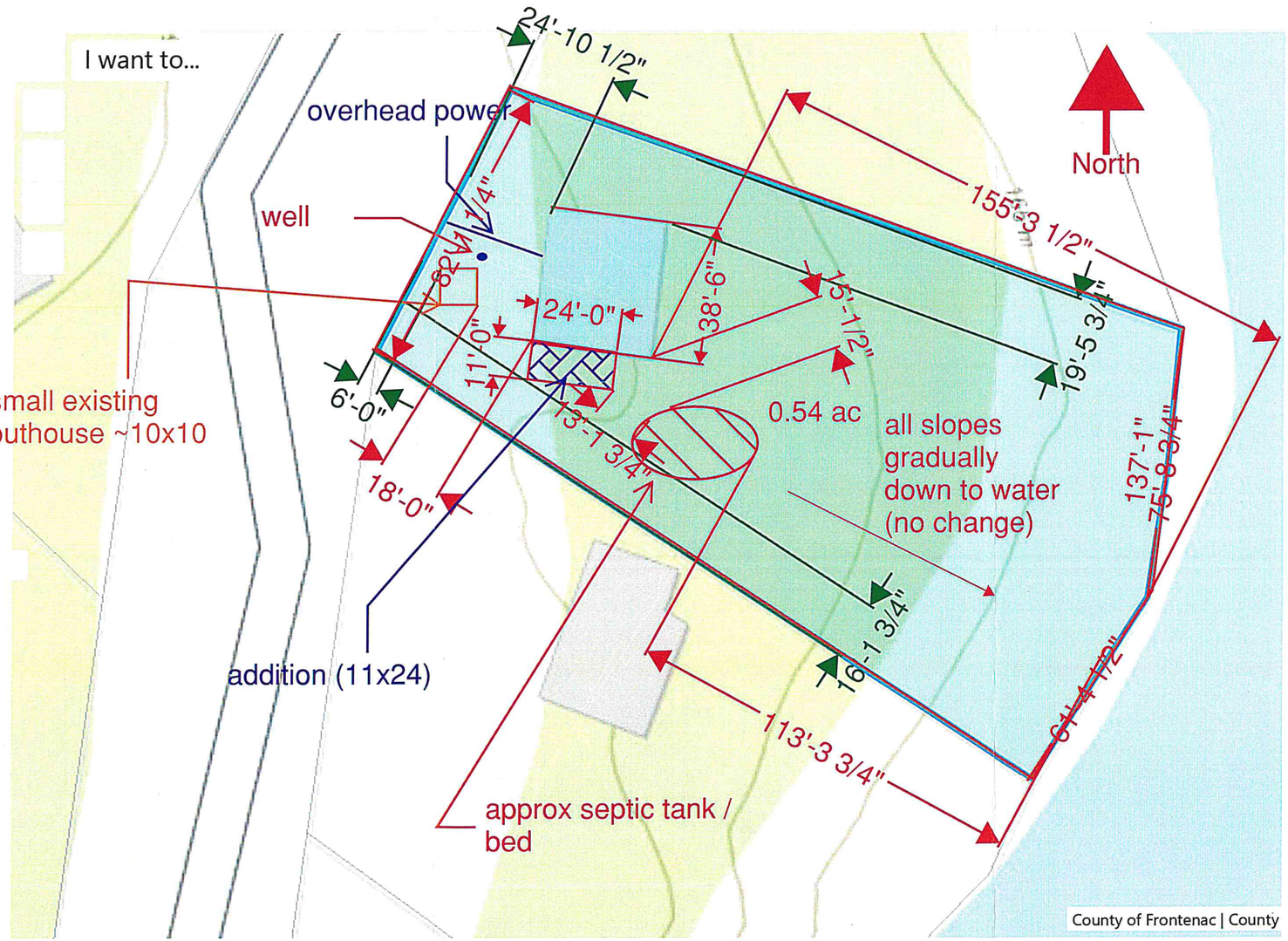
Frontage
140

Depth
210

Area
0.54

UnitofMeasure
A

LegalDescription
CON 7 PT LOT 33,34 RP 13R167;PART 31 BOB'S LAKE MILL BAY



Home | Layers | 102903002... | World To... | 0 5 10m

DUFF COTTAGE ADDITION

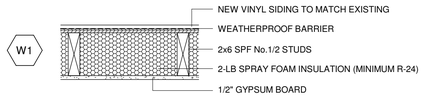
126 MILL BAY LANE, MABERLY, ON K0H 2A0
OWNER: BARRY & DEBORAH DUFF

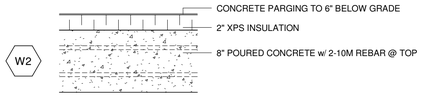
DRAWING LIST

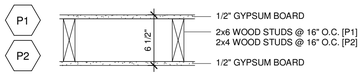
A0.01	LEGENDS AND SCHEDULES
A1.51	DEMO GROUND FLOOR PLAN
A1.60	DEMO ELEVATIONS
A2.00	3D VIEWS
A2.01	DESIGN FOUNDATION
A2.02	DESIGN GROUND FLOOR PLAN
A2.03	DESIGN ROOF PLAN
A5.00	DESIGN SECTIONS

WALL, PARTITION & FURRING SCHEDULE

1. ALL GYPSUM BOARD TO BE TAPED, SANDED, AND PRIMED. ALL EXPOSED GYPSUM BOARD TO BE FINISHED WITH 2 COATS OF OWNER SELECTED PAINT.
2. ALL WASHROOMS TO HAVE MOLD-RESISTANT DRYWALL, AND PARTITIONS SEPARATING WASHROOM FROM OTHER INTERIOR SPACES TO BE FILLED WITH ACOUSTIC BATT INSULATION.
3. ALL SHEATHING TO BE INSTALLED HORIZONTALLY.
4. SPRAY FOAM INSULATION MAY BE SUBSTITUTED WITH R-24 BATT INSULATION INSTALLED BETWEEN WALL CAVITIES, ALONG WITH 6 MIL POLYETHYLENE VAPOUR BARRIER INSTALLED ON INTERIOR SURFACE OF WALL FRAMING - INSTALLED WITH CAULKING AND JOINT TAPE AS PER MANUFACTURER'S INSTALLATION RECOMMENDATIONS / REQUIREMENTS.







GENERAL NOTES

1. SOME ASSUMPTIONS HAVE BEEN MADE ABOUT THE COMPOSITION OF THE EXISTING ASSEMBLIES. IF DISCREPANCIES ARE DISCOVERED, GC MUST NOTIFY THE ARCHITECT.
2. GC IS RESPONSIBLE TO COORDINATE VERIFICATION OF ALL DIMENSIONS BEFORE CONSTRUCTION STARTS, AND MUST NOTIFY ARCHITECT OF ANY DISCREPANCIES.
3. ALL SUB-CONTRACTORS ARE RESPONSIBLE TO TAKE SITE MEASUREMENTS WHICH PERTAIN TO THEIR SCOPE OF WORK, AND REPORT ANY DISCREPANCIES TO THE GC.
4. DO NOT SCALE DRAWINGS.
5. ALL WORK TO BE IN COMPLIANCE WITH THE OBC, MUNICIPAL REGULATIONS AND BY-LAWS.
6. ALL GYPSUM BOARD TO BE TAPED, PATCHED, & PRIMED. ALL EXPOSED GYPSUM BOARD TO BE PAINTED. COLOUR TO BE CONFIRMED BY OWNER.
7. GC TO REPAIR ALL EXISTING MATERIALS TO REMAIN THAT ARE DAMAGED DURING DEMOLITION OR CONSTRUCTION. GC TO PATCH AND MAKE GOOD ALL OPENINGS OR GAPS IN EXISTING FINISHES TO A LEVEL CONSISTENT WITH THE SURROUNDING AREA.
8. ALL NEW OPENINGS IN WALLS REQUIRE LINTELS CONFORMING TO TABLES A-1 THROUGH A-37 OF DIVISION B PART 9 OF THE 2012 ONTARIO BUILDING CODE.
9. ALL NEW RECEPTACLES, WIRING & PANELS TO CONFORM TO 2015 ONTARIO ELECTRICAL SAFETY CODE & CHAPTER 9 OF THE 2012 ONTARIO BUILDING CODE.
10. ALL PLUMBING & GAS WORK TO BE EXECUTED BY CONTRACTOR IN COMPLIANCE WITH THE ONTARIO BUILDING CODE.
11. ALL SPRAY FOAM INSULATION TO BE LOW V.O.C. 2LB CLOSED CELL POLYURETHANE FOAM.
12. ALL FOAMED PLASTICS, INCLUDING SPRAY FOAM OR RIGID INSULATION (EPS, XPS, ISO) TO BE PROTECTED FROM INTERIOR SPACES WITH 1/2" GYPSUM BOARD.
13. ALL POLYETHYLENE VAPOUR BARRIERS TO BE SEALED WITH APPROVED CAULKING & TAPE (TUCK TAPE OR EQUIV.) FOR INTERNAL SEAMS/JOINTS & PERIMETERS EDGES. TAPE TO BE FLAT, FREE OF FOLDS OR GAPS. TAPING SUBSTRATE TO BE EITHER ADJACENT CONTINUOUS VAPOUR BARRIER OR OTHER VAPOUR IMPERMEABLE MATERIAL

DEMO & CONSTRUCTION KEYNOTES

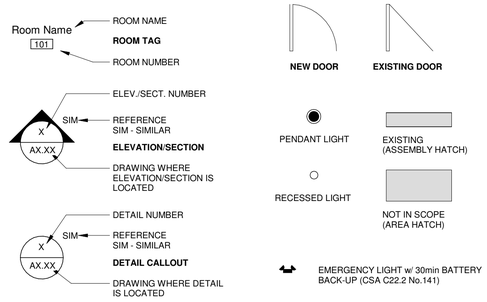
1. CONNECT NEW WEEP TILE TO EXISTING WEEP TILE & SUMP SYSTEM (IF EXTANT)
2. DEMOLISH EXISTING EXTERIOR WALL FOR WALL OPENING. PROVIDE NEW L1 LINTEL
3. DEMOLISH EXISTING CLADDING & EXTERIOR WOOD SHEATHING WHERE WALL INTERSECTS WITH NEW ADDITION
4. DOWEL NEW FOUNDATION WALL & FOOTING INTO EXISTING FOUNDATION & FOOTING C/W 15M BARS EPOXY GROUTED @ 16" O.C. w/ MIN 4" EMBEDMENT, TYP.
5. 550mm x 900mm CRAWL SPACE ACCESS HATCH. LOCATION OF HATCH MAY BE REVISED BY CONTRACTOR TO SUIT FRAMING
6. 550mm x 900mm ATTIC ACCESS HATCH. LOCATION OF HATCH MAY BE REVISED BY CONTRACTOR TO SUIT ROOF TRUSS LAYOUT
7. PROVIDE TWO (2) 15M BARS VERTICALLY EACH SIDE OF OPENING

STRUCTURAL KEYNOTES

F1 CONTINUOUS 8" x 24" CONCRETE FOOTING C/W (2) 15M REBARS

L1 LINTEL: 3-PLY 2x8 (SPF No.1/2)
POSTS: 2x6 JACK POST + 2x6 KING POST TO T/O WALL (SPF No.1/2)

SYMBOLS & ANNOTATIONS



P# INTERIOR PARTITION TYPE
W# EXTERIOR / STRUCTURAL WALL TYPE
F# FURRING TYPE
FL# FLOOR TYPE
KEYNOTE
D000 DOOR TAG
220-240v DUPLEX RECEPTACLE
DUPLEX RECEPTACLE
GFCI GFCI DUPLEX RECEPTACLE
SD SMOKE DETECTOR (CEILING MOUNTED)

ABBREVIATIONS:

AFF	ABOVE FINISHED FLOOR	MAX	MAXIMUM	SPF	SPRUCE-PINE-FIR
AFUE	ANNUAL FUEL UTILIZATION EFFICIENCY	MIN	MINIMUM	SRE	SENSIBLE RECOVERY EFFICIENCY
B/W	BETWEEN	MPA	MPA	SS	STRUCTURAL SELECT
C/W	COMPLETE WITH	OBC	ONTARIO BUILDING CODE	T&G	TYPICAL
EF	ENERGY FACTOR	O.C.	ON CENTRE	TYP	TONGUE & GROOVE
GC	GENERAL CONTRACTOR	OSB	ORIENTED STRAND BOARD	VERT	VERTICAL
HORIZ.	HORIZONTAL	PEO	PROFESSIONAL ENGINEER OF ONTARIO	W/	WITH
LVL	LEVEL	RFG	REFRIGERATOR	WWM	WELDED WIRE MESH

FOOTINGS & FOUNDATIONS

1. ALL CONCRETE WALLS & FOOTINGS TO BE 20 mPa (3000 PSI). ALL WALL FOOTINGS TO BE 24"w x 8"h UNLESS OTHERWISE NOTED. REFER TO FOUNDATION PLAN.
2. ALL FOOTINGS TO BE TAKEN TO SOLID BEARING, UNDISTURBED NATIVE MATERIAL OR COMPACTED GRANULAR WITH MINIMUM SLS = 75 kPa AND ULS = 150 kPa UNLESS OTHERWISE NOTED. BEARING CAPACITY TO BE CONFIRMED ON-SITE BY A GEOTECHNICAL ENGINEER PRIOR TO POURING CONCRETE.
3. CONCRETE MIXES TO COMPLY WITH SECTION 9.3.1.7 OF OBC.
4. CONCRETE COMPRESSIVE STRENGTH AFTER 28 DAYS TO COMPLY WITH SECTION 9.3.1.6 OF OBC.
5. CONCRETE COVER CLEAR TO REINFORCING SHALL BE 1" FOR U/S OF SLABS, 3" FOR U/S OF FOOTINGS.
6. ALL CONCRETE SHALL HAVE THE FOLLOWING MINIMUM COMPRESSIVE STRENGTH @ 28 DAYS TO COMPLY w/ SECTION 9.3.1.6 OF OBC.
   a. EXPOSED EXTERIOR STRUCTURAL SLAB — 32 mPa, (4650 PSI) W/ 5 TO 8% AIR ENTRAINMENT
   b. GARAGE SLAB ON GRADE — 32 mPa, (4650 PSI) W/ 5 TO 8% AIR ENTRAINMENT
   c. BASEMENT SLAB ON GRADE — 25 mPa, (3600 PSI)
   d. REMAINING CONCRETE — 20 mPa, (3000 PSI)
7. STEPPED FOOTING WHERE REQUIRED TO BE CONFIRMED ON-SITE TO SUIT GRADING & APPROVED BEARING & FROST COVER. MAXIMUM STEP HEIGHT = 23", MINIMUM FOOTING RUN = 23"
8. PROVIDE FOUNDATION FROST PROTECTION AS PER GEOTECHNICAL ENGINEER'S DETAILS, WHERE U/S OF FOOTING IS LESS THAN
   a. 6'-0" BELOW GRADE @ UNHEATED SPACE
   b. 5'-0" BELOW GRADE @ HEATED SPACE
9. FILL UNDER CONCRETE SLABS SHALL BE CLEAN UNIFORM FINE SAND OR CLEAR STONE & FREE OF DEBRIS & OTHER DELETERIOUS MATERIAL. FILL SHALL BE COMPACTED.
10. DRAINAGE OF FOOTING UNDER FOUNDATION WALL TO CONFORM TO SECTION 9.14.2.1. - PROVIDE MIN 4"~ WEEPING TILE C/W FILTER CLOTH @ PERIMETER AS PER OBC 9.14.3 (TYPICAL).
11.

WINDOW SCHEDULE

WINDOW NOTES:

1. ALL WINDOWS TO BE VINYL FRAMES WITH 6MM DOUBLE GLASS PANES LOW-E COATING & ARGON GAS.
2. WINDOWS MUST HAVE A MAXIMUM U-VALUE OF 0.32, AND A MAX. SOLAR HEAT-GAIN COEFFICIENT OF 0.40.
3. DIMENSIONS LISTED ARE ROUGH OPENINGS. CONTRACTOR TO COORDINATE NEW WINDOW AND DOOR INSTALLATION TO ENSURE HEADERS ALIGN AS SHOWN ON ELEVATIONS.
4. CONFIRM ALL WINDOW SIZES WITH OWNER.

TYPE	HEIGHT	WIDTH	SILL HEIGHT	COUNT
A-1	3' - 4"	3' - 4"	3' - 4"	4
B-1	4' - 0"	4' - 0"	2' - 6"	2



A-1



B-1

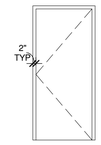
DOOR SCHEDULE

DOOR	LOCATION	TYPE	±HEIGHT	±WIDTH	DOOR MAT.	FINISH
D106	W/C	D3	6' - 8"	2' - 8"	WD	PT
D107	BEDROOM	D3	6' - 8"	2' - 8"	WD	PT
D108	BEDROOM	D3	6' - 8"	2' - 8"	WD	PT

ABBREVIATIONS:
PF PRE-FINISHED — PT PAINTED
TBD TO BE DETERMINED — WD WOOD

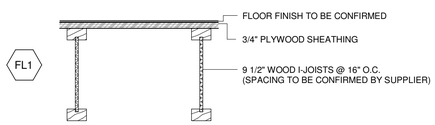
DOOR NOTES:

1. ALL HARDWARE TO BE CONFIRMED BY OWNER
2. EXTERIOR DOORS MUST HAVE A MAXIMUM U-VALUE OF 0.50.
3. ALL SWING DOORS TO RECEIVE FLOOR STOPS
4. ALL EXTERIOR DOORS TO BE INSULATED WITH WEATHERSTRIPPING AND THRESHOLDS

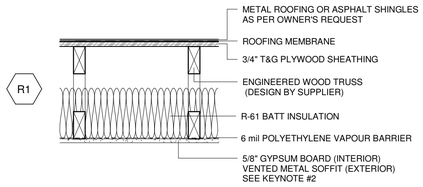


D1

FLOOR SCHEDULE



ROOF SCHEDULE



GRAFF ARCHITECTURE

ISSUED FOR

1	2023-08-16	PERMIT DRAFT
2	2023-09-12	PERMIT SUBMISSION

IMPERIAL
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DEVIATIONS FROM THE CONTRACT DOCUMENTS WITHOUT WRITTEN APPROVAL FROM THE CONSULTANT ARE SUBJECT TO CORRECTION AT THE CONTRACTOR'S EXPENSE.

ARCHITECT & PRIME CONSULTANT
GRAFF ARCHITECTURE
1358 RIDEAU FERRY ROAD
PERTH, ONTARIO K7H 3C7
Tel: (613)-900-1963

KEYPLAN

SEAL

ONTARIO ASSOCIATION OF ARCHITECTS
GORDON GRAFF
LICENCE
7820

DUFF COTTAGE

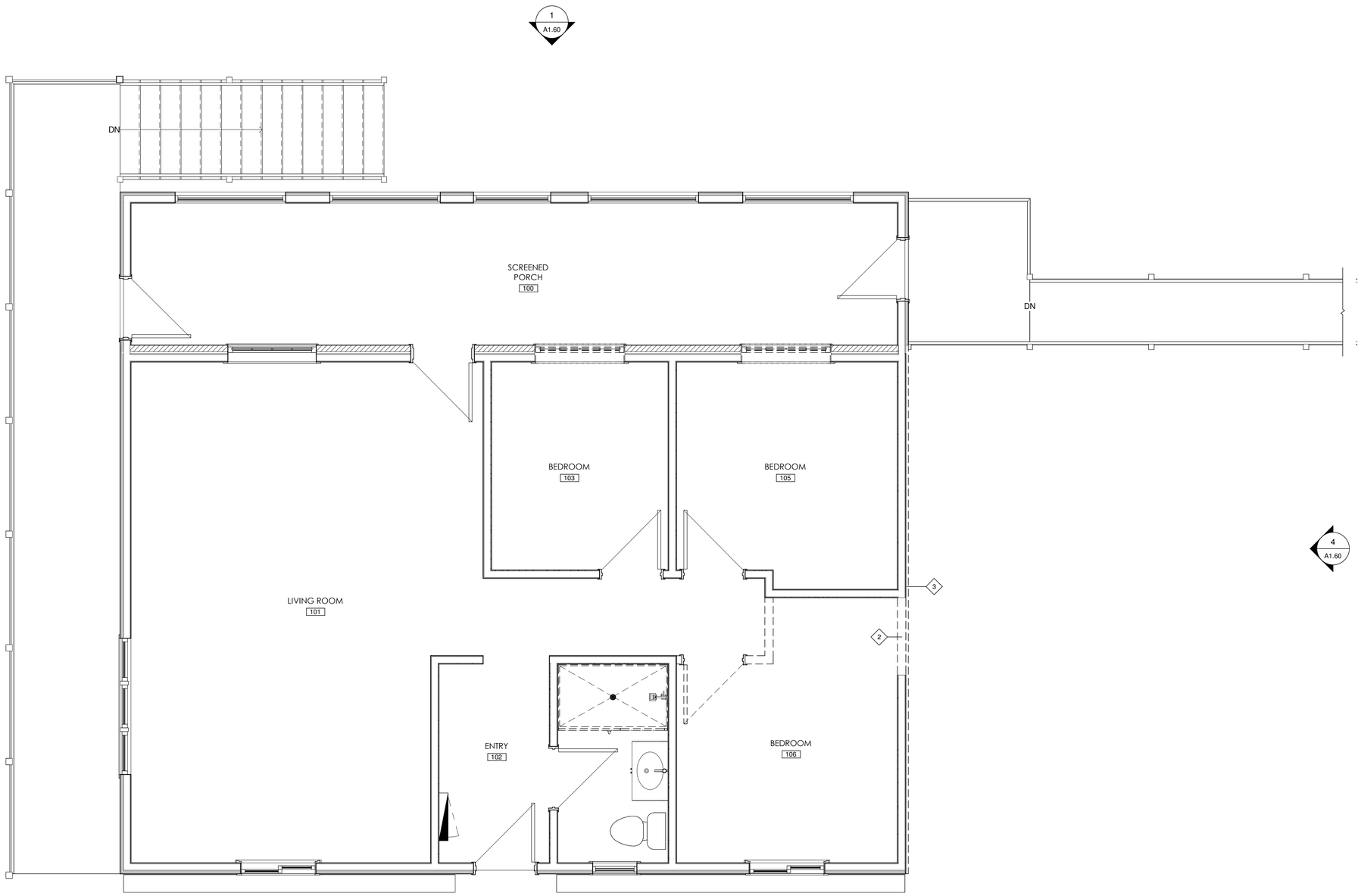
126 MILL BAY LANE
MABERLY, ON K0H 2A0

LEGENDS AND SCHEDULES

DRAWN: GJG
PLOT DATE: 9/13/2023 2:00:24 AM

A0.01

23014P01



1 A1.51 **GROUND FLOOR DEMO PLAN**
3/8" = 1'-0"

GRAFF ARCHITECTURE

ISSUED FOR

1	2023-08-16	PERMIT DRAFT
2	2023-09-12	PERMIT SUBMISSION

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LICENCE
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DUFF COTTAGE

126 MILL BAY LANE
MABERLY, ON K0H 2A0

DEMO GROUND FLOOR PLAN

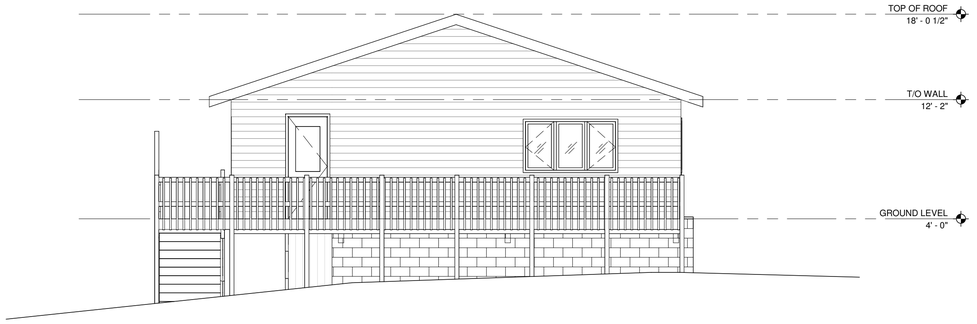
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PLOT DATE: 9/13/2023 2:02:05 AM

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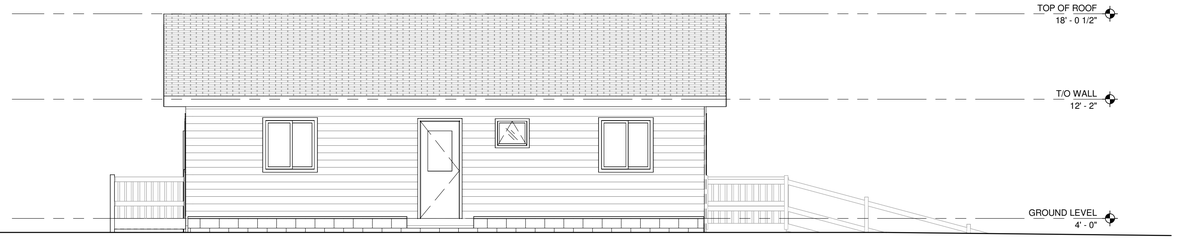
23014P01



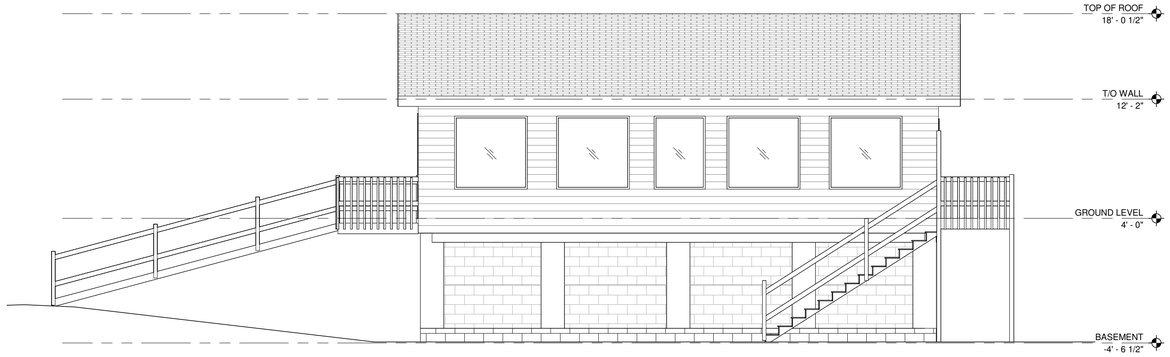
4 A1.60 **WEST DEMO ELEVATION**
3/16" = 1'-0"



3 A1.60 **EAST DEMO ELEVATION**
3/16" = 1'-0"



2 A1.60 **SOUTH DEMO ELEVATION**
3/16" = 1'-0"



1 A1.60 **NORTH DEMO ELEVATION**
3/16" = 1'-0"

GRAFF ARCHITECTURE

ISSUED FOR

1	2023-08-16	PERMIT DRAFT
2	2023-09-12	PERMIT SUBMISSION

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PERTH, ONTARIO K7H 3C7
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LICENCE
7820

DUFF COTTAGE

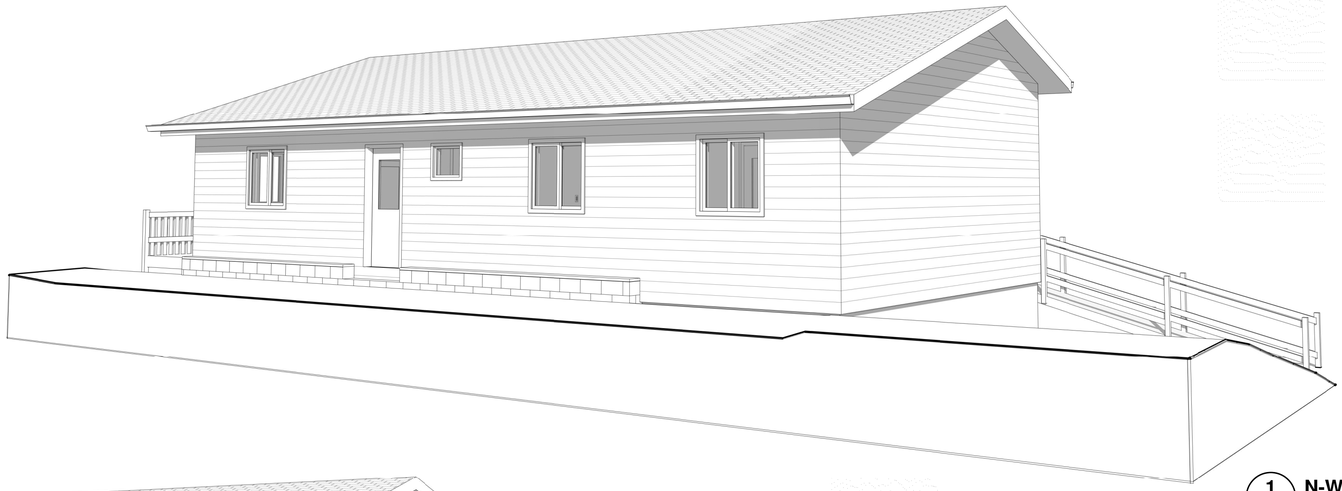
126 MILL BAY LANE
MABERLY, ON K0H 2A0

DEMO ELEVATIONS

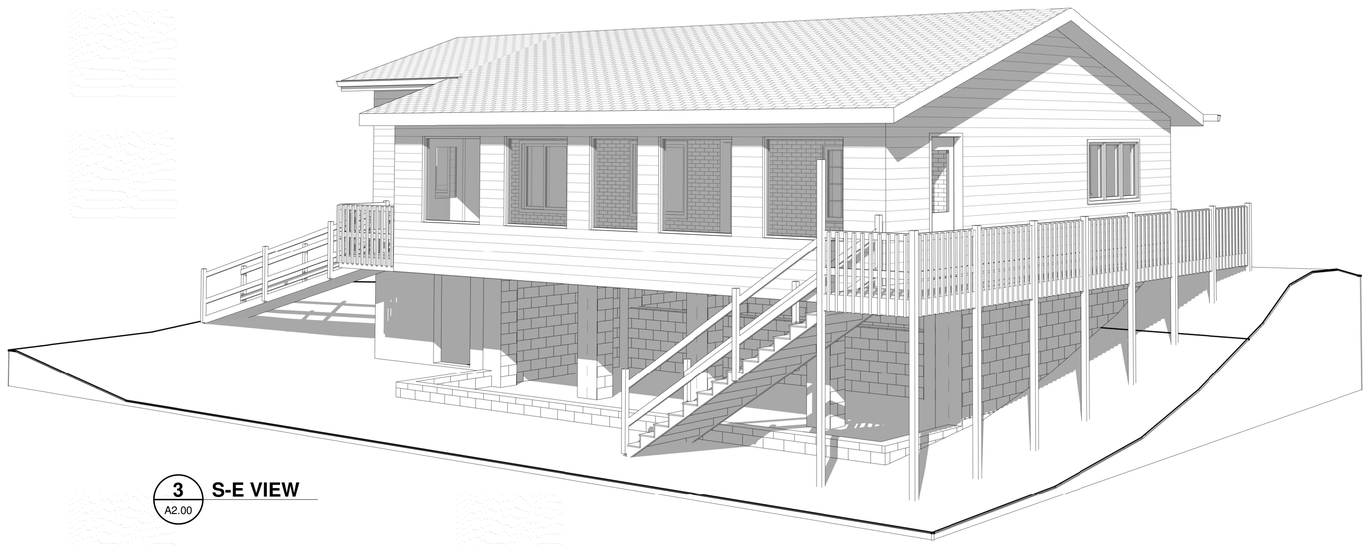
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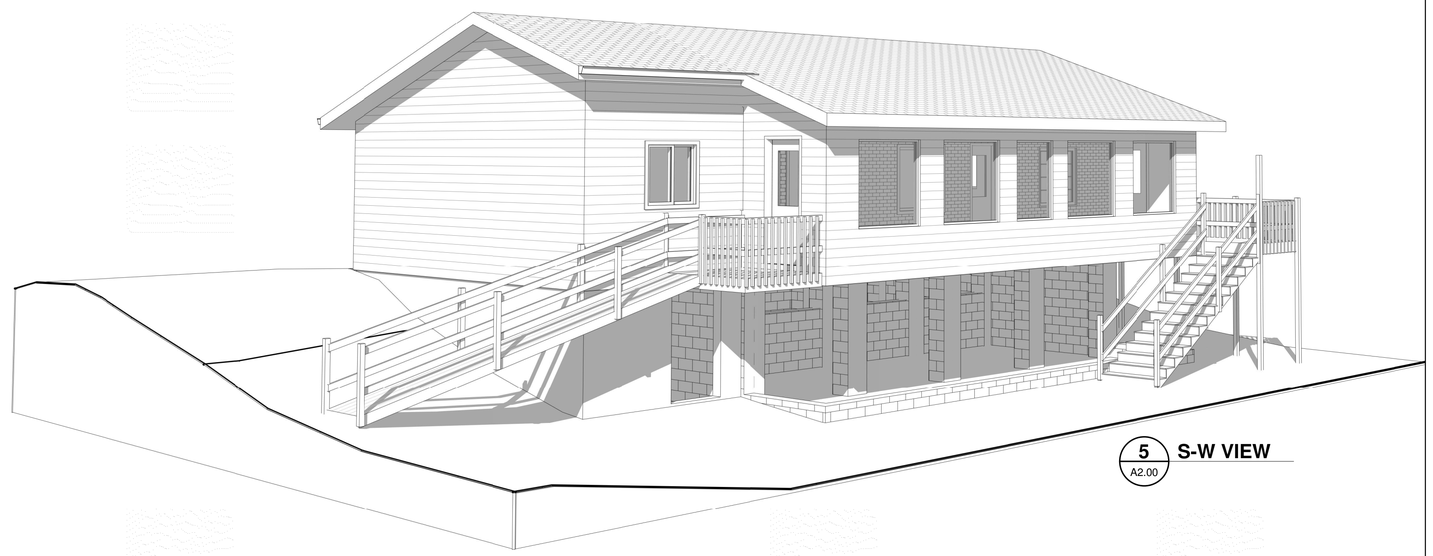
23014P01



1 A2.00 **N-W VIEW**



3 A2.00 **S-E VIEW**



5 A2.00 **S-W VIEW**

GRAFF ARCHITECTURE

ISSUED FOR

1	2023-08-16	PERMIT DRAFT
2	2023-09-12	PERMIT SUBMISSION

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ARCHITECT & PRIME CONSULTANT

GRAFF ARCHITECTURE
1358 RIDEAU FERRY ROAD
PERTH, ONTARIO K7H 3C7
Tel: (613)-900-1963

KEYPLAN

SEAL

ONTARIO ASSOCIATION OF ARCHITECTS
GORDON GRAFF
LICENCE
7820

DUFF COTTAGE

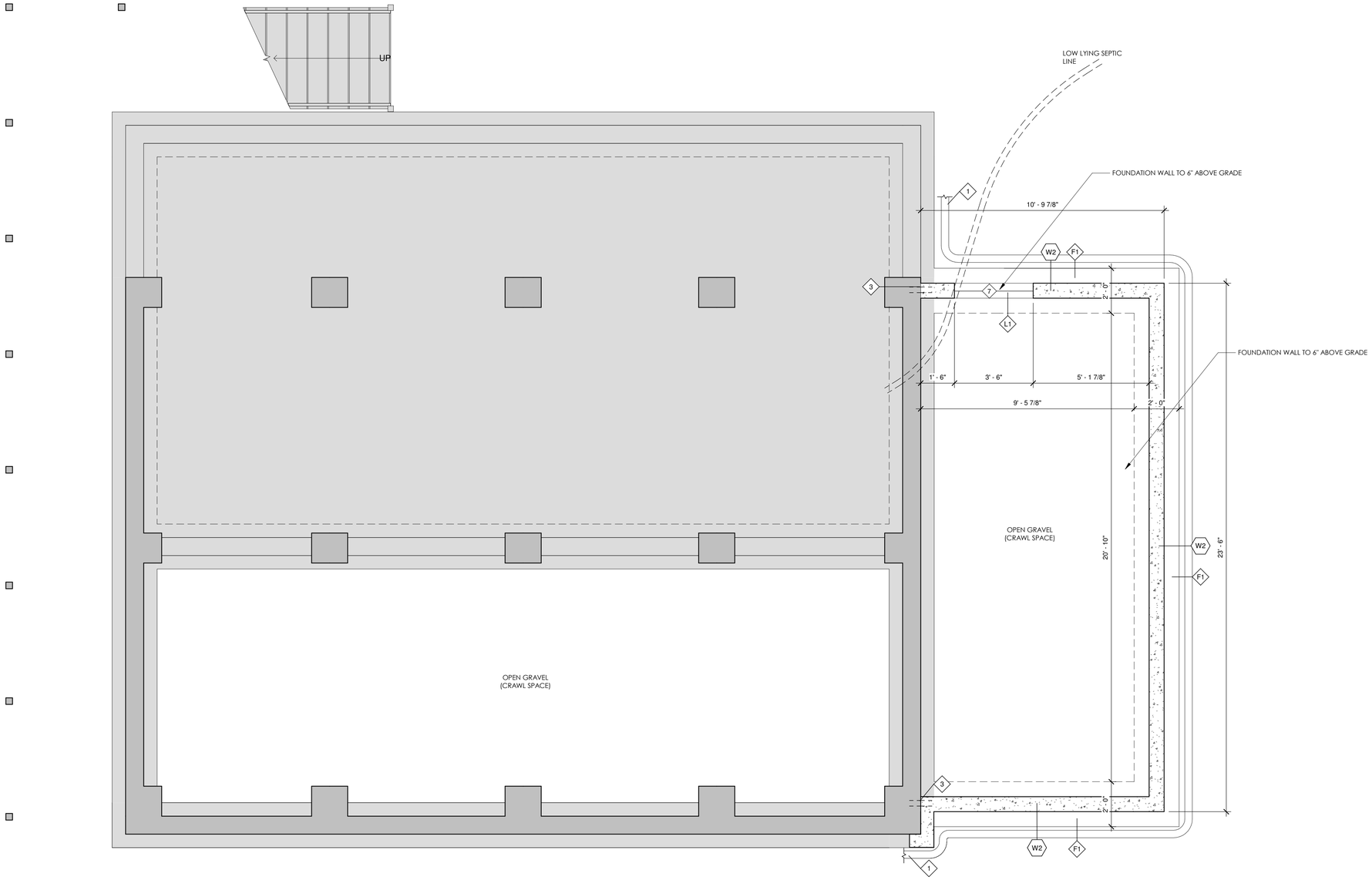
126 MILL BAY LANE
MABERLY, ON K0H 2A0

3D VIEWS

DRAWN: GJG
PLOT DATE: 9/13/2023 2:02:41 AM

A2.00

23014P01



1 A2.01 **FOUNDATION PLAN**
3/8" = 1'-0"

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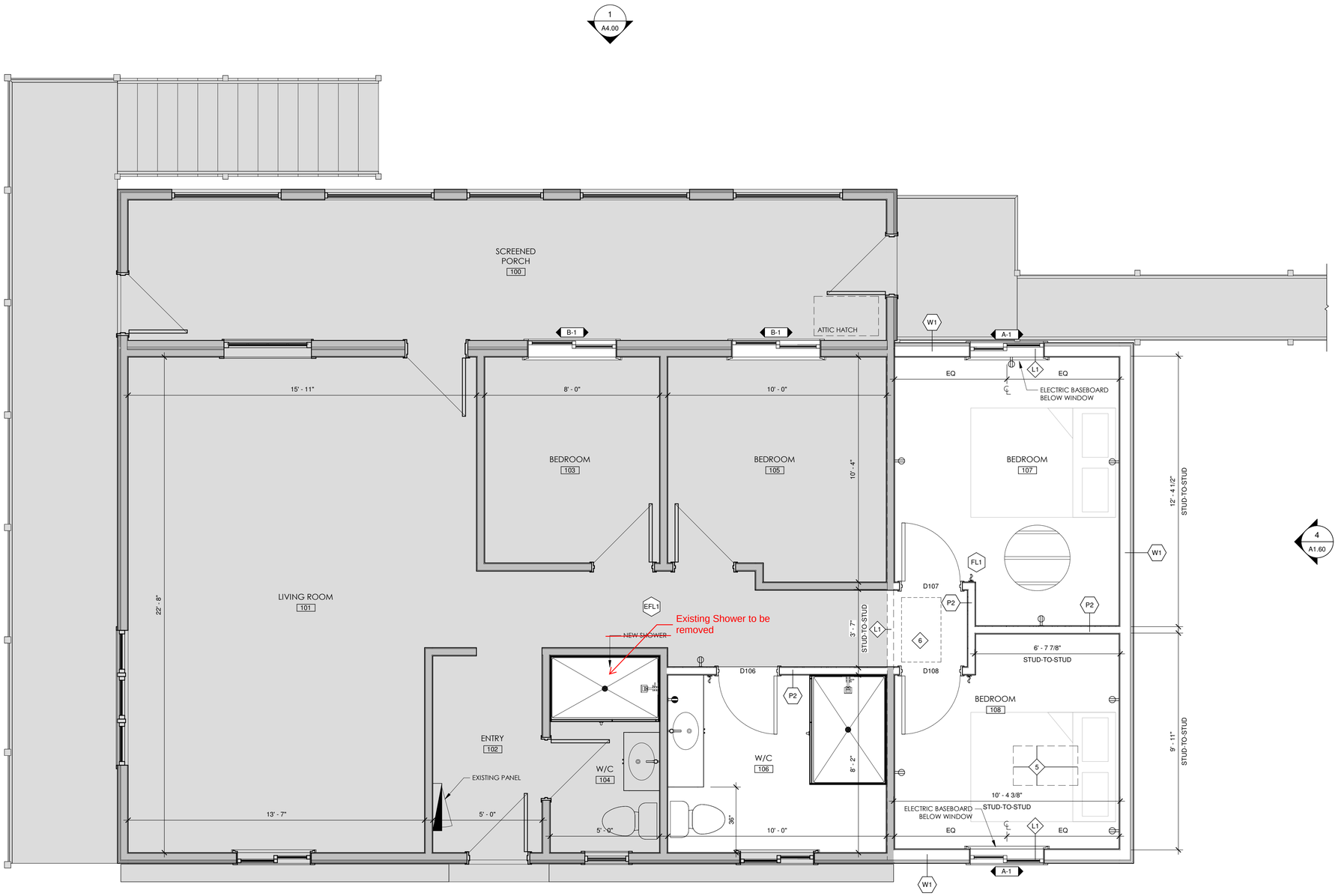
126 MILL BAY LANE
MABERLY, ON K0H 2A0

DESIGN FOUNDATION

DRAWN: GJG
PLOT DATE: 9/13/2023 2:02:47 AM

A2.01

23014P01



1 A2.02 GROUND LEVEL DESIGN PLAN
3/8" = 1'-0"

GRAFF ARCHITECTURE

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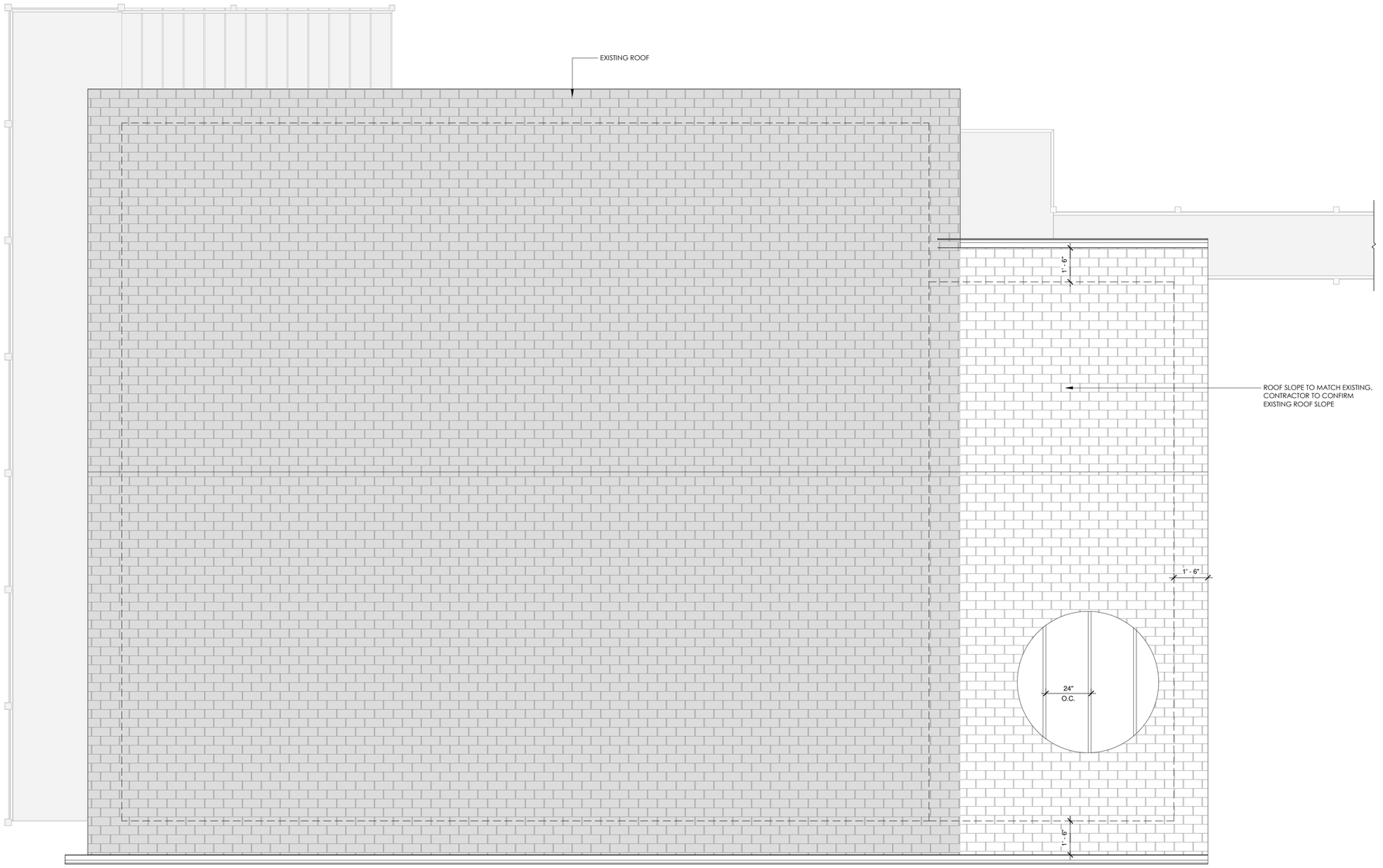
126 MILL BAY LANE
MABERLY, ON K0H 2A0

DESIGN GROUND FLOOR PLAN

DRAWN: GJG
PLOT DATE: 9/13/2023 2:02:05 AM

A2.02

23014P01



1 A2.03 **DESIGN ROOF PLAN**
3/8" = 1'-0"

GRAFF ARCHITECTURE

ISSUED FOR

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PERTH, ONTARIO K7H 3C7
Tel: (613)-900-1963

KEYPLAN

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GORDON GRAFF
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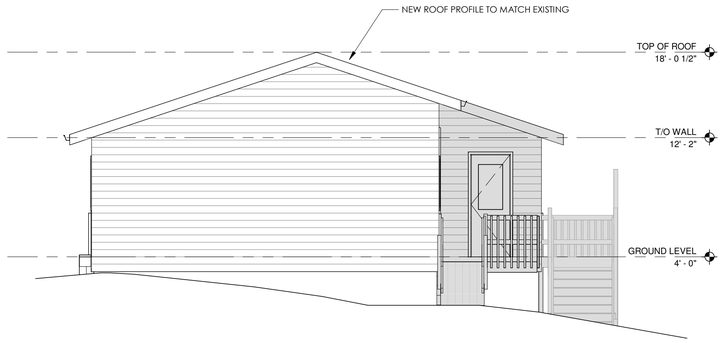
126 MILL BAY LANE
MABERLY, ON K0H 2A0

DESIGN ROOF PLAN

DRAWN: GJG
PLOT DATE: 9/13/2023 2:02:51 AM

A2.03

23014P01



4 A4.00 **WEST DESIGN ELEVATION**

3/16" = 1'-0"



3 A4.00 **EAST DESIGN ELEVATION**

3/16" = 1'-0"

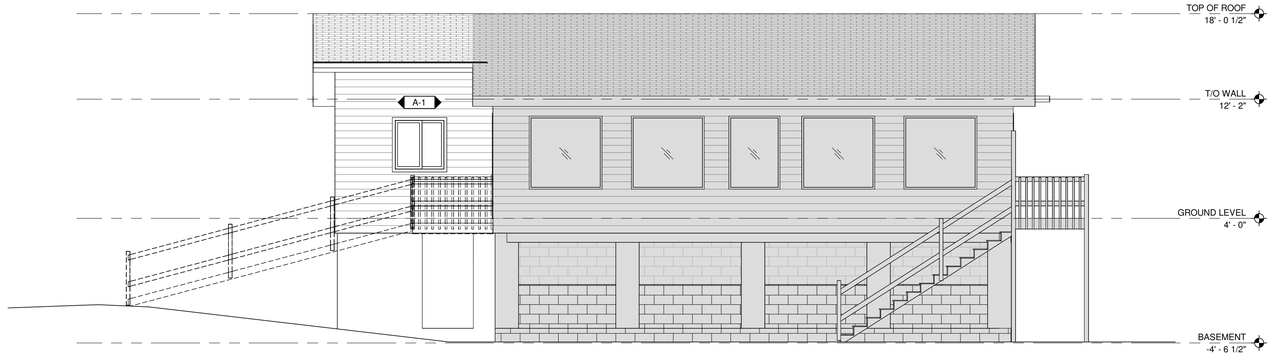
EXTERIOR FINISHES NOTES

1	NEW EXTERIOR SIDING, MATERIAL T.B.D.
1a	NEW EXTERIOR SIDING, (FUTURE DATE) MATERIAL T.B.D.
2	NEW CONCRETE PARGING
3	NEW PRE-FINISHED METAL FASCIA
4	NEW PRE-FINISHED METAL GUTTER



2 A4.00 **SOUTH DESIGN ELEVATION**

3/16" = 1'-0"



1 A4.00 **NORTH DESIGN ELEVATION**

3/16" = 1'-0"

GRAFF ARCHITECTURE

ISSUED FOR

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SEAL

ONTARIO ASSOCIATION OF ARCHITECTS
GORDON GRAFF
LICENCE
7820

DUFF COTTAGE

126 MILL BAY LANE
MABERLY, ON K0H 2A0

DESIGN ELEVATIONS

DRAWN: GJG
PLOT DATE: 9/13/2023 2:02:54 AM

A4.00

23014P01

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-2023-0125
Type of Application or Proposal:	Minor Variance
Applicant Name(s):	Duff, Barry & Debbie
Location:	126 Mill Bay Lane Township of South Frontenac (Bedford)
Comments:	No objections, the proposed addition will not encroach in any parts of the existing sewage system. A Review of Performance Level of the existing sewage system will be required prior to issuance of the building permit for the proposed addition.
Building Inspector:	Chris Beeg
Date:	December 1, 2023

Rideau Valley Conservation Authority

3889 Rideau Valley Drive
PO Box 599, Manotick ON K4M 1A5
T 613-692-3571 | 1-800-267-3504
F 613-692-0831 | www.rvca.ca

December 4, 2023
23-SFR-MVA-0050 (Bedford)

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

Attention: Noah Perron

Subject: **Duff, Barry & Debbie**; Application for Minor Variance, PL-ZNA-2023-0125, 126 Mill Bay, Lot 34, Concession 7; Geographic Township of Bedford, Now the Township of South Frontenac; Roll Number: 1029 0300 2093 3600 0000

Dear Mr. Perron,

The Rideau Valley Conservation Authority (RVCA) has reviewed the subject applications within the context of:

- Section 3.1 Natural Hazards of the Provincial Policy Statement under Section 3 of the Planning Act;
- The Rideau Valley Conservation Authority ("Development, Interference with Wetlands and Alteration to Shorelines and Watercourses" regulation 174/06 under Section 28 of the Conservation Authorities Act);
- The Mississippi-Rideau Source Water Protection Plan;

The Proposal

The RVCA understands this application is seeking relief from the Township's Zoning By-law to allow for lot coverage more than the 5% maximum permitted in the Limited Service Residential Waterfront Zone (RLSW) to allow for the construction of an 11' x 24' addition.

The Property

The subject property is an irregularly shaped, undersized lot indicated as being 2185 m^2 (0.54 acre). The property is developed with a dwelling, attached decks, a screened porch, and an

outhouse. The dimensions of the existing deck and screened porch were not included in the application. Mature trees are present throughout the property and along the shoreline. From the review of the desktop mapping the following natural hazards or natural heritage features are indicated:

-Our office has determined the 1:100 year flood level on Bobs Lake to be 163.07 metres above sea level
-Bobs Lake is considered to be a watercourse for the purpose of our regulation
-The property overlies a highly vulnerable aquifer

A review of our records does not reveal the presence of steep slopes, marine clays, organic soils, or wetland areas.

Review Comments

Provincial Policy Statement

Concerning section 3.1 of the PPS our office has no concerns concerning the 1:100-year flood level or slope hazard given the location of the proposed addition.

Ontario Regulation 174/06

Our office regulates the shoreline of Bobs Lake. Any development proposed along the shoreline of Bobs Lake and 15 m inland (including, but not limited to, grading, site alteration, dock installation, or erosion protection works) requires prior written permission from our office in accordance with our (Development, Interference with Wetlands and Alterations to Shorelines and Watercourses) made under Section 28 of the *Conservation Authorities Act*.

The proposed addition is located outside the portion of the property regulated by our office and will not require permission from our office under the aforementioned regulation.

Source Water Protection

Most of RVCA's watershed has been identified as a highly vulnerable aquifer as s indicated in the Mississippi-Rideau Source Water Protection Plan. These are aquifers that are vulnerable to surface contaminants due to thin or absent soils overlying bedrock that may be fractured. Where these conditions exist, it may be possible for contaminants to enter drinking groundwater supplies. For this reason, care should be taken to avoid land uses and practices that may inadvertently lead to undesirable effects on groundwater. Some best practices that could be considered include:

- increased well casing depths;
- increased distance of septic systems from drinking water wells;
- ensuring wells are located upgradient of septic sewage disposal systems
- ensuring that wells and septic systems are properly maintained,
- avoiding the use of pesticides, herbicides, and fertilizers

Discussion

The proposed addition will result in increases in impervious surfaces which have the potential to increase runoff and erosion. Consideration should be given to how to effectively manage any runoff on-site to prevent shoreline erosion, this may include a combination of low-impact development (LID) techniques to promote adsorption and infiltration of runoff and increases in the amount of vegetation cover. If desired, RVCA's shoreline naturalization program can assist with shoreline planting, please visit https://www.rvca.ca/stewardship-grants/shoreline-naturalization/shoreline-naturalization-program for more information.

Recommendations

Should the Township allow the variance our office would have the following recommendation for conditions of any implementation agreement or notes to be included in any decision:

- Sediment and erosion controls (such as silt fencing & straw bales) should be installed on the downslope side of the construction area and maintained in place until vegetation has been re-established.

- All roof leaders should be directed to the rear and side of proposed structures, to an area of appropriate soil depth, and away from services to promote maximum infiltration of stormwater runoff and lessen any erosion from concentrated runoff. Rain gardens, infiltration trenches or French drains should be considered to promote infiltration of surface water runoff.

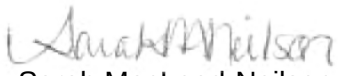
-For any work undertaken along the shoreline of Bobs Lake and 15 m inland, a permit will be required by the Rideau Valley Conservation Authority in accordance with Ontario Regulation 174/06 ("Development, Interference with Wetlands and Alteration to Shorelines and Watercourses").

Conclusions

In conclusion, our office has no objection to the subject application. Please advise us on the Committee's decision respecting this application or any changes in the status of the application.

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

Yours truly,



Sarah MacLeod-Neilson
Planner

cc –Barry & Debbie Duff, owner
cc –Cameron McNutt, agent

Township of South Frontenac

Staff Report

To:	Committee of Adjustment
Prepared by:	Development Services Department
Date of Meeting:	December 14, 2023
Subject:	**Minor Variance Application (S. 45(1) of Planning Act) PL-ZNA-2023-0125, Duff, 126 Mill Bay Lane, Bedford District**

Summary

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

Background

Official Plan Designation: Rural

Zoning: Limited Service Residential – Waterfront (RLSW)

Zoning Relief Requested

Section 10.3.1 – to permit an increase in lot coverage to 8.2% for the principal building, whereas the Zoning By-law established a maximum lot coverage of 5%.

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 with 0.54Ac (2,185sqm) of area, approximately 42m of frontage on Bob's Lake and 25m of frontage on Mill Bay Lane. The property contains an existing 1418sqft (132sqm) seasonal dwelling with attached covered porch, 140sqft (13sqm) deck/walkway and 86sqft (8sqm) ramp, and an outhouse. The seasonal dwelling is setback approximately 47m from the highwater mark of Bob's Lake, with the sewage system being setback 34m. The area surrounding the seasonal dwelling is cleared of trees, but the remainder of the property is well vegetated, including at the shoreline of Bob's Lake. The developed portion of the property is mostly flat, before sloping downwards

subtly towards the shoreline. The surrounding area is characterized by similar limited service residential development.

Summary of Proposal

The minor variance application, as it was submitted, described the seasonal dwelling as being 864sqft (80sqm) in area. Following discussion with the conservation authority and observations made on site, it was determined that seasonal dwelling was larger. For reference, the application did not account for the area of the covered porch, or the attached deck/walkway and attached ramp. All three of these structures would count towards the lot coverage of the seasonal dwelling. As such, Township Planning staff amended the area of the dwelling to include the covered porch and attached deck/walkway and attached ramp. The amended area is 1644sqft (153sqm), being a lot coverage value of 7.0%.

The proposal seeks relief from Zoning By-law No. 2003-75 to permit an increase in lot coverage to accommodate a proposed addition to the seasonal dwelling. The applicant is proposing to construct a 264sqft (24.5sqm) addition to the 1644sqft (153sqm) seasonal dwelling. The proposed addition would increase overall lot coverage of the seasonal dwelling from 7.0% to 8.2%. With the exception of lot coverage, the seasonal dwelling would comply with all other requirements of the Zoning By-law.

Department and Agency Comments

Rideau Valley Conservation Authority submitted their comments in a letter dated December 4, 2023. RVCA staff cited no objection to the approval of the application. Further, RVCA staff recommend proper sediment and erosion control and considerations for roof runoff be incorporated into construction. Finally, RVCA staff acknowledge that the proposed development is outside of the area regulated by O. Reg 174/06. As such, an RVCA permit would not be required to permit the proposed development.

Building Services submitted their comments in a letter dates December 1, 2023. Building Services cited no objection to the approval of the application. Staff noted that the proposed addition would not encroach within the existing sewage system. Additionally, Building Services noted that a review of the performance level of the existing sewage system would be required prior to the issuance of a building permit for the proposed addition.

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 an addition to an existing seasonal dwelling on lands designated Rural on Schedule A of the Township Official Plan. The proposed addition to the seasonal dwelling is a permitted use within the Rural land use designation. As such, 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 rural residential development.

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

A seasonal dwelling is a permitted use within the RLSW Zone. The seasonal dwelling and the proposed addition will comply with all requirements of the Zoning By-law except maximum lot coverage.

The RLSW zone permits a maximum of 5% lot coverage for the principal building. The maximum lot coverage value is intended to control the scale and density of development, avoid an overdeveloped appearance of a lot and shoreline, ensure adequate landscaped space, and to minimize site disturbance and vegetation removal. The existing seasonal dwelling already exceeds maximum lot coverage, being approximately 7.0%. The proposed addition would further increase lot coverage to approximately 8.2%. This scale and density of development is not out of character for the neighbourhood and would not conflict with surrounding properties. Further, the proposed addition is of a modest size and would only slightly increase lot coverage by 1.2%. The existing seasonal dwelling is setback more than 30m from the highwater mark of Bob's Lake. Therefore, no vegetation removal or site alteration within 30m of Bob's lake would be required as part of the proposed development. Finally, the developed portion of the subject property will be well screened from Bob's Lake and Mill Bay Lane by existing vegetation. For these reasons, Township Planning staff are of the opinion that the proposed zoning relief to permit a lot coverage value of 8.2% is appropriate.

The proposed variance maintains the general intent and purpose of the Zooning 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 use of the land. The modest increase in lot coverage would permit additional living space in the seasonal dwelling, while having minimal impact on the surrounding area. Additionally, the location of the proposed addition

would not result in further encroachment towards the lake and would minimize the amount of site alteration and tree removal required.

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. The requested variance is also desirable for the appropriate use of the land. It is anticipated that there will be no negative impacts on surrounding properties and on the lake as a result of the proposed addition.

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-2023-0125 for 126 Mill Bay Lane, subject to the following conditions.

1. The minor variance is for a 264sqft (24.5sqm) addition to a seasonal dwelling. Lot coverage for the principal building is permitted to be 8.2%. The location of the addition on the subject property must be consistent with the application sketch submitted by the applicant, 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 Bob’s Lake and neighbouring buildings and structures and discharged to natural or constructed leaching pits/areas to maximize infiltration or onto coarse rock rubble splash pads to reduce the velocity of runoff.

    c. A natural vegetated buffer must be maintained in its natural state within 30 metres of the shoreline.

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

4. Minor variance PL-ZNA-2023-0125 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, RPP, MCIP, Senior Planner

SOUTH FRONTENAC

TOWNSHIP OF SOUTH FRONTENAC
APPLICATION FOR MINOR VARIANCE
OR PERMISSION (s. 45(2))
Updated June, 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 Application Fee:**
1-3 Variances	$1,230.00
4+ Variances	$1,445.00
After building without a permit	$2,206.00

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: November 1st, 2023.

1. Name of Owner(s): Warren & Tracey Goldie.

   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: 10 Lot Number: 31

   Street Number: 1121a Name of Road/Street: Beach Lane.

   Reference Plan Number: 13R19762 Part Number(s): 2 and 3.

   Roll Number: 070-060-19800-000

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

   Frontage (on water): 102.73 m. Frontage (on road/lane): N/A.

   Depth: Irregular Area: 1.64 hectares

5. The current zoning of the subject land:

   RLSW

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

   Permission to enlarge LNCU.

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

   LNCU.

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

   OR a privately maintained road? ☑ Yes ☐ No

   Name of Road/Lane:

   Beach Lane.

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

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

    Residential.

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

    ☑ Yes ☐ No

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

Type of Structure (E.g. residence)	(1) Dwelling w attached Deck.	(2) Garage.	(3) Bunkie.	(4)
Setback from Front Lot Line	28.5 ft. ~~28.6 ft.~~	90+ ft	90+ ft.	
Setback from Rear Lot Line	150 ft. (+) ~~50+ metres.~~			
Setback from Side Lot Line	176 ft			
Height of Building (Also indicate if it is one story or two story)	25.5 ft.			
Dimensions of Floor Area	Irregular See Floor Plans.	25x40 ft.	12 x24 ft	
Setback from High Water Mark (If applicable)	28.5 ft.	90+ ft.	90+ ft	

13. The proposed uses of the subject land:

Residential.

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

☑ Yes ☐ No

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

	(1)	(2)	(3)	(4)
Type of Structure (E.g. residence)	Single Dwelling.			
Setback from Front Lot Line	28.5 ft.			
Setback from Rear Lot Line	450 + ft.			
Setback from Side Lot Line	168 ft.			
Height of Building (Also indicate if it is one story or two story)	20.5 ft.			
Outside Dimensions of Building/Structure	3278 sq ft. Irregular.			
Setback from High Water Mark (If applicable)	28.5 ft			

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

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

If yes, please provide details:

Demolited entirely.

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

If yes, please provide details:

18. What are the uses of the proposed development?

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

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

June 2020.

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

Dwelling – prior 1960.

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

50+ years.

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

private well

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

privately owned.

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-2023-0126 (GOLDIE)

1121A BEACH 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: 1:1,630

0 15 30 60 m

UTM Zone 18 NAD 83

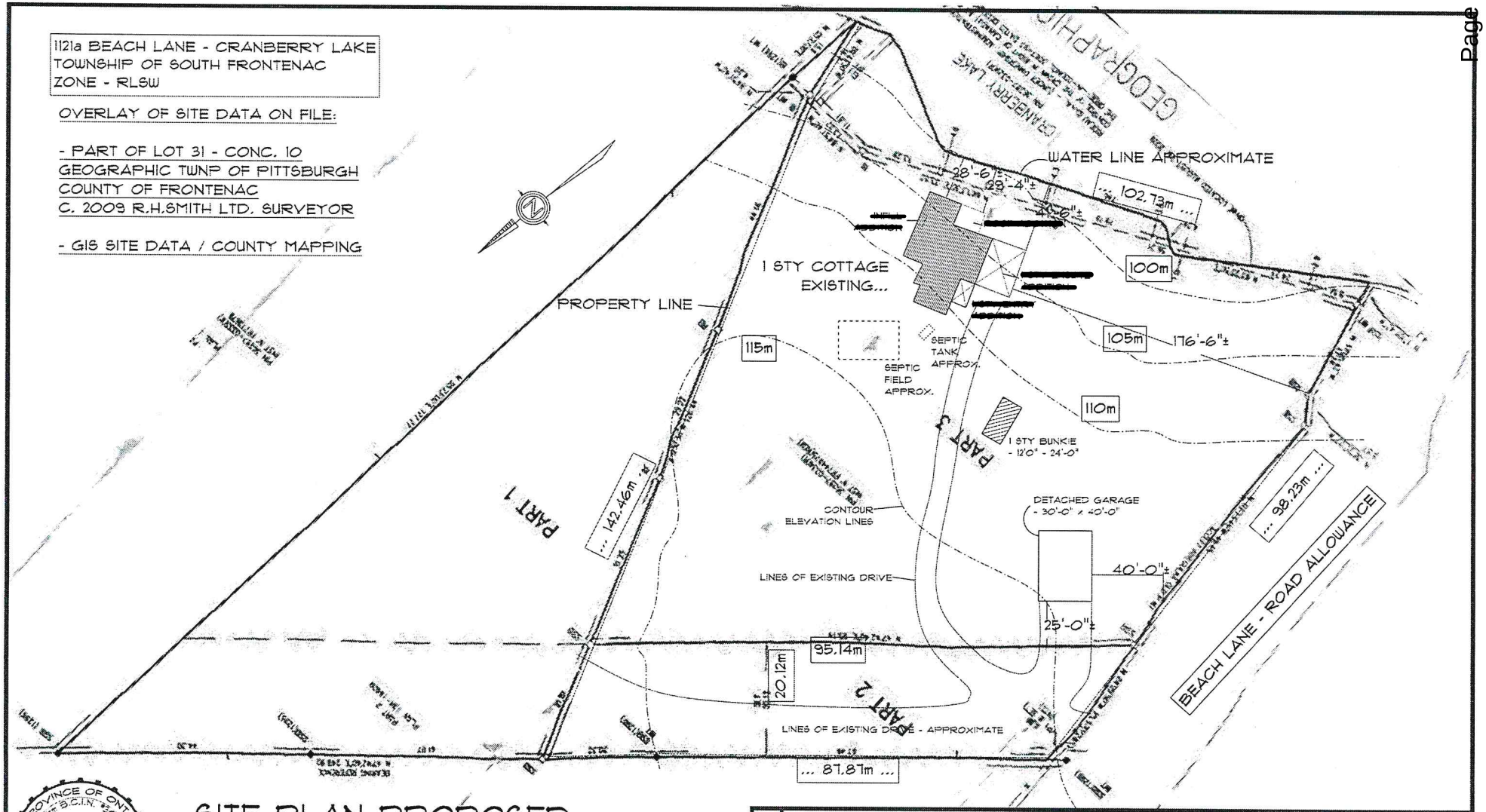
Date: 2023-11-10

1121a BEACH LANE - CRANBERRY LAKE
TOWNSHIP OF SOUTH FRONTENAC
ZONE - RLSW

OVERLAY OF SITE DATA ON FILE:

- PART OF LOT 31 - CONC. 10
GEOGRAPHIC TWNP OF PITTSBURGH
COUNTY OF FRONTENAC
C. 2009 R.H.SMITH LTD. SURVEYOR

- GIS SITE DATA / COUNTY MAPPING



PROVINCE OF ONTARIO
FIRM B.C.I.N. #30470
Sherman Hill B.C.I.N. #26938
B.C.I.N. CERTIFIED

"I have reviewed and take responsibility for the design activity related to this plan"

SITE PLAN PROPOSED

SCALE: 1" = 50'-0"

ATKINSON Home hardware building centre
731 Development Drive
Kingston, Ontario. K7M 4W6
Tel: (613) 389-6709
Fax: (613) 389-6710
© Copyright ATKINSON Home Building Centre

GOLDIE GARAGE ADDITION
1121a BEACH LANE
CRANBERRY LAKE SF

For: DVZ CONSTRUCTION

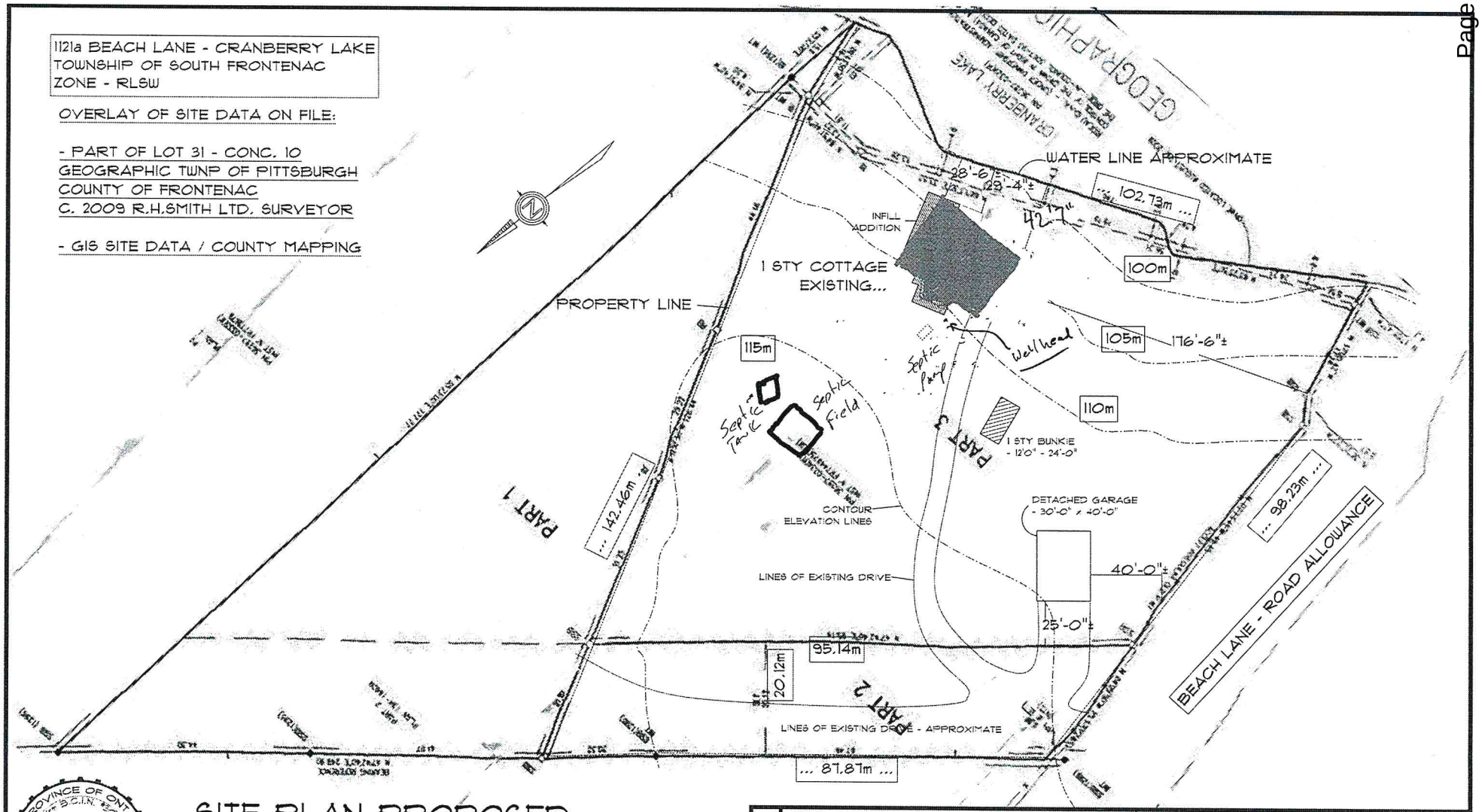
REVISION	DESIGNER	SCALE	DATE	DRAWING TITLE	DRAWING #	AREA
3D	Sherman Hill	1" = 50'-0"	April 4, 2023	Proposed Site Plan	1 of 1	

1121a BEACH LANE - CRANBERRY LAKE
TOWNSHIP OF SOUTH FRONTENAC
ZONE - RLSW

OVERLAY OF SITE DATA ON FILE:

- PART OF LOT 31 - CONC. 10
GEOGRAPHIC TWNP OF PITTSBURGH
COUNTY OF FRONTENAC
C. 2009 R.H.SMITH LTD. SURVEYOR

- GIS SITE DATA / COUNTY MAPPING



PROVINCE OF ONTARIO
Firm B.C.I.N. 20470
Sherman Hill B.C.I.N. 26198
B.C.I.N. CERTIFIED

"I have reviewed and take responsibility for the design activity related to this plan"

SITE PLAN PROPOSED

SCALE: 1" = 50'-0"

ATKINSON Home hardware building centre
731 Development Drive
Kingston, Ontario. K7M 4W6
Tel: (613) 389-6709
Fax: (613) 389-6710
© Copyright ATKINSON Home Building Centre

GOLDIE GARAGE ADDITION
1121a BEACH LANE
CRANBERRY LAKE SF

For: DVZ CONSTRUCTION

REVISION:	DESIGNER	SCALE	DATE	DRAWING TITLE	DRAWING #	AREA
3D	Sherman Hill	1" = 50'-0"	April 4, 2023	Proposed Site Plan	1 of 1	


128.1 Ft²
D
128.1 Ft²
Laundry
216.2 Ft²
Family Room
WH
DW
117.5 Ft²
Bedroom 2
72.2 Ft²
Bedroom1
Kitchen
Bedroom 3
300.1 Ft²
Storage
772.2 Ft²
Dining room
Living Room



P. 877-GO-2-LOGS
P. 705-738-5131
F. 705-738-5283
E. operations@confederationloghomes.com
www.facebook.com/1867CLTF
W. www.confederationloghomes.com
P.O. BOX 9
BOBCAYGEON,ON
K0M 1A0

11/2/2023

WARREN & TRACEY GOLDIE RESIDENCE

J#23-124-04



11/2/2023

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P. 705-738-5131
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J#23-124-04



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J#23-124-04

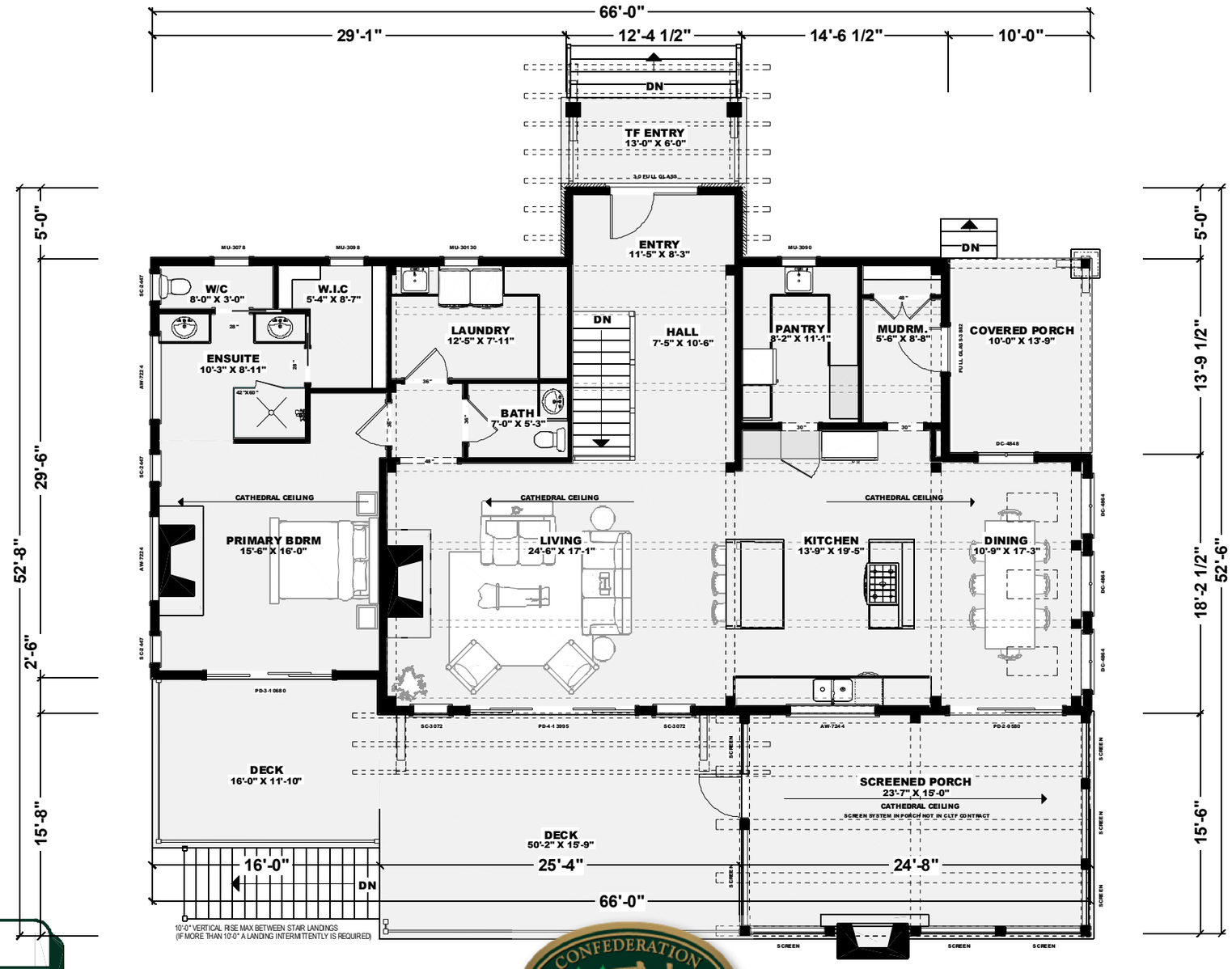


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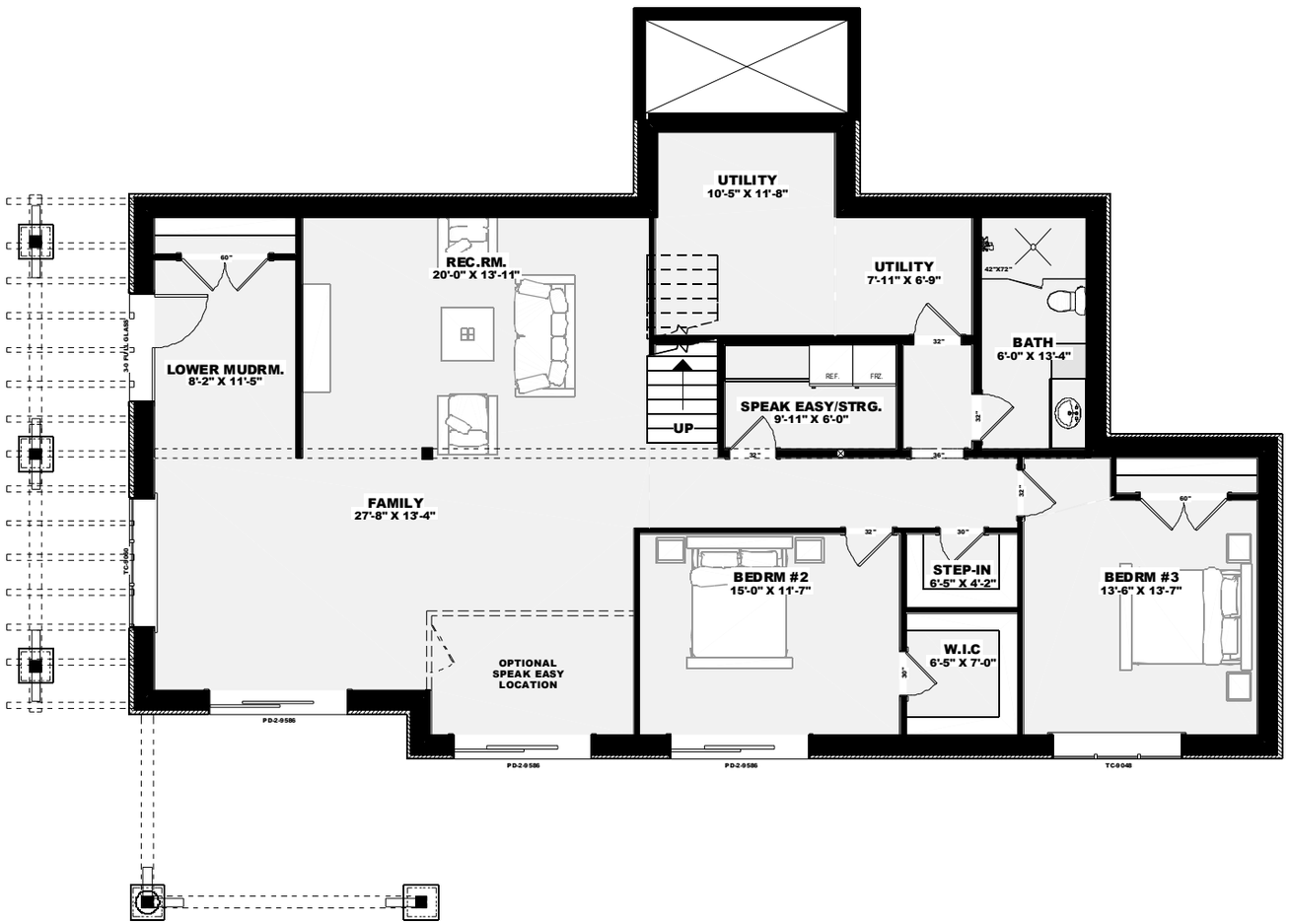
WARREN & TRACEY GOLDIE RESIDENCE

J#23-124-04



MAIN FLOOR PLAN

LIVING AREA = 1955 SQ.FT



LOWER FLOOR PLAN

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F. 705-738-5283
E. operations@confederationloghomes.com
www.facebook.com/1867CLTF
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K0M 1A0

11/2/2023

WARREN & TRACEY GOLDIE RESIDENCE

J#23-124-04

CONCORD ENGINEERING

755 Baker Crescent
Kingston, ON K7M 6P5
Ph: (613) 634-4357
Fax: (613) 634-4353
Email: concorde@kos.net

July 7, 2023

WARREN GOLDIE
1121A BEACH LANE
SEELEYS BAY ON K0H 2N0

RE: SLOPE AND EROSION ASSESSMENT
1121A BEACH LANE
SOUTH FRONTENAC, ONTARIO
OUR REFERENCE NO. 23-0620

1.0 INTRODUCTION:

This letter reports the results of a geotechnical assessment carried out at the above captioned property. The subject property includes waterfront on Cranberry Lake. Cranberry Lake is located within the Cataraqui River watershed about 30 km northeast of the City of Kingston as part of the Rideau Canal System. This assessment is intended to assess the natural hazards to the property, based on site visit conducted on July 4th, 2023, premised on a 100-year serviceability requirement under the provincial Natural Hazards Policy. For the purposes of this report the dwelling is considered to face north toward the lake.

2.0 BACKGROUND & OBSERVATIONS:

The site is located on the shore of Cranberry Lake and is accessed from Beach Lane. The subject lot features some 102 metres of waterfront with an area of approximately 2.6 hectares. The property is presently occupied by a dwelling with wood deck, bunkie, detached garage, and dock access. As outlined on the attached plot plan, reconstruction of an existing addition and deck are proposed at the east end of the dwelling. The site of the proposed work is located in an area that is separated from the waterfront by relatively steep (1:1) foreshore slope. Bedrock at the site is mapped as marble and soils are mapped as the rockland with the rocky phase of the Seeley's Bay silt loam mapped nearby.

The slope was surveyed using a 60-meter measuring tape and Spectra Precision LL500 self-leveling rotary laser level. A $^{5}/_{8}$"-diameter steel rod was used to sound the soils. The reaction to the probe is consistent with granular soil. Sound sandstone bedrock was exposed at the proposed building site. Bedrock elevations are plotted on the slope profile presented on **Drawing No. 1/1**.

3.0 DISCUSSION:

The property features a terrace overlooking a relatively steep foreshore and waterfront. Bedrock observed outcropping at the shoreline, on the foreshore and below the dwelling and at the proposed building site - and the general topography in the vicinity - indicates that the topography is controlled by the shallow Precambrian bedrock. Some curvature of the trunks is observed on the foreshore slope, indicating soil creep. There was no evidence of active erosion along the shoreline or on the foreshore slope.

Development setbacks for natural hazards are typically based upon a 100-year erosion allowance and stable slope geometry. The shoreline is fairly sheltered from the prevailing winds with a fetch length of approximately 2.5 kilometers to the southwest, consistent with the prevailing wind but oriented parallel to the shoreline. The bedrock at the site is resistant to erosion and stable at vertical slopes within the context of 100 years. The dwelling, proposed renovation/reconstruction, and access to the property are perched on a roadside terrace that is separated from the shoreline by bedrock and elevation.

The proposed renovation/reconstruction work will be founded on bedrock and setback as far as the existing dwelling. As outlined on **Drawing 1/1**, this will not change access to the property or slope. Maintenance of the slope will not be necessary for stability purposes.

The existing cottage is founded on bedrock, the Precambrian bedrock at the site is stable at slopes of greater than 1V:1H, and 0.3 metres would be a conservative allowance for bedrock erosion at the toe of the escarpment. Reference to **Drawing 1/1** indicates application of the stable bedrock slope geometry and a buffer of 2 metres in front of the dwelling. Applying a 0.3 allowance for erosion leaves 1.7 metres of bedrock in front of the dwelling which is not significantly different from the present state.

Sound excavation, grading and drainage practice should be observed at all stages of construction, and appropriate measures implemented to ensure that subgrade and excavation side-slope integrity are preserved.

No groundwater was observed at the time of the fieldwork. Excavation is not expected to advance below the surface of the groundwater table or bedrock, which are likely coincident during wet periods.

Footings bearing on the bedrock scaled and cleaned of weathered and disturbed material may be designed for an allowable bearing pressure of 750kPa. The bedrock is not regarded as frost susceptible. The slope of the bedrock surface appears to be relatively mild on the plateau. If sloping bedrock is encountered footings should be pinned using 16" lengths of 15M bar embedded 10" into the underlying bedrock – the frequency of dowels will depend on site conditions.

The granular soil once disturbed is considered prone to erosion. During construction control measures such as tarping any stockpiled excavation spoil or silt fencing set close to the crest of the slope are recommended. The performance of control measures should be monitored and additional efforts taken as warranted. Disturbed areas should be restored and seeded or replanted to promote re-growth, as soon as possible following completion of the work.

Eaves trough is recommended to preserve the grade adjacent the foundations. Discharge from eave trough downspouts should be directed away from the slope.

4.0 CONCLUSIONS:

The site is limited in extent, by sloping ground, granular soils and the adjacent lake. Recommendations are provided in this report to address these limitations as regards the proposed development of the property. We do not anticipate any problems with erosion or global slope stability from building or retaining works bearing on bedrock as described.

The results of this assessment support the opinion that the renovation/reconstruction of the proposed work will be founded on bedrock may be safely regulated by the site conditions, corresponding to the current location of the dwelling.

It is considered that the siting of the existing addition is in accordance with Section 3.1 of the Provincial Policy Statement as concerns sloping terrain.

We trust that this report is to your satisfaction. Should you have any questions or concerns regarding this submission, please contact our office.

Yours truly
CONCORD ENGINEERING

Carlos de los Santos

R. David Oliver, P.Eng.

Encl.



Photo 1 Shoreline access to dock.



Photo 2 Bedrock outcrop.foreshore below the cottage.

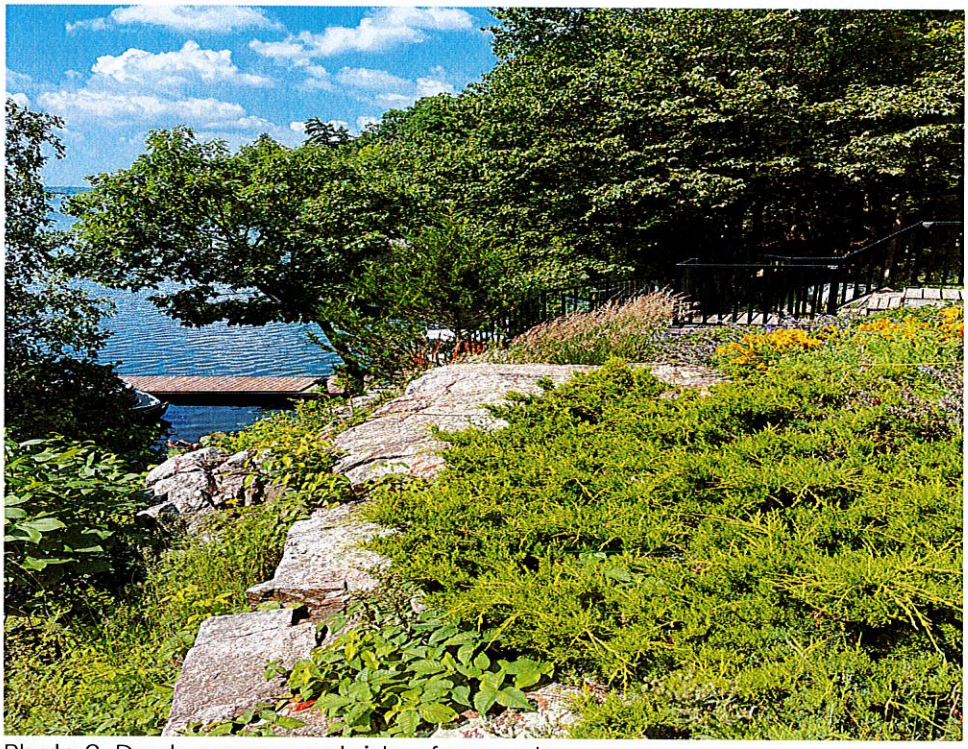


Photo 3 Dock access west side of property.



Photo 4 The slope features sparce vegetation and soil cover.



Photo 5 Terrace between dwelling and foreshore slope.



Photo 6 Proposed building repair/reconstruct site at the east end of the dwelling on exposed bedrock.



Photo 7 Existing foundation at proposed building site.



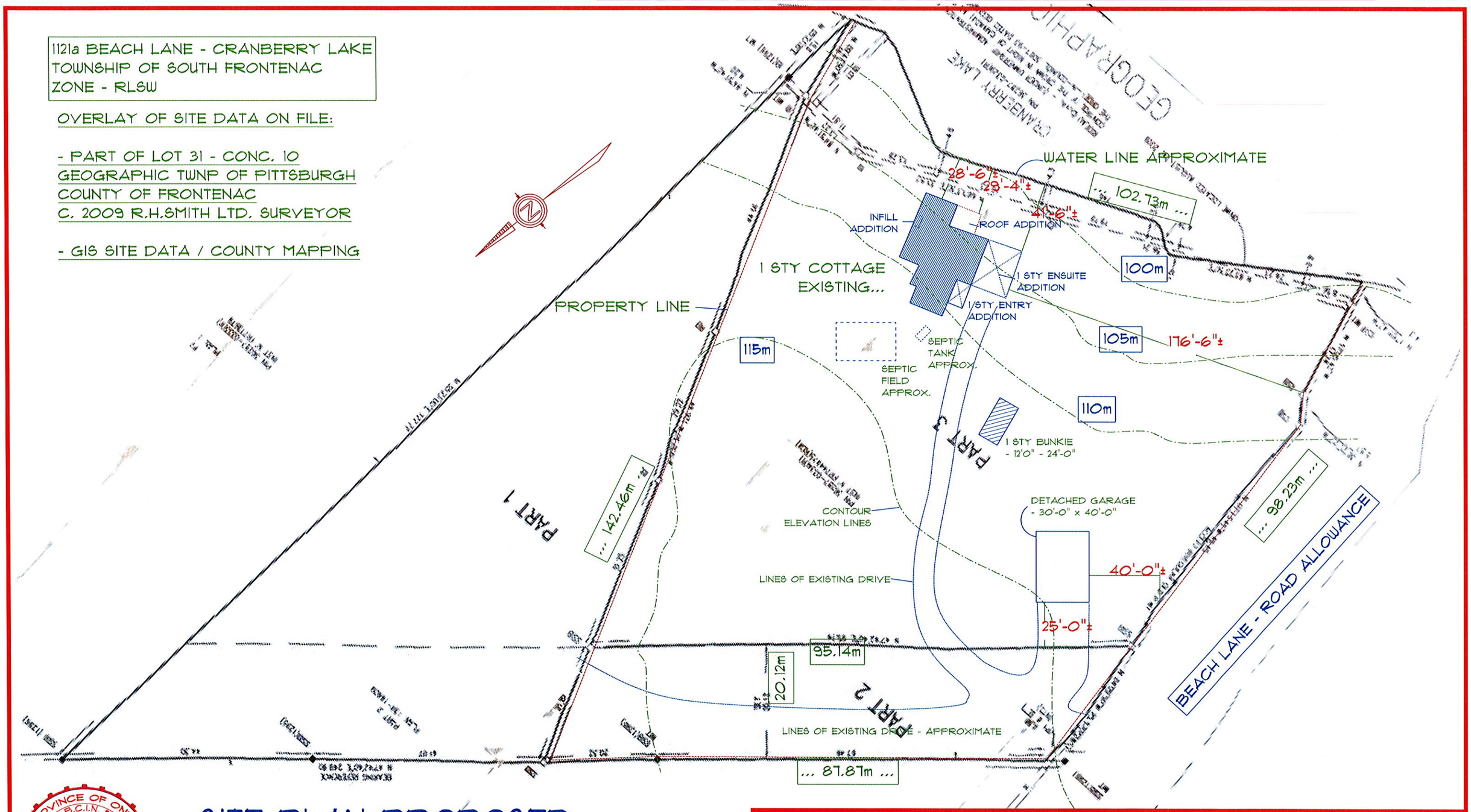
Photo 8 Existing foundation on bedrock.

1121a BEACH LANE - CRANBERRY LAKE
TOWNSHIP OF SOUTH FRONTENAC
ZONE - RLSW

OVERLAY OF SITE DATA ON FILE:

- PART OF LOT 31 - CONC. 10
GEOGRAPHIC TWNP OF PITTSBURGH
COUNTY OF FRONTENAC
C. 2009 R.H.SMITH LTD. SURVEYOR

- GIS SITE DATA / COUNTY MAPPING



SITE PLAN PROPOSED

SCALE: 1" = 50'-0"

PROVINCE OF ONTARIO
Firm B.C.I.N. #30420
Sherman Hill B.C.I.N. #26198
B.C.I.N. CERTIFIED

"I have reviewed and take responsibility for the design activity related to this plan"

ATKINSON Home hardware building centre

731 Development Drive
Kingston, Ontario. K7M 4W6
Tel: (613) 389-6709
Fax: (613) 389-6710

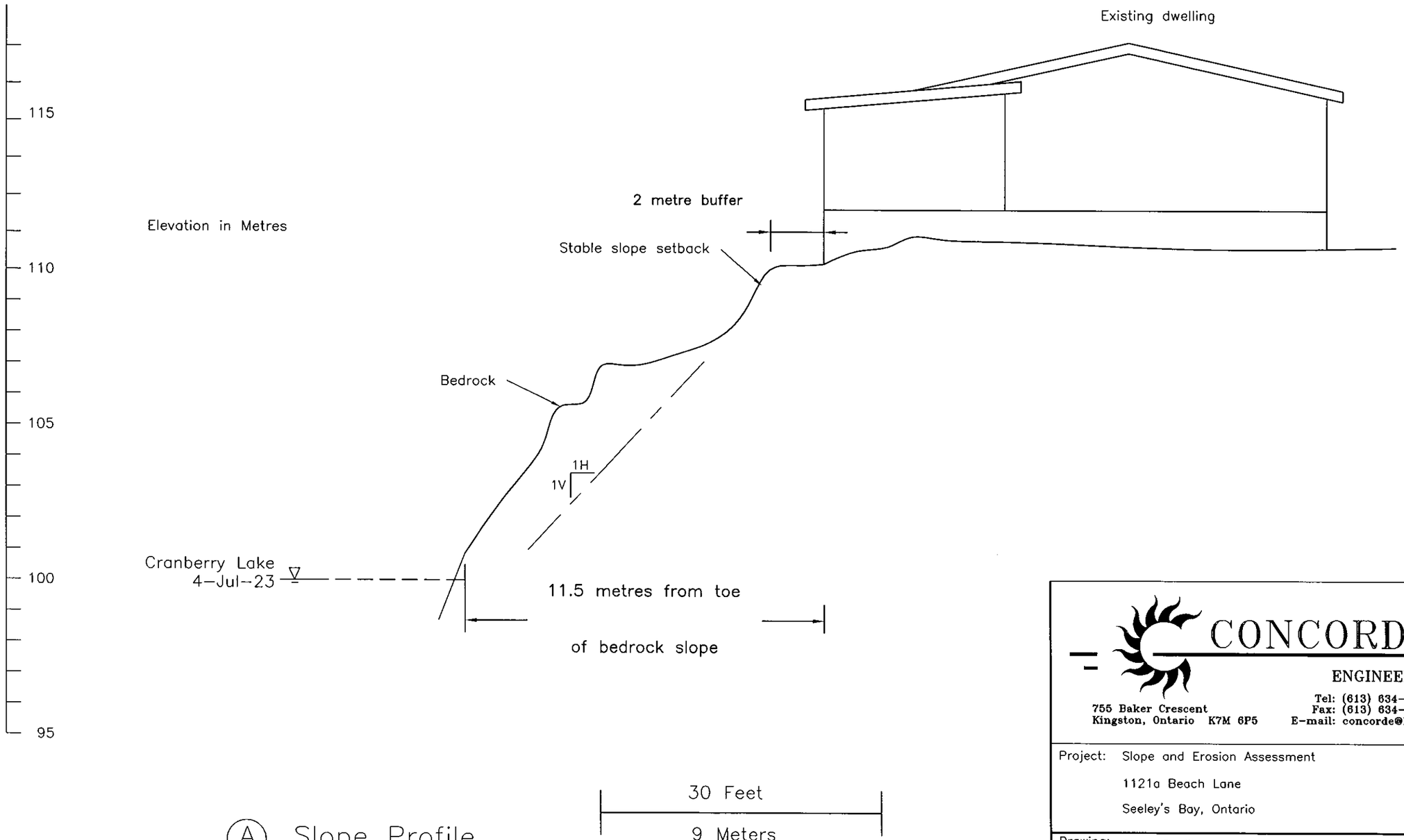
© Copyright ATKINSON Home Building Centre

GOLDIE GARAGE ADDITION
1121a BEACH LANE
CRANBERRY LAKE SF

For: DVZ CONSTRUCTION

REVISION:	DESIGNER	SCALE	DATE	DRAWING TITLE	DRAWING #	AREA
3D	Sherman Hill	1" = 50'-0"	April 4, 2023	Proposed Site Plan	1 of 1	

Ref.No.: 23-0620
Report No. 1
Drawing No. 1/1



Ⓐ Slope Profile

CONCORD
ENGINEERING
755 Baker Crescent
Kingston, Ontario K7M 6P5
Tel: (613) 634-4357
Fax: (613) 634-4353
E-mail: concorde@kos.net

Project:	Slope and Erosion Assessment 1121a Beach Lane Seeley's Bay, Ontario		
Drawing:	Slope Profile		
Client:	Warren Goldie		
Designer:	Dwn by: CS	Chd by:	Date: 5-Jul-23

Rideau Waterway Development Review Team

November 28, 2023 File: MV/FRS/278/2023

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 Permission PL-ZNA-2023-0126 (Goldie)
Pt Lot 31, Concession 10; 1121a Beach Lane
Storrington District, Township of South Frontenac
Waterbody: Cranberry Lake

The Rideau Waterway Development Review Team (RWDRT), made up of staff from Cataraqui Conservation and Parks Canada, has reviewed the above-noted application for permission, and provide the following comments for the Committee of Adjustment's consideration. The site was visited by Cataraqui Conservation staff on June 15, 2023.

Proposal

The proposal involves a request for permission to enlarge an existing legal nonconforming use and structure. Specifically, the applicant is seeking to tear down and rebuild the existing residential dwelling mostly within the same footprint, with a larger ground floor area. The permission is requested to:

- Reduce the required setback from the highwater mark from 30 metres, as required by Section 5.8.2.a) of the South Frontenac Zoning By-law, to 8.7 metres to permit the construction of the dwelling expansion.

Site Description

The property is located on the north shore of Cranberry Lake. The topography of the property can be described as having a very high bedrock bank along the shoreline of the lake, then continuing to rise slowly toward the north end of the lot.

The property is designated 'Rural' in the Official Plan and is zoned 'Limited Service Residential - Waterfront' (RLSW) in the implementing Zoning By-law.

Discussion

The main interests of the RWDRT in this application are the avoidance of natural hazards associated with the shoreline of Cranberry Lake (e.g. flooding and erosion) and the conservation of the cultural and natural heritage and scenic values of the Rideau Canal National

Historic Site and UNESCO World Heritage Site.

Natural Hazards

Flooding: The maximum recorded water level for Cranberry Lake is 98.95 metres geodetic. For Cranberry Lake, the highest recorded water level is used in lieu of an engineered flood plain. Cataraqui Conservation's Guidelines for Implementing Ontario Regulation 148/06 (see description below) requires that all development be set back a minimum of 6 metres from the regulatory floodplain of a waterbody. Based upon elevation mapping data and site observations, the proposed development will be located outside of the setback from the regulatory flood plain.

Erosion: Section 5.8.2.b) of the Zoning by-law requires that no building or structure or septic tank installation shall be located within 15 metres horizontal of the top of bank of any embankment, the slope of which is greater than 30% from horizontal. The applicant has completed a Slope Stability Assessment (Concord Engineering Inc., July 7, 2023) which states that the extent of the erosion hazard can be taken as a sum of an allowance for toe erosion (0.3 metres), a stable slope allowance of 1(h):1(v), plus 0 metres for the access allowance, since the proposal to maintain the current setback as the existing dwelling "will not change access to the property or slope. Maintenance of the slope will not be necessary for stability purposes." The report also recommends the following mitigation measures:

1. Sound excavation, grading, and drainage practice should be observed at all stages of construction, and appropriate measures implemented to ensure that subgrade and excavation side-slope integrity are preserved.
2. If sloping bedrock is encountered footings should be pinned using 16" lengths of 15M bar embedded 10" into the underlying bedrock – the frequency of dowels will depend on site conditions.
3. During construction, control measures such as tarping any stockpiled excavation spoil or silt fencing set close to the crest of the slope are recommended. The performance of control measures should be monitored, and additional efforts taken as warranted. Disturbed areas should be restored and seeded or replanted to promote re-growth, as soon as possible following completion of the work.
4. Eaves trough is recommended to preserve the grade adjacent to the foundations. Discharge from eave trough downspouts should be directed away from the slope.

Due to the stable slope, Cataraqui Conservation's Guidelines for Implementing O. Reg. 148/06 typically require all new development to be set back at least 4-6 metres from the top of bank. The purpose of this setback is to ensure that regular maintenance or repair of buildings and structures, or bank stabilization and shoreline protection works, can occur, and that emergency personnel have the ability to access shoreline areas.

The topography of the slope varies along the shoreline. Portions of the eastern side of the existing dwelling are situated on the slope face itself, and portions of the dwelling on the western side meet the 4 metre top of bank setback. Access to the shoreline is already encumbered due to the existing stairs to the west and continuous slope to the east, and staff recognize that there is limited opportunity to move the dwelling further back from the shoreline, due to the location of the well and septic system to the north of the existing dwelling.

Overall, provided the existing setback from the water is maintained, staff are satisfied that the proposed rebuild will be located outside the extent of the immediate erosion hazard, and will not aggravate the erosion hazard by further impeding access to the shoreline. The Slope Stability

Assessment has provided a satisfactory assessment of the extent of the erosion hazard as it relates to the proposed development. **Staff recommend that the recommendations numbered above be implemented through a development agreement registered on title as a condition of permission approval. Staff also recommend the maintenance and enhancement of a healthy buffer of native vegetation between all buildings/structures and the water, to help stabilize soils into the long-term.**

Heritage Values of the Rideau Canal

The subject property is located on 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 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.

Due to site constraints, the proposal maximizes the setback from the water and has been designed to complement the local landscape. 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

The RWDRT has no objection to the approval of application PL-ZNA-2023-0126 based on our review of natural hazards and cultural and natural heritage protection policies, provided the following:

- That the above construction recommendations numbered 1-4 be implemented through a development agreement to be registered on title.

We also recommend implementation of the above-noted best practice measures (in bold text) and advise the applicant that a CRCA permit will be required at the building permit stage.

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 Cranberry Lake, within 15 metres of the top of bank of the shoreline is subject to O. Reg. 148/06. **Therefore, a CRCA permit will be required for the reconstruction of the dwelling. 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
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:	December 14, 2023
Subject:	**Permission Application (S. 45(2) of the *Planning Act*), PL-ZNA-2023-0126, Goldie, 1121A Beach Lane, Storrington District**

Summary

This report recommends that the Committee of Adjustment grant approval of this application for permission to enlarge a legal non-complying 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 Cranberry Lake.

Related Applications

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

Discussion

Property Description

The subject property is a lot of record measuring at 1.04Ha in area with approximately 100m of frontage on the north shore of Cranberry Lake. The subject property is developed with a 1606.2sqft (149.2sqm) single dwelling with 804sqft (74.7sqm) attached deck and a detached garage and bunkie. The existing dwelling is setback 8.7m from the highwater mark of Cranberry Lake. The topography of the property can be described as having a very high bedrock bank along the shoreline of the lake, then continuing to rise slowly towards the north end of the lot. The existing dwelling is setback 2m from the stable top of bank. With the

exception of the developed area around the existing dwelling, the subject property is well vegetated. The bedrock slope just to the south of the existing dwelling features some vegetation but lacks mature deep-rooted trees due to shallow soil. The surrounding area is characterized by similar limited service residential and agricultural land uses.

Summary of Proposal

To request permission under section 45(2) of the *Planning Act* to enlarge the legal non-conforming use located within 30m of Cranberry Lake. The subject property is currently developed with 1606.2sqft (149.2sqm) one-storey dwelling with unfinished crawlspace, and 804sqft (74.7sqm) attached deck, setback 8.7m from the highwater mark of Cranberry Lake. The applicant is proposing to replace the existing structure with a new one-storey dwelling with a walkout basement. The proposed dwelling will be built mostly within the footprint of the existing, increasing from 223.9sqm to 358sqm. The proposed structure would facilitate an increase in gross floor area to 5047sqft (469sqm) and a decrease in height from 25.5ft (7.8m) to 20.5m (6.25m). The proposed dwelling would maintain the same setback from the highwater mark of Cranberry Lake as the existing (8.7m). Additionally, the proposed structure would not comply with the minimum 15m setback from the top of bank and will maintain the same setback as the existing dwelling (2m).

Supporting Documentation

A slope and erosion assessment (Concord Engineering, July 7, 2023) was submitted in support of the application. The report concluded that the proposed development would be founded on bedrock. For this reason, Concord Engineering do not anticipate any problems with erosion or global slope stability from building or retaining works bearing on bedrock. Additionally, it is stated that the proposed development may be safely regulated by the site conditions, corresponding to the current location of the dwelling. Finally, Concord Engineering included a series of recommendation to be implemented during construction.

Department and Agency Comments

Rideau Waterway Development Review Team submitted their comments in a letter dated November 28,2023. The review team cited no objection to the approval of the application. Additionally, the review team provided comments on the slope and erosion assessment submitted in support of the application, and concluded it was satisfactory. Additionally, it was also recommended that the recommendations outlined in the submitted assessment be implemented through a development agreement registered on the title of the property. Finally, it was acknowledged that the proposed development is within the area regulated by O. Reg 148/06. Therefore, a CRCA permit will be required to permit the proposed development.

Building Services conducted an informal review of the existing sewage system to confirm its capacity to accommodate the proposed development. The existing system had recently

been replaced to accommodate a different development proposal on the subject property. As such, staff determined that the existing system was adequate.

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 dwelling is a permitted use within 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 is a legal non-conforming use as it was constructed prior to the current Zoning By-law. The existing dwelling has a ground floor area and a gross floor area of 2410.2sqft (223.9sqm) and is setback 8.7m from the highwater mark of Cranberry Lake, and 2m from the stable top of bank.

The proposed enlargement would involve the removal of the existing dwelling, in favour of a new dwelling. The proposed dwelling would be constructed mostly within the footprint of the existing but will increase ground floor area to 3278sqft (304.5sqm). The proposed enlargement would facilitate an increase in gross floor area to 5277.1sqft (490.3sqm), and a decrease in height to 20.5ft (6.25m). The proposed dwelling will maintain the same highwater mark setback (8.7m) and top of bank setback (2m) as the existing dwelling. For reference, the proposed dwelling is to be re-oriented. Therefore, the front corner would maintain the existing setback, with the remainder of the dwelling improving on the existing.

Proposals to enlarge a legal non-conforming use are not required to demonstrate conformity with Official Plan policy or compliance with Zoning By-law requirements. However, planning staff are permitted to consider potential impacts, as well as the desirability of the proposal for the appropriate development or use of the land. The proposed dwelling is to maintain the highwater mark setback as the existing dwelling (8.7m). As such, it is unlikely that the proposed dwelling would have a greater impact on the environmental quality of Cranberry Lake than the existing. Additionally, recommended runoff control measures and maintenance of a healthy shoreline buffer will minimize any potential negative impacts. It is also unlikely that the proposed development would negatively impact surrounding properties or the rural character of the area. This scale and density of development is not out of character for the neighbourhood. Further, the proposed dwelling will be decreasing in height and would likely be less visible from Cranberry Lake than the existing. The proposed enlargement is also

desirable for the appropriate development of the land. The existing dwelling has deteriorated in quality with age. For example, the portion of the dwelling facing Cranberry Lake is supported by wooden stiles and concrete cinderblocks, and its exterior is significantly weathered. Therefore, the proposed dwelling provides an opportunity to replace the existing structure with a safer alternative. As such, Township Planning Staff interpret the proposed enlargement as an improvement over the existing conditions of the subject property.

It is the opinion of Township Planning Staff that it is appropriate for the Committee of Adjustment to grant permission to enlarge the legal non-conforming use 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-2023-0126 for 1121A Beach Lane, subject to the following conditions.

1. Permission is granted to enlarge the legal non-conforming dwelling on the subject property. The dwelling may be enlarged to a gross floor area of 5047sqft (469sqm) and a height of 20.5ft (6.25m), setback 8.7m from the highwater mark of Cranberry Lake. The footprint of the enlarged dwelling is also permitted to be 3850sqft (358sqm). The location and dimensions of the proposed dwelling must be consistent with the plot plans and drawing submitted by the applicant, 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 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. A natural vegetated buffer must be maintained in its natural state within 30 metres of the shoreline.

d. The recommendations outlined in the "Slope and Erosion Assessment" (Concord Engineering, July 7, 2023) by implemented as follows:

    i. Sound excavation, grading, and drainage practice should be observed at all stages of construction, and appropriate measures implemented to ensure that subgrade and excavation side-slope integrity are preserved.

    ii. If sloping bedrock is encountered footings should be pinned using 16" lengths of 15M bar embedded 10" into the underlying bedrock – the frequency of dowels will depend on site conditions.

    iii. During construction, control measures such as tarping any stockpiled excavation spoil or silt fencing set close to the crest of the slope are recommended. The performance of control measures should be monitored, and additional efforts taken as warranted. Disturbed areas should be restored and seeded or replanted to promote re-growth, as soon as possible following completion of the work.

    iv. Eaves trough is recommended to preserve the grade adjacent to the foundations. Discharge from eave trough downspouts should be directed away from the slope.

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, RPP, MCIP, Senior Planner

SOUTH FRONTENAC

TOWNSHIP OF SOUTH FRONTENAC
APPLICATION FOR MINOR VARIANCE
OR PERMISSION (s. 45(2))
Updated June, 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 Application Fee:**
1-3 Variances	$1,230.00
4+ Variances	$1,445.00
After building without a permit	$2,206.00

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 Date of pre-consultation: Nov 16/23

1. Name of Owner(s): VERA ASANIN & WILLIAM WILMAN

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: 7 Lot Number: Part Lot 25

Street Number: 1023 Name of Road/Street: KOEN LANE

Reference Plan Number: RP 13R21794 Part Number(s): 1 3 and 4

Roll Number: 040-040-22205-0000

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

Frontage (on water): 761.12 Frontage (on road/lane): 761.12

Depth: _____ Area: 21.16 acres

5. The current zoning of the subject land:

R2

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

Permission to enlarge

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

Grandfathered Structure

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

OR a privately maintained road? ☑ Yes ☐ No

Name of Road/Lane:

KOEN 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.

NA

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

residential and agricultral

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:

	(1)	(2)	(3)	(4)
Type of Structure (E.g. residence)	house			
Setback from Front Lot Line	25m			
Setback from Rear Lot Line				
Setback from Side Lot Line				
Height of Building (Also indicate if it is one story or two story)	24 feet two-storey			
Dimensions of Floor Area				
Setback from High Water Mark (If applicable)	25m			

13. The proposed uses of the subject land:

residential and agricultural

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)** enclosure	**(2)** Greenhouse	**(3)**	**(4)**
Setback from Front Lot Line	25m	28m		
Setback from Rear Lot Line				
Setback from Side Lot Line				
✗ **Height of Building** (Also indicate if it is one story or two story)	12 feet	12 feet		
✗ **Outside Dimensions of Building/Structure & Area**	18' x 6' 108 ~~sq~~ sq feet	15' x 15' 225 sq ft		
✗ **Setback from High Water Mark (If applicable)**	25m	28m		

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:

July 28, 2023

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

estimated at 1870

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

unknown

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

individual well

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

individual septic system

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

NA

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 unknown

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

---

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

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

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

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

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

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

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

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-2023-0127 (ASANIN)

1023 KOEN 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

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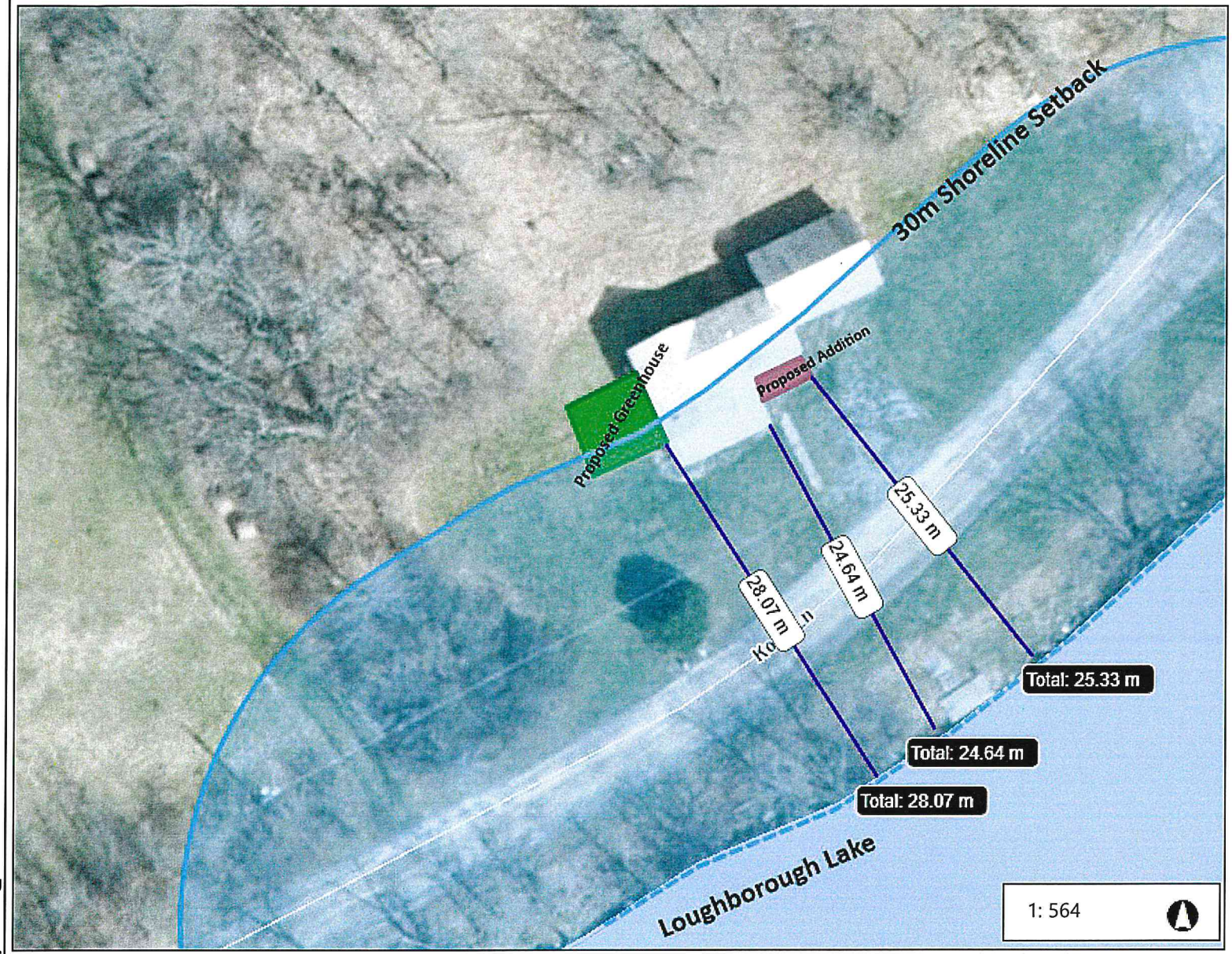
Scale: 1:3,500

0 35 70 140 m

UTM Zone 18 NAD 83

Date: 2023-11-21

FRONTENAC





Legend

Road
- Highway
- Major Road
- Secondary Road
- Ferry Route

Assessment Parcels

Waterbody

Notes

Permission to enlarge legal non-conforming use

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

FRONTENAC | 1023 Koen Lane





Legend

Assessment Parcels

Notes

1: 564

0 0 0.01 0.0 Kilometers

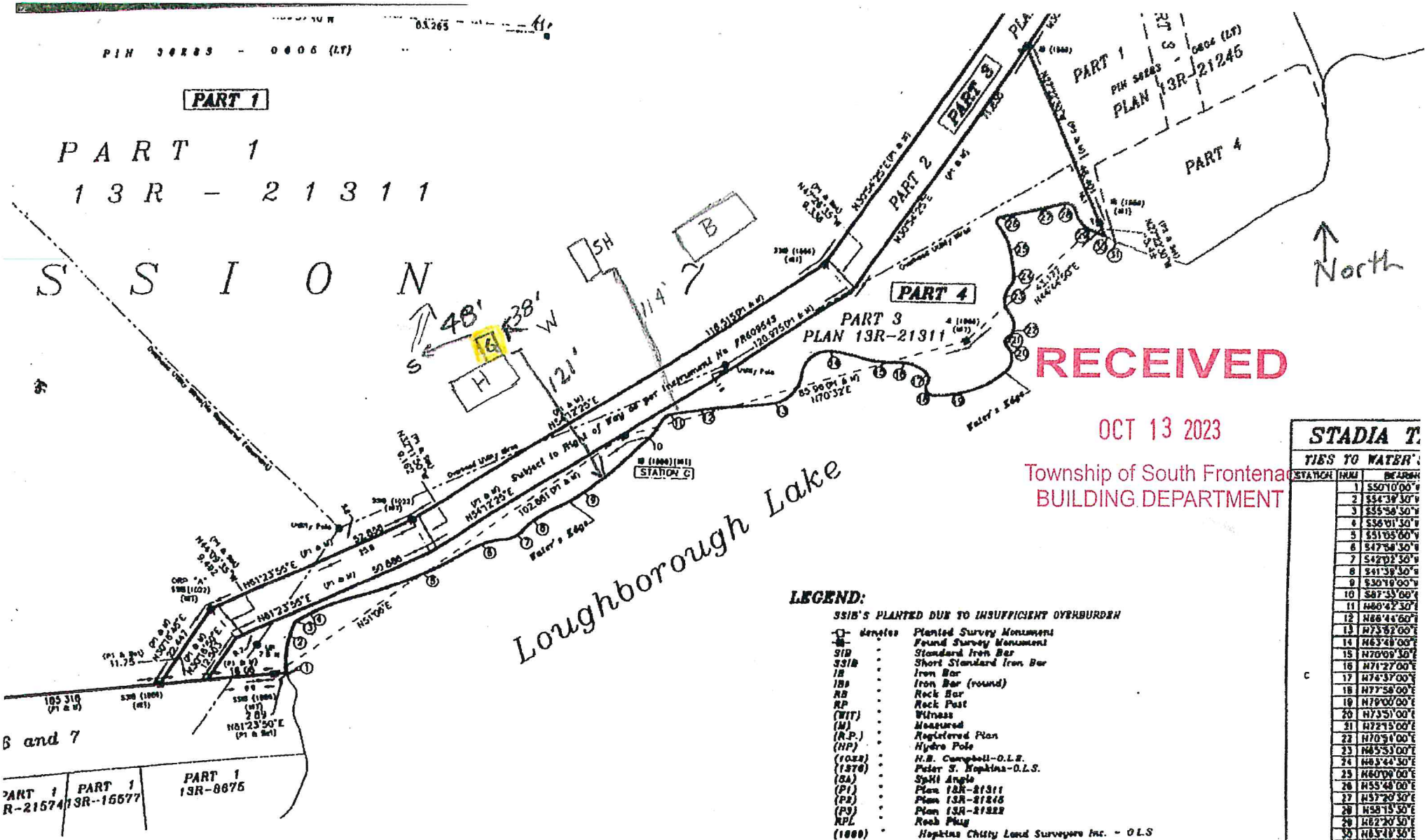
NAD_1983_CSRS_MTM_9

WGS_1984_Web_Mercator_Auxiliary_Sphere

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OCT 13 2023
Township of South Frontenac
BUILDING DEPARTMENT

LEGEND:

SSIB'S PLANTED DUE TO INSUFFICIENT OVERBURDEN

○	denotes	Planted Survey Monument
●		Found Survey Monument
SIB	:	Standard Iron Bar
SSIB	:	Short Standard Iron Bar
IB	:	Iron Bar
IBs	:	Iron Bar (round)
RB	:	Rock Bar
RP	:	Rock Post
(WIT)	:	Witness
(M)	:	Measured
(R.P.)	:	Registered Plan
(HP)	:	Hydro Pole
(1022)	:	N.B. Campbell-O.L.S.
(1376)	:	Peter S. Hopkins-O.L.S.
(SA)	:	Spike Angle
(P1)	:	Plan 13R-21311
(P2)	:	Plan 13R-21245
(P3)	:	Plan 13R-21322
RPL	:	Rock Plug
(1660)	:	Hopkins Chitty Land Surveyors Inc. - O.L.S
PWF	:	Post and Wire Fence

STADIA T

TIES TO WATER'

STATION	NUM	BEARIN
	1	S50°10'00"E
	2	S54°39'30"W
	3	S55°56'30"W
	4	S56°01'30"W
	5	S51°05'00"W
	6	S47°56'30"W
	7	S42°02'30"W
	8	S41°39'30"W
	9	S30°16'00"W
	10	S87°35'00"E
	11	N60°42'30"E
	12	N68°44'60"E
	13	N73°52'00"E
	14	N63°49'00"E
	15	N70°09'30"E
	16	N71°27'00"E
C	17	N74°37'00"E
	18	N77°58'00"E
	19	N79°00'00"E
	20	N73°51'00"E
	21	N72°15'00"E
	22	N70°01'00"E
	23	N65°53'00"E
	24	N63°44'30"E
	25	N60°09'00"E
	26	N55°48'00"E
	27	N53°20'30"E
	28	N58°15'30"E
	29	N62°20'30"E
	30	N63°49'30"E
	31	N64°45'30"E

S= septic
⇑ = weeping bed
H = House
W = well
B = Barn

SH = shed
G = garage (attached)
= Addition

RECEIVED
OCT 13 2023
Township of South Frontenac
BUILDING DEPARTMENT

PLAN of SURVEY of
PART of LOT 25, CONCESSION 7
Geographic Township of Loughborough
TOWNSHIP of SOUTH FRONTENAC
COUNTY of FRONTENAC
SCALE = 1:750

HOPKINS CHITTY LAND SURVEYORS INC.
-2018-

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.
DATE: JULY 16, 2018
PHIL R. CHITTY
ONTARIO LAND SURVEYOR

PLAN 13R-31794
RECEIVED AND DEPOSITED
DATE: July 18, 2018
Maria Limages
SIGNATURE
REPRESENTATIVE FOR LAND REGISTRAR FOR THE LAND TITLES DIVISION OF FRONTENAC (No.13)

SCHEDULE			
PART	LOT	CON.	PIN No.
1			
2	Part of 25	7	Part of 36283-0605 (LT)
3			
4			

PART 3 IS SUBJECT TO RIGHT OF WAY PER INSTRUMENT No. FR608543

LOT 24
PART 8 PLAN 13R - 18072
Travelled Road (Known as Kern Road)
PART 2
PART 1
PART 1 PLAN 13R - 21311
CONCESSION 7
LOT 25
Travelled Road (Known as North Shore Road)
PART 1 PLAN 13R - 21653
PART 2 13R-21653
PART 6 13R-21653
Edge of Marsh
PIN 36283 - 0606 (LT)
PLAN 13R-21311
PART 3
PART 2
PART 1
PLAN 13R-21245
PART 4
PART 3 PLAN 13R-21311
PART 4
PART 2
PLAN 13R-21322
PART 1
PIN 36283 - 0603 (LT)
Loughborough Lake
Road Allowance Between Concessions 6 and 7
PART 2
PART 1 PLAN 13R-18072
LOT 25 CONCESSION 6
PART 1 13R-21674
PART 1 13R-10597
PART 1 13R-8676

N

BEARINGS ARE UTM GRID, DERIVED FROM THE WESTERLY LIMIT OF PART 1 13R-21311 HAVING A BEARING OF N1°06'10"E UTM ZONE 18 (76° WEST LONGITUDE) NAD83 (CSRS) (1997.0) AND BEING DESIGNATED HEREON AS "REFERENCE BEARING"

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLICTION BY THE COMBINED SCALE FACTOR OF 0.99974.

DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

TIES TO WATER'S EDGE ARE PERPENDICULAR TO TRAVERSE LINE UNLESS OTHERWISE NOTED

OBSERVED REFERENCE POINTS (ORP'S) DERIVED FROM GPS OBSERVATIONS USING PRECISE POINT POSITIONING (PPP) SOLUTION. UTM ZONE 18, NAD83 (CSRS) (1997.0)
COORDINATES TO RURAL ACCURACY PER SEC. 14(2) OF O.REG. 216/10

POINT ID	NORTHING	EASTING
ORP A	4921452.05	355458.06
ORP B	4921698.81	355480.25

COORDINATES CANNOT, IN THEMSELVES BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

LEGEND:
SIB'S PLANTED DUE TO INSUFFICIENT OVERBURDEN

⊕	Denotes	Planted Survey Monument
SIB	-	Found Survey Monument
SSIB	-	Standard Iron Bar
SIB	-	Short Standard Iron Bar
IB	-	Iron Bar
IBR	-	Iron Bar (round)
RB	-	Rock Bar
RP	-	Rock Post
(T)	-	Witness
(M)	-	Measured
(R.P.)	-	Registered Plan
(WP)	-	Wash Pole
(1606)	-	N.S. Compass-O.L.S
(1870)	-	Tudor H. Hopkins-O.L.S
(SA)	-	Spiral Angle
(P1)	-	Plan 13R-21311
(P2)	-	Plan 13R-21245
(P3)	-	Plan 13R-21322
MPC	-	Mark Post
(1888)	-	Hopkins Chitty Land Surveyors Inc. - O.L.S
PWF	-	Post and Wire Fence

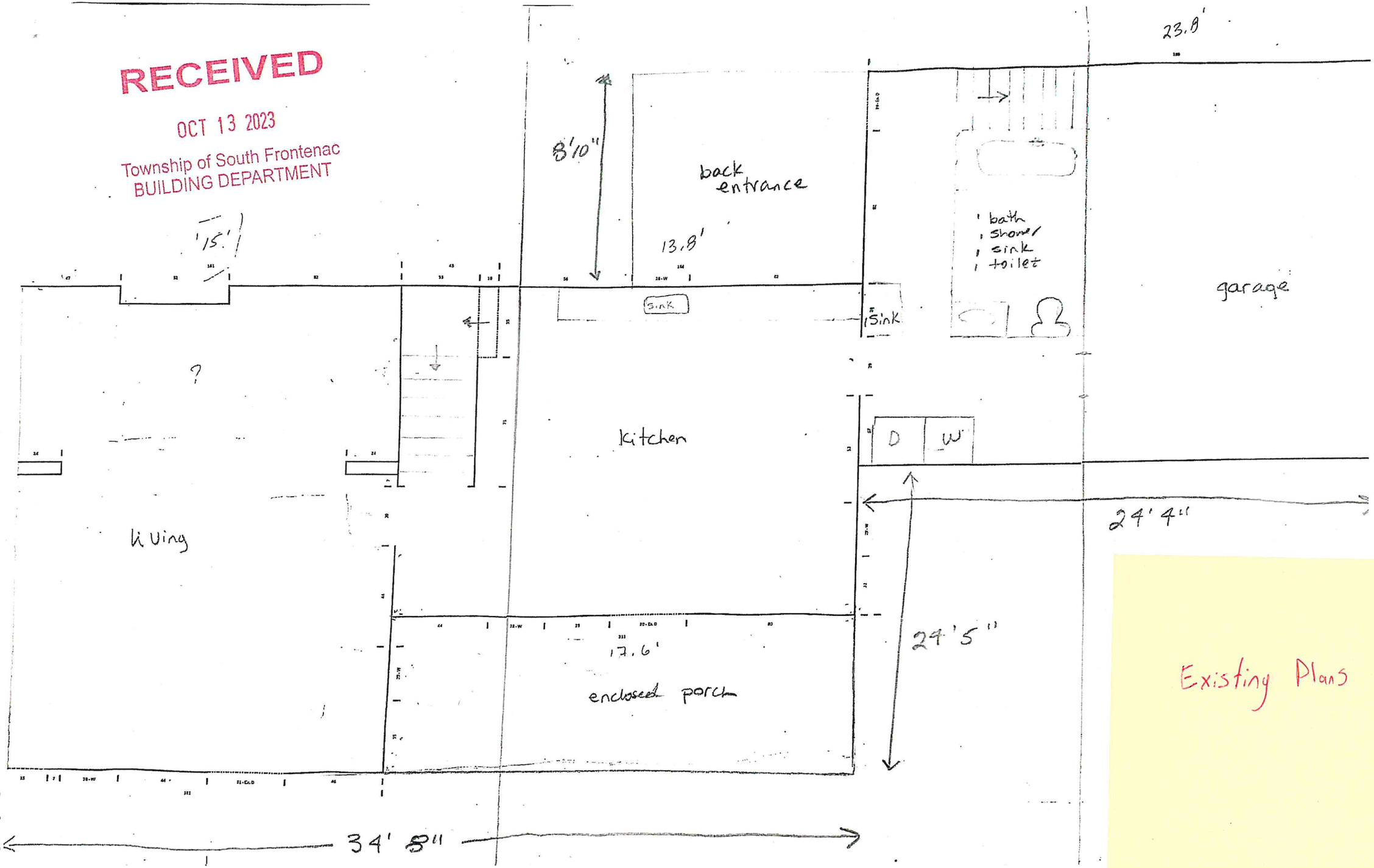
STADIA TABLE
TIES TO WATER'S EDGE

STATION	INCR	BEARING	DISTANCE
1		S83°05'30"W	100.00
2		S83°05'30"W	91.40
3		S83°05'30"W	41.74
4		S83°05'30"W	68.10
5		S83°05'30"W	34.40
6		S83°05'30"W	43.57
7		S83°05'30"W	32.44
8		S83°05'30"W	20.32
9		S83°05'30"W	17.15
10		S83°05'30"W	5.84
11		S83°05'30"W	13.15
12		S83°05'30"W	19.75
13		S83°05'30"W	27.72
14		S83°05'30"W	43.94
15		S83°05'30"W	63.59
16		S83°05'30"W	82.54
17		S83°05'30"W	93.75
18		S83°05'30"W	74.48
19		S83°05'30"W	82.54
20		S83°05'30"W	93.75
21		S83°05'30"W	84.56
22		S83°05'30"W	84.56
23		S83°05'30"W	93.75
24		S83°05'30"W	88.77
25		S83°05'30"W	100.84
26		S83°05'30"W	93.75
27		S83°05'30"W	100.84
28		S83°05'30"W	107.91
29		S83°05'30"W	114.97
30		S83°05'30"W	122.04
31		S83°05'30"W	129.11
32		S83°05'30"W	136.18
33		S83°05'30"W	143.24
34		S83°05'30"W	150.31
35		S83°05'30"W	157.38

SURVEYOR'S CERTIFICATE:
I CERTIFY THAT:
1. This Survey and Plan are correct and in accordance with the SURVEYS ACT, the SURVEYORS ACT, and the LAND TITLES ACT and the REGULATIONS made under them.
2. The SURVEY was completed on the 10th day of July, 2018
HOPKINS CHITTY LAND SURVEYORS INC.
DATE: JULY 16, 2018
PHIL R. CHITTY - O.L.S

HCS
HOPKINS CHITTY LAND SURVEYORS INC.
Ontario Land Surveyors
www.hopkinsclitty.com
624-626 ARAGON COURT, KINGSTON, ONTARIO K7M 3B8
Tel (613) 634-3200 Fax (613) 634-3211
PROJECT No. 2018-143
LOTS 25, CONCESSION 7
TOWNSHIP OF SOUTH FRONTENAC

RECEIVED
OCT 13 2023
Township of South Frontenac
BUILDING DEPARTMENT

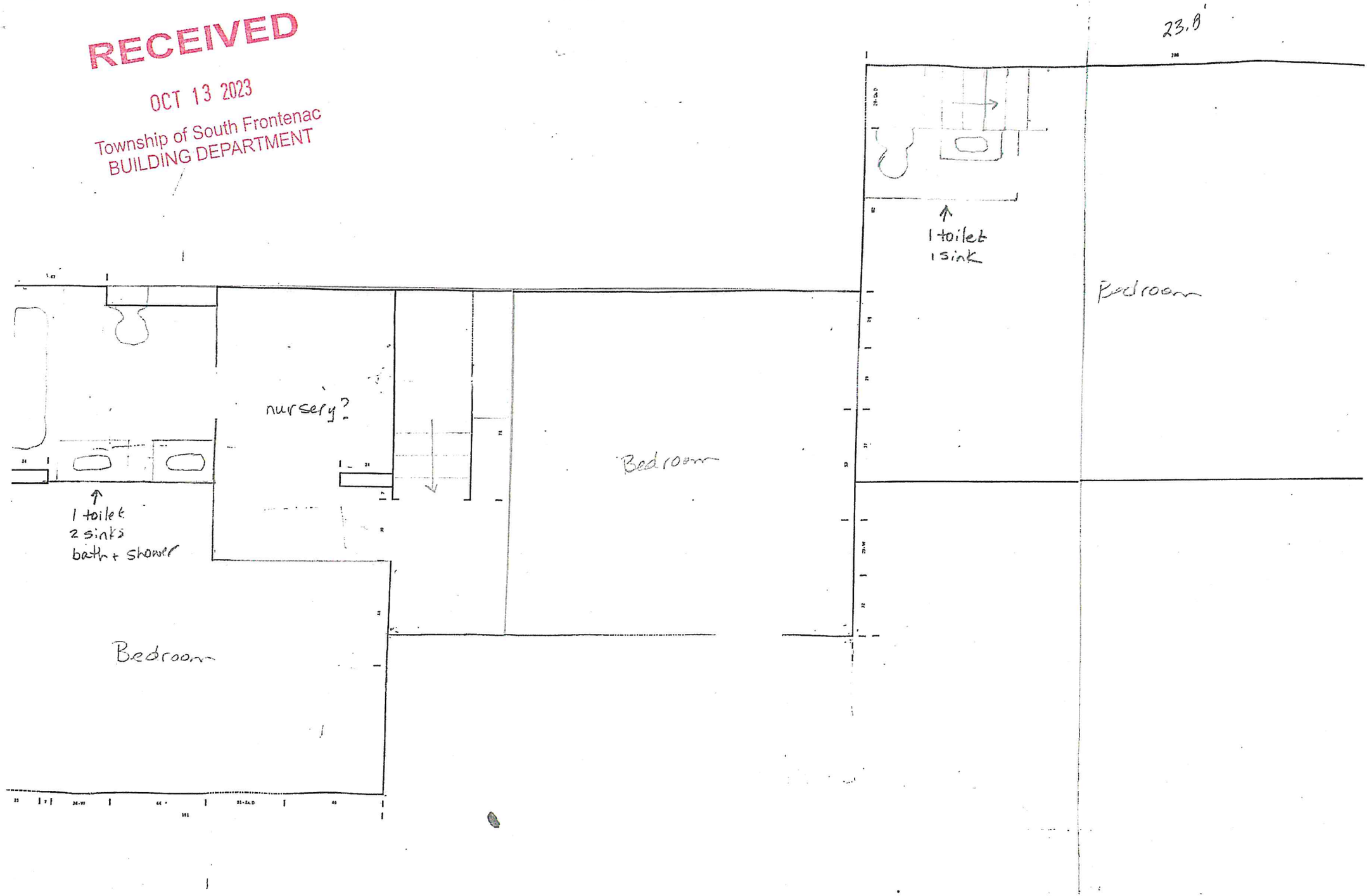


Existing Plans

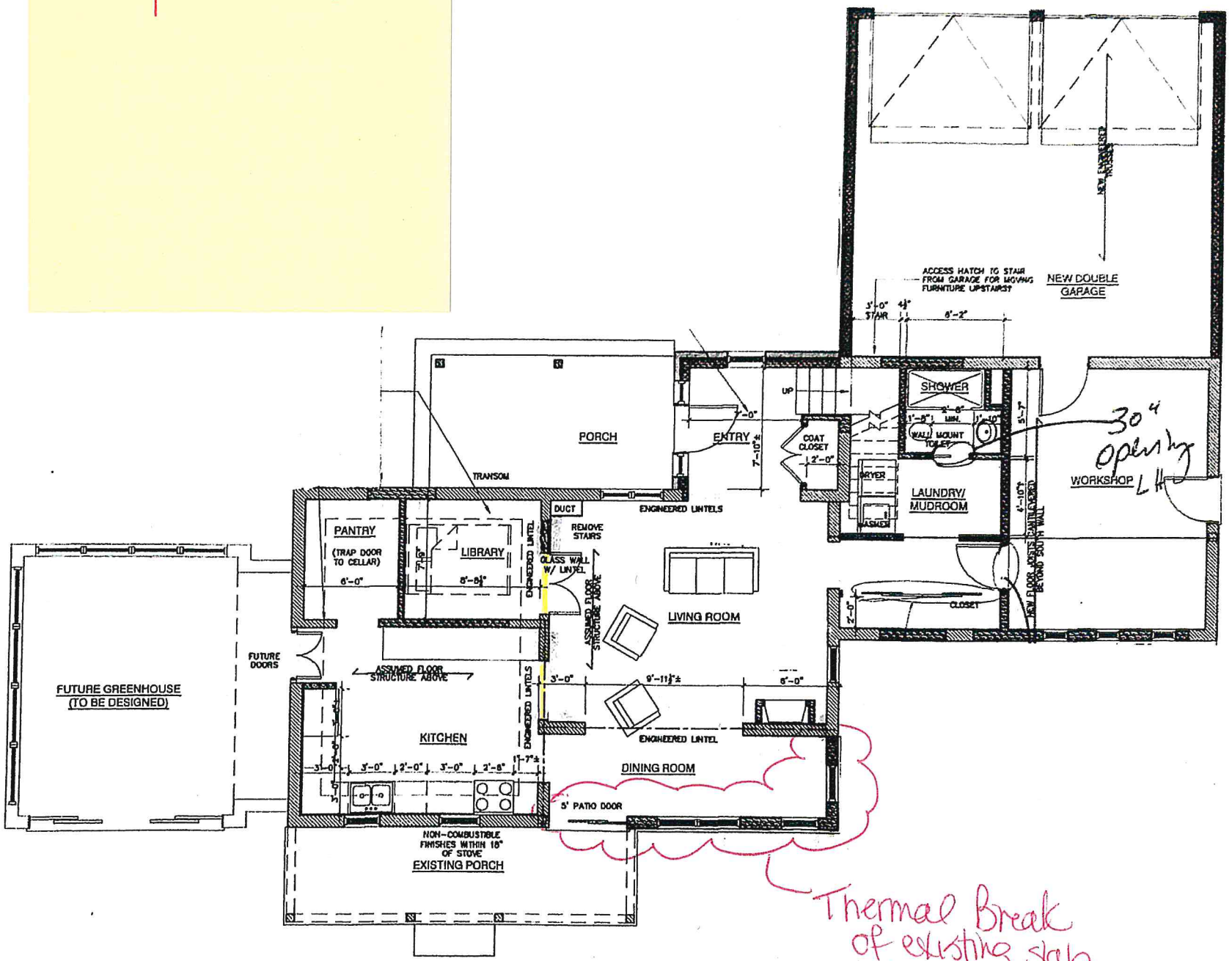
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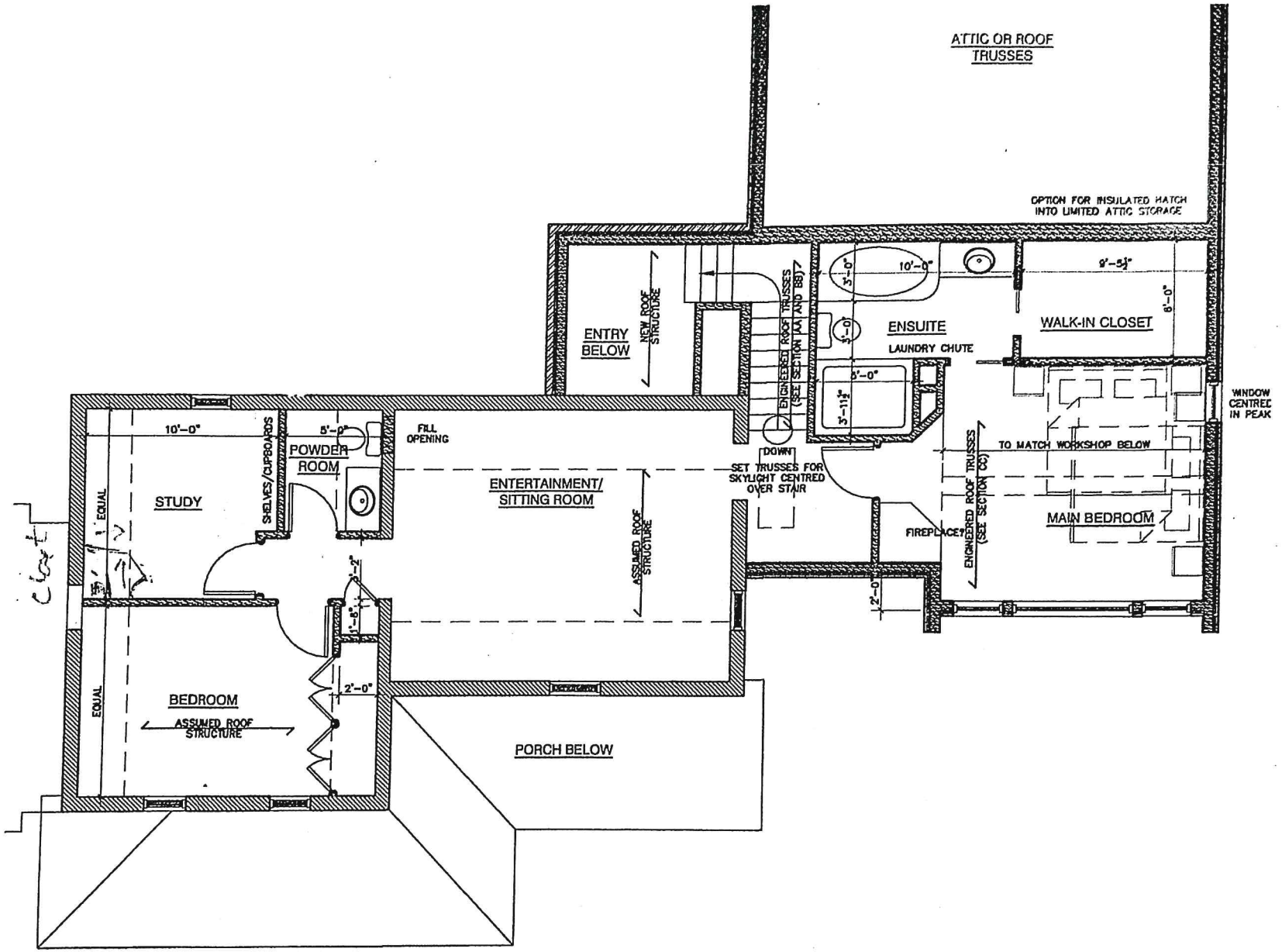
OCT 13 2023

Township of South Frontenac
BUILDING DEPARTMENT



Proposed Plans




ATTIC OR ROOF TRUSSES
OPTION FOR INSULATED HATCH INTO LIMITED ATTIC STORAGE
ENTRY BELOW
NEW ROOF STRUCTURE
ENGINEERED ROOF TRUSSES (SEE SECTION AA AND BB)
ENSUITE
LAUNDRY CHUTE
WALK-IN CLOSET
WINDOW CENTRED IN PEAK
TO MATCH WORKSHOP BELOW
ENGINEERED ROOF TRUSSES (SEE SECTION CC)
MAIN BEDROOM
FIREPLACE
DOWN
SET TRUSSES FOR SKYLIGHT CENTRED OVER STAIR
FILL OPENING
POWDER ROOM
STUDY
SHELVES/CUPBOARDS
ENTERTAINMENT/ SITTING ROOM
ASSUMED ROOF STRUCTURE
BEDROOM
ASSUMED ROOF STRUCTURE
PORCH BELOW
10'-0"
5'-0"
9'-5½"
8'-0"
3'-0"
3'-11½"
2'-0"
1'-8"
2'-2"
1' EQUAL
EQUAL

Township of South Frontenac

Staff Report

To:	Committee of Adjustment
Prepared by:	Development Services Department
Date of Meeting:	December 14, 2023
Subject:	**Permission Application (S. 45(2) of the *Planning Act*), PL-ZNA-2023-0127, Asanin, 1023 Koen Lane, Loughborough District**

Summary

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

Background

The following enlargement proposal was referred from Building Services after it was discovered that work had begun without receiving a building permit or the necessary planning approvals.

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 Loughborough Lake.

Related Applications

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

Discussion

Property Description

The subject property is a lot of record with approximately 21Ac of area, 150m of frontage on Koen Road and 230m of frontage on Loughborough Lake. Existing development consists of a 1291.7sqft (120sqm) two-storey dwelling and a detached storage barn. The existing

dwelling is setback 25m from the highwater mark of Loughborough Lake. Koen Lane runs along the southern boundary of the subject property, between the existing dwelling and shoreline, and provides access to several properties to the east. The topography of the subject property varies slightly, with the area around the existing dwelling and shoreline being mostly flat. Additionally, there is a gradual upward slope towards the northwestern corner of the subject property. The northwestern corner and the area around the existing dwelling are also characterized by mature tree and vegetation growth, with a cleared area extending from the southwest corner into the middle of the subject property. Finally, the surrounding area consists of similar rural residential and agricultural lands uses.

Summary of Proposal

To request permission under Section 45(2) of the *Planning Act* to enlarge the legal non-conforming use located within 30m of the highwater mark of Loughborough Lake. The applicant is proposing to enlarge the existing dwelling on the subject property, which has a gross floor area of 2583.3sqft (240sqm), height of 24ft (7.3m), setback 25m from Loughborough Lake. The proposed enlargement would involve enclosing a portion of the existing porch, adding an attached greenhouse to the western portion of the dwelling, and increasing the height of the dwelling's roof. The enlarged structure would have a gross floor area of 2917.1sqft (271sqm) and a height of 25.25ft (7.7m) and will maintain the same setback as the existing dwelling (25m). The applicant is also proposing a garage addition to the north side of the dwelling. The garage addition would be setback more than 30m from the shoreline. As such, the addition does not require permission, but needs to be acknowledged as a part of the application.

Department and Agency Comments

Cataraqui Conservation provided preliminary comments stating that the proposed development was outside of the area regulated by O. Reg 148/06. For this reason, they did not require formal circulation on the application.

Building Services conducted a performance level review of the existing sewage system on the subject property. It was ultimately determined that the existing sewage system was no longer adequate to accommodate the proposed enlargement. As such, the applicant will be required to replace the existing sewage system prior to receiving a building permit for the proposed enlargement.

Public Comments

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

Planning Analysis

The subject property is zone Rural (RU). The dwelling is a permitted use within the RU 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 is a legal non-conforming use as it was constructed prior to the current Zoning By-law. The existing two-storey dwelling occupies a footprint of 1291.7sqft (120sqm), with a gross floor area of 2583.3sqft (240sqm) and a height of 24ft (7.3m), setback 25m from Loughborough Lake.

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 involve enclosing a portion of the existing porch, adding an attached greenhouse and increase the dwellings height. The proposed enclosure (108sqft; 10.1sqm) and greenhouse (225sqft; 21sqm) would facilitate an increase in ground floor area from 1291.7sqft (120sqm) to 1614.6sqft (151sqm) and gross floor area from 2583.3sqft (240sqm) to 2917.1sqft (271sqm). Additionally, height of the existing dwelling is to be increase slightly from 24ft (7.3m) to 25.25ft (7.7m). Finally, the proposed enlargement would not further encroach within 30m of Loughborough Lake and will maintain the same setback as the existing dwelling (25m).

Proposals to enlarge a legal non-conforming use are not required to demonstrate conformity with Official Plan policy or compliance with Zoning By-law requirements. However, planning staff are permitted to consider potential impacts, as well as the desirability of the proposal for the appropriate development or use of the land. It is not anticipated that the enlargement would result in negative environmental impacts on Loughborough Lake when considering the 25m setback and the nature of the proposal. Further, recommended runoff controls and maintenance of a healthy shoreline buffer would minimize any potential impacts. The proposed enlargement is of a modest size and shouldn't result in negative impacts on surrounding properties or alter the rural character of the area. The proposed enlargement is also desirable for the appropriate development of the land. The existing dwelling has deteriorated significantly in quality with age, with the exterior and roof being significantly weathered. Additionally, the existing dwelling has sat vacant for some time. Therefore, the proposed renovation and enlargement provide an opportunity to the revitalize the dwelling and make it livable once again. As such, Township Planning Staff interpret the proposal as appropriate and a general improvement over existing conditions.

It is the opinion of Township Planning Staff that it is appropriate for the Committee of Adjustment to grant permission to enlarge the legal non-conforming use 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-2023-0127 for 1023 Koen Lane, subject to the following conditions.

1. Permission is granted to enlarge the legal non-conforming dwelling on the subject property. The dwelling may be enlarged to a gross floor area of 2917.1sqft (271sqm) and a height of 25.25ft (7.7m), setback 25m from the highwater mark of Loughborough Lake. The location and dimensions of the proposed enlargement must be consistent with the plot plans and drawings submitted by the applicant, that will be attached to the Decision as Schedule “A”.

2. The Owner is required to enter into a Development Agreement to be registered on the title of the property to the satisfaction of the Township to address the following matters and environmental standards of the Township:

    a. Appropriate erosion control measures (e.g. silt fence, straw bales) must be used during construction and until the site is stable and revegetated.

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

    c. Maintenance of the existing vegetated buffer along the shoreline.

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, RPP, MCIP, Senior Planner

Township of South Frontenac

Staff Report

To:	Committee of Adjustment
Prepared by:	Development Services Department
Date of Meeting:	December 14, 2023
Subject:	**Decisions on Delegated Consents**

Summary

This report is an information report to the Committee of Adjustment summarizing the Consents that have been approved by Delegated Authority since the last Committee of Adjustment Meeting.

Background

The authority to grant undisputed consents is delegated to the Director of Development Services under By-law 2020-27. This report lists the applications which met the criteria for being considered as an undisputed consent and have received provisional consent approval.

Committee of Adjustment is notified for information.

Discussion/Analysis

a) PL-BDJ-2023-0079 (Tasneem) (ZanderPlan) - Loughborough

This undisputed consent was granted provisional consent on November 13, 2023.

The purpose of this consent application was for the creation of one waterfront residential lot, being 6.2 hectares in area, and having frontage on 14 Island Lake. The newly created parcel would be accessed via an extension of Stewart Lane.

b) PL-BDJ-2023-0106 (Creasy) - Storrington

This undisputed consent was granted provisional consent on November 13, 2023.

The purpose of this consent application was for the creation of one rural residential lot from property municipally known as 4371 Duff Road, being 0.8 hectares in area, with 76 metres of frontage on Keir Road.

c) PL-BDJ-2023-0118 (Schenkel) (Whiticar) - Bedford

This undisputed consent was granted provisional consent on November 14, 2023.

The purpose of this consent application was for one residential lot addition, being 0.13 hectares in area, from property municipally known as 1115 Lee Lane.

d) PL-BDJ-2022-0056 (Bechard) - Bedford

This undisputed consent was granted provisional consent on November 15, 2023.

The purpose of this consent application was for the creation of one waterfront residential lot from property municipally known as 223 Sleapview Lane, being 3.4 hectares in area, with 103 metres of frontage on Sleapview Lane and 205 metres of frontage on Desert Lake.

e) PL-BDJ-2023-0114 (Cumpson) - Storrington

This undisputed consent was granted provisional consent on November 15, 2023.

The purpose of this consent application was for one residential lot addition, being 0.19 acres in area, from property municipally known as 4403 Latimer Road.

f) PL-BDJ-2023-0115 (Sanderson) - Portland

This undisputed consent was granted provisional consent on November 30, 2023.

The purpose of this consent application was for one new rural residential lot from property municipally known as 3786 McConnel Road, being 1.5 hectares in area.

Attachments

None.

Report Prepared By:

Kate Kaestner, Planning Clerk

Report Approved By:

Brad Wright, Director of Development Services