



Economic Development and Planning Committee

Tuesday, June 7, 2016, 6:00 pm
City Hall, Council Chambers

Committee Members

Councillor P. Deery,
Chair
Councillor L. Bursey
Councillor M. Kalivas
Councillor D. LeSueur
Mayor D. Henderson,
Ex-Officio

Areas of Responsibility

Economic Development	Economic Development
Planning	Advisory Team
Chamber of Commerce	Museum Board
DBIA	Library Board
Heritage Brockville	Arts Centre
	Tourism

Page

PUBLIC MEETING AGENDA

Item

2 - 80

1. 2016-074-06
Proposed Amendment to Zoning By-law 050-2014
Part Lot 14, Plan 80, Being Part 3 on Reference
Plan 28R-6942 South Side of Bayview Road
Owners: Michael Menard, Vivian Levermore,
Greg Moir, Jackie Moir
Applicant: Michael Menard

THAT Report 2016-074-06 be received as information and that a report on this matter be prepared by staff for consideration of the Economic Development and Planning Committee at a future meeting.

31May2016

**REPORT TO THE ECONOMIC DEVELOPMENT PLANNING COMMITTEE - PUBLIC
MEETING – 7 June 2016**

2016-074-06

PROPOSED AMENDMENT TO ZONING

BY-LAW 050-2014

PART LOT 14, PLAN 80, BEING

PART 3 ON REFERENCE PLAN 28R-6942

SOUTH SIDE OF BAYVIEW ROAD

OWNERS: MICHAEL MENARD, VIVIAN LEVERMORE,

GREG MOIR, JACKIE MOIR

APPLICANT: MICHAEL MENARD

FILE: D14-012₍₀₅₀₋₂₀₁₄₎

**M. PASCOE MERKLEY
DIRECTOR OF PLANNING**

RECOMMENDATION

THAT Report 2016-074-06 be received as information and that a report on this matter be prepared by staff for consideration of the Economic Development Planning Committee at a future meeting.

PURPOSE

To provide information for purposes of conducting a public meeting under the Planning Act respecting an Application for Amendment to City of Brockville Zoning By-law 050-2014.

BACKGROUND

The owners of a small, vacant parcel of land, legally described as Part of Lot 4, Registered Plan 80, being Parts 1, 2, and 3 on Reference Plan 28R-6942, City of Brockville, County of Leeds, located on the south side of Bayview Road (private road), have, through their agent, Mr. Michael Menard, filed applications for Consent to Sever (File B02/16) and for amendment to Zoning By-law 050-2014 (File D14-012).

The entire property was acquired by the current owners in May 2006 as a waterfront parcel together with a boat hoist and paved parking.

A portion of the lands (Parts 1 and 2 on Reference Plan 28R-6942) is proposed to be added to the abutting property at 5 Bayview Road through the Application for Consent. However, this action would lead to the creation of a remnant, undersized parcel (Part 3 on Reference Plan 28R-6942) approximately 84 sq. m. in area which does not conform to the minimum lot size requirements established under City of Brockville Zoning By-law 050-2014.

Thus, concurrent with the application for Consent to Sever, the applicant has applied to change the zoning on what is proposed to become the remnant portion of the owners'

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Public Meeting - Proposed Amendment to Zoning By-Law 050-2014

Part Lot 14, Plan 80, Being Part 3 on Ref. Plan 28R-6942

South Side of Bayview Road

Owners: Michael Menard, Vivian Levermore, Greg Moir, Jackie Moir

Applicant: Michael Menard

File: D14-012₍₀₅₀₋₂₀₁₄₎

lands (Part 3 on Reference Plan 28R-6942), from R2-Single Detached Residential to OS-Open Space Special Exception Zone to allow for a lot with an area of 84 m². The OS-Special Exception Zone would also restrict the use of this small, remnant parcel to a Private Marine Facility only.

Schedule “A” attached to this report indicates the location of the subject property and the current zoning of the parcel and surrounding lands. **Schedule “B”** is a plan of the subject lands, and illustrates the intention to sever Parts 1 and 2, Plan 28R-6942 to be added to 5 Bayview Road, and the remnant parcel (Part 3, Plan 28R-6942) which is proposed to be rezoned and sold to a non-contiguous neighbour.

ANALYSIS

Zoning and Official Plan Information:

Official Plan: Neighbourhood Area. Cataraqui Region Conservation Authority Screening Area is applicable.

Existing Zoning: R2 – Single Detached Residential Zone (No change to the zoning for Parts 1 and 2, Plan 28R-6942 is proposed).

Proposed Zoning for
Part 3, Plan 28R-6942: OS – Open Space Special Exception Zone, permitting a Private Marine Facility only, defined in Zoning By-law 050-2014 as follows:

“Marine Facility, Private, means an accessory building or structure which is used to place a boat into or out of a water body, or is used to moor, berth or store a boat. This definition includes a boat launching ramp, boat lift, dock, boathouse, boatport or slip. However, this definition shall not include any building used for human habitation nor any marina or marina sales and service station, but may include an unenclosed rooftop deck on a boathouse.”

Zoning By-law 050-2014, Section 3.35 establishes general provisions for Private Marine Facilities and Marinas. The relevant excerpts from this Section are reproduced below:

“3.35 PRIVATE MARINE FACILITIES AND MARINAS

a) General

- i) A private marine facility abutting a navigable body of water shall be permitted in any zone in accordance with the provisions of Subsection 3.3 and the provisions of Subsection 3.35.
- ii) Private marine facilities may be constructed along the shoreline, subject

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Public Meeting - Proposed Amendment to Zoning By-Law 050-2014

Part Lot 14, Plan 80, Being Part 3 on Ref. Plan 28R-6942

South Side of Bayview Road

Owners: Michael Menard, Vivian Levermore, Greg Moir, Jackie Moir

Applicant: Michael Menard

File: D14-012(050-2014)

to any required permit or approval from the Conservation Authority, the Province of Ontario or the Government of Canada.

- iii) A private marine facility shall only be permitted as an accessory building or structure, and shall not be permitted as the principal use of a lot.*
- iv) A private marine facility shall not be used for human habitation.*

b) Boathouses Constructed Up to Water's Edge

Notwithstanding any other provisions of this By-law, where a boathouse is permitted, a boathouse may be sited up to a lot line that corresponds to the shoreline, subject to a permit from the Conservation Authority and any other required approvals.

c) Boathouse Maximum Height

Notwithstanding any other provisions of this By-law, the maximum permitted height of a boathouse shall be 4.0 metres measured from the shoreline."

Dimensions of Lands to be severed and added to 5 Bayview Road:

Area: 110.7 sq. m.

Frontage: 22.8 m

Average Depth: 6.1 m

Dimensions of Lands to be retained (remnant parcel) and rezoned:

Area: 84.6 sq. m

Frontage: 5.2 m

Average Depth: 11.7 m

Photos of the subject property are attached as **Schedule "C1"** and **"C2"** (Source: Planning Dept. staff and DRAPE Aerial Photography 2014 respectively)

Surrounding Land Use:

West/Northwest: Residential – zoned R2 Single Detached Residential

East/Northeast: Residential – zoned R2 Single Detached Residential

South: St. Lawrence River

Comments Received are summarized below or are attached as **Schedule "D"**:

1. Conal Cosgrove, Director of Operations, Operations Department – memo dated May 19, 2016: No comments.

2. Matt Tyo, Fire Prevention Officer – memo dated May 16, 2016: No concerns.

3. Brent Caskenette, Chief Building Official, Planning Dept. - memo dated May 13, 2016: No concerns.

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Public Meeting - Proposed Amendment to Zoning By-Law 050-2014

Part Lot 14, Plan 80, Being Part 3 on Ref. Plan 28R-6942

South Side of Bayview Road

Owners: Michael Menard, Vivian Levermore, Greg Moir, Jackie Moir

Applicant: Michael Menard

File: D14-012(050-2014)

4. Allison Sadler, Municipal Planning Advisor, Enbridge Gas Distribution – letter dated May 24, 2016: No objection.

5. Michael Dakin, Resource Planner, Cataraqui Region Conservation Authority – letter dated May 20, 2016 - attached. Also email dated May 30, 2016 – attached.

CRCA Staff have no objection to the approval of Consent Application B02/16 and Application for Zoning By-law Amendment D14-012 based on their consideration for natural hazard, natural heritage, and water quality and quantity protection policies.

In response to contact made by a number of neighbours, there will be a review of compliance matters with regards to the boat hoist location. Regardless, support for the applications for Consent and Rezoning remain the same.

6. Neighbour

Submission received May 26, 2016. Background information provided respecting the subject lands which were originally part of this neighbour's property. A right of access was retained. Questions how the land could have been zoned residential. Objects to the proposed by-law change as his view of the river would be blocked by a covered structure such as a boathouse. Concerns that his right of way to the river has not and may not be respected. Photos were supplied.

7. Neighbour

Parts 1 and 2 should be completely de-linked. Proposal has considerable financial implications to the owner of 5 Bayview Road. Rezoning of Part 3 will have considerable consequences for the neighbourhood i.e. Bayview Road over which the City of Brockville has absolutely no control.

8. Neighbour

Ownership of the property by a Bayview Road resident is desirable. The physical dimensions of the property are not consistent with R2 zoning requirements and the zoning needs to be changed to reflect the property use. Would be in favour of the rezoning to OS Open Space with the removal of the clause permitting a boat launch ramp, boathouse, unenclosed rooftop deck, boat port or boat slip, but would agree to permit a dock with boat lift only.

9. Son of Neighbour and other Neighbours

Presentation Book prepared by son of neighbour and containing comments from himself and various neighbours, Notice of Public Meeting, 2006 real estate listing, and photos. Opposed to rezoning. No construction on the dock. Don't want any

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File: D14-012₍₀₅₀₋₂₀₁₄₎

additional traffic. Concerns with blockage of view of river, increased noise, parking issues and loss of privacy. Some would favour "boat hoist only" or other compromise. History of property provided. Uncertainty created by rezoning application. Approval for boat hoist/platform may not have been obtained from CRCA. Concern with blocked access to the river. Question necessity for zoning change.

Potential Issues for Discussion:

1. Appropriateness of the requested zoning.
2. Consideration of potential limitations on zoning to address neighbourhood concerns.

POLICY IMPLICATIONS

The contents of this report are provided for information purposes for the Public Meeting. Following the Public Meeting, Planning Department Staff will prepare a report which will include review and consideration of policies that are relevant to the requested amendment.

FINANCIAL CONSIDERATIONS

A complete application for amendment to City of Brockville Zoning By-law 050-2014 has been received, including all applicable fees. There are no other financial considerations at this time.

CONCLUSION

A Report on this matter, including a detailed analysis of the proposed amendment, review and consideration of the issues raised in written submissions and comments received at the public meeting, and a recommendation from Planning Staff, will be prepared for consideration of the Economic Development Planning Committee at a future meeting.

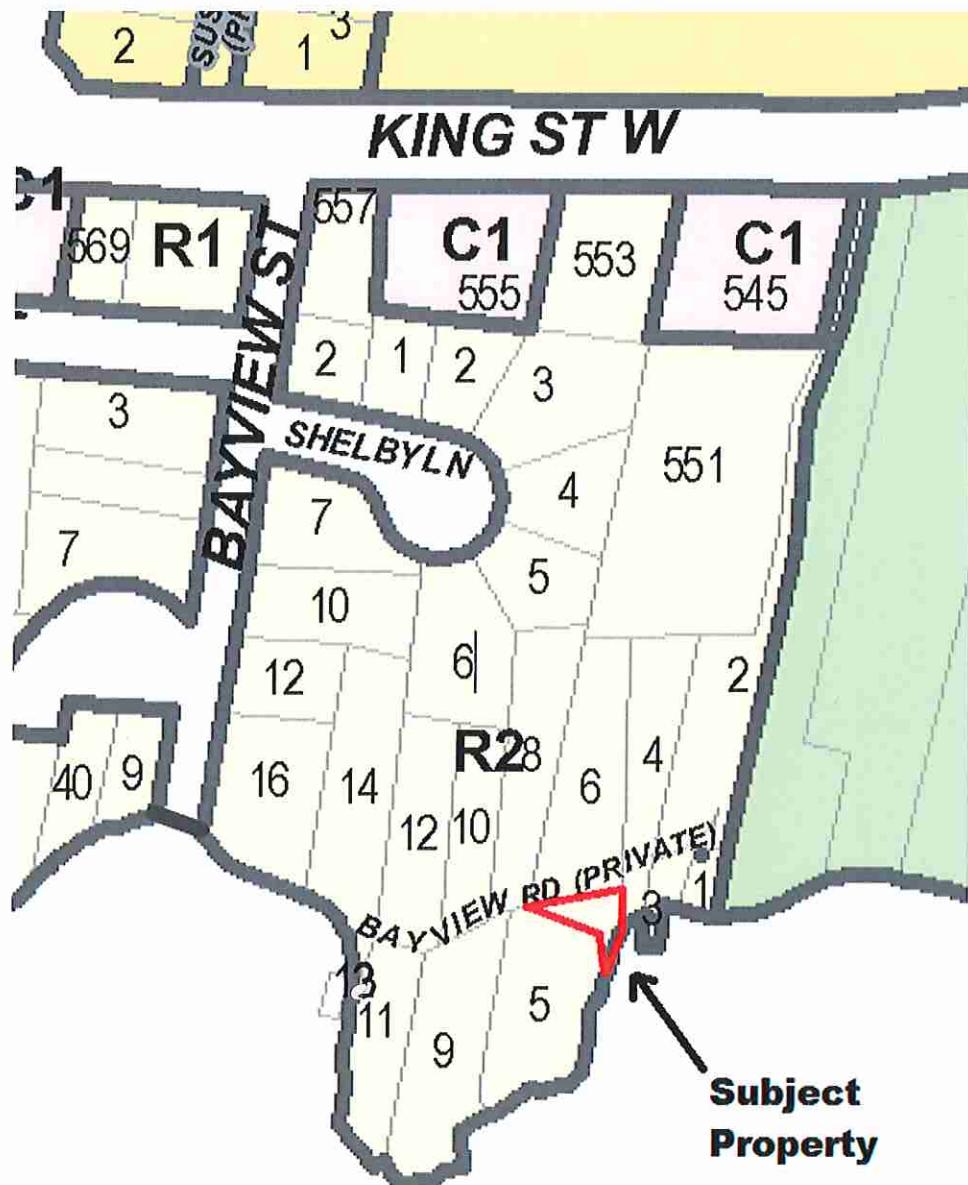


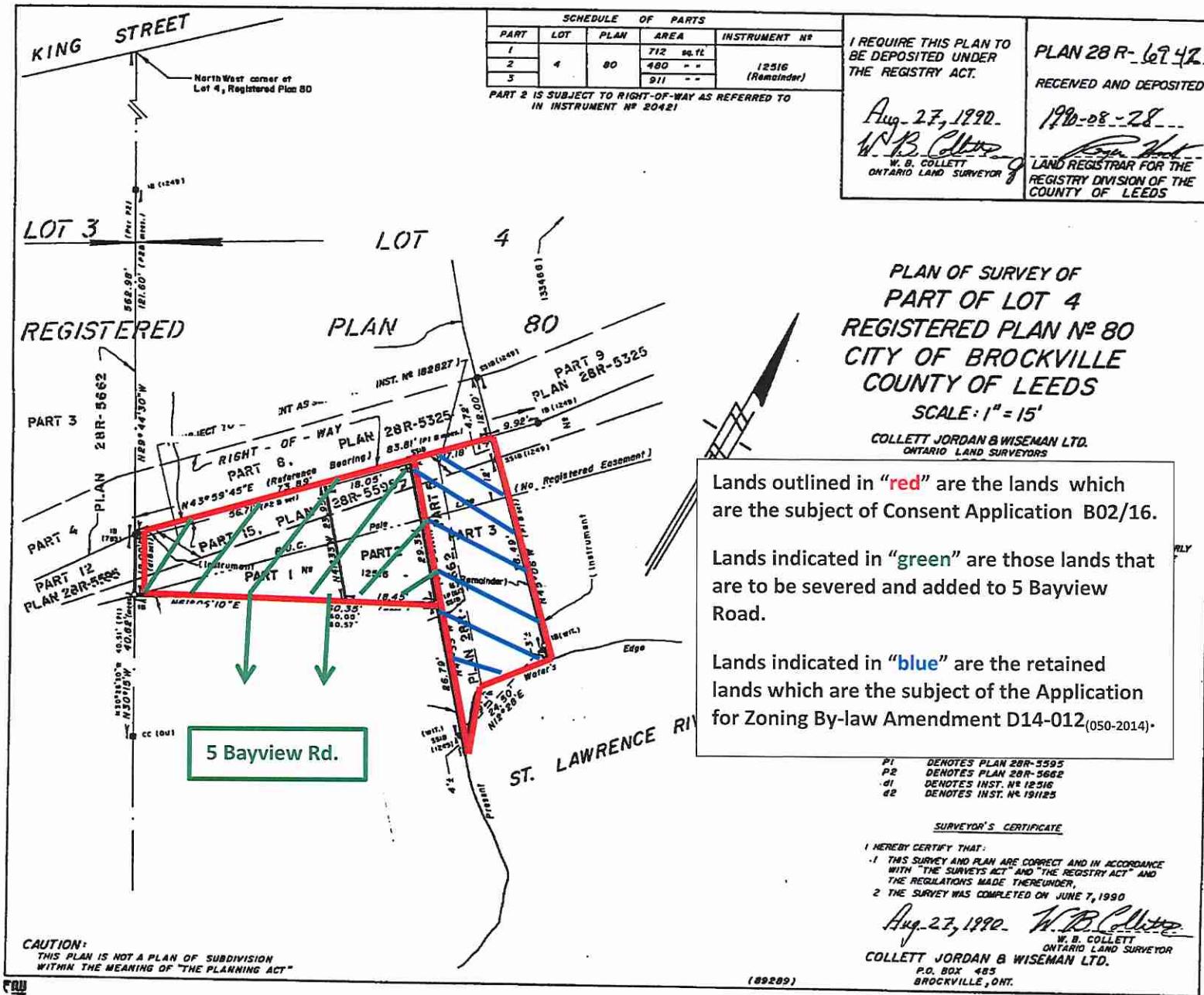
M. Pascoe Merkley, MCIP, RPP
Director of Planning



B. Casselman
City Manager

Schedule "A" – Report 2016-074-06





05/25/2016 09:04



SCHEDULE “C-2” TO REPORT 2016-074-06



SCHEDULE "D" – REPORT 2016-074-06

Submissions and Comments

- 2 -

■ Bayview is selling there has been a constant stream of tire kickers and generally nosey people coming and going.

The thought of a zoning change to this subject property allowing a boathouse and roof deck ; translation Party Palace would add to already strained parking, noise, riverview blockages etc.

■ Bayview would support an application for use limited to a boat hoist but no other use. Its been that way for 40 plus years and that use would be acceptable.

I wonder since that has been the use over all these years IS IT NECESSARY FOR A ZONING CHANGE AT ALL! What about a grandfather clause?

P.S. As of today May 31st, there may be a full investigation as to the legality of the boathouse/platfrom being where it's today
Sincerely, [REDACTED]

Bayview Road

[REDACTED]

From: [REDACTED]
Sent: May-30-16 1:29 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: Boat Hoist movement on Bayview Road

Dear [REDACTED] Kehoe Marine Construction

Re: Bayview Road, Brockville, Ontario Movement of Boat Hoist out from its original Position (for 40-50 Years)
Owners: [REDACTED] Assessment Roll # :080203005533200) There is no municipal number for this property being located between [REDACTED] and [REDACTED] Bayview Road.

The Owners are requesting a zoning change to the property to allow: among other things a boathouse with rooftop deck etc. I will attach a copy of the request.

My Mother who resides at [REDACTED] Bayview Rd is preparing to sell her house and move to Maitland where I live with my family on a Riverfront property. Her water frontage has a marine railway out to the river and her property abuts this boat hoist property. I have a long history of this property and where it was for all those years was not a concern but this movement out has narrowed her access to the river.

I am requesting from you/your company information re: date hoist moved, how far it was moved (estimates 20-30 Feet), permits/approvals to legally move it etc. I rec'd an Email from CRCA last week and they had no record in their files re: application for approval to move the hoist. PS It is no longer a hoist but a platform with no electrical connects/power.

I am meeting with the lawyer tomorrow morning Tuesday to discuss the matter, as there is a Public Meeting on June 7th to discuss the zoning application. Sincerely, [REDACTED]

From: [REDACTED]
Sent: May-26-16 3:39 PM
To: [REDACTED]
Subject: FW: Bayview Road - Boathouse Info.
Attachments: Appendix U_in-water works guidelines.pdf

Further to our call earlier in the week, I am following up with some information relating to the marine facility at Bayview Road. The email below and attachment were provided in a similar follow-up message to another neighbour in the area. You may know who – but I need to respect privacy.

Let me know if you have any questions.

Mike



Michael Dakin
Resource Planner
Catarqui Region Conservation Authority
Visit us on the Web: www.crca.ca

From: Michael Dakin [<mailto:mdakin@crca.ca>]

Sent: Thursday, May 26, 2016 3:32 PM

Cc: [REDACTED]
Subject: Bayview Road - Boathouse Info.

I have completed a quick search of our permit records going back to 2006 and have not come across any permits issued for the subject property located on Bayview Road, City of Brockville (Assessment Roll# 08020300553200). Either this means that a permit was not obtained for the marine facility on the property, or, perhaps more likely, that initial construction occurred before the CRCA had jurisdiction for shoreline work under Ontario Regulation 148/06, pursuant to Section 28 of the *Conservation Authorities Act*.

In order to confirm the status of the structure's compliance, I would need to collect photographic evidence from when it was constructed, or any records of building permits, etc. If there is the likelihood that the structure was built, or modified, since the CRCA has regulated shoreline work in Brockville, then we will follow-up with an investigation. Please provide any information that may be of assistance. You will remain anonymous in our files if you do so.

Second, below is a brief list of requirements/considerations for marine facilities within the jurisdiction of the CRCA. Please also refer to the attached guideline document.

Marine Facility (Dock, Boathouse, etc.)

- Habitable space, including second storey lofts, etc. and any non-marine related storage are not permitted within a marine facility
- In terms of structure type: our preference is for floating and/or post-supported structures that will have the least impact on the bed of the waterbody and on fish habitat
- Mobile structures are preferred over stationary for the reason above and to allow for fluctuating water levels and potential winter ice damage

- The structures area, height and other parameters may be limited by municipal Zoning By-law provisions. Please refer to relevant Zoning By-law documents.
- A marine facility typically must be set back a minimum of 4.5 m from lot boundaries
- A dock/boathouse should be located in an area with appropriate depth for watercraft use
- The **length** of the dock/boathouse is not strictly limited to a certain size
 - o We use the general guidelines that the dock's length should be in keeping with the character of the waterbody, should be reasonable for the intended use, and should not impede navigation on the waterbody it is located
- We typically try to keep the **width** of a dock to between 6'-10'. Only in extenuating circumstances (e.g. areas of high ice damage risk) do we permit anything wider than 10'.
- Multiple dock "fingers" are acceptable, provided they comply with Zoning By-law and other CRCA requirements
- The ramp or platform that the dock/boathouse attaches to at the shoreline should be designed so that it does not significantly alter the shore (ramp/platform should be a modest size, preferably wood structure sitting at or just above grade).
- We prefer to see marine facilities constructed of environmentally benign materials (e.g. cedar lumber, aluminum, etc.)

I trust this information is of assistance at this time. Please contact me should you have any questions.

Best regards,

Mike



Michael Dakin

Resource Planner

Cataraqui Region Conservation Authority

1641 Perth Road, PO Box 160, Glenburnie ON, K0H 1S0

Phone: (613) 546-4228 ext. 228 - Fax: (613) 547-6474

Toll Free for Area code (613): 1-877-956-2722

Visit us on the web: www.crca.ca

www.cleanwatercataraqui.ca

www.cataraquitrail.ca

Follow us on:



From: Michael Dakin [mdakin@crca.ca]
Sent: May-30-16 2:22 PM
To: [REDACTED]
Subject: RE: Boat hoist on Bayview Road

Hi Ken,

Thanks for the additional information. I will try to contact the landowner / contractor to determine when the relocation occurred and will conduct a site inspection at some point, hopefully this week.

While we will definitely look into the matter from a compliance perspective, I should also note that our position on the severance application and rezoning is separate from this matter. We continue to have no objection to the severance and zoning amendment since they represent good planning in limiting potential development on a heavily constrained lot.

I will follow-up shortly on the compliance matter.

Mike



Michael Dakin
Resource Planner
Cataraqui Region Conservation Authority
Visit us on the Web: www.crca.ca

From: [REDACTED]
Sent: Monday, May 30, 2016 1:48 PM
To: mdakin@crca.ca
Cc: [REDACTED]
Subject: Boat hoist on Bayview Road

Dear Micheal:

First of all thank you for your response to inquiries last week.

In the interim I have learned the following. Everyone from City Hall to the applicants for zoning change agree the hoist has been moved anywhere from 20 – 30 feet out into the river from its previous position of 40 -50 years.

I have learned from the zoning applicant that [REDACTED] of Kehoe Marine Construction were the people who moved it.

I sent an Email to them requesting information from them as to when it was moved, how far it was moved and papers giving them the legal right to move it without proper notification (Neighbours etc.).

I did explain your office contacted me last week that you had no record of applications/approvals for this work.

I was at City Hall this Morning in Brockville and they told me as far as they were concerned the CRCA had no concerns re: the zoning change

It is close to Unanimous the objection to this zoning change by the 13 residents on the street. I have signed objections that I have obtained over the last week.

There is a public Meeting at City Hall 6 PM June 7th. I would like your feedback on this matter ASAP as I am meeting with lawyers Tomorrow Tuesday Sincerely, [REDACTED]

To: The City of Brockville

Re: Part of Lot 4, Plan 80, Parts 1,2 and 3, Reference Plan 28R-6942
(Files D14-012(050-2014) and B02/16

Date: May 26, 2016

From: [REDACTED] (owner of [REDACTED] Bayview Road)

I would like to ask to speak at the public meeting Tuesday June 7, 2016 at 6:00 pm.

The following is information that I have been told, encountered or researched and at the time of this writing believe to be true and would like you to know as background information before the meeting.

- The above lot used to be part of the property of [REDACTED] Bayview Road. A past owner severed the parts above so that he could build a boat hoist with a ramp (gangplank) leading out to it and have access to the river. He then sold the original parcel of land with the house, but retained the section referenced above. [REDACTED] Bayview Road had deeded access to the river.
- This owner recognized that [REDACTED] Bayview had the right to access the river. (please see attached letter). The hoist blocked one from doing so but the right of way was never an issue as the owners and residents of [REDACTED] Bayview were always allowed to go on, over and tie up boats to the gangplank and boat hoist.
- The present owners of the above referenced property knew of the right of way before they bought it. The first time I came to my property after they had bought it I was met with a work trailer parked over my deeded access and an owner sitting on a lawn chair reading on the access.
- I went to a lawyer and an official request by him was given to remove the blockages. I was told not to touch the hoist so I had no access to the river so my lawyer went ahead to try to resolve the issue to one that was fair to me by issuing a statement of claim. One of the proposals made by them was to extend the hoist out by about 15 feet to the south. Emails were exchanged but no agreement was ever signed. I was assured that before anything could be done all the proper permits would have to be done, authorities notified (MNR) and all residents affected would have to be consulted with.
- I was absolutely shocked to get a phone call one morning that the hoist (now I believe a deck) was being moved out to the river and the gangplank extended. Myself, the owner of [REDACTED] Bayview and [REDACTED] Bayview had no idea that this was to happen. I contacted the MNR, the CRCA, and the City of Brockville and all said it was not their concern. I guess I now had some sort right of access to the river, but never agreed to by me.

Question:

How can this tiny parcel of land severed off to have parking and access to a boat hoist be zoned residential?

As of now I object to the proposed by law change for the following reasons:

- 1) My view of the river would be blocked by a covered structure such as a boat house. As of right now I can see the river from my property.
- 2) On such a small piece of land and with myself having a six foot right of way, a structure such as a dock or boathouse and a boat tied to the side, I do not see how my right of way to the river could be respected.
- 3) The present owners through their past actions have shown that my rights are not considered. I have included pictures of my access to the river around the hoist and the way they presently maintain my deeded access to the water.



Re: Public Meeting Tuesday, June 7th 2016
Council Chambers, City Hall, One King St West, City of Brockville.

Rec'd by Email

Meeting to start at 6 PM

Concerning proposed rezoning of South side of Bayview Road, adjacent to [REDACTED] Bayview Road legally described as Part of Lot 4, Plan 80, designated as Part 1,2 and 3, Reference Plan 28R-6942, City of Brockville, County of Leeds

Change from R2-Single detached Residential to OS-open Space Special Exception Zone

We, [REDACTED] owners of [REDACTED] Bayview Road, oppose this rezoning application as proposed. This objection includes a proposed boat launching ramp, boathouse and/or open and/or closed rooftop deck.

We plan to attend the scheduled, public meeting on this matter.

[REDACTED]

Date May 27/16

Date May 27/16

**RE: Public Meeting Tuesday, June 7th, 2016
Council Chambers, City Hall, One King West,
City of Brockville. Meeting to start at 6:00 PM
Concerning Proposed Rezoning of South Side of
Bayview Road, adjacent to 5 Bayview Road
legally described as Part of Lot 4, Plan 80,
designated as Part 1,2, and 3, Reference Plan
28R-6942, City of Brockville, County of Leeds**

**Change from R2-Single Detached Residential to
OS-Open Space Special Exception Zone**

[REDACTED] owners of [REDACTED] Bayview
Road oppose this rezoning application.

Comments: _____

Date May 28/16

[REDACTED] will be attending

Re: Public Meeting Tuesday June 7th, 2016 at 6 PM

Location: Council Chambers at City Hall One King Street West/ City of Brockville.

Concerning Proposed Rezoning of South Side of Bayview Road, adjacent to 5 Bayview Road legally described as Part of Lot 4, Plan 80, designated Parts 1, 2 and 3 on Reference Plan 28R-6942, City of Brockville, county of Leeds.

Proposed Rezoning: Change from R2-Single Detached Residential to OS-Open Space Special Exception Zone.

I/W

wner/owners of

Bayview Road Oppose this rezoning Application as proposed.

Comments:

① Lands indicated in green are a separate issue & should be dealt with as such - to transfer by sale to 5 Bayview Rd.

② Lands indicated in blue should be a separate issue and need compromise

Owner/Owners

I/We Wish will attend Public Meeting:

Yes

No

May 28/2016 Date May 28/16

#2 - shows lie to a boat launch only
with no boat house, rooftop deck
boat pool or ship. The owners of
access around this area have
established rights which this
proposal infringes on - as well
could create congestion & parking
issues in an area which has no
room for extra parking

Re: Public Meeting Tuesday June 7th, 2016 at 6 PM

**Location: Council Chambers at City Hall One King Street
West/ City of Brockville.**

**Concerning Proposed Rezoning of South Side of Bayview
Road, adjacent to 5 Bayview Road legally described as Part
of Lot 4, Plan 80, designated Parts 1, 2 and 3 on Reference
Plan 28R-6942, City of Brockville, county of Leeds.**

**Proposed Rezoning: Change from R2-Single Detached
Residential to OS-Open Space Special Exception Zone.**

I/We [REDACTED] owner/owners of

[REDACTED] Bayview Road Oppose this rezoning Application

Comments:

May 28, 2016

Owner/Owners

Date

I/We Wish will attend Public Meeting: Yes

No

Re: Public Meeting Tuesday June 7th, 2016 at 6 PM

**Location: Council Chambers at City Hall One King Street
West/ City of Brockville.**

**Concerning Proposed Rezoning of South Side of Bayview
Road, adjacent to 5 Bayview Road legally described as Part
of Lot 4, Plan 80, designated Parts 1, 2 and 3 on Reference
Plan 28R-6942, City of Brockville, county of Leeds.**

**Proposed Rezoning: Change from R2-Single Detached
Residential to OS-Open Space Special Exception Zone.**

I/We

owner/owners of

Bayview Road Oppose this rezoning Application

Comments:

Owner/Owners

29 May 2016

Date

I/We Wish will attend Public Meeting: Yes No

PRIPOSED AMENDMENT TO CITY OF BROCKVILLE ZONING BY-LAW 050-2014
AND NOTICE OF AN APPLICATION FOR CONSENT.

Subject property: Part of Lot 4, Plan 80, being Parts 1,2, and 3, Reference Plan
28R-6942, City Of Brockville, County of Leeds.

Rezoning R2 Single Detached Residential to OS-Open Space Special Exception
Zone.

Assuming the following provisos:

- Ownership of the property(s) by a Bayview Road resident(s) is desirable.
- I understand that the currently proposed subdivision would result in Part 1 & 2 being purchased by the owner of 5 Bayview Road and become part of that residential property {already used as a driveway & parking area} & Part 3 being purchased by the owner of 8 Bayview Road for use as a dock / water access.
- The physical dimensions of the property are not consistent with R2 Single Detached Residential zoning requirements & the zoning needs to be changed to reflect the property use.

I would be in favor of this re-zoning proposal with removal of the clause permitting a boat launch ramp, boathouse, unenclosed rooftop deck, boat port or boat slip. For further clarification I would agree to the following: The OS-Open Space Special Exception Zone would allow for a lot of 84 square meters and restricting its use to Private Marine Facility Only, permitting a dock with boat lift only. Buildings for human habitation, marina or marina sales and service would not be permitted. A boathouse, boat launch ramp, boat port or boat slip would not be permitted.

Sincerely,

[REDACTED] May 29,2016.

[REDACTED] May 29,2016.

From: [REDACTED]
Sent: May-29-16 5:40 PM
To: [REDACTED]
Subject: Letter regarding zoning change - Bayview Rd.
Attachments: Zoning change proposal 001.jpg

Hi Ken,

I have attached a letter regarding the proposed zoning change as discussed earlier.

I believe that the way forward is an alternative proposal that is acceptable to all & can resolve the matter expeditiously.

Regards,

Re: Public Meeting Tuesday June 7th, 2016 at 6 PM

Location: Council Chambers at City Hall One King Street West/ City of Brockville.

Concerning Proposed Rezoning of South Side of Bayview Road, adjacent to 5 Bayview Road legally described as Part of Lot 4, Plan 80, designated Parts 1, 2 and 3 on Reference Plan 28R-6942, City of Brockville, county of Leeds.

Proposed Rezoning: Change from R2-Single Detached Residential to OS-Open Space Special Exception Zone.

I/We _____ owner/owners of

_____ Bayview Road Oppose this rezoning Application

Comments:

My concerns are mainly the increase of traffic on our single lane private road that already is experiencing sightseers plus all the residences and the potential effects of even less privacy in a very congested area .

_____ Owner/Owners

May 27/16 .

____ Date

I/We Wish will attend Public Meeting: Yes No

From: [REDACTED]
Subject: Fw: Opposing rezoning Form
Date: 28 May, 2016 8:48:41 PM EDT
To: [REDACTED]



1 Attachment, 282 KB

From: [REDACTED]
Sent: Saturday, May 28, 2016 8:26 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: Opposing rezoning Form

Dear [REDACTED]:

Great reaction so far for opposition to the rezoning app. I have organized two meetings. One at my mom's house and yesterday at [REDACTED] home. 100% opposition thus far. I don't know if [REDACTED] told you but [REDACTED] moved the boat hoist out into the river at least 17' and changed it from a boat hoist to a platform. I checked with CRCA last Tuesday and Thursday they emailed me that there was no record in their files for an app or approval granted from CRCA for any of this work. This must be done to do any work whatsoever.

I also added the assessments from Bayview Road and found that the 13 properties paid together \$ 70,985.16 to the city in taxes whereas this 30' x 30' parcel paid \$ 733.00

People attending the meetings expressed concerns in regard to increased traffic and congestion on an already heavy traffic area. The Boathouse with upper deck proposal was also thought by everyone a very bad idea: no room to build to specs, interference with existing R.O.W. and marring views of the river among comments from owners.

We would appreciate you signing attached opposition form and Emailing it back to me at your earliest convenience. I am hoping to have all opposition forms into City Hall for this Monday.

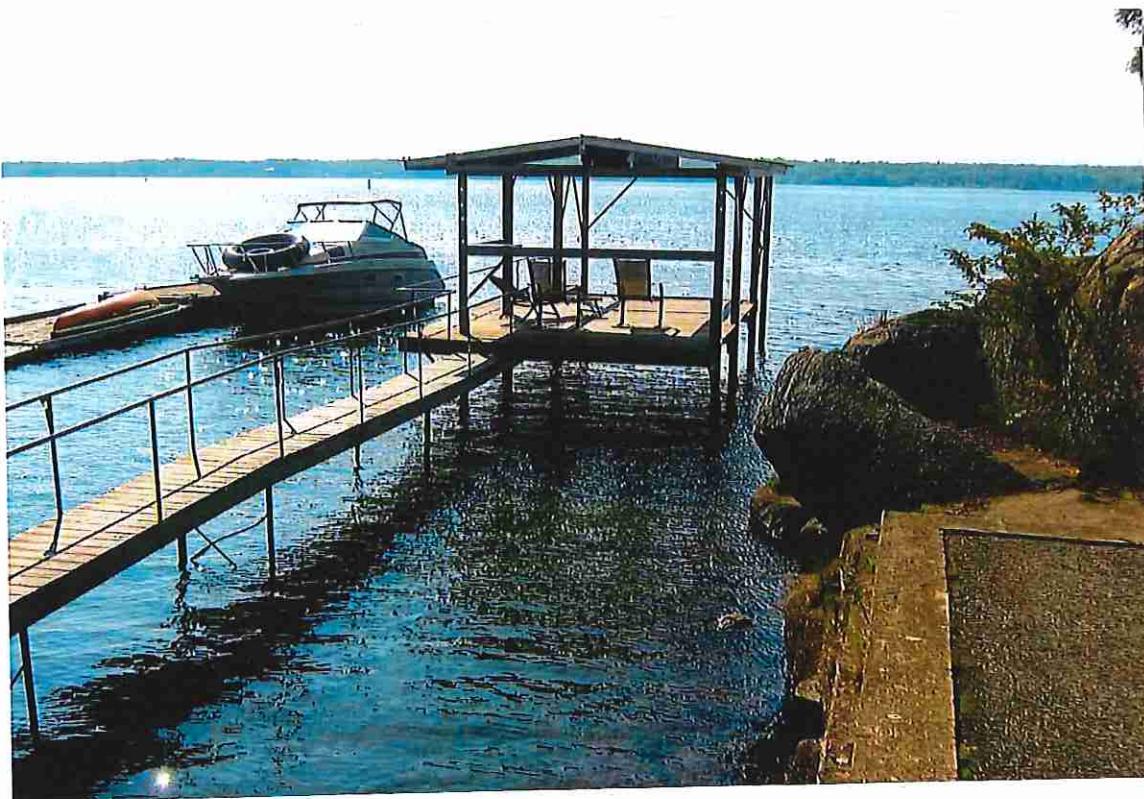
Sincerely,

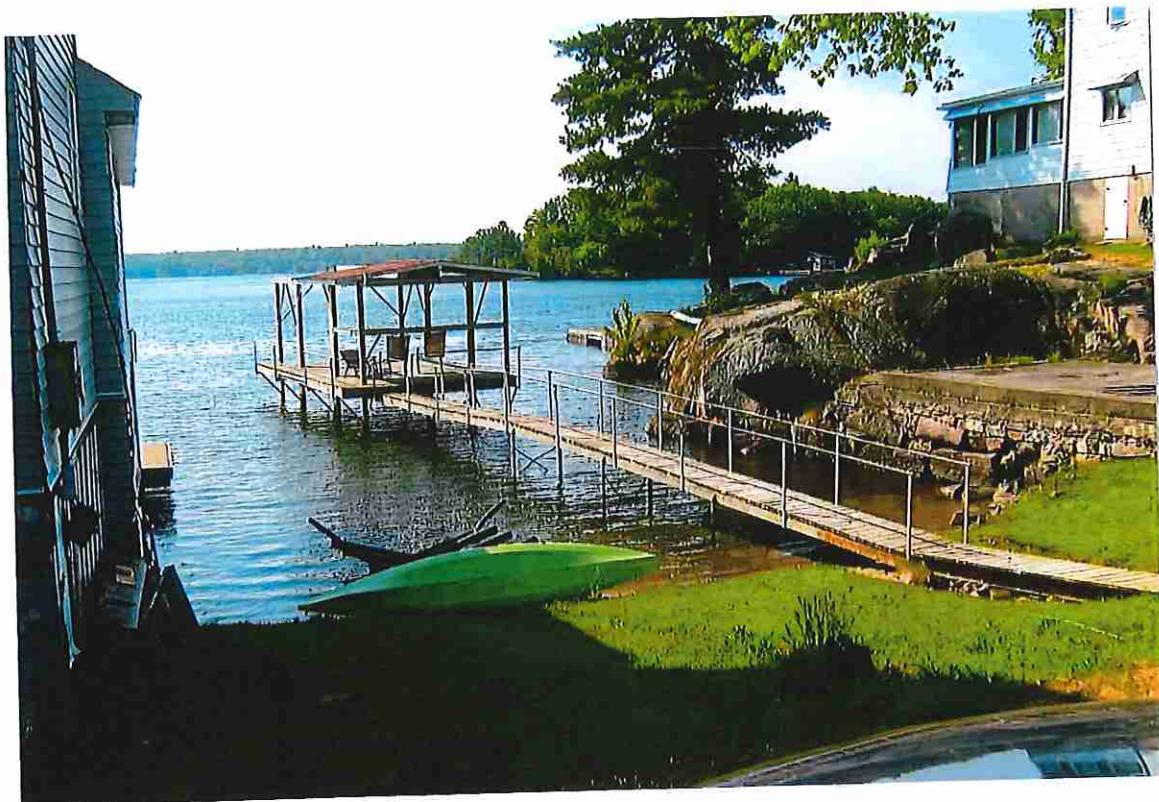

Re: Public Meeting Tuesday June 7th, 2016 at 6 PM

**Location: Council Chambers at City Hall One King Street
West/ City of Brockville.**

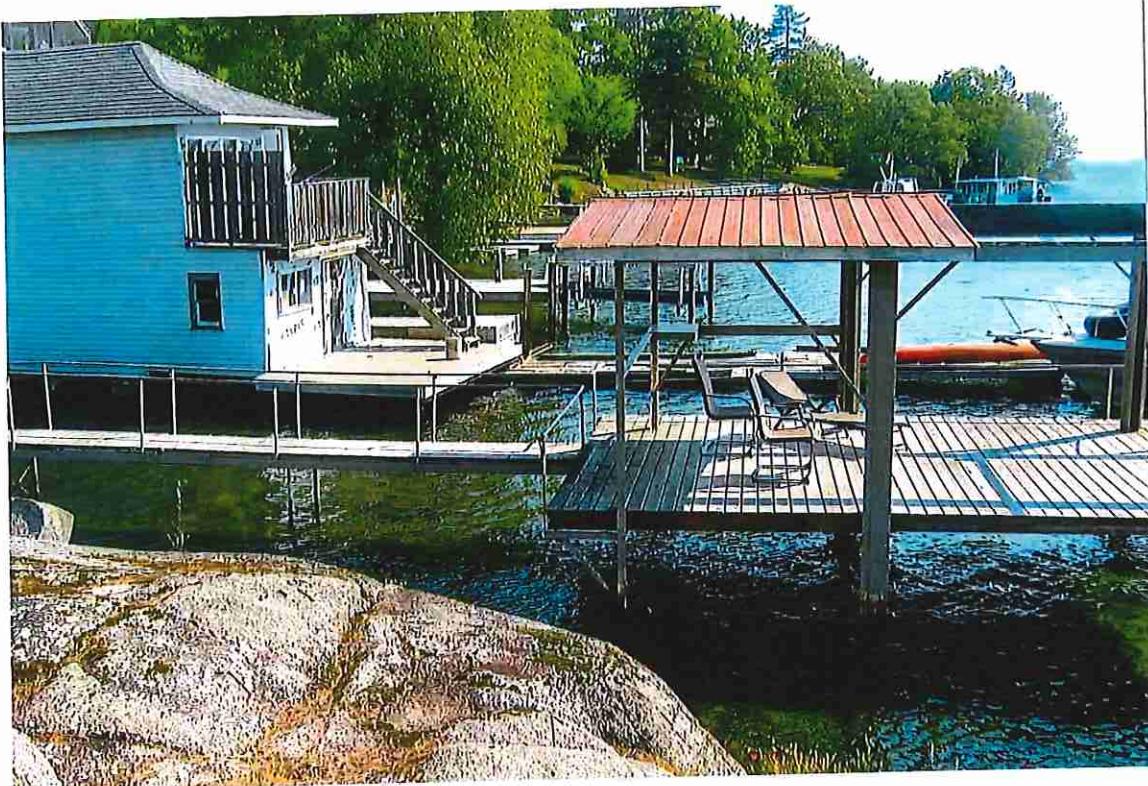
**Concerning Proposed Rezoning of South Side of Bayview
Road, adjacent to 5 Bayview Road legally described as Part
of Lot 4, Plan 80, designated Parts 1, 2 and 3 on Reference
Plan 28R-6942, City of Brockville, county of Leeds.**

**Proposed Rezoning: Change from R2-Single Detached
Residential to OS-Open Space Special Exception Zone.**

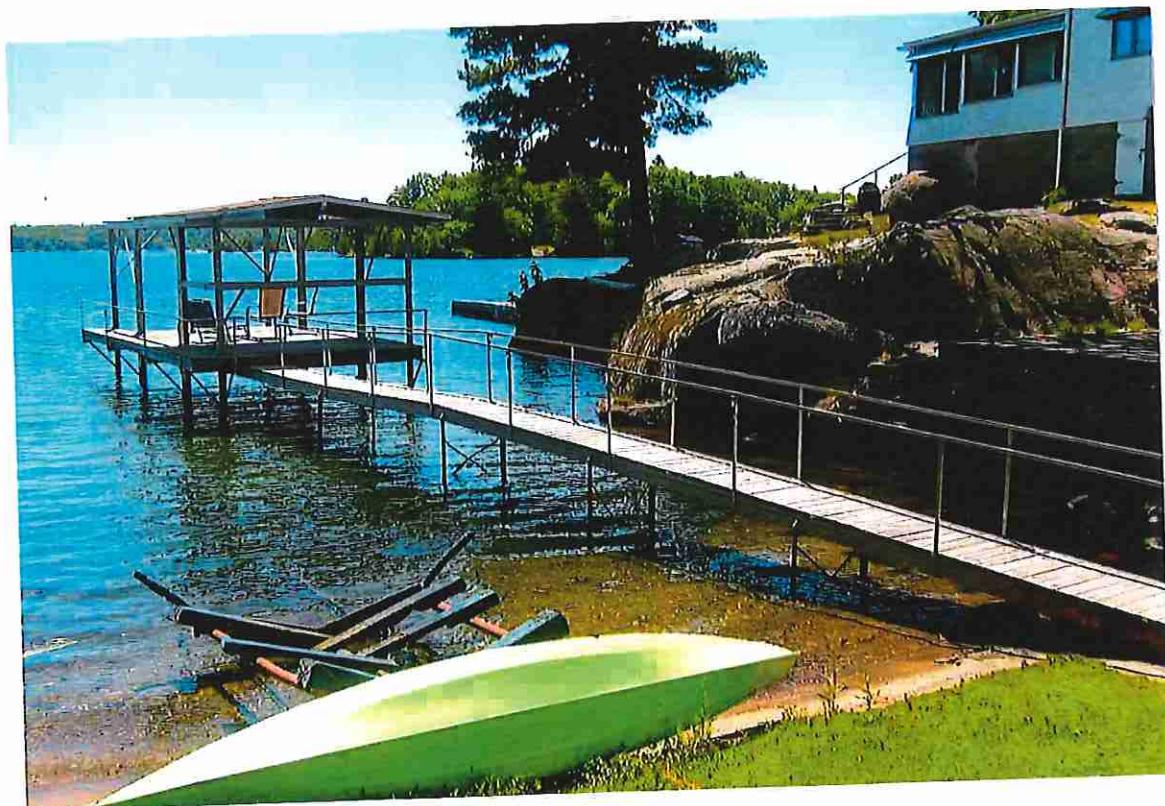
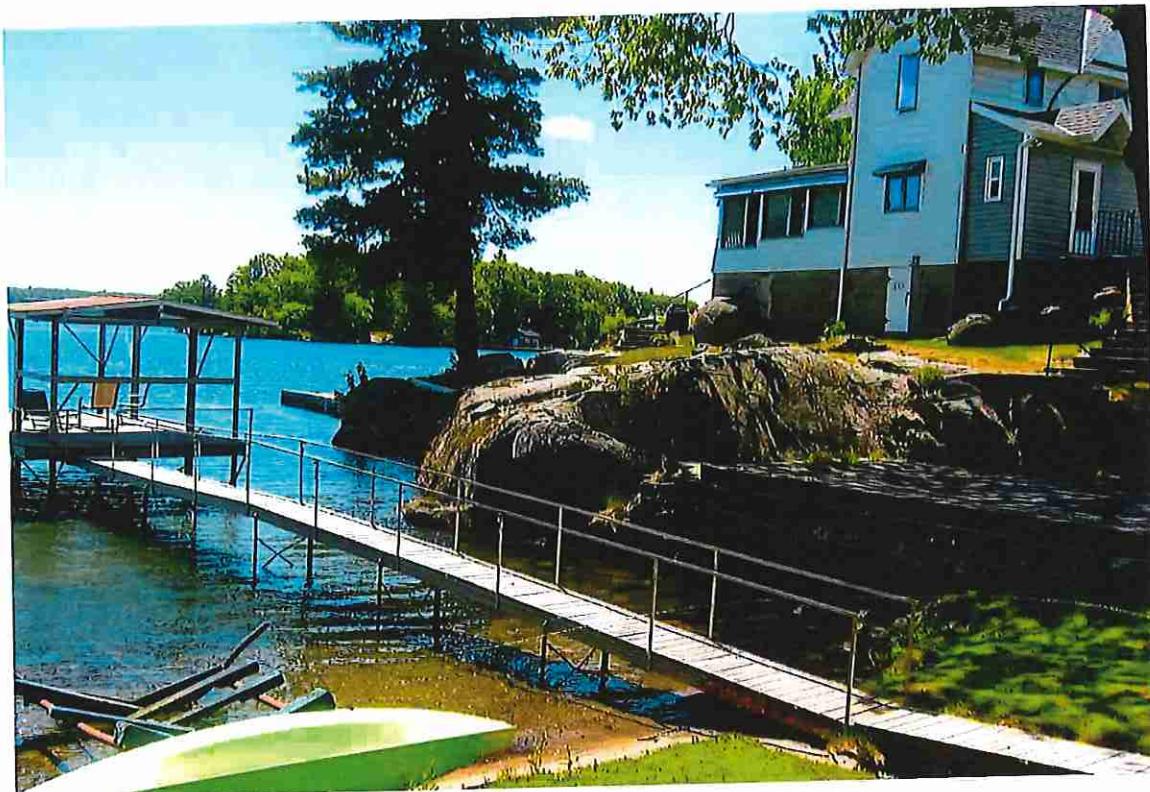


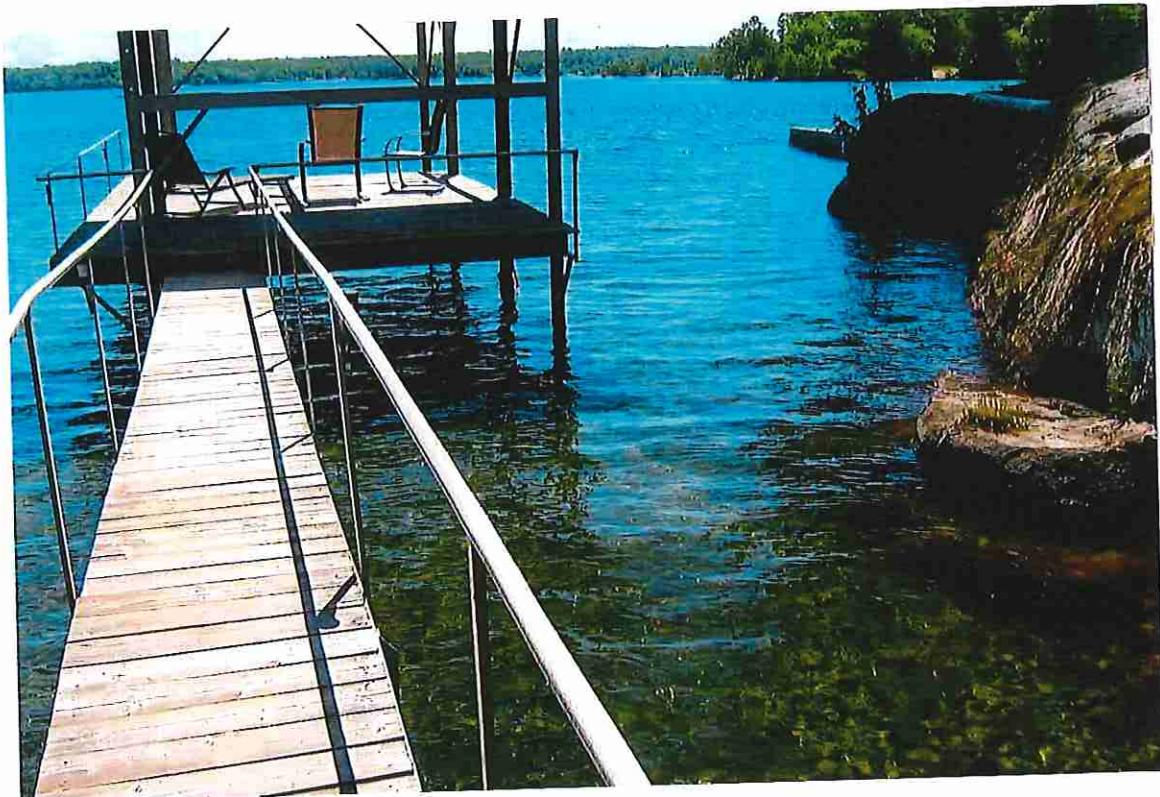




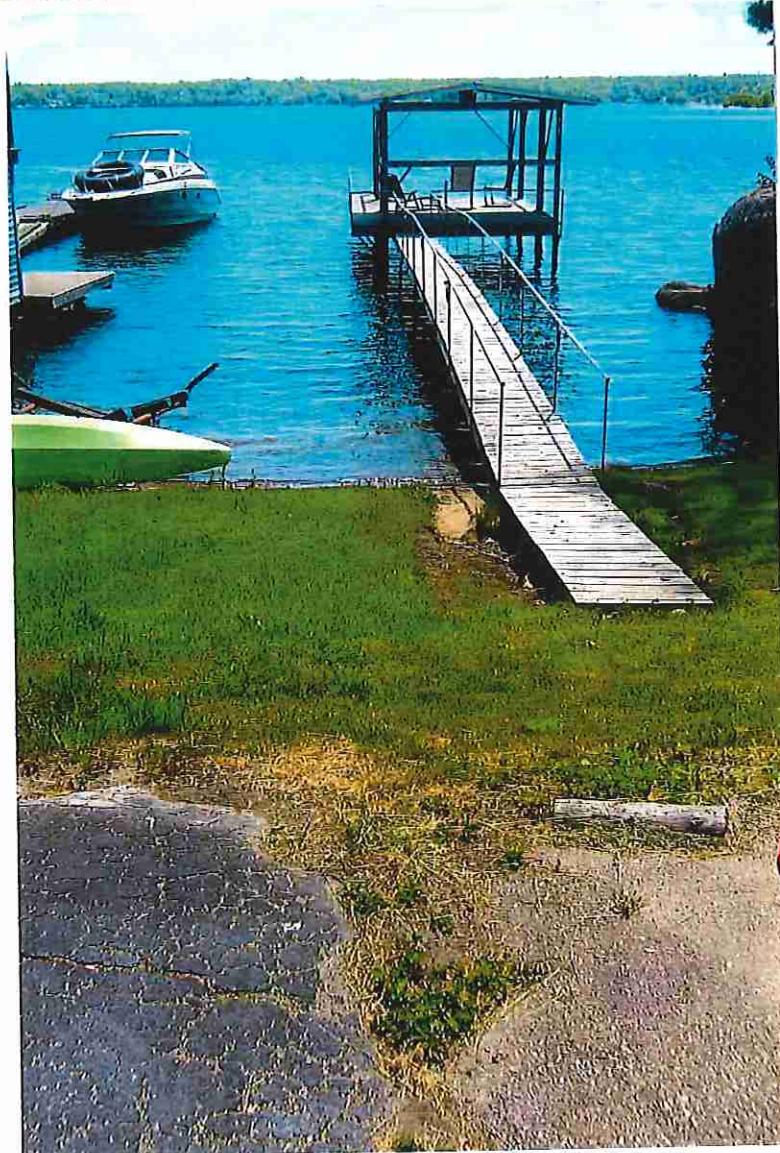
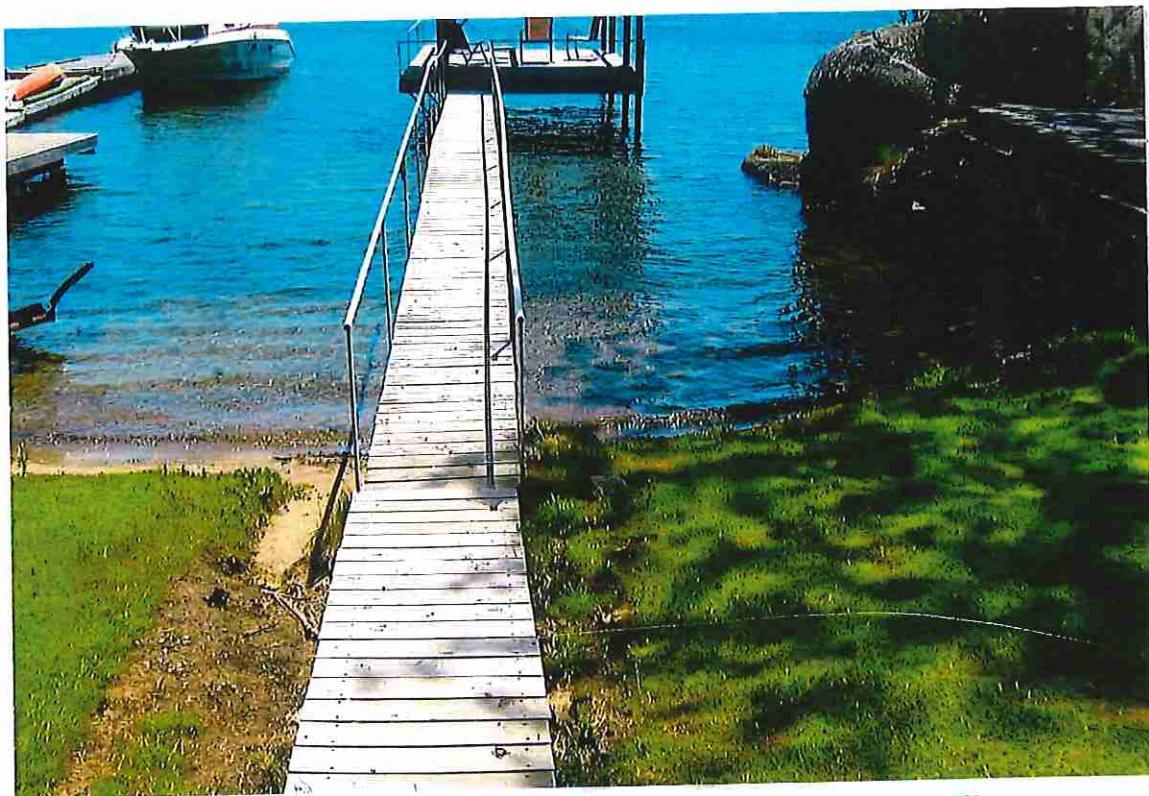


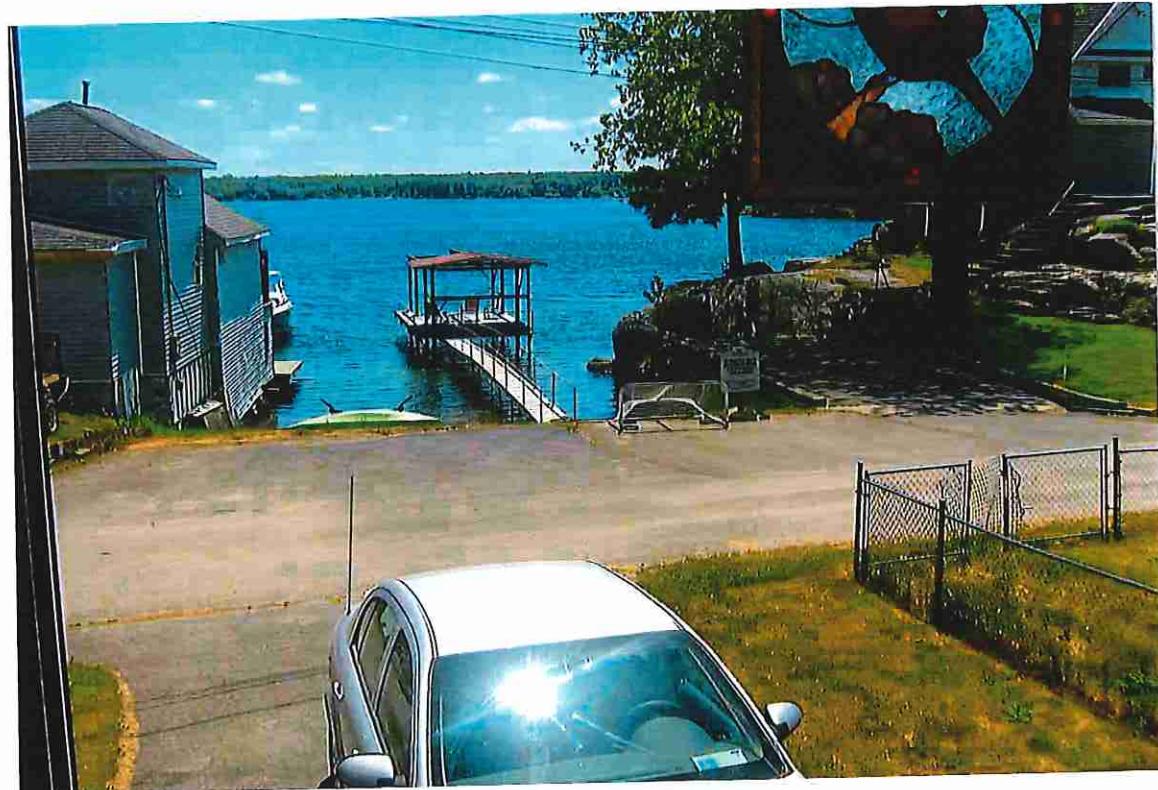


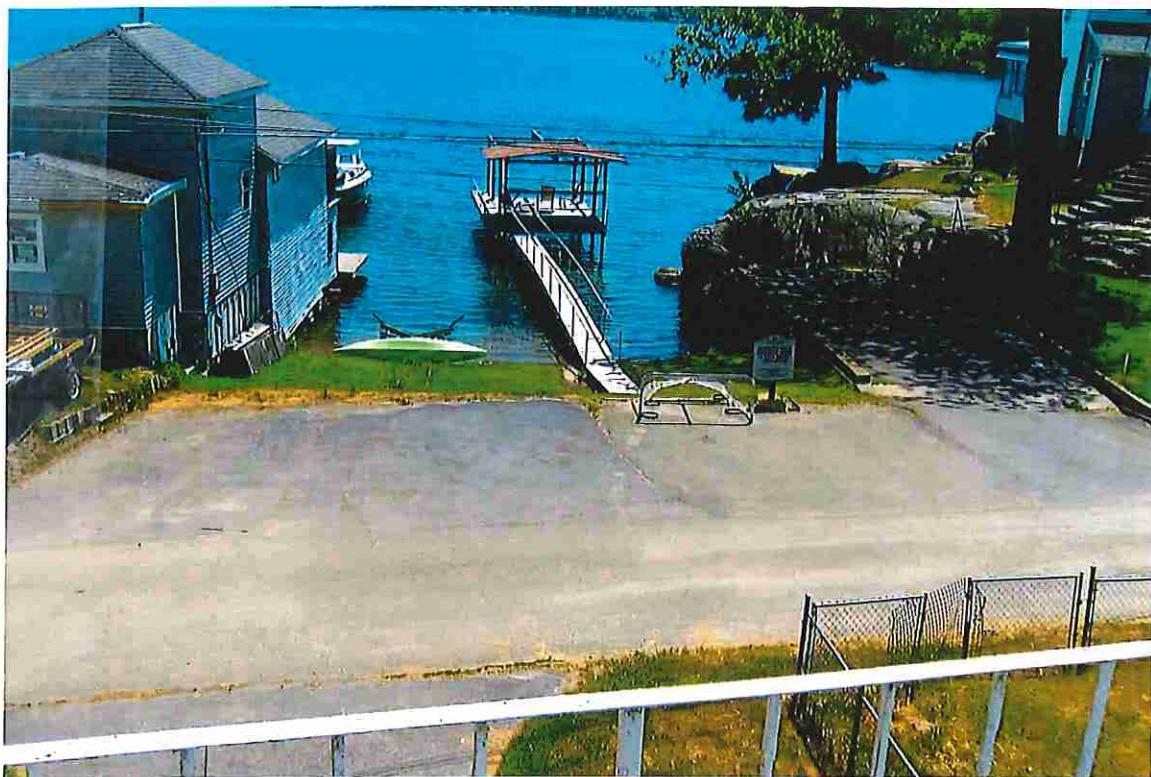


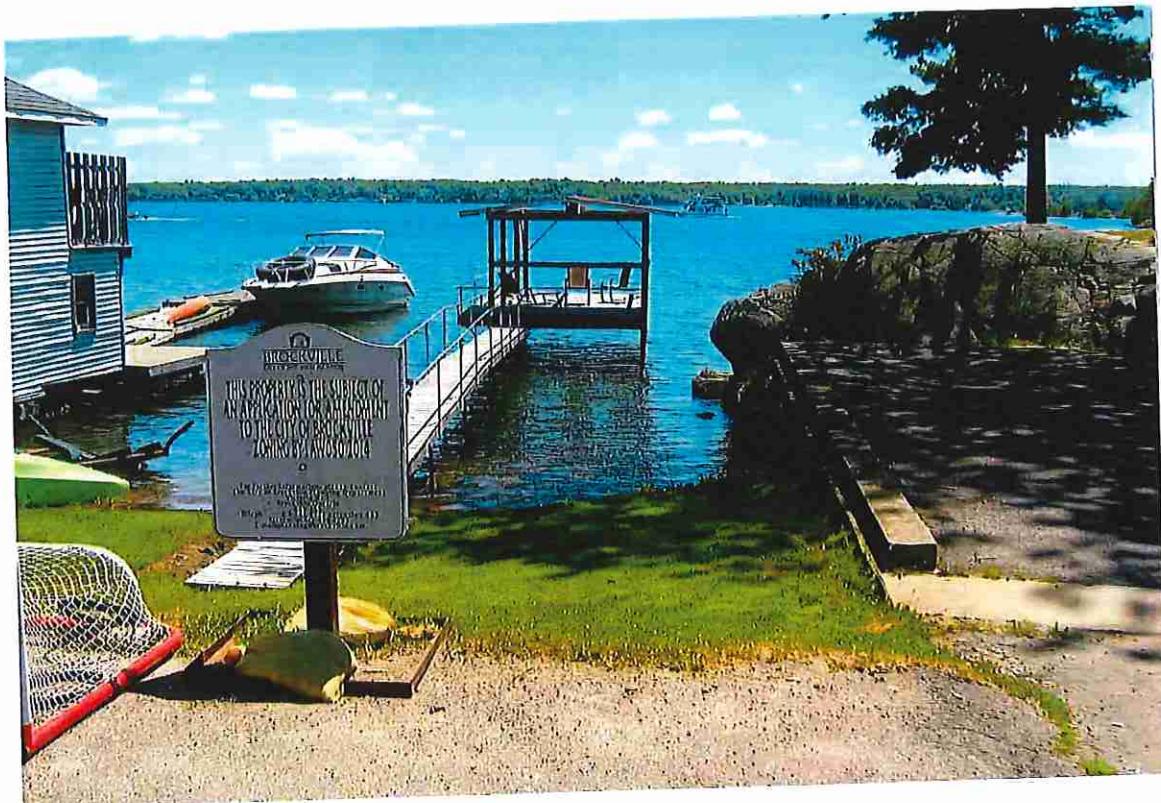
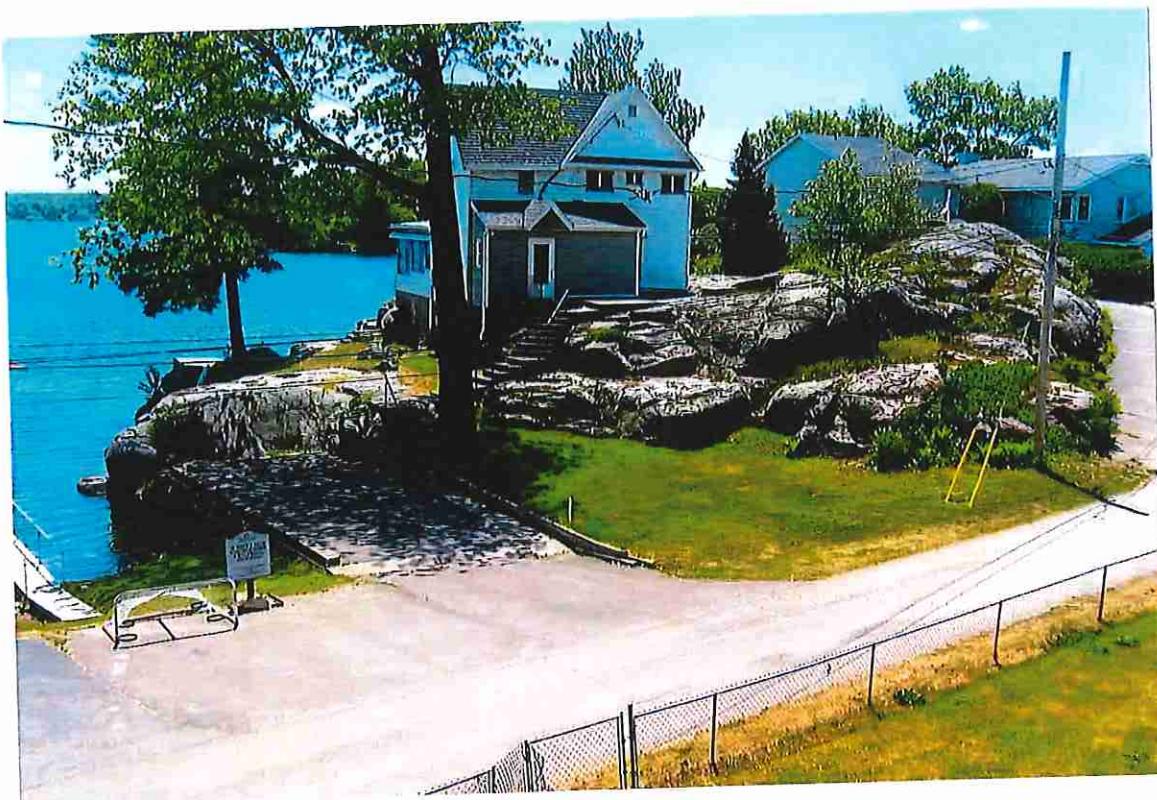


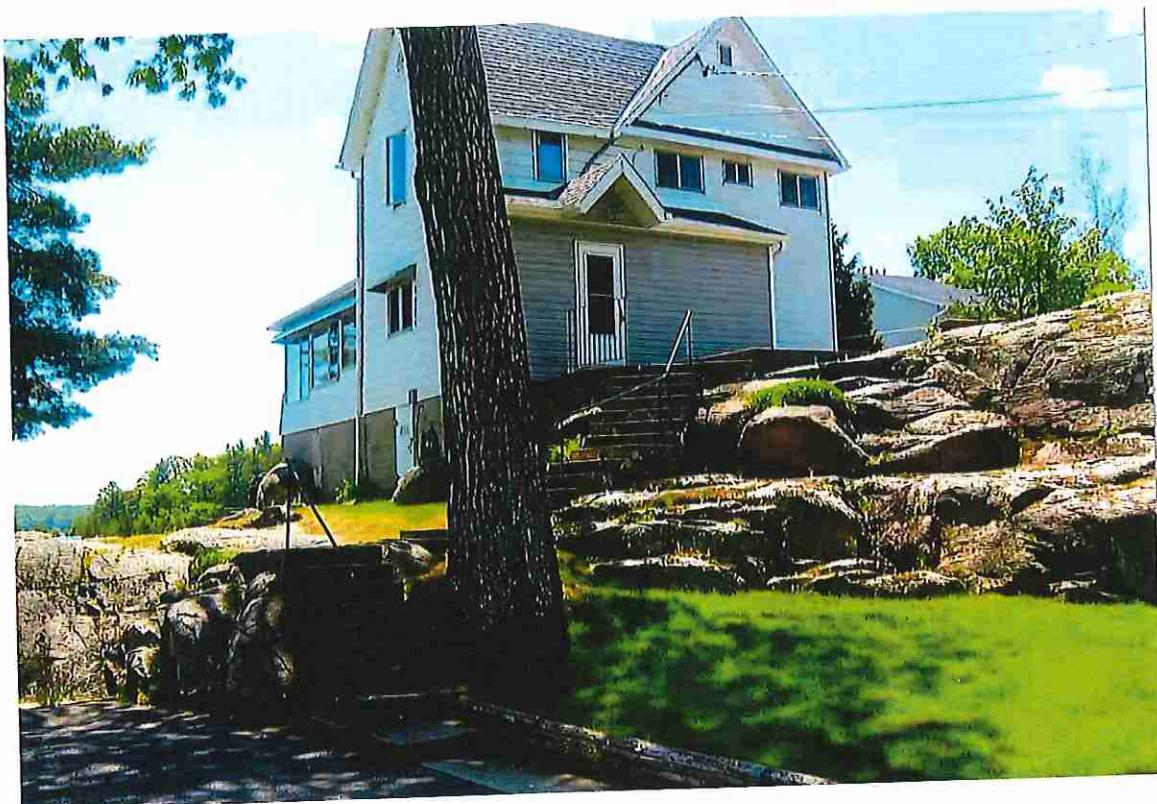




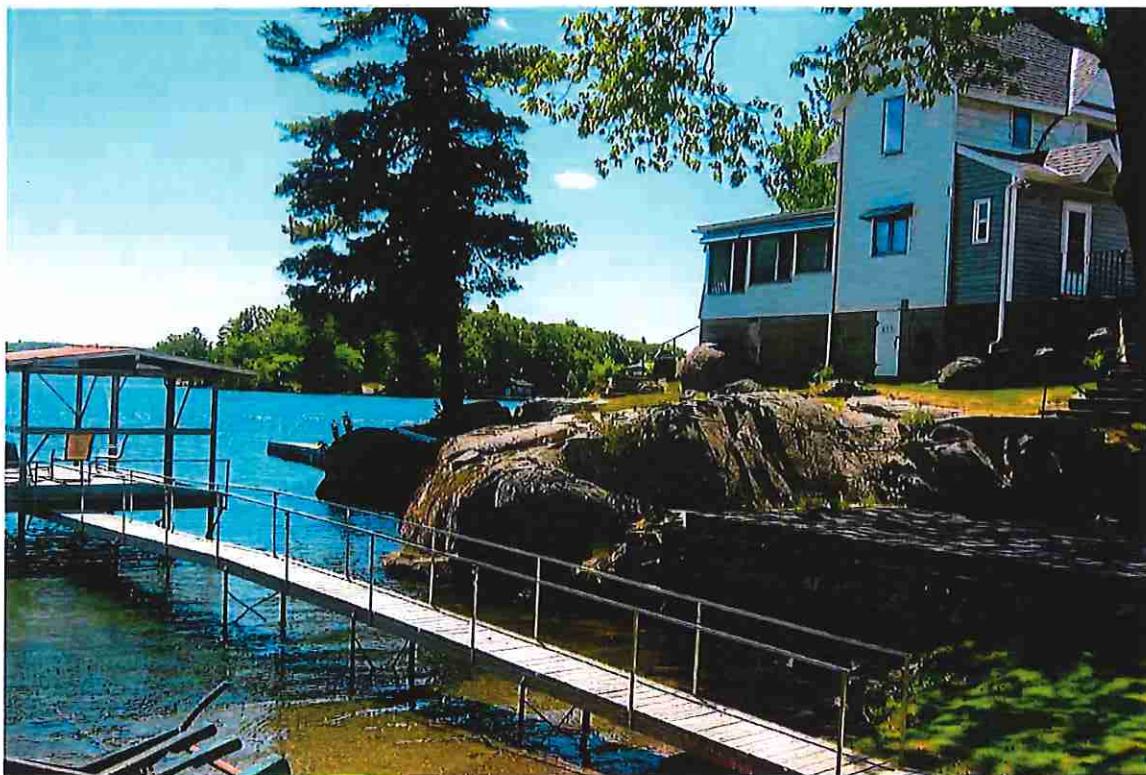




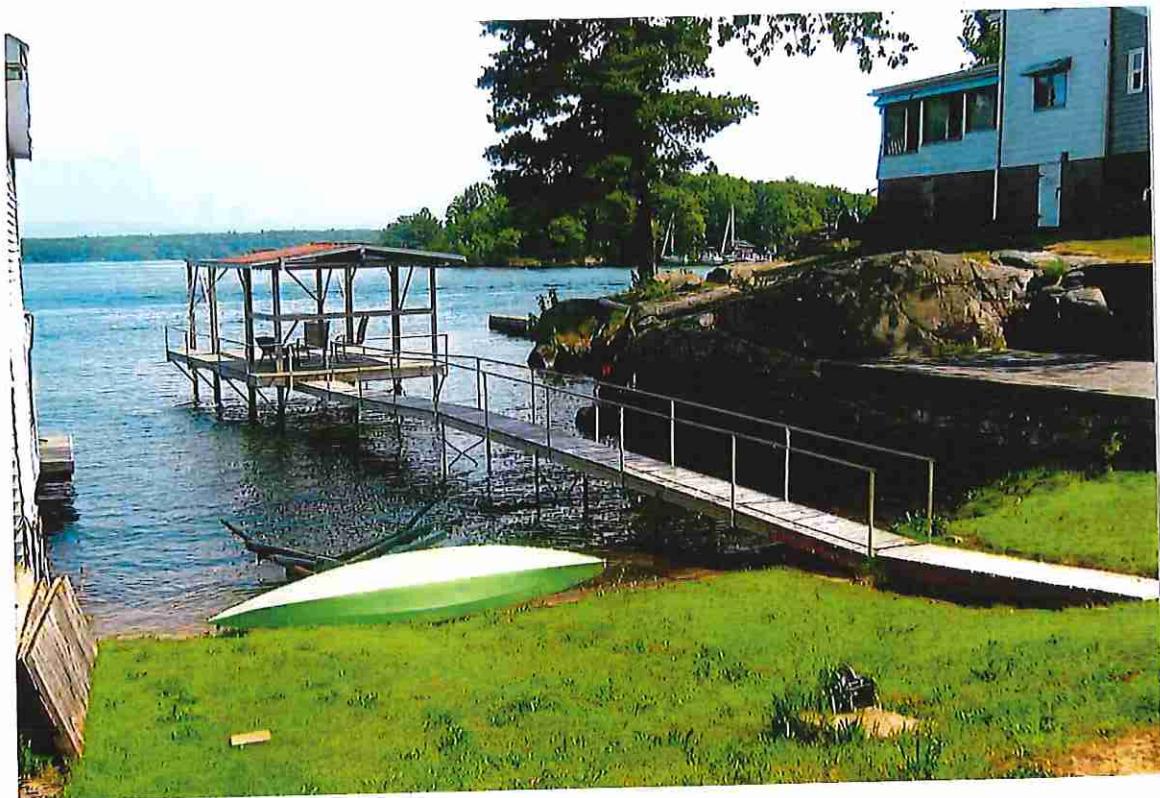














CATARAQUI REGION CONSERVATION AUTHORITY
 1641 Perth Road, P.O. Box 160 Glenburnie, Ontario K0H 1S0
 Phone: (613) 546-4228 Toll-free (613 area code): 1-877-956-CRCA
 Fax: (613) 547-6474 E-mail: crca@cataraquiregion.on.ca
 Websites: www.cleanwatercataraqui.ca & www.cataraquiregion.on.ca

May 20, 2016

File: SEV/BR/103/2016
 ZBL/BR/102/2016

Sent by Email

Ms. Lorraine Bagnell
 Secretary Treasurer
 Committee of Adjustment
 City of Brockville
 One King Street West
 P.O. Box 5000
 Brockville, ON K6V 7A5

Dear Ms. Bagnell:

Re: Application for Consent B02/16
Application for Zoning By-law Amendment D14-012 (050-2014)
Lot 16, Con. 1; 5 Bayview Road and Vacant Parcel East of 5 Bayview Road
Assessment Roll #: 080203005533300 & 080203005533200
City of Brockville
Waterbody: St. Lawrence River

Staff of the Cataraqui Region Conservation Authority (CRCA) have reviewed the above-noted applications for consent and zoning by-law amendment, and provide the following comments for the City of Brockville's consideration.

Proposal

The proposal involves the severance of an approximately 110.7 m² portion of vacant land currently used for parking from an existing 195.4 m² (approx.) vacant lot and the addition of the severed portion to an adjacent 1,104 m² (approx.) residential lot to the south (5 Bayview Rd). The lot to be retained would be approximately 84.6 m² in size and would remain in its current use.

The retained lot is also subject to a proposed zoning amendment that seeks to change the subject zoning from 'R2-Single Detached Residential' to site-specific 'OS-Open Space'. The amendment will better reflect the use of this land as an undersized parcel with a shoreline access right-of-way and marine facility (dock). The zoning change would limit the use to a private marine facility with human habitation prohibited.

These applications are mainly administrative in nature with the intent being to formally join the land to be severed to 5 Bayview Road to allow continued parking use and also to rezone the retained land to match its actual use.

Ms. Bagnell (B02/16 & D14-012)
May 20, 2016

Site Description

The subject lands are located between Bayview Road and the St. Lawrence River in the west end of the City of Brockville. The lot subject to the severance (adjacent to 5 Bayview Road) has roughly 13 m of frontage on the river. This lot is "L" shaped and consists of asphalt and grass with outcropping bedrock. There is an existing dock on the lot and the parcel is subject to a right-of-way for shoreline access. The lot to receive the addition is currently developed with a single-family dwelling. This lot is mainly exposed bedrock with a varied topography.

Discussion

The main interests of the CRCA in this application are the avoidance of natural hazards (flooding, erosion and ice damage) associated with the St. Lawrence River and the protection of the water quality and ecological integrity of the river and shoreline.

The CRCA regulates development and site alteration through our implementation of Ontario Regulation 148/06: *Development, Interference with Wetlands & Alterations to Shorelines and Watercourses* for lands located within and adjacent to natural hazard areas.

The CRCA defines the extent of natural hazards associated with the St. Lawrence River shoreline as the 'regulatory flood plain' and the 'erosion hazard limit'. The extent of these hazard areas occupies a substantial portion of the subject lands, including the vacant lot and 5 Bayview Road.

Through O. Reg. 148/06, development is generally restricted within and adjacent to the regulatory flood plain and erosion hazard limit. We note however, that the existing development at the subject lands, including the marine facility (dock) at the vacant lot and the residential dwelling at 5 Bayview Road, is compliant with the CRCA's regulatory requirements and/or is grandfathered due to the date of construction.

Since the proposed consent application is intended to formally enlarge the existing residential lot in order to allow parking and does not involve any new development on the subject lands, CRCA staff do not anticipate new or exacerbated natural hazard risks. We note that the existing vacant lot is heavily constrained and does not represent viable opportunities for inland development. The proposed severance and lot addition will not change this situation.

Staff support the proposed zoning by-law amendment from a natural hazards and waterbody protection perspective since the change to a site-specific Open Space zone will formally limit uses on the retained parcel to those which it is suited for, specifically: shoreline access and marine facilities excluding human habitation.

Recommendation

Staff have no objection to the approval of application for consent B02/16 and application for zoning by-law amendment D14-012 based on our consideration for natural hazard, natural heritage, and water quality and quantity protection policies.

Ontario Regulation 148/06

As discussed, the CRCA has a Regulation controlling *Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses* (Ontario Regulation 148/06), made pursuant to Section 28 of the *Conservation Authorities Act*. Permission under Ontario Regulation 148/06 is required from this office prior to development or site alteration on the subject lands (both 5 Bayview Road and the adjacent vacant lot). This includes any proposed in-water or shoreline work. **Prior to**

Ms. Bagnell (B02/16 & D14-012)
May 20, 2016

considering any development or site alteration activities, current and future landowners are strongly encouraged to contact this office.

Please inform this office in writing of any decisions made by the City of Brockville regarding these applications. If you have any questions, please contact the undersigned at (613) 546-4228 extension 228, or via e-mail at mdakin@cra.ca

Yours truly,



Michael Dakin
Resource Planner

cc: Andrew McGinnis, Planner, City of Brockville, via email

Maureen Pascoe Merkley

From: Michael Dakin <mdakin@crca.ca>
Sent: Monday, May 30, 2016 2:28 PM
To: Jon Faurschou; Maureen Pascoe Merkley
Subject: FW: Boat hoist on Bayview Road

Jonathan / Maureen,

We have been contacted by a number of neighbours with regards to the severance / rezoning of the parcel on Bayview Drive. As per the email below, we will look into compliance matters with regards to the boat hoist location (apparently further out than previous), but only as much as we can under our Statute of Limitations. Further, regardless of our findings our position will remain the same with respect to the planning approvals – we continue to support these applications.

Just wanted to clarify our position to avoid any confusion. Also, could you point me in the right direction for a City contact for tax assessment information – I will need to get landowner info. for follow-up.

Thanks

Mike



Michael Dakin
Resource Planner
Cataraqui Region Conservation Authority
Visit us on the Web: www.crca.ca

From: Michael Dakin [<mailto:mdakin@crca.ca>]

Sent: Monday, May 30, 2016 2:22 PM

To: [REDACTED]

Subject: RE: Boat hoist on Bayview Road

Hi [REDACTED]

Thanks for the additional information. I will try to contact the landowner / contractor to determine when the relocation occurred and will conduct a site inspection at some point, hopefully this week.

While we will definitely look into the matter from a compliance perspective, I should also note that our position on the severance application and rezoning is separate from this matter. We continue to have no objection to the severance and zoning amendment since they represent good planning in limiting potential development on a heavily constrained lot.

I will follow-up shortly on the compliance matter.

Mike



Michael Dakin
Resource Planner
Cataraqui Region Conservation Authority
Visit us on the Web: www.crca.ca

From: [REDACTED]
Sent: Monday, May 30, 2016 1:48 PM
To: mdakin@crca.ca
Cc: [REDACTED]
Subject: Boat hoist on Bayview Road

Dear Micheal:

First of all thank you for your response to inquiries last week.

In the interim I have learned the following. Everyone from City Hall to the applicants for zoning change agree the hoist has been moved anywhere from 20 – 30 feet out into the river from its previous position of 40 -50 years.

I have learned from the zoning applicant that Ken Kehoe of Kehoe Marine Construction were the people who moved it.

I sent an Email to them requesting information from them as to when it was moved, how far it was moved and papers giving them the legal right to move it without proper notification (Neighbours etc.).

I did explain your office contacted me last week that you had no record of applications/approvals for this work.

I was at City Hall this Morning in Brockville and they told me as far as they were concerned the CRCA had no concerns re: the zoning change

It is close to Unanimous the objection to this zoning change by the 13 residents on the street. I have signed objections that I have obtained over the last week.

There is a public Meeting at City Hall 6 PM June 7th. I would like your feedback on this matter ASAP as I am meeting with lawyers Tomorrow Tuesday Sincerely, [REDACTED]

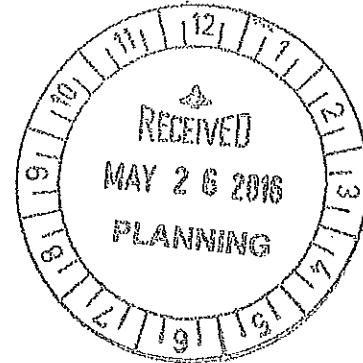
To: The City of Brockville

Re: Part of Lot 4, Plan 80, Parts 1,2 and 3, Reference Plan 28R-6942
(Files D14-012(050-2014) and B02/16

Date: May 26, 2016

From: [REDACTED] (owner of 6 Bayview Road)

I would like to ask to speak at the public meeting Tuesday June 7, 2016 at 6:00 pm.



The following is information that I have been told, encountered or researched and at the time of this writing believe to be true and would like you to know as background information before the meeting.

- The above lot used to be part of the property of 6 Bayview Road. A past owner severed the parts above so that he could build a boat hoist with a ramp (gangplank) leading out to it and have access to the river. He then sold the original parcel of land with the house, but retained the section referenced above. 6 Bayview Road had deeded access to the river.
- This owner recognized that 6 Bayview had the right to access the river. (please see attached letter). The hoist blocked one from doing so but the right of way was never an issue as the owners and residents of 6 Bayview were always allowed to go on, over and tie up boats to the gangplank and boat hoist.
- The present owners of the above referenced property knew of the right of way before they bought it. The first time I came to my property after they had bought it I was met with a work trailer parked over my deeded access and an owner sitting on a lawn chair reading on the access.
- I went to a lawyer and an official request by him was given to remove the blockages. I was told not to touch the hoist so I had no access to the river so my lawyer went ahead to try to resolve the issue to one that was fair to me by issuing a statement of claim. One of the proposals made by them was to extend the hoist out by about 15 feet to the south. Emails were exchanged but no agreement was ever signed. I was assured that before anything could be done all the proper permits would have to be done, authorities notified (MNR) and all residents affected would have to be consulted with.
- I was absolutely shocked to get a phone call one morning that the hoist (now I believe a deck) was being moved out to the river and the gangplank extended. Myself, the owner of 5 Bayview and 4 Bayview had no idea that this was to happen. I contacted the MNR, the CRCA, and the City of Brockville and all said it was not their concern. I guess I now had some sort right of access to the river, but never agreed to by me.

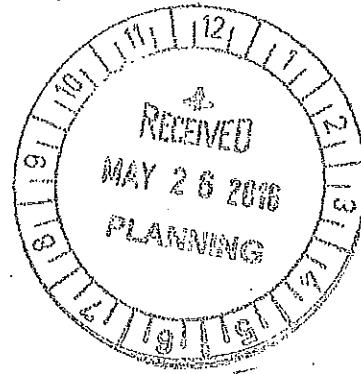
Question:

How can this tiny parcel of land severed off to have parking and access to a boat hoist be zoned residential?

As of now I object to the proposed by law change for the following reasons:

- 1) My view of the river would be blocked by a covered structure such as a boat house. As of right now I can see the river from my property.
- 2) On such a small piece of land and with myself having a six foot right of way, a structure such as a dock or boathouse and a boat tied to the side, I do not see how my right of way to the river could be respected.
- 3) The present owners through their past actions have shown that my rights are not considered. I have included pictures of my access to the river around the hoist and the way they presently maintain my deeded access to the water.





- 2 -

June 27, 1963.

The Statement of Adjustments on closing was as follows:

Statement of Adjustments
As of June 27, 1963.

Purchase Price	\$11,000.00
Deposit	\$1,000.00
Taxes 1963 - \$83.03 paid	
Allow Vendor	41.26
First Mortgage assumed	6985.57
Balance for Principal and Interest	6,842.76 → 6205.64
Balance Due on Closing	3,198.50
	<hr/>
	\$11041.26
	\$11041.26

To complete the purchase we received from you \$3200.00. We paid on closing in accordance with the foregoing statement \$3198.50, leaving a balance on hand of \$1.50 which we have applied to your account with us. Our account is enclosed. We trust you will find it in order.

With respect to the six-foot right-of-way leading to the river as described in your Deed it our opinion that you have swimming and boating rights in the water lying in front of the property. We are doubtful whether this would give you the right to actually moor any boat on the shore or to obstruct the right-of-way in any other way. It is also our opinion that this right-of-way would extend not only to you and the members of your family but also to any tenant of the property and his family.

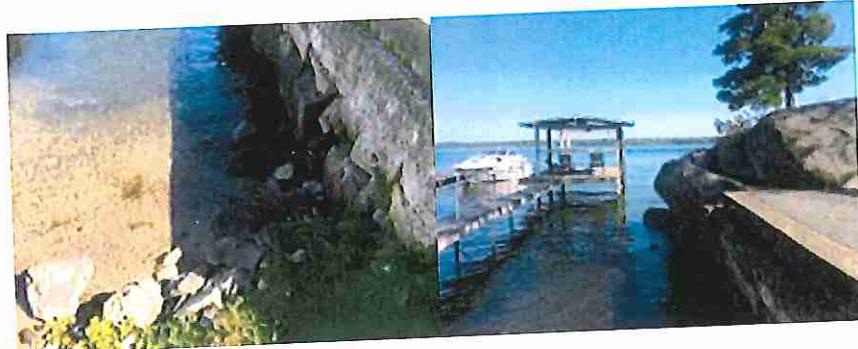
We are presently searching your right-of-way in front of Lot 2 Plan 80 and will be reporting to you with respect to this very shortly.

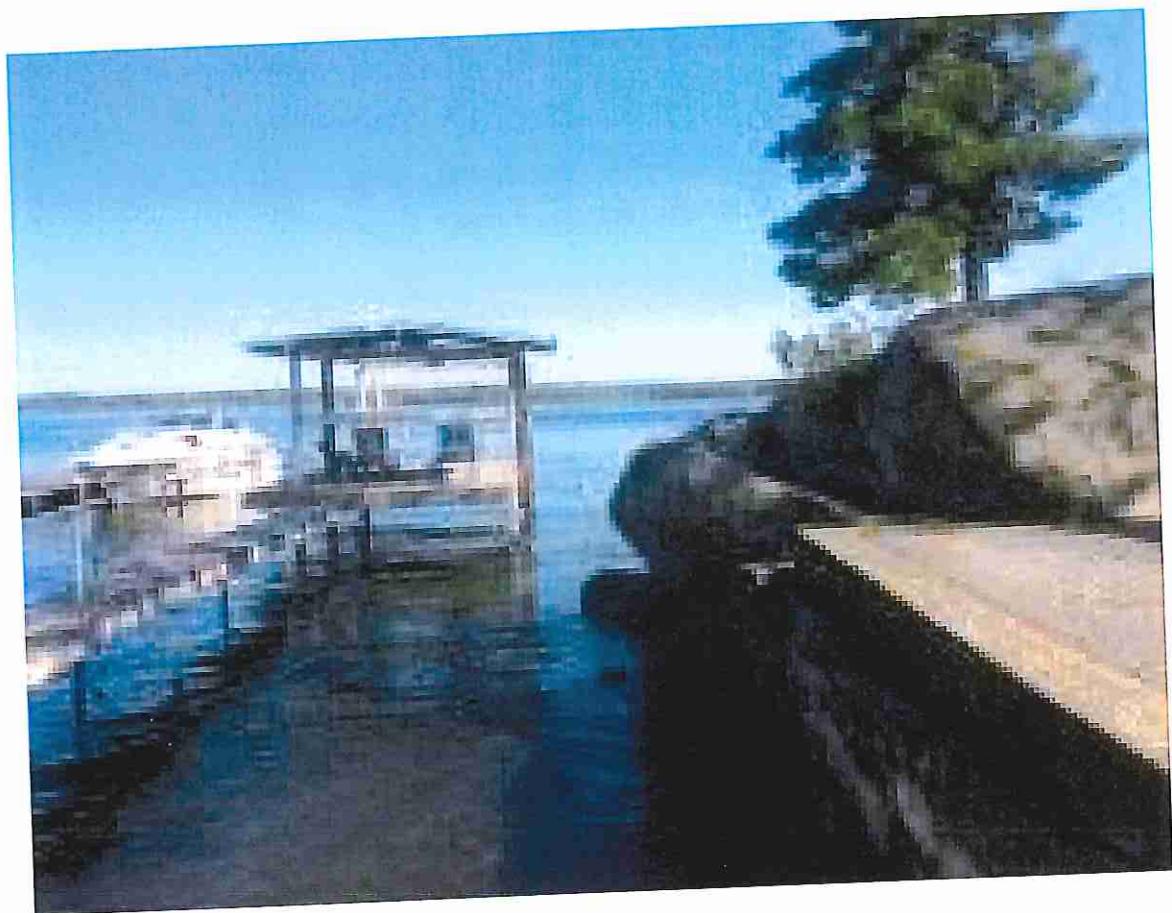
We are pleased to have been of service to you.

Yours truly,
MATHESON, HENDERSON & HART,
per

Heg L Hart

HRH:DS
ENCLS.







RECEIVED
MAY 27 2016
CLERK

Page 59 of 80

①

RE: Public Meeting Tuesday, June 7th, 2016

Council Chambers, City Hall, One King West,
City of Brockville. Meeting to start at 6:00 PM

Concerning Proposed Rezoning of South Side of
Bayview Road, adjacent to 5 Bayview Road
legally described as Part of Lot 4, Plan 80,
designated as Part 1,2, and 3, Reference Plan
28R-6942, City of Brockville, County of Leeds

Change from R2-Single Detached Residential to
OS-Open Space Special Exception Zone

I, [REDACTED] owner of 5 Bayview Road ,
oppose this rezoning application.

Comments:) DESIGNATED PARTS 1 AND 2 HAVE NO

Common PURPOSE AND SHOULD BE COMPLETELY DE-LINKED.

IT IS ILLOGICAL TO HAVE THEM ATTACHED TOGETHER
IN THIS PROPOSAL. P.T.O. → ➔



Date

May 27, 2016

(2)

PARTS 1 AND 2 RELATE TO A LAND TRANSACTION AND PART 3
 RELATES TO A ZONING CHANGE.

FURTHERMORE, THE PROPOSAL IMPLIES CONSIDERABLE FINANCIAL
 IMPLICATIONS FOR THE OWNER OF 5 BAYVIEW ROAD.

2. THE PROPOSAL TO RE-ZONE PART 3 WILL HAVE CONSIDERABLE
 CONSEQUENCES FOR THE RESIDENTIAL NEIGHBOURHOOD,
 I.E. BAYVIEW ROAD AND POSSIBLY PART OF BAYVIEW STREET,
 OVER WHICH THE CITY OF BROCKVILLE HAS ABSOLUTELY
NO CONTROL.

**PROPOSED AMENDMENT TO CITY OF BROCKVILLE ZONING BY-LAW 050-2014
AND NOTICE OF AN APPLICATION FOR CONSENT.**

Subject property: Part of Lot 4, Plan 80, being Parts 1,2, and 3, Reference Plan 28R-6942, City Of Brockville, County of Leeds.

Rezoning R2 Single Detached Residential to OS-Open Space Special Exception Zone.

Assuming the following provisos:

- Ownership of the property(s) by a Bayview Road resident(s) is desirable.
- I understand that the currently proposed subdivision would result in Part 1 & 2 being purchased by the owner of 5 Bayview Road and become part of that residential property (already used as a driveway & parking area) & Part 3 being purchased by the owner of 8 Bayview Road for use as a dock / water access.
- The physical dimensions of the property are not consistent with R2 Single Detached Residential zoning requirements & the zoning needs to be changed to reflect the property use.

I would be in favor of this re-zoning proposal with removal of the clause permitting a boat launch ramp, boathouse, unenclosed rooftop deck, boat port or boat slip. For further clarification I would agree to the following: The **OS-Open Space Special Exception Zone** would allow for a lot of 84 square meters and restricting its use to Private Marine Facility Only, permitting a dock with boat lift only. Buildings for human habitation, marina or marina sales and service would not be permitted. A boathouse, boat launch ramp, boat port or boat slip would not be permitted.

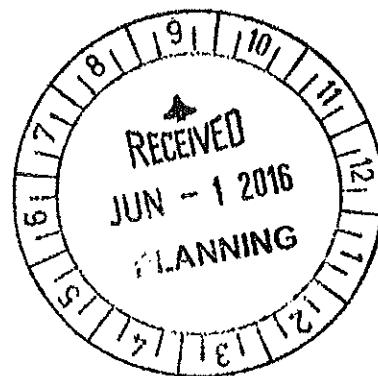
Sincerely,

[REDACTED] May 29, 2016.

[REDACTED] May 29, 2016.



PRESENTATION BOOK FOR OPPOSITION TO REZONING OF BAYVIEW ROAD PROPERTY



Bayview Road Residents

Bayview Road:

Bayview Road

* No Address Book kept Property
30' X 30' with 6' ROW for [REDACTED] Bayview Road

Bayview Road:

Bayview Road

Bayview Road

Bayview Road

Table of Contents for Opposition to Bayview Rezoning Application

Pages 1-3 Rezoning Application

**Pages 4-6 Color Copy of Listing of Boat Hoist
property showing where hoist was located in
April 2006**

**Opposition Letters/forms from Bayview Road
Residents**

Page 7 [REDACTED] Bayview Road

Page 8 [REDACTED] Bayview Road

**5 Page Letter of Opposition from [REDACTED] re:
[REDACTED] Bayview Road**

2 Page additional information re: hoist

Copy of Email to [REDACTED]

May 30th, 2016

**2 Page Correspondence from CRCA : search for
approvals**

[REDACTED] Bayview Road 2 Pages

[REDACTED] Bayview Road

[REDACTED] Bayview
Road

[REDACTED] Bayview Road

[REDACTED] Bayview Road

I think you have rec'd letter of opposition from
[REDACTED] Bayview Road

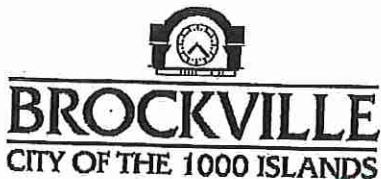
[REDACTED] Bayview Road

[REDACTED] Bayview Road

[REDACTED] Bayview Road

[REDACTED] Bayview Road are
away in Europe till June 6th, 2016

34 Color Pictures of hoist/platform at back of
binder



NOTICE OF PUBLIC MEETING CONCERNING A PROPOSED AMENDMENT

**TO CITY OF BROCKVILLE ZONING BY-LAW 050-2014
AND NOTICE OF AN APPLICATION FOR CONSENT**

Part Lot 4, Plan 80, Parts 1, 2 and 3, Reference Plan 28R-6942

Bayview Road, City of Brockville

(Files D14-012(050-2014) and B02/16)

Date of Public Meeting:	Tuesday, June 7, 2016
Time:	6:00 p.m.
Location:	Council Chambers, City Hall, One King Street West, Brockville
Subject Property:	Part of Lot 4, Plan 80, being Parts 1, 2 and 3, Reference Plan 28R-6942, City of Brockville, County of Leeds

The Economic Development Planning Committee of the City of Brockville will be holding a Public Meeting as noted above to give the public an opportunity to make representations concerning a proposed amendment to City of Brockville Zoning By-law 050-2014 respecting the retained lands under Consent File B02/16.

SUMMARY OF PROPOSAL:

Location of property	South side of Bayview Road, adjacent to 5 Bayview Road
Description of lands:	Part of Lot 4, Plan 80, designated as Parts 1, 2, and 3, Reference Plan 28R-6942, City of Brockville, County of Leeds
Proposed Consent:	<p>The applicant has requested consent to sever vacant residential lands to be added to the adjacent property to the south, with municipal address 5 Bayview Road. The lands to be severed (Parts 1 and 2, Reference Plan 28R-6942) are currently used for residential parking for 5 Bayview Road. The retained lands are occupied by a dock with access to the St. Lawrence River and are affected by a right-of-way for river access.</p> <p>The Chief Planning Officer for the City of Brockville will consider the application for severance conditional upon the approval of the amendment to Zoning By-law 050-2014. Written submissions should be received by the Chief Planning Officer, City Hall, One King Street West, P.O. Box 5000, Brockville, Ontario K6V 7A5, by <u>May 27, 2016</u>.</p> <p>The retained lands are the subject of the concurrent Application for Amendment to Zoning By-law 050-2014.</p>
Proposed Rezoning:	<p>Change from R2-Single Detached Residential to OS-Open Space Special Exception Zone</p> <p>The applicant has requested an amendment to City of Brockville Zoning By-law 050-2014 with respect to the proposed retained lands under Consent File B02/16 (Part 3 on Reference Plan 28R-6942). As noted above, the retained lands are occupied by a dock with access to the St. Lawrence River and are affected by a right-of-way for river access. These retained lands are proposed to be rezoned to OS-Open Space Special Exception Zone to allow for a lot with an area of 84 m² and restricting its use to Private Marine Facility only, permitting a boat launching ramp, boat lift, dock, boathouse, unenclosed rooftop deck on boathouse, and boat port or slip. Buildings for human habitation, marina or marina sales and service would not be permitted.</p>

- 2 -

Any person may attend this public meeting and make written or oral representations in support of, or opposition to, the proposed zoning amendment. Written submissions from persons not attending the meeting should be received by the Director of Planning, City Hall, One King Street West, P.O. Box 5000, Brockville, Ontario K6V 7A5, by May 27, 2016.

Please note: Personal information is collected pursuant to Municipal Freedom of Information and Protection Privacy Act. Comments and opinion submitted on these matters become part of the public record and may be viewed by the general public; and may be published in a Planning Report and Council Agenda. Questions about this collection should be directed to the City Clerk, City of Brockville located at 1 King Street West, Brockville, Ontario K6V 7A5 Tel: 613-342-8772.

A sketch indicating the portion of lands to be severed and the portion of lands to be retained and rezoned is attached to this Notice.

Rezoning: If a person or public body does not make oral submissions at the public meeting or make written submissions to the City of Brockville before the by-law is passed, the person or public body:

- is not entitled to appeal the decision of the City of Brockville to the Ontario Municipal Board; and
- may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

Consent: If a person or public body that files an appeal of a decision of the Chief Planning Officer in respect of the proposed consent does not make written submission to the Chief Planning Officer before she gives or refuses to give a provisional consent, the Ontario Municipal Board may dismiss the appeal.

To be notified of the adoption of the proposed zoning by-law amendment, or the decision respecting the consent to sever, a written request must be submitted to the Director of Planning/Chief Planning Officer, City of Brockville, 1 King Street West, P.O. Box 5000, Brockville, ON, K6V 7A5.

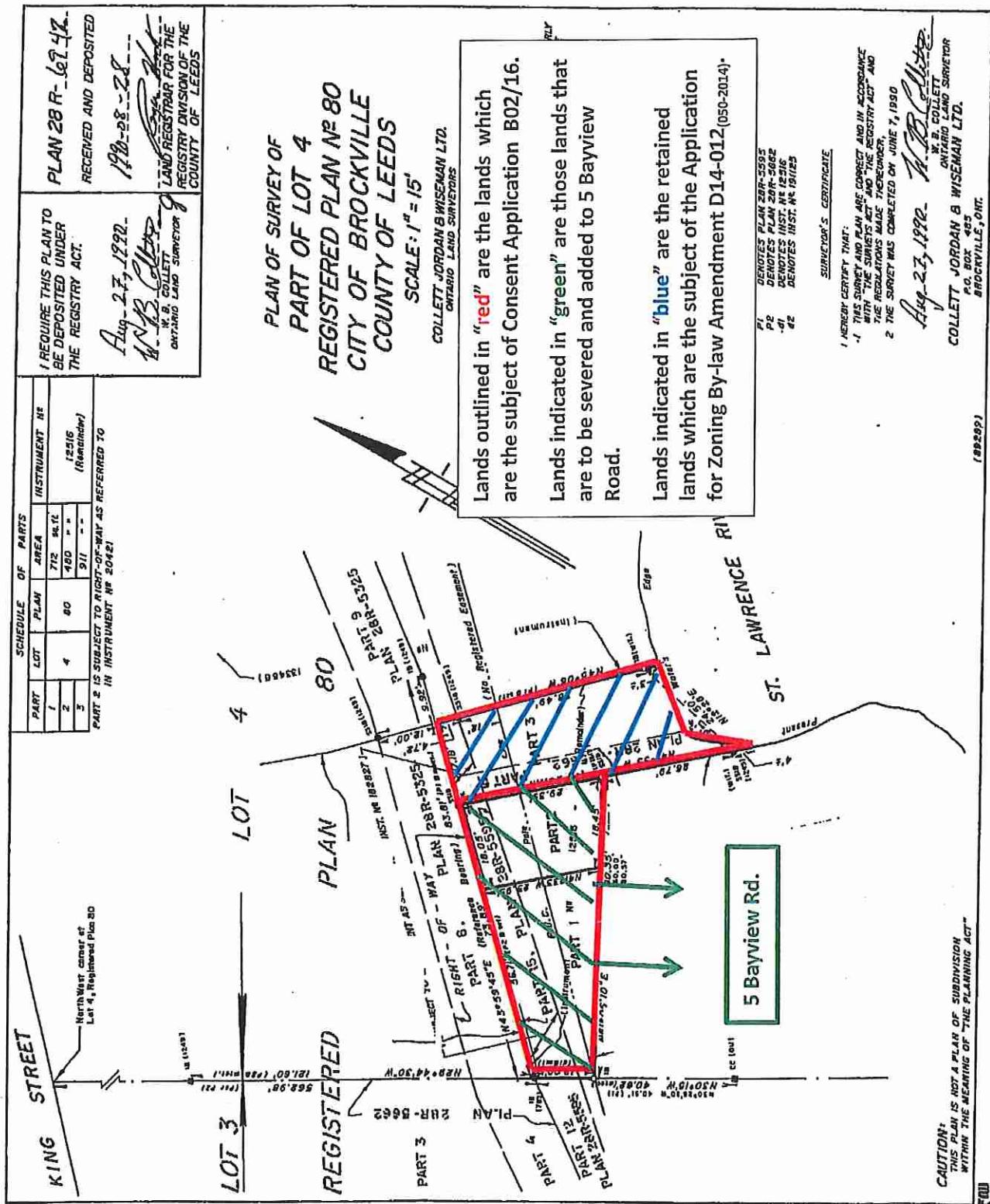
To review the applications that have been submitted, or to discuss the proposed rezoning or consent to sever, please contact the Planning Department at (613) 342-8772, ext. 463, quoting file Nos. D14-012 (050-2014) and B02/16 in all submissions or queries.

Dated the 12th day of May, 2016
 S.M. Seale
 City Clerk
 City of Brockville

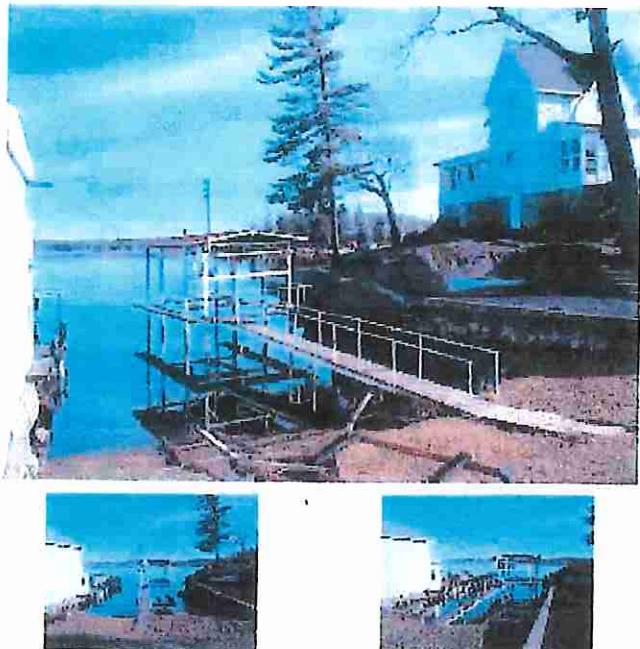


Tel: (613) 342-8772, Ext. 463
 Fax: (613) 498-2793
 Website: www.brockville.com
 Email: building@brockville.com

P.O. Box 5000
 One King St. West
 Brockville, ON
 Canada K6V 7A5



-4-



Price: \$50,000 Status: Active	MLS #: 080203005533200
Legal Descr.: PLAN 80 PT LOT 4	
Address: BAYVIEW RD	
City: BROCKVILLE	
Side of Road: Lot Size: Appx Out Dim SQ FT/M: Elem Schl:	
30' X 30'	District: BROCK Sub-Dist: BROCK Zoning: RES/REC Sec. School:
Possession: IMMEDIATE	

Overview	WATERFRONT LOT WITH BOAT HOIST-WONDERFUL SPOT TO DOCK YOUR BOAT AFTER TOURING THE ISLANDS-GREAT RIVER ACCESS TO OWN.							
Type: Vacant Lot(s) Style: None Title to Land: Freehold Property Size: Under 0.5 Acres Land Features: Water Frontage, Boat Access, Year Round Road Access Access: Water Frontage, Boat Access, Year Round Road Access	Heating: None Garage Type: None Water: None Sewer: None Services: Other Rental Equipm.: None	Exterior: None Driveway: None Foundation: None Features: None						
Inclusions								
Exclusions								
Bedrooms: 0 Bathrooms: 0 1 Rental Income: Building Age:	Sign: Yes Lockbox: Road: Public	UFFI: YES SPIS: Yes Matrim.:	Garage: Water Access: Yes	Gar.Details: Water: File #:	06040302			
Floor	Room	Size	Floor	Room	Size			
Assessment: \$	Taxes: \$1148 (2005)		Improvements:					
Condo Fee:			Mobile/Leased Land F:					
Listing Office: 183 L/G REALTY INC.			:					
Compliments of: BEVERLEY MALLORY 613-342-3417 bevmallory@ripnet.com 183 L/G REALTY INC. 613 498-2146								
The information contained on this listing form is from sources believed to be reliable. However, it may be incorrect. This information should not be relied upon by a buyer without personal verification. The brokers and agents and members of the Rideau-St. Lawrence Real Estate Board assumes no responsibility for its accuracy.								



REALTY INC.

Real Estate Brokerage
45 King St., E., Brockville, Ontario K6V 1A7

RESIDENTIAL DIVISION

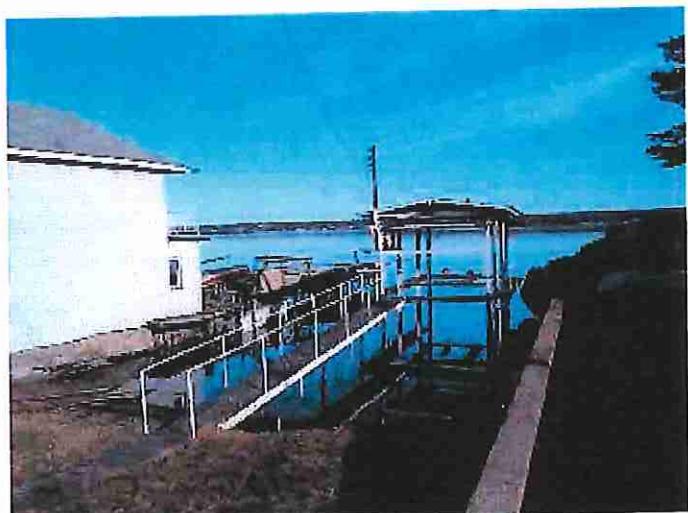
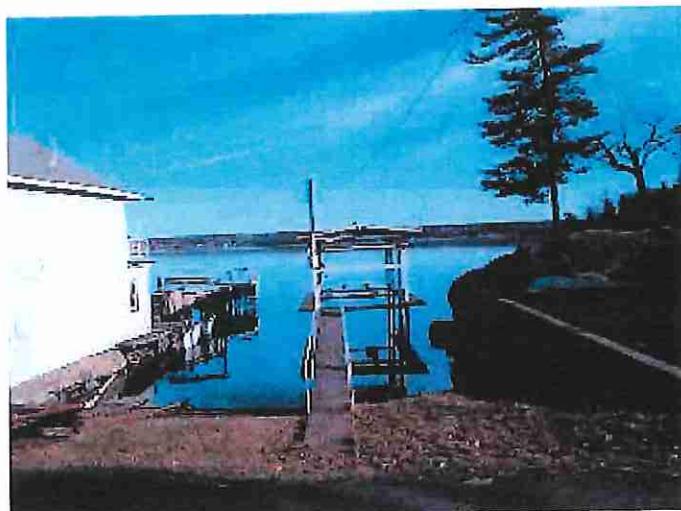
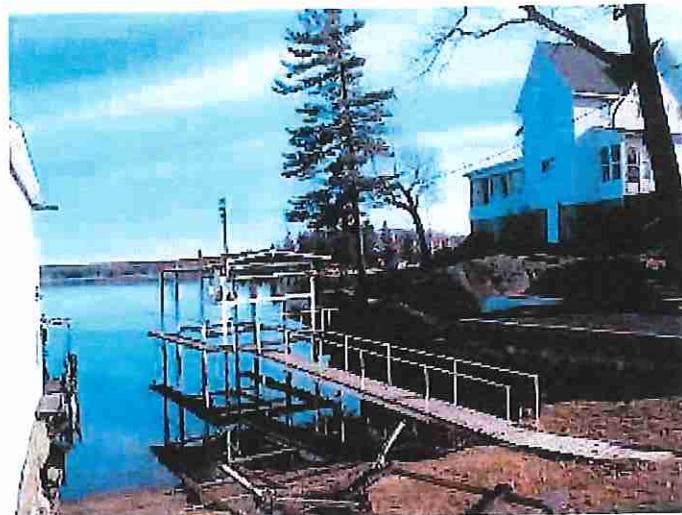
(613) 342-3417

Fax (613) 342-1302 • Cell (613) 213-3220
E-mail: bevmallory@ripnet.com

- 5 -

MLS# 080203005533200

BROCKVILLE BAYVIEW RD



7/2016

Query Submit Page

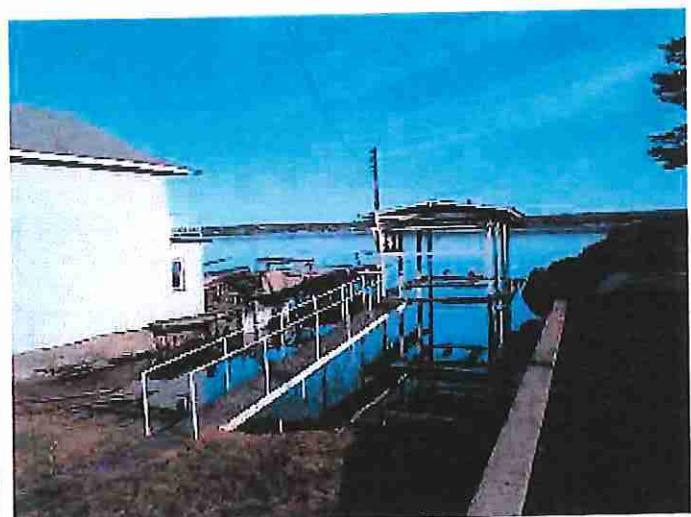
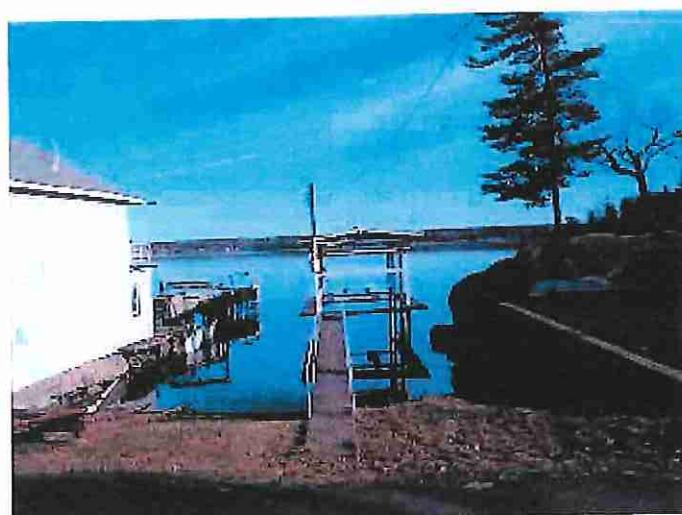
Search Results

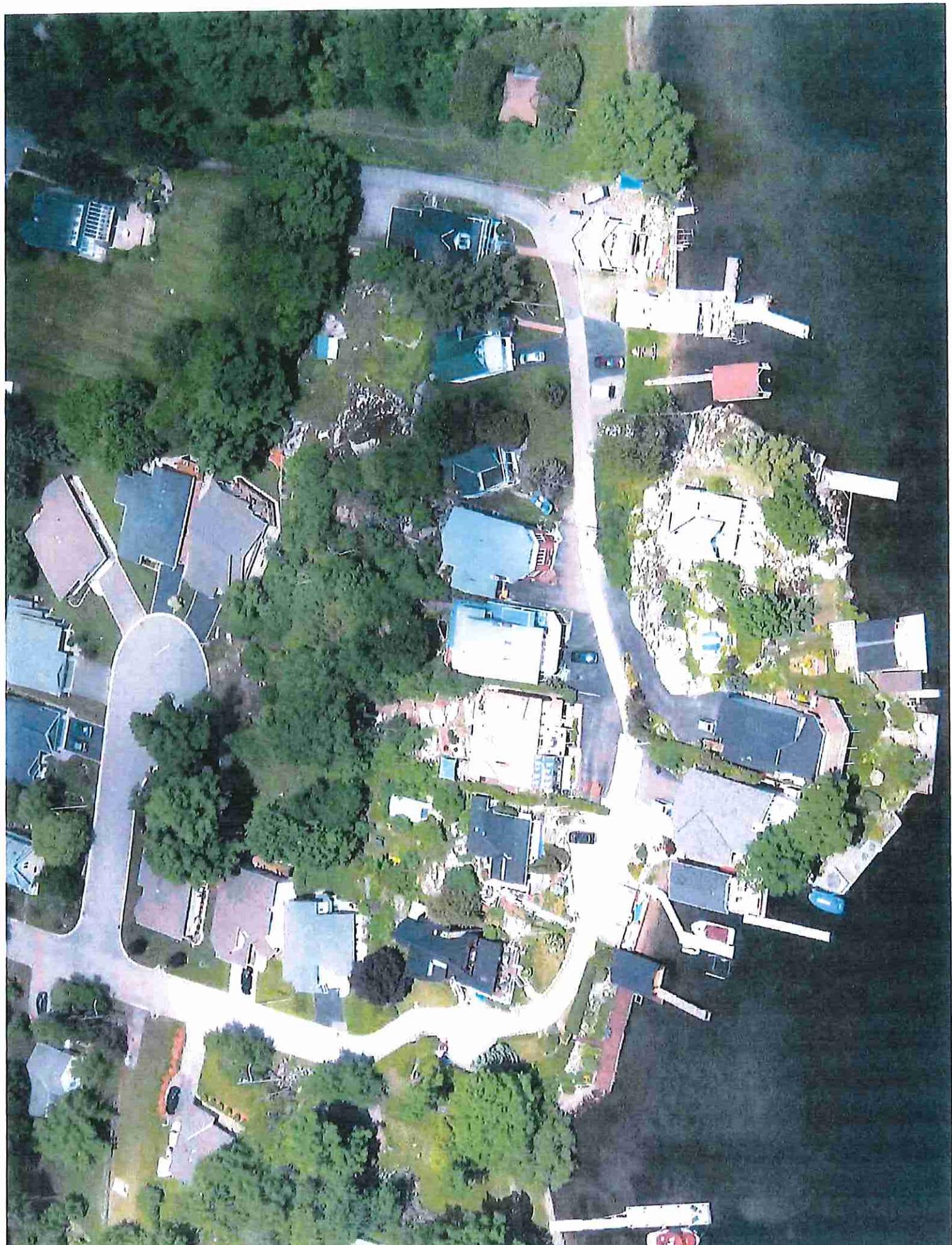
[1 - 1] of 1 matches.

MLS#	Address	Price	Date(s)	Appx Sq. Ft.	Bedrooms	District	Type	Status	Agents
080203005533200	BAYVIEW RD, BROCKVILLE	\$50,000 \$50,000	LIST: 02- APR-2006 SOLD: 06- APR-2006	0	0	BROCKVILLE - 0802	Residential Vacant Lot(s)	Sold	List: 183 L/G REALTY INC. BROKERAGE Sell: 173 COLDWELL BANKER BROCKHAVEN REALTY BROKERAGE MIKE MENARD 613-345- 3664

MLS® # 08020300553200

*- 6 -*BROCKVILLE BAYVIEW RD





Re: Public Meeting Tuesday June 7th, 2016 at 6 PM

Location: Council Chambers at City Hall One King Street West/ City of Brockville.

Concerning Proposed Rezoning of South Side of Bayview Road, adjacent to 5 Bayview Road legally described as Part of Lot 4, Plan 80, designated Parts 1, 2 and 3 on Reference Plan 28R-6942, City of Brockville, county of Leeds.

Proposed Rezoning: Change from R2-Single Detached Residential to OS-Open Space Special Exception Zone.

I/We _____ owner/owners of

_____ Bayview Road Oppose this rezoning Application

Comments:

- No construction on the Dock
- Don't want any extra traffic

May 29/16

Owner/Owners

Date

I/We Wish will attend Public Meeting: Yes No

Re: Public Meeting Tuesday June 7th, 2016 at 6 PM

Location: Council Chambers at City Hall One King Street West/ City of Brockville.

Concerning Proposed Rezoning of South Side of Bayview Road, adjacent to 5 Bayview Road legally described as Part of Lot 4, Plan 80, designated Parts 1, 2 and 3 on Reference Plan 28R-6942, City of Brockville, county of Leeds.

Proposed Rezoning: Change from R2-Single Detached Residential to OS-Open Space Special Exception Zone.

I/We [REDACTED] owner/owners of

[REDACTED] Bayview Road Oppose this rezoning Application

Comments:

ACTING ON BEHALF OF MY 91 YEAR OLD MOTHER.
ACCEPTANCE OF THIS ZONING CHANGE (AS IS) WOULD OPEN UP
A HORNET'S NEST EITHER AFTER PASSED OR IN FUTURE. BLOCAGE
OF VIEW FROM [REDACTED] BAYVIEW, IF BOATHOUSE INCREASES NOISE,
& CONGESTION ON ALREADY ONE LANE PRIVATE ROAD WHERE
PARKING ALREADY A MAJOR PROBLEM. ALSO WE HAVE BEEN DELAYED
PUTTING 4 BAYVIEW ON MARKET UNTIL THIS ZONING ISSUE IS RESOLVED

May 30th

Owner/Owners

Date

I/We Wish will attend Public Meeting: Yes No

WE WOULD BE IN FAVOUR OF HAVING USE FOR THIS PROPERTY BE
FOR "BOAT HOIST ONLY" AS IT HAS BEEN USED FOR LAST 40-50 YRS

Re: Public Meeting Tuesday June 7th, 2016 at 6 PM

Notes for committee Perusal:

[REDACTED] built the boat hoist several years ago to access his island across from St. Lawrence Park. Since donated by him to the City. In existence for 40 - 50 years as a ramp to a mechanized boat hoist.

I personally have access to numerous Color & Black & white photos of this property over the years

My Mother and Father purchased [REDACTED] Bayview Road in 1982.

My father has passed away but my mother still lives here 34 years later.

She will be 92 years of age this September and has a chair lift at [REDACTED] Bayview.

We have arranged for her to move to Maitland to be near my wife and our waterfront home. She will have everything on 1 level.

As a consequence of this zoning application we are unable to put her property on the market because of the uncertainty of the outcome of this application. Buyers want to know what that sign is all about.

After talking to the residents of Bayview Road I have found unanimous objection to this zoning proposal from 11 Residents.

2.

There are 14 Residents on the street and of the remaining three [REDACTED] have been travelling in Europe for weeks. Before leaving they said they were in opposition to the proposal but were gone before they could sign.

Apparently they are to return home on the 5th of June and I am sure, knowing them well, they will be attending the meeting. [REDACTED] went away last week and he gave me

An email address to send to him, which I did but have not received a reply.

The last residents: [REDACTED] of [REDACTED] Bayview

Who recently purchased their home are apparently involved in a proposed sale of the subject property when the zoning issue is resolved. Interestingly, when he spoke to me last week re: river property he said he only wanted the property for a boat hoist for his 17' fishing boat and that was all.

On Sunday May 29th, 2016 at 9 AM I was approached by [REDACTED] one of the owners of the subject property. He knew I was talking to the residents on the road about their concerns. I told him there is almost 100 % opposition to his proposal. I told him that there were concerns about the list of potential uses for the property with the new zoning. I told him there was a concensus that could be possibly be reached where the residents would have no objection to having the property for a Boat Hoist use only. He did acknowledge he

3.

is selling the property to [REDACTED] of [REDACTED] Bayview Road I was a little taken back when he then stated he would agree to having the proposal for Boat Hoist use ONLY and agreeing to removing ALL OTHER USES from the application for the zoning change. This would solve the problem all around and the new owner of the boat hoist would be a resident of the street, not as it is now with ownership from outside Bayview Road.

I also told [REDACTED] I had been in touch with CRCA re the moving of the boat hoist out further into the water. I have a memorandum from the City dated March 14th, 2006 re: subject property that states bottom of page 2: Work in/Near the St.Lawrence River: Approvals for work within or adjacent to the limits of the St.Lawrence river require appropriate approvals from governing agencies. The Start point for such approvals is the Cataraqui Region Consevation Authority (CRCA) . The CRCA may be contacted at 613-546-4228

This memorandum was from my real estate files when the property was put on the market in 2006.

I told [REDACTED] that I contacted the CRCA and they checked their records back to 2006 when he bought the property.

He took legal possession on April 6th, 2006.

4.

They have NO RECORD of application or approval for any work or movement of the boat hoist from its then position.

[REDACTED] told me they had contacted [REDACTED] Kehoe Marine Construction/Lansdowne for moving the hoist further out into the river and said to me I was welcome to contact Kehoe which I said I would.

I phoned and emailed Kehoe on May 30th, 2016 at 1:29 PM (Emailed) but as of today 4 PM I have received no reply. I attach copy of my email.

The movement of this boat hoist out into the river appears to have further restricted my mothers access to the river (See survey). This could be determined probably through a survey which my mother feels she shouldn't have to pay for and the onus should be on the people who moved it to prove it is not infringing on her river access.

Besides moving the boat hoist the present owners decided to change its use from a boat hoist to a platform/deck which appears longer and wider than the original structure. All electrical connection to the shore and electrical panel have been removed changing its initial use drastically.

I am waiting for a response to my request re: movement of hoist and also copies of approvals for change of use.

5.

I feel the bottom line on this proposal is: Approve the use of the property for a Boat Hoist ONLY

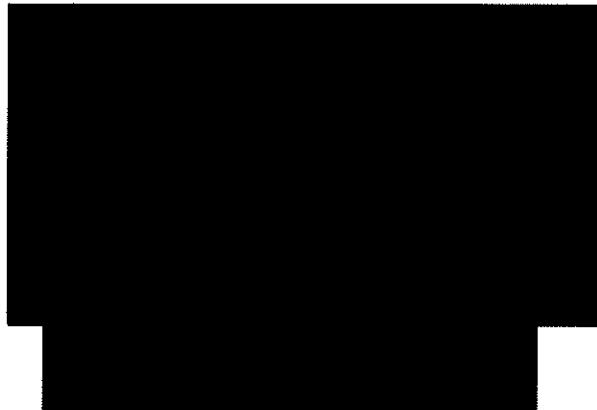
The question remains was it moved legally with all necessary applications and approvals. If it wasn't perhaps it should be removed entirely.

The residents of Bayview Road are meeting next on Saturday June 4th.

This evening I spoke to [REDACTED] in Toronto, Owner of [REDACTED] Bayview Road, who told me he will be bringing with him historical information on this property. He will attend the Saturday meeting.

I have many pictures, aerial views surveys which I would be glad to share with the committee prior to or at the June 7th meeting. I can be reached at [REDACTED] (Cell) email [REDACTED]

Sincerely, [REDACTED] Broker of Record



Information for Bayview Road, Brockville

15 Properties comprise Bayview Road

13 Properties have houses

One Property, ■ Bayview Rd, is a vacant lot

The second property is the subject of the rezoning application. It has no municipal address

It may be of interest that the total amount of property taxes collected by the city in 2016 for Bayview Road is \$ 70,985.16

The property asking for rezoning is owned by two people who no longer live on the Road and this property pays \$ 733.00 in property taxes for 2016

At present: traffic , parking problems, congestion reign havoc on this narrow one lane road

My mother despite posting Private Parking signs is constantly chasing off visitors, strangers out of her 3 car parking area. Now that the neighbor at