



## Economic Development and Planning Committee

Tuesday, July 5, 2016, 5:15 pm  
City Hall, Council Chambers

<u>Committee Members</u>	<u>Areas of Responsibility</u>	
Councillor P. Deery, Chair	Economic Development	Economic Development
Councillor L. Bursey	Planning	Advisory Team
Councillor M. Kalivas	Chamber of Commerce	Museum Board
Councillor D. LeSueur	DBIA	Library Board
Mayor D. Henderson, Ex-Officio	Heritage Brockville	Arts Centre
		Tourism

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## COMMITTEE AGENDA

### **Disclosure of Interest**

Nil.

### **Delegations and Presentations**

Nil.

### **Correspondence**

Nil.

### **Staff Reports**

3 - 113

1. 2016-089-07

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, Vivien Levermore,  
Greg Moir, Jackie Moir, Applicant: Michael Menard

*THAT Zoning By-law 050-2014 be amended to rezone lands described as Part of Lot 4, Registered Plan 80, being Part 3 on Reference Plan 28R-6942, City of Brockville, County of Leeds from R2-General Residential Zone to OS-4 Open Space Special Exception Zone to allow for a lot with an area of 84 m<sup>2</sup>; with the use of the lands to be restricted to a Private Marine Facility only and with provisions prohibiting the construction of buildings, accessory uses, and limiting boat, trailer and recreational vehicle parking. For purposes of the OS-4*

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*Zone, a Private Marine Facility means a structure which is used to moor or berth a boat, and includes only a dock, boat lift, boatport or slip.*

114 - 119 2. 2016-090-07

Final Acceptance and Discharge of  
Obligations Under Subdivision Agreement  
Plan 28M-3, Wildwood Crescent, Phase I,  
City of Brockville (Hunters Hill Subdivision)  
Owners: Spring Valley Homes Ltd.  
Agent: Michael Veenstra

*THAT a by-law be enacted for final acceptance of the work under Plan 28M-3 and to discharge obligations under Subdivision Agreement dated 05 May 2006, between Spring Valley Homes Ltd. and the Corporation of the City of Brockville, save and except Clause 16 b) i) through iii), inclusive, and Schedule "G", Clause 1, for lands known as Hunters Hill Subdivision-Wildwood Crescent-Phase I, Lots 1 through 27, inclusive, Plan 28M-3.*

120 - 126 3. 2016-091-07

Request to Deem Lots Not Registered  
Parts of Pineview Heights Subdivision  
Registered Plan 335, Brockville  
Owner: Mary Ann Clarke  
Applicant: Eastern Engineering Group Inc.

*THAT Lot 23 and Lot 24, Registered Plan 335, City of Brockville, County of Leeds, be deemed not registered.*

### **New Business - Reports from Members of Council**

Nil.

### **Consent Agenda**

### **Adjournment**

*THAT the Economic Development and Planning Committee adjourned its meeting until the next regular meeting scheduled for August 2, 2016.*

27 June 2016

**REPORT TO THE ECONOMIC DEVELOPMENT PLANNING COMMITTEE – 5 July,  
2016**

**2016-089-07**

**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, VIVIEN LEVERMORE,  
GREG MOIR, JACKIE MOIR  
APPLICANT: MICHAEL MENARD  
FILE: D14-012<sub>(050-2014)</sub>**

**M. PASCOE MERKLEY  
DIRECTOR OF PLANNING**

**RECOMMENDATION**

THAT Zoning By-law 050-2014 be amended to rezone lands described as Part of Lot 4, Registered Plan 80, being Part 3 on Reference Plan 28R-6942, City of Brockville, County of Leeds from R2-General Residential Zone to OS-4 Open Space Special Exception Zone to allow for a lot with an area of 84 m<sup>2</sup>; with the use of the lands to be restricted to a Private Marine Facility only and with provisions prohibiting the construction of buildings, accessory uses, and limiting boat, trailer and recreational vehicle parking. For purposes of the OS-4 Zone, a Private Marine Facility means a structure which is used to moor or berth a boat, and includes only a dock, boat lift, boatport or slip.

**PURPOSE**

The purpose of this report is to provide recommendations on an application for amendment to City of Brockville Zoning By-law 050-2015 respecting the property described as Part of Lot 4, Registered Plan 80, being Part 3 on Reference Plan 28R-6942, City of Brockville, County of Leeds; Bayview Road.

**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 a Consent to Sever under File B02/16, and for an amendment to Zoning By-law 050-2014 under File D14-012.

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

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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, Vivien Levermore, Greg Moir, Jackie Moir

Applicant: Michael Menard

File: D14-012<sub>(050-2014)</sub>

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' 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 m<sup>2</sup>. The OS-Open Space Special Exception Zone would also restrict the use of this small, remnant parcel to a Private Marine Facility only.

The following schedules are attached to this report:

1. **Schedule “A”** - indicates the location of the subject property and the current zoning of the parcel and surrounding lands.
2. **Schedule “B”** - 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.
3. **Schedule “C1” and “C2”** - photos of the subject property (Source: Planning Dept. staff and DRAPE Aerial Photography 2014 respectively)
4. **Schedule “D”** - Comments received in advance of or at the public meeting from internal departments, external agencies, interested persons and a representative of the property owners.
5. **Schedule “E”** - Public Meeting Minutes – June 7, 2016.
6. **Schedule “F”**- CRCA Guidelines for In-Water and Shoreline Works

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).

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Requested Zoning for OS – Open Space Special Exception Zone, permitting a Part 3, Plan 28R-6942: Private Marine Facility only.

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

Surrounding Land Use:

West/Northwest: Residential – zoned R2 Single Detached Residential

East/Northeast: Residential – zoned R2 Single Detached Residential

South: St. Lawrence River

Public Participation

On June 7, 2016, a Public Meeting was held by the Economic Development and Planning Committee. Notice of the Public Meeting was advertised in the Brockville Recorder and Times Newspaper of May 12, 2016 and was circulated to property owners within 120.0 metres of the subject property. In addition, a sign was placed on the subject property advertising that the lands are the subject of an Application for Amendment to City of Brockville Zoning By-law 050-2014. Comments from City Departments and affected agencies were also solicited.

Written comments received in advance of or at the Public Meeting are summarized below or are attached as **Schedule “D”**:

1. Conal Cosgrove, Director of Operations, Operations Dept. – memo dated May 19, 2016: No comments.
2. Matt Tyo, Fire Prevention Officer, Brockville Fire Dept. – memo dated May 16, 2016: No concerns.
3. Brent Caskenette, Chief Building Official, Planning Dept. - memo dated May 13, 2016: No concerns.
4. Allison Sadler, Municipal Planning Advisor, Enbridge Gas Distribution – letter dated May 24, 2016: No objection.

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5. Michael Dakin, Resource Planner, Cataraqui Region Conservation Authority (CRCA) – letter dated May 20, 2016 - attached. Also emails dated May 30, 2016 and June 7, 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.

Investigation of compliance status of existing boat hoist and dock completed. Original marine facility structure was constructed long before CRCA regulated in-water work. In 2009, the structure was extended further into the St. Lawrence River. There is no record of a permit. A review of the existing structure reveals that, if an application were made for the same structure at present, a permit could be issued as it is consistent with CRCA Guidelines (see **Schedule “F”**)

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.

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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 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.

10. Neighbour

Concerned due to interference of river view, lack of privacy, further congestion of narrow road and lower property values.

11. Neighbour

There are no plans for neighbours to review. Proposed open space zoning is totally inappropriate. Official Plan policies respecting infill development cited. A boathouse would block view. Concern that right-of-way to river may be blocked, and with past actions of the applicants.

12. Owners of the Subject Property

Chronology of current ownership, response to neighbour's previous concern over compromised access, and current interest in proceeding with land transfers and new zoning which will be more protective of neighbouring property values.

Issues Raised at the Public Meeting (Minutes attached as **Schedule "E"**)

On June 7, 2016, a Public Meeting was held by the Economic Development Planning Committee. The following is a summary of issues raised at the public meeting.

- The owners/applicant believe that there will be more protection for neighbours with the proposed zoning, and little would change with respect to the use as it currently exists.
- Solicitor acting for adjacent neighbour noted that zoning will only deal with the control of the use of the land, and that the CRCA is responsible for approvals for what happens over the St. Lawrence River.
- Neighbour expressed opposition to the proposed change to Open Space, and concern that his view and access to the river would not be respected.

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- Representative of neighbours expressed concern and referenced the issues in the Presentation Book supplied in advance of the public meeting. It would be advantageous for the owner of the subject land to be a resident of the area.

## ANALYSIS/OPTIONS

This application seeks to create an OS Open Space Special Exception Zone affecting a very small portion of waterfront land on Bayview Road. The subject lands are what will become a remnant parcel of St. Lawrence waterfront created following a Consent to sever adjacent lands which are to be added to 5 Bayview Road. Its current use is as access to a dock, and no plans which would change this use were submitted with the application.

A review will be conducted of relevant Provincial land use policies, relevant Official Plan policies, and with consideration to the nature of appropriate land use and zoning controls to be applied in this instance. The input received will also be reviewed.

### Provincial Policy Considerations:

The Provincial Policy Statement 2014 (PPS) issued under Section 3 of the Ontario Planning Act provides policy direction on matters of Provincial interest related to land use planning and development. Section 3 of the Planning Act further directs that Council decisions affecting planning matters “shall be consistent with” the Provincial Policy Statement.

Part V of the PPS contains various policies under the headings “Building Strong Healthy Communities”, “Wise Use and Management of Resources”, and “Protecting Public Health and Safety”. Only a few policies would be relevant to this matter.

To be considered is Policy 1.1.1 c) which states that *“healthy, liveable and safe communities are sustained by avoiding development and land use patterns which may cause environmental or public health and safety concerns.”*

Also, on the theme of Protecting Public Health and Safety around natural hazards, Policy 3.1.1 a) speaks to directing development *“to areas outside of hazardous lands adjacent to the shorelines of the Great Lakes-St. Lawrence River System...to avoid flooding or erosion hazards.”*

Through planning tools available to the municipality, land use can be controlled, and inappropriate development can be avoided. Zoning offers the best opportunity to implement such control. Very restrictive language, limiting the opportunity for use of the subject parcel, imposed through a special, site-specific zoning, can ensure that the Provincial interests around appropriate development, avoiding potential environmental or public health and safety concerns, and avoidance of flooding or erosion hazards can

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be achieved.

These Provincial policies also factor into the review of this application by the CRCA and reflect that organization's interest in avoidance of natural hazards, protection of water quality and ecological integrity, in line with the objectives stated in the PPS. The CRCA supports the imposition of an OS-Open Space Special Exception Zone which is suitable for shoreline access and marine facilities but would prohibit other unsuitable land uses.

Therefore, it can be said that the imposition of restrictive zoning in the nature of the request being sought is consistent with the PPS.

#### Official Plan Considerations

The Official Plan provides guidance on how to manage future growth, development and change within the City of Brockville.

The subject property is designated under Schedule 1 – City Structure, of the Official Plan, as "Neighbourhood Area" and is within the Cataraqui Region Conservation Authority screening area.

Policies in the Official Plan seek to protect the stability of established neighbourhoods. Specifically, Policy 3.2.4.1.1. of the Official Plan states that the character and identity of existing neighbourhoods is to be sustained and enhanced.

Section 4.3 of the Official Plan sets out policies to be applied to lands designated Neighbourhood Area. This land use designation establishes that residential uses are to predominate. Accessory uses thereto are also permitted. Given the neighbourhood's location on the St. Lawrence River, it is common and reasonable to expect boat docking as an accessory use.

Policies in Section 4.3 also state that under circumstances where there may be an opportunity for intensification or redevelopment, the character of a neighbourhood is to be preserved. Clearly, this is not a circumstance where there is opportunity for intensification or redevelopment. The small parcel owned by the current owners was split from a main residential use many years ago in the days prior to the implementation of subdivision control in the Province of Ontario through the Planning Act. A waterfront parcel with docking was created apparently for the sole purpose of a previous owner's interest in retaining water access. The parcel as it currently exists is significantly undersized and has no other utility than as the land to which a dock is attached.

Today, not only does the Planning Act give the City authority to control the subdivision of land, we also have policies in Section 6 of the Official Plan that guide us with respect to lot creation, to ensure that new lots are appropriately sized to be adequate for

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existing and proposed uses. The Official Plan also recognizes, however, that there are times when severances for technical or legal purposes need to be considered. Specifically, Section 6.4.5.2.2 states that lots that are the subject of this type of application shall comply with the specifications set out in the zoning by-law, and if not, the zoning by-law must be amended or a minor variance granted. In this case, there is a need to amend the zoning by-law to establish an appropriate zone for the very small, remnant portion which will be created once Parts 1 and 2 are added to the adjoining neighbour's property at 5 Bayview Road.

The Official Plan contemplates these uncommon local circumstances, and suggests that proceeding with a consent to sever while also establishing zoning controls is appropriate.

It is also recognized in the Official Plan that there are natural heritage considerations for waterfront locations, and such lands fall within the screening area for the Cataraqui Region Conservation Authority. The CRCA shares our concern with ensuring the avoidance of natural hazards such as flooding and erosion, and protection of the ecological integrity of the river and shoreline. Comments provided by the CRCA are supportive of the implementation of limits on the use of these waterfront lands.

### Zoning By-law Considerations

The subject lands are currently zoned R2-General Residential Zone. The applicant has submitted an application for consent to sever a portion of the owners' lands to be added to adjacent lands and to rezone the remnant portion to an OS – Open Space Special Exception Zone, permitting a small lot 84 sq. m. in area which would be restricted in use to a Private Marine Facility only. A Private Marine Facility is currently 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."***

In determining whether this requested zoning is appropriate, there are several factors to be considered, including: 1. the characteristics of this small waterfront parcel; 2. the inappropriateness of the current R2 Zone; and 3. the best alternate zone, giving consideration to all input received.

The subject property has been previously described as a very small waterfront parcel of only 84 sq. m. The photos attached as **Schedules C1 and C2** as well as others supplied by neighbours indicate that the parcel in question is nothing more than a small,

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relatively level paved area adjacent to the shoreline to which a dock and former boat hoist/existing seating platform are attached. The St. Lawrence River frontage is approximately 7.5 m, while frontage on Bayview Road would be approximately 5.2 m.

The existing zoning is R2-Single Detached Residential. The uses permitted in the R2 Zone are: single detached dwelling; group home dwelling; converted dwelling; bed and breakfast; second suite; and garden suite. None of these uses exist on the site, nor would there be any opportunity to develop any of the uses permitted under the current zoning, given the size of the site. Furthermore, the minimum lot area and minimum lot frontage for lots to be created in the R2 Zone is 425 sq. m. and 17 m respectively. It is clear that the existing residential zone is not representative of uses which exist or could be considered for these lands.

Given the above, the best option is to determine the most appropriate alternate zone to be applied to the subject property. The application seeks an OS Open Space Special Exception Zone, recognizing the lot area of 84 sq. m. and with use limited to a Private Marine Facility. It is appropriate to be very restrictive when it comes to the use of these lands, and creating a site specific OS Open Space Zone is the best approach.

However, considering the limitations of the site, the input received, and the concerns expressed by several neighbours, it is recommended that, for purposes of this parcel, a Private Marine Facility be permitted, but that a modified definition of Private Marine Facility be implemented in this instance.

Also, some of the general provisions set out in Zoning By-law 050-2014 are not necessarily appropriate. Section 3.35 establishes general provisions for Private Marine Facilities and Marinas, and Section 3.47 deals with Trailers, Recreational Vehicles and Boat Parking and Storage. Excerpts from these Sections 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 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*

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*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.”*

**“3.47 TRAILERS, RECREATIONAL VEHICLES AND BOAT PARKING AND STORAGE**

**a) Vacant Lot**

*No person shall in any zone use any vacant lot for the parking or storage of any trailer, mobile home or boat or other recreational vehicle, unless specifically permitted by this By-law.*

**b) Private Storage - Outside**

*No person shall, on a developed lot:*

- i) *store or park more than one (1) boat or trailer or other recreational type vehicle without maintaining at least one (1) legal parking space on the subject site;*
- ii) *store or park any boat or trailer or other recreational type vehicle that exceeds 10.0 metres in length;*
- iii) *store or park a boat or trailer or other recreational type vehicle at any time except:*
  1. *during any season of the year, within the rear or interior side yard, on a properly surfaced parking area, or*
  2. *from May 15 to October 15 of any year, in a legal parking area, provided the vehicle is a minimum of 5.0 metres from the curb face abutting the street or edge of the paved surface of the street where no street curb exists.*
- iv) *use a boat, trailer or recreational type vehicle for human habitation unless specifically permitted by this By-law.”*

To capture the appropriate control over use of the subject parcel, it is recommended that the following new special exception zone be implemented on Part 3 of Reference Plan 28R-6942, replacing the current R2 Zone, and establishing control over construction of buildings, accessory uses, and boat, trailer and recreational vehicle parking:

“OS-4 Zone

*Notwithstanding Section 3.35 of Zoning By-law 050-2014, the uses permitted in the OS-4 Zone shall be restricted to a Private Marine Facility only. For purposes of the OS-4 Zone, a Private Marine Facility shall mean a structure which is used*

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*to moor or berth a boat, and includes only a dock, boat lift, boatport or slip.*

*Only the following zone provision applies to the OS-4 Zone:*

<i>Minimum Lot Area</i>	<i>84 m<sup>2</sup></i>
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*No buildings are permitted, nor are accessory uses, buildings or structures permitted.*

*A Private Marine Facility is subject to approval or permit from the Conservation Authority, the Province of Ontario or the Government of Canada.*

*Notwithstanding Section 3.47, no person shall store or park more than one (1) boat or trailer, nor park a recreational type vehicle, nor use a boat, trailer or recreational type vehicle for human habitation in the OS-4 Zone.”*

Even with the implementation of the above recommended zone which emanates from consideration of all input and the analysis of the request for a site-specific zoning, it should be recognized that zoning on waterfront parcels exerts authority to control the use of the land only, while it is the CRCA's authority over in-water and shoreline undertakings that controls elements beyond the shore. As a result, zoning cannot control all potential change in waterfront neighbourhoods.

## POLICY IMPLICATIONS

As noted in the Analysis section of this report, the proposed amendment to Zoning By-law 050-2014 for the subject vacant waterfront lands is consistent with the PPS and with the relevant policies of the City's Official Plan.

## 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

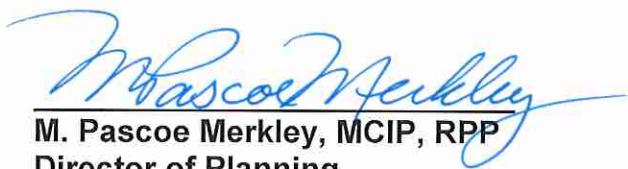
Following review of the PPS, the Official Plan, Zoning By-law 050-2014, as well as submissions received respecting the request for Zoning By-law amendment for the subject lands on Bayview Road, it is appropriate and represents good planning to rezone Part 3 of Reference Plan 28R-6942 on the south side of Bayview Road to OS-4

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Open Space Special Exception Zone, applying a site-specific definition of Private Marine Facility, and implementing a prohibition on construction of buildings and accessory uses, and control of trailer and recreational vehicle parking.

The recommendation at the beginning of this report reflects this conclusion.

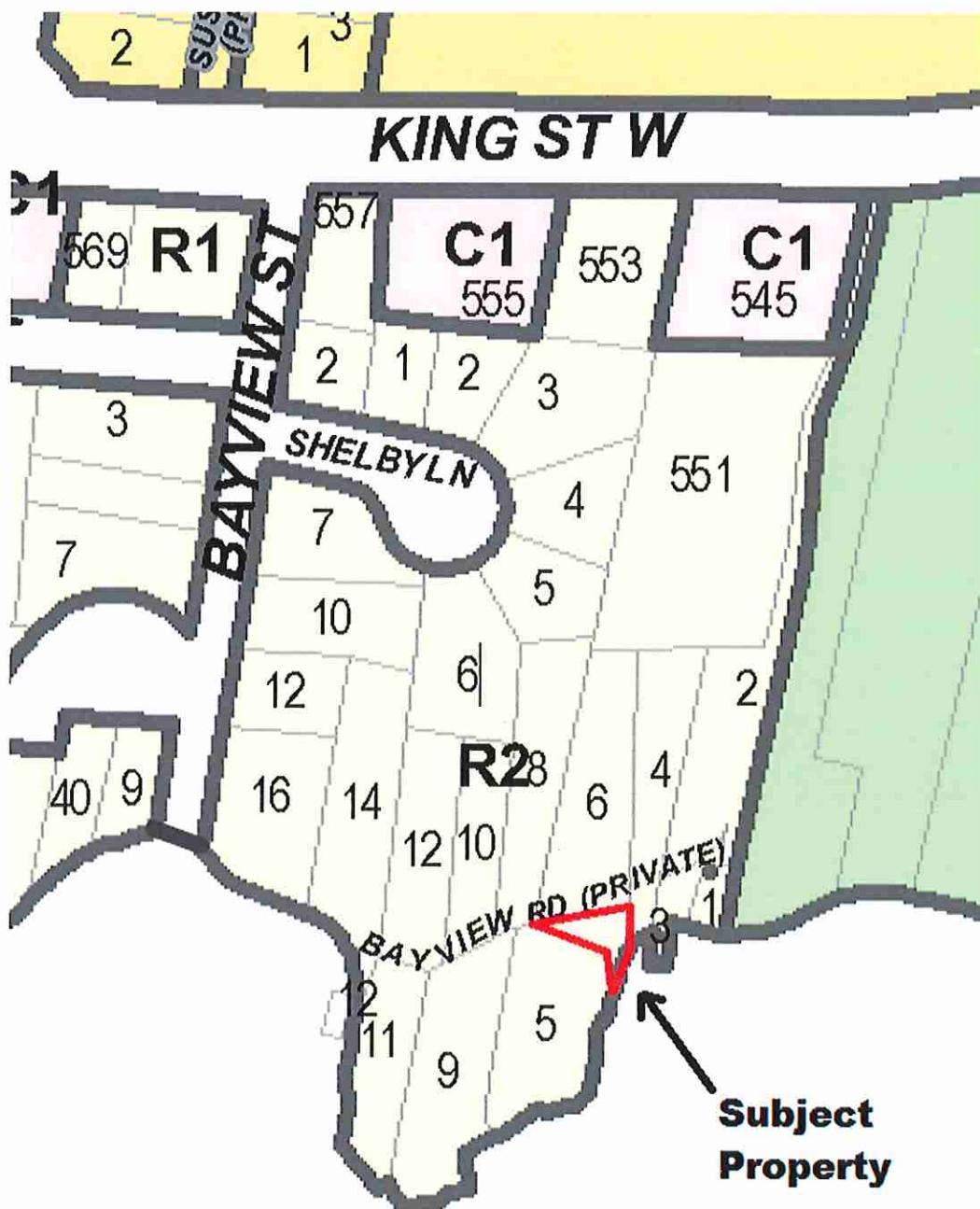


M. Pascoe Merkley, MCIP, RPP  
Director of Planning

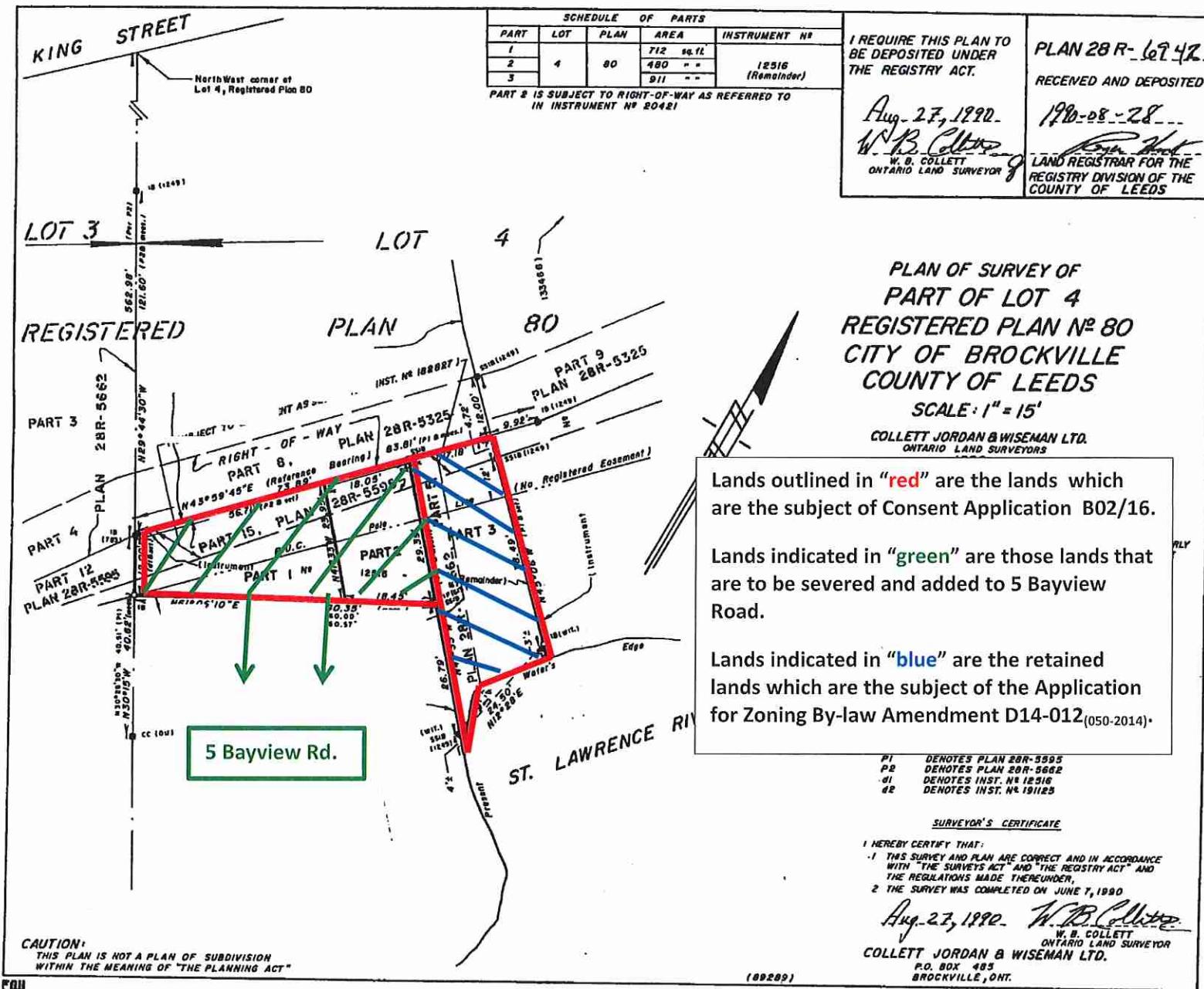


B. Casselman  
City Manager

## SCHEDULE "A" TO REPORT 2016-089-07



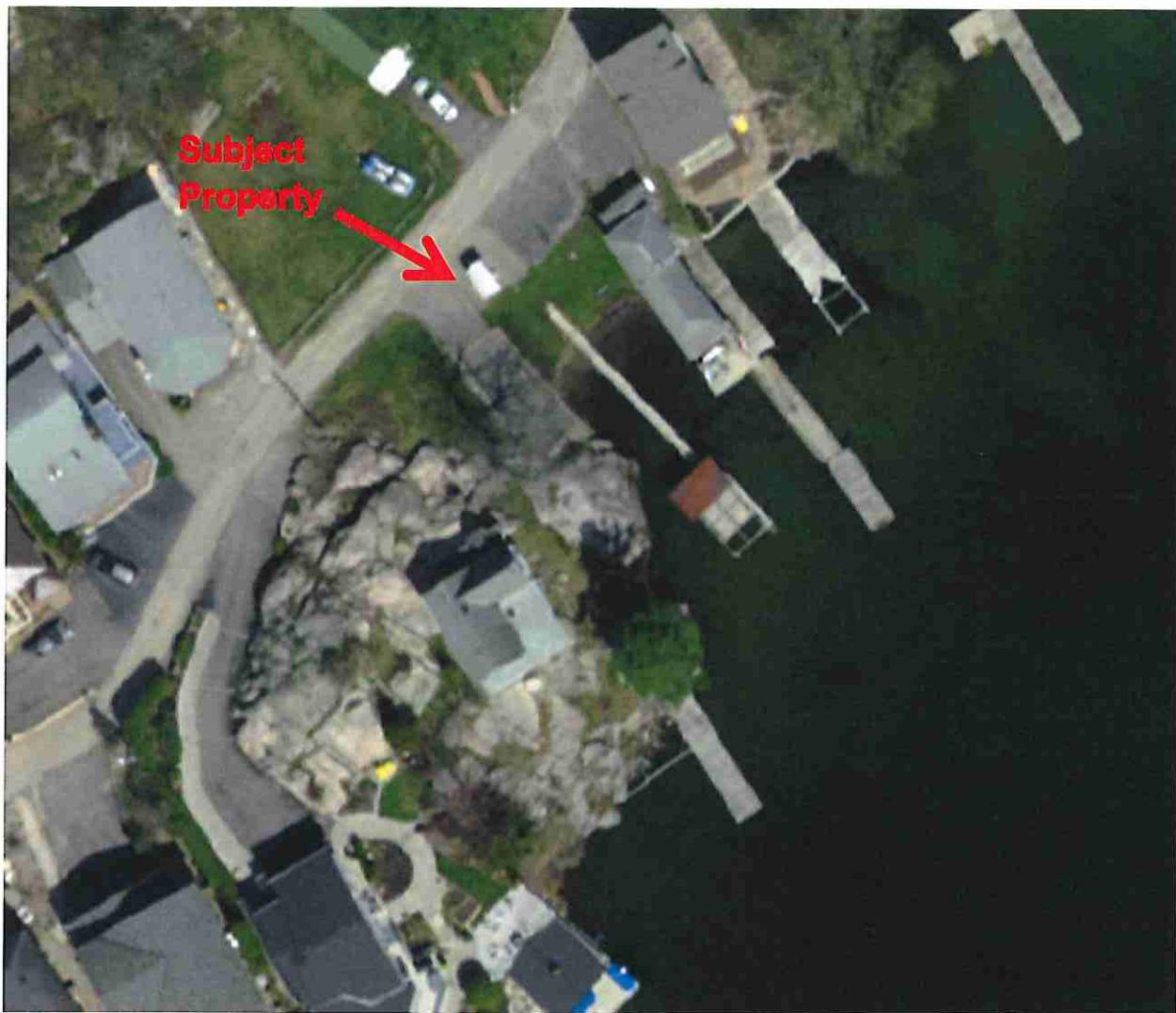
## SCHEDULE "B" TO REPORT 2016-089-07



**SCHEDULE "C-1" TO REPORT 2016-089-07**



## SCHEDULE "C-2" TO REPORT 2016-089-07



## **SCHEDULE "D" TO REPORT 2016-089-07**

### **Submissions and Comments**



**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](mailto:crca@cataraquiregion.on.ca)  
 Websites: [www.cleanwatercataraqui.ca](http://www.cleanwatercataraqui.ca) & [www.cataraquiregion.on.ca](http://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 m<sup>2</sup> portion of vacant land currently used for parking from an existing 195.4 m<sup>2</sup> (approx.) vacant lot and the addition of the severed portion to an adjacent 1,104 m<sup>2</sup> (approx.) residential lot to the south (5 Bayview Rd). The lot to be retained would be approximately 84.6 m<sup>2</sup> 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@crca.ca](mailto:mdakin@crca.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](mailto:mdakin@crca.ca)>  
**Sent:** Monday, May 30, 2016 2:28 PM  
**To:** Jon Faurischou; 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](http://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](http://www.crca.ca)

**From:** [REDACTED]  
**Sent:** Monday, May 30, 2016 1:48 PM  
**To:** [mdakin@crca.ca](mailto: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 7<sup>th</sup>. I would like your feedback on this matter ASAP as I am meeting with lawyers Tomorrow Tuesday Sincerely, [REDACTED]

## Maureen Pascoe Merkley

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**From:** Michael Dakin <mdakin@crca.ca>  
**Sent:** Tuesday, June 07, 2016 12:54 PM  
**To:** Maureen Pascoe Merkley  
**Cc:** Andrew McGinnis  
**Subject:** Bayview Road - Marine Facility

Maureen,

CRCA staff have been investigating the compliance status of a marine facility (i.e. boat hoist and dock) located on the water offshore from a vacant parcel of land on Bayview Road (Assessment Roll# 080203005533200). We have found no records of permits issued under the CRCA's regulation - Ontario Regulation 148/06: *Development, Interference with Wetlands & Alterations to Shorelines and Watercourses*, pursuant to Section 28 of the *Conservation Authorities Act*. From information obtained from other parties as well as from our review of available aerial imagery, evidence suggests that the original marine facility structure was constructed long before the CRCA regulated in-water work via O. Reg. 148/06. The original structure is therefore "grandfathered" from the perspective of our regulation.

In our investigation we also became aware that the structure had been moved (extended further into the St. Lawrence River) at some point in 2009. This has been confirmed by the current landowner. According to the landowner, the extension/relocation occurred under an understanding from a contractor and legal counsel that permit approvals from the CRCA under O. Reg. 148/06 were not required at the time. In fact, our regulation did apply in 2009 and the modification in location would have been subject to permit approval at that time.

Due to regulatory changes, the CRCA adopted a Statute of Limitations policy that limits our enforcement of O. Reg. 148/06 to work that has occurred post-2010. As such, the change in location of the marine facility that occurred in 2009 is not subject to retroactive permit approval nor any other compliance requirement enforceable by the CRCA.

Having reviewed the existing structure, including its design and configuration, CRCA staff can confirm that the structure is consistent with the CRCA's Guidelines for Implementation of O. Reg. 148/06 given the property constraints. It is our opinion that, if an application were made for the same structure at present, that the design and location would comply with our guidelines and a permit could be issued under O. Reg. 148/06. We cannot speak to compliance status with regards to any other applicable regulation, by-law, or legislation.

I trust this information serves as a useful update as it relates to the status of the marine facility at the subject property.

Should you have any questions, please do not hesitate to contact me.

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

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.

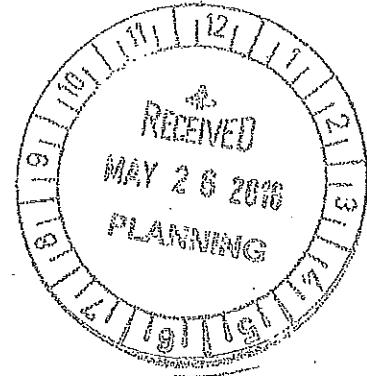
Question:

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 -

[REDACTED] 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	<u>3,198.50</u>
	<u>\$11041.26</u>
	<u>\$11041.26</u>

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.

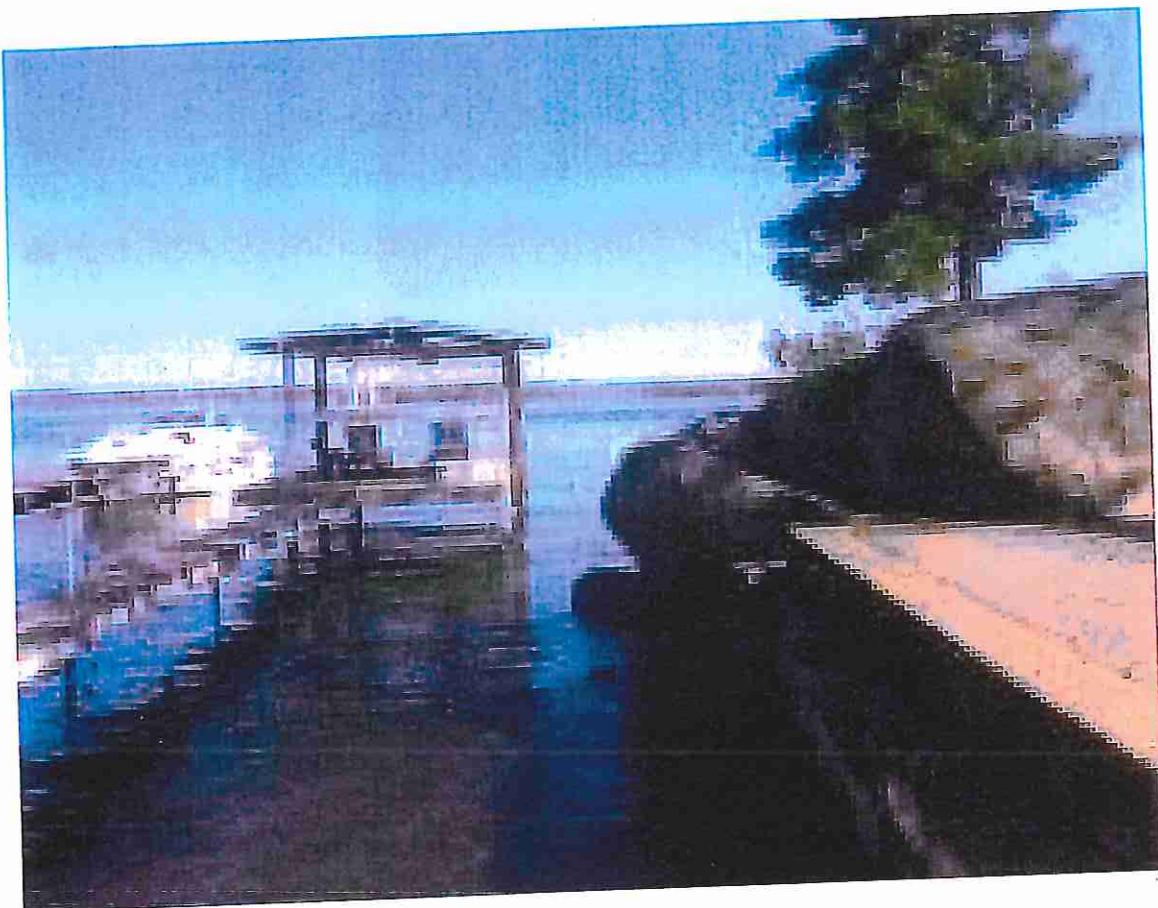
We are pleased to have been of service to you.

Yours truly,  
MATHESON, HENDERSON & HART,  
per

*Heg L R Hart*

HRH:DS  
ENCLS.







RECEIVED

MAY 27 2016

CLERK

(1)

RE: Public Meeting Tuesday, June 7<sup>th</sup>, 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 LOGICAL 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 CONSIDERABLY  
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 half 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 30<sup>th</sup>, 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

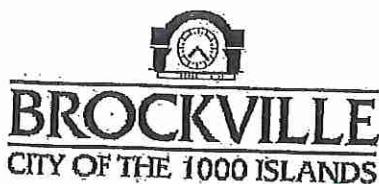
[REDACTED] Bayview Road

[REDACTED] Bayview Road

[REDACTED] Bayview Road

[REDACTED] Bayview Road are  
away in Europe till June 6<sup>th</sup>, 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)

<b>Date of Public Meeting:</b>	Tuesday, June 7, 2016
<b>Time:</b>	6:00 p.m.
<b>Location:</b>	Council Chambers, City Hall, One King Street West, Brockville
<b>Subject Property:</b>	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:**

<b>Location of property</b>	South side of Bayview Road, adjacent to 5 Bayview Road
<b>Description of lands:</b>	Part of Lot 4, Plan 80, designated as Parts 1, 2, and 3, Reference Plan 28R-6942, City of Brockville, County of Leeds
<b>Proposed Consent:</b>	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.
	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> .
	The retained lands are the subject of the concurrent Application for Amendment to Zoning By-law 050-2014.
<b>Proposed Rezoning:</b>	Change from R2-Single Detached Residential to OS-Open Space Special Exception Zone
	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 m <sup>2</sup> 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.

- 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.

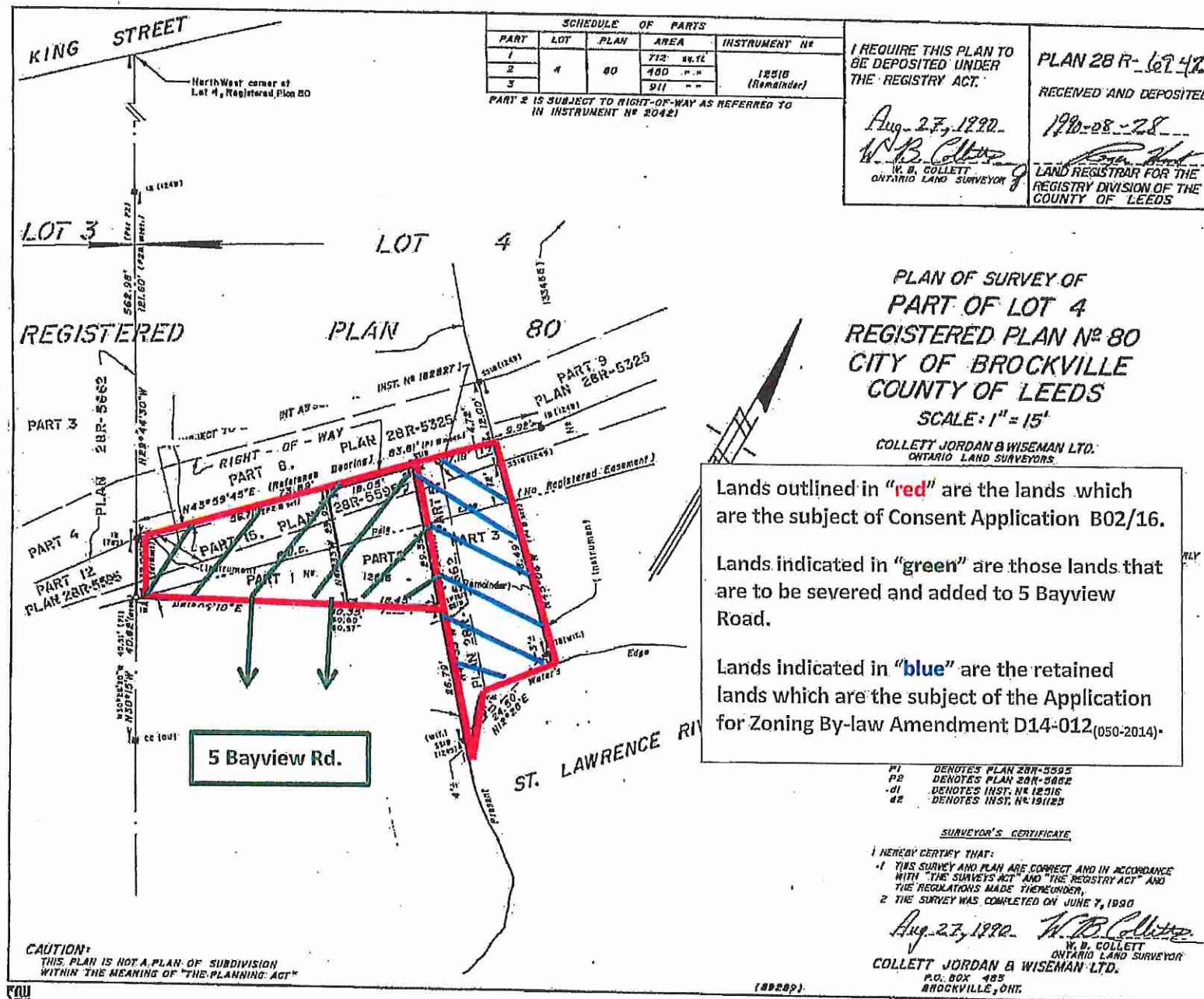
Dated the 12<sup>th</sup> day of May, 2016

S.M. Seale  
City Clerk  
City of Brockville

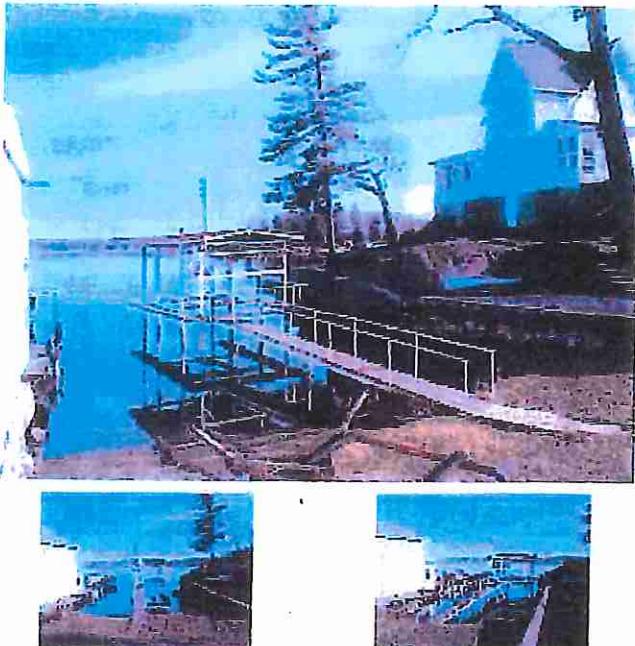


Tel: (613) 342-8772, Ext. 463  
Fax: (613) 498-2793  
Website: [www.brockville.com](http://www.brockville.com)  
Email: [building@brockville.com](mailto:building@brockville.com)

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



-4-



Price: \$50,000	MLS# 080203005533200
<b>Legal Descr.: PLAN 80 PT LOT 4</b>	
Address: BAYVIEW RD	
City: BROCKVILLE	
Side of Road:	
Lot Size:	30' X 30'
Appx Out Dim SQ FT/M:	
Elem Schl:	
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)	Heating: None	Exterior: None						
Style: None	Garage Type:	Driveway:						
Title to Land: Freehold	Water: None	Foundation:						
Property Size: Under 0.5 Acres	Sewer: None	Features:						
Land Features:	Services: Other							
Access: Water Frontage, Boat Access, Year Round Road Access	Rental Equipm.: None							
<b>Inclusions:</b>								
<b>Exclusions:</b>								
Bedrooms: 0	Sign: Yes	UFFI: YES	Garage:	Gar.Details:				
Bathrooms: 0 1	Lockbox:	SPIS: Yes	Water Access: Yes	Water:				
Rental Income:	Road: Public	Matrim.:		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.			:					
<b>Compliments of: BEVERLEY MALLORY 613-342-3417 <a href="mailto:bevmallory@ripnet.com">bevmallory@ripnet.com</a> 183 L/G REALTY INC. 613 498-2146</b>								
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.								



Beverley Mallory  
Broker



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](mailto:bevmallory@ripnet.com)

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5/27/2016

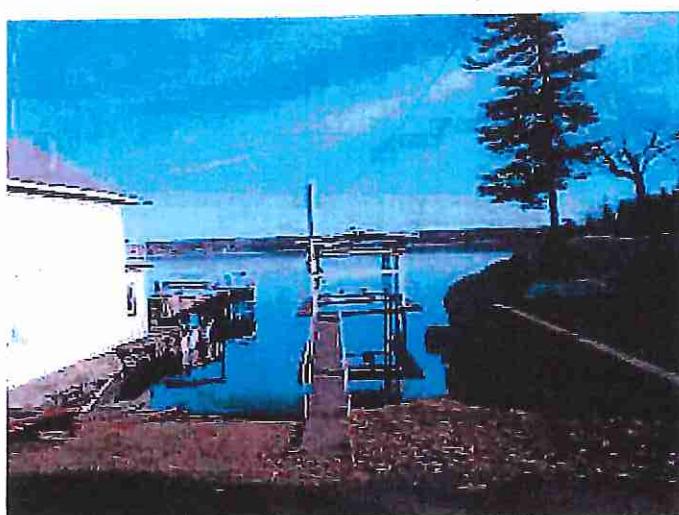
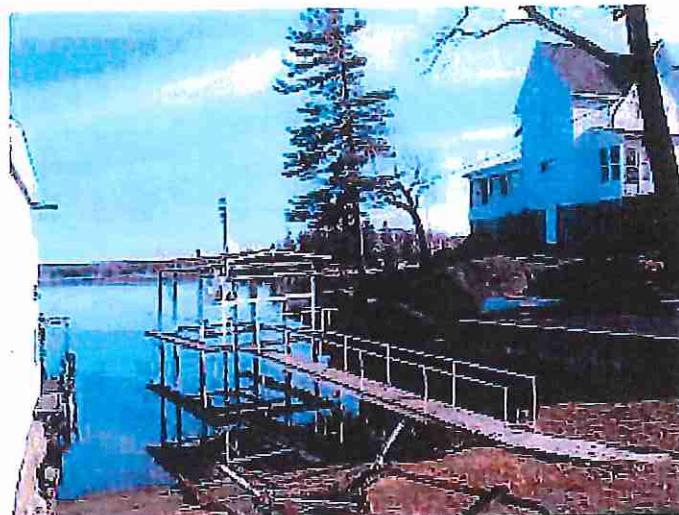
All Photos

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MLS# # 080203005533200

BROCKVILLE BAYVIEW RD

- 5 -



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
<a href="#">080203005533200</a> [REDACTED]	BAYVIEW RD, BROCKVILLE	\$50,000 \$50,000	LIST: 02- APR-2006 SOLD: 06- APR-2006	0	BROCKVILLE Residential -0802 Vacant Lot(s)	Sold			List: 183 L/G REALTY INC. BROKERAGE  Sell: 173 COLDWELL BANKER BROCKHAVEN REALTY BROKERAGE MIKE MENARD 613-345- 3664

MLS# 080203005533200

*~6~*  
BROCKVILLE BAYVIEW RD



Re: Public Meeting Tuesday June 7<sup>th</sup>, 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

\_\_\_\_\_  
Owner/Owners

\_\_\_\_\_  
May 29/16

Date

I/We Wish will attend Public Meeting: Yes  No

**Re: Public Meeting Tuesday June 7<sup>th</sup>, 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 OASN USE  
A HARRIER'S NEST EITHER AFTER PASSED OR IN FUTURE. PROHIBITION  
OF VIEW FROM [REDACTED] BAYVIEW, IF BOATHOUSE INCREASED 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  
[REDACTED] May 30<sup>th</sup>

**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 7<sup>th</sup>, 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 5<sup>th</sup> 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 29<sup>th</sup>, 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 consensus 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 14<sup>th</sup>, 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 Conserveation 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 6<sup>th</sup>, 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 30<sup>th</sup>, 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 4<sup>th</sup>.**

**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 7<sup>th</sup> 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**

- 2 -

■ Bayview is selling there has been a constant stream of tire kickers and generally nosy 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/platform 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 7<sup>th</sup> 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](http://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# 080203005533200). 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, P.O. 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](http://www.crca.ca)

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

[www.cataraquitrail.ca](http://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  
**Catarqui Region Conservation Authority**  
Visit us on the Web: [www.crca.ca](http://www.crca.ca)

**From:** [REDACTED]  
**Sent:** Monday, May 30, 2016 1:48 PM  
**To:** [mdakin@crca.ca](mailto: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 7<sup>th</sup>. 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 7<sup>th</sup> 2016  
Council Chambers, City Hall, One King St West, City of Brockville.

Rec'd by Email

Meeting to start at 6 PM

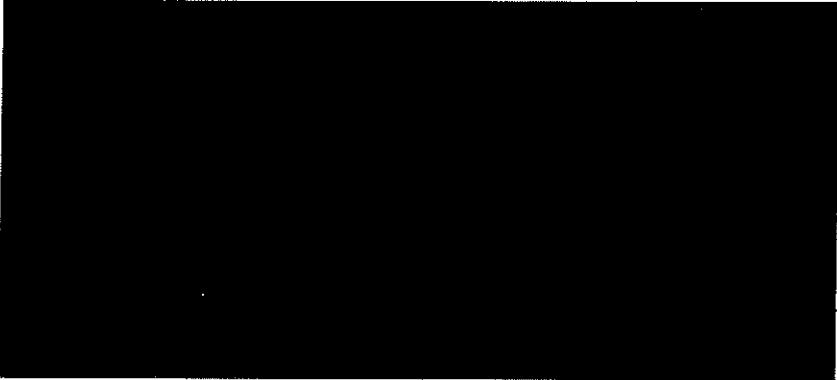
Concerning proposed rezoning of South side of Bayview Road, adjacent to [REDACTED] Bayview Road legally described as Part of Lot 4, Plan 80, designated as Part 1,2 and 3, Reference Plan 28R-6942, City of Brockville, County of Leeds

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

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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.



Date May 27/16

Date May 27/16

**RE: Public Meeting Tuesday, June 7<sup>th</sup>, 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 7<sup>th</sup>, 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 [REDACTED]

wner/owners of

[REDACTED] 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 port 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 7<sup>th</sup>, 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  
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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:**

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*May 28, 2016*

**Owner/Owners**

**Date**

**I/We Wish will attend Public Meeting: Yes  No**

**Re: Public Meeting Tuesday June 7<sup>th</sup>, 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  
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**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:**

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[REDACTED]  
\_\_\_\_\_  
Owner/Owners

29 May 2016

Date

I/We Wish will attend Public Meeting:  Yes  No

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.

**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 7<sup>th</sup>, 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  
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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:

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 .

[REDACTED]  
\_\_\_\_\_  
Owner/Owners

[REDACTED]  
\_\_\_\_\_  
Date

May 27/16

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.

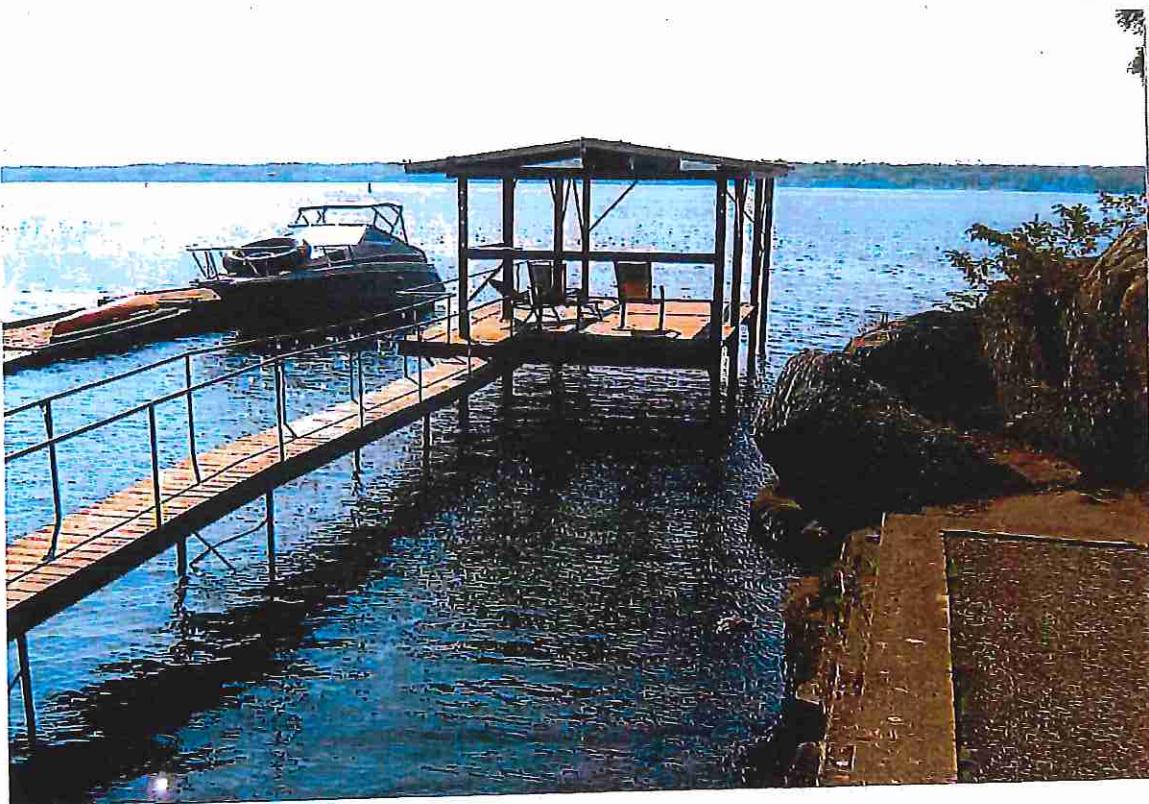
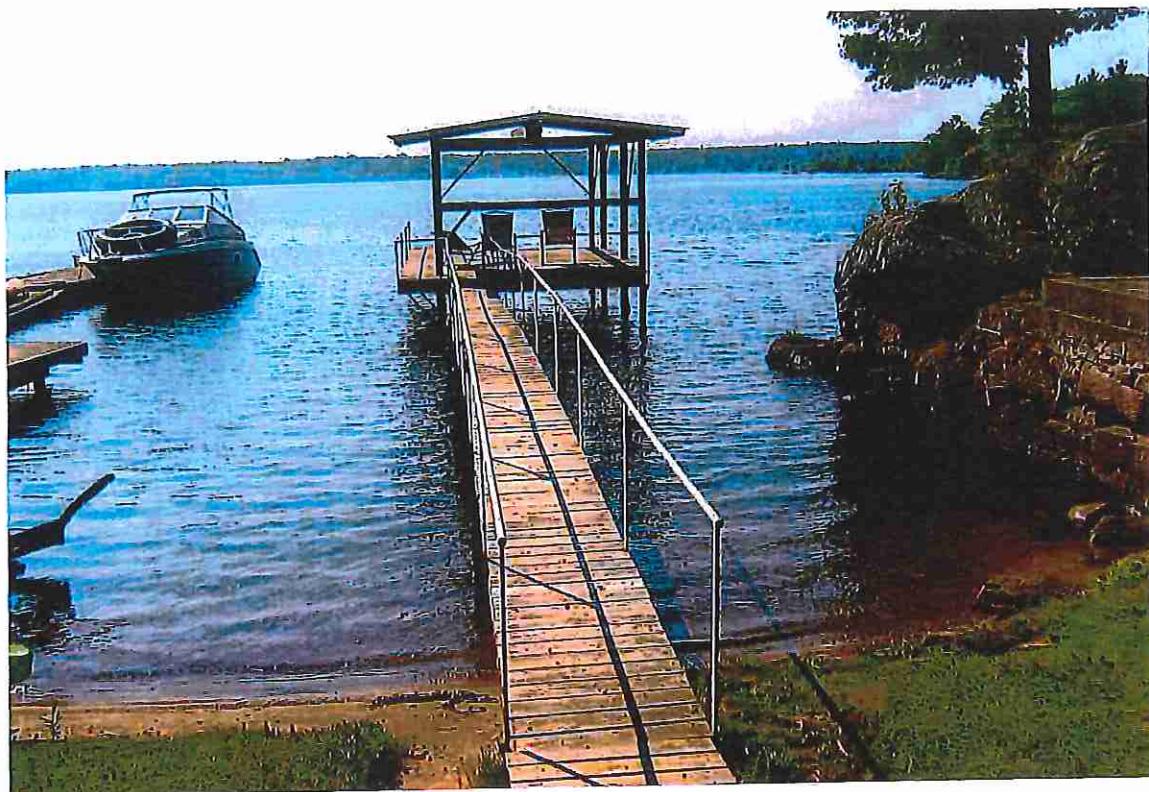
Sincerely,

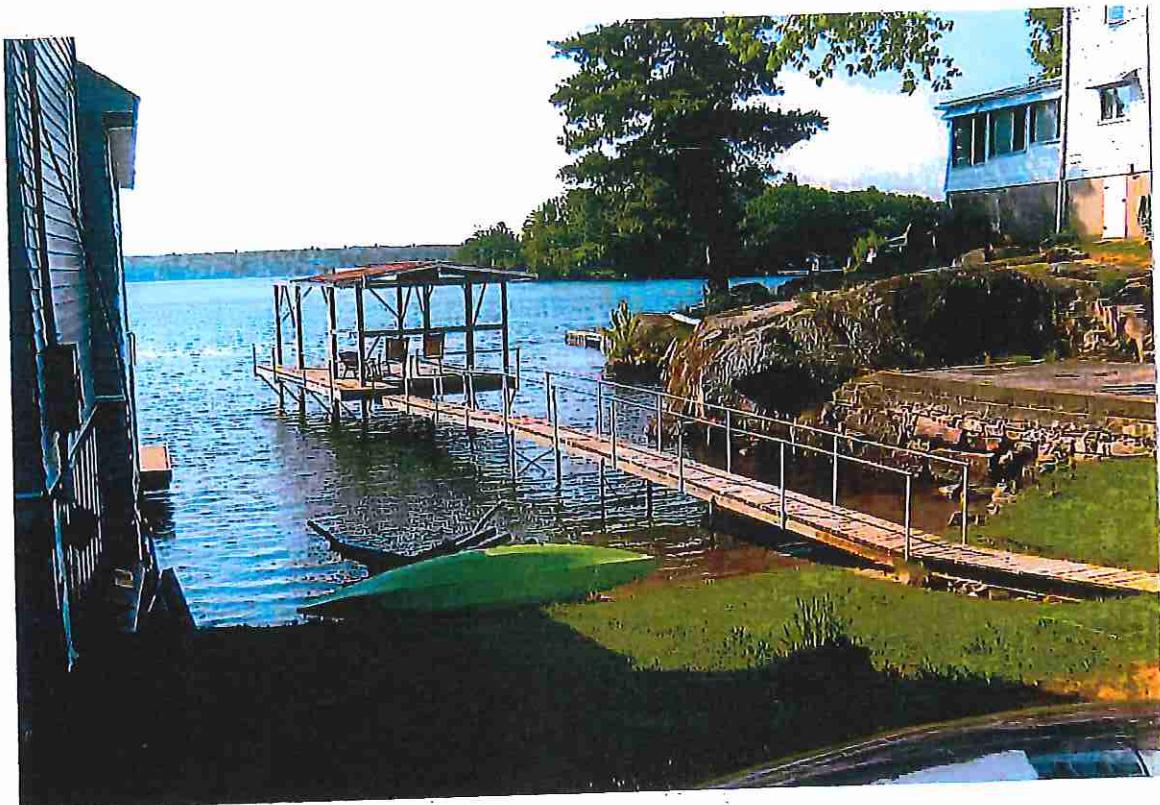
Re: Public Meeting Tuesday June 7<sup>th</sup>, 2016 at 6 PM

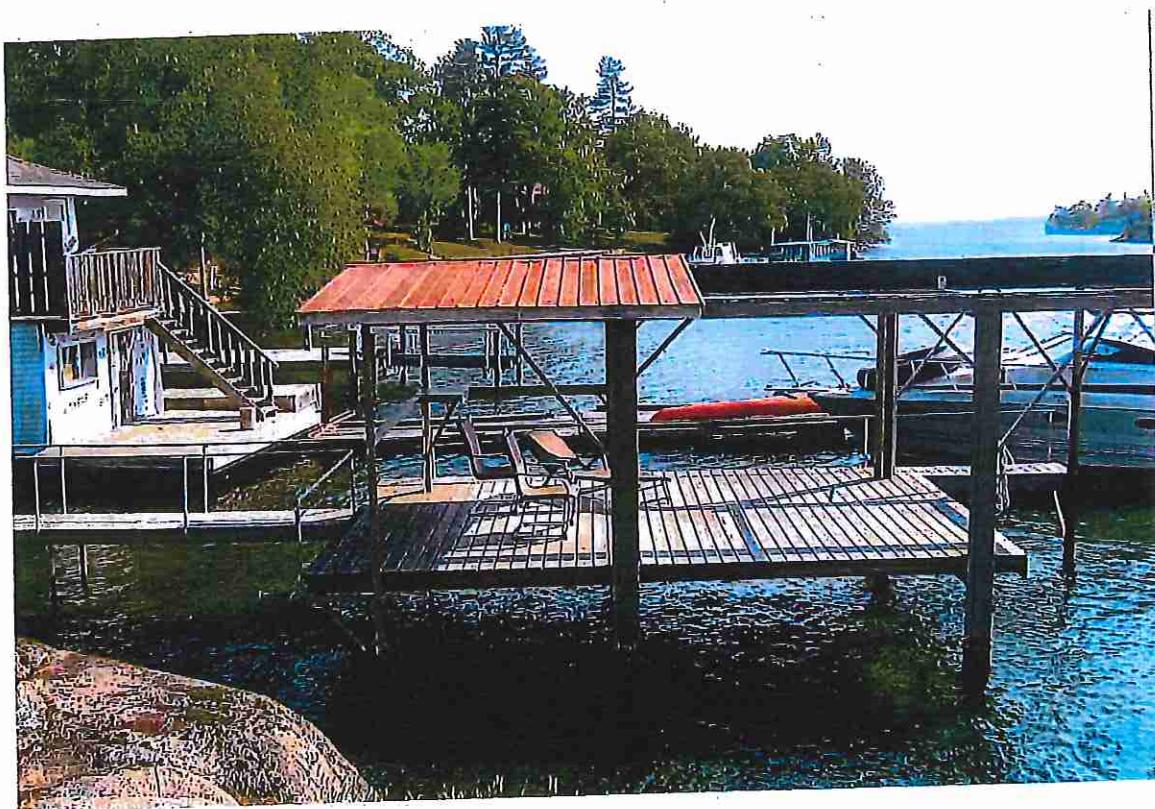
Location: Council Chambers at City Hall One King Street  
West/ City of Brockville.

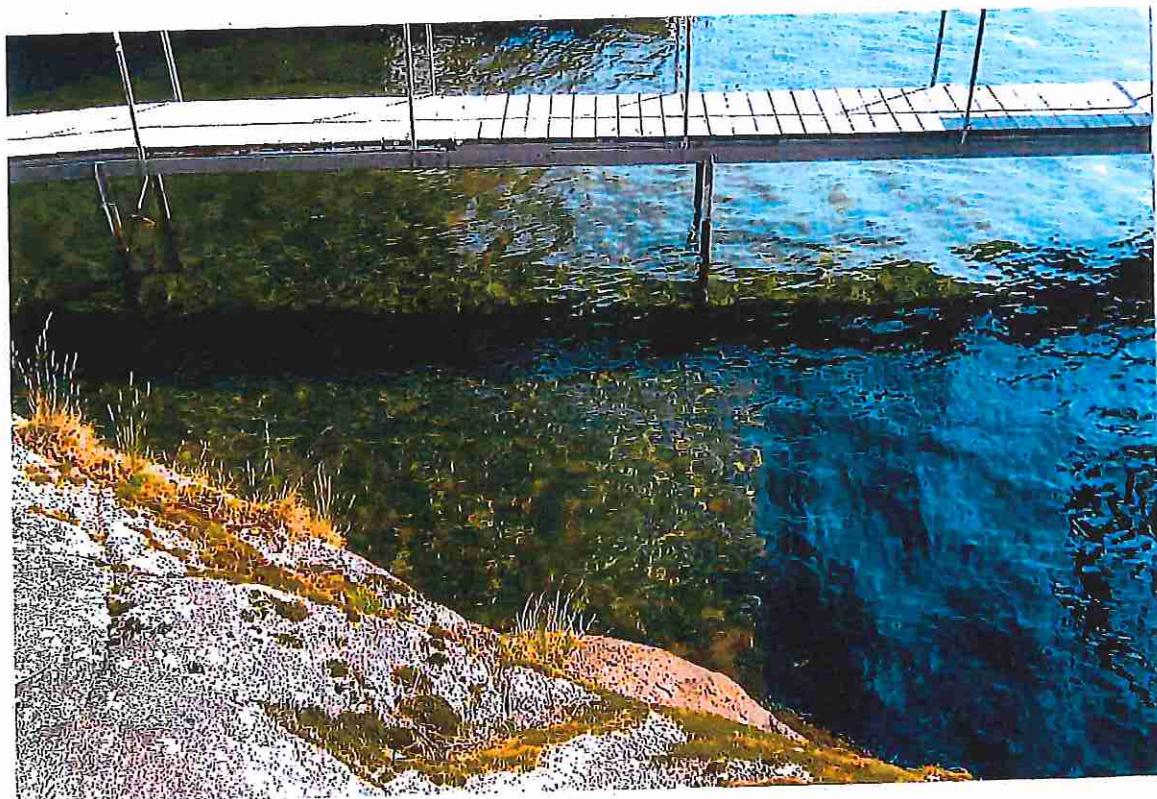
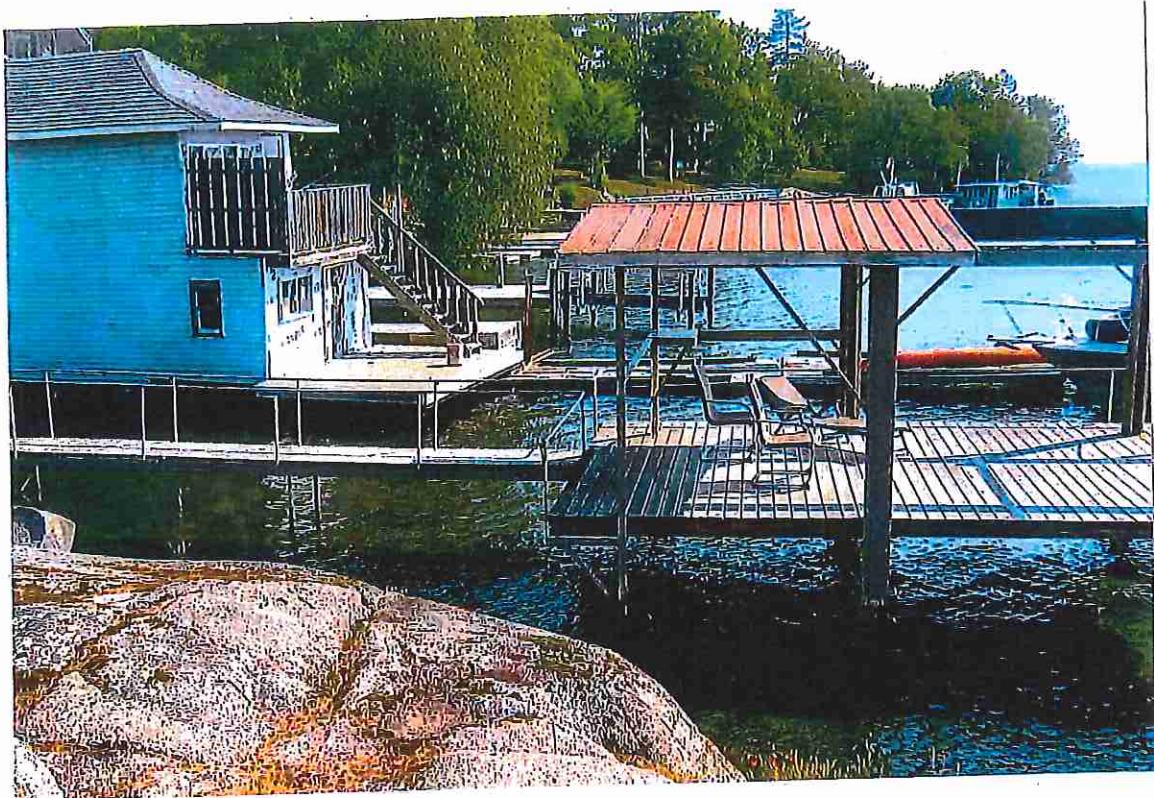
Concerning Proposed Rezoning of South Side of Bayview  
Road, adjacent to 5 Bayview Road legally described as Part  
of Lot 4, Plan 80, designated Parts 1, 2 and 3 on Reference  
Plan 28R-6942, City of Brockville, county of Leeds.

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

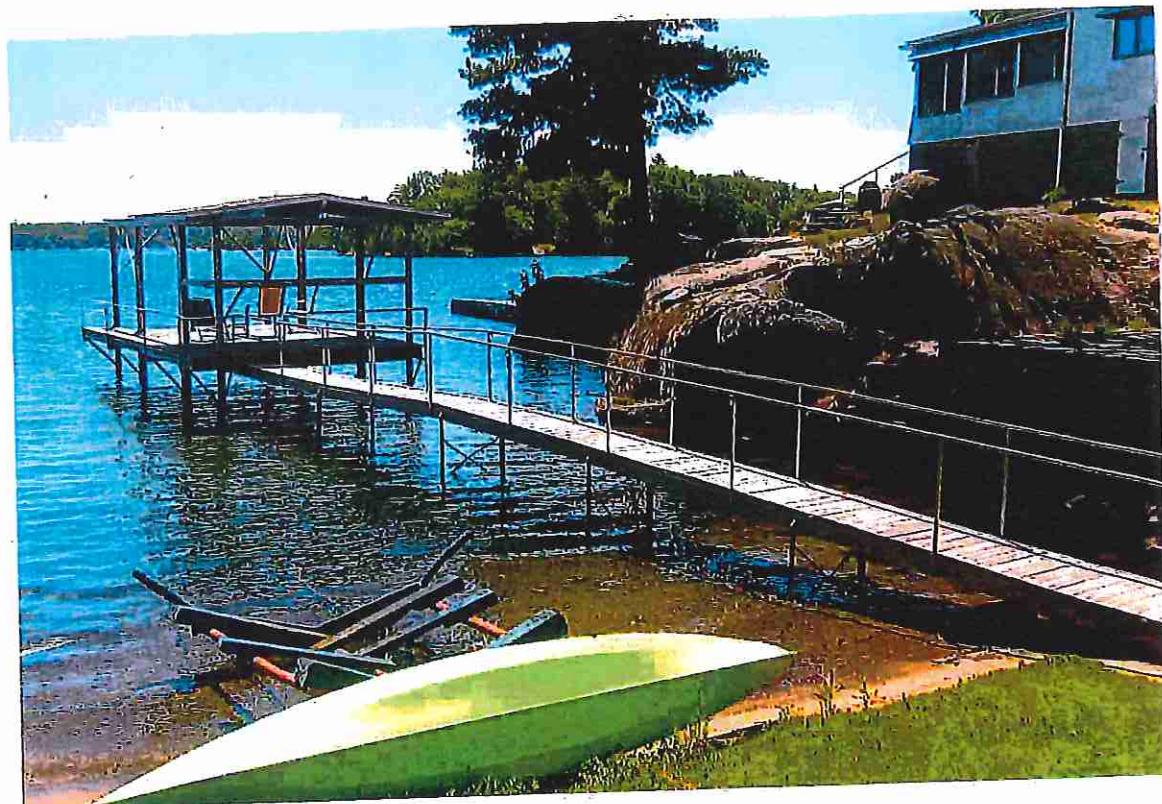
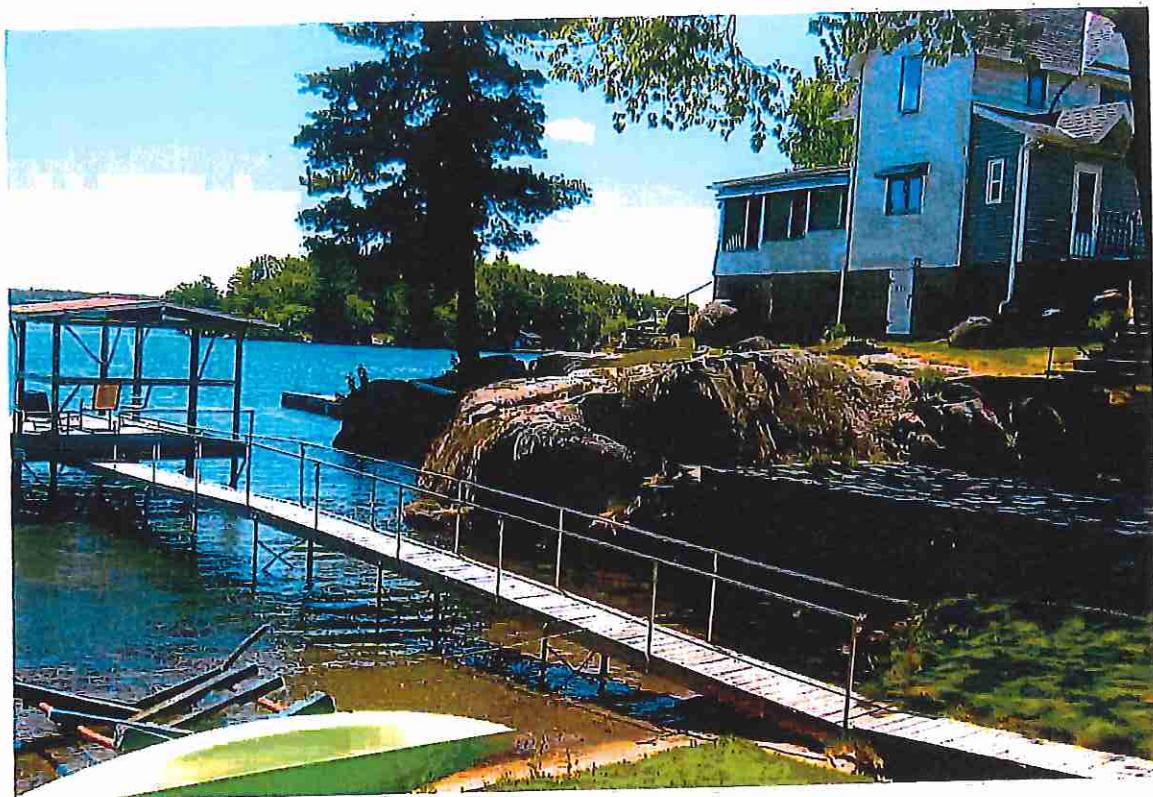


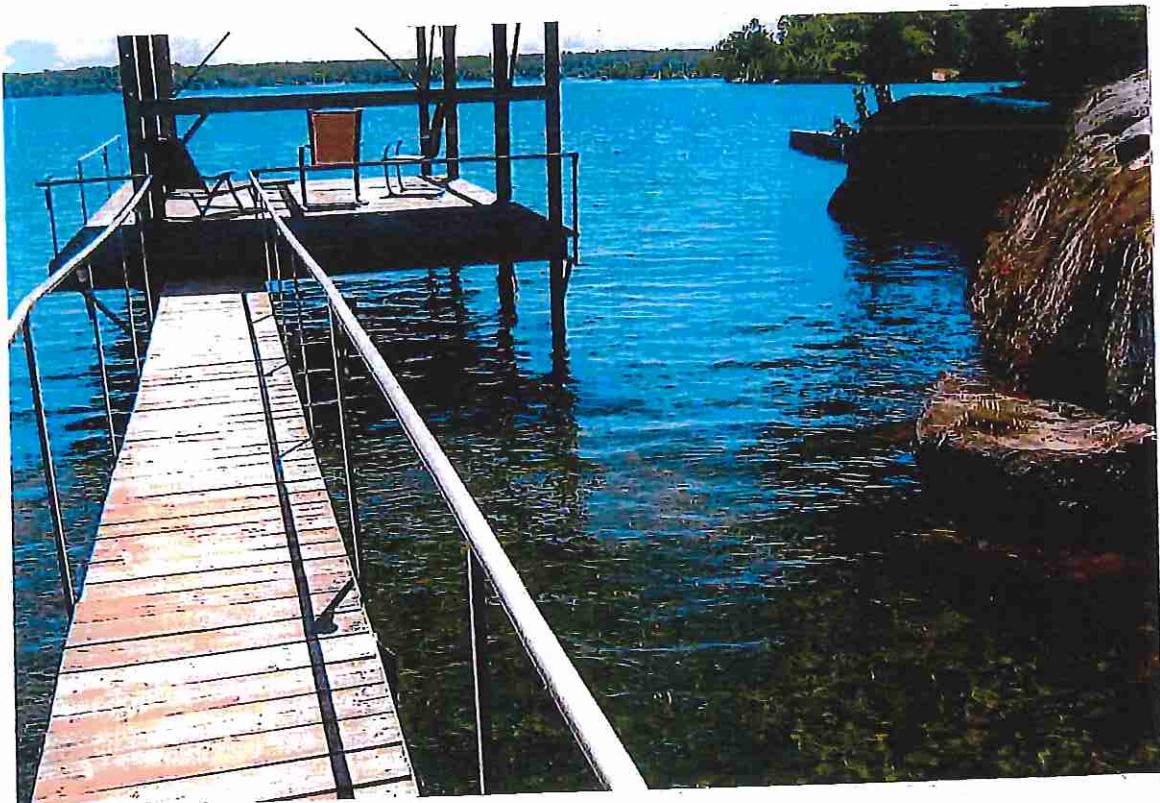


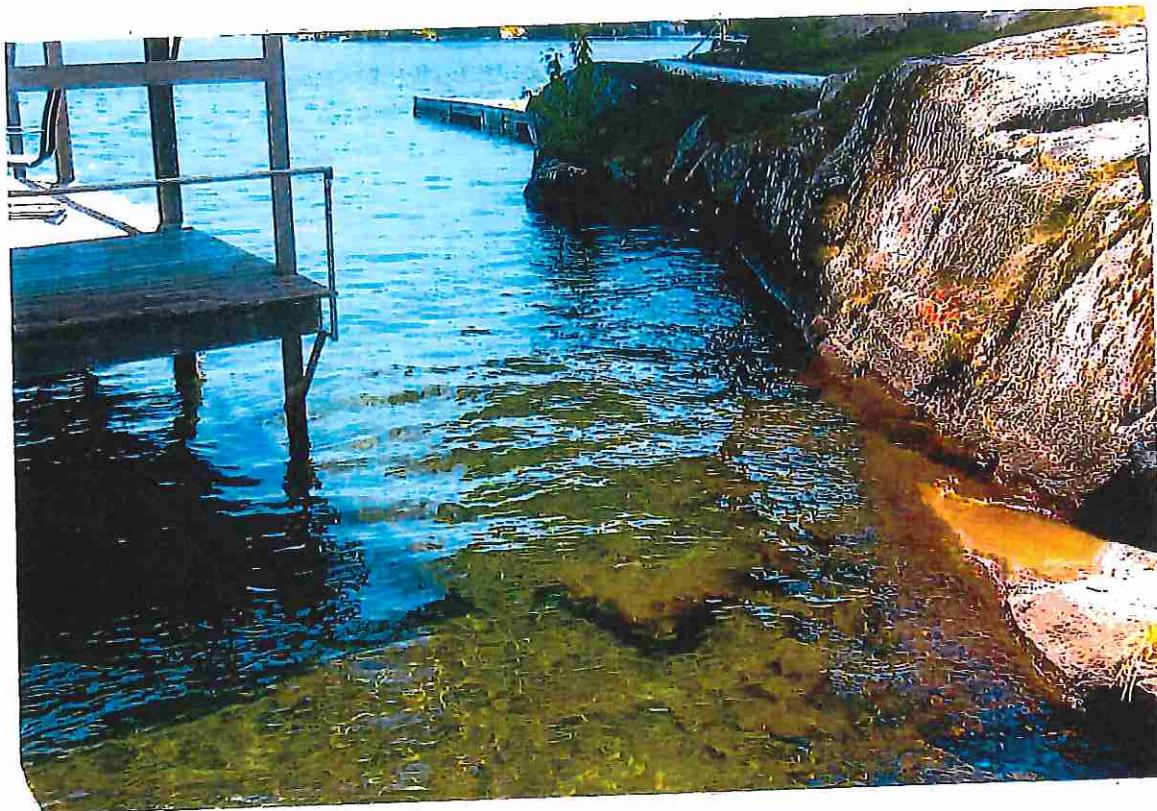


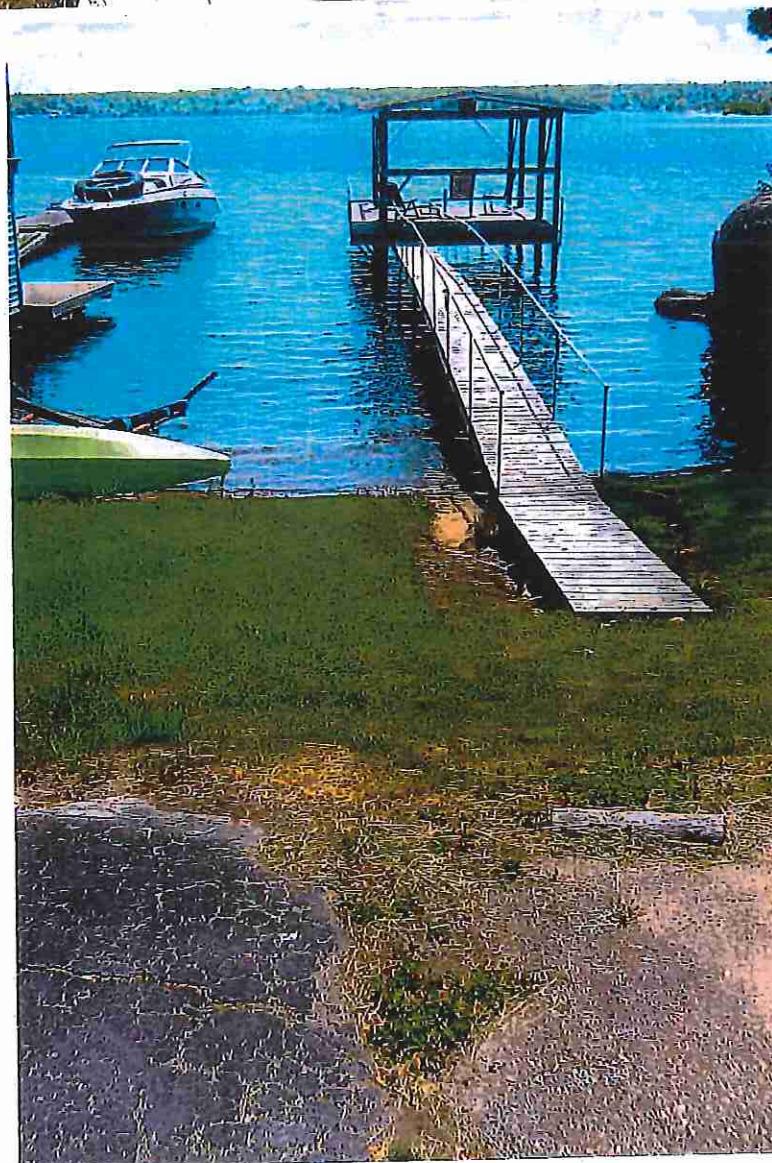
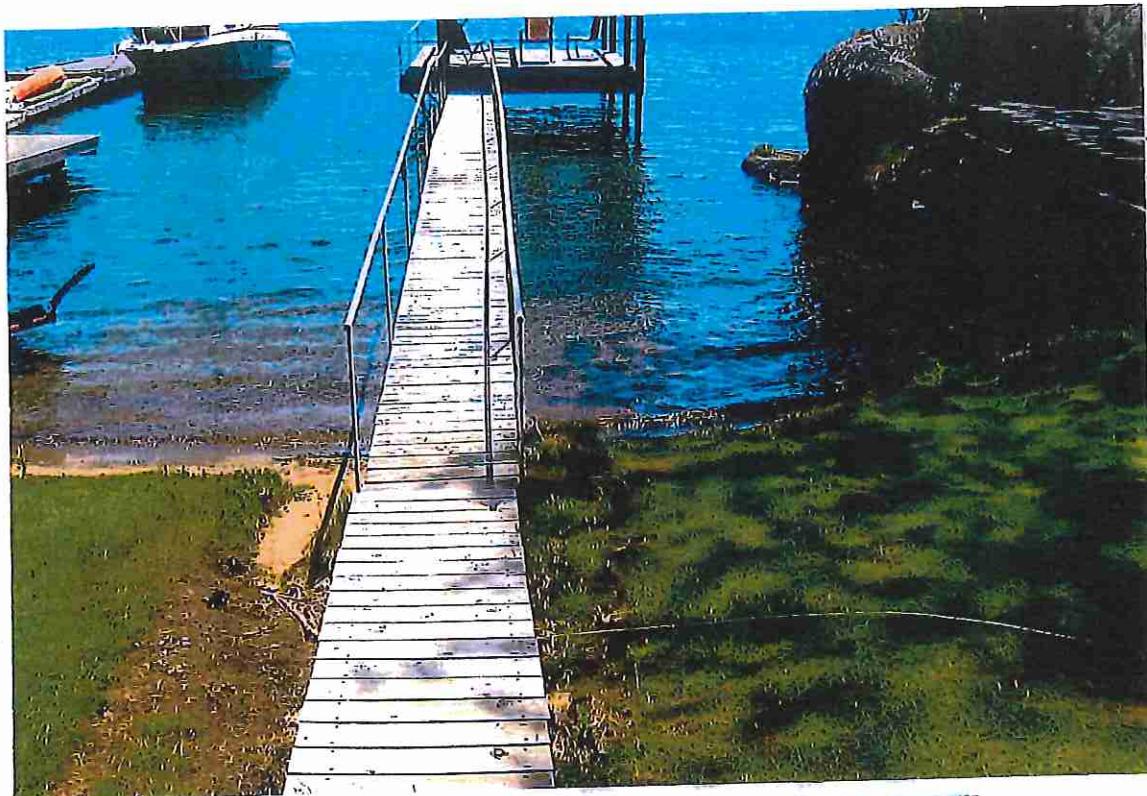


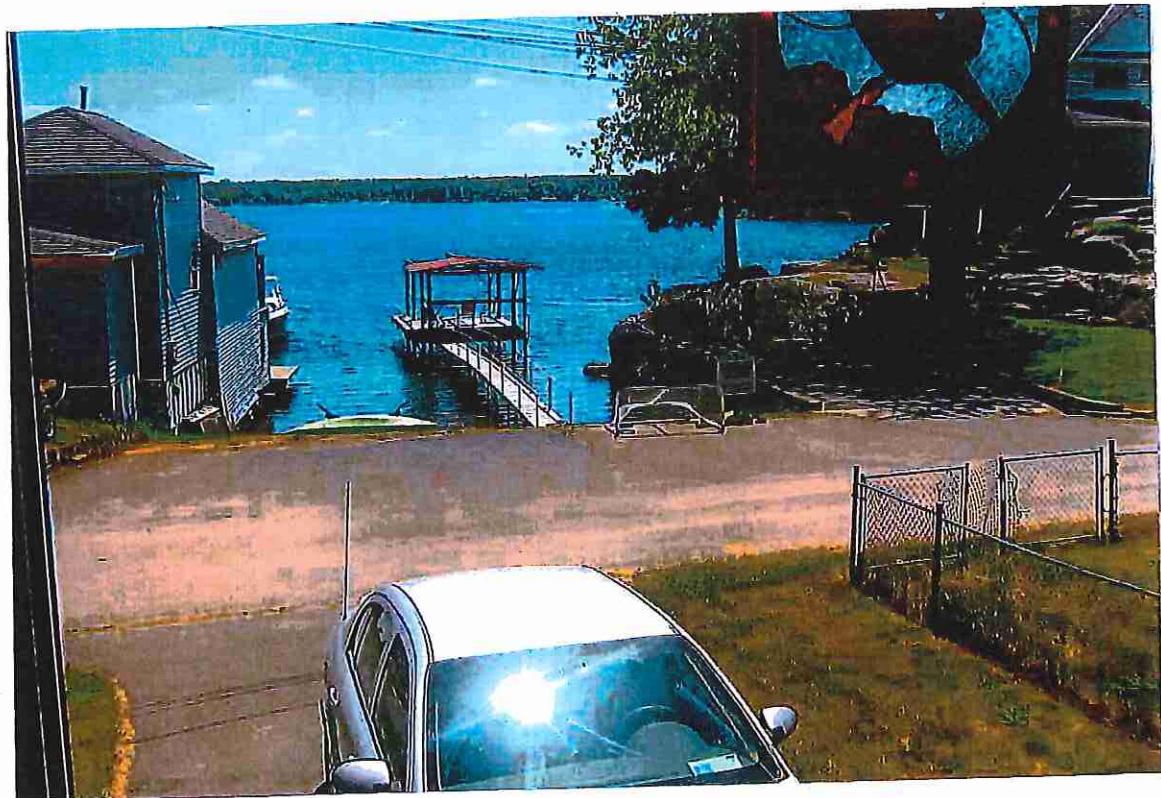


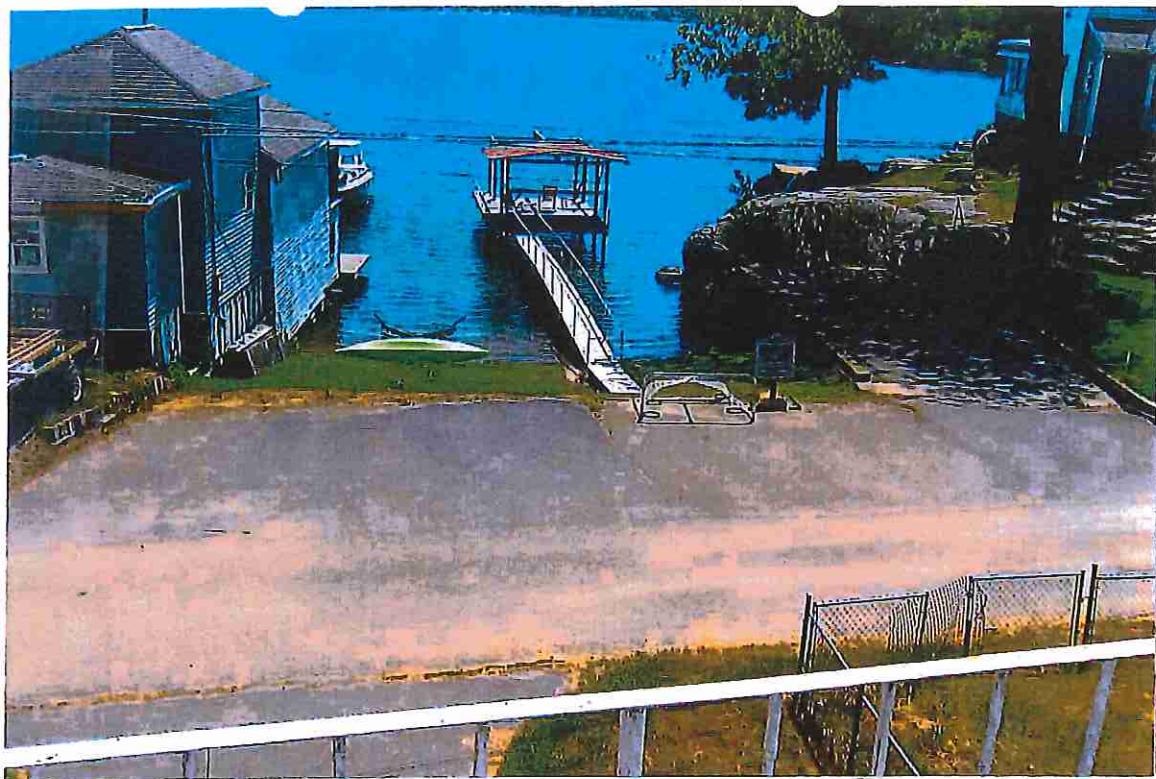


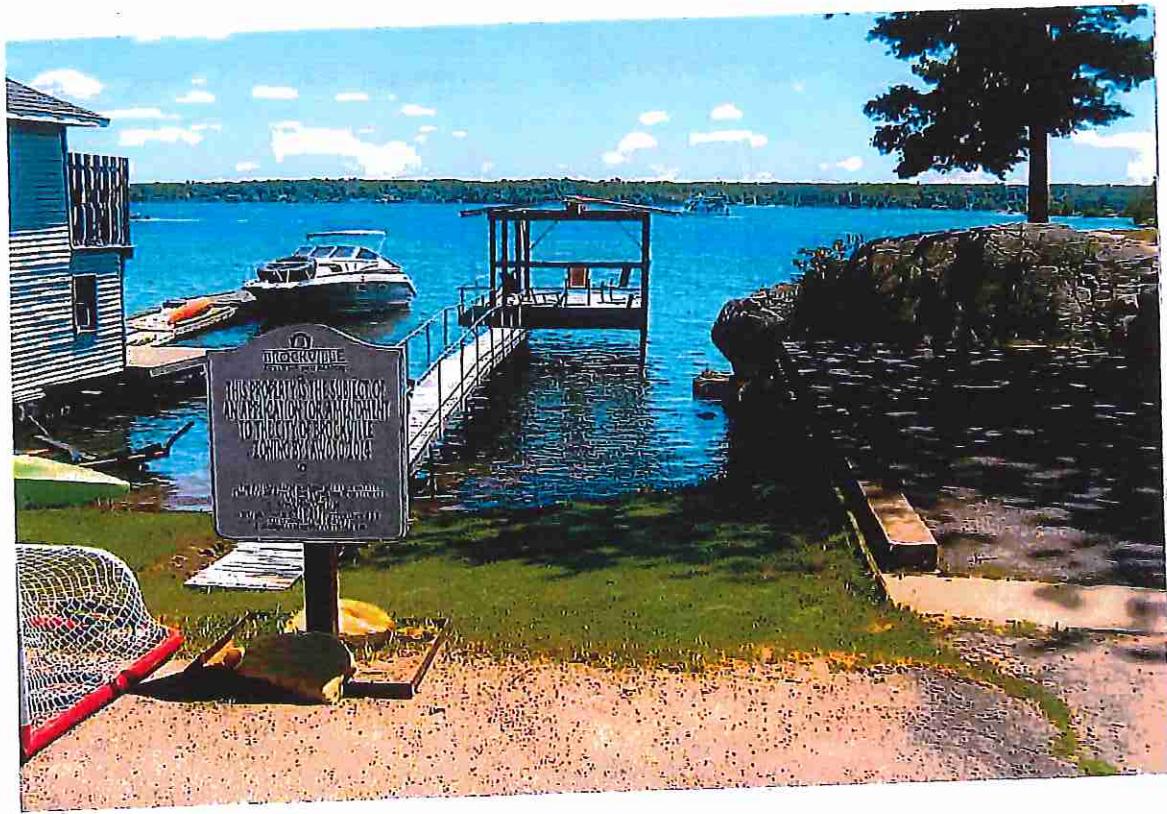
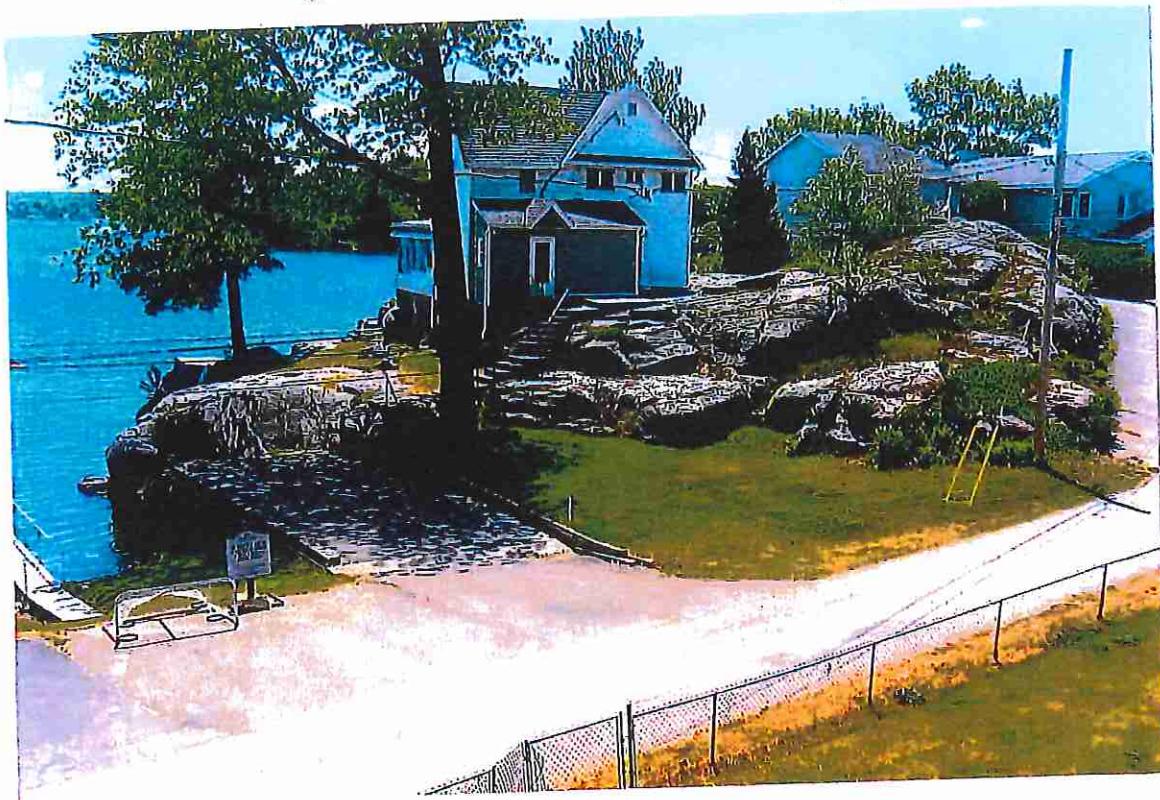


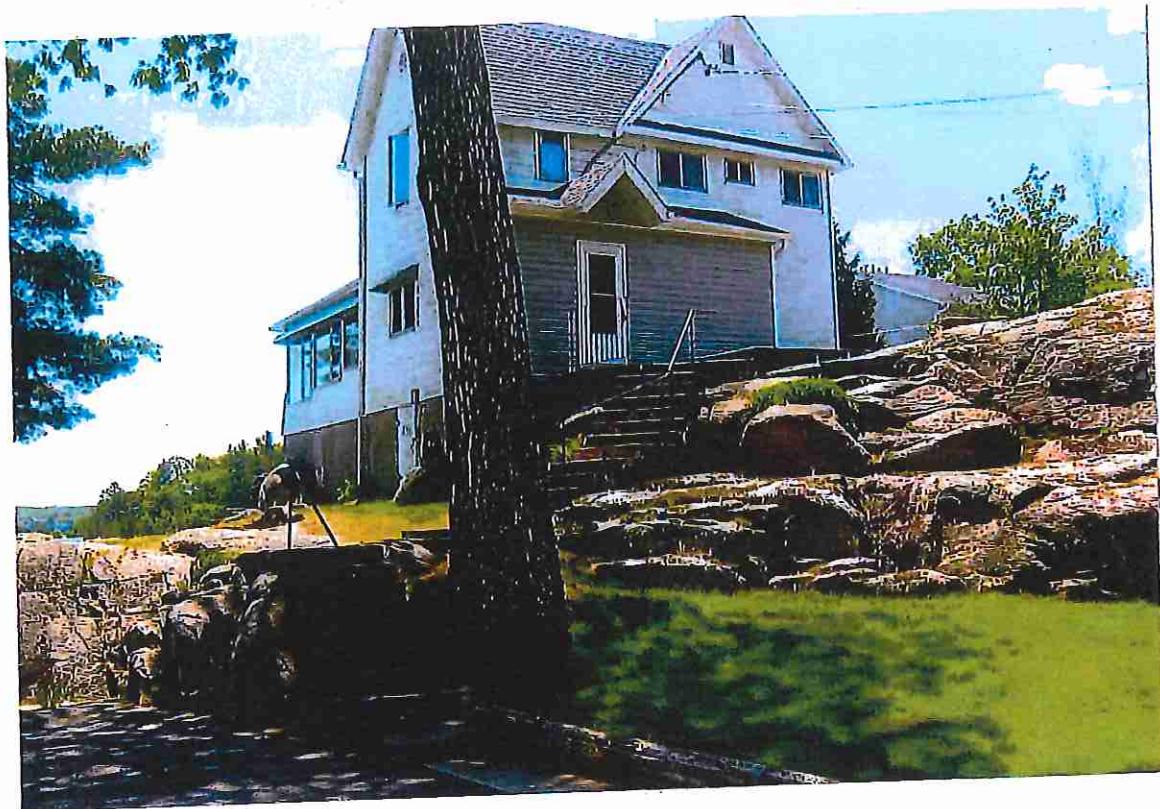


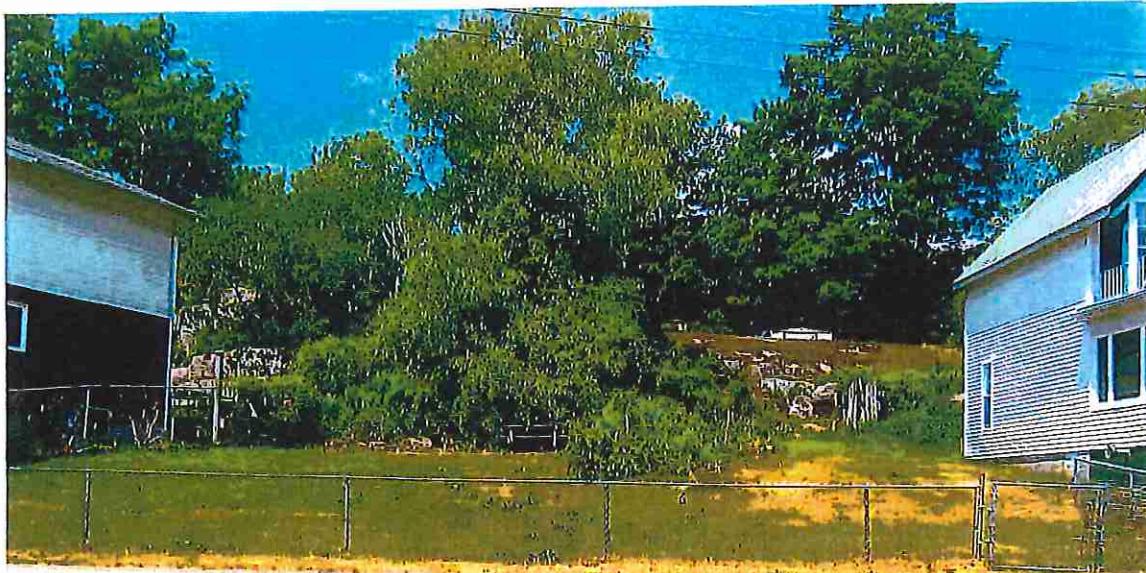


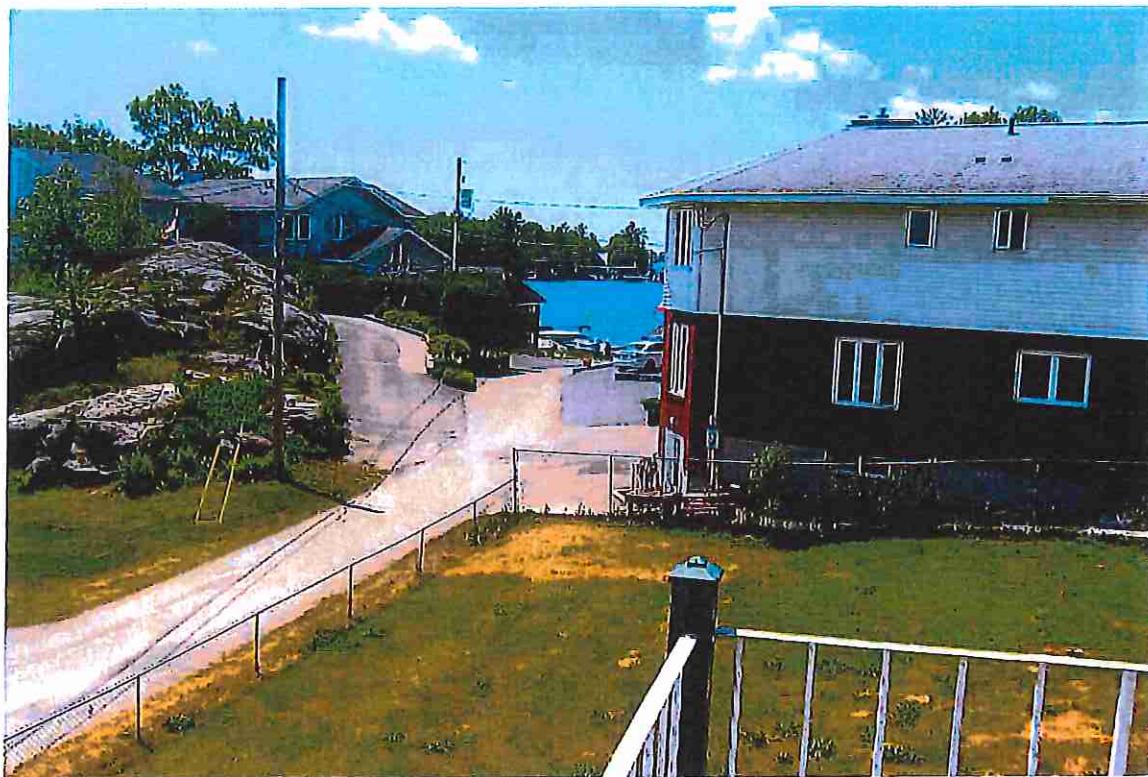




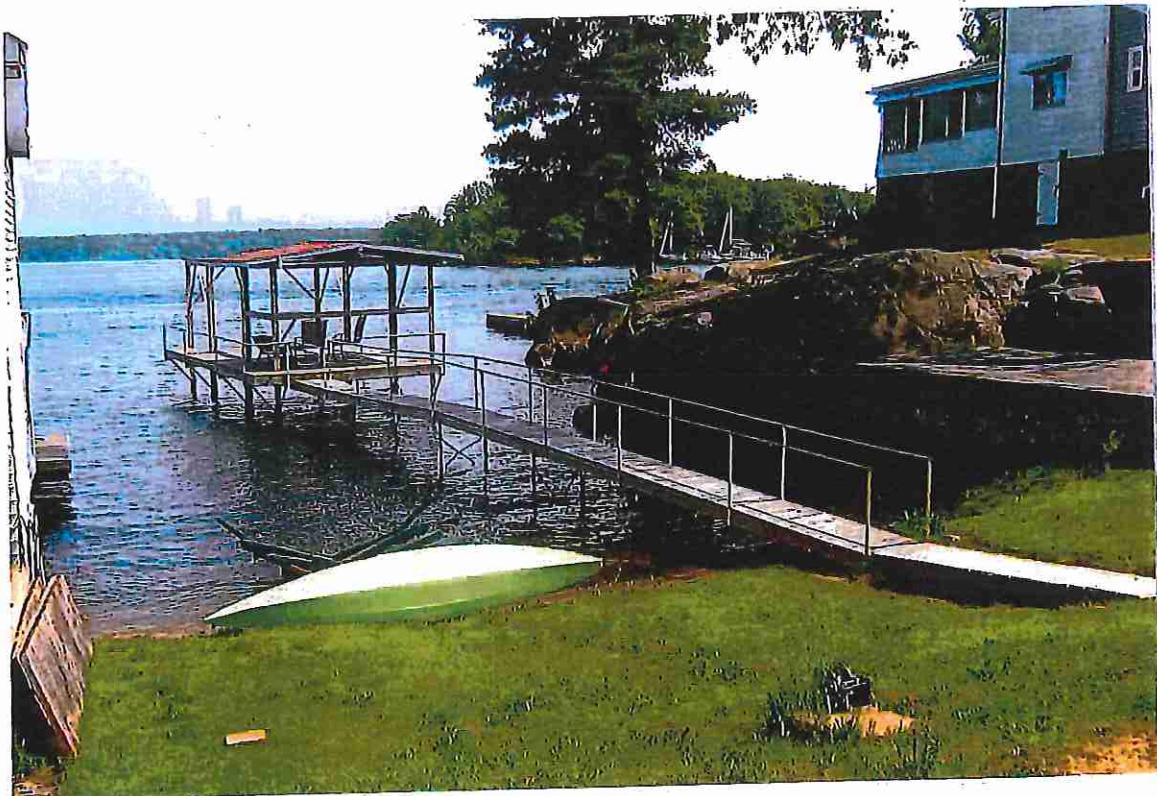












**RE: Public Meeting Tuesday, June 7<sup>th</sup>, 2016**  
**Council Chambers, City Hall, One King West,**  
**City of Brockville. Meeting to start at 6:00 PM**  
**Concerning Proposed Rezoning of South Side of**  
**Bayview Road, adjacent to 5 Bayview Road**  
**legally described as Part of Lot 4, 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**

We, [REDACTED], owners of 10  
Bayview Road oppose this rezoning application.

Comments: \_\_\_\_\_

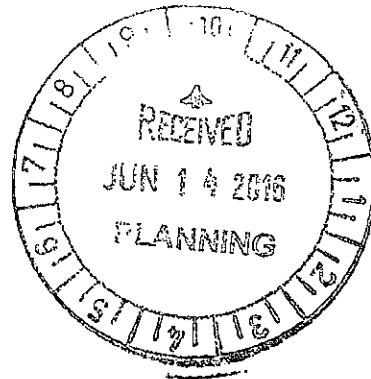
Interference of river view, lack of privacy and  
further congestion of narrow road plus lower property values are  
of great concern! [REDACTED] June 4, 2016.

Date



[REDACTED]  
6 Bayview road  
Brockville

Public Meeting Tuesday June 7, 2016



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

My name is [REDACTED]. I was born in Brockville and my first home was [REDACTED]  
[REDACTED] My father, then I, have owned 6 Bayview Road since 1964.

I am against the proposed zoning change.

- There are errors in the proposal as issued in the Brockville recorder and times. The resident of 5 Bayview Road has never used the proposed served lots for parking. Also the structure has never been a dock, it was a boat hoist with a gang plank leading out to it.
- There are no plans. How can this be approved without plans so that all interested parties can see what actually will occur on this site?
- Under the document **City of Brockville, Comprehensive zoning by law 7.0 nonresidential and non-commercial zoning table 7.1** indicates Open zoning permits a campground, , rowing club, cottage. Also on **table 7.2 (b)** the land in question does not meet the lot and building requirements of open space. The location and size of the lot makes this special exception totally inappropriate to be zoned open space.
- From section **3.2.4.3 of the City of Brockville Official plan 4.** it states ***The City shall consider applications for infill development intensification and redevelopment of sites and buildings based on***

*the following criteria: viii. the proposal provides adequate privacy, sunlight and views of the sky for existing and new residents.* Any sort of boat house or structure would block my only view of the river.

- I have a 6 foot deeded right of way across the land to the river. There are also 1.2 meter side yards. I believe I have access to the river for boating rights. The city has said that their responsibility only goes to the waters edge. They then say it is CRCA responsibility. This is a Bay, and if a boathouse or dock is built there, and a boat tied up to it, I would lose access to the river. My right of way to the river would be blocked. I do not think it is responsible for the City to make a special exception to allow a footprint to be initiated on land and then say they are not responsible for anything after that.
- I also am concerned with the past actions of the Applicants. The previous owner recognized the lack of access to the river and allowed me to go over, on and under the gangplank and hoist and to tie boats to the gangplank. When the applicants bought the property they knew of the existing right of way over the land and the way the hoist blocked the access to the river. When I arrived to my property the right of way on Ind was blocked with a trailer and lawn chairs. I contacted a lawyer, the blockages were removed, but they told me I could not touch the hoist or gangplank so I could not access the river. The applicants refused to talk about my right to access the river. I filed a statement of claim. The applicants came up with a solution to move the hoist that I was considering but I was told the MNR would be contacted. Also I was told the CRCA would require permits by them and there would be consultation with the neighbours. This was never done. The hoist was moved without either. I simply had to accept the solution of the Applicant without my approval. When I contacted the CRC, the MNR, the coast guard and the City of Brockville they told me that it was not their concern or that it was a civil matter.

Section 3.2.8 Crown lands from the Official plan of the City of Brockville states *Construction and alteration of buildings and other developments on or above Crown land requires a work permit issued by the MNR.* There is no permit and one was never issued.

- There has been talk that the only thing that would be altered would be returning the platform to its original function, a boat hoist. If this is the case why would an open space zoning be necessary as this is the responsibility of the CRCA.
- With no plans of what, and how something will be built, and the City saying they are not responsible beyond the waters edge, I am not confident my views or right of way would be respected under the proposed zoning change. The only consideration is what goes over the water, and this is the role of the CRCA. Therefore a zoning change in this case would be totally inappropriate.

June 7, 2016

Re: Severance application Parts of Lot 4, Plan 80, City of Brockville, County of Leeds being parts 1, 2 & 3 on Plan 28R-6942 – Severing Parts 1 & 2 to be acquired by owner of 5 Bayview Road as they are contiguous with her property and retaining part 3 for future sale to owner of 8 Bayview Road.

Michael Menard, Vivien Levermore, Greg Moir and Jackie Moir owners of above property

In 2006 May 15, we purchased the property from [REDACTED]. It had long had a boat hoist and catwalk to the hoist on the property, probably built in late 1950's or early 1960's.

In early February 2007 a letter dated January 30, 2007 was received, from Laushway Law Office, with a claim that their client, [REDACTED] had retained them in relation to concerns regarding his right of way to access the St. Lawrence River.

His claim was that lawn chairs and a large trailer were blocking his access, it further stated that the long existing boat hoist obstructed his access and enjoyment. He requested that the chairs and trailer were removed immediately. These were immediately removed by the owners. He further questioned the placement of the boat hoist which he claimed obstructed his right of way and demanded removal of the hoist or we would be subject to litigation.

As new owners, we were shocked that a boat hoist in existence for over 50 years, should suddenly be claimed to be blocking a right of way and sought legal advice to find a peaceful and logical solution.

February 14, 2007 Laushway Law Office wrote another letter with photos of the item blocking the right of way, showing a small kayak that extended partly into the right of way. It again claimed the hoist blocked [REDACTED] right to launch a small watercraft such as canoe or sailboat.

It was our understanding that Riparian Rights, (see attached) which include the right to launch watercraft were only for the landowner, not a person with "right of way" access to a water course. But we continued to search for a solution to keep peace in the neighbourhood and satisfy [REDACTED].

In 2007 [REDACTED] did serve a STATEMENT OF CLAIM against us, and demanded complete removal of the hoist, damages of \$50,000 and legal costs. He did acknowledge that the trailer and lawn chairs had been removed.

Our solution was to move the boat hoist further away from the land, at a cost to us of approximately \$6,000 plus taxes, and we hired a well known and respected Marine Contractor to do the work. We relied on his knowledge and respect for the laws governing structures in the St. Lawrence River and we were not advised that we required a permit to move the hoist.

We have not had any claim from [REDACTED] since the time of moving the hoist to give him better access to the river, this is approximately seven years since we moved the hoist. This move of the hoist, plus legal costs added significantly to our purchase cost which we were not prepared for.

Page 2

Re: Severance application Parts of Lot 4, Plan 80, City of Brockville, County of Leeds being parts 1, 2 & 3 on Plan 28R-6942 – Severing Parts 1 & 2 to be acquired by owner of 5 Bayview Road as they are contiguous with her property and retaining part 3 for future sale to owner of 8 Bayview Road.

Several times during our ownership, ██████████ had discussed wanting to have ownership of the small parcel of land, described as parts 1 and 2 on RPlan 28R-6942. Early in 2016 when ██████████ ██████████ sold their home at 8 Bayview Road to new owners, we thought this was a good time to try to make this happen and had a written agreement with ██████████ to apply for a severance to sell her the parcel and sell the remainder to the new owner of 8 Bayview for their use and enjoyment of the river.

It was never our intention to cause a neighbourhood problem or concern and we believe that the change in Zoning after this severance will be more protective of the neighbouring properties values than it is now. As after the severance it will restrict the use of the remainder and with ██████████ having ownership of parts 1 and 2 she will no longer have to have a right of way access over them to access her own driveway, so it will increase her property value.

Any change to the boat hoist or the land on which it is adjoined would be subject to approvals by City of Brockville and CRCA and with it being such a tiny parcel, any additions would be carefully assessed prior to any approval being granted that would negatively impact any properties in close proximity.

We respectfully ask for this approval to be granted and hope that the Bayview Road neighbours can be assured that this will not be a major difference in the use of the roadway or the subject land, and in fact will improve the overall neighbourhood with the clarity of usage and ownership of the parcels.

Michael Menard and Vivien Levermore

Greg Moir and Jackie Moir

## **RIGHT OF WAY**

The right to pass over another's land, more or less frequently, according to the nature of the easement.

## **RIPARIAN RIGHTS**

The rights of the owners of lands on the banks of watercourses, to take advantageous use of the water on, under, or adjacent to his land, including the right to acquire accretions, wharf slips, and fish therefrom.

Riparian Water Rights (or simply riparian rights) is a system of allocating water among those who possess land about its source. It has its origins in English common law. It is used in the United Kingdom and states in the eastern United States and underlies Canadian law regarding water. Under the riparian principle, all landowners whose property is adjacent to a body of water have the right to make reasonable use of it. If there is not enough water to satisfy all users, allotments are generally fixed in proportion to frontage on the water source. These rights cannot be sold or transferred other than with the adjoining land, and water cannot be transferred out of the watershed. All those with riparian rights have the right to reasonable use – but not to removing the water used by others or contaminating it. Among the rights which are protected are access to water, the right to uncontaminated water, and the right to enjoyment of property (which is now enshrined in the Canadian Bill of Rights.)

Essentially, no-one has the right to take away what you have. (Such as removing a stream, draining a lake, altering water levels, polluting a lake or stream). Riparian rights include such things as the right to access for swimming, boating and fishing; the right to wharf out to a point of navigability; the right to erect structures such as docks, piers, and boat lifts; the right to use the water for domestic purposes; the right to accretions caused by water level fluctuations. Riparian rights also depend upon "reasonable use" as it relates to other riparian owners to ensure that the rights of one riparian owner are weighed fairly and equitably with the rights of adjacent riparian owners.

## SCHEDULE "E" TO REPORT 2016-089-07



### COMMITTEE MINUTES

## Public Meeting Economic Development & Planning Committee

Tuesday, June 07, 2016, 6:00 pm  
City Hall, Council Chambers

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#### Committee Members:

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

#### Staff:

Mr. J. Faurschou, Planner I  
Mr. A. McGinnis, Planner II  
Ms. L. Murray, Deputy City Clerk (Recording Secretary)  
Ms. M. Pascoe Merkley, Director of Planning  
Mr. D. Paul, Director of Economic Development

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The Chair called the meeting to order at 6:00 p.m.

#### ITEM

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

Moved by: Councillor Kalivas

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.

CARRIED

Economic Development and Planning Committee (EDP) Public Planning Meeting Minutes -  
Tuesday, June 07, 2016

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Councillor Deery, Chair, introduced the public meeting and read from the prepared required comments.

Ms. Pascoe Merkley announced that notice of the Public Meeting was advertised in the Brockville Recorder and Times Newspaper on May 12, 2016 and was circulated to property owners within 120.0 metres (400.0 feet) of the subject property. In addition, a sign was posted on the subject property advising that the lands are the subject of an Application for Amendment to the City of Brockville Zoning By-law 050-2014.

Councillor Deery, asked that any person wanting further notice of the passage of the proposed amendment should give their full name, address and postal code to the Secretary prior to leaving the meeting.

Councillor Deery reviewed the procedures for the Public Meeting.

Ms. Pascoe Merkley provided an overview of the proposed zoning amendment.

Councillor Deery asked if there was anyone present who wished to speak in favour of the amendment.

Ms. Vivian Levermore, owner, offered a brief history of the property, stating that they had purchased the property in May 2006. She explained that at that time there was a boat hoist and catwalk in place she believes from sometime in the late 1950's or early 1960's.

Ms. Levermore respectfully requested the approval of the amendment and assured everyone present that it will not be a major difference in the use of the roadway or subject land.

Councillor Deery asked if there was anyone else present who wished to speak in favour of the amendment, seeing none, Councillor Deery asked if there was anyone present who wished to speak in opposition of the amendment.

Mr. Clinton Culic introduced himself and stated that he is legal counsel for the owner of 5 Bayview, Mrs. Kahn. Mr. Culic identified that the City can only control what happens on land and the Cataraqui Regional Conservation Authority (CRCA) is responsible for the happenings on the bed of the St. Lawrence River. He stressed that, in his opinion, this governing body (EDP Committee) cannot control what is done to the boat hoist as it is not on

Economic Development and Planning Committee (EDP) Public Planning Meeting Minutes -  
Tuesday, June 07, 2016

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shore. Mr. Culic felt the zoning should be changed to "open space zoning" and does not require a special exception zone to permit the "private marine facility".

Mr. Kalle Pugi, 6 Bayview Road, stated that he is against the zoning change. He explained that he has a 6 foot right of way across the subject lands to the river. Mr. Pugi is unhappy with the fact there are no plans illustrating the future intended use of the property. He feels it inappropriate to designate it open space. Mr. Pugi emphasized that if a boat is attached to the dock it will block his access to the river. In addition, he feels that his view to the river would not be respected. Mr. Pugi summarized his prior dealings with the current owners of the lot in question and the reasons for his position.

Mr. Ken Forrest spoke on behalf of his mother Ruth Forrest who lives at 4 Bayview Road. Mr. Forrest stated that he is a real estate broker and is currently trying to sell his mother's home. Mr. Forrest indicated that the confusion over this property, the potential severance and zoning change is holding up the sale of his mother's home. Mr. Forrest identified himself as being the representative of all the residents on Bayview Road. Mr. Forrest summarized his investigation into the history of the land in question, history of the walkway and the boat lift, permits and the like. Mr. Forrest summarized his reasons for his concerns and position.

Mr. Forrest stated that it is the wish of the Bayview Road property owners to have the subject lands owned by someone who lives on the street. Mayor Henderson replied that it would not be within the City's control to make this a stipulation.

Mayor Henderson asked Ms. Pascoe Merkley what the current property owner is permitted to do on these lands. Ms. Pascoe Merkley replied that in its current state it is too small to build on as it does not meet current zone provisions. The Applicants have no use to attach to this property. Although the zoning by-law states that if it abuts water a private marine facility may be permitted.

Councillor Deery asked if there was anyone else who wished to speak on this matter. As no one came forward he indicated that this matter will be considered by the Economic Development and Planning Committee at a future meeting, which will then make a recommendation to Council.

*The meeting adjourned at 7:15 pm.*

*The Request for Information Sheets are on file in the Clerk's Office.*

# SCHEDULE “F” TO REPORT 2016-089-07

## APPENDIX U: GUIDELINES FOR IN-WATER AND SHORELINE WORKS

### Introduction

The Cataraqui Region Conservation Authority (CRCA) administers Ontario Regulation 148/06: Development, Interference with Wetlands and Alterations to Shorelines and Watercourses pursuant to Section 28 of the *Conservation Authorities Act*. This Regulation applies to all shorelines, watercourses, waterbodies and wetlands within the CRCA jurisdiction. Works or undertakings within the regulated areas require approval from the CRCA prior to the works being undertaken, in accordance with the Guidelines for Implementing Ontario Regulation 148/06 (June 2012). In-water works are often required to support marine uses, shoreline protection, and water taking activities.

These guidelines apply to in-water and shoreline works, and related activities. They will be used by CRCA staff in the review of permit applications to ensure that these activities meet the intent of the CRCA’s Guidelines for Implementing Ontario Regulation 148/06.

### **1.0 General Guidelines**

The following general guidelines will be considered in reviewing permit applications under Ontario Regulation 148/06 for all in-water and shoreline works, and related activities.

- a) Compliance with other applicable legislation will be encouraged through the promotion of the best management practices associated with that legislation.
- b) Development within wetlands will generally be discouraged. Wetlands generally contain the highest diversity of organisms. The maintenance of wetland environments through the minimizing and mitigation of development impacts is encouraged. Dredging will not generally be supported within wetland environments. Proponents will be encouraged to incorporate best construction practices to minimize impact for the construction or installation of new docks, boathouses, boat ports, boat launch ramps, and other similar types of marine facilities in wetland environments.
- c) In order to maintain healthy shorelines and waterbodies, no more than 25% or 15 metres whichever is less, of any one property owner’s shoreline should be developed with in-water or shoreline structures, exclusive of shoreline erosion protection/retention works.
- d) Proponents will be encouraged to abide by the timing guidelines for fish spawning and/or species listed as threatened or endangered under the *Endangered Species Act* or *Species at Risk Act* (see Appendix O).
- e) Sediment and erosion control measures must be implemented as necessary to prevent the entry of sediments into the water and to control turbidity levels.
- f) Projects will be encouraged to be of a scale and scope consistent with the limitations of the physical environments that they are located in.
- g) Shoreline and in-water works will be encouraged to be located a minimum of 4.5 metres from the side lot lines of a property as projected into the water perpendicular from the shoreline.
- h) Regular maintenance and repair that does not alter the size and/or dimensions of an existing structure will not require a CRCA permit. All other repairs, renovations or replacement will require a permit, and where possible shall be designed to have a net positive impact on the environment.
- i) Environmentally benign building material (e.g. cedar lumber) will be encouraged for in-water structures. Treated lumber that meets provincial and federal standards are acceptable for use.

However, pre-treated lumber should be dry before it is placed in the water. Substances not accepted for marine application (e.g. creosote treated lumber) will not be approved.

- j) All activities including maintenance procedures are to be conducted in a manner to control the entry of petroleum products, debris, rubble, concrete or other deleterious substances into the water.

## **2.0 Docks and Boatlifts**

Docks and boatlifts by their nature are generally located within hazard lands. The Authority will strive to minimize development within hazard lands to that required to provide for the storage or berthing of marine vessels.

Best management practice considerations for dock and boatlift structures will be to locate structures where environmental impacts are minimized. This will be accomplished by promoting dock and boatlift facilities that are located and designed in a way that will:

- have the least impact on fish habitat,
- maintain natural shorelines, and
- minimize shading to preserve aquatic plants.

### **2.1 Guidelines**

- a) Solid in-water structures will generally not be supported.
- b) Cantilevered, floating, and docks supported on legs, posts, or pipes are generally recommended.
- c) Generally, docks will be considered provided they are located at least 4.5 metres from adjacent property lines (projected perpendicular to the shoreline). Reductions to this allowance may be considered on narrow lots where the 4.5 metre setback cannot be achieved.
- d) Crib (timber or steel) style docks with open spans may be permitted where warranted by site-specific circumstances, such as areas of heavy wave action and in consideration of large vessels. Cribs should occupy less than 15 square metres of the lake or river bottom (combined footprint). Rocks used for the filling of cribs should be clean and free of soil, taken or imported from land, and not taken from a lake or river bottom.
- e) Generally, docks should have deck surface widths of no greater than 2.44 metres. Deck widths up to a maximum of 3.66 metres will be considered only where construction constraints warrant.
- f) In shallow waters, the extension of dock lengths will be promoted to avoid requests for dredging.
- g) Boatlifts located adjacent to a dock can be located within the 4.5 metre allowance from a property line provided it is located entirely in front of the upland landowner's property.
- h) Boatlifts should be located at least 2 metres from the shoreline to maintain near shore currents.

## **3.0 Boathouses and Boat Ports**

Boathouses and boat ports are structures designed to shelter boats from the sun and rain and often provide boat storage during the winter. A boathouse has a roof, walls and a front door while a boat port consists of a roof (supported on posts) and no walls.

Best management practice considerations for boathouse and boat port structures will be to locate structures where environmental impacts are minimized. This will be accomplished by promoting boathouse and boat port facilities that are located and designed in a way that will:

- have the least impact on fish habitat,
- result in the maintenance of natural shorelines through minimal disturbance,
- minimize shading to preserve aquatic plants, and
- have appropriate water depths to avoid requests for dredging.

### **3.1 Guidelines**

- a) Solid in-water structures will generally not be supported.
- b) Generally, cantilevered, floating, and boathouses/boat ports supported on legs, posts, or pipes are recommended.
- c) Generally, boathouses and boat ports will be considered provided they are located at least 4.5 metres from adjacent property lines (projected perpendicular to the shoreline). Reductions to this allowance may be considered on narrow lots where the 4.5 metre setback cannot be achieved.
- d) Boathouses and boat ports will be single storey structures with no provisions for human habitation. New structures that propose areas for human habitation or that could be converted for human habitation will not be supported.
- e) Upland storage buildings for boats must meet the guidelines for implementing Ontario Regulation 148/06 for development.
- f) Boathouse Roofs will generally be restricted to 4.5 metres in height to the peak (measured from the first floor). Flat roofed boathouses are permitted.
- g) Crib (timber or steel) style structures with open spans may be permitted where warranted by site-specific circumstances such as areas of heavy wave action and to accommodate large vessels.
- h) A boathouse must have an open boat slip within the interior.
- i) Services, other than electricity, are not encouraged.
- j) Generally, docks should have deck surface widths of no greater than 2.44 metres. Deck widths up to a maximum of 3.66 metres will be considered only where construction constraints warrant.
- k) Crib (timber or steel) style supports with open spans may be permitted where warranted by site-specific circumstances, such as areas of heavy wave action and in consideration of large vessels. Cribs should occupy less than 15 square metres of the lake or river bottom (combined footprint). Rocks used for the filling of cribs should be clean and free of soil, taken or imported from land, and not taken from a lake or river bottom.
- l) Boathouses and boat ports should be located at least 2 metres from the shoreline to maintain near shore currents.
- m) Boathouses and boat ports will be encouraged to be placed in deeper water depths to avoid requests for dredging.
- n) The stabilization of existing two storey structures will be permitted where:
  - i. The existing support structures will be replaced/repaired with identical construction methodology.
  - ii. The support structures are being replaced with a new construction methodology and it is demonstrated through proper engineering analysis by a qualified

professional engineer that the new support structures are at least as strong (able to withstand the forces acting upon it) as the previous support structures.

#### **4.0 Dredging (including the removal or relocation of logs, stumps, rocks).**

Dredging is the activity of removing substrate material, usually for the purposes of improving navigation. Dredging activities are considered to provide short term solutions to water depth issues since natural currents and wave action will result in most dredged areas filling in over time. Therefore, dredging is generally discouraged and alternatives such as extending dock length, or relocating facilities will be explored and encouraged. Landowners will be advised that where shallow water conditions are present, development may be limited or restricted.

##### **4.1 Guidelines**

- a) Logs, stumps, and rocks may be relocated in front of the upland property provided they are not used to create a breakwater or other structure.
- b) Generally, dredging will not be supported in wetland environments, and in recognized fish spawning areas.
- c) Where dredging may be permitted, the size and depth of the area proposed for dredging should be minimized. No more than 25% of the shoreline length to a maximum of 15 metres should be dredged in front of property.
- d) A single boat channel dredged through a shallow area to deeper water should be no wider than 6 metres; dredging of communal boat channels shared among adjacent property owners should not exceed 8 metres in width.
- e) Dredged material must be placed in an upland area in accordance with the CRCA's Guidelines for Implementing Ontario Regulation 148/06.
- f) Dredged material that is being transported over open water must be appropriately contained.

#### **5.0 Shoreline Stabilization**

Shoreline stabilization involves a variety of works designed to prevent or reduce erosion. These works include bio-engineering, rip-rap, and vertical shore walls usually composed of armour stone, masonry rock, concrete, steel, wood, plastic or gabion baskets.

While vertical shore walls have short term benefits, the retention of existing emergent aquatic vegetation and planting of additional trees and shrubs on the shoreline bank (bio-engineering) is the preferred and most effective method of arresting and preventing further erosion in an environmentally responsible manner. Rip-rap, which is the placement of clean angular stone or rock rubble on a slope, may be used in combination with bio-engineering methods where bio-engineering methods alone would be ineffective. Properly sized rip-rap placed along the waterfront over a geotextile filter fabric is effective in dissipating wave action, and preventing soil particles from washing out while allowing land based moisture to naturally percolate back into the water body.

##### **5.1 Guidelines**

- a) Softening of the shoreline will be encouraged (vertical to sloped, unvegetated to vegetated).
- b) Excavation (in order to create gently sloped shorelines) will be encouraged to reduce encroachment into a waterbody and to minimize the placement of fill within the flood plain.

The preferred methods for shoreline stabilization, in order, are the retention of native shoreline vegetation, bio-engineering and rip-rap.

- c) Preservation or enhancement of natural vegetated buffers will be encouraged.
- d) Rip-rap is normally approved provided that:
  - I. The works will follow the existing profiles and contours of the shoreline.
  - II. The material is clean angular stone or rock that is taken or imported from land, not from a lake or river bottom.
  - III. A geotextile filter fabric will be installed under and behind the rock.
  - IV. A 3:1 (H:V) slope ratio is provided. A slope may not be steeper than 3:1 unless supported by an engineered design.
  - V. Excavation of the upland slope to create the appropriate slope angle shall occur. Filling, excavation or dredging of the bed is generally not supported.
  - VI. Encroachment of rip-rap up to 1 metre onto the lake or riverbed may be permitted if the encroachment is required to protect significant trees threatened by erosion, and the works would not result in the removal of significant natural shoreline vegetation.
  - VII. Encroachment beyond 1 metre may be supported in exceptional circumstances. These will be reviewed on a case by case basis and the quantity of fill placed within the flood plain must meet the CRCA's Guidelines for Implementing Ontario Regulation 148/06.
- e) New vertical shore walls may be considered if:
  - I. Other methods of shoreline stabilization such as bio-engineering or rip-rap have been considered and found to be unacceptable due to site conditions (e.g. excessive wave or ice forces).
  - II. The shorewall will be excavated upland of the high water mark and encroachment on the bed of or into the waterbody will not occur to minimize placement of fill in the flood plain.
  - III. Filter cloth will be installed behind the shore wall to prevent the migration of fines into the water.
  - IV. All backfill will be clean imported material.

## **6.0 Beach Creation**

Historically, sand beaches have been created because natural sand beaches and swimming areas are uncommon within the CRCA's jurisdiction. However, the placement of sand can degrade aquatic environments (e.g. fish spawning areas) as the material continually washes away and migrates onto the natural bed of a water body. Additionally, beach creation may also exacerbate erosion problems by removing natural vegetation along the shoreline.

### **6.1 Guidelines**

- a) Generally, beach creation will not be supported.
- b) Replenishment of beach sand below the high water mark will not be supported.
- c) Upland beaches will be considered provided they are installed in accordance with the guidelines for implementing Ontario Regulation 148/06
- d) Generally, the placement of aggregate over areas of larger material such as natural rock rubble, or within wetland areas will not be supported.
- e) Generally, material placed below the high water mark shall consist of pea gravel.

## **7.0     Inland Boat Slips**

Inland boat slips, or wet slips are small artificial slips or basins excavated into the shoreline bank that are intended to provide a protected mooring area for boats.

### **7.1 Guidelines**

- a) Generally, new inland boat slips will be discouraged.
- b) Shoreline stabilization for the interior walls of existing boat slips shall normally be assessed in accordance with the shoreline stabilization policies in section 5 above.
- c) Any required maintenance dredging should be done to the natural substrate level of the adjacent water body.
- d) Improvement of the substrate of the excavated area to match surrounding natural substrate conditions will be encouraged.

## **8.0     Boat Launch Ramps, and Marine Railways**

Boat launch ramps are usually located at marinas or public parks but are also occasionally proposed for a residential waterfront property. The creation of a ramp usually includes excavating or cutting into the shoreline and placing gravel, rock or concrete to accommodate the launching of a boat. Use of communal public launches is encouraged to avoid the cumulative impacts of altering the shoreline.

Marine railways consist of a set of tracks and carriage leading into the water that will allow a boat to be lifted entirely out of the water and transported upland when not in use.

### **8.1 Guidelines**

- a) Launch ramps should not be constructed in areas that contain wetland communities.
- b) Concrete and wood may be used above the high water mark. The in-water portion should be an aggregate mixture or a steel grid/grate.
- c) Shoreline in-water modifications to accommodate launch ramps should be minimized.
- d) Ramps should take advantage of natural slope (upland and in-water) conditions and substrates.
- e) Marine railways are to be constructed and placed in a manner that will minimize the removal of shoreline vegetation and will not require substantial alteration to the shoreline.

## **9.0     Heat Pump Loops/waterlines/shorewells**

The placement of a heat pump loop or a waterline generally does not require CRCA approval. However, if the placement of these items requires excavation or alteration to the shoreline to facilitate the installation, a CRCA permit is required. The CRCA's Guidelines for Implementing Ontario Regulation 148/06 will be applied in these circumstances.

### **9.1 Guidelines**

- a) Removal of shoreline vegetation should be minimized.
- b) Material removed during the installation should be stockpiled and replaced over the waterline to restore the shoreline to its previous state.
- c) Shorewell cassons should be installed at or above the high water mark.

#### **10.0 Mooring Buoys, Swimming Rafts, Waterski Courses and Ramps**

Generally, CRCA approval is not required for mooring buoys, swimming rafts, waterski courses and ramps. However, depending on the scope and scale of the works, a permit may be required. Permit requirements will be considered in accordance with the CRCA's Guidelines for Implementing Ontario Regulation 148/06.

# SCHEDULE “F” TO REPORT 2016-089-07

## APPENDIX U: GUIDELINES FOR IN-WATER AND SHORELINE WORKS

### Introduction

The Cataraqui Region Conservation Authority (CRCA) administers Ontario Regulation 148/06: Development, Interference with Wetlands and Alterations to Shorelines and Watercourses pursuant to Section 28 of the *Conservation Authorities Act*. This Regulation applies to all shorelines, watercourses, waterbodies and wetlands within the CRCA jurisdiction. Works or undertakings within the regulated areas require approval from the CRCA prior to the works being undertaken, in accordance with the Guidelines for Implementing Ontario Regulation 148/06 (June 2012). In-water works are often required to support marine uses, shoreline protection, and water taking activities.

These guidelines apply to in-water and shoreline works, and related activities. They will be used by CRCA staff in the review of permit applications to ensure that these activities meet the intent of the CRCA’s Guidelines for Implementing Ontario Regulation 148/06.

### 1.0 General Guidelines

The following general guidelines will be considered in reviewing permit applications under Ontario Regulation 148/06 for all in-water and shoreline works, and related activities.

- a) Compliance with other applicable legislation will be encouraged through the promotion of the best management practices associated with that legislation.
- b) Development within wetlands will generally be discouraged. Wetlands generally contain the highest diversity of organisms. The maintenance of wetland environments through the minimizing and mitigation of development impacts is encouraged. Dredging will not generally be supported within wetland environments. Proponents will be encouraged to incorporate best construction practices to minimize impact for the construction or installation of new docks, boathouses, boat ports, boat launch ramps, and other similar types of marine facilities in wetland environments.
- c) In order to maintain healthy shorelines and waterbodies, no more than 25% or 15 metres whichever is less, of any one property owner’s shoreline should be developed with in-water or shoreline structures, exclusive of shoreline erosion protection/retention works.
- d) Proponents will be encouraged to abide by the timing guidelines for fish spawning and/or species listed as threatened or endangered under the *Endangered Species Act* or *Species at Risk Act* (see Appendix O).
- e) Sediment and erosion control measures must be implemented as necessary to prevent the entry of sediments into the water and to control turbidity levels.
- f) Projects will be encouraged to be of a scale and scope consistent with the limitations of the physical environments that they are located in.
- g) Shoreline and in-water works will be encouraged to be located a minimum of 4.5 metres from the side lot lines of a property as projected into the water perpendicular from the shoreline.
- h) Regular maintenance and repair that does not alter the size and/or dimensions of an existing structure will not require a CRCA permit. All other repairs, renovations or replacement will require a permit, and where possible shall be designed to have a net positive impact on the environment.
- i) Environmentally benign building material (e.g. cedar lumber) will be encouraged for in-water structures. Treated lumber that meets provincial and federal standards are acceptable for use.

However, pre-treated lumber should be dry before it is placed in the water. Substances not accepted for marine application (e.g. creosote treated lumber) will not be approved.

- j) All activities including maintenance procedures are to be conducted in a manner to control the entry of petroleum products, debris, rubble, concrete or other deleterious substances into the water.

## **2.0 Docks and Boatlifts**

Docks and boatlifts by their nature are generally located within hazard lands. The Authority will strive to minimize development within hazard lands to that required to provide for the storage or berthing of marine vessels.

Best management practice considerations for dock and boatlift structures will be to locate structures where environmental impacts are minimized. This will be accomplished by promoting dock and boatlift facilities that are located and designed in a way that will:

- have the least impact on fish habitat,
- maintain natural shorelines, and
- minimize shading to preserve aquatic plants.

### **2.1 Guidelines**

- a) Solid in-water structures will generally not be supported.
- b) Cantilevered, floating, and docks supported on legs, posts, or pipes are generally recommended.
- c) Generally, docks will be considered provided they are located at least 4.5 metres from adjacent property lines (projected perpendicular to the shoreline). Reductions to this allowance may be considered on narrow lots where the 4.5 metre setback cannot be achieved.
- d) Crib (timber or steel) style docks with open spans may be permitted where warranted by site-specific circumstances, such as areas of heavy wave action and in consideration of large vessels. Cribs should occupy less than 15 square metres of the lake or river bottom (combined footprint). Rocks used for the filling of cribs should be clean and free of soil, taken or imported from land, and not taken from a lake or river bottom.
- e) Generally, docks should have deck surface widths of no greater than 2.44 metres. Deck widths up to a maximum of 3.66 metres will be considered only where construction constraints warrant.
- f) In shallow waters, the extension of dock lengths will be promoted to avoid requests for dredging.
- g) Boatlifts located adjacent to a dock can be located within the 4.5 metre allowance from a property line provided it is located entirely in front of the upland landowner's property.
- h) Boatlifts should be located at least 2 metres from the shoreline to maintain near shore currents.

## **3.0 Boathouses and Boat Ports**

Boathouses and boat ports are structures designed to shelter boats from the sun and rain and often provide boat storage during the winter. A boathouse has a roof, walls and a front door while a boat port consists of a roof (supported on posts) and no walls.

Best management practice considerations for boathouse and boat port structures will be to locate structures where environmental impacts are minimized. This will be accomplished by promoting boathouse and boat port facilities that are located and designed in a way that will:

- have the least impact on fish habitat,
- result in the maintenance of natural shorelines through minimal disturbance,
- minimize shading to preserve aquatic plants, and
- have appropriate water depths to avoid requests for dredging.

### **3.1 Guidelines**

- a) Solid in-water structures will generally not be supported.
- b) Generally, cantilevered, floating, and boathouses/boat ports supported on legs, posts, or pipes are recommended.
- c) Generally, boathouses and boat ports will be considered provided they are located at least 4.5 metres from adjacent property lines (projected perpendicular to the shoreline). Reductions to this allowance may be considered on narrow lots where the 4.5 metre setback cannot be achieved.
- d) Boathouses and boat ports will be single storey structures with no provisions for human habitation. New structures that propose areas for human habitation or that could be converted for human habitation will not be supported.
- e) Upland storage buildings for boats must meet the guidelines for implementing Ontario Regulation 148/06 for development.
- f) Boathouse Roofs will generally be restricted to 4.5 metres in height to the peak (measured from the first floor). Flat roofed boathouses are permitted.
- g) Crib (timber or steel) style structures with open spans may be permitted where warranted by site-specific circumstances such as areas of heavy wave action and to accommodate large vessels.
- h) A boathouse must have an open boat slip within the interior.
- i) Services, other than electricity, are not encouraged.
- j) Generally, docks should have deck surface widths of no greater than 2.44 metres. Deck widths up to a maximum of 3.66 metres will be considered only where construction constraints warrant.
- k) Crib (timber or steel) style supports with open spans may be permitted where warranted by site-specific circumstances, such as areas of heavy wave action and in consideration of large vessels. Cribs should occupy less than 15 square metres of the lake or river bottom (combined footprint). Rocks used for the filling of cribs should be clean and free of soil, taken or imported from land, and not taken from a lake or river bottom.
- l) Boathouses and boat ports should be located at least 2 metres from the shoreline to maintain near shore currents.
- m) Boathouses and boat ports will be encouraged to be placed in deeper water depths to avoid requests for dredging.
- n) The stabilization of existing two storey structures will be permitted where:
  - i. The existing support structures will be replaced/repaired with identical construction methodology.
  - ii. The support structures are being replaced with a new construction methodology and it is demonstrated through proper engineering analysis by a qualified

professional engineer that the new support structures are at least as strong (able to withstand the forces acting upon it) as the previous support structures.

#### **4.0 Dredging (including the removal or relocation of logs, stumps, rocks).**

Dredging is the activity of removing substrate material, usually for the purposes of improving navigation. Dredging activities are considered to provide short term solutions to water depth issues since natural currents and wave action will result in most dredged areas filling in over time. Therefore, dredging is generally discouraged and alternatives such as extending dock length, or relocating facilities will be explored and encouraged. Landowners will be advised that where shallow water conditions are present, development may be limited or restricted.

##### **4.1 Guidelines**

- a) Logs, stumps, and rocks may be relocated in front of the upland property provided they are not used to create a breakwater or other structure.
- b) Generally, dredging will not be supported in wetland environments, and in recognized fish spawning areas.
- c) Where dredging may be permitted, the size and depth of the area proposed for dredging should be minimized. No more than 25% of the shoreline length to a maximum of 15 metres should be dredged in front of property.
- d) A single boat channel dredged through a shallow area to deeper water should be no wider than 6 metres; dredging of communal boat channels shared among adjacent property owners should not exceed 8 metres in width.
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#### **5.0 Shoreline Stabilization**

Shoreline stabilization involves a variety of works designed to prevent or reduce erosion. These works include bio-engineering, rip-rap, and vertical shore walls usually composed of armour stone, masonry rock, concrete, steel, wood, plastic or gabion baskets.

While vertical shore walls have short term benefits, the retention of existing emergent aquatic vegetation and planting of additional trees and shrubs on the shoreline bank (bio-engineering) is the preferred and most effective method of arresting and preventing further erosion in an environmentally responsible manner. Rip-rap, which is the placement of clean angular stone or rock rubble on a slope, may be used in combination with bio-engineering methods where bio-engineering methods alone would be ineffective. Properly sized rip-rap placed along the waterfront over a geotextile filter fabric is effective in dissipating wave action, and preventing soil particles from washing out while allowing land based moisture to naturally percolate back into the water body.

##### **5.1 Guidelines**

- a) Softening of the shoreline will be encouraged (vertical to sloped, unvegetated to vegetated).
- b) Excavation (in order to create gently sloped shorelines) will be encouraged to reduce encroachment into a waterbody and to minimize the placement of fill within the flood plain.

The preferred methods for shoreline stabilization, in order, are the retention of native shoreline vegetation, bio-engineering and rip-rap.

- c) Preservation or enhancement of natural vegetated buffers will be encouraged.
- d) Rip-rap is normally approved provided that:
  - I. The works will follow the existing profiles and contours of the shoreline.
  - II. The material is clean angular stone or rock that is taken or imported from land, not from a lake or river bottom.
  - III. A geotextile filter fabric will be installed under and behind the rock.
  - IV. A 3:1 (H:V) slope ratio is provided. A slope may not be steeper than 3:1 unless supported by an engineered design.
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  - VII. Encroachment beyond 1 metre may be supported in exceptional circumstances. These will be reviewed on a case by case basis and the quantity of fill placed within the flood plain must meet the CRCA's Guidelines for Implementing Ontario Regulation 148/06.
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- c) Any required maintenance dredging should be done to the natural substrate level of the adjacent water body.
- d) Improvement of the substrate of the excavated area to match surrounding natural substrate conditions will be encouraged.

## **8.0 Boat Launch Ramps, and Marine Railways**

Boat launch ramps are usually located at marinas or public parks but are also occasionally proposed for a residential waterfront property. The creation of a ramp usually includes excavating or cutting into the shoreline and placing gravel, rock or concrete to accommodate the launching of a boat. Use of communal public launches is encouraged to avoid the cumulative impacts of altering the shoreline.

Marine railways consist of a set of tracks and carriage leading into the water that will allow a boat to be lifted entirely out of the water and transported upland when not in use.

### **8.1 Guidelines**

- a) Launch ramps should not be constructed in areas that contain wetland communities.
- b) Concrete and wood may be used above the high water mark. The in-water portion should be an aggregate mixture or a steel grid/grate.
- c) Shoreline in-water modifications to accommodate launch ramps should be minimized.
- d) Ramps should take advantage of natural slope (upland and in-water) conditions and substrates.
- e) Marine railways are to be constructed and placed in a manner that will minimize the removal of shoreline vegetation and will not require substantial alteration to the shoreline.

## **9.0 Heat Pump Loops/waterlines/shorewells**

The placement of a heat pump loop or a waterline generally does not require CRCA approval. However, if the placement of these items requires excavation or alteration to the shoreline to facilitate the installation, a CRCA permit is required. The CRCA's Guidelines for Implementing Ontario Regulation 148/06 will be applied in these circumstances.

### **9.1 Guidelines**

- a) Removal of shoreline vegetation should be minimized.
- b) Material removed during the installation should be stockpiled and replaced over the waterline to restore the shoreline to its previous state.
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#### **10.0 Mooring Buoys, Swimming Rafts, Waterski Courses and Ramps**

Generally, CRCA approval is not required for mooring buoys, swimming rafts, waterski courses and ramps. However, depending on the scope and scale of the works, a permit may be required. Permit requirements will be considered in accordance with the CRCA's Guidelines for Implementing Ontario Regulation 148/06.

28JUNE2016

REPORT TO ECONOMIC DEVELOPMENT PLANNING COMMITTEE – 05 JULY 2016

2016-090-07

FINAL ACCEPTANCE AND M. PASCOE MERKLEY  
DISCHARGE OF OBLIGATIONS UNDER SUBDIVISION DIRECTOR OF PLANNING  
AGREEMENT - PLAN 28M-3 J. FAURSCHOU  
WILDWOOD CRESCENT-PHASE I, CITY OF BROCKVILLE PLANNER I  
(HUNTERS HILL SUBDIVISION)  
OWNERS: SPRING VALLEY HOMES LTD.  
AGENT: MICHAEL VEENSTRA  
FILE: 08T-955001(C)

**RECOMMENDATION:**

**THAT** a by-law be enacted for final acceptance of the work under Plan 28M-3 and to discharge obligations under Subdivision Agreement dated 05 May 2006, between Spring Valley Homes Ltd. and the Corporation of the City of Brockville, save and except Clause 16 b) i) through iii), inclusive, and Schedule "G", Clause 1, for lands known as Hunters Hill Subdivision-Wildwood Crescent-Phase I, Lots 1 through 27, inclusive, Plan 28M-3.

**PURPOSE:**

The purpose of this report is to respond to a request for final acceptance of the work under Plan 28M-3 and to discharge obligations under a Subdivision Agreement.

**ORIGIN:**

A letter of request for acceptance of Plan 28M-3, dated 11 August 2015 was submitted by Mr. Michael Veenstra, President of Spring Valley Homes Ltd. A copy of the letter of request has been attached as **Schedule "A"** to this report.

The location and layout of Plan 28M-3 is indicated on **Schedule "B"** to this report.

**ANALYSIS:**

Plan 28M-3 was granted Final Approval by Resolution of Council, Report No. 2006-096-04 on 11 April 2006. The following Subdivision Agreement was executed and registered on title:

**Agreement Type:** Subdivision Agreement  
**Between:** Spring Valley Homes Ltd.  
**Dated:** 05 May 2006  
**Registered As:** Instrument Number 000126 on 10 July 2006

2016-090-07

**Final Acceptance and Discharge of Obligations Under Subdivision Agreement – Plan 28M-3**  
**Wildwood Crescent–Phase I, City Of Brockville**  
**(Hunters Hill Subdivision)**  
**Owner: Spring Valley Homes Ltd.**  
**Agent: Michael Veenstra**  
**FILE: 08T-955001(C)**

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Final acceptance requires the Owner to meet various conditions as set out under the Subdivision Agreement and requires that said final acceptance “*shall be evidenced by Resolution of Council*”.

Conditions set out under Clause 8, Clause 16, Clause 21 and Schedule “C”, Clause 8, are discussed below. The required resolution of Council is identified in the recommendations section of this report.

**Clause 8:**

Clause 8, contains various conditions which must be met prior to final acceptance of Plan 28M-3. Following final acceptance, release of the Subdivision Agreement from title on the subject lands may be undertaken.

**Clause 16:**

Clause 16 b) i) through iii), inclusive, refer to various deed clauses to be included in all subsequent sales in order to maintain the integrity of the grading within the subdivision. In addition, Schedule “G”, Clause 1 refers to retention of trees by subsequent owners.

Accordingly, the wording from Clause 16 b) i) through iii), inclusive, and Schedule “G”, Clause 1, is appropriate to include in the proposed By-law. A Sample “*Agreement of Purchase and Sale*” has been received from the developer, Mr. Michael Veenstra, confirming inclusion of the above-noted conditions in documents as required.

**Clause 21:**

Clause 21 addresses composters and refuse collection. Specifically, composters are to be installed by the owner at each single detached dwelling. Composters have been confirmed by the developer as having been provided but notes that some of the owners declined a composter. The following table indicates those owners which have declined to have a composter installed.

<b>Clause 21 of Subdivision Agreement</b>			
<b>Composter Acceptance/Refusal Schedule by Home Owners for</b>			
<b>Wildwood Phase 1 – August 1st , 2015</b>			
<b>Lot</b>	<b>Address # Wildwood</b>	<b>Yes</b>	<b>No</b>
1	2	X	
2	6		X
3	10		X
4	14		X
5	18	X	

2016-090-07

**Final Acceptance and Discharge of Obligations Under Subdivision Agreement – Plan 28M-3**  
**Wildwood Crescent-Phase I, City Of Brockville**  
**(Hunters Hill Subdivision)**  
**Owner: Spring Valley Homes Ltd.**  
**Agent: Michael Veenstra**  
**FILE: 08T-955001(C)**

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6	22		X
7	26		X
8	30		X
9	34		X
10	38		X
11	42		X
12	46	X	
13	50	X	
14	54	X	
15	58	X	
16	62	X	
17	66		X
18	53		X
19	49		X
20	45		X
21	41		X
22	37		X
23	33		X
24	29	X	
25	25		X
26	21	X	
27	158		X

The Solid Waste division has confirmed that the fore-going approach to tracking and allowing individual homeowners to "opt-out" of installation of individual composters is acceptable.

Schedule "C", Clause 8:

Schedule "C", Clause 8 states that "*the Owner shall plant at least one (1) tree per lot in the public highway fronting each lot between the curb and boundary of the public highway...*"

Tree planting has been confirmed by the developer with the exception of 50 Wildwood Crescent. The owners declined to have the tree planted. However, the developer has confirmed that:

*"The homeowner has subsequently hired a contractor and planted trees and shrubs on their property in an aesthetically pleasing manner. There have been no complaints from the adjoining neighbours about this aberration. No tree can be planted in the boulevard, because of the gas line installed there."*

A site inspection by the Planning Department has revealed the planting at 50 Wildwood Crescent to be acceptable.

2016-090-07

Final Acceptance and Discharge of Obligations Under Subdivision Agreement – Plan 28M-3  
Wildwood Crescent–Phase I, City Of Brockville  
(Hunters Hill Subdivision)  
Owner: Spring Valley Homes Ltd.  
Agent: Michael Veenstra  
FILE: 08T-955001(C)

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The necessary by-law to release the subject lands from the Subdivision Agreement has been prepared for enactment by City Council.

#### POLICY IMPLICATIONS:

There are no policy implications associated with the subject request. The request is a housekeeping issue related to an approved Subdivision Agreement which contains direction on conditions to be met prior to considering release of the Subdivision Agreement.

#### FINANCIAL IMPLICATIONS:

All costs associated with release of the Subdivision Agreement as it pertains to Plan 28M-3 are the responsibility of the Applicant.

#### CONCLUSION:

The Planning Department has no objection to the request for final acceptance of the work under Plan 28M-3 and to discharge obligations under the Subdivision Agreement dated 05 May 2006, between Spring Valley Homes Ltd. and the Corporation of the City of Brockville, save and except Clause 16 b) i) through iii), inclusive, and Schedule "G", Clause 1, for lands known as Hunters Hill Subdivision-Wildwood Crescent Phase I being described as Lots 1 through 27, inclusive, Plan 28M-3.



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M. Pascoe Merkley  
Director of Planning



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B. Casselman  
City Manager



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J. Faurschou  
Planner I

SCHEDULE "A" - REPORT 2016-090-07

August 11, 2015

Jonathan Faurschou  
Planner I  
City of Brockville

Dear Sir,

**Subject: Request for assumption of Wildwood Phase I | Plan 28M-3**

We have recently submitted final grades for the outstanding Lot on Wildwood Phase I, and now request formal assumption by the City of Brockville for Wildwood Phase I, also known as Plan 28M-3.

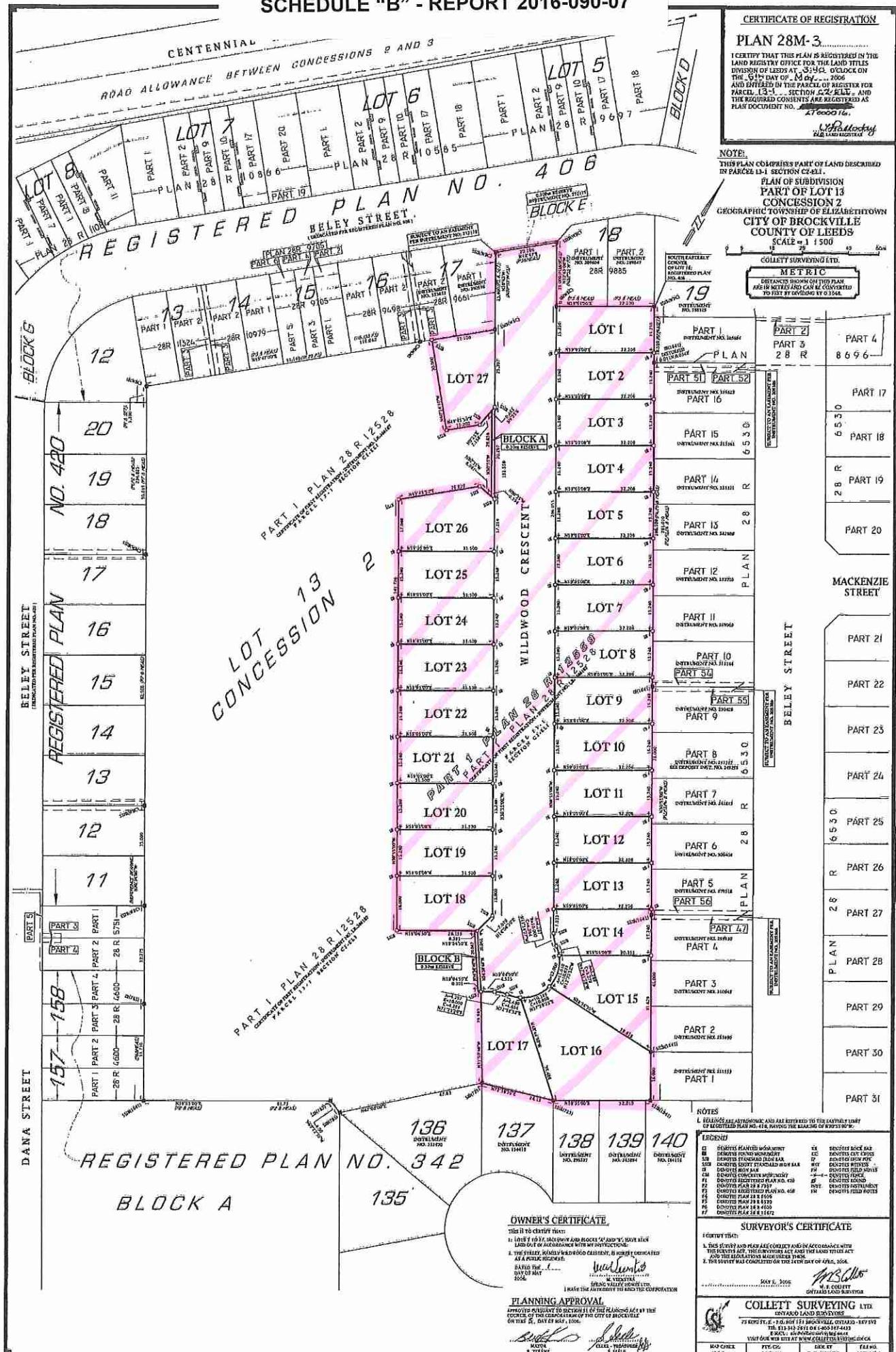
Could you please make the necessary arrangements to complete this process?

Thank you,



Michael Veenstra  
Spring Valley Homes

## SCHEDULE "B" - REPORT 2016-090-07



28 June 2016

REPORT TO THE ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE  
05 July 2016

2016-091-07

REQUEST TO DEEM LOTS NOT REGISTERED M. MAUREEN PASCOE MERKLEY  
PARTS OF PINEVIEW HEIGHTS SUBDIVISION DIRECTOR OF PLANNING  
REGISTERED PLAN 335, BROCKVILLE J. FAURSCHOU  
OWNER: MARY ANN CLARKE PLANNER I  
APPLICANT: EASTERN ENGINEERING GROUP INC.  
FILE: 267-11

**RECOMMENDATION:**

THAT Lot 23 and Lot 24, Registered Plan 335, City of Brockville, County of Leeds, be deemed not registered.

**ORIGIN:**

A letter of request to deem Lot 23 and Lot 24 not to be a part of Plan 335, dated 26 May, 2016, has been submitted by David Poole-Eastern Engineering Group Inc., acting as Agent for Ms. Mary Ann Clarke, Owner of lands described as Lots 23 and 24, Plan 335, (Pineview Heights Subdivision) City of Brockville, County of Leeds. The letter of request is attached as **Schedule "A"** to this report. The location of the subject property is indicated on **Schedule "B"** attached to this report.

**ANALYSIS/OPTIONS:**

On 26 May 2016, the Planning Department received a request for Lots 23 and 24 of Plan 335, to be deemed not to be registered. The Owner has proposed a single detached dwelling which, due to the challenging grade of the site, straddles the subject lots. The concept development plan has been attached as **Schedule "C"**. Accordingly, the lots are required to be joined. The most expedient method to achieve this goal is to have Lot 23 and Lot 24 of Plan 335 deemed as being not registered.

The Ontario Planning Act, 1990, c.P. 13, Section 50. (4), addresses the matter of the designation of a plan or subdivision or part thereof as not being deemed registered as follows:

*"50 (4) The council of a local municipality may by by-law designate any plan of subdivision, or part thereof, that has been registered for eight years or more, which shall be deemed not to be a registered plan of subdivision for the purposes of subsection (3). R.S.O. 1990, c. P.13, s. 50 (4)."*

2016-091-07

Page 2

**Request to Deem Lots Not Registered  
Parts of Pineview Heights Subdivision  
Registered Plan 335**

**Owner:** Mary Ann Clarke  
**Applicant:** Eastern Engineering Group Inc.  
**File:** 267-11

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The underlying registered plan of subdivision for the lands subject to this application was created in 1977, and was subject to a Subdivision Agreement between 257244 Land Developments Limited and the Corporation of the City of Brockville authorized by By-law 47-77 on 15 March 1977. The subdivision was completed, with the exception of Lots 23 and 24, Plan 335. On 26 June 1984, By-law 116-84 was endorsed by Council wherein Plan 335 was assumed, various lands dedicated and named and the Owner was released from all obligations pursuant to the Agreement.

Accordingly, the plan of subdivision exceeds the required minimum of eight (8) years to permit a portion of the subdivision to be considered as not being registered.

Plan 335, which is located primarily on Pineview Road, contains 4 lots fronting on King Street West. The two easterly lots have been developed with single detached dwellings and the two remaining westerly lots, being Lots 23 and 24, are vacant. The lots are generally steep, rocky and therefore challenging to develop.

Lot 23 has an area of 960.71 m<sup>2</sup>. Lot 24 has an area of 980.82 m<sup>2</sup>. The combined lot areas would therefore be 1,941.53 m<sup>2</sup>. City of Brockville Zoning By-law 050-2014, as amended, requires a minimum lot area of 525 m<sup>2</sup>.

Lot 23 has a frontage of 28.95 m<sup>2</sup>. Lot 24 has a frontage of 24.38 m<sup>2</sup>. The combined lot frontage would be 53.34 metres. City of Brockville Zoning By-law 050-2014, as amended, requires a minimum lot frontage of 17 m.

The building area of the proposed dwelling, garage and covered area is 302.12 m<sup>2</sup>. The "Dwelling Unit Area" (within exterior walls) of the proposed dwelling is 170.01 m<sup>2</sup>.

The request to deem Lots 23 and 24, Plan 335 as being not part of a registered plan was circulated on 02 June 2016 to various Departments for comment and review with the following results:

1. The Operations Department confirmed, on 17 June 2016, that they have no objection to the deemng of Lots 23 and 24.
2. The Environmental Services Department confirmed, on 16 June 2016, that the two lots are separately serviced to the lot line. Development utilizing only one service is not an issue as the unused service will remain capped.

*"Environmental Services are not opposed to the two lots being combined into one. The Lot Grading and Drainage for the Plan of Subdivision will have to be altered accordingly.*

2016-091-07

Page 3

**Request to Deem Lots Not Registered  
Parts of Pineview Heights Subdivision  
Registered Plan 335**

**Owner:** Mary Ann Clarke  
**Applicant:** Eastern Engineering Group Inc.  
**File:** 267-11

---

*Due to the extreme slopes there will be some special grading required to suit the single dwelling in the middle of the two lots, a revised Phase 1 grading submission will be required to correspond to the perimeter grades from the plan of subdivision.”*

3. The Fire Department stated, on 02 June 2016, that they have “no concerns at this time”.
4. The Police Department stated, on 21 June 2016, that they have “no concerns”.
5. The Planning Department- Building Division stated, on 03 June 2016, that they have “no concerns at this time”.

The necessary by-law to deem Lot 23 and Lot 24, Plan 335, as being not part of a registered plan shall be prepared for enactment by City Council.

## POLICY IMPLICATIONS

The Official Plan for the City of Brockville, Policy 6.4.5.1. 14., addresses the matter of deeming lots not to be registered as follows:

*“14. The City may consider passing a By-law under the provisions of the Planning Act deeming old registered, undeveloped plans which are inadequate due to matters such as lot size, unsuitable access or undesirable location, not to be registered.”*

Given that the lots in question consist of undeveloped lots which are serviced but difficult to develop individually, the request is considered by the Planning Department to be reasonable.

## FINANCIAL CONSIDERATIONS

Financial considerations to the City of Brockville would consist of the potential for reduced taxation should reassessments by MPAC occur as expected upon completion of the deeming process.

2016-091-07

Request to Deem Lots Not Registered

Parts of Pineview Heights Subdivision

Registered Plan 335

Owner: Mary Ann Clarke

Applicant: Eastern Engineering Group Inc.

File: 267-11

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### CONCLUSION:

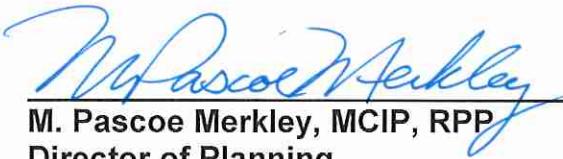
It is appropriate to support the deemng of Lot 23 and Lot 24, Registered Plan 335, City of Brockville, County of Leeds, as being not part of a registered plan and for the necessary by-law to be enacted.



J. Faurschou, MCIP, RPP  
Planner I



B. Casselman  
City Manager



M. Pascoe Merkley, MCIP, RPP  
Director of Planning

**SCHEDULE "A" - REPORT 2016-091-07**

Page 124 of 126

Brockville Centre  
125 Stewart Blvd., Suite 212  
Brockville, Ontario K6V 4W4  
Tel: (613) 345-0400 Fax: (613) 345-0008  
Web Site: www.easteng.com

File: 6928

May 26, 2016

City of Brockville  
P.O. Box 5000  
Brockville, ON  
K6V 7A5

Attention: J. Faurschou

Dear Sir:

Re: Mary Ann Clarke  
King Street West, Brockville ON  
Lots 23 & 24, Plan 335

The owner of the above noted lots hereby requests that the lots be deemed not part of Plan 335 so that the two lots can merge to form one lot.

The reason for this is to allow a proposed house to straddle the existing lot line between Lots 23 and 24.

The owner originally purchased Lot 24, however, due to the extreme site conditions was not able to construct the style of house and provide an access driveway with a reasonable grade.

Therefore, the owner purchased the adjoining Lot No. 23 to allow for the style of house with an access driveway with a reasonable grade.

Attached are the following:

- fee in the amount of \$480.00
- survey plan showing lots
- proposed site plan

If you have any questions concerning this matter, do not hesitate to contact me.

Yours very truly,

EASTERN ENGINEERING GROUP INC.

D.G. Poole

DGP: rie  
Attach.

c.c. Mary Ann Clarke



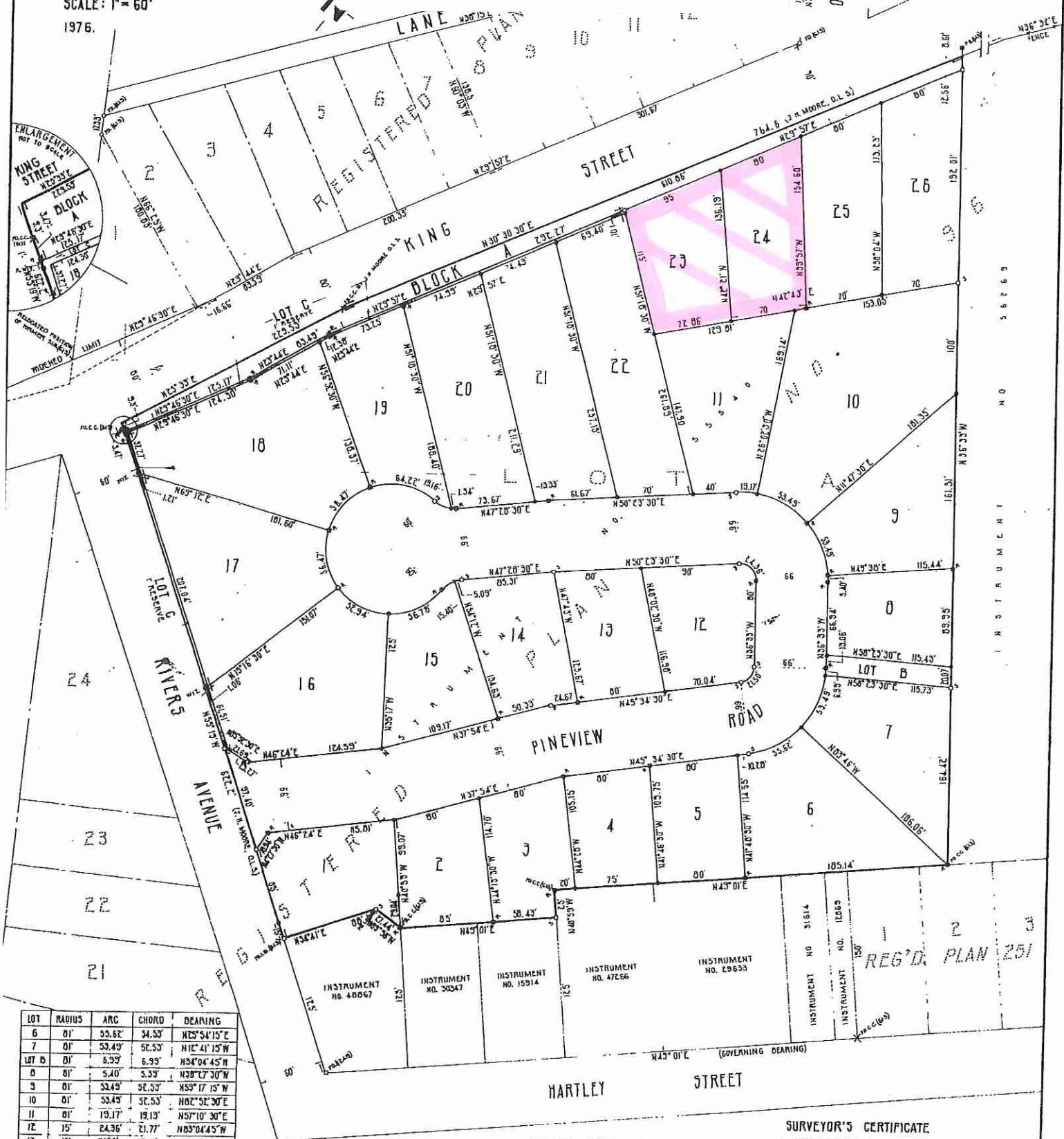
PART LOT A - REGISTRED PLAN  
CITY OF BROCKVILLE  
COUNTY OF LEEDS

SCALE: 1" = 60'

1976.

SCHEDULE "B" - REPORT 2016-091-07

By Page 125 of 126



CERTIFICATE OF REGISTRATION OF PLAN

I CERTIFY THAT THIS PLAN IS DULY REGISTERED IN THE REGISTRY OFFICE FOR THE REGISTRY DIVISION OF LEEDS (NO. 20) AT 9:30 O'CLOCK ON THE 17 DAY OF MAY 1977 AS NUMBER 335 FOR THE CITY OF BROCKVILLE.

OWNER'S CERTIFICATE

THIS IS TO CERTIFY THAT :

1. LOTS 1 TO 26 BOTH INCLUSIVE, LOTS B AND C, BLOCK A, THE STREET NAMELY PINEVIEW ROAD, WITHIN THE AREA OF SURVEY OUTLINED, HAVE BEEN LAID OUT IN ACCORDANCE WITH OUR INSTRUCTIONS.
2. THE STREET, NAMELY PINEVIEW ROAD, AND THE KING STREET WIDENING, NAMELY BLOCK A, ARE HEREBY DEDICATED AS PUBLIC HIGHWAYS.

DATED THE 14<sup>th</sup> DAY OF March, 1977.  
EST 244 LAND DEVELOPMENTS LIMITED

SURVEYOR'S CERTIFICATE

- I HEREBY CERTIFY THAT :
1. THIS PLAN AND SURVEY ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE REGISTRY ACT AND THE REGULATIONS MADE THEREUNDER.
  2. THE SURVEY WAS COMPLETED ON THE 10<sup>th</sup> DAY OF NOVEMBER, 1976.

November 10<sup>th</sup>, 1976.

*M.H. Alderway*  
M.H. ALDERWAY,  
ONTARIO LAND SURVEYOR.

□ S. DENOTES IRON BAR 1" x 4"  
□ S. DENOTES IRON BAR 1" x 2"  
□ R. DENOTES ROCK BAR 1" x 6"  
□ X DENOTES IRON BAR 5/8" x 1/2"  
□ X DENOTES IRON BAR 3/4" x 1/2" WITH CAP  
□ DENOTES IRON PIPE

