



COMMITTEE OF ADJUSTMENT/PLANNING ADVISORY COMMITTEE
OF June 28, 2011 @ 6:00 PM

AGENDA

LOCATION: TOWN ADMINISTRATION OFFICE, 2ND FLOOR, 30 KING STREET EAST, GANANOQUE

WELCOME & APPOINTMENT OF COMMITTEE CHAIR:

A) HEALTH, SAFETY, & WELLNESS:

B) DECLARATION OF PECUNIARY INTERESTS:

C) DELEGATIONS/PRESENTATIONS:

D) MINUTES OF PREVIOUS MEETING: Adoption of the Committee's minutes of the previous meeting.
✦ COA/PAC Minutes of May 24, 2011.

E) CONSENT:

- ✦ B02&B03/11 Herbison
237 and 237 Charles Street North

F) SITE PLAN APPLICATION:

- ✦ SP04/11 Coyle/McOnie
 - 165 Main Street
- ✦ SP05/11 Walski
 - 136 Main Street
- ✦ SP06/11 Lojko
 - 415 Stone Street S

G) CONTINUING BUSINESS:

- ✦ Update from Minutes of May 24, 2011
 - i. B1/11 McIntyre
Appeal period ended June 14, 2011
 - ii. SP03/11 Henker
Council approved the site plan application at their meeting of June 7, 2011
Motion 2011-121
 - iii. Property Standard Committee
Council appointed members of the public from COA/PAC to be the Property Standards Committee at their meeting of June 7, 2011
Motion 2011-185
By-law passed 3rd reading June 21, 2011

H) NEW BUSINESS:

I) PUBLIC QUESTION PERIOD

J) ADJOURN

Next regular meeting of COA/PAC is scheduled for July 26, 2011 at 6 p.m.

The Corporation of the Town of Gananoque
COA/PAC MINUTES OF APRIL 26, 2011 @ 6:00 PM

Members Present:

Chair Chuck Marquardt, Councillor Joe Jansen, Jonathan Allen,
Nicole St. Onge, Stacie Amo Teasdale

Members Absent:

Councillor Jeff Girling , Heather Gallacher

Staff Present:

Brenda Guy, Manager of Community Development

WELCOME

MINUTES OF PREVIOUS MEETING:

MOTION NO. 2011-09

Moved by: Joe Jansen

Seconded by: Nicole St. Onge

That Planning Advisory Committee accepts the minutes of the Committee of
Adjustment & Planning Advisory Committee dated April 26, 2011.

CARRIED

A) HEALTH, SAFETY, & WELLNESS:

B) DECLARATION OF PECUNIARY INTERESTS: None

C) DELEGATIONS/PRESENTATIONS: None

D) CONSENT:

↓ B01/11 McIntyre
93 James Street (83 James Street)

The applicant is applying for a lot line adjustment to convey a parcel of
land to an adjacent property (also owned by McIntyre).

The Official Plan designates the property as Residential and the Zoning
By-law designates the property as R1 – Low Density Residential. The
existing dwelling unit on the parcel enjoys legal non-conforming with
respect to front and exterior side yard setbacks.

The conveyance of land to the adjacent property does not undersize
the retained parcel of land, however, the conveyance will increase an
undersized lot and provide a parking area for the property (83 James
Street).

The existing dwelling units on the two properties currently enjoy legal
non-conforming with respect to setbacks and lot coverage.

MOTION NO. 2011-10

Moved by: Joe Jansen

Seconded by: Nicole St. Onge

Be it resolved that Committee of Adjustment approves Consent B01/11
McIntyre to convey a parcel of land to an adjacent landowner provided the
conditions are met.

CARRIED

E) MINOR VARIANCE: None

F) SITE PLAN APPLICATION:

↓ SP03/11 Henker
199 Pine Street

The applicant is applying for a site plan amendment under the provisions of a Heritage Tourist Inn.

PAC/COA reviewed the application and the background report provided by the applicant. The property is known as the Godfrey house built in the late 1800s.

Circulation was sent to all agencies and departments with no objections noted. As part of the site plan agreement an inspection by the Fire Department and Building Department are required.

The requirement for the Inn is six parking spaces plus two for the residence. The residential parking is along Pine Street and all guest parking will be located along Spruce Alley.

MOTION NO. 2011-11

Moved by: Jonathon Allan

Seconded by: Stacie Amo Teasdall

Be it resolved that the Planning Advisory Committee recommends to Council that they have no objection to Site Plan Application SP03/11 Henker at 199 Pine Street for a Heritage Tourist Inn provided the conditions of Fire and Building Inspection and the additional parking requirements are met.

CARRIED

G) SUBDIVISION AGREEMENT: None

H) ZONING BY-LAW AMENDMENT: None

I) CORRESPONDENCE: None

J) CONTINUING BUSINESS:

↳ Training

- a. Staff to contact MAH regarding Planning Act Training/Refresher
- b.

K) NEW BUSINESS:

↳ Property Standards Committee

Staff consulted with PAC/COA regarding the role of Property Standards Committee with the adoption of the new Property Standards By-law.

Committee members had no objection to the role of the Committee being part of this committee.

Council members felt that this would not include Council members. Meetings would be held in conjunction with the PAC/COA

L) PUBLIC QUESTION PERIOD: None

M) ADJOURN

MOTION NO. 2011-12

Moved by: Jonathan Allen

Be it resolved that Committee of Adjustment/Planning Advisory Committee adjourn this regular meeting.

Chair, Chuck Marquardt

Secretary --Treasurer, Brenda Guy

PLANNING REPORT

TO: PLANNING ADVISORY COMMITTEE
FROM: BRENDA GUY
PLANNING APPROVALS COORDINATOR
DATE: Friday, June 24, 2011
SUBJECT: B2/11 & B3/11 – HERBISON
CERTIFICATE OF VALIDATION

Background:

Property: 237 & 239 Charles Street N
Legal Desc: Pt. Lot 239 and Pt. Lot 330 Plan 86, Town Of Gananoque (237 Charles St N)
Pt. Lot 239 and Pt. Lot 330 Plan 86 Pts. 1-3 Plan 28R-5490, Town Of
Gananoque (239 Charles St N)
Acreage: 1440 sq.ft (237 Charles Street)
16' frontage along Charles Street N
2520 sq.ft (239 Charles Street)
28' frontage along Charles Street N
Lot Coverage: 35% Maximum Coverage
Official Plan: Residential
Zoning: R1 – Low Density Residential

The applications in front of us, are to rectify a mistake by the mortgage company in 2001. Certificate of Validation corrects a title error and validates a mortgage.

A Certificate of Validation is not a mistake which can be picked up by staff. It is usually determined by the lawyer acting on behalf of a mortgage company at the time of remortgage or sale of property.

All Town records indicate that the subject properties are two separate parcels of land. They are serviced separately which has been in place. They were not divided under the Planning Act. Basically the parcels were under separate ownership (Mrs. Herbison on one, Mr. and Mrs. Herbison on second lot) with individual mortgages. At some point, Mrs. Herbison bought out Mr. Herbison and obtained a mortgage, which once it was registered merged it under one single owner.

Staff consulted with our lawyer on the process and were provided with guidance. The recommendation is that we approve the validation for the mortgage only as Section 57 refers to a contravention of the Planning Act which is the mortgages.

There is no circulation requirement for a Certificate of Validation.

57. (1) A council authorized to give a consent under section 53, other than a council authorized to give a consent pursuant to an order under section 4, may issue a certificate of validation in respect of land described in the certificate, providing that the contravention of section 50 or a predecessor of it or of a by-law passed under a predecessor of section 50 or of an order made under clause 27 (1) (b), as it read on the 25th day of June, 1970, of *The Planning Act*, being chapter 296 of the Revised Statutes of Ontario, 1960, or a predecessor of it does not have and shall be deemed never to have had the effect of preventing the conveyance of or creation of any interest in such land. 1993, c. 26, s. 63; 1996, c. 4, s. 30 (1).

Limitation

(2) A certificate of validation under subsection (1) or an order of the Minister under subsection (3) does not affect the rights acquired by any person from a judgment or order of any court given or made on or before the day on which the certificate is issued or order is made. 1993, c. 26, s. 63.

Territorial district

(3) If the Minister has authority to give consents under section 53, the Minister may by order exercise the powers conferred upon a council by subsection (1) in respect of land in a territorial district. 2002, c. 17, Sched. B, s. 23.

Proviso

(4) No order shall be made by the Minister under subsection (3) in respect of land situate in a local municipality unless the council of the local municipality in which the land is situate has by by-law requested the Minister to make such order, and the council has the power to pass that by-law. 1993, c. 26, s. 63; 2009, c. 33, Sched. 21, s. 10 (15).

Conditions

(5) A council may, as a condition to the passage of a by-law under subsection (4), impose such conditions in respect of any land described in the by-law as it considers appropriate. 1993, c. 26, s. 63.

Criteria for consideration

(6) In considering whether to issue a certificate under subsection (1), regard shall be had to the prescribed criteria. 1993, c. 26, s. 63.

Criteria for certificate

- (7)** No certificate shall be issued by a council under subsection (1) unless,
- (a) the land described in the certificate conforms with the prescribed criteria; or
 - (b) the Minister, by order, has exempted that land from the criteria. 1993, c. 26, s. 63.

Conditions

(8) A council or the Minister may, as a condition to issuing a certificate of validation or order, impose such conditions in respect of any land described in the certificate or order as it considers appropriate. 1993, c. 26, s. 63.

Proviso

(9) Nothing in this section derogates from the power a council or the Minister has to grant consents referred to in section 53. 1993, c. 26, s. 63.

SCHEDULE TO APPLICATION FOR VALIDATION

237 CHARLES STREET, GANANOQUE, ONTARIO

This application is to correct a title error and validate a mortgage. This application concerns a mortgage registered on one of two adjacent properties owned by the same owner. Inadvertently, when this property was purchased and a mortgage given to finance the purchase, the lawyer acting did not realize that the buyer also owned the neighbouring lands. Thus, while good title passed to the buyer, the mortgage given to acquire the property contravened the *Planning Act* and was void.

The borrower has gone into default under the mortgage and the lender is attempting to recover monies lent.

Section 57 of the *Planning Act* provides that a council (or where authority has been delegated, a committee of adjustment or land division committee) that is authorized to give a consent under Section 53 may issue a certificate of validation in respect of the land described in the certificate and the certificate has the effect that the contravention of Section 50 of the *Planning Act*, or a predecessor of it, is deemed never to have had the effect of preventing the conveyance of, or creation of, any interest in land.

A certificate of validation is used to cure what might have been a prior *Planning Act* contravention and thereby validate the ownership of property or legalize mortgages registered against title even though there was an earlier contravention.

The Title History

This is an application to validate a mortgage on the title to one of two properties owned by Deborah Jean Herbison. In this application, Herbison purchased 237 Charles Street and gave a mortgage to CIBC Mortgages Inc. to finance her purchase when she owned the abutting land, 239 Charles Street. It appears that she inadvertently merged the ownership of both properties with her purchase of 237 Charles Street thereby preventing her from dealing with each of these two properties separately. When she gave mortgages on each property separately, the mortgages contravened the *Planning Act*. This application is to validate the mortgage on 237 Charles Street.

Particulars

1. By transfer registered February 24, 1998 as no. LR284610, Deborah Jean Herbison purchased 239 Charles Street, Gananoque. The property is legally described as part of lots 329 and 330 E Gananoque River; plan 86, being parts 1, 2, and 3, plan 28R-5490 and being all of PIN 44247-0186. She financed and refinanced this property through CIBC Mortgages Inc.
2. Three years later, by transfer registered May 11, 2001 as no. LR311225, Deborah Jean Herbison and Ronald Morrow together purchased 237 Charles Street Gananoque, the property next door to 239 Charles Street. Together, they gave a mortgage to Canadian Imperial Bank of Commerce.

3. At that time, and because each of the properties was under different ownership, each of the properties could be dealt with separately and without concern for *Planning Act* compliance since according to law, neither owner owned abutting land.
4. Each property was at the relevant time separately mortgaged.
5. On December 14, 2007, Deborah Jean Herbison purchased from Ronald Morrow, his interest in 237 Charles Street. This was part of a separation agreement whereby Ronald Morrow's obligation under the property's financing had to be released. As a result, Deborah Herbison had to arrange financing on this property.
6. By transfer registered December 14, 2007 as no. LE5372, Deborah Herbison and Ronald Morrow transferred 237 Charles Street to Deborah Herbison alone. As soon as that transfer was registered, technically, both the 237 and 239 Charles Street properties merged in the single owner, Deborah Herbison.
7. By mortgage registered December 14, 2007 as no. LE5373, i.e. immediately after registering the above transfer, Deborah Herbison gave a mortgage for \$60,000 to CIBC Mortgages Inc. This mortgage contravened the *Planning Act* and is the mortgage that must be validated under this application.
8. In respect of 239 Charles Street, Deborah Herbison, the sole owner thereof had previously given mortgages to CIBC Mortgages Inc. On September 30, 2008 as no. LE9256, Deborah Herbison gave a new mortgage to CIBC Mortgages Inc. on 239 Charles Street for \$180,912.
9. Of course, by this time, Deborah Herbison had become the sole owner of 237 Charles Street and as a result, this replacement mortgage also contravened the *Planning Act*. The validation of that mortgage is the subject of a separate application.
10. Under the *Planning Act*, a person cannot grant a mortgage on property if it owns the abutting land. In this case, even though 237 Charles Street was a separate property and could have been transferred by Deborah Herbison and Robert Morrow to any other person, as soon as it was transferred to Deborah Herbison alone, the ownership of the two properties merged and she was deemed to be dealing with part of her land only when she gave separate mortgages on each.
11. In order to validate the mortgage given on 237 Charles Street, a validation certificate is required.

Planning Considerations

There should be no planning considerations affecting the request for validation. The two properties have historically been separate parcels of land, are assessed and serviced separately, and until 2007 were subject to separate ownership and were separately conveyable.

Each property is separately serviced with sanitary sewers, hydro and water and has been in its current location for many years.

The Nature of the Property

The property is, and has at all material times been, a separate property, separately serviced and assessed for all municipal purposes.

It is designated Residential in the Town's Official plan and is zoned R-1 Low Density residential.

This property contains a very old residential building and was constructed well before the passing of By-law 91-37 and would be considered a legal non-conforming use insofar as set backs are concerned.

The two properties have been fully developed and each is improved by a single family residence. No new construction is contemplated.

Planning Considerations, Zoning and Official Plan

There should be no planning considerations affecting the request for a certificate of validation. 237 Charles Street, once validated, is a separately conveyable parcel of land. It is assessed, serviced, and developed separate from all abutting lands. The present use complies with the zoning and Official Plan.

Other Evidence

A copy of the following is attached:

- (a) PIN 44247-0185 (LT) (237 Charles Street)
- (b) PIN 44247-0186 (LT) (239 Charles Street)
- (c) Copy of plan 28R-11075
- (d) Copy of Transfer of Property to Deborah Herbison no. LE5372
- (e) Copy of Mortgage to CIBC Mortgages Inc. no. LE5373

The Purpose of the Application

The request for a certificate of validation is to validate the title to the Property, which will validate all the mortgage in favour of CIBC Mortgages Inc.

We would respectfully request that a certificate of validation be issued for the following land without conditions.

PT LT 329 E GANANOQUE RIVER, 330 E GANANOQUE RIVER PL 86 PT 1 28R-11075;
S/T AND T/W LR311225; GANANOQUE

BEING ALL OF PIN 44247-0185 (LT)

CERTIFICATE OF VALIDATION

Section 57 of the *Planning Act*

A contravention of Section 50 or a predecessor of it, or of a by-law passed under a predecessor of Section 50, or an order made under clause 27(1)(b) of the *Planning Act* as it reads on the 25th day of June, 1970, being chapter 296 of the Revised Statutes of Ontario, 1960 or a predecessor of it, does not have and shall be deemed never to have had, the effect of preventing the conveyance of, or creation of any interest in the parcel of land described as follows.

PT LT 329 E GANANOQUE RIVER, 330 E GANANOQUE RIVER PL 86 PT 1 28R-11075;
S/T AND T/W LR311225; GANANOQUE

BEING ALL OF PIN 44247-0185 (LT)

This Certificate of Validation is issued in accordance with Section 57 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, and the decision of the Committee of Adjustments of the City of _____ dated _____, 2011.

Dated the _____ day of _____ 2011

Secretary-Treasurer to The Committee of Adjustment
for the

Application

SCHEDULE TO APPLICATION FOR VALIDATION

239 CHARLES STREET, GANANOQUE, ONTARIO

This application is to correct a title error and validate a mortgage. This application concerns a mortgage registered on one of two adjacent properties owned by the same owner. Inadvertently, when this property was refinanced and a new mortgage given to the lender, the lawyer acting did not realize that the owner had recently purchased the neighbouring lands. Thus, while the owner had good title to the property, the replacement mortgage given to refinance the property contravened the *Planning Act* and was void, since when the replacement mortgage was given, the owner then owned abutting lands.

The borrower has gone into default under the mortgage and the lender is attempting to recover monies lent.

Section 57 of the *Planning Act* provides that a council (or where authority has been delegated, a committee of adjustment or land division committee) that is authorized to give a consent under Section 53 may issue a certificate of validation in respect of the land described in the certificate and the certificate has the effect that the contravention of Section 50 of the *Planning Act*, or a predecessor of it, is deemed never to have had the effect of preventing the conveyance of, or creation of, any interest in land.

A certificate of validation is used to cure what might have been a prior *Planning Act* contravention and thereby validate the ownership of property or legalize mortgages registered against title even though there was an earlier contravention.

The Title History

This is an application to validate a mortgage on the title to one of two properties owned by Deborah Jean Herbison. In this application, Herbison had owned 239 Charles Street and always had given CIBC Mortgages Inc. a mortgage on the property. In 2007, she bought out her common Law spouse's interest in 237 Charles Street and then owned both 237 and 239 Charles Street. In September 2008, when she refinanced the mortgage on 239 Charles Street, her lawyer failed to note that she owned 237 alone and that the mortgage would contravene the planning Act if given on one of the two properties alone. By buying out the interest of her spouse in 237 Charles Street, she inadvertently merged the ownership of both properties preventing her legally from dealing with each of these two properties separately. When she gave mortgage on each property separately, the mortgages contravened the *Planning Act*. This application is to validate the mortgage on 237 Charles Street.

Particulars

1. By transfer registered February 24, 1998 as no. LR284610, Deborah Jean Herbison purchased 239 Charles Street, Gananoque. The property is legally described as part of lots 329 and 330 E Gananoque River; plan 86, being parts 1, 2, and 3, plan 28R-5490 and being all of PIN 44247-0186. She financed and refinanced this property through CIBC Mortgages Inc.

2. Three years later, by transfer registered May 11, 2001 as no. LR311225, Deborah Jean Herbison and Ronald Morrow together purchased 237 Charles Street Gananoque, the property next door to 239 Charles Street. Together, they gave a mortgage to Canadian Imperial Bank of Commerce.
3. At that time, and because each of the properties was under different ownership, each of the properties could be dealt with separately and without concern for *Planning Act* compliance since according to law, neither owner owned abutting land.
4. Each property was at the relevant time separately mortgaged.
5. On December 14, 2007, Deborah Jean Herbison purchased from Ronald Morrow, his interest in 237 Charles Street. This was part of a separation agreement whereby Ronald Morrow's obligation under the property's financing had to be released. As a result, Deborah Herbison had to arrange financing on this property.
6. By transfer registered December 14, 2007 as no. LE5372, Deborah Herbison and Ronald Morrow transferred 237 Charles Street to Deborah Herbison alone. As soon as that transfer was registered, technically, both the 237 and 239 Charles Street properties merged in the single owner, Deborah Herbison.
7. Deborah Herbison, the sole owner of 239 Charles Street had previously given mortgages to CIBC Mortgages Inc. On September 30, 2008 as no. LE9256, Deborah Herbison gave a new mortgage to CIBC Mortgages Inc. on 239 Charles Street for \$180,912.
8. Of course, by this time, Deborah Herbison had become the sole owner of 237 Charles Street and as a result, this replacement mortgage also contravened the *Planning Act*. The validation of that mortgage is the subject of a separate application.
9. Under the *Planning Act*, a person cannot grant a mortgage on property if it owns the abutting land. In this case, even though 239 Charles Street was a separate property, as soon as 237 Charles Street was transferred to Deborah Herbison alone, the ownership of the two properties merged and she was deemed to be dealing with part of her land only when she gave separate mortgages on each.
10. In order to validate the mortgage given on 239 Charles Street, a validation certificate is required.

Planning Considerations

There should be no planning considerations affecting the request for validation. The two properties have historically been separate parcels of land, are assessed and serviced separately, and until 2008 were subject to separate ownership and were separately conveyable.

Each property is separately serviced with sanitary sewers, hydro and water and has been in its current location for many years.

The Nature of the Property

The property is, and has at all material times been, a separate property, separately serviced and assessed for all municipal purposes.

It is designated Residential in the Town's Official plan and is zoned R-1 Low Density residential.

This property contains a very old residential building and was constructed well before the passing of By-law 91-37 and would be considered a legal non-conforming use insofar as set backs are concerned.

The two properties have been fully developed and each is improved by a single family residence. No new construction is contemplated.

Planning Considerations, Zoning and Official Plan

There should be no planning considerations affecting the request for a certificate of validation. 239 Charles Street, once validated, is a separately conveyable parcel of land. It is assessed, serviced, and developed separate from all abutting lands. The present use complies with the zoning and Official Plan.

Other Evidence

A copy of the following is attached:

- (a) PIN 44247-0185 (LT) (237 Charles Street)
- (b) PIN 44247-0186 (LT) (239 Charles Street)
- (c) Copy of plan 28R-5490
- (d) Copy of Transfer to Deborah Jean Herbison No 0284610
- (e) Copy of Mortgage to CIBC Mortgages Inc. no. LE9256

The Purpose of the Application

The request for a certificate of validation is to validate the title to the Property, which will validate all the mortgage in favour of CIBC Mortgages Inc.

We would respectfully request that a certificate of validation be issued for the following land without conditions.

PT LT 329 E GANANOQUE RIVER, 330 E GANANOQUE RIVER PL 86 PT 1-3 28R-5490;
S/T LR284610; GANANOQUE

BEING ALL OF PIN 44247-0186 (LT)

CERTIFICATE OF VALIDATION

Section 57 of the *Planning Act*

A contravention of Section 50 or a predecessor of it, or of a by-law passed under a predecessor of Section 50, or an order made under clause 27(1)(b) of the *Planning Act* as it reads on the 25th day of June, 1970, being chapter 296 of the Revised Statutes of Ontario, 1960 or a predecessor of it, does not have and shall be deemed never to have had, the effect of preventing the conveyance of, or creation of any interest in the parcel of land described as follows.

PT LT 329 E GANANOQUE RIVER, 330 E GANANOQUE RIVER PL 86 PT 1-3 28R-5490;
S/T LR284610; GANANOQUE

BEING ALL OF PIN 44247-0186 (LT)

This Certificate of Validation is issued in accordance with Section 57 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, and the decision of the Committee of Adjustments of the City of _____ dated _____, 2011.

Dated the _____ day of _____ 2011

Secretary-Treasurer to The Committee of Adjustment
for the

Application

LOT 380
Plan 28R-5490

8.10(P 8 S)

6.10(P 8 S)

NORTH ALLEY (NOT TO SCALE)

PART 2

INST. N^o 85447
SUBJECT TO RIGHT-OF-WAY
IN FAVOUR OF INST. N^o 16-1468

PART 3

INST. N^o 85447

PART 1

2 STOREY
BRICK DWELLING
N^o 239
(70 YEARS OLD)

INST. N^o 85447

2 STOREY (100 YEARS OLD)
FRAME
DWELLING N^o 237

LOT 329

1 1/2 STOREY
FRAME
SHED
40 YEARS OLD

1 1/2 STOREY
INSULBRICK
GARAGE

CORNER
329
N 86

IB
8.52(D)
8.19(M)

IB
N 43°07'30" W
0.15

IB
N 46°52'30" E
0.15

IB
N 43°07'30" W
1.67

IB
N 46°52'30" E
1.67

N 46°52'30" E
27.43 (D)
27.36 (M)

2.18
1.53
1.53
3.05
3.79

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CONCRETE WALK

NEW FENCE

GATE

ACCEPT CENTER LINE OF EXISTING SIDEWALK AS CENTR. LINE OF EASEMENT

ACCEPT NEW FENCE ON SITE OF 40 YEAR OLD FENCE

ACCEPT FACE OF HOUSE

CHAIN LINK FENCE 25 YEARS +

FAVE OVER 0.27

FAVE OVER 0.40

ROOF

SSIB

SSIB

SSIB

SSIB

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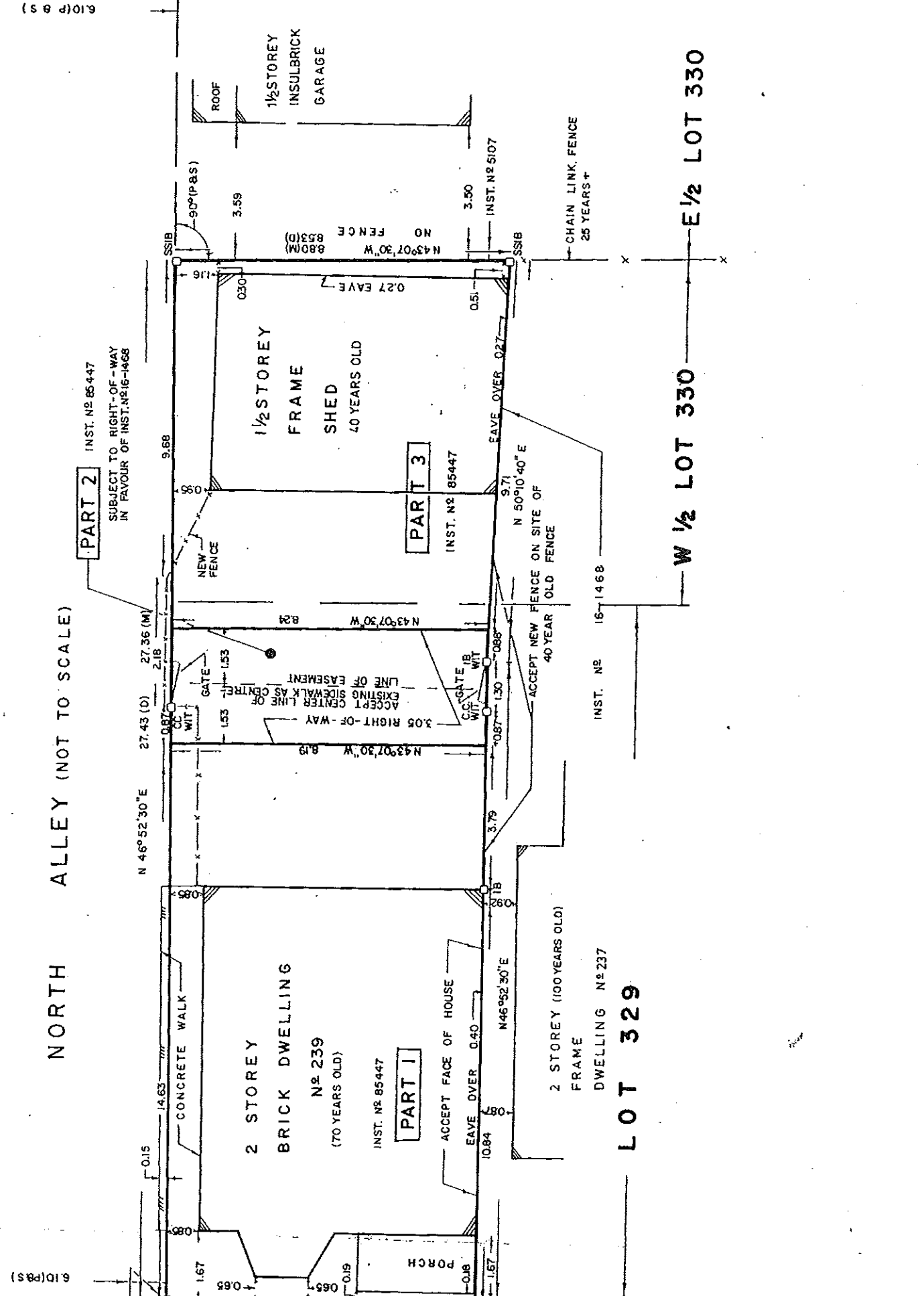
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W 1/2 LOT 330
E 1/2 LOT 330



PLANNING REPORT

TO: PLANNING ADVISORY COMMITTEE
FROM: BRENDA GUY
MANAGER OF COMMUNITY DEVELOPMENT
DATE: Monday, June 20, 2011
SUBJECT: SP4/11 – COYLE/MCONIE
SITE PLAN APPLICATION

Background:

Property: 165 Main Street
Legal Desc: Pt. Lot 590, Pt. Lot 592 Plan 86
Acreage: Approximately 511 sq.m/5500 sq.ft
50' frontage along Main Street
Lot Coverage: 50% Maximum Coverage
Official Plan: Lowertown
Zoning: CR – Commercial Residential

The applicant is applying for a site plan agreement to allow an outdoor café at 165 Main Street. There is a proposed deck but no further additions.

Official Plan

Section 3.1.1 of the OP indicates that the goal of the Lowertown is to "*Create a vibrant, year-round mixed, use Lowertown neighbourhood on an active waterfront where people live, work and play*".

The proposed outdoor café is fitting for the goals and objectives laid out in the Official Plan. A site plan is applicable as per Section 3.1.2.3.2

Zoning By-law

The Zoning for the subject property is CR – Commercial Residential. A restaurant is a permitted use in the current zoning by-law.

The draft Development Permit By-law designates the property Lowertown Mixed Use of which the café would be fitting.

Section 4.21 of the Zoning By-law speaks to parking requirements. The applicant has indicated five parking spaces at the rear of the property which is along an alley; a two-car garage (for residential purposes) and three spaces for the cafe.

The requirement for a restaurant, drive thru is:

Restaurant	1 space per four persons accommodated
Restaurant, Drive-in	according to maximum permitted capacity
Tavern	or 1 space per 10 m ² (108 ft. ²), whichever is greater

The determine of capacity is more difficult when the area is larger due to landscaping etc. Under the circumstances, the applicants are running a seasonal, weather permitting operation as the service area is only outdoors.

Therefore, staff recommend that it be based on the number of persons accommodated. A follow up e-mail with applicant has indicated that they propose to host a maximum of 12 persons at a time.

With respect to landscaping, the applicant has submitted a landscaped plan. Staff recommend that a fence also be placed along the south side of the property in the area of the garden patio.

Signage is indicated on the plan in the front yard. A building permit will be required. Setback requirements for the sign is 1 m from the front lot line and 1.5 from a common boundary line with an adjacent property if it is a ground sign.

Agency Comments Received:

CRCA	No comment	
CBO		Site Inspection as a condition of site plan
Eastern Ontario Power	No comment	If there are any electrical plans contact should be made to Eastern Ontario Power, as there may be cost which could impact their decision on the said property.
Fire Department		Site Inspection as a condition of site plan
L&G Health Unit		Clearance required as a condition as per Food Premises Regulation 562
Police Department	No comment	
Public Works	-	
Utilities (water/sewer)	No comment	

It is recommended that the applicant will be required to enter into a site plan agreement as per the attached plan with the Town of Gananoque for:

- that prior to commencement of operation of the business, an inspection of the premises take place by the Chief Building Official
- that prior to commencement of operation of the business, an inspection of the premises take place by the Fire Department
- the plan be amended to include a fence along the boundary line with the adjacent property.



No. SP 4/11

APPLICATION FOR SITE PLAN AGREEMENT

Site Plan Control By-law 83-6 and amending By-laws 89-16, 93-23, 94-27, 2001-25

A Complete Application consists of:

- One original and four copies of a complete application form signed including declaration of applicant.
- One copy of the deed of property
- Application fee in the amount of \$700 payable to the Town of Gananoque. Amending agreement \$400.
- N/A Deposit fee in the amount of \$2000 payable to the Town of Gananoque for peer reviews of various studies
- Five copies of the most recent survey of the subject property
- Five copies of the site plan(s) including scaled accurate measurements of:
 - o Dimensions and areas of the site and all building and structures to be erected
 - o Distances between lot lines and the various buildings, structures, parking areas, driveways and other features
 - o Proposed elevation of finished grades including area to be filled or excavated, retaining walls, drainage ditches
 - o Drainage Plan must demonstrate proposed development is handled on-site and does not infringe on neighbouring properties
 - o Landscape Plan showing size, type and location of vegetation
 - o Site Servicing Plan (plan/profile) including layout of existing water, sewer, gas lines and proposed connections
 - o Parking areas including number, size of spaces and dimensions
 - o Access driveways including curbing and sidewalks
 - o Dimensions and locations of loading zones, waste receptacles and other storage spaces
 - o Location, height and type of lighting fixtures including information on intensity and the direction in which they will shine relative to neighbouring streets and properties
 - o Location of sign (sign permit to be applied for through the Building Permit process)
 - o Location, type and size of any other significant features such as fencing, gates and walkways
- N/A Five copies of the building showing the full exterior view of each side describing what exists and what changes are proposed, elevations show window and door placement and exterior finishes

Parking requirements must comply with Section 4.21 Parking Requirements of the Town of Gananoque Zoning By-law

Any new, replacement or altering signage requires a permit as per By-law 2005-41.

Applications may be subject to any Town incurred costs over and above the fees set out (See By-law 2004-63 and By-law 2007-29) being a by-law to establish general fees and rates for various services provided by the municipality)

Site Plan Application may be subject to review and a separate cheque payable to the Cataraqui Region Conservation Authority in the amount of \$250 – minor (residential or small single unit commercial), \$600 – major (multiple residential, commercial, industrial and institutional). The Town recommends that you consult with a Conservation Authority Officer prior to making application.

Name of Applicant: <i>KERRY LOYCE & AARON MCONE</i>	Name of Property Owner (if different than applicant):
Address: <i>165 MAIN ST GANANOQUE - ON - K7G 2M1</i>	Address:
Telephone: <i>613 463 9296</i>	Telephone:
E-mail: <i>aaronmconie@yahoo.com</i>	E-mail:

Street or Property Address (if applicable): <i>165 MAIN ST - GANANOQUE</i>			
Legal Description: <i>PT LOT 590 & PT LOT 592 GAN AWS - PLAN 86 SINGLE FAMILY DETACHED - COMMERCIAL RESIDENTIAL</i>			
Frontage:	Depth:	Area (sq.m):	Area (acres):
<i>50' (15.24m)</i>	<i>110' (33.5m)</i>	<i>511 m²</i>	<i>0.13</i>

Existing Use(s): <i>RESIDENTIAL</i>
Length of time the existing use of the subject lands have continued:
Is the property designated as a Heritage Site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Proposed Use(s): <i>COMMERCIAL & RESIDENTIAL</i>
Abutting Land Use(s): <i>COMMERCIAL & RESIDENTIAL</i>

Plan Details:			
<input checked="" type="checkbox"/> Residential	<input type="checkbox"/> Commercial	<input type="checkbox"/> Industrial	<input type="checkbox"/> Institutional
No. of Units: <u>1</u>	Type & No. (if residential): <input type="checkbox"/> Bachelor _____ <input type="checkbox"/> 1 Bedroom _____ <input type="checkbox"/> 2 Bedroom _____ <input checked="" type="checkbox"/> 3 Bedroom <input checked="" type="checkbox"/>	Building Coverage: <u>31</u> (%) <u>161.3</u> (sq.m)	Landscape Coverage: <u>69</u> (%) <u>349.7</u> (sq.m)
No. of Storeys: <u>2</u>			
Parking Surface: <u>130 m²</u>	Number of Parking Spaces: <u>5</u>	Dimensions of Parking Spaces: <u>3.16 m x 6.1 m</u> <u>(10.37' x 20.0')</u>	Number of Accessible Spaces: <u>3</u>
Loading Spaces: <u>N/a.</u>	Number of Loading Spaces: <u>N/a.</u>	Dimensions of Loading Spaces: <u>N/a.</u>	Method of Garbage Storage: <u>ENCLOSED</u> GARBAGE BINS

Heritage Tourist Inn:

Is this a site plan application for a Heritage Tourist Inn? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Number of Guest Rooms: <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 Max.	Number of Guest Washrooms: <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6
	If Yes, a Heritage Resource Assessment evaluating the heritage significance of the property including a description of historic features is required with the submission of this application	

N/a.

EXISTING BUILDINGS:	Building 1		Building 2	
	Type of Structure	WOOD FRAME HOUSE	WOOD FRAME GARAGE	
Date Constructed:	1870	UNKNOWN		
Front Line Setback:	0.81 m	23.7 m.		
Rear Lot Line Setback:	12.65 m	2.97 m.		
Side Lot Line Setback:	8.28 m.	9.49 m.		
Side Lot Line Setback:	0.58 m.	0.64 m		
Height	22.3 m.	3.63 m		
Dimensions	SEE PLAN.	5.54 m x 7.66 m		
Floor Area	161.3 m ²	42.43 m ²		
PROPOSED BUILDINGS:	Building 1		Building 2	
Type of Structure				
Proposed Date of Construction:				
Front Line Setback:				
Rear Lot Line Setback:				
Side Lot Line Setback:				
Side Lot Line Setback:				
Height				
Dimensions				
Floor Area				

N/a.

Access: Municipal Street Unopen Road Allowance Existing Right-of-way Other _____

Name of Street/Road: MAIN ST

Entrance Approvals and Permit Number(s):

N/A

Water Access (where access to the subject land is by water only)

Docking Facilities (specify)	Parking Facilities (specify)
distance from subject land _____	distance from subject land _____
distance from nearest public road _____	distance from nearest public road _____

Services: Municipal Water and Sewer Municipal Water & Private Sewage Private Well and Municipal Sewage Private Well and Private Sewage

Water and Sewer Hook-up Approvals and Permit Number(s):

Other Concurrent Applications:

<input type="checkbox"/> Consent	<input type="checkbox"/> Minor Variance	<input type="checkbox"/> Official Plan Amendment	<input checked="" type="checkbox"/> Zoning By-law Amendment	<input type="checkbox"/> Subdivision Approval	<input type="checkbox"/> Condominium Approval
----------------------------------	---	--	---	---	---

AUTHORIZATION BY OWNER

I/We, the undersigned being the owner(s) of the subject land of this application for a consent, hereby authorize _____ (print) to be the applicant in the submission of this application.

Furthermore, I/we, being the registered owner(s) of the subject lands, hereby authorize the Members of Council, Planning Advisory Committee and the Town of Gananoque staff members, to enter upon the property for the purpose of conducting a site inspection with respect to the attached application.

Signature of Owner

Signature of Owner

Signature of Witness (not applicant)

Date

DECLARATION OF APPLICANT

I, ARON MCDONIE of the PROPERTY of 165 MAIN ST in the TOWN OF GANANOQUE of ONTARIO solemnly declare that:

All the statements contained in this application and provided by me are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

I understand that the applicant/owner will be required to provide 100% security of the outside works in the form of a Letter of Credit or Certified Cheque until such time as the works are completed. A 15% holdback will be maintained for a period of one year after the works are completed. This will be applicable at the time of agreement.

Furthermore, I, being the applicant of the subject lands, hereby authorize the Members of Council, Planning Advisory Committee and the Town of Gananoque staff members, to enter upon the property for the purpose of conducting a site inspection with respect to the attached application.

Declared before me at the Town of Gananoque in the Province of Ontario this 24th day of May, 2011

Bonnie Dingwall, Clerk
Signature of a Commissioner, etc.

Aron McDunie
Signature of Applicant

Office Use Only:		Roll No:
Official Plan Designation: <u>Lowertown</u>	Zoning By-law Designation: <u>CK - Commercial Residential</u>	Other:
Access (Entrance Permits etc):	Water and Sewer Hookup (Permits etc):	Other:
Date of Submission <u>May 24/11</u>	Application Complete: <u>[Signature]</u> Signature	Date <u>June 24/11</u>

For additional details on the application process please contact:

Brenda Guy, Planning Approvals Coordinator

Town of Gananoque

30 King Street East, Box 100

Gananoque, ON K7G 2T6

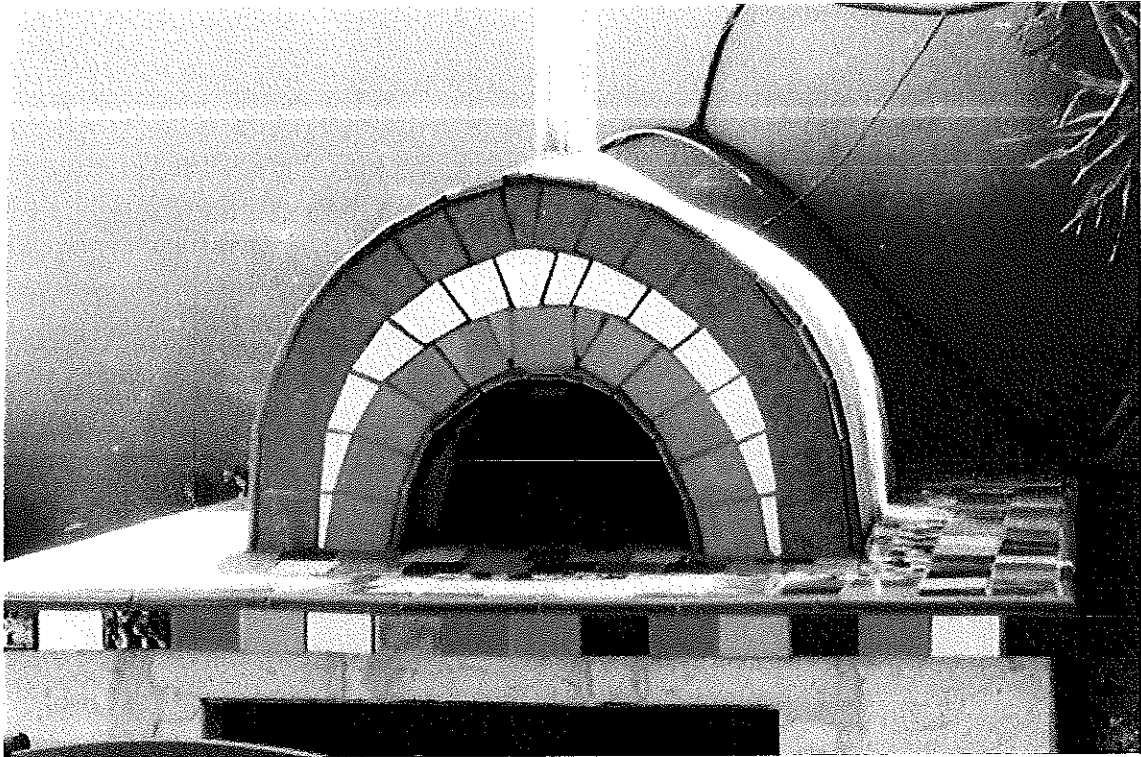
Telephone: (613) 382-2149 ext.126

Fax: (613) 382-8587

E-mail: bguy@townofgananoque.ca

Main Street Café Proposal: Summary.

- 165 Main Street is owned by the Kerry Coyle and Aaron McOnie. The property is zoned as commercial residential and is currently (and will remain) the owners primary residence.
- The Main Street Café aims to provide upscale beverage and food options in a unique garden setting.
- We plan to prepare food in an upgraded kitchen in accordance to all Health Board standards and applicable codes and to utilize an existing summer kitchen as a service area. Aside from a new deck, fences, and an outdoor pizza oven no buildings or new structures will be erected.
- In accordance to the town parking requirements the property has enough area to provide parking for three patron vehicles as well as two spaces for the residents and therefore plans to provide take out service and seating for a maximum of twelve patrons.
- The owners are waiting to hear from the building inspector to confirm the washroom requirements and as such these are not yet indicated on the site plan.
- Core to our business aims is the desire to build the aesthetic and culture of the lower town neighborhood congruent with council's revitalization goals. The Main Street Café hopes to make a vibrant contribution to the town of Gananoque.



STYLE OF PROPOSED OUTDOOR PIZZA OVEN



165 MAIN ST.



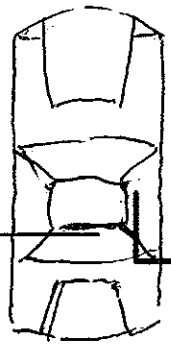
165 MAIN ST - SIDE YARD.

OVERHEAD WIRES

ONE STOREY
FRAME GARAGE

AREA: 42 SQ. METRES

592



PARKING STALL (TYPICAL)

10.69

10.69

1.22

8.27

3.2

PROPOSED FENCE

9.49

LOT AREA: 521 SQ. METRES
10.82

PROPOSED DECK

PROPOSED SERVICE AREA

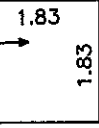
LAWN

10.51

PROPOSED KITCHEN & PREP AREA

DEMOLISH CONCRETE STEPS

PROPOSED WOOD FIRED PIZZA OVEN



1.83

1.22

1.83

1.22

PROPOSED DECK

8.28

1.22

1.22

PROPOSED FENCE

1.22

FOOTPRINT AREA: 86 SQ. METRES
TWO STOREY FRAME DWELLING
CIVIC NUMBER 165 MAIN STREET

GARDEN (PROPOSED)

PATIO

EXISTING GAS LINE PER A. MOONIE

8.42

16.85

41'34'15"

PROPERTY LINE

CONCRETE PORCH

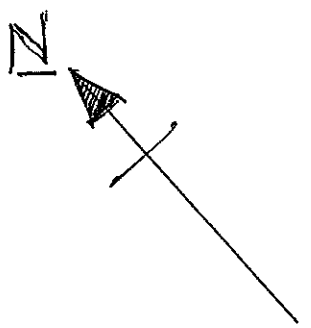
PROPOSED FENCE

1.22

PROPOSED GATE

PROPOSED SIGN

1.22



165 MAIN ST: LANDSCAPE PLAN

311'16'43" 15.84

EXISTING SERVICES

SIDE WALK

PLANNING REPORT

TO: PLANNING ADVISORY COMMITTEE
FROM: BRENDA GUY
MANAGER OF COMMUNITY DEVELOPMENT
DATE: Monday, June 20, 2011
SUBJECT: SP5/11 – WALSKI
SITE PLAN APPLICATION

Background:

Property: 136 Main Street
Legal Desc: Legally Described Pt. Lot 568 Plan 86, Plan 28R-9521 Pt.1
Acreage: Approximately 342.98 sq.m/3691.9 sq.ft
30' frontage along Main Street
Lot Coverage: 50% Maximum Coverage
Official Plan: Lowertown
Zoning: CR – Commercial Residential

The applicant is applying for a site plan agreement to allow a retail use on the ground floor of the building with residential upstairs.

Official Plan

Section 3.1.1 of the OP indicates that the goal of the Lowertown is to "Create a vibrant, year-round mixed, use Lowertown neighbourhood on an active waterfront where people live, work and play".

The proposed retail unit is fitting for the goals and objectives laid out in the Official Plan. A site plan is applicable as per Section 3.1.2.3.2

Zoning By-law

The Zoning for the subject property is CR – Commercial Residential. Retail is a permitted use in the current zoning by-law.

The draft Development Permit By-law designed the property Lowertown Mixed Use of which the retail would be fitting.

Section 4.21 of the Zoning By-law speaks to parking requirements. The applicant has a driveway which will serve for the residential portion of the building upstairs.

With respect to parking for the business, the requirement is 3 parking spaces based on the area being used for the retail. The applicant has applied for cash-in-lieu of parking. The applicant could provide parking at the rear of the lot, however, it would limit the amount of green space on the property.

With respect to landscaping, proposal is to maintain what is existing on the site.

Signage is indicated on the plan in the front yard. A building permit will be required. Setback requirements for the sign is 1 m from the front lot line and 1.5 from a common boundary line with an adjacent property if it is a ground sign.

Agency Comments Received:

CRCA	No comment	
CBO		Site Inspection required as a condition
Eastern Ontario Power	No comment	If there are any electrical plans contact should be made to Eastern Ontario Power, as there may be cost which could impact their decision on the said property.
Fire Department		Site Inspection required as a condition
L&G Health Unit		Clearance required as a condition as per Food Premises Regulation 562
Police Department	No comment	
Public Works	-	
Utilities (water/sewer)	-	If commercial and residential meters are to be separate, all plumbing must be completed before new meter will be installed

Staff have no objection to the proposal tabled.

Specifically, it is further recommended that the applicant will be required to enter into a site plan agreement with the Town of Gananoque for:

- that prior to commencement of operation of the business, an inspection of the premises take place by the Chief Building Official and Fire Department
- that a clearance letter be obtained from the Health Unit
- the completion of the application for cash-in-lieu of parking.



No. SP05/11

APPLICATION FOR SITE PLAN AGREEMENT

Site Plan Control By-law 83-6 and amending By-laws 89-16, 93-23, 94-27, 2001-25

A Complete Application consists of:

- One original and four copies of a complete application form signed including declaration of applicant.
- One copy of the deed of property
- Application fee in the amount of \$700 payable to the Town of Gananoque. Amending agreement \$400.
- Deposit fee in the amount of \$2000 payable to the Town of Gananoque for peer reviews of various studies
- Five copies of the most recent survey of the subject property
- Five copies of the site plan(s) including scaled accurate measurements of:
 - o Dimensions and areas of the site and all building and structures to be erected
 - o Distances between lot lines and the various buildings, structures, parking areas, driveways and other features
 - o Proposed elevation of finished grades including area to be filled or excavated, retaining walls, drainage ditches
 - o Drainage Plan must demonstrate proposed development is handled on-site and does not infringe on neighbouring properties
 - o Landscape Plan showing size, type and location of vegetation
 - o Site Servicing Plan (plan/profile) including layout of existing water, sewer, gas lines and proposed connections
 - o Parking areas including number, size of spaces and dimensions
 - o Access driveways including curbing and sidewalks
 - o Dimensions and locations of loading zones, waste receptacles and other storage spaces
 - o Location, height and type of lighting fixtures including information on intensity and the direction in which they will shine relative to neighbouring streets and properties
 - o Location of sign (sign permit to be applied for through the Building Permit process)
 - o Location, type and size of any other significant features such as fencing, gates and walkways
- Five copies of the building showing the full exterior view of each side describing what exists and what changes are proposed, elevations show window and door placement and exterior finishes

Parking requirements must comply with Section 4.21 Parking Requirements of the Town of Gananoque Zoning By-law
 Any new, replacement or altering signage requires a permit as per By-law 2005-41.
 Applications may be subject to any Town incurred costs over and above the fees set out (See By-law 2004-63 and By-law 2007-29) being a by-law to establish general fees and rates for various services provided by the municipality)
 Site Plan Application may be subject to review and a separate cheque payable to the Cataraqui Region Conservation Authority in the amount of \$250 – minor (residential or small single unit commercial), \$600 – major (multiple residential, commercial, industrial and institutional). The Town recommends that you consult with a Conservation Authority Officer prior to making application.

Name of Applicant: <i>Ann Marie Walski</i>	Name of Property Owner (if different than applicant):
Address: <i>2216 Pine Tree Rd, Lansdowne, ON</i>	Address: <i>KOE 110</i>
Telephone: <i>613-659-2721</i>	Telephone:
E-mail: <i>walskia@gmail.com</i>	E-mail:

Street or Property Address (if applicable):			
Legal Description: <i>PART 1 OF LOT 568, PLAN 86 WEST (136 MAIN STREET)</i>			
Frontage: <i>9.28 m</i>	Depth: <i>36.96 m</i>	Area (sq.m):	Area (acres): <i>0.03 HA.</i>

Existing Use(s):	
Length of time the existing use of the subject lands have continued:	<i>> 10 years</i>
Is the property designated as a Heritage Site?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Proposed Use(s): <i>lower level retail shop ; upper level = residential</i>	
Abutting Land Use(s): <i>residential</i>	

Plan Details:			
<input checked="" type="checkbox"/> Residential (<u>Upper</u>)	<input checked="" type="checkbox"/> Commercial (<u>Lower</u>)	<input type="checkbox"/> Industrial	<input type="checkbox"/> Institutional
No. of Units: <u>1</u>	Type & No. (if residential): <input type="checkbox"/> Bachelor <input type="checkbox"/> 1 Bedroom <input checked="" type="checkbox"/> 2 Bedroom <u>upstairs</u> <input type="checkbox"/> 3 Bedroom	Building Coverage: _____ (%) _____ (sq.m)	Landscape Coverage: _____ (%) _____ (sq.m)
No. of Storeys: <u>2</u>			
Parking Surface: <u>paved</u>	Number of Parking Spaces: <u>2 existing / proposed</u> <u>cash-in-lieu application pending</u>	Dimensions of Parking Spaces: _____	Number of Accessible Spaces: _____
Loading Spaces: <u>N/A.</u>	Number of Loading Spaces: _____	Dimensions of Loading Spaces: _____	Method of Garbage Storage: _____

Heritage Tourist Inn:		
Is this a site plan application for a Heritage Tourist Inn? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Number of Guest Rooms: <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 Max.	Number of Guest Washrooms: <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6
If Yes, a Heritage Resource Assessment evaluating the heritage significance of the property including a description of historic features is required with the submission of this application		

EXISTING BUILDINGS:	Building 1	Building 2
Type of Structure	BRICK SEMI-DET.	
Date Constructed:	UNKNOWN.	
Front Line Setback:	7.55 m	
Rear Lot Line Setback:	12.35 m	
Side Lot Line Setback:	3.00 m	
Side Lot Line Setback:	∅	
Height	approx 10.7 m	
Dimensions	approx 6.3 x 17.04	
Floor Area *	256.07 sq.m	
PROPOSED BUILDINGS:	Building 1	Building 2
Type of Structure		
Proposed Date of Construction:		
Front Line Setback:	no change.	
Rear Lot Line Setback:		
Side Lot Line Setback:		
Side Lot Line Setback:		
Height		
Dimensions		
Floor Area		

Attached Additional Page, if necessary

* FLOOR AREA: $28'10'' \times 20'6'' = 591.01' \text{ sqft}$
 $+ 17'1'' \times 14'7'' = 249.12 \text{ sqft}$
 \hline
 $* 840.13 \text{ sqft}$
 \hline
 $* 3048$
 \hline
 256 sq.m.

Access: Municipal Street Unopen Road Allowance Existing Right-of-way Other _____

Name of Street/Road: Main Street

Entrance Approvals and Permit Number(s):

Water Access (where access to the subject land is by water only)

Docking Facilities (specify)		Parking Facilities (specify)	
distance from subject land	_____ <u>N/A.</u>	distance from subject land	_____
distance from nearest public road	_____	distance from nearest public road	_____

Services: Municipal Water and Sewer Municipal Water & Private Sewage Private Well and Municipal Sewage Private Well and Private Sewage

Water and Sewer Hook-up Approvals and Permit Number(s):

Other Concurrent Applications:

<input type="checkbox"/> Consent	<input type="checkbox"/> Minor Variance	<input type="checkbox"/> Official Plan Amendment	<input type="checkbox"/> Zoning By-law Amendment	<input type="checkbox"/> Subdivision Approval	<input type="checkbox"/> Condominium Approval
----------------------------------	---	--	--	---	---

✓ Cashinken of Parking.

AUTHORIZATION BY OWNER

I/We, the undersigned being the owner(s) of the subject land of this application for a consent, hereby authorize

_____ (print) to be the applicant in the submission of this application.

Furthermore, I/we, being the registered owner(s) of the subject lands, hereby authorize the Members of Council, Planning Advisory Committee and the Town of Gananoque staff members, to enter upon the property for the purpose of conducting a site inspection with respect to the attached application.

_____ Signature of Owner	_____ Signature of Owner
_____ Signature of Witness (not applicant)	_____ Date

DECLARATION OF APPLICANT

I, Ann Marie Walski of the Town of Lansdowne in the
County of Leeds + Grenville solemnly declare that:

All the statements contained in this application and provided by me are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

I understand that the applicant/owner will be required to provide 100% security of the outside works in the form of a Letter of Credit or Certified Cheque until such time as the works are completed. A 15% holdback will be maintained for a period of one year after the works are completed. This will be applicable at the time of agreement.

Furthermore, I, being the applicant of the subject lands, hereby authorize the Members of Council, Planning Advisory Committee and the Town of Gananoque staff members, to enter upon the property for the purpose of conducting a site inspection with respect to the attached application.

Declared before me at the Town of
Gananoque in the Province
 of Ontario this 15th day
 of June, 2011

 Signature of a Commissioner, etc

Ann Marie Walski

 Signature of Applicant

Office Use Only:		Roll No: <u>010 23700</u>
Official Plan Designation: <u>Lowertown</u>	Zoning By-law Designation: <u>Commercial Residential</u>	Other:
Access (Entrance Permits etc):	Water and Sewer Hookup (Permits etc):	Other:
<u>June 15, 2011</u> Date of Submission	<u>[Signature]</u> Signature	<u>June 20/11</u> Date

For additional details on the application process please contact:

Brenda Guy, Planning Approvals Coordinator
 Town of Gananoque
 30 King Street East, Box 100
 Gananoque, ON K7G 2T6

GANANOQUE

APPLICATION FOR CASH-IN-LIEU OF PARKING CPL No. 95/11

The undersigned hereby applies to the Council of the Corporation of the Town of Gananoque for an exemption from the off-street parking requirements under the Zoning By-law No.91-37.

CASH-IN-LIEU OF PARKING BY-LAW NO. 1994-14

Please include the following with your submission:

- complete application form
- application fee in the amount of \$100 payable to the Town of Gananoque
- site plan shall include subject property including locations of all structures, dimensions, any natural and artificial features such as railway, watercourses, roadways
- application fee payable in cash or cheques to the Town of Gananoque as outlined in Schedule A

Applicable Fee and other Town incurred costs over and above the fees set out (See By-law 2004-63 and By-law 2007-29) being a by-law to establish general fees and rates for various services provided by the municipality)

Name of Owner <u>Ann Marie Walski</u>	Name of Agent (if applicant is an agent authorized by the owner)
Address: <u>221 Pine Tree Rd Lonsdownre, ON K0E 1L0</u>	Address:
Telephone: <u>613-659-2721</u>	Telephone:

Property Address: <u>136 Main Street.</u>
Legal Description: <u>PART 1 LOT 568 OF PLAN 86 WEST.</u>

Land Use:	Existing	Proposed
Use of Property	<u>RESIDENTIAL-2 UNITS</u>	<u>COMMERCIAL-LOWER RESIDENTIAL-UPPER</u>
Gross Floor Area	<u>± 256 SQ M. (LOWER)</u>	
Parking Spaces Required by By-law		
Parking Spaces Provided on Site	<u>2 (TANDEM)</u>	
Spaces Requested		

Reason(s) Why the Required Parking Cannot be Provided On-site:

TO MAINTAIN "GREEN" BACKYARD: $\frac{1}{2}$ MINIMIZE
AREA.
DAMAGE TO ENVIRONMENT.

AUTHORIZATION BY OWNER

I, the undersigned being the owner of the subject land, hereby authorize _____
to be the applicant in the submission of this application.

Signature of Witness

Signature of Owner

Date

DECLARATION OF APPLICANT

I, Ann Marie Walski of the Town of Lansdowne in
the County of
Leeds + Grenville solemnly declare that:

All the statements contained in this application and provided by me are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me at the

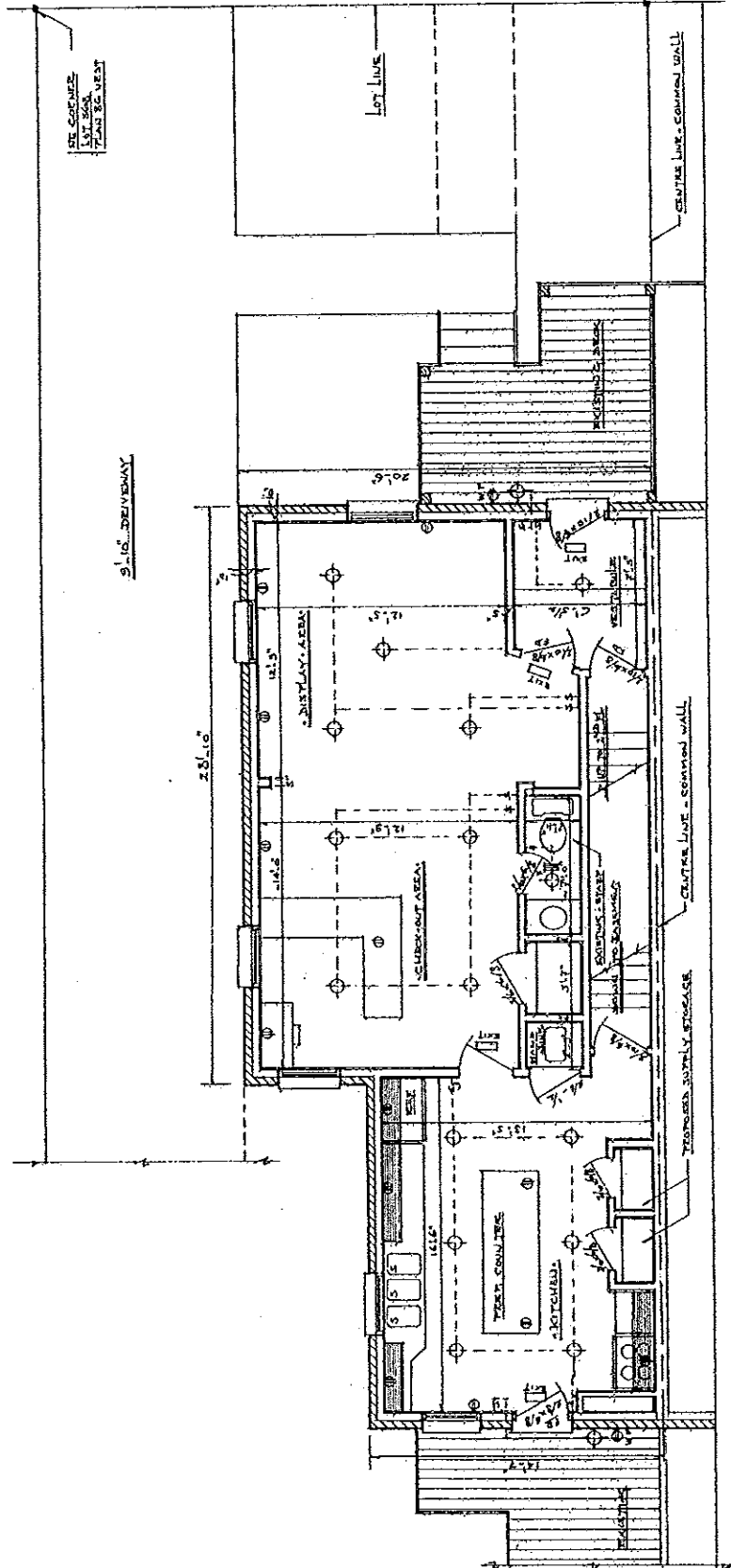
Town of
Gananoque in the
Province of
Ontario this 15th
day of June, 2011

Signature of Commissioner, etc.

Ann Walski
Signature of Applicant

Office Use Only:		Roll No: <u>010 20700</u>
Official Plan Designation: <u>Lowertown</u>	Zoning By-law Designation: <u>Commercial Residential</u>	Other: _____
Date of Submission <u>June 15, 2011</u>	Application Complete: <u>[Signature]</u> Signature	Date <u>Jun 29/11</u>

Circulation Comments (Please return to Brenda Guy):



- NOTES:
1. OWNER WOULD LIKE TO CONVERT 1ST FLOOR OF AN ATTACHMENT TO A MERCHANDISE OCCUPANCY - MANUFACTURE OF CHOCOLATE GOODS, DISPLAYING/SELLING OF SAME AND OTHER RETAIL GOODS, WARE OF MERCHANDISE.
 2. THE FLOOR PLAN SHOWS PROPOSED AREAS AND EQUIPMENT TO BE LOCATED BY OWNER IN CONJUNCTION WITH SUPPLIERS WHERE APPLICABLE.
 3. ACTIVITIES TO BE CARRIED OUT IN KITCHEN AREA MUST COMPLY WITH REGULATORY REQUIREMENTS FOR THE ACTIVITIES.
 4. ALL LIGHTING (FIXTURES) SHALL BE INSTALLED, ALSO A SMOKE DETECTOR AND A CO ALARM SHALL BE INSTALLED IN THE KITCHEN AREA. A SMOKE DETECTOR/CO ALARM SHALL ALSO BE INSTALLED IN THE RECEIVING AREA.
 5. A SMOKE DETECTOR/CO ALARM SHALL ALSO BE INSTALLED IN THE RECEIVING AREA.
 6. VERIFY THAT THE WALLS AND CEILING HAS BEEN MODIFIED TO PERFORM TO A TYPE I FIRE RATING.

4000 ISLANDS CHOCOLATE COMPANY

SEAN D. BRYAN
P.A. ARCHITECT

PROPOSED FLOOR PLAN

4/16/10
2009/11

PLANNING REPORT

TO: PLANNING ADVISORY COMMITTEE
FROM: BRENDA GUY
MANAGER OF COMMUNITY DEVELOPMENT
DATE: Monday, June 20, 2011
SUBJECT: SP6/11 – LOJKO
SITE PLAN APPLICATION

Background:

Property: 415 Stone Street S
Legal Desc: Legally Described Pt. Lot 121 Pt. Lot 122 Plan 86
Acreage: Approximately 342.98 sq.m/3691.9 sq.ft
120ft/36.58m frontage along Arthur Street
79ft/24.08m frontage along Stone Street S (deemed to be front yard)
Lot Coverage: 50% Maximum Coverage
Official Plan: Residential
Zoning: R1 – Low Density Residential

The applicant is applying for a site plan agreement to open a Bed and Breakfast at the above noted property. A Bed and Breakfast was at this site previously, however, no site plan approval was in place.

Official Plan

Section 3.2.2.1 of the OP indicates that the permitted uses in the residential area may permit home occupations such as bed and breakfast establishments. Non residential uses in a residential area shall be subject to site plan control.

Zoning By-law

The Zoning for the subject property is R1 – Low Density Residential.

The draft Development Permit By-law designed the property Residential.

Section 4.21 of the Zoning By-law speaks to parking requirements. The applicant is required to provide a total of five parking spaces on the property. Two for the purposes of the residential unit and three for the number of bedrooms available to the public.

The applicant has illustrated that a 1m buffer will be maintained abutting the adjacent property on Arthur Street and a total of 50ft/15.24m will be for parking. This equates to five parking

spaces. The parking area is existing with a depth of 20ft/6.3m. This is the standard parking size as per the by-law.

Signage is indicated on the plan in the front yard. A building permit will be required. Setback requirements for the sign is 1 m from the front lot line and 1.5 from a common boundary line with an adjacent property if it is a ground sign. The applicant has indicated a 1.5m setback from the front and exterior side lot line.

Agency Comments Received:

CRCA	No Comment	
CBO		Site Inspection required as a condition
Eastern Ontario Power	No comment	If there are any electrical plans contact should be made to Eastern Ontario Power, as there may be cost which could impact their decision on the said property. Since the customer is proposing a Sun Porch on the same side of the house as their electrical service there are clearances that must be maintained between the electrical service and the building roof line. Electrical Safety Authority set out these standards.
Fire Department		Site Inspection required as a condition
L&G Health Unit		Compliance regarding Ontario Public Pool Regulation 565
Police Department	No comment	
Public Works	-	
Utilities (water/sewer)	No comment	

It is recommended that the applicant will be required to enter into a site plan agreement with the Town of Gananoque for:

- that prior to commencement of operation of the business, an inspection of the premises take place by the Chief Building Official, Fire Department and Health Unit.
- the completion of the parking area and landscaped area adjacent the neighbouring property owner.

RECEIVED JUN 15 2011



No. SP 06/11

APPLICATION FOR SITE PLAN AGREEMENT
 Site Plan Control By-law 83-6 and amending By-laws 89-16, 93-23, 94-27, 2001-25

A Complete Application consists of:

- One original and four copies of a complete application form signed including declaration of applicant.
- One copy of the deed of property
- Application fee in the amount of \$700 payable to the Town of Gananoque. Amending agreement \$400.
- Deposit fee in the amount of \$2000 payable to the Town of Gananoque for peer reviews of various studies
- Five copies of the most recent survey of the subject property
- Five copies of the site plan(s) including scaled accurate measurements of:
 - o Dimensions and areas of the site and all building and structures to be erected
 - o Distances between lot lines and the various buildings, structures, parking areas, driveways and other features
 - o Proposed elevation of finished grades including area to be filled or excavated, retaining walls, drainage ditches
 - o Drainage Plan must demonstrate proposed development is handled on-site and does not infringe on neighbouring properties
 - o Landscape Plan showing size, type and location of vegetation
 - o Site Servicing Plan (plan/profile) including layout of existing water, sewer, gas lines and proposed connections
 - o Parking areas including number, size of spaces and dimensions
 - o Access driveways including curbing and sidewalks
 - o Dimensions and locations of loading zones, waste receptacles and other storage spaces
 - o Location, height and type of lighting fixtures including information on intensity and the direction in which they will shine relative to neighbouring streets and properties
 - o Location of sign (sign permit to be applied for through the Building Permit process)
 - o Location, type and size of any other significant features such as fencing, gates and walkways
- Five copies of the building showing the full exterior view of each side describing what exists and what changes are proposed, elevations show window and door placement and exterior finishes

Parking requirements must comply with Section 4.21 Parking Requirements of the Town of Gananoque Zoning By-law
 Any new, replacement or altering signage requires a permit as per By-law 2005-41.
 Applications may be subject to any Town incurred costs over and above the fees set out (See By-law 2004-63 and By-law 2007-29) being a by-law to establish general fees and rates for various services provided by the municipality)
 Site Plan Application may be subject to review and a separate cheque payable to the Cataraqui Region Conservation Authority in the amount of \$250 – minor (residential or small single unit commercial), \$600 – major (multiple residential, commercial, industrial and institutional). The Town recommends that you consult with a Conservation Authority Officer prior to making application.

Name of Applicant: <i>TED LOJKO</i>	Name of Property Owner (if different than applicant):
Address: <i>415 STONE ST. SOUTH</i>	Address:
Telephone: <i>(613) 382-7261</i>	Telephone:
E-mail: <i>tedlojko@gmail.com</i>	E-mail:

Street or Property Address (if applicable):			
Legal Description: <i>NLY 80 FT LT 121 E GANANOQUE RIVER, 122 E GANANOQUE RIVER</i>			
Frontage: <i>80 FT (24.38m)</i>	Depth: <i>120 FT (36.38m)</i>	Area (sq.m):	Area (acres):

PL 86.

Existing Use(s):	
Length of time the existing use of the subject lands have continued:	
Is the property designated as a Heritage Site?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Proposed Use(s): <i>RESIDENTIAL - BED + BREAKFAST (3 ROOMS)</i>	
Abutting Land Use(s):	

Plan Details:			
<input checked="" type="checkbox"/> Residential	<input type="checkbox"/> Commercial	<input type="checkbox"/> Industrial	<input type="checkbox"/> Institutional
No. of Units: <u>3</u>	Type & No. (if residential): <input type="checkbox"/> Bachelor _____ <input type="checkbox"/> 1 Bedroom _____ <input type="checkbox"/> 2 Bedroom _____ <input checked="" type="checkbox"/> 3 Bedroom _____	Building Coverage: _____ (%) _____ (sq.m)	Landscape Coverage: _____ (%) _____ (sq.m)
No. of Storeys: _____	Number of Parking Spaces: <u>5</u>	Dimensions of Parking Spaces: <u>10' x 20'</u>	Number of Accessible Spaces: <u>N.A.</u>
Parking Surface: <u>50' x 20' GRAVEL</u>	Number of Loading Spaces: _____	Dimensions of Loading Spaces: _____	Method of Garbage Storage: _____
Loading Spaces: <u>N.A.</u>			

Heritage Tourist Inn:		
Is this a site plan application for a Heritage Tourist Inn?	Number of Guest Rooms:	Number of Guest Washrooms:
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input checked="" type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 Max.	<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input checked="" type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6
If Yes, a Heritage Resource Assessment evaluating the heritage significance of the property including a description of historic features is required with the submission of this application		

EXISTING BUILDINGS:	Building 1	Building 2
Type of Structure	<u>BRICK.</u>	
Date Constructed:	<u>1922</u>	
Front Line Setback:	<u>10.2</u>	
Rear Lot Line Setback:	<u>10.058</u>	
Side Lot Line Setback: <u>exterior</u>	<u>6.2</u>	
Side Lot Line Setback: <u>interior</u>	<u>7.0</u>	
Height <u>2 STOREY</u>		
Dimensions		
Floor Area <u>2400 sq</u>		
PROPOSED BUILDINGS:	Building 1	Building 2
Type of Structure		
Proposed Date of Construction:		
Front Line Setback:		
Rear Lot Line Setback:		
Side Lot Line Setback:		
Side Lot Line Setback:		
Height		
Dimensions		
Floor Area		

Attached Additional Page, if necessary

Access:	<input checked="" type="checkbox"/> Municipal Street	<input type="checkbox"/> Unopen Road Allowance	<input type="checkbox"/> Existing Right-of-way	<input type="checkbox"/> Other _____
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Name of Street/Road:	<u>ARTHUR ST.</u>
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Entrance Approvals and Permit Number(s):	<u>N.A.</u>
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Water Access (where access to the subject land is by water only) <u>N.A.</u>	
Docking Facilities (specify)	Parking Facilities (specify)
distance from subject land _____	distance from subject land _____
distance from nearest public road _____	distance from nearest public road _____

Services:	<input checked="" type="checkbox"/> Municipal Water and Sewer	<input type="checkbox"/> Municipal Water & Private Sewage	<input type="checkbox"/> Private Well and Municipal Sewage	<input type="checkbox"/> Private Well and Private Sewage
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Water and Sewer Hook-up Approvals and Permit Number(s):	
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Other Concurrent Applications:					
<input type="checkbox"/> Consent	<input type="checkbox"/> Minor Variance	<input type="checkbox"/> Official Plan Amendment	<input type="checkbox"/> Zoning By-law Amendment	<input type="checkbox"/> Subdivision Approval	<input type="checkbox"/> Condominium Approval

AUTHORIZATION BY OWNER

I/We, the undersigned being the owner(s) of the subject land of this application for a consent, hereby authorize

TED LOSKO (print) to be the applicant in the submission of this application.

Furthermore, I/we, being the registered owner(s) of the subject lands, hereby authorize the Members of Council, Planning Advisory Committee and the Town of Gananoque staff members, to enter upon the property for the purpose of conducting a site inspection with respect to the attached application.

Signature of Owner

Signature of Owner

Signature of Witness (not applicant)

Date

DECLARATION OF APPLICANT

I, TED LOSKO of the 415 of STONE ST. SOUTH in the GANANOQUE of ONTARIO solemnly declare that:

All the statements contained in this application and provided by me are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

I understand that the applicant/owner will be required to provide 100% security of the outside works in the form of a Letter of Credit or Certified Cheque until such time as the works are completed. A 15% holdback will be maintained for a period of one year after the works are completed. This will be applicable at the time of agreement.

Furthermore, I, being the applicant of the subject lands, hereby authorize the Members of Council, Planning Advisory Committee and the Town of Gananoque staff members, to enter upon the property for the purpose of conducting a site inspection with respect to the attached application.

Declared before me at the Town of Gananoque in the Province of Ontario this 15 day of June, 20 11

Signature of a Commissioner, etc

Signature of Applicant

Office Use Only:		Roll No: <u>020 42100</u>
Official Plan Designation: <u>Residential</u>	Zoning By-law Designation: <u>R1-Low Density</u>	Other:
Access (Entrance Permits etc): <u>N/A</u>	Water and Sewer Hookup (Permits etc): <u>N/A</u>	Other:
<u>June 15/2011</u> Date of Submission	Application Complete: Signature	Date

For additional details on the application process please contact:

Brenda Guy, Planning Approvals Coordinator

Town of Gananoque

30 King Street East, Box 100

Gananoque, ON K7G 2T6

Telephone: (613) 382-2149 ext.126

Fax: (613) 382-8587

E-mail: bguy@townofgananoque.ca

415 STONE ST South

CHARLES STREET

18.29 (SET)
NOT TO SCALE

LOT 123

INST. N° 6866

LANDSCAPE N43°09'W

24.08 (MEAS) 24.38 (DEED)

WOOD FENCE

NOTE: FENCES ARE APPROXIMATELY 10 YEARS OLD

15.24 (PARKING)

36.58 (PLAN AND SET)

6.3

LOT

122

36.67

ARTHUR STREET

ARTHUR STREET

TWO STOREY BRICK DWELLING N° 215

PORCH

INST. N° 144849

EXISTING SUN ROOM

(BEARING REFERENCE) N46°51'E

4.5

7.0m

6.2

PROPOSED SUN PORCH

INST. N° 8145

SET PARALLEL TO

N46°51'E

INST. N° 8145

PORCH

LOT

121

10.9

10.2

1.5

S1B (1296)

N42°57'W

24.08 (MEAS) 24.38 (DEED)

* SIGN LOCATION

STONE STREET