



Committee of Adjustment Notice of Decision

File Number: #A05/24
Subject Land: Part of Lot 29, Concession 11, (Plan 699, Part Lots 7 and 8)
Geographic Township of Barrie (1149 Rekrview Lane)
Applicant(s): William Campbell and Catherine Campbell
Date of Decision: June 24, 2024
Date of Notice: June 25, 2024

In the matter of Section 45 of the Planning Act, Zoning By-law 55-19, and an application for:

Section 45 (1) - Minor Variance (X) Section 45 (2) - Special Permission to Allow ()

Purpose and Effect under Section 45(1)

The subject property is developed with the following:

- A one storey 124 square metre (1,335 square foot) dwelling, with two attached uncovered and unenclosed decks, 27 square metres (290 square feet) on the water side and 32.7 square metres (353 square feet) on the non-water side of the dwelling, for a total footprint of 183.7 square metres (1,978 square feet). This structure has a minimum waterbody setback of 12.86 metres (42.2 feet) to Lower Mazinaw Lake, when measured from the attached deck.
- A 23 square metre (248 square foot) boathouse located at the shoreline.
- A 32 square metre (344 square foot) single storey garage located approximately 67 metres (220 feet) from the lake.
- The existing development is serviced with a Class 4 septic system located approximately 32 metres (105 feet) from the lake.

The applicant is proposing construct to a 35 square metre (376.8 square foot) accessory structure a minimum of 18.29 metres (60 feet) from the high-water mark of Lower Mazinaw Lake. The proposed structure will be a covered but unenclosed structure, with a concrete slab floor, that will house an outdoor kitchen and seating area.

Four Tests of a Minor Variance under Section 45(1)

1. Is the application minor?

The Committee is of the opinion that the proposed waterbody setback reduction for the new accessory structure is minor because the topography and existing development on the subject property limit the ability to meet the required waterbody setback. The location chosen for the new structure is the most practical as it is in proximity to the existing cottage and in an area that is already being used as an activity area on the property.

2. Is the application desirable for the appropriate development of the lands in question?

The Committee is of the opinion that the proposed development is desirable and appropriate for the subject property. The proposed development is in an area that had limited existing vegetation, and the new structure will increase the functionality and useability of the property for the owners. This construction is not anticipated to result in any loss of privacy or overlook to the neighbouring properties.

3. Does the application conform to the general intent and purpose of the Zoning By-law?

The Committee is of the opinion that the general intent and purpose of the Zoning By-law is being met. The purpose of the 30 metre (98 foot) waterbody setback for any new structure is to ensure that the shoreline and waterbody is adequately protected and impacts from development are mitigated by a vegetation buffer that helps to filter run off, provide habitat for aquatic species, and minimize visual impact of development.

There is no further reduction in waterbody setback as compared to the existing cottage, and there is no increase in interior living space that would require upgrades or alterations to the existing septic system. There is no shoreline vegetation removal proposed and the location for the new structure is in an area that had limited existing vegetation.

4. Does the application conform to the general intent and purpose of the Official Plan?

This proposed variance conforms to the intent of the Waterfront Area policies in that the proposed development is not anticipated to negatively impact the waterbody and permits redevelopment of an existing developed property while maintaining the character of the waterfront area. Limiting the impact on Lower Mazinaw Lake is in keeping with the policies for development in proximity to lake trout lakes.

The intent of the Waterfront Area policies of the Township Official Plan are to ensure that development can occur without a significant impact on shoreline quality, shoreline character, and health of the waterbody.

There is no shoreline vegetation removal proposed through this application and the existing vegetation will aid in screening the new structure from the lake. The size and scale of the proposed development is in keeping with the existing character of waterfront development in the area.

Public Comments and Impact:

No public comments were received.

Decision

The variance is hereby **Approved** to permit the variances subject to the following conditions:

Applicability

1. That the permission granted through application A05/24 is only for the construction of a 35 square metre (376.8 square foot) accessory structure, to be located a minimum of 18.29 metres (60 feet) from the high-water mark of Lower Mazinaw Lake. The proposed structure will be a covered but unenclosed structure, with a concrete slab floor, that will house an outdoor kitchen and seating area.
2. This permission does not include a reduction in the required setbacks along the entire width/length and depth of the property or for any future structures.

No Adverse Impacts

3. The owner/applicant shall ensure that there are no adverse impacts on neighbouring properties as a result of the approved proposal, nor shall there be any increased runoff or grade changes to the property as a result of any excavation or downspout orientation.

Building Permits

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

5. The owner/applicant shall provide to the Building Department a copy of the decision of the Committee of Adjustment, together with a copy of any approved drawings. The drawings submitted with the building permit application must, in the opinion of the Township, conform to the general intent and description of any approved drawings, including any amendments and conditions approved by the Committee of Adjustment, as stated in the decision. Additional variances may be required should further zoning deficiencies be identified through the Building Permit application process.

Construction Method

6. Sediment control measures shall be implemented throughout the construction process (mainly the placement of a sediment barrier such as staked straw bales between exposed soil and the lake). The sediment barrier shall remain in place and in good working order until all disturbed areas have been stabilized and re-vegetated.
7. All excavated material and accumulated sediment along sediment control measures shall be disposed of more than 30 metres (98 feet) of the waterbody. Excess soil or fill shall not be placed in any low area and shall not interfere with any seasonal or permanent wetlands or watercourse.
8. Natural drainage patterns on the site shall not be substantially altered such that additional run-off is directed towards the lake, or onto neighboring properties. In order to achieve this, eaves troughing shall be installed on the additions and outlet away from the lake, to a leach pit or well-vegetated area to maximize infiltration.

Notice of Last Date of Appeal

Notice is hereby given that the last date for appealing this decision to the Ontario Land Tribunal is **July 15, 2024**.

A Notice of Appeal setting out written reasons in support of the appeal and accompanied by the applicable fee in the form of a certified cheque or money order payable to the Minister of Finance should be received on or before the date noted above.

Chairperson

Member

Member

I, Tara Mieske, Secretary-Treasurer of the North Frontenac Township Committee of Adjustment certify that the above is a true copy of the decision of the Committee with respect to the application recorded herein.

Dated this 24th day of June, 2024
