



## Committee of Adjustment Notice of Decision

**File Number:** #A08/24  
**Subject Land:** Part of Lot 29, Concession 11, Geographic Township of Barrie (1125 Rekrview Lane)  
**Applicant(s):** Michele Hayhurst  
**Date of Decision:** August 26, 2024  
**Date of Notice:** August 27, 2024

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

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

### **Purpose and Effect under Section 45(1)**

The subject property is developed with a one storey dwelling with an area of 205 square metres (2,207 square feet), setback approximately 10 metres from the high water mark of Mazinaw lake; a 27.9 square metre (300 square foot) boathouse; a woodshed; and an existing septic system.

The Applicant is proposing the following:

- Remove (demolish) a portion of the existing dwelling (13.4 square metres (144 square feet) in area) and construct an addition with an area of 37.2 square metres (400 square feet).
- Demolish and rebuild a portion of the existing uncovered and unenclosed deck (8.9 square metres (96 square feet) in area) along the water side of the existing dwelling, with a minimum waterbody setback of 10 metres (33 feet)
- Demolish an existing uncovered and unenclosed deck with an area of 33.4 square metres (360 square feet) located along the south side of the portion of the existing dwelling that is to be removed.
- Construct a screen room addition with an area of 40.1 square metres (432 square feet) to be attached to the proposed craft room addition with no further encroachment into the waterbody setback than the existing dwelling structure.
- Construct an uncovered and unenclosed deck that wraps around the proposed screen room with a width of 1.8 metres (6 feet) and a total area of 43.5 square metres (468 square feet). The minimum waterbody setback will be 11.8 metres (39 feet).

The final proposed area for the dwelling will be 268.8 square metres (2,894 square feet) and the final proposed area for the decks will be 215.1 square metres (2,315 square feet). The total proposed area for the reconstructed/ renovated dwelling and decks will be 483.9 square metres (5,209 square feet).

### **Criteria for Request for Permission under Section 45(2)**

#### **1. Is the application desirable for appropriate development of the subject property?**

The Committee is of the opinion that the application is desirable for the appropriate development of the subject property. The enlarged dwelling will be no closer to Lower Mazinaw Lake than the existing structure. There is no shoreline vegetation proposed to be removed through this application, and there is limited existing vegetation where the

construction will take place.

The enlarged dwelling will not exceed the lot coverage provisions of the Township Zoning By-law. The septic system located on the property is located greater than 30 metres (98.4 feet) from the lake and is suitably sized to accommodate the proposed enlargement, which is in keeping with Township Official Plan policies for development on lake trout lakes not at capacity.

## **2. Will the application result in undue adverse impacts on the surrounding properties and neighbourhood?**

The Committee is of the opinion that the proposal will not result in any undue adverse impacts on the surrounding properties and neighbourhood. The enlarged dwelling will be no closer to the shoreline than the existing dwelling. There will be no loss of privacy or overlook to the abutting properties and the proposed development is in keeping with the existing character of development along the shoreline of Lower Mazinaw Lake in the vicinity of the subject property.

### **Public Comments and Impact:**

No public comments were received regarding the proposed development.

### **Decision**

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

### **Applicability**

1. That the permission granted through application A08/24 is only to:
  - a. Demolish a 13.4 square metre (144 square foot) portion of the existing dwelling and construct an addition in the same location with a maximum area of 37.2 square metres (400 square feet). This addition is proposed to be a craft room.
  - b. Demolish and rebuild an 8.9 square metre (96 square feet) portion of the existing uncovered and unenclosed deck along the water side of the existing dwelling. The reconstructed deck area will also be uncovered and unenclosed and located entirely within the footprint of the existing deck, with a minimum waterbody setback of 10 metres (33 feet), the same as the existing deck.
  - c. Demolish an existing uncovered and unenclosed deck with an area of 33.4 square metres (360 square feet). This deck is located along the south side of the portion of the existing dwelling that is to be removed, detailed in Condition 1.a.
  - d. Construct a screen room addition with a maximum area of 40.1 square metres (432 square feet). This screen room addition will be attached to the craft room addition detailed in Condition 1.b and will not further encroach into the waterbody setback than the existing dwelling structure.
  - e. Construct an uncovered an unenclosed deck that wraps around the screen room detailed in Condition 1.d. This deck will have a maximum width of 1.8 metres (6 feet) and a total area of 43.5 square metres (468 square feet). This deck will have a minimum waterbody setback of 11.8 metres (39 feet).
  - f. The final area for the dwelling will be a maximum of 268.8 square metres (2,894 square feet) and the final area for the decks (uncovered and unenclosed) will be a maximum of 215.1 square metres (2,315 square feet). The total area for the reconstructed/renovated dwelling and decks will be a maximum of 483.9 square metres (5,209 square feet).
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. 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 **September 16, 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. Appellants can also submit and manage an appeal through the Ontario Land Tribunal's e-file portal at <https://olt.gov.on.ca/e-file-service/>

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Chairperson

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Member

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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.

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Dated this 26<sup>th</sup> day of August, 2024