



Committee of Adjustment Notice of Decision

File Number: #A06/24
Subject Land: Part of Lot 19, Concession 10, Geographic Township of Clarendon (1112 Elizabella Lane)
Applicant(s): Robert and Heather Laliberte
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 currently vacant with an existing well. A Class 4 septic system was constructed in August 2023.

The applicants are proposing to construct a new dwelling with an area of 121.7 square metres (1,310 square feet), with an attached 26 square metre (280 square foot) uncovered and unenclosed deck to be located on the north side of the dwelling. The total area of the proposed structure will be 147.7 square metres (1590 square feet). The structure is proposed to be setback a minimum of 22.8 metres (75 feet) from the high-water mark of Kashwakamak Lake.

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 is minor in the context of the constrained nature of the property. The curve of the shoreline area as well as the narrowing of the property towards the rear lot line restricts the developable area on the property. The property features a sloped topography which extends from the rear down to the shoreline, the cottage is proposed to be constructed on the flattest area that also maximizes its distance from the water and the armour stone retaining wall.

The locations of the retaining wall and septic system, the topography of the property, and discussions with the property owner, the location chosen for the cottage is the most practical. The proposed location maximizes the setback from the water to the greatest extent possible while still maintaining an adequate distance from the traveled portion of Elizabella Lane.

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

The lot is currently vacant apart from a small utility trailer on site. The proposed construction of a cottage is in keeping with the existing rural waterfront residential character of the adjacent properties. The proposal does not require any removal of existing shoreline vegetation or any alteration to the shoreline as it currently exists. Further, the proposal is for a single detached dwelling (cottage) which is a permitted use in the Limited Service Waterfront (LSW) zone. Due to these factors, the Committee is of the opinion that the proposed development is desirable and appropriate for the subject property.

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

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.

The proposed development will be located as far from the water as is feasible given the constraints of the property without requiring extensive alterations to the current topography of the property.

The Committee is of the opinion that the proposed development conforms to the general intent and purpose of the Zoning By-law.

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

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.

One of the key concerns with waterfront development is the nitrogen and phosphorus that originate from sewage disposal systems. The septic system on the property is located far enough from the shoreline that no adverse impacts are expected. The existing septic system is expected to be able to accommodate the needs of the new construction with no adverse impacts on the system or the property.

The development will not result in shoreline vegetation removal which provides a visual and ecological buffer between all development on this property and the waterbody.

The Official Plan also directs development away from natural hazards such as steep slopes and areas prone to erosion. Based on MVCA comments there are no features on this property which meet the requirements to be regulated as natural hazards.

As a result, the Committee of the opinion that the proposed development conforms to the general intent and purpose of the Township Official Plan.

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 Minor Variance granted through application A06/24 is only to construct a new 121.7 square metre (1,310 square foot) cottage with attached 26 square metre (280 square foot) deck located approximately 22.8 metres (75 feet) from Kashwakamak Lake.
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
