



## Committee of Adjustment Notice of Decision

**File Number:** #A09/24  
**Subject Land:** Part of Lot 33, Concession 10, Geographic Township of North Canonto (Madawaska River)  
**Applicant(s):** Ministry of Natural Resources and Forestry (Agent: Jim Millar)  
**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 an un-serviced one storey 50.17 (540 square foot) seasonal dwelling located approximately 14.32 metres (46.98 feet) east and 11.5 metres (37.73 feet) to the west of the Madawaska River; and a 1.5 square metre (16.15 square foot) privy located approximately 27.37 metres (89.8 feet) east and 37.7 metres (123 feet) west from the estimated highwater mark of the Madawaska River

The Applicant is proposing the following:

- Expand the footprint of the existing one storey non-complying dwelling from 50.17 square metres (540 square feet) to 80.27 square metres (864 square feet) by demolishing the existing dwelling and rebuilding within the same footprint, with the expansion located to the west and south of the existing footprint. The proposed dwelling expansion will reduce the waterbody setback on the western side of the dwelling from 14.31 metres (46.98 feet) to 12.5 metres (41.0 feet)
- Raise the height of the building so that it meets the requirements of the Ontario Building Code.

The proposed development is an addition to an existing dwelling footprint that was constructed in 1945 within the 30-metre (98.4 foot) setback to the high-water mark now required by the Township Zoning By-Law Number 55-19.

### **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 proposed development will accommodate the landowner's needs without requiring any substantial land alteration or vegetation removal. The reduction of the waterbody setback proposed by this application is due to the shape of the property and location of the dwelling. Since the dwelling is located on a point, it is surrounded by water on all three sides. Therefore, any enlargement of the width of the dwelling will result in a reduced waterbody setback. Overall, the Committee is of the opinion that the encroachment is minor and is not anticipated to have any impact on the shoreline or adjacent waterbody.

The total footprint proposed by this application falls below the maximum lot coverage required by the Zoning By-law.

## **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 or quality of the adjacent waterbody.

The existing development is mostly screened by an intact shoreline vegetation buffer. The property is also surrounded by Crown Land on all sides, with the nearest development located approximately 800 metres (2,625 feet) to the east and 1.5 kilometres (0.93 miles) to the west. The proposed development will therefore not result in the shoreline appearing overly developed.

The proposed dwelling will not contain any plumbing, sinks, or drains and the recently reconstructed privy will continue to provide a sewage treatment. Given the seasonal use of the property and its waterfront-access-only status, no impact is anticipated on the adjacent waterbody.

### **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 A09/24 is only to:
  - a. Expand the footprint of the existing one storey non-complying dwelling from 50.17 square metres (540 square feet) to 80.27 square metres (864 square feet) by demolishing the existing dwelling and rebuilding within the same footprint. The footprint expansion will be located to the west and south of the existing footprint. The proposed dwelling expansion will reduce the waterbody setback on the western side of the dwelling from 14.31 metres (46.98 feet) to 12.5 metres (41.0 feet).
  - b. Raise the height of the building so that it meets the requirements of the Ontario Building Code.
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 **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