



Committee of Adjustment Notice of Decision

File Number: #A11/24
Subject Land: Part of Lot 24, Concession 7, Geographic Township of Barrie (1077 Whalen Lane)
Applicant(s): Brett Noye and Barbara Noye
Date of Decision: September 23, 2024
Date of Notice: September 24, 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 () 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 119 square metre (1,280 square foot), setback approximately 28 metres from the high water mark of Marble Lake; a sleep cabin with a total footprint of 35.7 square metres (384 square feet), setback 34 metres (111.5 feet) from Marble Lake; a frame shed and woodshed (to be removed); a Quonset hut; woodshop and privy.

The Applicant is proposing the following:

- Demolish and rebuild a larger dwelling within the same footprint of the existing dwelling. The new dwelling will maintain the existing waterbody setback of 28 metres (91.9 feet) and will shift the building to the west to ensure that the new structure complies with the minimum required side yard setback of 3 metres (9 feet).
- Construct the new dwelling, which will be two storeys in height and will have a total footprint of 280.4 square metre (3,012 square feet). The footprint includes:
 - a 160 square metre (1,720 square foot) living space
 - a 14.6 square metre (157 square foot) enclosed porch
 - a 72 square metre (775 square foot) attached garage
 - a 34 square metre (360 square foot) unenclosed and uncovered deck along the north wall of the cottage.
- Install a new Class-4 sewage disposal system more than 30 metres (98.4 metres) from the edge of the waterbody.

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 shift the dwelling west to meet the minimum side yard setback requirement of the Zoning By-law, the sewage disposal system will be relocated farther from the waterbody than the existing, and the redevelopment and expansion of the dwelling will maintain the existing waterbody setback.

The proposed work will not require any shoreline vegetation removal, or significant site alteration.

The total proposed footprint of all structures on the subject property is below the maximum lot coverage permitted 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 proposed development will improve the existing side yard setback which will allow the property owner to build and maintain their dwelling without impacting or encroaching onto the adjacent property. The relocation of the sewage disposal system farther from the water is expected to be a net-benefit that will help to maintain and improve the quality of the waterbody. The development also conforms to the general aesthetic and massing along Whalen Lane.

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 A11/24 is only to:
 - a. Demolish and rebuild a larger dwelling within the same footprint of the existing. The new dwelling will maintain the existing waterbody setback of 28 metres (91.9 feet) and will shift the building to the west to ensure that the new structure complies with the minimum required side yard setback of 3 metres (9 feet).
 - b. The new dwelling will be two storeys in height have a total footprint of 280.4 square metre (3,012 square feet). The footprint includes:
 - i. a 160 square metre (1,720 square foot) living space
 - ii. a 14.6 square metre (157 square foot) enclosed porch
 - iii. a 72 square metre (775 square foot) attached garage
 - iv. a 34 square metre (360 square foot) unenclosed and uncovered deck along the north wall of the dwelling.
 - c. A new Class-4 sewage disposal system located more than 30 metres (98.4 metres) from the edge of the waterbody.
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 **October 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. 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/>

Chairperson

Member

Member

I, Brooke Drechsler, 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 23rd day of September, 2024