



Committee of Adjustment Notice of Decision

File Number: #A03/24
Subject Land: Plan #1944, Lots 26 and 33, Geographic Township of South Canonto, Township of North Frontenac (4103 Palmerston Lake)
Applicant(s): Mary Rothfels
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 () Section 45 (2) - Special Permission to Allow (X)

Purpose and Effect under Section 45(2)

The subject property is developed with a one storey 55.7 square metre (600 square foot) dwelling, with attached 14.9 square metre (160 square foot) screen porch and attached 55 square metre (592 square foot) uncovered and unenclosed deck. This structure has a total footprint of 125.6 square metres (1,352 square feet) and a minimum waterbody setback of approximately 19.9 metres (65.3) feet from the high-water mark of Palmerston Lake.

The applicant is proposing to construct a 19.5 square metre (210 square foot) addition to the existing legal non-complying structure (dwelling); and construct an uncovered and unenclosed deck with an area of 5.9 square metres (64 feet).

Relevant Tests under Section 45 (2)

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

The Committee of Adjustment is of the opinion that the application is desirable for the appropriate development of the subject property. The additions proposed to the dwelling are limited in size and are not anticipated to negatively impact either the water quality of Palmerston Lake or the identified natural hazards. There is no vegetation removal proposed along the shoreline or in proximity to the additions.

The enlarged dwelling will not exceed the lot coverage provisions of the Township Zoning By-law.

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

The Committee of Adjustment is of the opinion that the proposal will not result in any undue adverse impacts on the surrounding properties and neighbourhood. The subject property is a peninsula that extends into the body of Palmerston Lake. There will be no loss of privacy or overlook to the abutting properties. The existing dwelling is not visible from the water or any of the mainland properties nearby, and the proposed additions will not alter this situation.

The proposed development is in keeping with the existing character of development along the shoreline of Palmerston Lake in the vicinity of the subject property.

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 A03/24 is only for:
 - a. The construction of a 19.5 square metre (210 square foot) addition to the existing dwelling. This addition will enclose a portion of an existing unenclosed and partially covered deck, while extending the width of the floor space by an additional 1.2 metres (4 feet) from the northeast end of the existing deck. This addition will not further reduce any existing non-complying waterbody setback.
 - b. Construct an uncovered and unenclosed deck with an area of 5.9 square metres (64 feet). This deck will be attached to the existing dwelling where the proposed addition is located and connect to the existing attached deck. This deck will not further reduce any existing non-complying waterbody setback
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
