



Notice of Decision - File #A04/26

The Committee of Adjustment for the Township of North Frontenac received an application under Section 45(2) of the Planning Act Requesting Permission to Enlarge a Legal Non-Conforming/Non-Complying Structure. The application pertains to the parcel of land as follows:

Owner/Applicant:	Carol Tomalty and Richard Tomalty
Subject Lands:	1042 K&A Lane Part of Lot 27, Concession 8, Geographic Township of Barrie
Roll Number:	1042 010 010 20000

Purpose and Effect under Section 45 (2) of the Planning Act

This purpose of this application is to Construct a new two storey addition with an approximate footprint of 27 square metres (291 square feet). The proposed footprint will enclose and expand the footprint of an existing 7.9 square metre (85 square foot) bathroom on the east side of the dwelling.

The existing dwelling is non-compliant because of the deficient waterbody setback. The dwelling is located approximately 5.8 metres (19 feet) from the highwater mark of Marble Lake whereas 30 metres (98.4 feet) is required by the current Zoning By-law. The proposed development will be in-line with the existing dwelling and will not result in any further encroachment into the waterbody setback.

Permission under Section 45(2) of the Planning Act is required to enlarge the existing non-complying dwelling.

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 dwelling addition will be located in an area that has been cleared in the past. No direct vegetation will be impacted by the proposed development, and the overall addition and proposed footprint of the dwelling is modest.

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 undue adverse impacts on surrounding properties, the neighbourhood, or the quality of the adjacent waterbody. The proposed dwelling is modest in size and existing trees along the shoreline will partially mitigate visual impacts from the water. The sewage system distribution bed is located more than 30 metres (98.4 feet) from the water, which is an appropriate distance to

support lake health. No other impacts on the quality of the lake or the character of the area are anticipated.

Public Comments and Impact

One comment was received from a neighbour that noted that the sewage system components are very close to the water and should be inspected to ensure they are functioning properly.

Decision

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

Applicability

1. That the permission granted through application A04/26 is only to:
 - a. Construct a new two storey addition with an approximate footprint of 27 square metres (291 square feet). The proposed footprint will enclose and expand the footprint of an existing 7.9 square metre (85 square foot) bathroom on the east side of the dwelling.
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.
3. Application number A04/26 is applicable only to the Township of North Frontenac's Zoning By-Law Number 55-19, as amended, and not to any subsequent zoning by-laws.

No Adverse Impacts

4. 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

5. 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.
6. 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

7. 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.

8. 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.
9. 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.
10. The property owner shall not remove any shoreline vegetation and ensure that the root system of the trees are not impacted by the proposed development. All heavy equipment and construction materials must be stored away from the shoreline area.

Notice of Last Date of Appeal

Notice is hereby given that the last date for appealing this decision to the Ontario Land Tribunal is **May 19, 2026**.

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 27th day of April, 2026