



## Notice of Decision - File #A02/26

The Committee of Adjustment for the Township of North Frontenac received an application under Section 45(1) of the Planning Act to permit the construction of a sensitive land use within the influence area of a licenced aggregate pit. The application pertains to the parcel of land as follows:

Owner/Applicant:	George Weiss and Ashley Weiss
Subject Lands:	2975 Ardoch Road Part of Lot 2, Concession 1, Geographic Township of Clarendon
Roll Number:	1042 060 020 00210

### Purpose and Effect under Section 45 (1) of the Planning Act

The Applicants are seeking relief from Section 3.27 (ii) and (iii) of Zoning By-law #55-19, which provide the following:

- ii. The influence area around a **pit** shall be 300 metres measured from the property line of a sensitive land use and the license boundary of the pit.
- iii. The minimum separation distance shall be 70 metres measured from the lot line of the sensitive land use and the license boundary of the **pit**;

The east property boundary line of the subject property is within the 300 metre influence area distance and the 70-metre separation distance identified by the Zoning By-law. The purpose of the Minor Variance application is to permit the construction of a single use dwelling (sensitive land use) within the influence area of a licenced pit.

### Criteria for Minor Variance under Section 45(1)

#### 1. Is the application minor?

The Committee is of the opinion that the proposed variance is minor, as the new sensitive land uses will be located more than 300 metres (984 feet) from the aggregate licence. Supporting studies and peer review submitted with the application confirm that the proposed development is not anticipated to experience adverse impacts from the pit operation. Furthermore, the proposed dwellings are not expected to constrain or negatively impact the future extraction of known nearby aggregate resources.

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

The Committee is of the opinion that the proposed variance will enable the subject lands to be developed for residential purposes that would otherwise be limited by the minimum separation requirements. As compatibility with the adjacent aggregate operation has been satisfactorily demonstrated through supporting studies, the proposal represents appropriate and orderly development and is considered desirable for the use of the subject property.

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

The Committee is of the opinion that the applicant has demonstrated through technical studies that the proposed uses are compatible with the adjacent aggregate extraction operation. The study confirms that the pit will not have a negative impact on the construction of new dwellings that are located more than 300 metres (984 feet) from the boundary of the aggregate license and the new dwelling will not negatively impact the operation or future extraction potential of the aggregate resource in the area. As such, The Committee is of the opinion that the intent of the Zoning By-law is met by this application.

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

The general intent of the Official Plan is to ensure that new sensitive land uses are not adversely impacted by existing aggregate operations, and that current or future aggregate extraction is not constrained by development of nearby sensitive land uses.

Through the submission of supporting studies, the applicant has demonstrated that the proposed sensitive land uses will not be adversely impacted by the existing aggregate operation and will not hinder the continued protection or long-term use of aggregate resources.

As such, the Committee is of the opinion that the proposal maintains the general intent and purpose of the Provincial Planning Statement and the Township Official Plan.

### **Public Comments and Impact**

No public comments were received regarding the proposed development.

### **Decision**

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

### **Applicability**

1. That the Minor Variance granted through application A02/26 is to permit the construction of new sensitive land uses (dwellings) more than 300 metres (984 feet) from the edge of the aggregate license located on 2839 Ardoch Road as measured from the edge of the license boundary to the location of a dwelling.
2. Any new sensitive land use closer than 300 metres (984 feet) requires additional investigation, including but not limited to an acoustic/noise study.
3. This Minor Variance does not include any setback reductions to any other regulated feature for the proposed dwelling, nor does it apply to any other existing or future structures on the property.
4. Application number A02/26 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**

5. 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**

6. 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.
7. 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**

8. Natural drainage patterns on the site shall not be substantially altered such that additional run-off is directed towards the wetland.

### **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/>

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Chairperson

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Member

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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.

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Dated this 27<sup>th</sup> day of April, 2026