



COMMITTEE OF ADJUSTMENT MINUTES

Date: November 26, 2024, 1:00 p.m.
Location: Lansdowne Council Chambers

Members Present: Jim Kehoe
Bruce Craig
Katherine Graham
Todd Robertson
Paul Veenstra

Staff Present: Kyle Peel
Lindsay Lambert
Amanda Werner-Mackeler

1. CALL TO ORDER

The hearing was called to order at 1 pm.

2. ADOPTION OF AGENDA

Resolution Number: COA-2024-084

Moved by: Katherine Graham

Seconded by: Paul Veenstra

THAT the Agenda be adopted as circulated.

Carried

3. ADOPTION OF MINUTES

3.1 October 29, 2024 Hearing

Resolution Number: COA-2024-085

Moved by: Bruce Craig

Seconded by: Todd Robertson

That the minutes of the October 29, 2024 hearing of the Committee of Adjustment be adopted as circulated.

Carried

4. DECLARATION OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

No pecuniary or other interest was declared.

5. OUTSTANDING APPLICATIONS

None.

6. NEW APPLICATIONS

6.1 D13-2024-050 18 Club Island

The application was introduced to permit the construction of a solar array. The following variances from Zoning By-Law 07-079 are required:

3.32(b)	Where any lot is adjacent to a waterbody or watercourse, any building, structure, campsite, agricultural use that includes the keeping of livestock, and septic disposal system shall be set back a minimum of 30.0 metres (98.43 ft.) from the high water mark	4 metres (13.1 feet)	26 metres (85.3 feet)
3.32(d)	Notwithstanding other provisions of this by-law, no building or structure shall be erected or altered within 30 metres of a seasonal or permanent wetland not categorized herein.	2 metres (6.6 feet)	28 metres (91.9 feet)
5.5(b)	Front Yard (minimum): 30.0 m (98.43 feet)	4 metres (13.1 feet)	26 metres (85.3 feet)

Written Agency Comments:

Cataraqui Region Conservation Authority - No objections.

Written Public Comments:

None.

Written Staff Comments:

Senior Planner, Lindsay Lambert - Recommended approval, subject to conditions.

Verbal Correspondence:

Dan and Julie Foley, owners, appeared before the Committee.

Senior Planner, Lindsay Lambert reviewed the proposal noting that it was a minor variance application to permit an existing solar array within 30 metres of the high water mark and front yard setback from the Island Residential Zone, and within 30 metres of the wetland. The proposal meets the tests for the location of the accessory structure. No concerns were raised by external agencies or neighbours. The solar array will not generate adverse impacts on the property. The application has been found to be consistent with the applicable policies and regulations of the Land Use planning documents of the Township. Planning Staff recommend approval of this application per the details and conditions enclosed within the staff report.

Chair Kehoe asked for comments from the in person and virtual audience and no comments were received.

The Committee discussed the application, noting the length of time that it had already been in place. The Committee noted there would be very limited, if any, other spots on the property for it. The Committee had no concerns with the proposal.

Resolution Number: COA-2024-086

Moved by: Katherine Graham

Seconded by: Bruce Craig

That application D13-2024-050 be approved subject to the conditions as included in the Planner's Report and the decision of the Committee.

Carried

6.2 D13-2024-052 5 Millars Lane

The application was introduced to permit the construction of an addition of an attached covered deck on an existing legal non-complying dwelling. The following permission from Zoning By-Law 07-079 are required:

	Provision	Existing Structure	Proposed Attached Covered Deck	Permission Requested
-	Increase in size of a legal non-complying structure	Dwelling: 85.7 square metres (922.5 square feet)	Covered Attached Deck: 24.6 square metres (264.8 square feet)	Total floor area of non-complying structures: 110.3 square metres (1,187.3 square feet)

Written Agency Comments:

Cataraqui Region Conservation Authority - No objections.

Written Public Comments:

John Erb and Shireen Palamkote, neighbours, no objections.

Written Staff Comments:

Planner, Kyle Peel - Recommended approval, subject to conditions.

Verbal Correspondence:

Shelley Bacon, owner, appeared before the Committee.

Planner, Kyle Peel reviewed the proposal and noted that the area of construction is already partially developed and therefore there is no net increase. The development will be no closer to the high water mark than existing development. The CRCA had no concerns. The application has been found to be consistent with the applicable policies and regulations of the Land Use planning documents of the Township. Planning Staff recommend approval of this application per the details and conditions enclosed within the staff report.

Chair Kehoe asked for comments from the in person and virtual audience and no comments were received.

The Committee discussed the application and noted it was straight forward and not intruding any closer to the river. The new development would be esthetically pleasing and will improve the land. The Committee had no concerns with the proposal.

Resolution Number: COA-2024-087

Moved by: Katherine Graham

Seconded by: Todd Robertson

That application D13-2024-052 be approved subject to the conditions as included in the Planner’s Report and the decision of the Committee.

Carried

6.3 D13-2024-053 974 Burma Lane

The application was introduced to permit the construction of two detached uncovered decks and a pumphouse structure. The following variances from Zoning By-Law 07-079 are required:

3.32(b)	Where any lot is adjacent to a waterbody or watercourse, any building, structure, campsite, agricultural use that includes the keeping of livestock, and septic disposal system shall be set back a minimum of 30.0 metres (98.43 ft.) from the high water mark.	Deck 3: 0 m (0 ft) Deck 4: 0 m (0 ft) Pumphouse: 14 m (45.9 ft)	Deck 3: 30 m (98.43 ft) Deck 4: 30 m (98.43 ft) Pumphouse: 16 m (52.5 ft)
3.32(d)	Notwithstanding other provisions of this by-law, no building or structure shall be erected or altered within 30 metres of a seasonal or permanent wetland not categorized herein.	Deck 3: 0 m (0 ft) Deck 4: 0 m (0 ft) Pumphouse: 14 m (45.9 ft)	Deck 3: 30 m (98.43 ft) Deck 4: 30 m (98.43 ft) Pumphouse: 16 m (52.5 ft)
5.5 (b)	Yard requirements (minimum)Front: 30.0 m (98.43 ft.)	Deck 3: 0 m (0 ft) Deck 4: 0 m (0 feet) Pumphouse: 14 m (45.9 ft)	Deck 3: 30 m (98.43 ft) Deck 4: 30 m(98.43 ft) Pumphouse: 16 m (52.5 ft)

Written Agency Comments:

Cataraqui Region Conservation Authority - No objections.

Written Public Comments:

William Lascelles, neighbour, no objections.

Dan Shire, Bert Shire, Becky Cross and Cindy Cross, neighbours, no objections.

Written Staff Comments:

Senior Planner, Lindsay Lambert - Recommended approval, subject to conditions.

Verbal Correspondence:

Luke Severson, owner, appeared before the Committee.

Senior Planner, Lindsay Lambert reviewed the proposal advising that it is a minor variance to reduce the setback to water, the front yard in the Shoreline Residential Zone and the setback to the wetland for the decks and the pumphouse which were constructed by a previous owner. The Staff report details the ways that the structures meet the four tests for an existing lot of record. The decks are elevated off the ground, are in an area of bedrock and not taking away for an area of vegetation. No concerns were raised by neighbouring property owners or the CRCA and no adverse impacts are anticipated. The application has been found to be consistent with the applicable policies and regulations of the Land Use planning documents of the Township. Planning Staff recommend approval of this application per the details and conditions enclosed within the staff report.

Chair Kehoe asked for comments from the in person and virtual audience and the following was received:

Robert Morgan, neighbour at 976 Burma Lane advised that he had no objections and noted that most of what has been done as been there for upwards of 20 years.

The Committee discussed the application and questioned whether or not the pumphouse was attached or detached. Mr. Severson advised that it is detached but very close to the dwelling. The Committee noted that the development was an inherited problem and had no further concerns with the application.

Resolution Number: COA-2024-088

Moved by: Bruce Craig

Seconded by: Paul Veenstra

That application D13-2024-053 be approved subject to the conditions as included in the Planner’s Report and the decision of the Committee.

Carried

6.4 D13-2024-054 369 Ash Island

The application was introduced to permit the expansion of legal non-complying attached uncovered decking. The following permission from Zoning By-Law 07-079 are required:

	Provision	Existing Attached Uncovered Decking	Proposed Attached Uncovered Decking	Permission Requested
-	Increase in size of a legal non-complying structure	155.4 square metres (1,672.7 square feet)	75.1 square metres (808.4 square feet)	Total floor area of non-complying structure: 230.5 square metres (2,481.1 square feet)

Written Agency Comments:

Cataraqui Region Conservation Authority - recommended deferral until such time that the deck is scaled back to ensure a minimum 4 metre setback from the top of the slope is achieved.

Cataraqui Region Conservation Authority - revised comments received November 26, 2024 advised that they reviewed the revised information and noted that at 16.8 metres from the property boundary, the deck development is outside the stable slope and would be supportable from a natural hazards perspective.

Written Public Comments:

None.

Written Staff Comments:

Planner, Kyle Peel - Recommended deferral to allow the applicant the opportunity to address agency comments that were provided through the technical circulation of the subject application.

Verbal Correspondence:

No one attended the hearing.

Planner, Kyle Peel reviewed the proposal advising that it is to expand a legal non-complying deck with respect to water and front yard setbacks. The decking spans multiple levels. During the technical circulation, the CRCA raised concerns in relation to the erosion hazards and a recommendation for deferral was brought forward. Staff met with the CRCA and the applicant and discussed the development. The morning of November 26, 2024, Staff received a revised letter from the CRCA which would permit the proposed development. Mr. Peel advised that Staff have no concerns with the proposal and have prepared conditions. He noted that the next hearing is December 10, 2024 and that the Committee could defer the application to allow staff time to prepare a formal recommendation.

Chair Kehoe asked for comments from the in person and virtual audience and no comments were received.

The Committee discussed the application and questioned the golf pad. Mr. Peel noted that the golf pad would be removed as it was not supportable. The applicants have agreed to remove it. The Committee had no further questions or concerns about the proposal but agreed that the application should be deferred to allow for proper procedures to be completed to change the recommendation and bring a report forward.

Resolution Number: COA-2024-089

Moved by: Katherine Graham

Seconded by: Todd Robertson

That application D13-2024-054 be deferred.

Carried

7. OTHER BUSINESS

None.

8. ADJOURNMENT

Resolution Number: COA-2024-090

Moved by: Paul Veenstra

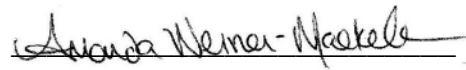
Seconded by: Katherine Graham

THAT the Committee of Adjustment will adjourn to meet again at the call of Secretary-Treasurer.

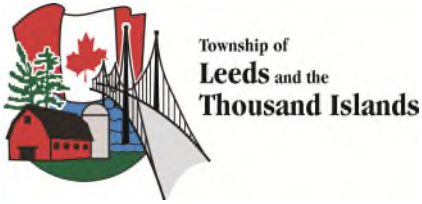
Carried



Chair



Secretary-Treasurer



Planning and Development Department
Committee of Adjustment

Notice of Decision
Minor Variance Application
 (Section 45 of the Planning Act)

Application No.: D13-2024-050
Owner(s): Dan and Julie Foley
Subject Property: 18 Club Island
Legal Description: Escott Plan 120 Club Island;W Pt Lot 1 RP 28R13311 Part;1

Notice was given and a Public Hearing was held on **Tuesday, November 26, 2024** as required by the Planning Act.

Purpose of Application:

The application is requesting zoning relief in the form of a minor variance with respect to an existing solar array that was added to the property in the absence of the required municipal approval and permit. The existing solar array installation requires zoning relief from the minimum setback to the highwater mark of the St. Lawrence River, the minimum setback to the wetland and from the minimum front yard setback requirement of the Island Residential 'RI' zone.

Effect of the Application / Requested Variance to the Zoning By-Law:

To permit the construction of a solar array and seek the following variance from Zoning By-Law 07-079:

Section	Provision	Proposed	Requested Zoning Relief
3.32(b)	Where any lot is adjacent to a waterbody or watercourse, any building, structure, campsite, agricultural use that includes the keeping of livestock, and septic disposal system shall be set back a minimum of 30.0 metres (98.43 ft.) from the high water mark	4 metres (13.1 feet)	26 metres (85.3 feet)
3.32(d)	Notwithstanding other provisions of this by-law, no building or structure shall be erected or altered within 30 metres of a seasonal or permanent wetland not categorized herein.	2 metres (6.6 feet)	28 metres (91.9 feet)
5.5(b)	Front Yard (minimum): 30.0 m (98.43 feet)	4 metres (13.1 feet)	26 metres (85.3 feet)

We, the undersigned members of the Committee of Adjustment of the Township of Leeds and the Thousand Islands do hereby certify that, in making the following decision under Subsection 45(8) of the *Planning Act* upon the hearing of this Application, including all materials submitted by the public / owner / agent / planner and have taken due regard to the requirements set out in Section 45(1) and Section 45(2) of the *Planning Act*. The following decision was reached at a Hearing on Tuesday November 26, 2024.

Decision: Application D13-2024-050 to permit the construction of a solar array as shown on the attached 'Schedule A', is conditionally APPROVED.

Effect of Written and Oral Submissions and Applications

In making the decision for this application, 0 written submission(s) and 0 meeting verbal submission(s) were received from the public. The Committee reviewed and considered the submissions from the public and agencies in making the decision on this application. The

effect of the comments was that they informed the Committee of the various additional public interests surrounding the subject application.

It was the Decision of the Committee of Adjustment that:

The Minor Variance Application is Approved with Conditions.

It is the decision of the Committee of Adjustment to approve this variance application for the following reasons:

- The general intent and purpose of the Official Plan is maintained.
- The general intent and purpose of the Zoning By-law is maintained.
- The variance(s) is considered desirable for the appropriate development of the land.
- In the opinion of the Committee, the variance(s) is minor.

This decision is subject to the following condition(s):

1. The dimensions and setbacks for the proposed development are required to be consistent with the plan attached as Schedule 'A' of the Decision. Any deviation from these specifications will require review by the Township and may necessitate further approvals to be granted by the Township and/or any other governing agency, body, or authority, where applicable; and
2. As a best management practice towards sustainable waterfront living, staff encourage re-naturalization of the property. This can be achieved by planting a healthy native vegetative buffer which would provide protection against the unpredictable energy and impact associated with the hydrologic processes of the St. Lawrence River.

Signatures

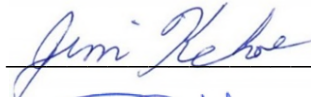
Bruce Craig, Member




Katherine Graham, Member



Jim Kehoe, Member



Todd Robertson, Member



Paul Veenstra, Member



DECISION DATE: **Tuesday, November 26, 2024**

DECISION CIRCULATED ON: **Wednesday, November 27, 2024**

DEADLINE FOR APPEALS: **Monday, December 16, 2024**

Right of Appeal to the Ontario Land Tribunal

The applicant, the Minister or a specified person (i.e. utilities) or public body that has an interest in the matter may within 20 days of the making of the decision appeal to the Tribunal against the decision of the committee by filing with the secretary-treasurer of the committee a notice of appeal setting out the objection to the decision and the reasons in support of the objection accompanied by payment to the secretary-treasurer of the fee charged by the Tribunal as payable on an appeal from a committee of adjustment to the Tribunal.

"Public Body" and "Specified Person" are defined under Section 1(1) of the Planning Act.

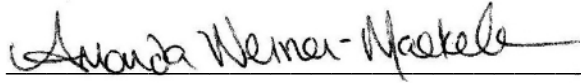
You must pay a filing fee of \$400.00 by certified cheque or money order payable to The Minister of Finance. To obtain a copy of the applicable form and other information about the appeal process, please visit www.elto.gov.on.ca.

On an appeal to the Tribunal, the Tribunal shall, except as provided in subsections (15) and (17), hold a hearing of which notice shall be given to the applicant, the appellant, the secretary-treasurer of the committee and to such other persons or public bodies and in such manner as the Tribunal may determine.

IF NO APPEAL IS MADE within twenty (20) days, the decision of the Committee is final and the Secretary-Treasurer shall notify the applicant.

Certification of True Copy

I, Amanda Werner-Mackeler, Secretary-Treasurer of the Committee of Adjustment for the Township of Leeds and the Thousand Islands, hereby certify that this is a true and exact copy of the decision of the Committee of Adjustment as decided on November 26, 2024.



Amanda Werner-Mackeler, *CPT*
Secretary-Treasurer

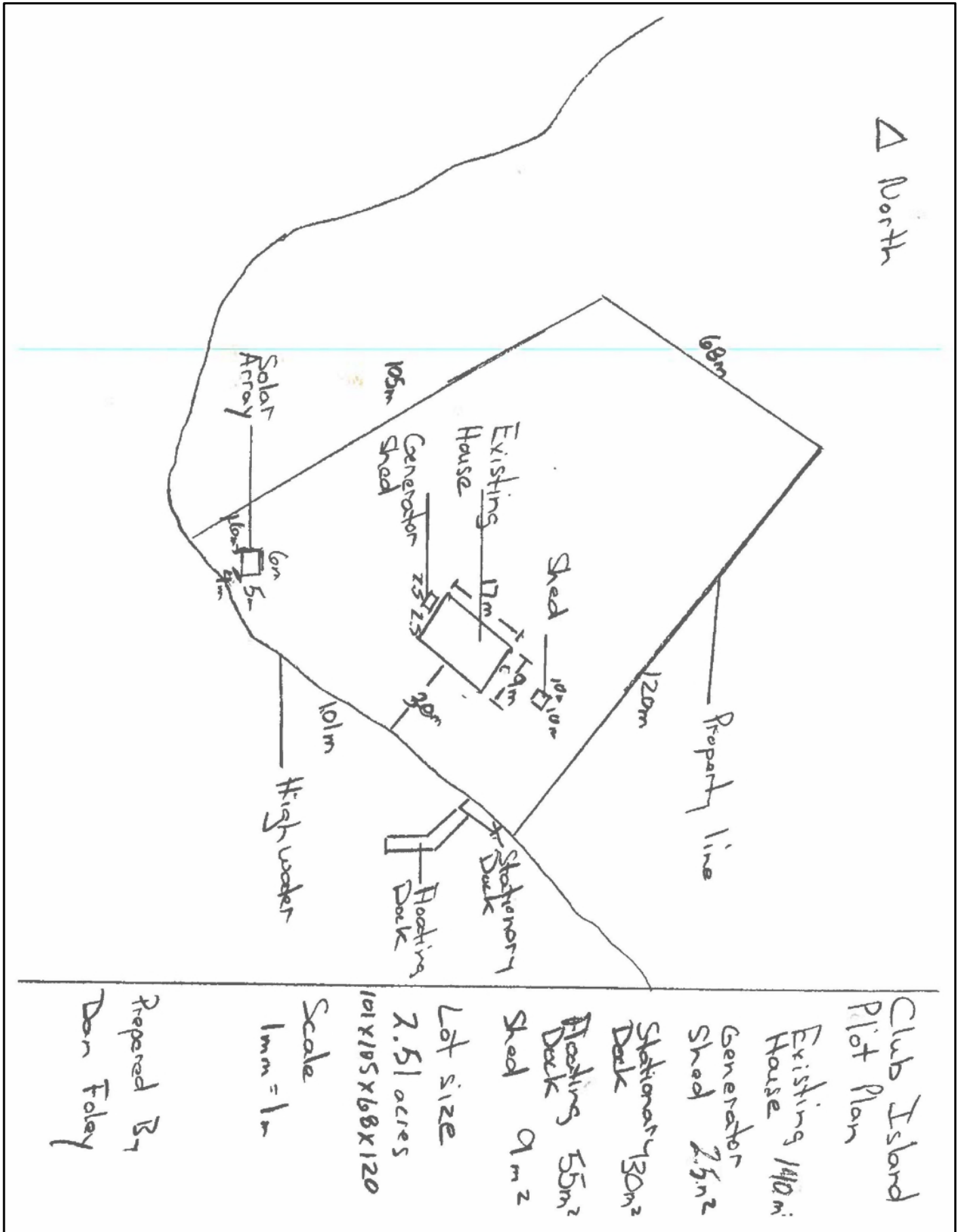
Committee of Adjustment
Planning and Development Department
Township of Leeds and the Thousand Island
1233 Prince St, PO Box 280, Lansdowne, ON K0E 1L0 Tel: (613) 659 2415
Fax: (613) 659 3619

Schedule A

Minor Variance Application: D13-2024-050

Owner(s): Dan and Julie Foley

Location: 18 Club Island



Township of
**Leeds and the
Thousand Islands**

Jimi Kebe
Committee Chairperson

Avanda Werner-Neskele
Secretary-Treasurer

Date: November 26, 2024
Prepared by: AZWM

October 21, 2024

Sent by e-mail

Kyle Peel M.Pl.
Planner
Township of Leeds and the Thousand Islands
1233 Prince Street
P.O. Box 280
Lansdowne, ON K0E 1L0

Dear Mr. Peel:

**Re: Application for Minor Variance Section 45(1) D13-2024-050 (Foley)
Plan 28R 13311; Former Front of Escott
18 Club Island, Township of Leeds and the Thousand Islands
Waterbody: The St. Lawrence River & Hill Island East Provincially
Significant Wetland**

Cataraqui Conservation staff have reviewed the above-noted application and offer the following comments for the Committee of Adjustment's consideration. These comments are provided based on Cataraqui Conservation's role as technical advisor to the Township on *Planning Act* applications and as a regulatory authority responsible for the implementation of Ontario Regulation 41/24: *Prohibited Activities, Exemptions and Permits*.

Summary of Proposal

The application is requesting relief from the Township Zoning By-Law to permit an existing solar array that was added to the property in the absence of the required municipal approval and permit. The existing solar array installation requires zoning relief from the minimum 30 metre setback from the highwater mark of the St. Lawrence River, the minimum 30 metre setback from Hill Island East Provincially Significant Wetland and from the minimum 30 metre front yard setback requirement.

The solar array is approximately 4 metres from the highwater mark of the St. Lawrence River, 2 metres from the boundary of Hill Island East Provincially Significant Wetland and 4 metres from the front yard boundary.

Site Description

Staff attended a site visit on September 26, 2024 to review the existing development and obtain additional site specific information relative to the Hill Island East Provincially Significant Wetland. The subject property is approximately 1.01 hectares in size and is located on the southwestern point of Club Island and is encompassed by Hill Island East Provincially Significant Wetland. The shoreline of the subject property varies with some areas of gradual sloping topography and areas where the slope reaches at height of 3

metres. The lot is occupied primarily by woodland with areas that have been cleared for existing development. Existing development includes a single residential dwelling, a shed, a generator shed, and a solar array.

The subject property is designated 'Rural', Provincially Significant Wetland', 'Woodlands', and 'Highly Vulnerable Aquifer' in the Township Official Plan and zoned 'Island Residential' and 'Locally Significant Wetland' in the implementing zoning by-law.

Discussion

The main interest of Cataraqui Conservation with respect to this application is the avoidance of natural hazards (i.e. flooding and erosion) associated with the St. Lawrence River and the protection of the hydrologic function of Hill Island East Provincially Significant Wetland as it relates to mitigating natural hazards.

Natural Hazards

Cataraqui Conservation, through our implementation of Ontario Regulation 41/24 and, in accordance with the natural hazards policies of the 2020 Provincial Policy Statement (PPS), directs development away from lands subject to natural hazards, such as flooding and erosion to protect people and property.

Flooding

The regulatory flood plain for the St. Lawrence River in the location of the subject property is 75.9 m GSC. Generally, development (buildings and structures) and site alteration (excavating, grading and placement of fill) is required to occur outside of 6 metres from the regulatory flood plain elevation. However, under Ontario Regulation 41/24: *Prohibited Activities, Exemptions and Permits* certain exemptions apply. Specific to this application, non-habitable structures less than 15 sq metres in size are exempt from O.Reg 41/24 where meeting the minimum setback from natural hazards does not apply.

As constructed, the solar array is located within the flood plain. Staff assessed the solar array and determined that the overall impact of the 30 sq metre area of the solar panels when in a position parallel to the ground has minimal impact on the flooding hazard. It is only the 12.5 sq. m. concrete slab and support frame that are in direct contact with the ground. From our review, these components present negligible risk in terms of the flooding hazard. Also, as a non-habitable structure less than 15 sq metres in size, the structure is not subject to the 6 metre setback under CRCA's regulatory policies.

Erosion

Cataraqui Conservation defines the extent of potential erosion hazards for connecting channels such as the St. Lawrence River as the sum of either a 1(h):1(v) or 3(h):1(v) slope stability allowance (depending on slope material), toe erosion allowance, plus an erosion access allowance of 6 metres. Together, these make up what is known as the 'Erosion Hazard Limit'.

The shoreline in the location of the solar array is approximately 0.5 metres in height and is composed of shallow till over granite bedrock. Using a 1:1 slope stability allowance applied to a 0.5-metre-high slope, plus a 5 metre toe erosion allowance, the erosion hazard associated with the shoreline is 5.5 metres measured inland from the toe of slope.

As constructed, the solar array is located within the erosion hazard. However, as noted above, the structure is less than 15 sq. metres. in area, is exempt from CRCA's O. Reg. 41/24 and presents negligible risk in terms of the erosion hazard.

Hydrologic Function of Hill Island East Provincially Significant Wetland

Under Ontario Regulation 41/24: *Prohibited Activities, Exemptions and Permits*, generally all new development and site alteration must take place outside a minimum 30 metre setback from the boundary of all wetlands greater than 0.5 hectares. The 30 metre setback is required to protect the hydrologic function of the wetland especially as it relates to the wetland's ability to store water during high water levels events assisting in flood prevention and contribute to erosion prevention.

Hill Island East Provincially Significant Wetland consists of several wetland types including open water marsh, marsh and swamp. Directly adjacent to the solar array is a marsh which is composed of emergent vegetation and is clearly discernable through aerial mapping and on site. The wetland is a coastal riverine wetland which in this case is located within the main waterbody of the large St. Lawrence River watershed system.

As noted above, under Ontario Regulation 41/24, structures less than 15 sq metres in size that are not used for habitable living space are exempt provided they are not located directly within a wetland or watercourse.

As constructed, the solar array was measured 2 metres from the boundary of Hill Island East Provincially Significant Wetland. Staff assessed the overall impact of the entire structure, which took into consideration the 30 sq metre area of the solar panels which would cover area adjacent to the wetland from time to time and determined that the impact to the hydrologic function of the wetland is low.

Staff recognize the use of the structure requires an optimal position and location to achieve consistent sun exposure. As a general statement, CRCA does not recommend buildings or structures of any size be located within the flooding or erosion hazard as there is always some level of risk or damage.

Recommendation

Staff have no objection to the approval of minor variance application D13-2024-050 based on our consideration of natural hazard policies and Ontario Regulation 41/24.

Staff note that the property has been significantly cleared as a result of the existing development and redevelopment. As a best management practice towards sustainable waterfront living, staff encourage re-naturalization of the property. This

can be achieved by planting a healthy native vegetative buffer which would provide protection against the unpredictable energy and impact associated with the hydrologic processes of the St. Lawrence River.

Ontario Regulation 41/24

Portions of the subject property are located within a regulated area under Ontario Regulation 41/24: *Prohibited Activities, Exemptions and Permits* which regulates development and interference with wetlands, as well as alterations to shorelines and watercourses. **A permit is not required for the solar array.**

If you have any questions, please contact the undersigned. Please inform this office of any decision made by the Committee of Adjustment regarding this application.

Sincerely,



Emily Su
Resource Planner
613-546-4228 ex.258

cc: applicant, via e-mail



Township of
**Leeds and the
Thousand Islands**

Committee of Adjustment Report

Meeting Date: 2024-11-26

Department: Planning & Development

Report Number: Planning & Development-2024-095

Submitted By: Lindsay Lambert

Approved By: Marnie Venditti

Subject: Minor Variance Application D13-2024-050

Property Address: 18 Club Island

Recommendation:

It is the recommendation of Planning Staff that the zoning relief specified in application number D13-2024-050 for the property municipally known as 18 Club Island be approved subject to the following recommended conditions:

1. The dimensions and setbacks for the proposed development are required to be consistent with the plan attached as Schedule 'A' of the Decision. Any deviation from these specifications will require review by the Township and may necessitate further approvals to be granted by the Township and/or any other governing agency, body, or authority, where applicable; and
2. As a best management practice towards sustainable waterfront living, staff encourage re-naturalization of the property. This can be achieved by planting a healthy native vegetative buffer which would provide protection against the unpredictable energy and impact associated with the hydrologic processes of the St. Lawrence River.

Summary:

The application is requesting zoning relief in the form of a minor variance with respect to an existing solar array that was added to the property in the absence of the required municipal approval and permit. The existing solar array installation requires zoning relief from the minimum setback to the highwater mark of the St. Lawrence River, the minimum setback to the wetland and from the minimum front yard setback requirement of the Island Residential 'RI' zone. Details with respect to the proposed zoning relief are summarized in the table below.

Requested Variances:

Section	Provision	Proposed	Requested Zoning Relief
3.32(b)	Where any lot is adjacent to a waterbody or watercourse, any building, structure, campsite, agricultural use that includes the keeping of livestock, and septic disposal system shall be set back a minimum of 30.0 metres (98.43 ft.) from the high water mark	4 metres (13.1 feet)	26 metres (85.3 feet)
3.32(d)	Notwithstanding other provisions of this by-law, no building or structure shall be erected or altered within 30 metres of a seasonal or permanent wetland not categorized herein.	2 metres (6.6 feet)	28 metres (91.9 feet)
5.5(b)	Front Yard (minimum): 30.0 m (98.43 feet)	4 metres (13.1 feet)	26 metres (85.3 feet)

Site Description:

The subject property is an island parcel municipally known as 18 Club Island and is approximately 1.01 hectares. The property is located at the southeast corner of Club Island. The site is adjacent to the Hill Island East Provincially Significant Wetland. Existing development on the property includes a single detached dwelling, shed, generator shed, marine facility (dock) and the solar array, which is the subject of the minor variance application. Vegetation on the property consists of woodland, however with areas that have been cleared to accommodate recent upland development. The property is compliant with the minimum 1-hectare lot area and minimum 76-metre lot frontage provisions of the Island Residential 'RI' zone.



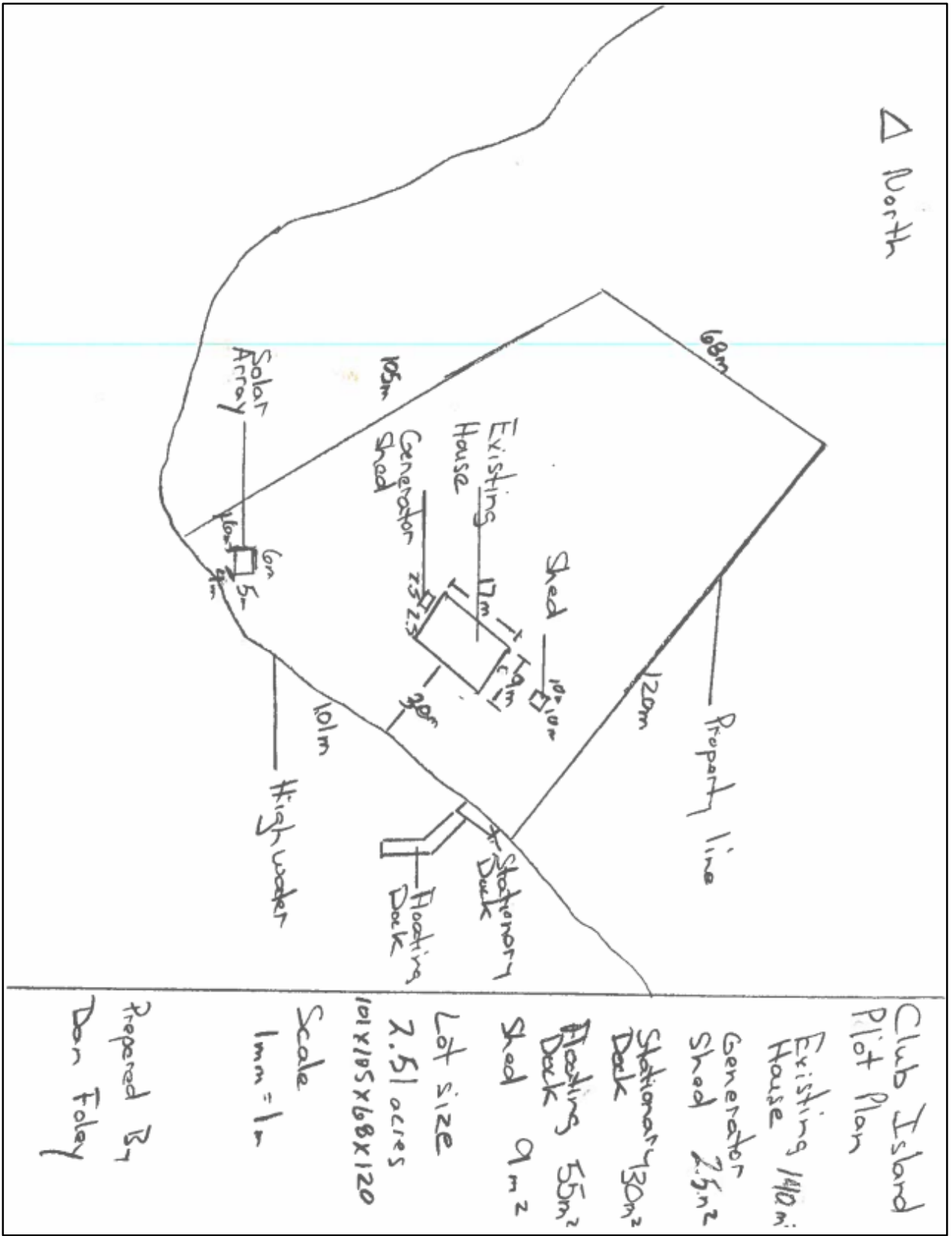
Key Map: Subject Property Highlighted



Aerial Image 2: Subject Property Highlighted



Aerial Image 2: Subject Property Highlighted



Plot Plan

Discussion:

All four (4) tests of an application under Section 45 of the Planning Act must be met for an application to be approved. To meet approval, the variance(s) sought must:

1. be minor;
2. be desirable for the appropriate development or use of the land, building or structure;
3. maintain the general intent and purpose of the Zoning By-Law; and
4. maintain the general intent and purpose of the Official Plan.

Is the request consistent with the general intent and purpose of the Official Plan?

United Counties of Leeds and Grenville Official Plan

The property is designated as Rural Lands in Schedule 'A' (Community Structure and Land Use) of the United Counties of Leeds and Grenville Official Plan (UCLG) (OP). Rural Lands are intended to protect the natural amenities and rural character of the Counties while providing opportunities for agricultural uses, resource-based activities, recreation and tourism and other rural land uses. The detached uncovered decks and pumphouse accessory to the existing residential use are permitted uses in the Rural Lands designation.

Section 4.4.1(k) of the Official Plan of the United Counties of Leeds and Grenville states that for existing lots of record, new development should generally be setback 30 metres if possible/feasible, otherwise as far back as the lot permits, with minimum disturbance of the native soils and very limited removal of the shoreline vegetation beyond that required for development.

The Counties' Official Plan further states that any proposed reduction to the 30-metre minimum setback will be consistent with any applicable policies in the Provincial Policy Statement (PPS). Further, any proposed reduction is required to maximize the setback through building design and orientation, and the siting of the septic system, and minimize disturbance to native soils and shoreline vegetation.

Through its function, the solar array is required to be located in its existing location adjacent to the shoreline and wetland in order to maximize sun exposure for the generation of off grid electricity. The structure was erected without the required planning and CRCA approvals and is existing, and no further development is proposed, as such, no further disturbance to native soils and vegetation within the established water setback buffer area is anticipated. Further, the proposal is consistent with the applicable PPS (2024) policies and implementation guidelines. In summary, the proposal is consistent with the general intent and purpose of the Counties' Official Plan.

Township Official Plan

The property is designated 'Rural' in Schedule A1 (Land Use Designations) of the Township Official Plan. The intent of the Rural designation is to allow for a range of uses which provide the rural community with opportunities to live and work in a sustainable manner. The detached uncovered decks and pumphouse accessory to the existing residential use are permitted uses in the Rural designation.

The subject property is a waterfront parcel and as such, requires review under the Waterfront Areas and Waterbody Protection policies of the Township Official Plan. The purpose of these policies is to ensure the long-term protection of waterbodies in the Township. The Official Plan requires buildings and structures to generally be set back at least 30 metres (98.4 feet) from the high-water mark of all waterbodies to help protect water quality and environmentally sensitive riparian areas, control erosion and assist in softening the visual intrusion of the development.

Section 6.1.4.2(5) of the Township Official Plan states the following:

For existing lots of record, new development should generally be setback 30 metres if possible/feasible, otherwise as far back as the lot permits, with minimum disturbance of the native soils and very limited removal of the shoreline vegetation beyond that required for development. Any proposed reduction to the 30 m minimum setback shall:

- a) be consistent with any applicable policies in the Provincial Policy Statement and related implementation guidelines;
- b) maximize the setback through building design and orientation, and the siting of the septic system; and
- c) minimize disturbance to native soils and shoreline vegetation in accordance with other policies of this Plan.

Further, Section 6.1.4.2.8 of the Township Official Plan provides a potential exception to the minimum 30 metre waterbody setback for minor detached and unenclosed accessory structures and small storage facilities, provided that:

- a) They are a reasonable size for the intended use; and
- b) Suitable methods to minimize negative impacts on surface water, riparian lands, and the littoral zone are incorporated into the design of the development.

The setback of the solar array has been maximized to a location where it will still obtain the necessary sun exposure to function. The solar array is of a reasonable size for its intended use and with a minimal base and the solar panels elevated above, negative impacts with respect to surface water, riparian lands, and the littoral zone are not anticipated. As discussed later in this report, the development is consistent with the Provincial Planning Statement (2024). In summary, the application is consistent with the Waterfront Areas and Waterbody Protection policies of the Township Official Plan.

Is the request consistent with the general intent and purpose of the Zoning By-Law?

The subject property is zoned Island Residential 'RI' zone in Zoning By-Law Number 07-079 and is adjacent to the Locally Significant Wetland 'LSW' zone. The application is seeking zoning relief from three provisions: minimum setback from the highwater mark of a waterbody, minimum setback from a wetland and the minimum front yard setback of the Island Residential 'RI' zone.

The intent of the setbacks is to protect the wetland, water quality and visual quality of the front yard area of a waterfront property. As discussed in this report, the solar array is a unique type of structure that requires its proposed location to maximize its sun exposure. Adverse impacts to the wetland, water quality of the St. Lawrence River and visual impacts resulting from the zoning relief proposed through the subject application are not anticipated. As a result, staff conclude that the requested variances are consistent with the general intent and purpose of the Township Zoning By-Law.

Is the application desirable for the appropriate development or use of the land?

The origin of this application is the necessity of the solar array to be located in an optimal position and location to achieve consistent sun exposure.

The application was circulated to the relevant technical agencies and all owners of property located within 60 metres of the subject site and staff have not received any concerns or objections to the existing solar array. In the absence of negative visual impacts or negative impacts to water quality and the adjacent wetland and with the provision of a positive environmental impact of the solar array through the reduction of traditional energy consumption, the development is considered desirable for the appropriate development and use of the subject property.

Is the application minor?

The determination of whether an application is "minor" is not based on the degree of variation requested, but rather on whether the impact of granting the request(s) is "minor". This includes considering how the application could impact the existing or planned functionality of the subject lands or of adjacent lands. Impacts can include, but are not limited to environmental, nuisance (noise, vibration, dust, etc.), visual, and functional attributes.

In its review of the application, CRCA staff assessed the overall impact of the entire structure, which took into consideration the 30 sq metre area of the solar panels which would cover area adjacent to the wetland from time to time and determined that the impact to the hydrologic function of the wetland is low.

The solar array is existing and no adverse impacts from a land use compatibility or protection of natural heritage resources have been identified. The provision of electricity

to the property via the solar array provides a positive environmental impact in terms of traditional energy consumption. In summary, the application is considered minor.

Other Matters of Local or Provincial Interest:

The Provincial Planning Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario's policy-led planning system, the Provincial Planning Statement sets the policy foundation for regulating the development and use of land province-wide, helping achieve the provincial goal of meeting the needs of a fast-growing province while enhancing the quality of life for all Ontarians.

The policies of the Provincial Planning Statement (PPS) (2024) have been considered in reviewing this application. Specifically, the protection of natural heritage resources as outlined in Section 4.1 has been considered. The Township Zoning By-Law includes a provision that permits the Township in consultation with the CRCA to waive the requirement of an Environmental Impact Statement in support of development adjacent to a significant natural heritage feature. As the solar array is an existing structure, that through its function needs to be located close to the shoreline to maximize sun exposure and due to the fact that it is more of a utility installation than a traditional accessory structure, it was determined that an EIS was not required. No adverse impacts are anticipated to the wetland as a result of the solar array, and it is important to consider the positive impact that the solar array provides with respect to reducing energy consumption from traditional sources.

The protection of water resources as outlined in Section 4.2 has also been considered. This policy section calls for the minimizing of negative impacts, implementing restrictions on development to protect sensitive surface and groundwater features, and implementing storm water management practices and maintaining or increasing vegetative and pervious surfaces. Through the recommended condition with respect to the replanting of a native species buffer to enhance water quality and infiltration, the proposal is consistent with the PPS (2024).

With respect to the policies of Section 5.2 (protection from natural hazards), the CRCA has reviewed the application from a natural hazards perspective and have concluded that in consideration of the required location of the solar array to maximize sun exposure, it is located in an acceptable location from a natural hazards perspective. In summary, the application is consistent with the Provincial Planning Statement (2024).

In summary, the application is consistent with the Provincial Planning Statement (2024).

Consultation:

Public Comments: At the time of the completion of this report, no comments have been received from the public.

Township Building Comments: No objection provided the proposed construction meets all applicable law (Planning & CRCA). The solar array does not affect the septic system.

Cataraqui Region Conservation Authority (CRCA) Comments: Staff recognize the use of the structure requires an optimal position and location to achieve consistent sun exposure. As a general statement, CRCA does not recommend buildings or structures of any size be located within the flooding or erosion hazard as there is always some level of risk or damage.

Staff have no objection to the approval of minor variance application D13-2024-050 based on our consideration of natural hazard policies and Ontario Regulation 41/24.

Staff note that the property has been significantly cleared as a result of the existing development and redevelopment. As a best management practice towards sustainable waterfront living, staff encourage re-naturalization of the property. This can be achieved by planting a healthy native vegetative buffer which would provide protection against the unpredictable energy and impact associated with the hydrologic processes of the St. Lawrence River.

Site Photos:



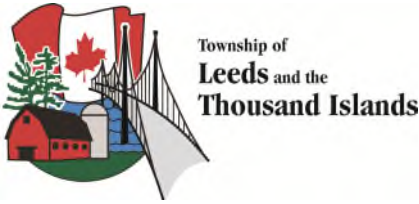
Site Photo 1 – October 7, 2024



Site Photo 2 – October 7, 2024



Site Photo 3 – October 7, 2024



Planning and Development Department
Committee of Adjustment

Notice of Decision
Permission Application
 (Section 45 of the Planning Act)

Application No.: D13-2024-052
Owner(s): Shelley John Bacon
Subject Property: 5 Millar’s Lane
Legal Description: Con BF Pt Lot 22

Notice was given and a Public Hearing was held on **Tuesday, November 26, 2024** as required by the Planning Act.

Purpose of Application:

This application is requesting a permission to expand an existing legal non-complying dwelling with the addition of an attached covered deck. It is proposed to construct the attached covered deck on the south side of the existing dwelling. The area of proposed development is currently partially developed with attached uncovered decking. The existing dwelling is legal non-complying with respect to the minimum required 30-metre setback from the highwater mark of the St. Lawrence River, the minimum 30-metre front yard setback of the Shoreline Residential ‘RS’ zone, and the 120-metre influence area of the adjacent Provincially Significant Wetland.

Effect of the Application / Requested Permission to the Zoning By-Law:

To permit the construction of an addition of an attached covered deck on an existing legal non-complying dwelling and seek the following permission from Zoning By-Law 07-079:

	Provision	Existing Structure	Proposed Attached Covered Deck	Permission Requested
-	Increase in size of a legal non-complying structure	Dwelling: 85.7 square metres (922.5 square feet)	Covered Attached Deck: 24.6 square metres (264.8 square feet)	Total floor area of non-complying structures: 110.3 square metres (1,187.3 square feet)

We, the undersigned members of the Committee of Adjustment of the Township of Leeds and the Thousand Islands do hereby certify that, in making the following decision under Subsection 45(8) of the *Planning Act* upon the hearing of this Application, including all materials submitted by the public / owner / agent / planner and have taken due regard to the requirements set out in Section 45(1) and Section 45(2) of the *Planning Act*. The following decision was reached at a Hearing on Tuesday November 26, 2024.

Decision: Application D13-2024-052 to permit the construction of an addition of an attached covered deck on an existing legal non-complying dwelling as shown on the attached ‘Schedule A’, is conditionally APPROVED.

Effect of Written and Oral Submissions and Applications

In making the decision for this application, 1 written submission(s) and 0 meeting verbal submission(s) were received from the public. The Committee reviewed and considered the submissions from the public and agencies in making the decision on this application. The effect of the comments was that they informed the Committee of the various additional public interests surrounding the subject application.

It was the Decision of the Committee of Adjustment that:

The Application is Approved with Conditions.

It is the decision of the Committee of Adjustment to approve this permission application for the following reasons:

- The general intent and purpose of the Official Plan is maintained.
- The general intent and purpose of the Zoning By-law is maintained.
- The permission(s) is considered desirable for the appropriate development of the land.
- In the opinion of the Committee, the permission(s) is minor.

This decision is subject to the following condition(s):


1. The dimensions and setbacks for the proposed development are required to be consistent with the plan attached as Schedule 'A' of the Decision. Any deviation from these specifications will require review by the Township and may necessitate further approvals to be granted by the Township and/or any other governing agency, body, or authority, where applicable;
2. The owner/applicant shall provide to the Building Services a copy of the decision of the Committee of Adjustment when they make their application for a Building Permit. The drawings submitted with the Building Permit application must, in the opinion of the Township, conform to the general intent and description of the approved minor variance, including any amendments and conditions approved by the Committee of Adjustment, as stated in the decision. It must be noted that additional planning approvals may be required should further zoning deficiencies be identified through the Building Permit application process;
3. Prior to and during construction, appropriate erosion and sediment controls shall be installed and maintained in good working order;
4. All excavated and construction materials are required to be stored or disposed of away from the St. Lawrence River to prevent runoff and/or foreign material from entering the waterbody;
5. The owner is encouraged to maintain and enhance the waterbody setback area with native species vegetation;
6. In the event that deeply buried, or previously undiscovered archaeological deposits are discovered in the course of development or site alteration, all work must immediately cease, and the site must be secured. The Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism (archaeology@ontario.ca) and Township's Planning and Development Department (613-659-2415, extension 212) must be immediately contacted; and
7. In the event that human remains are encountered, all work must immediately cease, and the site must be secured. The OPP (613-659-5200), Office of the Chief Coroner as a part of the Ontario Ministry of the Solicitor General (1-877- 991-9959), the Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism (archaeology@ontario.ca) and Services Branch of the Ministry of Heritage, Sport, Tourism and Culture Industries (416-314-7132), and Township of Leeds and the Thousand Islands Planning and Development Department (613- 659-2415, extension 212) must be immediately contacted.

Signatures

Bruce Craig, Member



Katherine Graham, Member




Jim Kehoe, Member



Todd Robertson, Member



Paul Veenstra, Member



DECISION DATE: **Tuesday, November 26, 2024**

DECISION CIRCULATED ON: **Wednesday, November 27, 2024**

DEADLINE FOR APPEALS: **Monday, December 16, 2024**

Right of Appeal to the Ontario Land Tribunal

The applicant, the Minister or a specified person (i.e. utilities) or public body that has an interest in the matter may within 20 days of the making of the decision appeal to the Tribunal against the decision of the committee by filing with the secretary-treasurer of the committee a notice of appeal setting out the objection to the decision and the reasons in support of the objection accompanied by payment to the secretary-treasurer of the fee charged by the Tribunal as payable on an appeal from a committee of adjustment to the Tribunal.

"Public Body" and "Specified Person" are defined under Section 1(1) of the Planning Act.

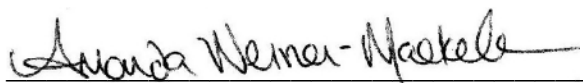
You must pay a filing fee of \$400.00 by certified cheque or money order payable to The Minister of Finance. To obtain a copy of the applicable form and other information about the appeal process, please visit www.elto.gov.on.ca.

On an appeal to the Tribunal, the Tribunal shall, except as provided in subsections (15) and (17), hold a hearing of which notice shall be given to the applicant, the appellant, the secretary-treasurer of the committee and to such other persons or public bodies and in such manner as the Tribunal may determine.

IF NO APPEAL IS MADE within twenty (20) days, the decision of the Committee is final and the Secretary-Treasurer shall notify the applicant.

Certification of True Copy

I, Amanda Werner-Mackeler, Secretary-Treasurer of the Committee of Adjustment for the Township of Leeds and the Thousand Islands, hereby certify that this is a true and exact copy of the decision of the Committee of Adjustment as decided on November 26, 2024.



Amanda Werner-Mackeler, CPT
Secretary-Treasurer

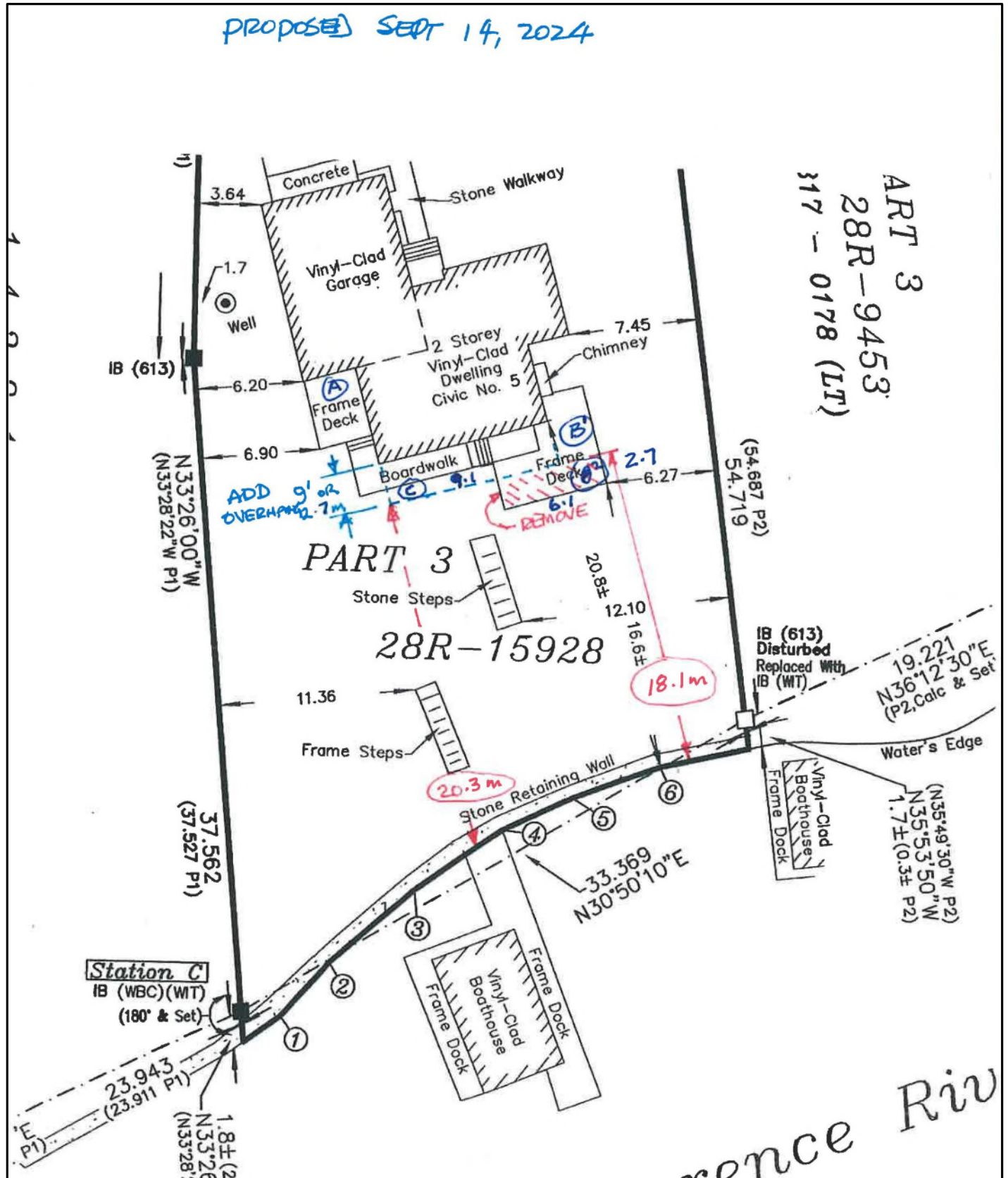
Committee of Adjustment
Planning and Development Department
Township of Leeds and the Thousand Island
1233 Prince St, PO Box 280, Lansdowne, ON K0E 1L0 Tel: (613) 659 2415
Fax: (613) 659 3619

Schedule A

Application: D13-2024-052

Owner(s): Shelley John Bacon

Location: 5 Millar's Lane



Township of
Leeds and the
Thousand Islands

Jimi Kebo
Committee Chairperson

Amanda Werner-Nockle
Secretary-Treasurer

Date: November 26, 2024
Prepared by: AZWM

November 15, 2024

File: MV/LTI/269/2024

Sent by e-mail

Kyle Peel M.Pl.
Planner
Township of Leeds and the Thousand Islands
1233 Prince Street
P.O. Box 280
Lansdowne, ON K0E 1L0

Dear Mr. Peel:

**Re: Application for Permission 45(2) D13-2024-052 (Bacon)
Pt Lot 22, Broken Front; Former Front of Leeds and Lansdowne
5 Millar's Lane, Township of Leeds and the Thousand Islands
Waterbody: St. Lawrence River & Grenadier Island Provincially Significant
Wetland**

Cataraqui Conservation staff have reviewed the above-noted application and offer the following comments for the Committee of Adjustment's consideration. These comments are provided based on Cataraqui Conservation's roles as technical advisor to the Township on *Planning Act* applications, and as administrator of Ontario Regulation 41/24: *Prohibited Activities, Exemptions and Permits*.

Summary of Proposal

The application is requesting permission to expand an existing legal non-complying dwelling with a 24.6 sq metre attached covered deck. It is proposed to construct the attached covered deck on the south side of the existing dwelling. The area of proposed development is currently partially developed with attached uncovered decking. The existing dwelling is a legal non-complying building with respect to the minimum required 30 metre setback from the highwater mark of the St. Lawrence River, the minimum 30 metre front yard setback of the Shoreline Residential zone, and the 120 metre influence area of the adjacent Provincially Significant Wetland.

Site Description

The subject property is approximately 0.79 hectares in size with 33.4 metres of waterfront on the St. Lawrence River. The area of the St. Lawrence River along the shoreline of the subject property has been designated as Grenadier Island Provincially Significant Wetland which is an open water marsh. The lot is an irregular shaped lot which extends north bordering the 1000 Islands Parkway. Areas of the lot are occupied by mixed wood forest while the area located along the shoreline is primarily composed of open manicured lawn which is where existing development is located. Existing development includes a single residential dwelling with attached decking, a shed, a boathouse and a dock.

The subject property is designated Rural, Provincially Significant Wetland, Flood Plain, and Highly Vulnerable Aquifer in the Township's Official Plan. The land is zoned Shoreline Residential, and Provincially Significant Wetland the implementing zoning by-law.

Discussion

The main interests of Cataraqui Conservation with respect to this application are the avoidance of natural hazards (i.e. flooding and erosion) associated with the St. Lawrence River and protection of the hydrologic function of Grenadier Island Provincially Significant Wetland.

Natural Hazards

Cataraqui Conservation, through our implementation of Ontario Regulation 41/24 and, in accordance with the natural hazards policies of the 2024 Provincial Planning Statement (PPS) to protect people and property, directs development away from lands subject to natural hazards, such as flooding and erosion.

Flooding

Development and site alteration within and adjacent to the regulatory flood plain is restricted by Cataraqui Conservation through our implementation of Ontario Regulation 41/24, consistent with Section 5.2 of the 2020 Provincial Planning Statement.

The regulatory flood plain at this location along the St. Lawrence River is identified as having a geodetic elevation of 76.09 metres. This elevation consists of the 1:100 year flood level for this section of the river plus an additional factor for wave uprush based on a regional study (Anthony) completed for CRCA. Due to the elevation change up from the water, the flood plain remains relatively close to the toe of slope.

As proposed, the attached covered deck is outside the minimum 6 metre setback from the flooding hazard.

Erosion

Development and site alteration within and adjacent to the erosion hazard is also regulated by Cataraqui Conservation through our implementation of Ontario Regulation 41/24, consistent with Section 5.2 of the 2020 Provincial Planning Statement. This is typically addressed through appropriate setbacks from the hazard or through mitigation if warranted based on site-specific conditions and the nature of a proposal.

The shoreline of the subject property is composed of shallow till over granite bedrock and has an average slope height of 2.5 metres. Using a 1(v):1(h) slope stability allowance plus a 5-metre erosion allowance, the erosion hazard extends 7.5 metres from toe of slope.

As proposed, the attached covered deck will be outside the minimum 6 metre setback from the erosion hazard.

Hydrologic Function of Grenadier Island Provincially Significant Wetland

Provincially Significant Wetlands, such as Grenadier Island PSW, are recognized for their importance and protected by the province through policies that prohibit development and site alteration altogether within a PSW and require technical assessment when development is proposed within 120 metres of wetland.

Coastal wetlands such as Grenadier Island PSW provide protection against the full impact of storm surges and the associated erosion that can impact people and property along the shoreline of larger waterbodies such as the St. Lawrence River. Establishing a buffer between all wetlands and development helps to safeguard the natural hydrologic function of wetlands as it relates to their ability to protect people and property from natural hazards.

Cataraqui Conservation regulatory policies require a minimum 30 metre setback from all wetlands greater than 0.5 hectares in size. Where there is existing development within 30 metres of a wetland greater than 0.5 hectares in size, any new development and site alteration associated with an existing structure or building must be no closer to the wetland than the existing structure or building.

As proposed, a portion of the existing decking will be removed, and the attached covered deck will be 20.3 metres from the boundary of the PSW which is an overall improvement from existing conditions.

Recommendation

Staff have no objection to the approval of application D13-2024-052 based on our consideration of natural hazards policies.

Ontario Regulation 41/24

Portions of the subject property are located within a regulated area under Ontario Regulation 41/24: *Prohibited Activities, Exemptions, and Permits* which regulates development and interference with wetlands, and alterations to shorelines and watercourses. **A permit has been submitted with CRCA and is under review.**

If you have any questions, please contact the undersigned. Please inform this office of any decision made by the Committee of Adjustment regarding this application.

Yours truly,



Emily Su
Resource Planner
613-546-4228 ex.258

Amanda Werner-Mackeler

From: John Erb [REDACTED]
Sent: Sunday, November 24, 2024 10:33 PM
To: Amanda Werner-Mackeler
Subject: re File D13-2024-052- 5 Millar's Lane

Sirs

We are the immediate neighbours of Mr. Bacon to the west.

We have no objection to the proposed changes.

Sincerely,

John Erb and Shireen Palamkote

7 Millar's Lane
[REDACTED]



Township of
**Leeds and the
Thousand Islands**

Committee of Adjustment Report

Meeting Date: 2024-11-26

Department: Planning & Development

Report Number: Planning & Development-2024-097

Submitted By: Kyle Peel

Approved By: Marnie Venditti

Subject: Application D13-2024-052 (Permission)

Civic Address: 5 Millars Lane

Recommendation:

It is recommended that the Committee of Adjustment **approves** application number D13-2024-052 for permission to expand the size of the existing legal non-complying dwelling for the property municipally known as 5 Millars Lane, subject to the following conditions:

1. The dimensions and setbacks for the proposed development are required to be consistent with the plan attached as Schedule 'A' of the Decision. Any deviation from these specifications will require review by the Township and may necessitate further approvals to be granted by the Township and/or any other governing agency, body, or authority, where applicable;
2. The owner/applicant shall provide to the Building Services a copy of the decision of the Committee of Adjustment when they make their application for a Building Permit. The drawings submitted with the Building Permit application must, in the opinion of the Township, conform to the general intent and description of the approved minor variance, including any amendments and conditions approved by the Committee of Adjustment, as stated in the decision. It must be noted that additional planning approvals may be required should further zoning deficiencies be identified through the Building Permit application process;
3. Prior to and during construction, appropriate erosion and sediment controls shall be installed and maintained in good working order;

4. All excavated and construction materials are required to be stored or disposed of away from the St. Lawrence River to prevent runoff and/or foreign material from entering the waterbody;
5. The owner is encouraged to maintain and enhance the waterbody setback area with native species vegetation;
6. In the event that deeply buried, or previously undiscovered archaeological deposits are discovered in the course of development or site alteration, all work must immediately cease, and the site must be secured. The Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism (archaeology@ontario.ca) and Township's Planning and Development Department (613-659-2415, extension 212) must be immediately contacted; and
7. In the event that human remains are encountered, all work must immediately cease, and the site must be secured. The OPP (613-659-5200), Office of the Chief Coroner as a part of the Ontario Ministry of the Solicitor General (1-877-991-9959), the Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism (archaeology@ontario.ca) and Services Branch of the Ministry of Heritage, Sport, Tourism and Culture Industries (416-314-7132), and Township of Leeds and the Thousand Islands Planning and Development Department (613- 659-2415, extension 212) must be immediately contacted.

Summary:

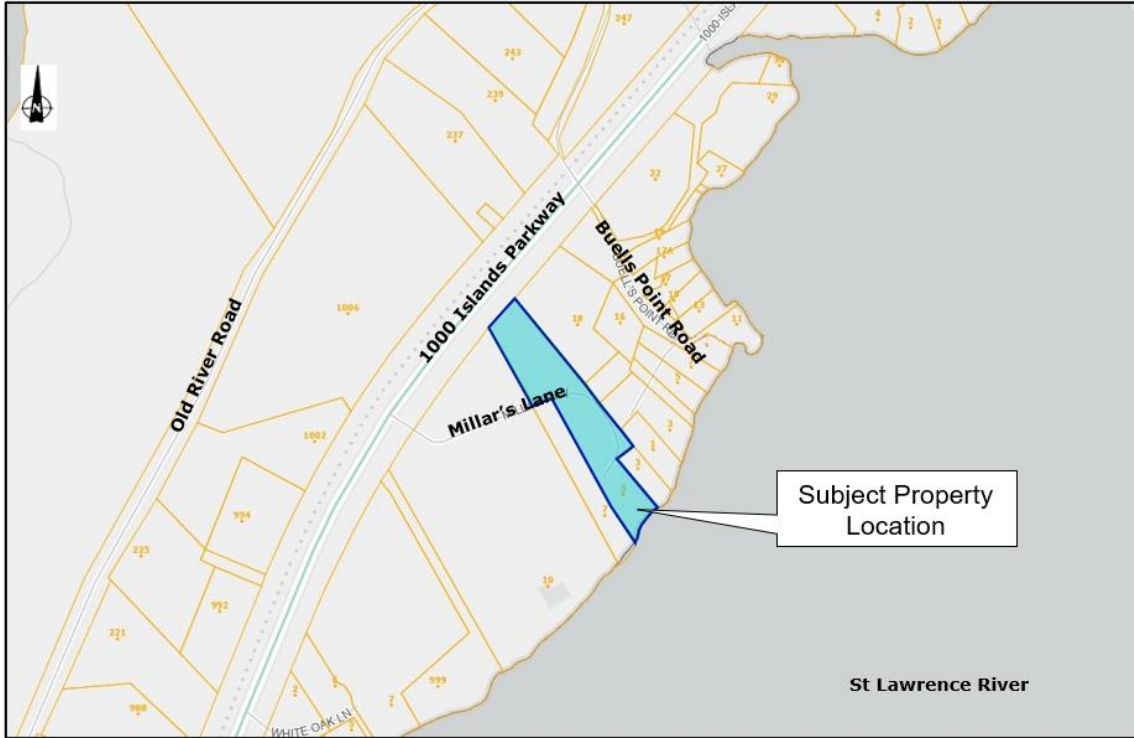
This application is requesting a permission to expand an existing legal non-complying dwelling with the addition of an attached covered deck. It is proposed to construct the attached covered deck on the south side of the existing dwelling. The area of proposed development is currently partially developed with attached uncovered decking. The existing dwelling is legal non-complying with respect to the minimum required 30-metre setback from the highwater mark of the St. Lawrence River, the minimum 30-metre front yard setback of the Shoreline Residential 'RS' zone, and the 120-metre influence area of the adjacent Provincially Significant Wetland.

Requested Permission:

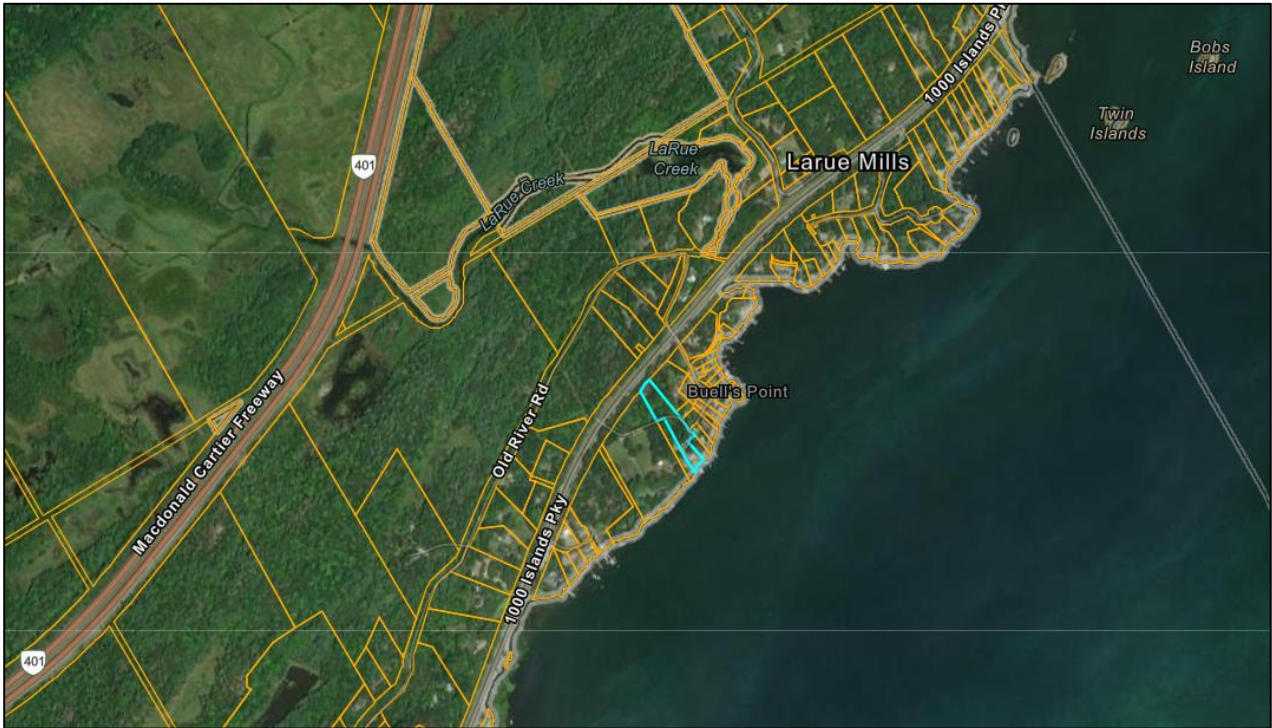
	Provision	Existing Structure	Proposed Attached Covered Deck	Permission Requested
-	Increase in size of a legal non-complying structure	Dwelling: 85.7 square metres (922.5 square feet)	Covered Attached Deck: 24.6 square metres (264.8 square feet)	Total floor area of non-complying structures: 110.3 square metres (1,187.3 square feet)

Site Description:

The subject property is located at 5 Millars Lane. The property is an existing lot of record zoned Shoreline Residential ('RS') zone in Zoning By-Law Number 07-079. The property has an area of approximately 0.85 hectares, with approximately 33.4 metres of frontage on the St. Lawrence River. The property is non-compliant with respect to the minimum lot area (1 hectare) and the minimum lot frontage (60 metres) of the 'RS' zone. The property contains a single detached dwelling with attached uncovered decking, an accessory structure (storage shed), and a marine facility (boat house). The property is largely flat with manicured grass and slopes down toward the water. The property is in an area of similar shoreline residential development and is accessed from Millars Lane, which is a private right-of-way.



KEY MAP: Subject property highlighted.



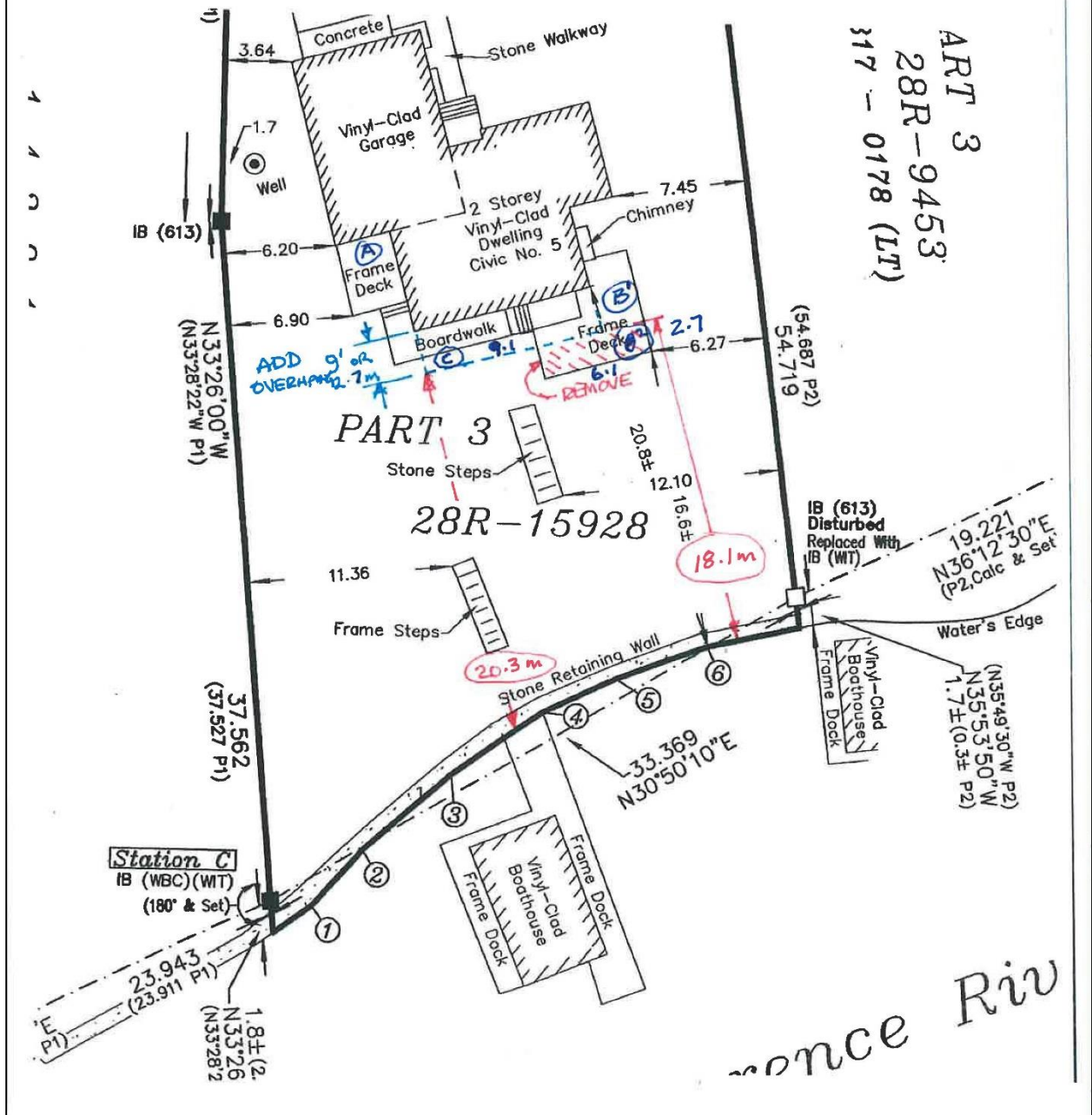
AERIAL IMAGE 1: Subject property highlighted.



AERIAL IMAGE 2: Subject property highlighted.

Subject Property

PROPOSED SEPT 14, 2024



PLOT PLAN

Discussion:

Official Plan of the United Counties of Leeds and Grenville

The property is designated as Rural Lands in the United Counties of Leeds and Grenville Official Plan. Rural Lands are intended to protect the natural amenities and rural character of the Counties while providing opportunities for agricultural uses, resource-based activities, recreation and tourism and other rural land uses. The proposed expansion of the existing single detached dwelling with a covered deck is a permitted use in the Rural Lands designation.

Section 4.4.1(k) of the Official Plan of the United Counties of Leeds and Grenville states that for existing lots of record, new development should generally be setback 30 metres if possible/feasible, otherwise as far back as the lot permits, with minimum disturbance of the native soils and very limited removal of the shoreline vegetation beyond that required for development.

The Counties' Official Plan further states that any proposed reduction to the 30-metre minimum setback will be consistent with any applicable policies in the Provincial Policy Statement and related implementation guidelines. Further, any proposed reduction is required to maximize the setback through building design and orientation, and the siting of the septic system, and minimize disturbance to native soils and shoreline vegetation.

The existing dwelling is located within the minimum 30-metre setback from the highwater mark of St. Lawrence River, which does not provide an opportunity for any enlargement to comply with the minimum required water setback. The proposed addition of the attached covered deck will extend no further into the established setback of the existing dwelling, and no impacts to adjacent properties are anticipated. The proposal is consistent with the applicable policies of the Provincial Planning Statement (2024). In summary, the proposal is consistent with the general intent and purpose of the Counties' Official Plan.

Township Official Plan

The property is designated Rural in Schedule A1 – Land Use Designations of the Township Official Plan. The intent of the Rural designation is to allow for a range of uses which provide the rural community with opportunities to live and work in a sustainable manner. The proposed addition of the attached covered deck to the existing single detached dwelling is a permitted use in the Rural designation.

The subject application is seeking approval to permit the expansion of a legal non-conforming/non-complying cottage through the addition of a covered deck. Section 4.11.2 of the Township Official Plan states that applications for changes to non-conforming uses or limited enlargements or extensions to such uses shall only be considered where the use was: legally established prior to the adoption of the Zoning By-Law which rendered it non-conforming; continuous in nature since the use was established; and, located on

lands owned and used in connection with the use on the day the Zoning By-law was passed. In considering applications, the following criteria shall be applied:

- a) Any proposed change of use or extension or enlargement of the existing non-conforming use shall not aggravate the situation created by the existence of the use, especially in regard to the policies of this Plan and the requirements of the Zoning By-law applying to the area;

The existing dwelling is a legal non-complying structure that does not comply with the minimum 30-metre setback from the highwater water of the St. Lawrence River and the minimum 30 metre front yard setback of the 'RS' zone. The application proposes to construct a covered deck on the existing dwelling, no closer to St. Lawrence River than the setback of existing attached uncovered decking. As such, the existing situation is not being aggravated.

The property is subject to the Waterfront Development and Waterbody Protection policies of the Township Official Plan. The purpose of these policies is to ensure the long-term protection of waterbodies in the Township. The Official Plan requires buildings and structures to be generally setback at least 30 metres (98.4 feet) from the highwater mark of all waterbodies to ensure new construction is located outside of natural hazard areas, protects water quality and environmentally sensitive riparian areas, controls erosion and assists in softening the visual intrusion of development.

The Township Official Plan states that development may be permitted less than the minimum of 30 metres from a waterbody in situations where existing lots or existing development cannot meet the minimum 30-metre setback, the setback is to be maximized through design and orientation with minimal disturbance to native soils and shoreline vegetation.

The existing dwelling is located within the minimum 30-metre water setback and minimum 30-metre front yard setback, which does not provide an opportunity for any additions to comply with the minimum required setbacks. Aside from the minimum water setback and minimum front yard setback, the proposed attached covered deck satisfies all other provisions of the Township Zoning By-Law. The proposed expansion has been confirmed to be located sufficiently outside of natural hazards. The proposed area of construction is currently partially developed with an uncovered deck. Further, the property features existing attached uncovered decking located closer to the water than the proposed development, which is proposed to be removed. As such, there will be no net increase of developed areas on the subject property through this application. Lot coverage on the property remains compliant with the requirements of the 'RS' zone. The expansion preserves the existing setback area, providing an opportunity for the area between the dwelling and the waterbody to be enhanced and maintained with native species vegetation. This is reflected in the recommended conditions enclosed within this report. The proposed development meets the intent of the waterfront development policies.

- b) Any proposed extension or enlargement shall be limited in nature and in an appropriate proportion to the existing size of the non-conforming use;

The proposed attached covered deck is to be constructed no closer to the highwater mark or floodplain elevation than existing development. The existing dwelling is 85.7 square metres in floor area, and the proposed attached covered deck will increase the size of the structure to 110.3 square metres. As noted in the preceding section, the proposed area of construction is currently partially developed with an uncovered deck. Further, a portion of attached uncovered deck located closer to the water than the proposed development has been confirmed to be removed. As such, there will be no net increase of developed areas on the subject property through this application. No undue adverse impacts to adjacent properties are anticipated beyond what currently exists and the scale of the attached covered deck is in appropriate proportion to the existing legal non-conforming/non-complying dwelling.

- c) The characteristics of the proposed non-conforming use or any proposed extension or enlargement of the existing non-conforming use shall be examined with regard to noise, vibration, fumes, smoke, dust, odours, lighting and traffic generation. Applications which would create or aggravate land use incompatibilities shall not be approved;

No land use incompatibilities are anticipated. The existing dwelling is a permitted use in the 'RS' zone, and the proposed attached covered deck is not anticipated to generate any additional noise, odours, or traffic beyond what currently exists.

- d) Neighbouring conforming uses will be protected, where necessary, by the provision of areas for landscaping, buffering or screening, appropriate setbacks for buildings and structures, devices and measures to reduce nuisances and, where necessary, by regulations for alleviating adverse effects caused by outside storage, lighting, advertising signs, etc.;

The proposed attached covered deck is not anticipated to cause any adverse effects to adjacent land uses.

- e) Transportation routes for all users and bicycle and vehicle parking conditions in the vicinity will not be adversely affected by the proposal and pedestrian, cyclist, and traffic hazards will be kept to a minimum by appropriate design of ingress and egress points to and from the site and by improvements of sight lines especially in proximity to intersections;

No additional traffic is anticipated as a result of the development proposed through this application.

- f) Adequate provisions have been or will be made for off-street parking and loading facilities;

The minimum off-street vehicular parking requirement of Zoning By-Law Number 07-079 for a single detached dwelling use is two spaces. There is sufficient area to accommodate zoning compliant off-street parking for the residential use.

- g) Services such as stormwater management, roads and private sewer and water services are adequate or can be made adequate.

The subject property is serviced by individual private services. The existing level of services is understood to be adequate. The proposed scope of work does not place additional demands on existing private water and sanitary servicing. There will be further review through the building permit process for the attached covered deck to ensure that it complies within minimum setbacks to the septic system that are prescribed by the Ontario Building Code.

The proposed attached covered deck is consistent with the general intent and purpose of the Township Official Plan.

Other Matters of Local or Provincial Interest:

The policies of the Provincial Planning Statement (PPS) (2024) have been considered in reviewing this application. Specifically, the protection of water resources as outlined in Section 4.2 has been considered. This policy calls for the minimizing of negative impacts, implementing restrictions on development to protect sensitive surface and groundwater features, and implementing storm water management practices and maintaining or increasing vegetative and pervious surfaces. Through the recommended conditions, the proposal is consistent with the water resources policies of the PPS (2024). With respect to the policies of Section 5.2 (protection from natural hazards), the CRCA has reviewed the application from a natural hazards perspective and have concluded that the proposed development is located at a sufficient distance from the natural hazards. In summary, the application is consistent with the Provincial Planning Statement (2024).

Consultation:

Public Comments: As of the date of the completion of this report, no comments have been received from the public with respect to the subject application.

Cataraqui Region Conservation Authority (CRCA): The CRCA has submitted comments stating no concerns with the approval of the application based on its consideration of natural hazards.

Township Building Department: The Building Department submitted comments noting no objection provided the proposed construction meets all applicable law.

Site Photos:



Photo 1: Towards the existing dwelling



Photo 2: Towards the existing dwelling



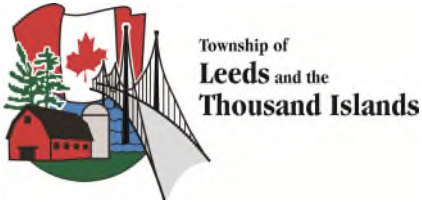
Photo 3: Towards the proposed area of development



Photo 4: Towards the shoreline area



Photo 5: Towards the area of proposed development from the shoreline



Planning and Development Department
Committee of Adjustment

Notice of Decision
Minor Variance Application
 (Section 45 of the Planning Act)

Application No.: D13-2024-053
Owner(s): Luke Severson
Subject Property: 974 Burma Lane
Legal Description: Lans Con 7 Pt Lot 15 RP;28R99 Part 5,18,19;Charleston Lake

Notice was given and a Public Hearing was held on **Tuesday, November 26, 2024** as required by the Planning Act.

Purpose of Application:

A minor variance application has been submitted to facilitate detached uncovered decking and a pumphouse structure that were constructed within the minimum 30-metre waterbody setback and minimum 30-metre front yard setback of the 'RS' zone by a previous owner in the absence of municipal and agency approvals. The two detached uncovered decks are approximately 9.5 square metres and 48 square metres and are located at a 0-metre setback from the highwater mark of Charleston Lake and the front lot line. The detached pumphouse is approximately 5.51 square metres and is setback approximately 14 metres from the highwater mark of Charleston Lake, wetland and the front lot line.

Effect of the Application / Requested Variance to the Zoning By-Law:

To permit the construction of two detached uncovered decks and a pumphouse structure and seek the following variance from Zoning By-Law 07-079:

Section	Provision	Proposed	Requested Zoning Relief
3.32(b)	Where any lot is adjacent to a waterbody or watercourse, any building, structure, campsite, agricultural use that includes the keeping of livestock, and septic disposal system shall be set back a minimum of 30.0 metres (98.43 ft.) from the high water mark.	Deck 3: 0 metres (0 feet) Deck 4: 0 metres (0 feet) Pumphouse: 14 metres (45.9 feet)	Deck 3: 30 metres (98.43 feet) Deck 4: 30 metres (98.43 feet) Pumphouse: 16 metres (52.5 feet)
3.32(d)	Notwithstanding other provisions of this by-law, no building or structure shall be erected or altered within 30 metres of a seasonal or permanent wetland not categorized herein.	Deck 3: 0 metres (0 feet) Deck 4: 0 metres (0 feet) Pumphouse: 14 metres (45.9 feet)	Deck 3: 30 metres (98.43 feet) Deck 4: 30 metres (98.43 feet) Pumphouse: 16 metres (52.5 feet)
5.5 (b)	Yard requirements (minimum) Front: 30.0 m (98.43 ft.)	Deck 3: 0 metres (0 feet) Deck 4: 0 metres (0 feet) Pumphouse: 14 metres (45.9 feet)	Deck 3: 30 metres (98.43 feet) Deck 4: 30 metres (98.43 feet) Pumphouse: 16 metres (52.5 feet)

We, the undersigned members of the Committee of Adjustment of the Township of Leeds and the Thousand Islands do hereby certify that, in making the following decision under Subsection 45(8) of the *Planning Act* upon the hearing of this Application, including all materials submitted by the public / owner / agent / planner and have taken due regard to the requirements set out in Section 45(1) and Section 45(2) of the *Planning Act*. The following decision was reached at a Hearing on Tuesday November 26, 2024.

Decision: Application D13-2024-053 to permit the construction of two detached uncovered decks and a pumphouse structure as shown on the attached 'Schedule A', is conditionally APPROVED.

Effect of Written and Oral Submissions and Applications

In making the decision for this application, 2 written submission(s) and 1 meeting verbal submission(s) were received from the public. The Committee reviewed and considered the submissions from the public and agencies in making the decision on this application. The effect of the comments was that they informed the Committee of the various additional public interests surrounding the subject application.

It was the Decision of the Committee of Adjustment that:

The Minor Variance Application is Approved with Conditions.

It is the decision of the Committee of Adjustment to approve this variance application for the following reasons:

- The general intent and purpose of the Official Plan is maintained.
- The general intent and purpose of the Zoning By-law is maintained.
- The variance(s) is considered desirable for the appropriate development of the land.
- In the opinion of the Committee, the variance(s) is minor.

This decision is subject to the following condition(s):

1. The dimensions and setbacks for the proposed development are required to be consistent with the plan attached as Schedule 'A' of the Decision. Any deviation from these specifications will require review by the Township and may necessitate further approvals to be granted by the Township and/or any other governing agency, body, or authority, where applicable;
2. The owner/applicant shall provide to the Building Services a copy of the decision of the Committee of Adjustment when they make their application for a Building Permit. The drawings submitted with the Building Permit application must, in the opinion of the Township, conform to the general intent and description of the approved minor variance, including any amendments and conditions approved by the Committee of Adjustment, as stated in the decision. It must be noted that additional planning approvals may be required should further zoning deficiencies be identified through the Building Permit application process;
3. All excavated and construction materials are required to be stored or disposed of away from Charleston Lake to prevent runoff and/or foreign material from entering the waterbody;
4. The owner is encouraged to maintain and enhance the waterbody setback area with native species vegetation;
5. In the event that deeply buried, or previously undiscovered archaeological deposits are discovered in the course of development or site alteration, all work must immediately cease, and the site must be secured. The Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism (archaeology@ontario.ca) and Township's Planning and Development Department (613-659-2415, extension 212) must be immediately contacted; and
6. In the event that human remains are encountered, all work must immediately cease, and the site must be secured. The OPP (613-659-5200), Office of the Chief Coroner as a part of the Ontario Ministry of the Solicitor General (1-877- 991-9959), the Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism (archaeology@ontario.ca) and Services Branch of the Ministry of Heritage, Sport, Tourism and Culture Industries (416-314-7132), and Township of Leeds and the Thousand Islands Planning and Development Department (613- 659-2415, extension 212) must be immediately contacted.

Signatures

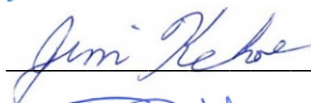
Bruce Craig, Member



Katherine Graham, Member




Jim Kehoe, Member



Todd Robertson, Member



Paul Veenstra, Member



DECISION DATE: **Tuesday, November 26, 2024**

DECISION CIRCULATED ON: **Wednesday, November 27, 2024**

DEADLINE FOR APPEALS: **Monday, December 16, 2024**

Right of Appeal to the Ontario Land Tribunal

The applicant, the Minister or a specified person (i.e. utilities) or public body that has an interest in the matter may within 20 days of the making of the decision appeal to the Tribunal against the decision of the committee by filing with the secretary-treasurer of the committee a notice of appeal setting out the objection to the decision and the reasons in support of the objection accompanied by payment to the secretary-treasurer of the fee charged by the Tribunal as payable on an appeal from a committee of adjustment to the Tribunal.

"Public Body" and "Specified Person" are defined under Section 1(1) of the Planning Act.

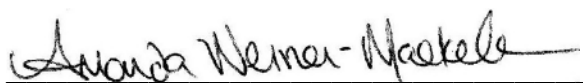
You must pay a filing fee of \$400.00 by certified cheque or money order payable to The Minister of Finance. To obtain a copy of the applicable form and other information about the appeal process, please visit www.elto.gov.on.ca.

On an appeal to the Tribunal, the Tribunal shall, except as provided in subsections (15) and (17), hold a hearing of which notice shall be given to the applicant, the appellant, the secretary-treasurer of the committee and to such other persons or public bodies and in such manner as the Tribunal may determine.

IF NO APPEAL IS MADE within twenty (20) days, the decision of the Committee is final and the Secretary-Treasurer shall notify the applicant.

Certification of True Copy

I, Amanda Werner-Mackeler, Secretary-Treasurer of the Committee of Adjustment for the Township of Leeds and the Thousand Islands, hereby certify that this is a true and exact copy of the decision of the Committee of Adjustment as decided on November 26, 2024.



Amanda Werner-Mackeler, CPT
Secretary-Treasurer

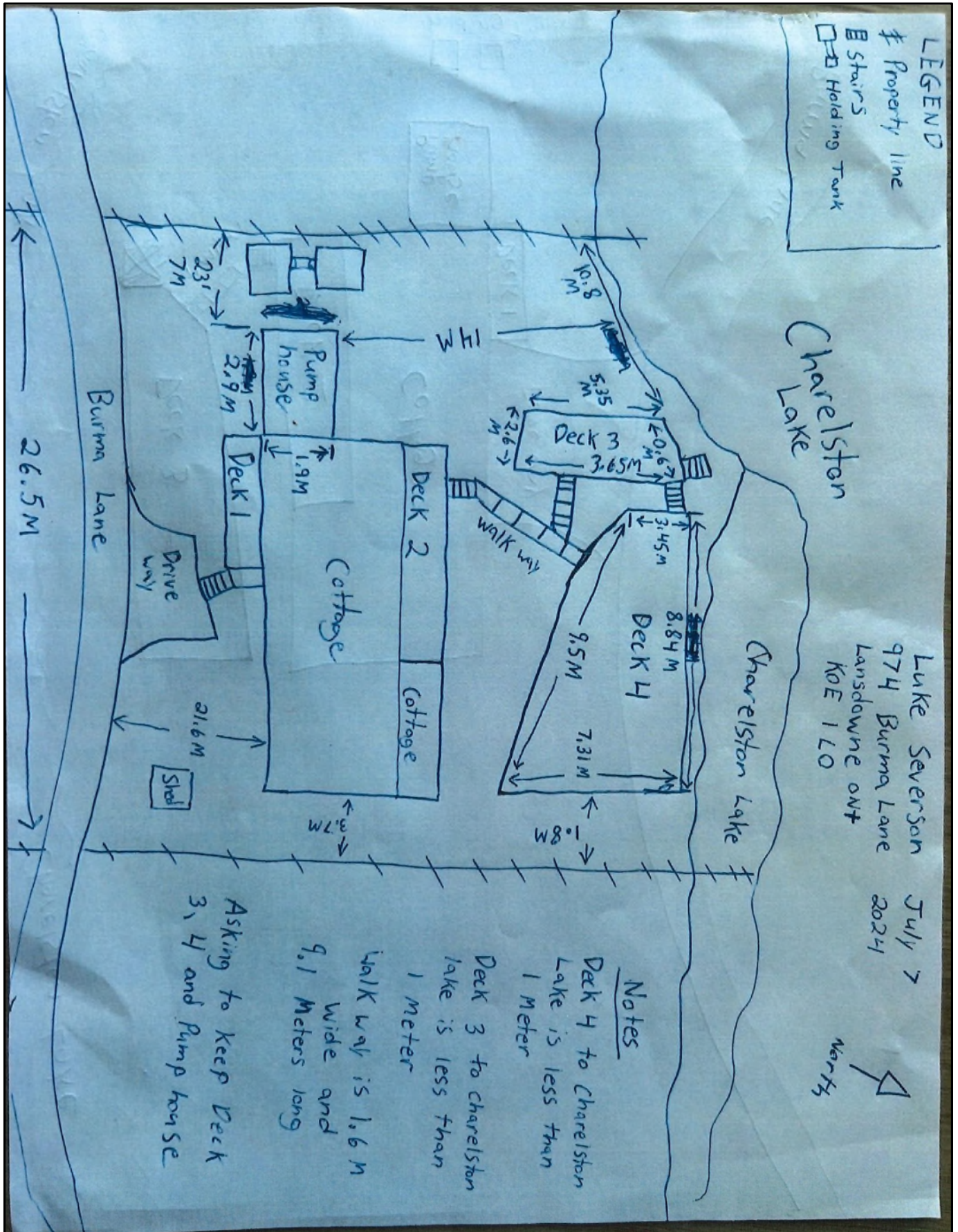
Committee of Adjustment
Planning and Development Department
Township of Leeds and the Thousand Island
1233 Prince St, PO Box 280, Lansdowne, ON K0E 1L0 Tel: (613) 659 2415
Fax: (613) 659 3619

Schedule A

Application: D13-2024-053

Owner(s): Luke Severson

Location: 974 Burma Lane



Jimi Kebe
Committee Chairperson

Avanda Werner-Neckele
Secretary-Treasurer

Date: November 26, 2024
Prepared by: AZWM

November 15, 2024

Sent by e-mail

Lindsay Lambert, M.P.I. MCIP RPP
Senior Planner
Township of Leeds and the Thousand Islands
1233 Prince Street
P.O. Box 280
Lansdowne, ON K0E 1L0

Dear Ms. Lambert:

**Re: Minor Variance Application Section 45(1) D13-2024-053 (Severson)
Pt Lot 15, Concession 7; Former Rear of Lansdowne
974 Burma Lane, Township of Leeds and the Thousand Islands
Waterbody: Charleston Lake & Charleston Lake Provincially
Significant Wetland**

Cataraqi Conservation staff have reviewed the above-noted application and offer the following comments for the Committee of Adjustment's consideration. These comments are provided based on Cataraqi Conservation's roles as technical advisor to the Township on *Planning Act* applications, and as administrator of Ontario Regulation 41/24: *Prohibited Activities, Exemptions and Permits*.

Summary of Proposal

The application is requesting a minor variance to permit detached uncovered decking and a pumphouse structure that were constructed within the minimum 30 metre setback from the highwater mark of Charleston Lake and the minimum 30 metre front yard setback of the Shoreline Residential zone. The uncovered decking and pumphouse were constructed by the previous owner in the absence of municipal and agency approvals. The two detached uncovered decks are approximately 9.5 sq metres and 48 sq metres and are 0 metres from the highwater mark of Charleston Lake and front lot line. The detached pumphouse is approximately 5.51 sq metres and is setback approximately 14 metres from the highwater mark of Charleston Lake, Charleston Lake Provincially Significant Wetland and the front yard lot line.

Site Description

Staff attended a site visit on May 30, 2024. The subject property is 0.12 hectares in size with waterfront on Charleston Lake. Charleston Lake has been identified as an at-capacity Highly Sensitive Lake Trout Lake by the Ministry of Natural Resources and Forestry and the Ministry of the Environment, Conservation and Parks (MECP). The area of Charleston Lake adjacent to the subject property has also been identified as Charleston Lake Provincially Significant Wetland. The shoreline topography of the lot consists of a steep embankment composed of exposed bedrock. From top of slope the land becomes

relatively flat which is where existing development is located. Existing development includes 2 decks, a dwelling, a pumphouse, and docking.

The subject property is designated Rural, Flood Plain, Significant Wetland, Woodlands, and Highly Vulnerable Aquifer in the Township's Official Plan and zoned Shoreline Residential (RS) in the implementing zoning by-law.

Discussion

The main interest of Cataraqui Conservation with respect to this application is the avoidance of natural hazards (i.e. flooding and erosion) associated with Charleston Lake and the protection of the hydrologic function of Charleston Lake Provincially Significant Wetland.

Natural Hazards

Cataraqui Conservation, through our implementation of Ontario Regulation 41/24 and, in accordance with the natural hazards policies of the 2024 Provincial Planning Statement, directs development away from lands subject to natural hazards (e.g. flooding and erosion).

Flooding

The regulatory flood plain for Charleston Lake is 86.5 metres GSC where any new development and site alteration is required to occur outside of 6 metres from the regulatory flood plain. Based on the above-mentioned topography, the regulatory flood plain does not extend beyond the toe of slope on the subject property.

As constructed, the uncovered decks are outside the flood plain but do not meet the minimum 6 metre setback and the pump house is located outside the minimum 6 metre setback.

Erosion

Cataraqui Conservation defines the extent of potential erosion hazards for inland lakes as the sum of a 1(h):1(v) or 3(h):1(v) slope stability allowance (depending on slope material) plus an erosion access allowance of 6 metres. Together, these make up what is known as the 'Erosion Hazard Limit'.

The erosion hazard associated with Charleston Lake and the shoreline which is composed of exposed limestone bedrock consists of a stable slope allowance of 1(h):1(v) and a 6 metre access allowance. With a slope height of approximately 2 metres, the erosion hazard limit extends 6 metres from the toe of slope.

As constructed, the larger uncovered deck is located outside the erosion hazard, the smaller deck is within the erosion hazard and the pumphouse is outside the 6 metre setback from erosion hazard.

Hydrologic Function of Charleston Lake Provincially Significant Wetland

Wetlands are important features of watersheds for many reasons. From a natural hazards perspective wetlands can retain water during periods of high-water levels or peak flows such as spring freshet and high precipitation events. They allow the retained water to slowly infiltrate into the ground, be released into adjacent waterbodies as well as evaporate, ultimately reducing the potential energy associated with flood waters which can also cause erosion. Charleston Lake PSW in the location of the subject property is an open water Marsh which from a natural hazards perspective plays a more significant role with energy dissipation and erosion control.

Under Ontario Regulation 41/24, new development is required to occur outside of 30 metres from the boundary of a wetland. This ensures that a certain area of protection is provided to maintain the function of the wetland.

As constructed, the uncovered decking and the pump house are within 30 metres of Charleston Lake Provincially Significant Wetland. Typically, where there is existing development and new development is proposed, the 30 metre setback must be met. If the new development involves an addition to an existing structure or building, the new portion of development must be no closer to the wetland boundary than the closest point of the existing structure or building. In this instance, the uncovered decking and pumphouse are presented as separate structures, and at less than 15 sq metres in size, the smaller deck and pumphouse are not regulated under Ontario Regulation 41/24 and therefore not subject to setbacks from regulated features.

Recommendation

Staff recognize that the uncovered decking and pumphouse do not meet the minimum 6 metre setback from natural hazards and do not meet the 30 metre setback from the PSW boundary. However, the smaller deck and pumphouse are structures no longer regulated under Ontario Regulation 41/24 where staff can only recommend that the smaller deck and pumphouse be setback further to establish safe access outside the flood plain and stable slope as well as to protect the hydrologic function of the PSW.

Staff have no objection to the approval of minor variance application D13-2024-053.

Ontario Regulation 41/24

Portions of the subject property are located within a regulated area under Ontario Regulation 41/24: *Prohibited Activities, Exemptions, and Permits* which regulates development and interference with wetlands, and alterations to shorelines and watercourses. **The uncovered decking and pumphouse have been presented as structures separate from the existing dwelling, of which the smaller deck and**

pumphouse are less than 15 sq m in size. A retroactive permit is only required for the reconstruction of the larger deck and connecting walkway.

If you have any questions, please contact the undersigned. Please inform this office of any decision made by the Committee of Adjustment regarding this application.

If you have any questions, please contact the undersigned at (613) 546-4228 ext. 258, or by e-mail at esu@crca.ca. Please inform this office of any decision made by the Township regarding this application.

Sincerely,



Emily Su
Resource Planner
613-546-4228 ex.258

cc: applicant, via e-mail

Amanda Werner-Mackeler

From: Bill Lascelles [REDACTED]
Sent: Sunday, November 17, 2024 2:10 PM
To: Amanda Werner-Mackeler
Subject: re: file#D13-2024-053 Luke Severson at 974 Burma Lane

I am writing this email in support of my neighbour's minor variance application. The deck and the pumphouse in no way impact our enjoyment of the lake or our property. In fact, we find his property with the decking quite beautiful from the water when we are kayaking. Regards, William Lascelles at 982 Burma Lane.

Amanda Werner-Mackeler

From: [REDACTED]
Sent: Thursday, November 21, 2024 10:50 AM
To: Amanda Werner-Mackeler
Cc: 'Bert Shire'; 'Rebecca Cross'; 'Cindy Cross'
Subject: Adjacent cottage owners - comment on File Number: D13-2024-053 (Luke Severson 974 Burma Lane Road) - committee of Adjustment hearing scheduled for November 26, 2024

I received the mail notice regarding the application for a minor variance at our new neighbour's cottage property at **974 Burma Lane (Luke Severson, file # D13-2024-053)**

I am one of the four owners of the family cottage at 981 Burma Lane Road. The other owners are Bert Shire, Becky Cross and Cindy Cross.

I spoke with Bert, Cindy and Becky. We are all **in support** of our neighbour's application for this minor variance to recognize existing structures which were in place when they bought the cottage.

We have **no objections or concerns regarding the application.**

Please pass along this note of support to the committee.

Sincerely, Dan.

Dan Shire
[REDACTED]

[REDACTED]
981 Burma Lane



Township of
**Leeds and the
Thousand Islands**

Committee of Adjustment Report

Meeting Date: 2024-11-26

Department: Planning & Development

Report Number: Planning & Development-2024-096

Submitted By: Lindsay Lambert

Approved By: Marnie Venditti

Subject: Minor Variance Application Number: D13-2024-053

Civic Address: 974 Burma Lane

Recommendation:

It is the recommendation of Planning Staff that minor variance application number D13-2024-053 for the property municipally known as 974 Burma Lane be approved subject to the following recommended conditions:

1. The dimensions and setbacks for the proposed development are required to be consistent with the plan attached as Schedule 'A' of the Decision. Any deviation from these specifications will require review by the Township and may necessitate further approvals to be granted by the Township and/or any other governing agency, body, or authority, where applicable;
2. The owner/applicant shall provide to the Building Services a copy of the decision of the Committee of Adjustment when they make their application for a Building Permit. The drawings submitted with the Building Permit application must, in the opinion of the Township, conform to the general intent and description of the approved minor variance, including any amendments and conditions approved by the Committee of Adjustment, as stated in the decision. It must be noted that additional planning approvals may be required should further zoning deficiencies be identified through the Building Permit application process;
3. All excavated and construction materials are required to be stored or disposed of away from Charleston Lake to prevent runoff and/or foreign material from entering the waterbody;
4. The owner is encouraged to maintain and enhance the waterbody setback area with native species vegetation;

5. In the event that deeply buried, or previously undiscovered archaeological deposits are discovered in the course of development or site alteration, all work must immediately cease, and the site must be secured. The Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism (archaeology@ontario.ca) and Township's Planning and Development Department (613-659-2415, extension 212) must be immediately contacted; and

6. In the event that human remains are encountered, all work must immediately cease, and the site must be secured. The OPP (613-659-5200), Office of the Chief Coroner as a part of the Ontario Ministry of the Solicitor General (1-877- 991-9959), the Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism (archaeology@ontario.ca) and Services Branch of the Ministry of Heritage, Sport, Tourism and Culture Industries (416-314-7132), and Township of Leeds and the Thousand Islands Planning and Development Department (613- 659-2415, extension 212) must be immediately contacted.

Summary:

A minor variance application has been submitted to facilitate detached uncovered decking and a pumphouse structure that were constructed within the minimum 30-metre waterbody setback and minimum 30-metre front yard setback of the 'RS' zone by a previous owner in the absence of municipal and agency approvals. The two detached uncovered decks are approximately 9.5 square metres and 48 square metres and are located at a 0-metre setback from the highwater mark of Charleston Lake and the front lot line. The detached pumphouse is approximately 5.51 square metres and is setback approximately 14 metres from the highwater mark of Charleston Lake, wetland and the front lot line.

Requested Variances:

Section	Provision	Proposed	Requested Zoning Relief
3.32(b)	Where any lot is adjacent to a waterbody or watercourse, any building, structure, campsite, agricultural use that includes the keeping of livestock, and septic disposal system shall be set back a minimum of 30.0 metres (98.43 ft.) from the high water mark.	Deck 3: 0 metres (0 feet) Deck 4: 0 metres (0 feet) Pumphouse: 14 metres (45.9 feet)	Deck 3: 30 metres (98.43 feet) Deck 4: 30 metres (98.43 feet) Pumphouse: 16 metres (52.5 feet)

3.32(d)	Notwithstanding other provisions of this by-law, no building or structure shall be erected or altered within 30 metres of a seasonal or permanent wetland not categorized herein.	Deck 3: 0 metres (0 feet) Deck 4: 0 metres (0 feet) Pumphouse: 14 metres (45.9 feet)	Deck 3: 30 metres (98.43 feet) Deck 4: 30 metres (98.43 feet) Pumphouse: 16 metres (52.5 feet)
5.5 (b)	Yard requirements (minimum) Front: 30.0 m (98.43 ft.)	Deck 3: 0 metres (0 feet) Deck 4: 0 metres (0 feet) Pumphouse: 14 metres (45.9 feet)	Deck 3: 30 metres (98.43 feet) Deck 4: 30 metres (98.43 feet) Pumphouse: 16 metres (52.5 feet)

Site Description:

The subject property is municipally known as 974 Burma Lane and is approximately 0.12 hectares. The parcel of land is a waterfront property located on Charleston Lake, a waterbody that has been classified by the Province as a Highly Sensitive Lake Trout Lake. The area of the lake that is adjacent to the subject property is the Charleston Lake Provincially Significant Wetland. The area of the shoreline is steep and contains exposed bedrock. The upland portion of the property is relatively flat. Existing development consists of a single-detached dwelling, pumphouse, two detached uncovered decks, wooden walkways and a marine facility (dock). The property is deficient in terms of the minimum lot area (1-hectare) and minimum lot frontage (60 metres) provisions of the Shoreline Residential 'RS' zone of Township Zoning By-Law Number 07-079. The property is accessed via Burma Lane, which is a private road.



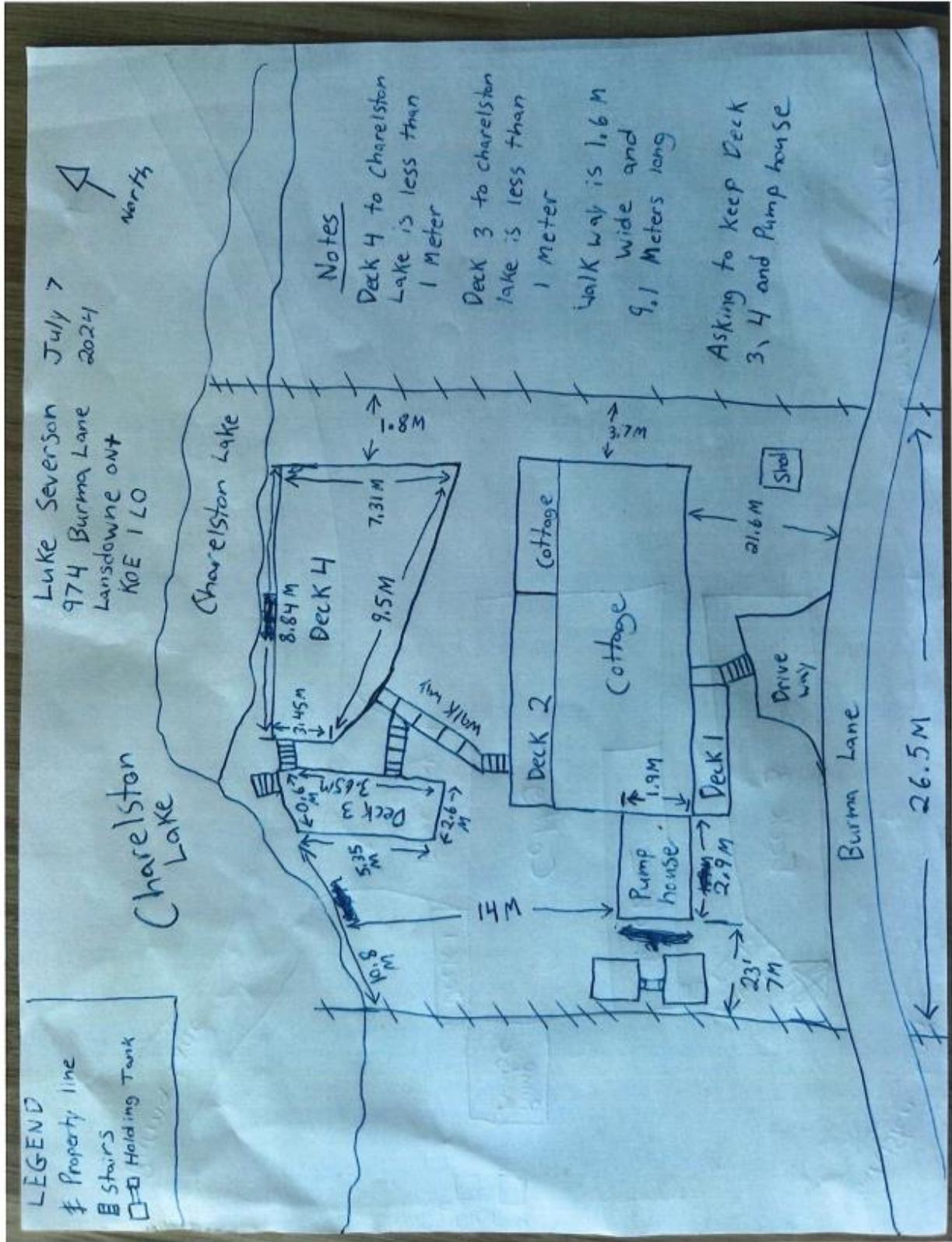
Key Map: Subject property highlighted



Aerial Image 1: Subject property highlighted



Aerial Image 2: Subject property highlighted



Plot Plan

Discussion:

All four (4) tests of an application under Section 45 of the Planning Act must be met for an application to be approved. To meet approval, the variance(s) sought must:

1. be minor;
2. be desirable for the appropriate development or use of the land, building or structure;
3. maintain the general intent and purpose of the Zoning By-Law; and
4. maintain the general intent and purpose of the Official Plan.

Is the request consistent with the general intent and purpose of the Official Plan?

United Counties of Leeds and Grenville Official Plan

The property is designated as Rural Lands in Schedule 'A' (Community Structure and Land Use) of the United Counties of Leeds and Grenville Official Plan (UCLG) (OP). Rural Lands are intended to protect the natural amenities and rural character of the Counties while providing opportunities for agricultural uses, resource-based activities, recreation and tourism and other rural land uses. The structures accessory to an existing residential use are permitted uses in the Rural Lands designation.

Section 4.4.1(k) of the Official Plan of the United Counties of Leeds and Grenville states that for existing lots of record, new development should generally be setback 30 metres if possible/feasible, otherwise as far back as the lot permits, with minimum disturbance of the native soils and very limited removal of the shoreline vegetation beyond that required for development.

The Counties' Official Plan further states that any proposed reduction to the 30-metre minimum setback will be consistent with any applicable policies in the Provincial Policy Statement (PPS). Further, any proposed reduction is required to maximize the setback through building design and orientation, and the siting of the septic system, and minimize disturbance to native soils and shoreline vegetation.

Most of the property coincides with the minimum 30-metre setback from the highwater mark of Charleston Lake and a portion of Burma Lane overlaps with the property, which does not provide an opportunity for new construction to comply with the minimum setbacks. The structures were erected by a previous owner without the required permits or approvals and is existing, and no further development is proposed. As such, no further disturbance within the established water setback buffer area is anticipated. It is important to note that much of the shoreline is exposed bedrock, which provides limited opportunity for a natural buffer of vegetation. Further, the proposal is consistent with the applicable PPS (2024) policies and implementation guidelines. Therefore, this proposal is consistent with the general intent and purpose of the Counties' Official Plan.

Township Official Plan

The property is designated 'Rural' in Schedule A1 (Land Use Designations) of the Township Official Plan. The intent of the Rural designation is to allow for a range of uses which provide the rural community with opportunities to live and work in a sustainable manner. The structures accessory to an existing residential use are permitted uses in the Rural designation.

The subject property is a waterfront parcel and as such, requires review under the Waterfront Areas and Waterbody Protection policies of the Township Official Plan. The purpose of these policies is to ensure the long-term protection of waterbodies in the Township. The Official Plan requires buildings and structures to generally be set back at least 30 metres (98.4 feet) from the high-water mark of all waterbodies to help protect water quality and environmentally sensitive riparian areas, control erosion and assist in softening the visual intrusion of the development.

Section 6.1.4.2.5 of the Township Official Plan states the following:

For existing lots of record, new development should generally be setback 30 metres if possible/feasible, otherwise as far back as the lot permits, with minimum disturbance of the native soils and very limited removal of the shoreline vegetation beyond that required for development. Any proposed reduction to the 30 m minimum setback shall:

- a) be consistent with any applicable policies in the Provincial Policy Statement and related implementation guidelines;
- b) maximize the setback through building design and orientation, and the siting of the septic system; and
- c) minimize disturbance to native soils and shoreline vegetation in accordance with other policies of this Plan.

Further, Section 6.1.4.2.8 of the Township Official Plan provides a potential exception to the minimum 30 metre waterbody setback for minor detached and unenclosed accessory structures and small storage facilities, provided that:

- a) They are a reasonable size for the intended use; and
- b) Suitable methods to minimize negative impacts on surface water, riparian lands, and the littoral zone are incorporated into the design of the development.

The existing decking has minimized disturbance to native soils and shoreline vegetation. The pumphouse location maintains the setback of the existing dwelling on the property. The structures that are the subject of this application are of a reasonable size for their intended use. The raised nature of the decking assists to minimize negative impacts on surface water, riparian lands, and the littoral zone. As discussed later in this report, the development is consistent with the Provincial Planning Statement

(2024). In summary, the application is consistent with the Waterfront Areas and Waterbody Protection policies of the Township Official Plan.

Is the request consistent with the general intent and purpose of the Zoning By-Law?

The subject property is zoned Shoreline Residential 'RS' zone in Township Zoning By-Law Number 07-079. The application is seeking zoning relief from three provisions: minimum setback from the highwater mark of a waterbody, minimum setback from a wetland and the minimum front yard setback of the Shoreline Residential 'RS' zone.

The intent of the setbacks is to protect the wetland, water quality and visual quality of the front yard area of a waterfront property. The development captured in the subject application is existing. Adverse impacts to the wetland, water quality of the St. Lawrence River and visual impacts resulting from the zoning relief proposed through the subject application are not anticipated. The decks are in an area of exposed bedrock and the deck construction is raised up on blocks, resulting in diminished impacts to the waterbody and wetland when compared to new accessory structures proposed within the minimum water setback area of a waterfront property with an established native species buffer. As a result, staff conclude that the requested variances are consistent with the general intent and purpose of the Township Zoning By-Law.

Is the application desirable for the appropriate development or use of the land?

The development proposed through the subject application is existing, resulting in no further impacts if the application is approved. The development has been found to meet the tests established in the Township Official Plan for small accessory structures to be permitted on a lot of record within the established 30-metre setback. No concerns have been raised by neighbours or the technical agencies that were circulated.

The location of the pumphouse maintains the existing setback from the highwater mark and PSW of the existing dwelling located on the property. The existing detached uncovered decking is in a location of bedrock and is set on blocks. As a result, the decking is not occupying a location that could otherwise be vegetated for water quality, as the surface area is bedrock. The foundation on blocks maintains the ability for runoff to access the lake.

In summary, staff conclude that the approval of the application will result in appropriate development/use of the subject lands.

Is the application minor?

The determination of whether an application is "minor" is not based on the degree of variation requested, but rather on whether the impact of granting the request(s) is "minor". This includes considering how the application could impact the existing or planned functionality of the subject lands or of adjacent lands. Impacts can include, but

are not limited to environmental, nuisance (noise, vibration, dust, etc.), visual, and functional attributes.

The location of the pumphouse maintains the existing setback from the highwater mark and PSW of the existing dwelling located on the property. The existing detached uncovered decking is in a location of bedrock and is set on blocks. As a result, the decking is not occupying a location that could otherwise be vegetated for water quality, as the surface area is bedrock. The foundation on blocks maintains the ability for runoff to access the lake. No further development is proposed as a result of this application and the development meets the criteria established in the Township Official Plan with respect to small accessory structures being located within the waterbody setback on existing lots of record. No concerns have been raised by neighbours or the technical agencies that were circulated. In summary, the application is considered to be minor.

Other Matters of Local or Provincial Interest:

The Provincial Planning Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario's policy-led planning system, the Provincial Planning Statement sets the policy foundation for regulating the development and use of land province-wide, helping achieve the provincial goal of meeting the needs of a fast-growing province while enhancing the quality of life for all Ontarians.

The policies of the Provincial Planning Statement (PPS) (2024) have been considered in reviewing this application. Specifically, the protection of natural heritage resources as outlined in Section 4.1 has been considered.

The protection of water resources as outlined in Section 4.2 has also been considered. This policy section calls for the minimizing of negative impacts, implementing restrictions on development to protect sensitive surface and groundwater features, and implementing storm water management practices and maintaining or increasing vegetative and pervious surfaces. Through the recommended conditions, the proposal is consistent with the PPS (2024). With respect to the policies of Section 5.2 (protection from natural hazards), the CRCA has reviewed the application from a natural hazards perspective and have concluded that while the development does not meet the minimum 6-metre setback from natural hazards and do not meet the minimum 30-metre setback from the PSW boundary, the smaller deck and pumphouse are not regulated under Ont. Reg. 41/24. The CRCA concludes their comments stating that based on its consideration of natural hazards, it has no objection to the approval of the subject application.

In summary, the application is consistent with the Provincial Planning Statement (2024).

Consultation:

Public Comments: At the time of the completion of this report, two pieces of correspondence were received from the public. In the first correspondence, the owner of

a nearby property municipally addressed as 982 Burma Lane expresses support for the subject application, noting that *'The deck and the pumphouse in no way impact our enjoyment of the lake or our property. In fact, we find his property with the decking quite beautiful from the water when we are kayaking.'* The second piece of correspondence is from one of the owners of a nearby property municipally addressed as 981 Burma Lane. The correspondence also notes support for the application.

Township Building Comments: The decks and pump house will require building permits and approval from all applicable law agencies (planning/CRCA) All construction must be in accordance with 2012 OBC requirements including guards. There appears to be holding tanks in the side yard, the setbacks dimensions are not shown, the tanks must be 1.5-metre from any structure and 3 metres from property lines.

Cataraqui Region Conservation Authority (CRCA) Comments: Staff recognize that the uncovered decking and pumphouse do not meet the minimum 6 metre setback from natural hazards and do not meet the 30-metre setback from the PSW boundary. However, the smaller deck and pumphouse are structures no longer regulated under Ontario Regulation 41/24 where staff can only recommend that the smaller deck and pumphouse be setback further to establish safe access outside the flood plain and stable slope as well as to protect the hydrologic function of the PSW. Staff have no objection to the approval of minor variance application D13-2024-053.

Site Photos:



Site Photo 1: View of Existing Detached Decking



Site Photo 2: View of Existing Detached Decking



Site Photo 3: View of Decking and Exposed Bedrock



Site Photo 4: Pumphouse Elevation Facing Burma Lane



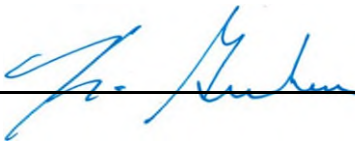
Site Photo 5: Pumphouse Elevation Facing Charleston Lake



Site Photo 6: View of Existing Dwelling, Shed and Pumphouse from Burma Lane

**Township of Leeds and the Thousand Islands
Committee of Adjustment**

Date	November 26, 2024
Resolution No.	COA-2024-089

Moved By 

Seconded By 

That application D13-2024-054 be deferred.

Carried/Lost 
Chairperson