



Planning and Development Department  
**COMMITTEE OF ADJUSTMENT**

**NOTICE OF DECISION**  
**MINOR VARIANCE/PERMISSION APPLICATION**  
(Section 45 of the Planning Act)

**Application No.:** D13-2022-035  
**Owner(s):** William Montgomery and Joanne Montgomery  
**Subject Property:** 162-164 River Road  
**Legal Description:** Lansdowne Con 1 Pt Lot 3 RP;28R14102 Part 1 RP 28R14891;Parts 1 And 2

Notice was given and a Public Hearing was held on **Tuesday, August 30, 2022** as required by the Planning Act.

**PURPOSE OF APPLICATION:**

The application is requesting permission to relocate and increase the height of an existing legal non-complying sleeping cabin. The application is also requesting permission to relocate and expand an existing legal non-complying deck that is attached to the existing sleeping cabin and connect it to the existing non-complying single detached dwelling on the property. The existing sleeping cabin and attached deck are to be relocated slightly further north from River Road. The existing sleeping cabin and attached deck are non-complying structures that do not meet the required 30m setback from the St. Lawrence River or the setback from the centreline of River Road.

**EFFECT OF THE APPLICATION / REQUESTED VARIANCE(S)/PERMISSION(S) TO THE ZONING BY-LAW:**

To permit the relocation and increase in height of the sleeping cabin, relocation and expansion of deck attached to the existing sleep cabin and connect it to the single detached dwelling and seek the following permissions/variances from Zoning By-Law 07-079:

Section	Provision	Existing	Proposed	Permission Requested
-	Increase the height of a legal non-confirming/ non-complying structure	Sleeping Cabin: 4.8m (15.7ft)	Sleeping Cabin: 5.1m (16.7ft)	Maximum height of the Sleeping Cabin to be 5.1m (16.7ft)
-	Increase in floor area of a legal non-complying structure	Deck: 11sqm (118.4sqft)	Deck: 42.03sqm (452.4sqft)	Total floor area of non-complying deck: 147sqm (1582.3sqft)

**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 Virtual Hearing on Tuesday August 30, 2022.**

**DECISION:** Application D13-2022-035 to permit the relocation and increase in height of the sleeping cabin, relocation and expansion of deck attached to the existing sleep cabin and connect it to the single detached dwelling as shown on the attached 'Schedule A', is conditionally APPROVED.

**EFFECT OF WRITTEN AND ORAL SUBMISSIONS ON APPLICATIONS**

In making the decision for this application, 1 written submission and 0 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:

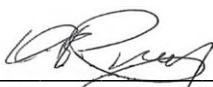
- The general intent and purpose of the Official Plan is maintained.
- The general intent and purpose of the Zoning By-law is maintained.
- The variance(s) is considered desirable for the appropriate development of the land.
- In the opinion of the Committee, the variance(s) is minor.

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

1. That the dimensions and setbacks for the proposed development be consistent with 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. That existing on-site vegetation be maintained and enhanced. In the event of construction damage within the buffer area, natural vegetation shall be reinstated as much as possible;
3. That prior to and during construction, appropriate erosion and sediment controls shall be installed and maintained in good working order.
4. That all excavated material shall be disposed of away from the waterfront and all construction material shall be stored in a location away from the waterfront to prevent runoff and/or foreign material from entering the waterbody.
5. That should any significant archaeological resources be unearthed as a result of the development or site alteration, that it be reported to the Ministry of Tourism, Culture and Sport and to the Township office.

**SIGNATURES**

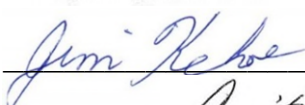
Bruce Craig, Member



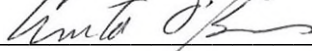
Ron Devries, Member



Jim Kehoe, Member



Anita O'Brien, Member



Peter O'Hare, Member



DECISION DATE: **Tuesday, August 30, 2022**  
DECISION CIRCULATED ON: **Wednesday, August 31, 2022**  
DEADLINE FOR APPEALS: **Monday, September 19, 2022**

**RIGHT TO APPEAL TO THE ONTARIO LAND TRIBUNAL**

The applicant, the Minister, or any other person or public body who 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.

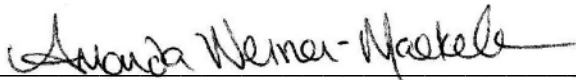
You must pay a filing fee of \$400.00 by certified cheque or money order payable to The Minister of Finance. To obtain a copy of the applicable form and other information about the appeal process, please visit [www.elfto.gov.on.ca](http://www.elfto.gov.on.ca).

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 August 30, 2022.

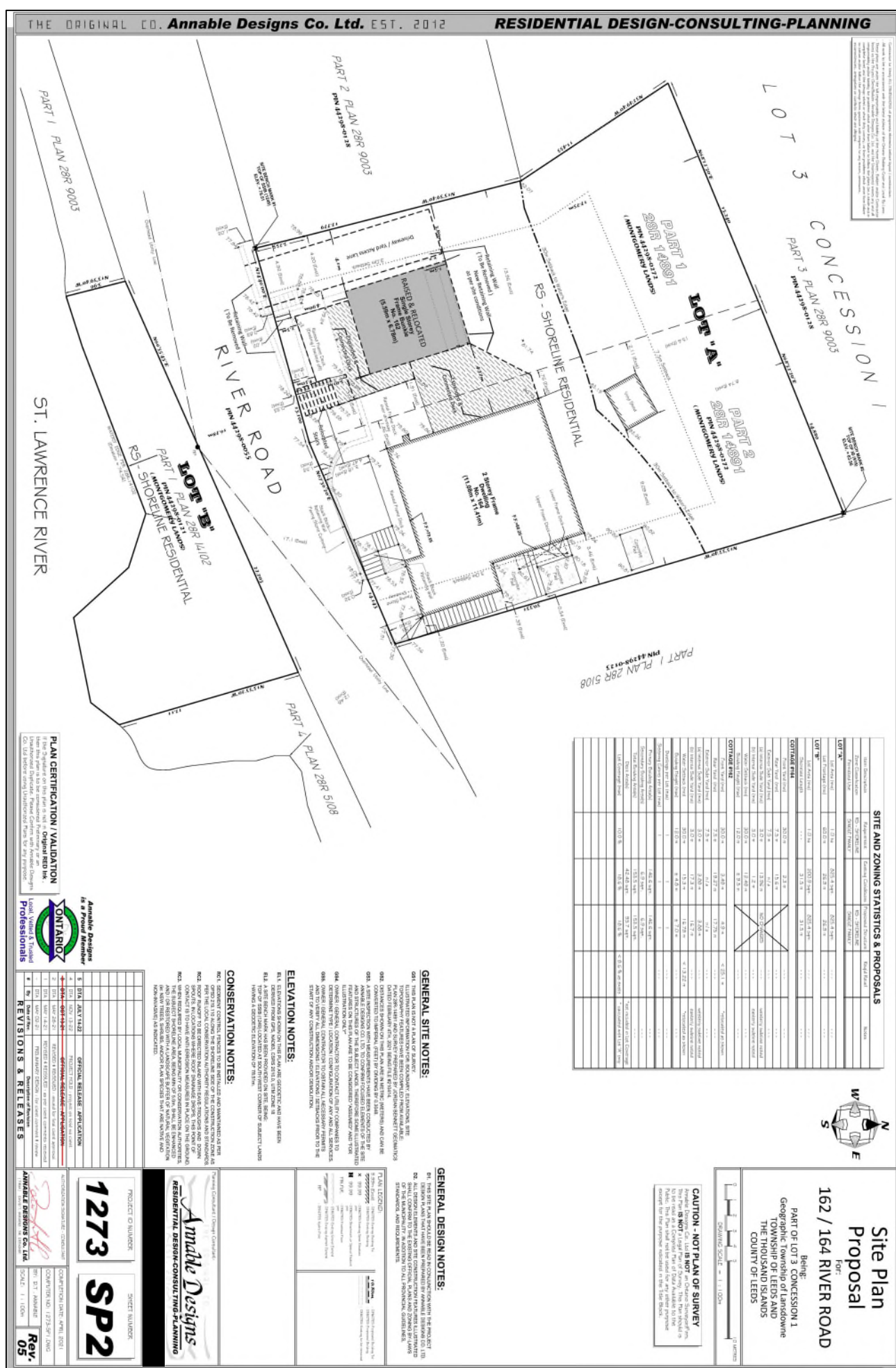


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Amanda Werner-Mackeler, CPT  
Secretary-Treasurer

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

**Location:** 162-164 River Road



Date: August 30, 2022  
Prepared by: AZWM