



TOWNSHIP OF RIDEAU LAKES
Planning Advisory and Committee of Adjustment
AGENDA

Wednesday, July 9, 2025, 1:00 p.m.

Municipal Office, Chantry

	Pages
1. Call to Order	
2. Roll Call	
3. Adoption of Agenda	
4. Declaration of Pecuniary Interest and the General Nature Thereof	
5. Adoption of Minutes: June 25, 2025	3 - 10
6. New Business	
6.1 Zoning By-Law Amendment Applications - None	
6.2 Section 45 Applications	
6.2.1 A-10-2025 MILLS Burgess Concession 2 Part Lot 25 Civic Address: 4523 R45 Ward of Bastard & South Burgess	11 - 27
6.2.2 A-19-2025 CONSTANTINE and LUMBERS South Elmsley Concession 5 Part Lot;25 Registered Plan 28R2091 Part 1 Registered Plan;28R12008 Part 4 Rideau Lake Civic Address: 14 R11 Ward of South Elmsley	28 - 44
6.2.3 A-20-2025 CARRETERO South Burgess Concession 3 Part Lot 7;Registered Plan 28R9235 Part 1 Registered Plan;28R11716A Parts 3 to 7 Civic Address: 23 Barbs Lane Ward of Bastard & South Burgess	45 - 55
7. Business Arising	
7.1 A-14-2024 COURVILLE Concession 8 Part Lot 21 Registered Plan 28R5 Part;68 Civic Address: Indian Lake Rd – no civic address Ward of South Crosby	56 - 93
8. Manager's Report	94

9. Closed Session - Tentative
10. Report Regarding Closed Meeting - Tentative
11. Adjournment



**Planning Advisory and Committee of Adjustment
Minutes**

**June 25, 2025, 1:00 p.m.
Municipal Office, Chantry**

Members Present: Councillor Jeff Banks, Councillor Sue Dunfield, Councillor Ron Pollard, Councillor Deborah Anne Hutchings, George Bracken, Public Member

Members Absent: Mayor Arie Hoogenboom, Councillor Paula Banks

Staff Present: Tom Fehr, Manager of Development Services, Foster Elliott, Associate Planner, Amy Schur, Development Services Analyst

Call to Order

Chair Dunfield called the meeting to order at 1:00pm.

Roll Call

Amy Schur, Development Services Analyst noted that Mayor Hoogenboom was absent with prior notice.

Adoption of Agenda

Chair Dunfield asked if there were any changes to the Agenda and none were noted.

RESOLUTION 77-2025

Moved by Jeff Banks

Seconded by Deborah Anne Hutchings

That the Planning Advisory and Committee of Adjustment adopt the Agenda as submitted.

Carried

Declaration of Pecuniary Interest and the General Nature Thereof

The Chair asked if any Committee Member had a Pecuniary Interest in any Item on the Agenda and if so, the Nature of that Interest and none were received.

Adoption of Minutes: June 12, 2025

Minutes of the Planning Advisory and Committee of Adjustment Meeting held Thursday, June 12, 2025 were reviewed by the Committee. Chair Dunfield asked for any errors or omissions and none were heard.

RESOLUTION 78-2025

Moved by George Bracken

Seconded by Jeff Banks

That this Committee approve the Planning Advisory and Committee of Adjustment Minutes of Thursday, June 12, 2025 as submitted.

Carried

New Business

Zoning By-Law Amendment Applications

ZBA-6-2025 174064 CANADA INC (SOUTHAM)

Agent - Tomlyn Graovac was present in Council Chambers to hear the presentation from planning staff.

Foster Elliott, Associate Planner, verbally reviewed the request is to change the zoning classification of the severed and retained lands of B-104-24 from Waterfront Residential (RW) to Waterfront Residential Special Exception (RW-X) to increase the water setback to 40m (where 30m is ordinarily required) based on the Environmental Site Evaluation completed by in support of the consent application. The existing septic system on the severed lands is 36m from the water, and is permitted to remain until it is replaced at which time it will be required to meet the 40m water setback. This application is related to provisionally approved consent application B-104-24 for a lot creation.

Mr. Elliott mentioned that the RVCA had no objections, the Fire Chief had no objections and that one public comment had been received and circulated.

Chair Dunfield asked if the agent had anything to add. Ms. Graovac had nothing to add at this time.

Mr. Elliott noted that no online comments had been received.

Chair Dunfield asked the public in attendance if anyone would like to speak to this application, no comments were heard.

Chair Dunfield opened the Committee discussion, no comments were heard.

RESOLUTION 79-2025

Moved by Deborah Anne Hutchings
Seconded by Ron Pollard

That the Planning Advisory & Committee of Adjustment recommend to the Council of the Corporation of the Township of Rideau Lakes that Zoning By-Law Amendment application ZBA-6-2025, by 174064 Canada Inc of the Ward of Bastard & South Burgess, be approved as submitted which will rezone the subject property from Waterfront Residential (RW) to Waterfront Residential Special Exception (RW-X) to increase the water setback to 40m (where 30m is ordinarily required) based on the Environmental Site Evaluation completed in support of the consent application.

Carried

ZBA-8-2025 WHYTE

Foster Elliott, Associate Planner, verbally reviewed the request is to change the zoning classification on a portion of the subject property from Rural (RU) to Rural Special Exception (RU-X) to reflect the deficient frontage of 56m for the severed lands where a minimum of 60m is required. This application is related to draft approved consent application B-149-23 for the creation of a lot.

This application is also requesting to change the zoning classification on a portion of the subject property from Rural (RU) to Rural Special Exception (RU-Y) to reflect the deficient frontage of 20m for the retained lands where a minimum of 60m is required. Further, this request will include that the retained lands are to have a minimum 180m setback from the centreline of Little Crosby Lake Road for future buildings and structures where 20m is ordinarily the standard. The Environmental Protection A (EP-A) portion of the retained lands will be unaffected and remain zoned Environmental Protection A (EP-A).

Mr. Elliott noted the Staff recommended a revised re-zoning that maintains the intent of the required condition of the consent application. The revision ensures that the zoning is relevant to the whole property, as the section north of the PSW will not be impacted by the 180m centreline setback requirement.

Mr. Elliott mentioned that the RVCA had no objections, the CBO, Fire Chief and Manager of Roads Drainage had no objections and that no public comments had been received.

Mr. Elliott noted that no online comments had been received.

Chair Dunfield asked the public in attendance if anyone would like to speak to this application, no comments were heard.

Chair Dunfield opened the Committee discussion. Committee members asked questions regarding the remaining property access points, obtaining an entrance permit to the severed and retained lands,

RESOLUTION 80-2025

Moved by Ron Pollard

Seconded by Deborah Anne Hutchings

That the Planning Advisory & Committee of Adjustment recommend to the Council of the Corporation of the Township of Rideau Lakes that Zoning By-Law Amendment application ZBA-8-2025, by Martin Whyte, of the Ward of North Crosby-Newboro, be approved as submitted which will rezone a portion of the subject property from Rural (RU) to Rural Special Exception (RU-X) to reflect the deficient frontage of 56m for the severed lands where a minimum of 60m is required.

This application is also requesting to change the zoning classification on a portion of the subject property from Rural (RU) to Rural Special Exception (RU-Y) to reflect the deficient frontage of 20m for the retained lands where a minimum of 60m is required. This rezoning also restricts the area within 180m of the centreline of Little Crosby Lake Road from future development.

The Environmental Protection A (EP-A) portion of the retained lands will be unaffected and remain zoned Environmental Protection A (EP-A).

Carried

ZBA-10-2025 LOOBY

Agent - Lorna Stewart was present in Council Chambers to hear the presentation from planning staff.

Foster Elliott, Associate Planner, verbally reviewed the request to is to change the zoning classification on a portion of the subject property from Rural (RU) to Waterfront Residential (RW). This will align the zoning on the severed lands with the purchasers abutting lot. This is related to draft approved consent application B-117-24 for a lot addition and applies to the proposed severed lands, while excluding the retained lands.

Mr. Elliott mentioned that the RVCA had no objections, the CBO & Manager of Roads & Drainage had no objections and that one public comment had been received simply requesting more information in which staff have addressed.

Chair Dunfield asked if the agent had anything to add. Ms. Stewart asked about the timing of taking procession of the land and when to remove the Notice of Hearing posted on the property.

Mr. Elliott noted that no online comments had been received.

Chair Dunfield asked the public in attendance if anyone would like to speak to this application, no comments were heard.

Chair Dunfield opened the Committee discussion. Committee members asked questions regarding clarification of the lot addition and access to the property, private road access, and if there is a dwelling currently on the lot.

RESOLUTION 81-2025

Moved by Jeff Banks

Seconded by Ron Pollard

That the Planning Advisory & Committee of Adjustment recommend to the Council of the Corporation of the Township of Rideau Lakes that Zoning By-Law Amendment application ZBA-10-2025, by John & Kathryn Looby, of the Ward of South Elmsley, be approved as submitted which will which will rezone a portion of the subject property from Rural (RU) to Waterfront Residential (RW). This will align the zoning on the severed lands with the purchasers abutting lot.

Carried

ZBA-11-2025 ANDROVICH

Foster Elliott, Associate Planner, verbally reviewed the request is to change the zoning classification on a portion of the subject property from Rural (RU) to Rural Special Exception (RU-X) to permit a lot to be less than the minimum 4050sqm (1 acre) size in the Rural zone at a size of 3700sqm (0.93 acres). This is related to draft approved consent application B-132-24 and applies to the proposed retained lands, while excluding the severed lands.

Mr. Elliott mentioned that the CRCA had no objections, their comments on the consent application continue to apply which were in reference to the watercourse crossing, the CBO and Fire Chief had no objection and that no public comments had been received.

Mr. Elliott noted that no online comments had been received.

Chair Dunfield asked the public in attendance if anyone would like to speak to this application, no comments were heard.

Chair Dunfield opened the Committee discussion. Committee members asked questions and made comments regarding the configuration of the lot not wanting to cross the watercourse, purpose of the application of the smaller lot, consent application is a lot addition and both lots of developed.

RESOLUTION 82-2025

Moved by George Bracken

Seconded by Jeff Banks

That the Planning Advisory & Committee of Adjustment recommend to the Council of the Corporation of the Township of Rideau Lakes that Zoning By-Law Amendment application ZBA-11-2025, by Ann Androvich, of the Ward of Bastard & South Burgess, be approved as submitted which will rezone a portion of the subject property from Rural (RU) to Rural Special Exception (RU-X) to permit a lot to be less than the minimum 4050sqm (1 acre) size in the Rural zone at a size of 3700sqm (0.93 acres).

Carried

Section 45 Applications

A-3-2025 HILLS & BRISTOW

Agents – Adam & Jamie Knapp were present in Council Chambers to hear the presentation from planning staff.

Foster Elliott, Associate Planner, verbally reviewed the proposal to demolish an existing 62sqm (668sqft) 1 storey non-conforming dwelling to construct a new 124sqm (1336sqft) 1 storey dwelling with walkout basement [footprint of 62sqm (668sqft)].

This application is also applies to Site Plan Control Application (SP-7-2025) to complete the dwelling as proposed, construct a 14.4sqm (155.1sqft) attached uncovered deck and remove a 2.6sqm (28sqft) shed.

Mr. Elliott mentioned that the RVCA has no objections, however a RVCA permit is required for this development, Parks Canada did not provide comments, the CBO had no objections but notes that the proposed Class 5 septic system will need to be approved through demonstration that a Class 4 system cannot be installed. Proposed system on the site plan does not meet OBC clearance distance, and that one public comment had been received and circulated.

Chair Dunfield asked if the agents had anything to add. Nothing to add at this time.

Mr. Elliott noted that no online comments had been received.

Chair Dunfield opened the Committee discussion. Committee members asked questions, made comments regarding the size of the proposed dwelling, that it is being elevated, and that the deck size is being reduced as it was built in the past without a permit.

RESOLUTION 83-2025

Moved by Deborah Anne Hutchings
Seconded by Ron Pollard

That Section 45 application A-3-2025 by Mark Hills & Kara Bristow, of the Ward of North Crosby-Newboro, is approved as submitted for the following reasons provided the attached conditions are complied with:

REASONS:

1. The proposal is compatible with the neighbouring land uses;
2. There are no anticipated impacts to the surrounding properties and neighbourhood.
3. There are no anticipated land use compatibility issues through the implementation of the conditions.

CONDITIONS:

- 1) That this approval is based on the following specifications and that any deviation from these specifications will require subsequent review and approval by the Township:
 - a) The dimensions and location of the proposed structure(s) shall be consistent with the approval;
 - b) All setbacks and development parameters shall be consistent with the details noted in the site plan and compliant with Zoning By-law 2023-50 where no approval has been granted;
- 2) That this approval is contingent upon the owners entering into the Site Plan Agreement (SP-9-2025) for the development;
- 3) That the Owners/Applicant work with Hydro One on a solution to the overhead hydro service to the satisfaction of Hydro One which may include the replacement and/or relocation of the hydro pole on the lot;
- 4) Future development not included in this approval will be subject to review and approval by the Township, Conservation Authority and/or Parks Canada and any other governing agency or regulations where applicable.

Carried

Other Business**Site Plan Control By-law Amendments**

Tom Fehr, Manager of Development Services, gave a brief overview of the report noting 3 amendments to Site Plan Control By-Law 2022-49.

Chair Dunfield opened the Committee discussion, no comments were heard.

RESOLUTION 84-2025

Moved by Jeff Banks

Seconded by George Bracken

That the Planning Advisory & Committee of Adjustment recommend to the Council of the Corporation of the Township of Rideau Lakes that By-law 2022-49 - Site Plan Control By-law be amended in accordance with the draft by-law included with this report as Attachment 1.

Carried

Manager's Report

Tom Fehr, Manager of Development Services, gave a brief overview of the report.

Chair Dunfield opened the Committee discussion, no comments were heard.

RESOLUTION 85-2025

Moved by George Bracken

Seconded by Ron Pollard

That the Planning Advisory and Committee of Adjustment acknowledges the written and verbal report of Tom Fehr, Manager of Development Services, regarding matters provided for information purposes.


Carried

Adjournment

Chair Dunfield declared the Planning Advisory and Committee of Adjustment Meeting adjourned at 1:38p.m.

Sue Dunfield, Chair

Tom Fehr, Secretary/Treasurer

REPORT TO THE COMMITTEE OF ADJUSTMENT & PLANNING ADVISORY COMMITTEE	
Date of Report: June 26, 2025	Date of Meeting: July 9, 2025
Subject of Report: Section 45 Application A-10-2025 & Site Plan Control Application SP-13-2025 MILLS	
Recommendation: Staff recommend that the Section 45 application A-10-2025 be approved as submitted with the conditions outlined in Section 8 of this report.	
Decision: Site Plan application SP-13-2025 is approved as submitted with the conditions outlined in Section 9 of this report.	
Report Prepared By:	 <hr/> Foster Elliott, Associate Planner
Departmental Approval:	 <hr/> Tom Fehr, Manager of Development Services
Chief Administrative Officer (CAO) Approval:	 <hr/> Shellee Fournier, CAO

1.0 PROPOSAL

1.1 Purpose of the Application

This is an application under Section 45 of the Ontario Planning Act requesting permission to expand a non-conforming use. The applicants are proposing to demolish an existing 98sqm (1055sqft) 1 storey dwelling with an attached uncovered 12sqm (129sqft) deck in order to construct a new 253.5sqm (2729sqft) 1 storey dwelling with walkout basement [footprint of 113sqm (1216sqft)] with an attached 47.6sqm (512sqft) garage, a 6sqm (64.5sqft) attached covered entry porch, a 15.6sqm (168sqft) attached covered waterside deck, as well as a 10.6sqm (114sqft) attached uncovered waterside deck. Overall, the proposal increases the height of the dwelling from an existing 3.9m to a proposed 7.1m. The existing dwelling is non-conforming with the required minimum 30m water setback at a water setback of 15.3m as well as non-conforming with the required minimum 6m interior side yard setback (west side) at a 5.2m side yard setback. The proposed development is to be located 20.7m from the water and becomes conforming with a 6.2m side yard setback to the west. The proposal includes a new septic system to service the proposed dwelling.

This property is also subject to a Site Plan Control Application (SP-13-2025) under the authority of Section 41 of the Planning Act where the applicants are proposing to undertake the works as described above.

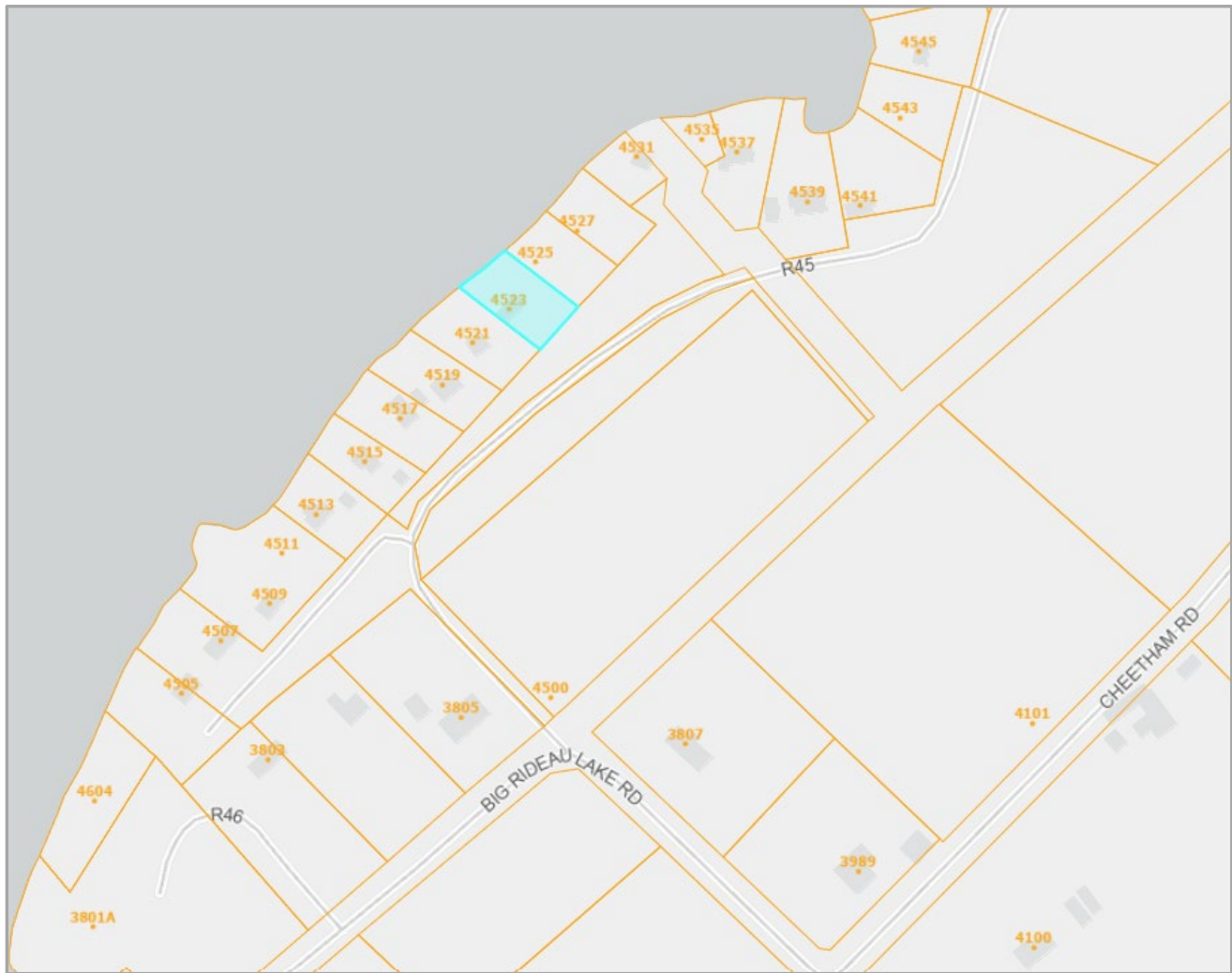


Figure 1 – Context Map

2.0 PROPERTY AND OWNER INFORMATION:

Attribute	Value
Roll Number	083183105107103
Owner Name	Gilda Mills
Location	4523 R45
Area	0.41 acres
Frontage	100.00 ft Big Rideau Lake
Depth	179.00 ft
Description	BURG CON 2 PT LOT 25

The subject property is relatively flat sloping to the waterfront gently about 30m back from the water. The property is well vegetated with mature trees, areas not vegetated are the existing development of the dwelling, septic system, driveway, and the hydro corridor near the rear. The shoreline area is generally natural with longer grasses with riprap at the waters edge with the exception of the access path to the dock made of cement stairs. Surrounding property uses are residential.

3.0 AGENCY COMMENTS

3.1 Chief Building Official (CBO)

The CBO has no objections. Building permits will be required for the demolition and new build and septic system.

3.2 Rideau Valley Conservation Authority (RVCA)

No comments have been received from the RVCA at the time of this report.

3.3 Parks Canada

No concerns from Parks Canada as the proposal increases the water setback and proposes to maintain the mature vegetation between the development and the shoreline.

3.4 Fire Chief

No concerns with fire service.

4.0 STAFF REVIEW – SECTION 45(2) PERMISSION TO EXPAND A NON-CONFORMING USE

The two tests for Section 45(2) applications are generally whether the application has negative impacts on the neighbourhood or surrounding area and whether the application represents appropriate and desirable development that is effectively “good planning.”

In evaluating these tests, Section 2.14.1 of the OP outlines the methodology and criteria by which the Township considers applications under Section 45(2) of the *Planning Act* to permit changes to non-conforming uses involving extensions or enlargements. Sections 5.1 and 5.2 of this report utilize these criteria of the OP to assess the appropriateness and impact of the proposed development.

Section 2.14.1 of the OP policies for changes to non-conforming uses involving extensions or enlargements are broken down below.

- A. Any proposed change of use or extension or enlargement of the existing nonconforming use shall not aggravate the situation created by the existence of the use.

Comment: The proposed enlargement of the dwelling is relocated to a more conforming location than the existing dwelling. The proposed new dwelling is setback further from the water but still within the required 30m setback. The proposed dwelling is also located further from the non-conforming side lot line of the existing dwelling, where the proposed is now conforming at 6.2m. Overall, the development does not go closer to the water or side lot line and therefore does not further aggravate the extent of non-conformity of the dwelling.

- B. Any proposed extension or enlargement shall be in appropriate proportion to the existing size of the non-conforming use.
- C. Any proposed extension or enlargement shall be keeping with the scale and massing of surrounding development and neighbouring properties and shall generally maintain the overall scale and massing of the existing building(s) proposed to be extended or enlarged.

Comment: These two policies are grouped together due to their stated goals of ensuring the proposed expansion is within an acceptable scale when considering the existing non-conforming use and surrounding development. In the absence of an explicit threshold for determining “appropriate proportion” staff utilize the Zoning By-law and agency/3rd party comments as particularly important in determining “appropriateness” of scale of the proposed extension/enlargement. In this case, the enlargement of the dwelling is relocated

to a more complying location than the previous dwelling. The dwelling footprint is enlarged, through this proposal, as well as the floor space, however the proposal does not violate any other building performance standard pertaining to scale of the building (height, lot coverage, floor space index, etc.). The proposed enlargement aligns with the existing scale of development on the property and the neighbourhood.

- D. The impact of the proposed change of use and/or the proposed extension or enlargement shall be examined with regard to noise, vibration, fumes, smoke, dust, odours, lighting, traffic generation, visual impacts and other nuisances. Applications which would create or aggravate land use incompatibilities shall not be approved.

Comment: The impact of the proposal is not anticipated to have any adverse impacts related to noise, vibration, fumes, smoke, dust, odours, lighting, traffic generation and other nuisances other than those typically occurring during the course of construction. Visual impacts of the proposed enlargement have been considered from the water, however through retention of the existing vegetation along the shoreline as proposed in the shoreline buffer planting plan, potential negative visual impacts are considered to be minimized.

- E. Neighbouring 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 matters such as outside storage, lighting, advertising signs.

Comment: The proposed enlarged dwelling is relocated to an area which is now conforming with the required minimum 6m side lot line setback. The subject property is also well vegetated along the side lot lines. Both the vegetation and compliance with the minimum setback to the side lot lines, which is used as a real separation distance between uses to minimize impacts between abutting properties, assist in ensuring that neighbouring uses are protected.

- F. Traffic and parking conditions on-site and in the vicinity will not be adversely impacted by the proposal and traffic hazards will be kept to a minimum by appropriate design of ingress and egress points to and from the site and by improvement of sight lines especially in proximity to intersections.

Comment: Traffic on site and traffic generation through this proposal are considered to be the same, as the use of the building remains as a single-family dwelling. Parking conditions on site are not impacted through the proposal.

- G. Adequate provisions have been or will be made for off-street parking and loading facilities.

Comment: Off street parking is available on this property. No loading facilities are required according to the Zoning By-law.

- H. Services such as storm drainage, roads and private sewer and water services are adequate or can be made adequate.

Comment: Stormwater management is a potential impact from the addition of more hardened surfaces on the property. Through the collection and redirection of the stormwater runoff and snowmelt, staff do not anticipate adverse impacts from stormwater drainage. Site Plan conditions can further assist with mitigating stormwater runoff impacts.

- I. When considering applications on or adjacent to the waterfront, the following additional criteria shall be applied:

- i) The proposed extension or enlargement is located no closer to the waterfront than the existing non-complying use, building or structure and maximizes the water setback.

Comment: The proposed enlargement to the non-conforming dwelling is located no closer to the water, but actually relocated further from the water. Considering the balance of the ability to reconstruct the dwelling in the same location, and the willingness of the application to relocate the dwelling further back, the water setback has been maximized considering the existing pattern of development on the lot.

- ii) The proposed extension or enlargement does not result in undue adverse impacts on adjacent properties.

Comment: As noted above, the new dwelling is proposed to comply with the required side yard setbacks. Through the use of real separation distances required in the Township's ZBL, and the existing vegetation screening along the side lot lines, there is no anticipated negative impacts on the adjacent properties.

- iii) The proposed extension or enlargement does not result in adverse visual impacts as seen from the water and/or adjacent properties.

Comment: The proposal results in a taller building through the enlargement than the existing dwelling. The application submitted indicates the existing dwelling height of 3.9m, and the proposed dwelling is to have a height of 7.1m. The proposal includes maintenance of the existing vegetation (mature trees) on site which provides a visual buffer for the proposed development as seen from the water. The Site Plan Control conditions will further assist with minimizing the visual impacts.

- iv) The proposed extension or enlargement will result in environmental net gains through measures such as decreasing the amount of impervious surfaces, controlling the quality and quantity of runoff and/or enhancing riparian vegetation.

Comment: Through the site plan control requirements and conditions discussed in Section 5 of this report, environmental net gains will be obtained from this proposal. These include shoreline buffer planting/maintenance, collection and directing of stormwater away from the lake into areas that promote infiltration, and the use of erosion control measures during the construction.

- v) The proposed extension or enlargement is located outside of natural hazards (including the extent of flooding and erosion hazards); is set back from the hazard and is in a location that reduces its environmental impact as required in consultation with the relevant conservation authority; and safe access (ingress and egress) is provided.

Comment: The RVCA provides comments regarding natural hazards. At this time the RVCA has not provided comments on this application. The staff's review does not identify any natural hazards that would impact this proposal. Typically flooding and erosion hazards associated with the shoreline and wave action are reviewed for waterfront properties. As the proposal results in a greater setback from the water than the existing development, staff believe the dwelling is to be outside of the associated hazards with the lakeshore.

Through maintaining the existing vegetation on site, specifically along the shoreline, erosion hazards can be mitigated.

- vi) The proposed extension or enlargement does not remove the ability for a future complying septic system to be located on the property away from sensitive environmental features.

Comment: The property has an existing septic system which is proposed to be removed, and a new septic system installed. The proposed septic system on the site plan drawing is located at the rear of the property well exceeding the minimum 30m water setback. Therefore, the development does not hinder the ability for the septic system to be complying with the minimum 30m water setback.

- vii) The proposed extension or enlargement does not create further noncomplying standards related to lot intensity (i.e. FSI and lot coverage) or massing (i.e. height).

Comment: The proposed enlargement adds floor area and adds lot coverage but remains within the permitted maximum of 15% floor space index and 10% lot coverage for the whole lot and the area of the lot within 60m. These values are shown in Table 1 in Section 5 of this report. The height of the dwelling is proposed to be 7.1m (23.3ft) which is within the permitted maximum of 10m. Therefore, no non-complying standards in relation to lot intensity or height are proposed or existing.

- viii) The proposed extension or enlargement will not result in any negative impacts towards relevant environmental features. The Township may require the applicant to submit an Environmental Impact Assessment completed by a qualified professional in order to ensure there are no negative impacts that cannot be mitigated.

Comment: The applicant completed a scoped EIS under the natural heritage screening report. Through mitigation measures that are outlined and recommended in the Site Plan Control portion of this report (Section 5), any potential negative impacts are mitigated through the implementation of the conditions.

- ix) The proposed extension or enlargement will be assessed on its ability to mitigate negative cumulative impacts through design measures that consider the topography, soil, drainage, vegetation and waterbody sensitivity at or near the site.

Comment: As mentioned previously, there are a number of mitigation measures that are proposed to be included in the site plan control portion of the application which will assist with any potential negative impacts from the proposal.

4.1 Appropriate use and development of the property

Considering the above comments for each policy, the appropriateness of the use and development of the property is reviewed. Staff believe that the proposed enlargement is appropriately proportionate to the existing development of the site and neighbourhood of waterfront residential properties. The proposed enlargement does not encroach further towards the water, but instead increases the water setback from the existing development on the lot. The proposal is not subject to any natural hazards, nor does it create any new non-compliance in terms of lot intensity (lot coverage, floor space index, or height), as the proposed enlarged dwelling remains within the permitted maximums in the ZBL. Overall, that through the recommended conditions through the site plan control portion of this approval outlined in Section 5 of this report, the proposed additions are considered appropriate.

4.2 Impacts on the surrounding properties and neighbourhood

Impacts on the surrounding properties, neighbourhood and environment are considered in the policies of Section 2.14.1. Overall, staff anticipate that no negative impacts on the surrounding properties, neighbourhood and environment will occur from the proposed development provided the mitigation measures outlined in the conditions of the Site Plan Control approval are adhered to.

5.0 STAFF REVIEW – SITE PLAN CONTROL

5.1 Compliance with the Zoning By-Law (ZBL)

The property is zoned Waterfront Residential (RW). The intent of the provisions for waterfront properties as outlined in this zone are to regulate the intensity and form of development to ensure that the Township's water and lake resources are protected long-term in terms of both ecology and as a recreational, economic and cultural resource. The residential use of the property is permitted. The zoning standards are provided below in Table 1 for the proposal. Overall, pending approval of the Section 45 application for the enlargement to the dwelling, the site plan control application meets the intent of the Zoning By-Law.

Table 1: Zoning Provisions

Provision		Required	Proposed
Dwelling with Enlargement			
Setbacks (min.)	Water	30m	20.7m
	Side (East)	6m	6.3m
	Side (West)	6m	6.2m
	Rear	7.5m	34m
	Edge of Right of Way	6m	>34m*
Height (max.)		10m	7.1m
Floor Space Index (max.)	Whole Lot	15%	11.7%
	Within 60m of Water	15%	13.1%
Lot Coverage	Whole Lot	10%	8.4%
	Within 60m of Water	10%	9.4%

*The edge of the Right of way aligns with the rear lot line.

5.2 Intent and Purpose of the Official Plan

Table 2 below outlines the relevant Official Plan policies for this proposal. Through the recommended conditions of approval, the proposal conforms to the Official Plan.

Table 2: Official Plan Policies

Policy Reference	Policy	Does the Proposal Conform?	Comments/ Recommendations
2.2 Waterfront Development: 2.2.2 Water Setback	Development must be 30m from the water, unless situations of existing lots or development preclude the reasonable ability to achieve this setback.	Yes	Existing development precludes the ability to be 30m from the water.

2.2 Waterfront Development: 2.2.6 Non-Conforming Development	<p>Maximize the water setback and not have the water setback further reduced.</p> <p>Naturalize the Shoreline Area</p> <p>Obtain environmental net gains from the proposal</p>	Yes	<p>-Adhere to Shoreline Buffer Planting Plan (SBPP)</p> <p>-Capture and direct stormwater runoff away from the lake</p> <p>-Use silt fencing to minimize soil and sediment erosion into the lake</p>
2.6 Environmentally Sensitive Development	<p>-Massing of structures to not dominate the natural landscape</p> <p>-Retain as much natural vegetation as possible particularly along shorelines</p> <p>-Attempt to implement a 'dark skies' policy</p> <p>-Stormwater management approaches that maximize natural infiltration and minimize runoff</p> <p>-Encourage natural materials or colours</p>	Yes	<p>-Adhere to SBPP</p> <p>-Encourage Natural colours or materials on the exterior of buildings</p> <p>-Outdoor lighting be generally downward cast and as minimal as required</p> <p>-Capture and direct stormwater runoff and snowmelt away from the lake</p> <p>-Sediment and erosion controls to be used during construction</p>
2.16 Land Use Compatibility	Avoid land use compatibility conflicts	Yes	No compatibility concerns identified
2.17 Cultural Heritage, Rideau Canal, and Archaeological Resources	Protect cultural heritage, Rideau Canal, and archaeological resources	Yes	<p>-Retain vegetation between the development and the water as proposed in the SBPP</p> <p>-If articles of archeological significance are found during construction that the construction is halted and appropriate measures are undertaken</p>
2.18 Natural Hazards	Avoid natural hazards	Yes	None identified
2.19 Human-made Hazards	Avoid human made hazards	Yes	None identified
2.20 Natural Heritage:	No development is permitted adjacent to Fish Habitat unless	Yes	Natural Heritage Screening Report as an Environmental

2.20.3 Fish Habitat	no negative impacts are demonstrated		Impact Assessment (EIA) has been completed. Recommendations: Implement mitigation measures outlined in submitted EIA.
3.8 Rural	Retain the rural and recreational flavour of Rural lands while providing for a limited amount of compatible and orderly new development.	Yes	Residential use is permitted Maintains the rural and recreational nature of Township

6.0 OTHER MATTERS OF LOCAL/PROVINCIAL INTEREST

The policies of the *Ontario Provincial Planning Statement* (PPS) have been considered in reviewing this application. The protection of water resources as outlined in Section 4.2 has been considered. These sections call for the minimizing of negative impacts, implementing restrictions on development to protect sensitive surface and groundwater features, and implementing stormwater management practices and maintaining or increasing vegetative and pervious surfaces. With the attached conditions the proposal is considered to be consistent with the policies of the PPS.

The policies of the *United Counties of Leeds & Grenville Official Plan* have also been considered in reviewing this application. The subject property is designated as Rural Lands in Section 3.3 of the Counties OP. An objective of the Rural Lands designation is to promote development opportunities of recreational dwellings that have limited impact on infrastructure demands and other environmental resources. Through the recommended conditions the proposed development under Site Plan Control is considered to be consistent with the Counties OP.

7.0 PUBLIC INPUT/COMMENTS

No public comment received at the time of writing this report.

8.0 RECOMMENDATION (SECTION 45)

- 1) That this approval is based on the following specifications and that any deviation from these specifications will require subsequent review and approval by the Township:
 - a) The dimensions and location of the proposed structure(s) shall be consistent with the approval;
 - b) All setbacks and development parameters shall be consistent with the details noted in the site plan and compliant with Zoning By-law 2023-50 where no approval has been granted;
- 2) That this approval is contingent on the owners entering into a site plan agreement with the Township through SP-13-2025; and
- 3) Future development not included in this approval will be subject to review and approval by the Township, Conservation Authority, and any other governing agency or regulations where applicable.

9.0 DECISION (SITE PLAN CONTROL)

The site plan control application is approved as submitted with the following conditions:

- 1) That this approval is contingent on the approval of A-10-2025;
- 2) That this approval is based on the following specifications and that any deviation from these specifications will require subsequent review and approval by the Township:

- a) The dimensions and location of the proposed structure(s) shall be consistent with the approval;
- b) All setbacks and development parameters shall be consistent with the details noted in the site plan and compliant with Zoning By-law 2023-50 where no approval has been granted;
- 3) That the owners agree to register the Site Plan Agreement for this application on title of the subject property prior to the issuance of the building permit for the proposed development. All expenses pertaining to the registration are to be borne by the owners;
- 4) That the owners adhere to the submitted Shoreline Buffer Planting Plan. The owners shall encourage the development of a shoreline naturalization buffer (no disturbance area) extending up to 15m back from the high water mark;
- 5) That a demolition permit for the existing dwelling be obtained prior to or concurrently with the building permit for the new dwelling;
- 6) That all outdoor lighting be downward cast, and as minimal as required to meet the required objectives;
- 7) That all materials used on the exterior of the structure are encouraged to be of a natural material or a colour reflective of the surrounding environment;
- 8) That the owners maintain all existing on-site drainage patterns with the exception of directing any stormwater runoff and snowmelt resulting from the new development away from the lake;
- 9) That sediment and erosion control measures be implemented during all stages of construction. This must include some form of silt fencing between the areas of development and the lake. This fencing must remain in place until all areas that were disrupted are fully stabilized (i.e. no bare soils remain);
- 10) All excavated material is to be disposed of away from the lake, and all construction material shall be stored in a location well away from the lake (as best as possible);
- 11) That in the event of an accidental discovery of items of archeological significance construction activities must be halted immediately and a licensed consultant archaeologist must be contacted to carry out the fieldwork in compliance with the Ontario Heritage Act [s.48(1)]. Further that if a burial site is unearthed, the appropriate authorities must be contacted (police, coroner's office, and/or Registrar of Cemeteries) and the Funeral, Burial and Cremation Services Act must be complied with; and;
- 12) Future development not included in this approval will be subject to review and approval by the Township, Conservation Authority and/or Parks Canada and any other governing agency or regulations where applicable.

APPENDIX A - Property Maps

Figure 2 (below) – Aerial image of subject property and adjacent lands.

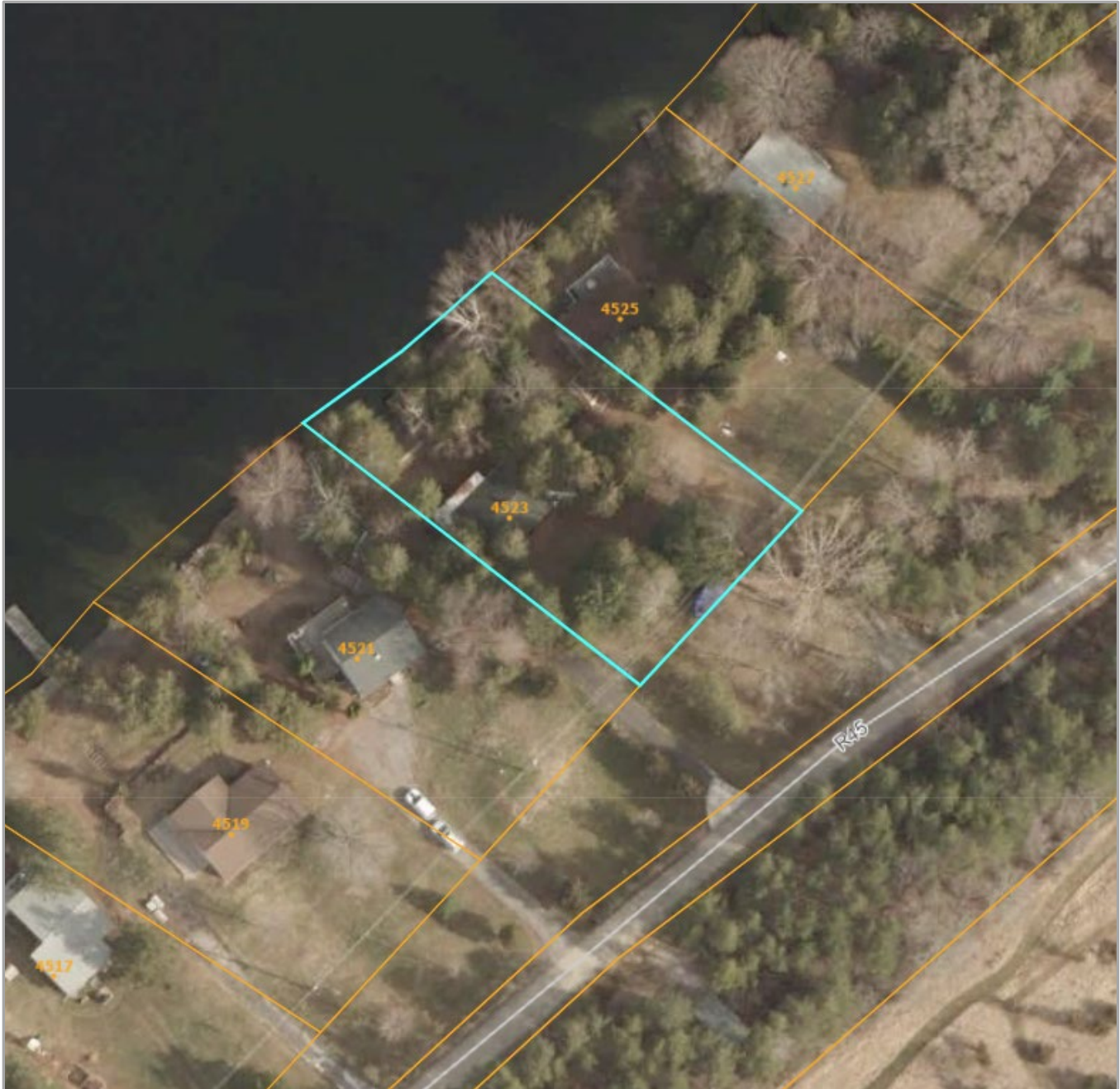


Figure 3 (below) – Zoning map of the subject property and surrounding area

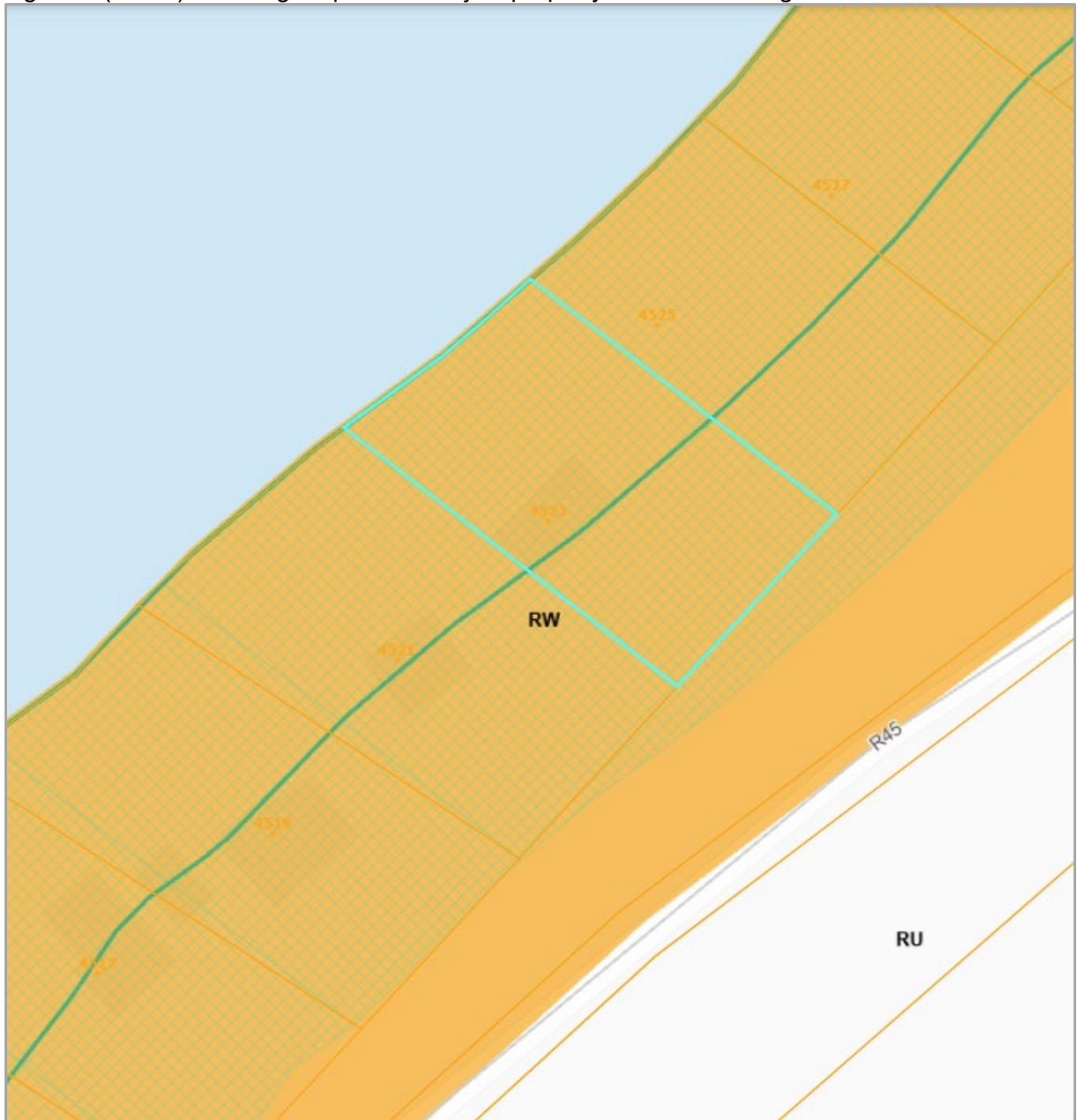


Figure 4 (below) – Official Plan schedule of the property and surrounding area



APPENDIX B – Sketches

Figure 5 (below) – Site Plan Drawing

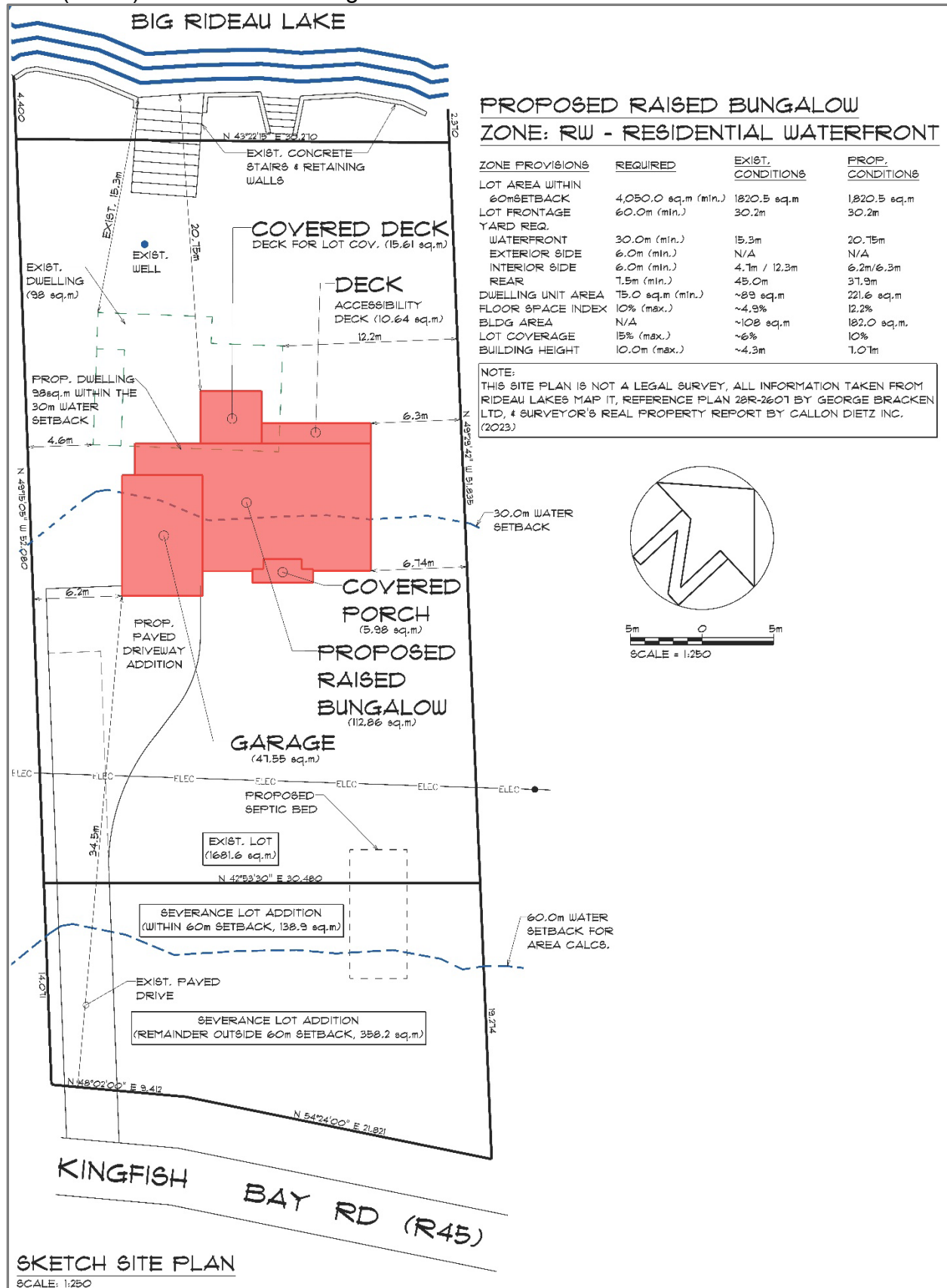
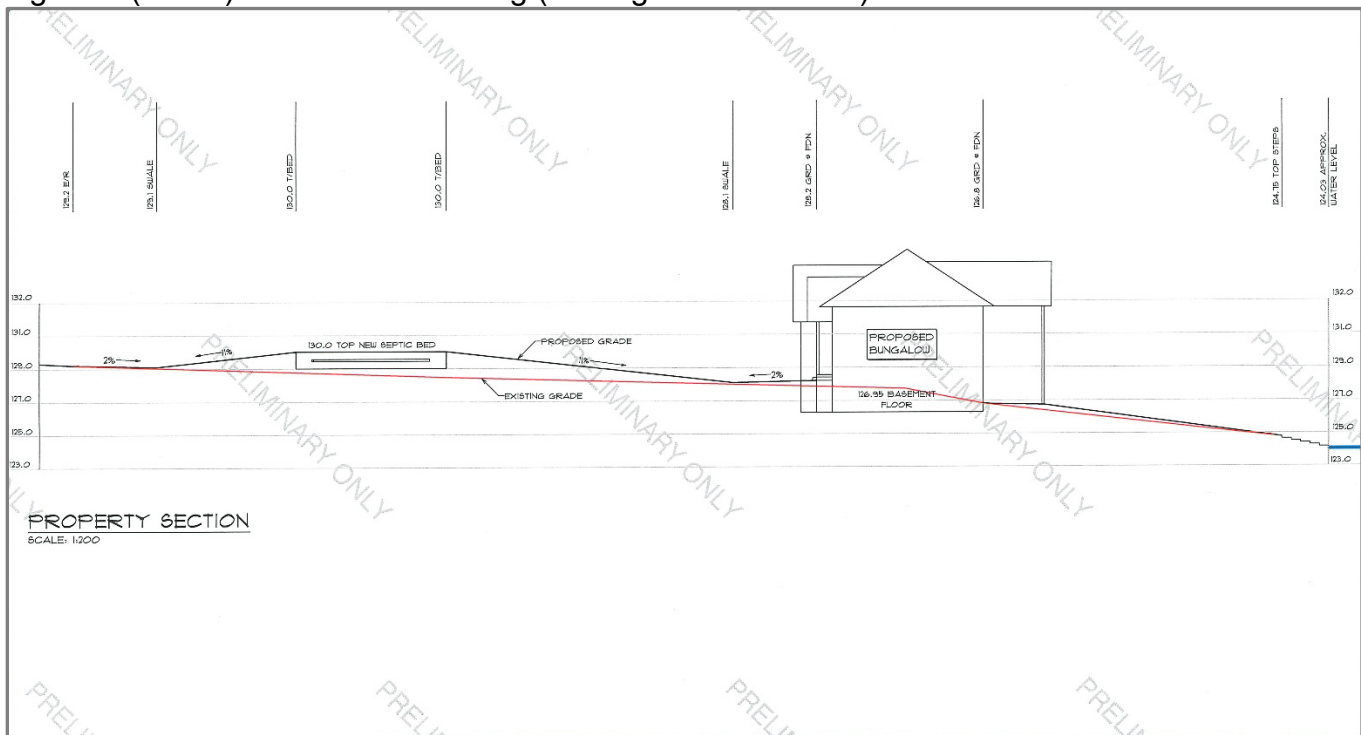


Figure 6 (below) – Elevation Drawing (looking from east side)



APPENDIX C - Photos



Photo 1 – Existing Dwelling



Photo 3 – Shoreline Area on West Side



Photo 2 – Shoreline Area on East Side



Photo 4 – Tree Cover between Dwelling and Water proposed to remain

From: [Susan Millar](#)
To: [Amy Schur](#); [Foster Elliott](#)
Cc: [Eric Lalande](#)
Subject: RE: Notice of Hearing for A-10-2025 Mills
Date: Thursday, June 26, 2025 12:49:32 PM
Attachments: [image001.png](#)
[image002.png](#)

Foster,

Thank you for circulating Parks Canada on the above noted application for the demolition and new residential construction, partially located within the 30m development setback/buffer zone of the Rideau NHS/WHS. Given that the proposal has been designed so as to increase the setback from the water than the existing dwelling (+5m), while avoiding the removal of existing mature vegetation, and maintaining and enhancing shoreline vegetation, PCA does not have concerns with the proposal.

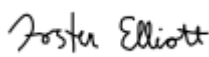


Sincerely

Susan Millar, BComm, MSc
Planner / Planificatrice
Ontario Waterways/Voies navigables de l'Ontario

Parks Canada / Parcs Canada
Rideau Canal Office / Canal-Rideau
34 Beckwith St. S. / 34, rue Beckwith Sud
Smiths Falls, ON K7A 2A8

Email / Courriel électronique : susan.millar@pc.gc.ca
Telephone / Téléphone : 343-553-9290

NB : I am away from the office July and August
Je suis absente du bureau en juillet et août
www.parkscanada.gc.ca | www.parcsCanada.gc.ca

REPORT TO THE COMMITTEE OF ADJUSTMENT & PLANNING ADVISORY COMMITTEE	
Date of Report: June 26, 2025	Date of Meeting: July 9, 2025
Subject of Report: Section 45 Application A-19-2025 & Site Plan Control Application SP-26-2025 CONSTANTINE and LUMBERS	
Recommendation: Staff recommend that the Section 45 application A-19-2025 be approved as submitted with the conditions outlined in Section 8 of this report.	
Decision: Site Plan application SP-26-2025 is approved as submitted with the conditions outlined in Section 9 of this report.	
Report Prepared By:	 <hr/> Foster Elliott, Associate Planner
Departmental Approval:	 <hr/> Tom Fehr, Manager of Development Services
Chief Administrative Officer (CAO) Approval:	 <hr/> Shellee Fournier, CAO

1.0 PROPOSAL

1.1 Purpose of the Application

This is an application under Section 45 of the Ontario Planning Act requesting permission to expand a non-conforming use. The applicants are proposing to construct a 38sqm (409sqft) partial second storey addition on an existing non-conforming 1 storey 96.3sqm (1037sqft) dwelling. The dwelling height will increase from an existing 4.8m (16ft) to a proposed 8.2m (27ft) through the partial second storey. The existing dwelling is non-conforming with the required 30m water setback and 30m Natural Heritage A setback at a water and Natural Heritage A setback of 4.4m. The proposed partial second storey addition is located at a 4.4m water and Natural Heritage A setback.

This property is also subject to a Site Plan Control Application (SP-26-2025) under the authority of Section 41 of the Planning Act where the applicants are proposing to undertake the works as described above.

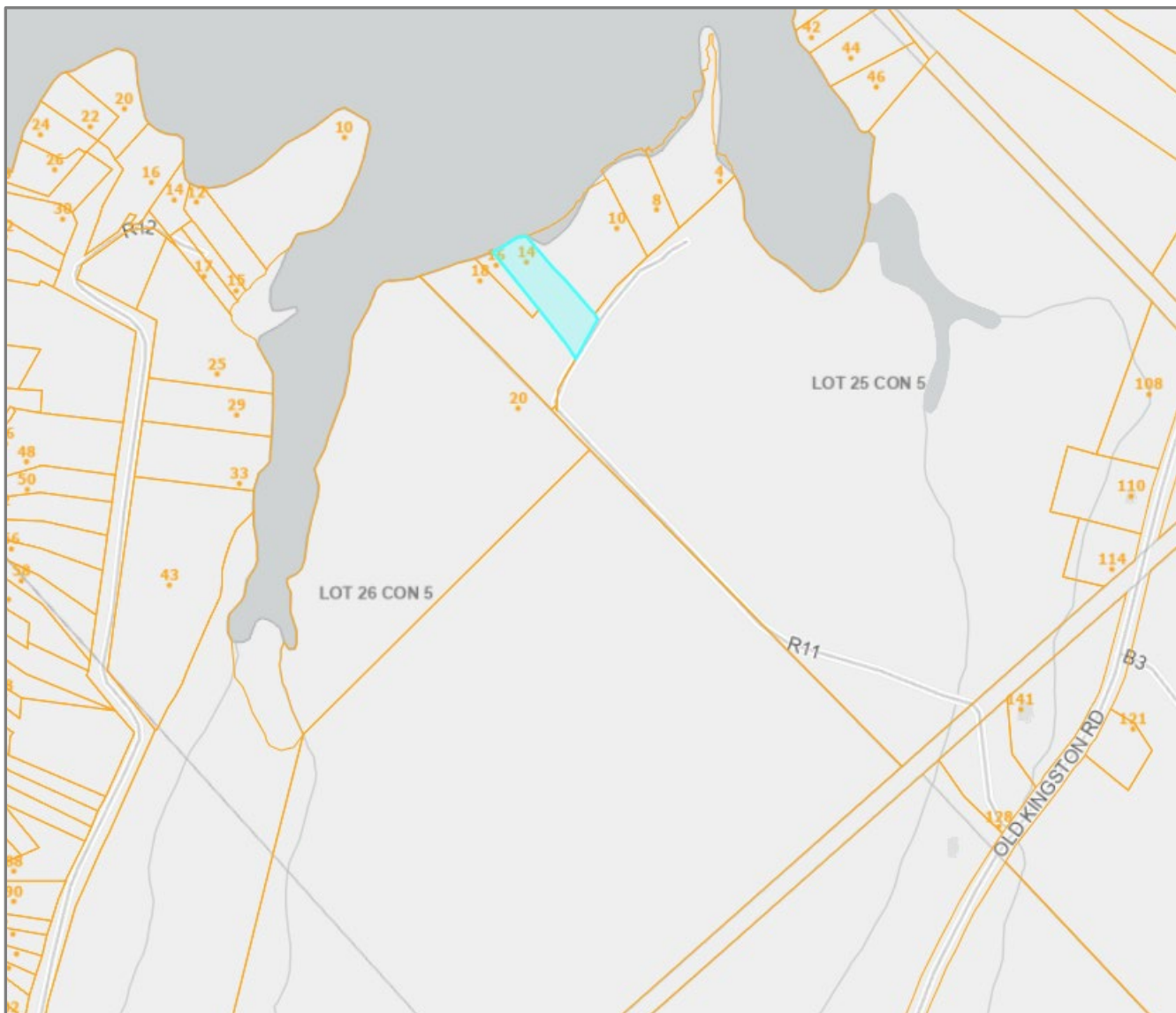


Figure 1 – Context Map

2.0 PROPERTY AND OWNER INFORMATION:

Attribute	Value
Roll Number	083182803387100
Owner Name	Joanne Constantine & John Lumbers
Location	14 R11
Area	1.18 acres
Frontage	198.00 ft Big Rideau Lake
Depth	0.00 ft
Description	SOUTH ELMSLEY CON 5 PT LOT;25 RP 28R2091 PART 1 RP;28R12008 PART 4 RIDEAU LAKE

The subject property is relatively flat. There are mature trees on the waterside of the existing dwelling, including the area where the dwelling is 4.4m from the water. The rear of the property is more open, with some smaller trees. The property is currently developed with a

dwelling (and associated servicing), marine facility, sleeping cabin, and multiple sheds. The shoreline area is generally grassed with a concrete retaining wall. Mature vegetation (cedar trees) occupy the property directly back from the immediate shoreline area for a majority of the waterfront. Surrounding property uses are residential.

3.0 AGENCY COMMENTS

3.1 Chief Building Official (CBO)

The CBO has no objections. A building permit will be required for the addition to the dwelling. The septic system performance review will be completed at the building permit stage.

3.2 Rideau Valley Conservation Authority (RVCA)

No comments have been received from the RVCA at the time of this report.

3.3 Parks Canada

No concerns with the proposal as the addition is within the existing footprint of the building.

3.4 Fire Chief

No concerns with Fire Service.

4.0 STAFF REVIEW – SECTION 45(2) PERMISSION TO EXPAND A NON-CONFORMING USE

The two tests for Section 45(2) applications are generally whether the application has negative impacts on the neighbourhood or surrounding area and whether the application represents appropriate and desirable development that is effectively “good planning.”

In evaluating these tests, Section 2.14.1 of the OP outlines the methodology and criteria by which the Township considers applications under Section 45(2) of the *Planning Act* to permit changes to non-conforming uses involving extensions or enlargements. Sections 5.1 and 5.2 of this report utilize these criteria of the OP to assess the appropriateness and impact of the proposed development.

Section 2.14.1 of the OP policies for changes to non-conforming uses involving extensions or enlargements are broken down below.

- A. Any proposed change of use or extension or enlargement of the existing nonconforming use shall not aggravate the situation created by the existence of the use.

Comment: The proposed enlargement of the dwelling is fully within the existing footprint of the dwelling which maintains the existing setbacks to the water. The increases are to install a partial second storey which includes an increase to the height of the building. As no development is proposed that goes closer to the water, this proposal does not further aggravate the extent of non-conformity of the dwelling.

- B. Any proposed extension or enlargement shall be in appropriate proportion to the existing size of the non-conforming use.
- C. Any proposed extension or enlargement shall be keeping with the scale and massing of surrounding development and neighbouring properties and shall generally maintain the overall scale and massing of the existing building(s) proposed to be extended or enlarged.

Comment: These two policies are grouped together due to their stated goals of ensuring the proposed expansion is within an acceptable scale when considering the existing non-conforming use and surrounding development. In the absence of an explicit threshold for determining “appropriate proportion” staff utilize the Zoning By-law and agency/3rd party

comments as particularly important in determining “appropriateness” of scale of the proposed extension/enlargement. In this case, the enlargement of the dwelling is fully within the same footprint, and does not violate any other building performance standard pertaining to scale of the building (height, lot coverage, floor space index, etc.) The proposed enlargement aligns with the existing scale of development on the property and neighbourhood.

- D. The impact of the proposed change of use and/or the proposed extension or enlargement shall be examined with regard to noise, vibration, fumes, smoke, dust, odours, lighting, traffic generation, visual impacts and other nuisances. Applications which would create or aggravate land use incompatibilities shall not be approved.

Comment: The impact of the proposal is not anticipated to have any adverse impacts related to noise, vibration, fumes, smoke, dust, odours, lighting, traffic generation and other nuisances other than those typically occurring during the course of construction. Visual impacts of the proposed enlargement have been considered from the water, however through retention of the existing vegetation along the shoreline as proposed in the shoreline buffer planting plan, potential negative visual impacts are considered to be minimized.

- E. Neighbouring 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 matters such as outside storage, lighting, advertising signs.

Comment: The proposed enlargement of the existing dwelling increases the massing and the height of the dwelling. The proposal complies with the minimum 6m interior side yard setback at 10m. The side yard setback is a real separation distance used to minimize impacts from one property to another. There is also various mature vegetation between the dwelling and the neighbouring property which is proposed to remain, and will assist as a visual buffer between the uses.

- F. Traffic and parking conditions on-site and in the vicinity will not be adversely impacted by the proposal and traffic hazards will be kept to a minimum by appropriate design of ingress and egress points to and from the site and by improvement of sight lines especially in proximity to intersections.

Comment: Traffic on site and traffic generation through this proposal are considered to be the same, as the use of the building remains as a single family dwelling. Parking conditions on site are not impacted through the proposal.

- G. Adequate provisions have been or will be made for off-street parking and loading facilities.

Comment: Off street parking is available on this property. No loading facilities are required according to the Zoning By-law.

- H. Services such as storm drainage, roads and private sewer and water services are adequate or can be made adequate.

Comment: Stormwater management is a potential impact from the dwelling’s location relative to the water. Through the collection and redirection of the stormwater runoff and

snowmelt, staff do not anticipate adverse impacts from stormwater drainage. Site Plan conditions can further assist with mitigating stormwater runoff impacts.

- I. When considering applications on or adjacent to the waterfront, the following additional criteria shall be applied:

- i) The proposed extension or enlargement is located no closer to the waterfront than the existing non-complying use, building or structure and maximizes the water setback.

Comment: The proposed enlargement to the non-conforming dwelling is located no closer to the water. As the expansion is a partial second storey to the existing dwelling with an overall increase in height of the dwelling. The water setback has been maximized considering the existing pattern of development on the lot.

- ii) The proposed extension or enlargement does not result in undue adverse impacts on adjacent properties.

Comment: As noted above, the enlargement is located at the same side yard setback as the existing dwelling. No comments have been received from the neighbouring property owner at the time of this report outlining any concerns with the proposal. Further, the dwelling and proposed addition meet the minimum required side yard setback which is used as a real separation distance to minimize land use compatibility issues.

- iii) The proposed extension or enlargement does not result in adverse visual impacts as seen from the water and/or adjacent properties.

Comment: The proposal results in a taller building through the enlargement than the existing dwelling. The application submitted indicates the existing dwelling height of 4.9m (16ft), and the proposed dwelling with the partial second storey addition is to have a height of 8.2m (27ft). The proposal includes maintenance of the existing vegetation on site which provides a visual buffer for the proposed development as seen from the water. The Site Plan Control conditions will further assist with minimizing the visual impacts.

- iv) The proposed extension or enlargement will result in environmental net gains through measures such as decreasing the amount of impervious surfaces, controlling the quality and quantity of runoff and/or enhancing riparian vegetation.

Comment: Through the site plan control requirements and conditions discussed in Section 5 of this report, environmental net gains will be obtained from this proposal. These include shoreline buffer planting/maintenance, collection and directing of stormwater away from the lake into areas that promote infiltration, and the use of erosion control measures during the construction.

- v) The proposed extension or enlargement is located outside of natural hazards (including the extent of flooding and erosion hazards); is set back from the hazard and is in a location that reduces its environmental impact as required in consultation with the relevant conservation authority; and safe access (ingress and egress) is provided.

Comment: The RVCA provides comments regarding natural hazards. At this time the RVCA has not provided comments on this application. The staff's review does not identify any natural hazards that would impact this proposal. Typically flooding and erosion hazards associated with the shoreline and wave action are reviewed for waterfront properties.

Through maintaining the existing vegetation on site, specifically along the shoreline, erosion hazards can be mitigated. Further, based on the location of the dwelling being less than 15m from the water at 4.4m, the RVCA will require a permit from their office which will enable the RVCA to review and mitigate any impacts on the development from any potential natural hazard.

- vi) The proposed extension or enlargement does not remove the ability for a future complying septic system to be located on the property away from sensitive environmental features.

Comment: The property has an existing septic system which is located outside of the 30m water setback based on the submitted site plan drawing. The enlargement does not occupy more of the property than the previous development, so therefore does not hinder the ability for the septic system to be located in conformance with the minimum 30m water setback.

- vii) The proposed extension or enlargement does not create further noncomplying standards related to lot intensity (i.e. FSI and lot coverage) or massing (i.e. height).

Comment: The proposed enlargement adds floor area but does not add lot coverage and remains within the permitted maximum of 15% floor space index for the whole lot and the area of the lot within 60m. The proposal results in 3% floor space index for the whole lot, and 4.8% for the area within 60m of the water. The height of the dwelling is proposed to be 8.2m (27ft) which is within the permitted maximum of 10m. Therefore, no non-complying standards in relation to lot intensity or height are proposed or existing. It should be noted that the existing lot coverage is conforming with the maximum permitted 10% as shown in Table 1 in Section 5 of this report.

- viii) The proposed extension or enlargement will not result in any negative impacts towards relevant environmental features. The Township may require the applicant to submit an Environmental Impact Assessment completed by a qualified professional in order to ensure there are no negative impacts that cannot be mitigated.

Comment: The applicant completed a scoped EIS under the natural heritage screening report. There is an abutting Natural Heritage A designation to the property in the lake. As the addition is fully within the existing footprint of the development, and not going closer to the wetland, the natural heritage screening report was deemed appropriate. Through mitigation measures that are outlined and recommended in the Site Plan Control portion of this report (Section 5), any potential negative impacts are mitigated through the implementation of the conditions.

- ix) The proposed extension or enlargement will be assessed on its ability to mitigate negative cumulative impacts through design measures that consider the topography, soil, drainage, vegetation and waterbody sensitivity at or near the site.

Comment: As mentioned previously, there are a number of mitigation measures that are proposed to be included in the site plan control portion of the application which will assist with any potential negative impacts from the proposal.

4.1 Appropriate use and development of the property

Considering the above comments for each policy, the appropriateness of the use and development of the property is reviewed. Staff believe that the proposed enlargement is appropriately proportionate to the existing development of the site and neighbourhood of

waterfront residential properties. The proposed enlargement does not encroach further towards the water. The proposal is not subject to any natural hazards, nor does it create any new non-compliance in terms of lot intensity (lot coverage, floor space index, or height), as the addition remains within the permitted maximums in the ZBL. Overall, that through the recommended conditions through the site plan control portion of this approval outlined in Section 5 of this report, the proposed additions are considered appropriate.

4.2 Impacts on the surrounding properties and neighbourhood

Impacts on the surrounding properties, neighbourhood and environment are considered in the policies of Section 2.14.1. Overall, staff anticipate that no negative impacts on the surrounding properties, neighbourhood and environment will occur from the proposed development provided the mitigation measures outlined in the conditions of the Site Plan Control approval are adhered to.

5.0 STAFF REVIEW – SITE PLAN CONTROL

5.1 Compliance with the Zoning By-Law (ZBL)

The property is zoned Waterfront Residential (RW). The intent of the provisions for waterfront properties as outlined in this zone are to regulate the intensity and form of development to ensure that the Township's water and lake resources are protected long-term in terms of both ecology and as a recreational, economic and cultural resource. The residential use of the property is permitted. The zoning standards are provided below in Table 1 for the proposal. Overall, pending approval of the Section 45 application for the enlargement to the dwelling, the site plan control application meets the intent of the Zoning By-Law.

Table 1: Zoning Provisions

Provision		Required	Proposed
Dwelling with Enlargement			
Setbacks (min.)	Water	30m	4.4m
	Side (East)	6m	10m
	Side (West)	6m	16.9m
	Rear	7.5m	81m
	Edge of Right of Way	6m	>81m*
Height (max.)		10m	8.2m
Floor Space Index (max.)	Total Lot	15%	3%
	Within 60m of Lake	15%	4.8%
Lot Coverage (max.)	Total Lot	10%	4.5%
	Within 60m of Lake	10%	6.1%

*The edge of the Right of way aligns with the rear lot line.

5.2 Intent and Purpose of the Official Plan

Table 2 below outlines the relevant Official Plan policies for this proposal. Through the recommended conditions of approval, the proposal conforms to the Official Plan.

Table 2: Official Plan Policies

Policy Reference	Policy	Does the Proposal Conform?	Comments/ Recommendations
2.2 Waterfront Development:	Development must be 30m from the water, unless situations of existing lots or	Yes	Existing development precludes the ability to be 30m from the water.

2.2.2 Water Setback	development preclude the reasonable ability to achieve this setback.		
2.2 Waterfront Development: 2.2.6 Non-Conforming Development	Maximize the water setback and not have the water setback further reduced. Naturalize the Shoreline Area Obtain environmental net gains from the proposal	Yes	-Adhere to Shoreline Buffer Planting Plan (SBPP) -Capture and direct stormwater runoff away from the lake -Use silt fencing to minimize soil and sediment erosion into the lake
2.6 Environmentally Sensitive Development	-Massing of structures to not dominate the natural landscape -Retain as much natural vegetation as possible particularly along shorelines -Attempt to implement a 'dark skies' policy -Stormwater management approaches that maximize natural infiltration and minimize runoff -Encourage natural materials or colours	Yes	-Adhere to shoreline buffer planting plan -Encourage Natural colours or materials on the exterior of buildings -Outdoor lighting be generally downward cast and as minimal as required -Capture and direct stormwater runoff and snowmelt away from the lake -Sediment and erosion controls to be used during construction
2.16 Land Use Compatibility	Avoid land use compatibility conflicts	Yes	No compatibility concerns identified
2.17 Cultural Heritage, Rideau Canal, and Archaeological Resources	Protect cultural heritage, Rideau Canal, and archaeological resources	Yes	-Adhere to SBPP -If articles of archeological significance are found during construction that the construction is halted and appropriate measures are undertaken
2.18 Natural Hazards	Avoid natural hazards	Yes	None identified
2.19 Human-made Hazards	Avoid human made hazards	Yes	None identified
2.20 Natural Heritage: 2.20.1 & 3.4 Natural Heritage	No development is permitted adjacent to PSW unless no negative impacts are demonstrated	Yes	Natural Heritage Screening Report as an Environmental Impact Assessment (EIA) has been completed.

A (Provincially Significant Wetland)			Recommendations: Implement mitigation measures outlined in submitted EIA.
2.20 Natural Heritage: 2.20.3 Fish Habitat	No development is permitted adjacent to Fish Habitat unless no negative impacts are demonstrated	Yes	Natural Heritage Screening Report as an Environmental Impact Assessment (EIA) has been completed. Recommendations: Implement mitigation measures outlined in submitted EIA.
2.20 Natural Heritage: 2.20.6 Woodland	No development is permitted within or adjacent to Significant Woodlands unless no negative impacts are demonstrated	Yes	Natural Heritage Screening Report as an Environmental Impact Assessment (EIA) has been completed. Recommendations: Implement mitigation measures outlined in submitted EIA.
3.8 Rural	Retain the rural and recreational flavour of Rural lands while providing for a limited amount of compatible and orderly new development.	Yes	Residential use is permitted Maintains the rural and recreational nature of Township

6.0 OTHER MATTERS OF LOCAL/PROVINCIAL INTEREST

The policies of the *Ontario Provincial Planning Statement* (PPS) have been considered in reviewing this application. The protection of water resources as outlined in Section 4.2 has been considered. These sections call for the minimizing of negative impacts, implementing restrictions on development to protect sensitive surface and groundwater features, and implementing stormwater management practices and maintaining or increasing vegetative and pervious surfaces. Section 4.1 Natural Heritage has also been reviewed due to the adjacent PSW and woodland designations. The intent of these policies is to protect the significant natural heritage features from the negative impacts of development. With the attached conditions the proposal is considered to be consistent with the policies of the PPS.

The policies of the *United Counties of Leeds & Grenville Official Plan* have also been considered in reviewing this application. The subject property is designated as Rural Lands in Section 3.3 of the Counties OP. An objective of the Rural Lands designation is to promote development opportunities of recreational dwellings that have limited impact on infrastructure demands and other environmental resources. Through the recommended conditions the proposed development under Site Plan Control is considered to be consistent with the Counties OP.

7.0 PUBLIC INPUT/COMMENTS

No public comment received at the time of writing this report.

8.0 RECOMMENDATION (SECTION 45)

- 1) That this approval is based on the following specifications and that any deviation from these specifications will require subsequent review and approval by the Township:
 - a) The dimensions and location of the proposed structure(s) shall be consistent with the approval;
 - b) All setbacks and development parameters shall be consistent with the details noted in the site plan and compliant with Zoning By-law 2023-50 where no approval has been granted;
- 2) That this approval is contingent on the owners entering into a site plan agreement with the Township through SP-26-2025; and
- 3) Future development not included in this approval will be subject to review and approval by the Township, Conservation Authority, and any other governing agency or regulations where applicable.

9.0 DECISION (SITE PLAN CONTROL)

That the site plan control application is approved as submitted subject to the following conditions:

- 1) That this approval is contingent on the approval of A-19-2025;
- 2) That this approval is based on the following specifications and that any deviation from these specifications will require subsequent review and approval by the Township:
 - a) The dimensions and location of the proposed structure(s) shall be consistent with the approval;
 - b) All setbacks and development parameters shall be consistent with the details noted in the site plan and compliant with Zoning By-law 2023-50 where no approval has been granted;
- 3) That the owners agree to register the Site Plan Agreement for this application on title of the subject property prior to the issuance of the building permit for the proposed development. All expenses pertaining to the registration are to be borne by the owners;
- 4) That the owners adhere to the submitted Shoreline Buffer Planting Plan. The owners shall encourage the development of a shoreline naturalization buffer (no disturbance area) extending up to 15m back from the high water mark;
- 5) That all outdoor lighting be downward cast, and as minimal as required to meet the required objectives;
- 6) That all materials used on the exterior of the structure are encouraged to be of a natural material or a colour reflective of the surrounding environment;
- 7) That the owners maintain all existing on-site drainage patterns with the exception of directing any stormwater runoff and snowmelt resulting from the new development away from the lake;
- 8) That sediment and erosion control measures be implemented during all stages of construction. This must include some form of silt fencing between the areas of development and the lake. This fencing must remain in place until all areas that were disrupted are fully stabilized (i.e. no bare soils remain);
- 9) All excavated material is to be disposed of away from the lake, and all construction material shall be stored in a location well away from the lake (as best as possible);
- 10) That in the event of an accidental discovery of items of archeological significance construction activities must be halted immediately and a licensed consultant archaeologist must be contacted to carry out the fieldwork in compliance with the Ontario Heritage Act [s.48(1)]. Further that if a burial site is unearthed, the appropriate authorities must be contacted (police, coroner's office, and/or Registrar of Cemeteries) and the Funeral, Burial and Cremation Services Act must be complied with; and;

- 11) Future development not included in this approval will be subject to review and approval by the Township, Conservation Authority and/or Parks Canada and any other governing agency or regulations where applicable.

APPENDIX A - Property Maps

Figure 2 (below) – Aerial image of subject property and adjacent lands.



Figure 3 (below) – Zoning map of the subject property and surrounding area

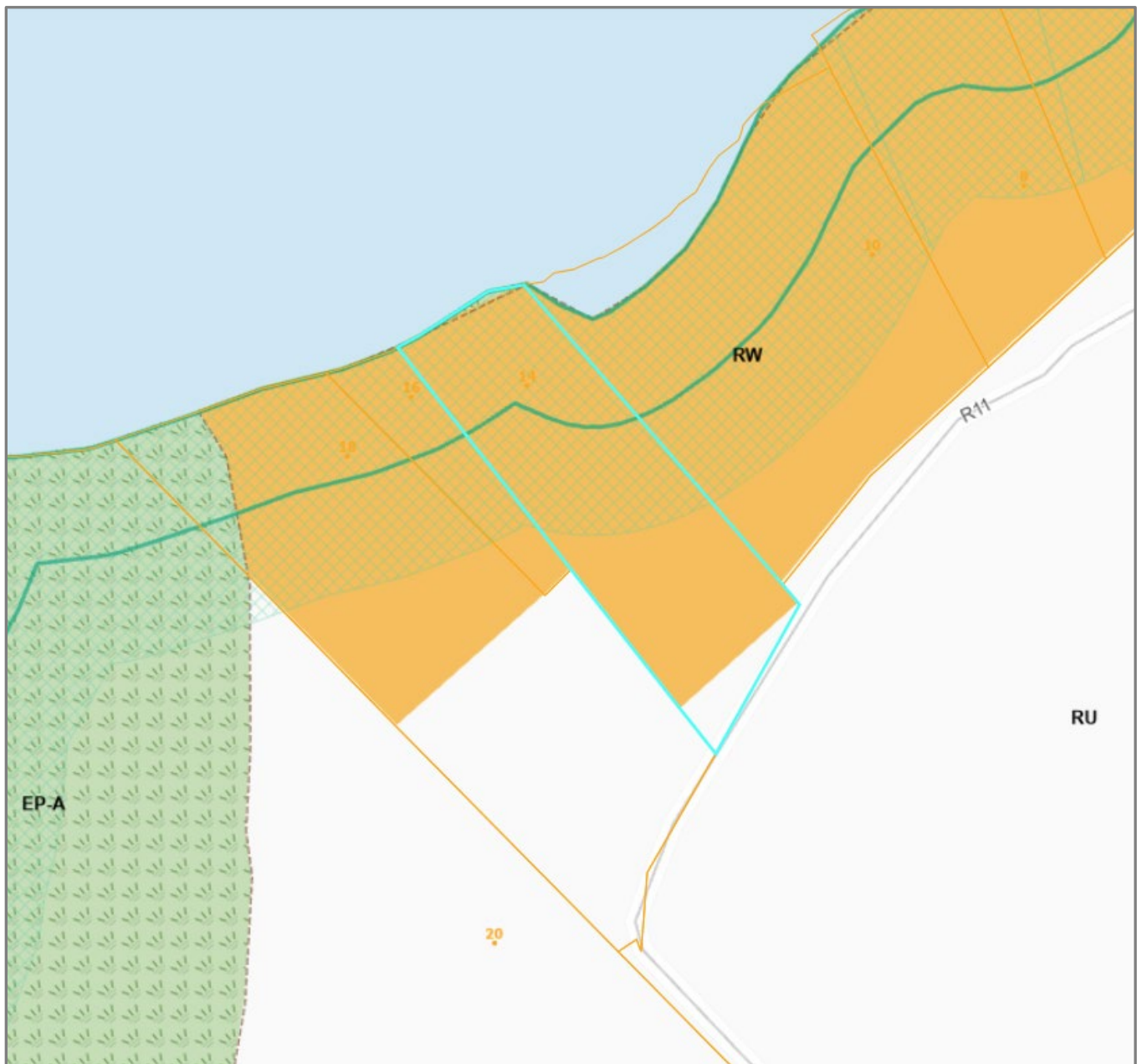


Figure 4 (below) – Official Plan schedule of the property and surrounding area



APPENDIX B – Sketches

Figure 5 (below) – Site Plan Drawing

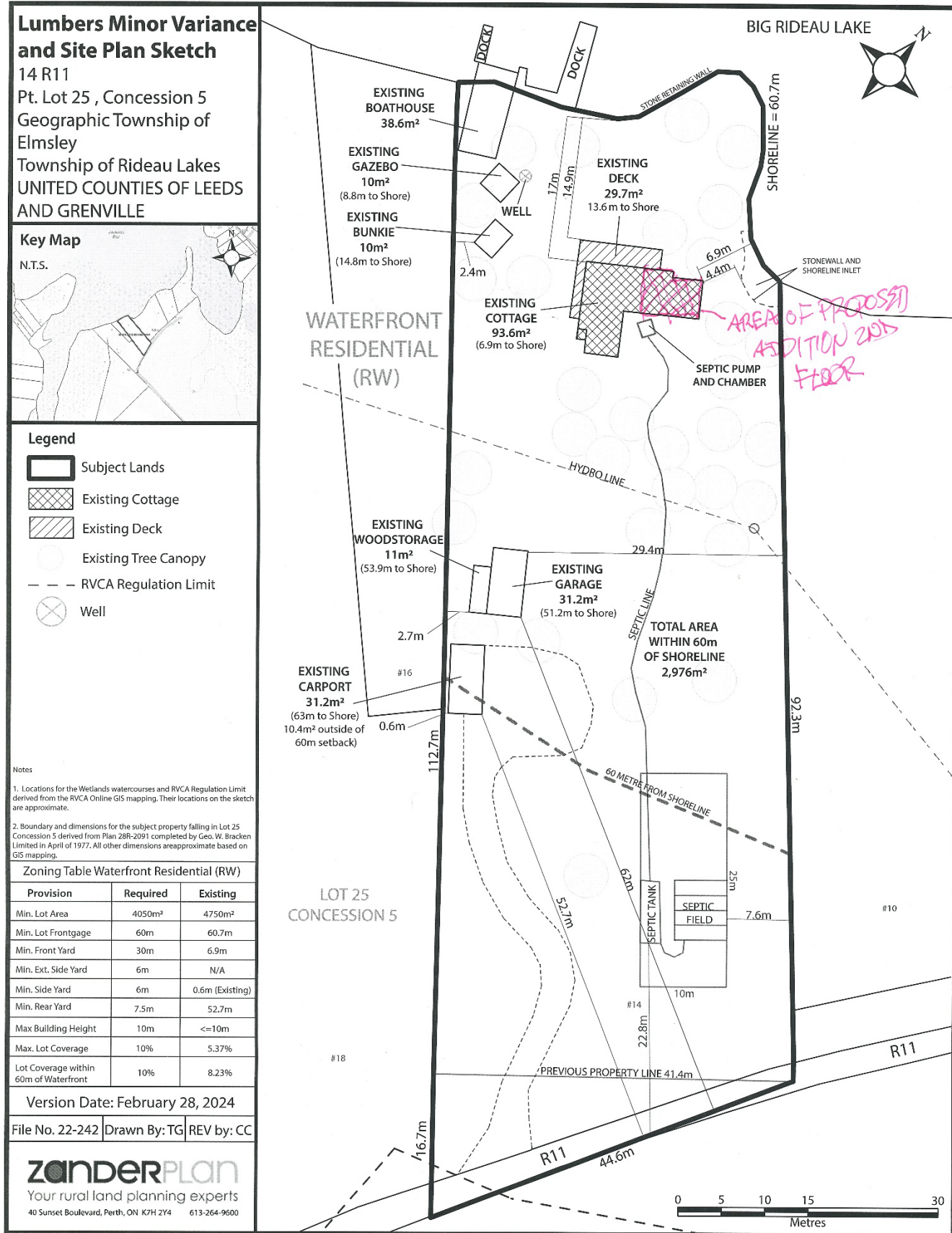
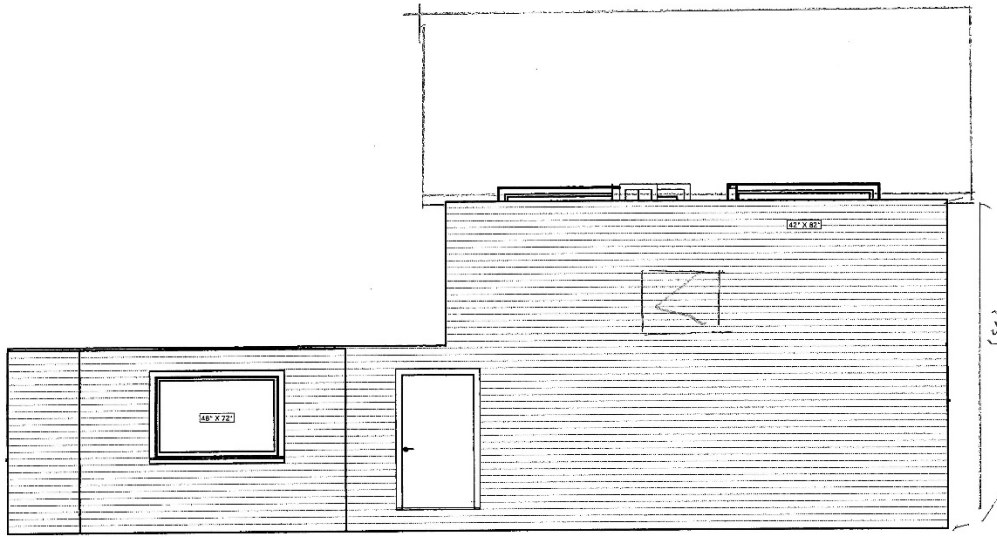


Figure 6 (below) – Submitted Elevation Drawings



01 ELEVATIONS
A3.00 SCALE: 3/16" = 1'-0"

South Elevation 2

A3.00
ELEVATIONS



athena papadas design
4-221 Gladstone Avenue,
Oshawa, Ontario
E: aipapadas@gmail.com
T: 613.888.9891

SCALE: AS NOTED

DATE: JULY 15, 2024

PROJECT DRAFTER: AKP

PROJECT ENGINEER: N/A

REVISION: 001

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All dimensions to be noted by architect, unless otherwise noted. All dimensions shall be subject to the approval of the Architect of Ontario.

Any errors or omissions in this drawing shall be the responsibility of the architect. Design for structural steel section.

PROJECT ADDRESS



01 ELEVATIONS
A3.00 SCALE: 3/16" = 1'-0"

North Elevation 1

A3.00
ELEVATIONS



athena papadas design
4-221 Gladstone Avenue,
Oshawa, Ontario
E: aipapadas@gmail.com
T: 613.888.9891

SCALE: AS NOTED

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Any errors or omissions in this drawing shall be the responsibility of the architect. Design for structural steel section.

PROJECT ADDRESS



Photo 1 – Area of Existing Dwelling
Proposed to be Enlarged



Photo 3 – Shoreline Area at Northeast side
of Property



Photo 2 – Shoreline Area at Dwelling's
Closest Point



Photo 4 – Existing Dwelling from North side

From: [Susan Millar](#)
To: [Amy Schur](#); [Foster Elliott](#)
Subject: RE: Notice of Hearing for A-19-2025 Constantine & Lumbers
Date: Thursday, June 26, 2025 12:39:23 PM
Attachments: [image001.png](#)
[image002.png](#)

Foster,

Thank you for circulating Parks Canada on the above noted application for a partial second storey addition to an existing cottage, located within the 30m development setback/buffer zone of the Rideau NHS/WHS. Given that the addition is contained to the existing footprint of the building, with no further encroachment to the water, PCA does not have concerns with the proposal.

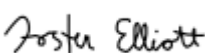

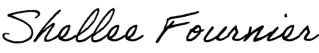
Sincerely

Susan Millar, BComm, MSc
Planner / Planificatrice
Ontario Waterways/Voies navigables de l'Ontario

Parks Canada / Parcs Canada
Rideau Canal Office / Canal-Rideau
34 Beckwith St. S. / 34, rue Beckwith Sud
Smiths Falls, ON K7A 2A8

Email / Courriel électronique : susan.millar@pc.gc.ca
Telephone / Téléphone : 343-553-9290

NB : I am away from the office July and August
Je suis absente du bureau en juillet et août
www.parkscanada.gc.ca | www.parcscanada.gc.ca

REPORT TO THE COMMITTEE OF ADJUSTMENT & PLANNING ADVISORY COMMITTEE	
Date of Report: June 26, 2025	Date of Meeting: July 9, 2025
Subject of Report: Section 45 Application A-20-2025 & Site Plan Control Application SP-27-2025 CARRETERO	
Recommendation: Staff recommend that the Section 45 application A-20-2025 be deferred for the reasons outlined in Section 4 of this report.	
Decision: Site Plan application SP-27-2025 remains under review , pending additional information as outlined in Section 4 of this report.	
Report Prepared By:	 <hr/> Foster Elliott, Associate Planner
Departmental Approval:	 <hr/> Tom Fehr, Manager of Development Services
Chief Administrative Officer (CAO) Approval:	 <hr/> Shellee Fournier, CAO

1.0 PROPOSAL

1.1 Purpose of the Application

This is an application under Section 45 of the Ontario Planning Act requesting permission to expand a non-conforming use. The applicants are proposing to construct a 114sqm (1230sqft) 1 storey [footprint of 105sqm (1130sqft)] rear addition that has a lower landing to connect it to an existing 48sqm (516sqft) 1 storey non-conforming dwelling. The proposed addition increases the height of the existing dwelling from approximately 3.6m (12ft) to a proposed 9.4m (31ft) due to the elevation changes on the lot. The existing dwelling is non-conforming with the minimum 30m water setback at a water setback of 12m. The proposed addition is located at a water setback of 17.5m

This property is also subject to a Site Plan Control Application (SP-27-2025) under the authority of Section 41 of the Planning Act where the applicants are proposing to undertake the works as described above.

**During staff's site visit, the two existing decks noted on the application form and site plan drawing were identified to be recently constructed. No building permits were obtained for the two decks.*

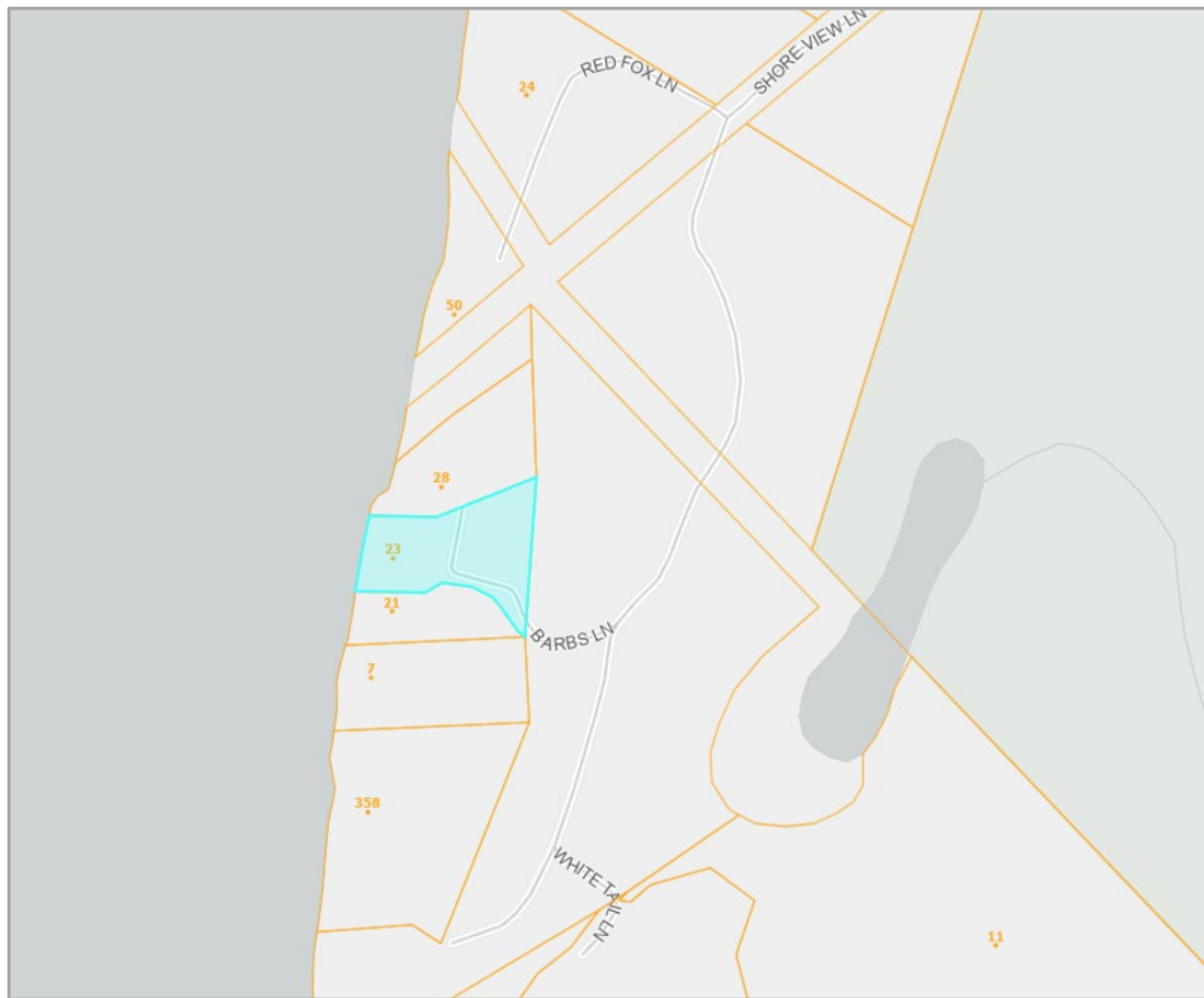


Figure 1 – Context Map

2.0 PROPERTY AND OWNER INFORMATION:

Attribute	Value
Roll Number	083183103623800
Owner Name	Katrina & Christian Carretero
Location	23 Barbs Lane
Area	1.33 acres
Frontage	150.00 ft Big Rideau Lake
Depth	0.00 ft
Description	SOUTH BURGESS CON 3 PT LOT 7;RP 28R9235 PART 1 RP;28R11716A PARTS 3 TO 7

The subject property is generally sloped from rear towards the water. The slope is generally the same, but levels out where the private road bisects the property, and the area where the existing dwelling and decks are located, then has a steep drop down to the lake. The property is well vegetated other than the areas of development, and a large area to the rear that has some leveled gravel next to the private road. The shoreline area is a steep slope, with some vegetation along it, and is generally naturalized. Surrounding property uses are residential.

3.0 AGENCY COMMENTS

3.1 Chief Building Official (CBO)

The CBO has no objections. Building permits will be required for the addition to the dwelling. The septic system performance review will be completed at the building permit stage of the addition.

3.2 Rideau Valley Conservation Authority (RVCA)

No comments have been received from the RVCA at the time of this report.

3.3 Parks Canada

No concerns with the proposal as the addition is located on the opposite side of the dwelling from the lake.

4.0 STAFF REVIEW – DISCUSSION

As noted, during the staff site visit the two existing decks as shown in the site plan drawing and submitted application were recently constructed. The constructed decks were completed without the proper approvals such as building permits. Upon further review of the sizing and location of the decks, they are found to not meet the provisions of the Township's Zoning By-law.

The waterfront deck is 21sqm (226sqft), uncovered, and detached from the dwelling. The Township's Zoning By-law outlines in Section 3.30.2 that decks, gazebos and other similar structures such as hot tubs, which are unattached to a main building and which have combined horizontal surface area of less than 14sqm are permitted within the 30m water setback. This waterfront deck exceeds the maximum 14sqm surface area.

The other deck is 17.1sqm (184sqft), attached and uncovered to the dwelling. Section 3.31.3 of the Zoning By-law outlines the projection allowances for attached uncovered decks to the main building into the water setback. Where the main building is equal to or greater than 8m but less than 15m (existing dwelling is shown to be 12m), a deck's maximum projection into the water setback is 2m (6.5ft). The constructed deck is 3.2m (10.5ft) in depth, therefore exceeding the maximum projection allowance.

Staff discussed the issue regarding the decks with the applicant, providing some options on moving forward.

- Remove the decks (would be reflected as a condition of the application decision)
- Provide sufficient evidence to the satisfaction of the Township that the decks were rebuilt from previously existing decks to the same size.
 - A building permit would be required for each of the rebuilt decks
- If unable to provide evidence of the existing decks:
 - Obtain approval through a Section 45 application for the constructed decks
 - This option would require a re-notice of the application
 - Should approval be obtained, building permits for the decks will be required
 - Propose to resize the decks to be conforming with the ZBL requirements
 - Should this option be chosen, building permits will be required for the smaller decks

Due to time constraints, and the applicant's ability to connect with the Owners of the property quickly, the applicant requested for the application to be deferred, so as to be able to include the decking requests to a future re-noticed application. Therefore, staff recommend that the application be deferred to allow for the proposal to be re-noticed for a future Planning Advisory

and Committee of Adjustment meeting to include the constructed decks in the request. Township staff will work with the applicant and owner on the resubmission.

5.0 PUBLIC INPUT/COMMENTS

One public comment received at the time of writing this report, requesting more information on the proposal. Staff provided information to the inquirer.

APPENDIX A - Property Maps

Figure 2 (below) – Aerial image of subject property and adjacent lands.



Figure 3 (below) – Zoning map of the subject property and surrounding area

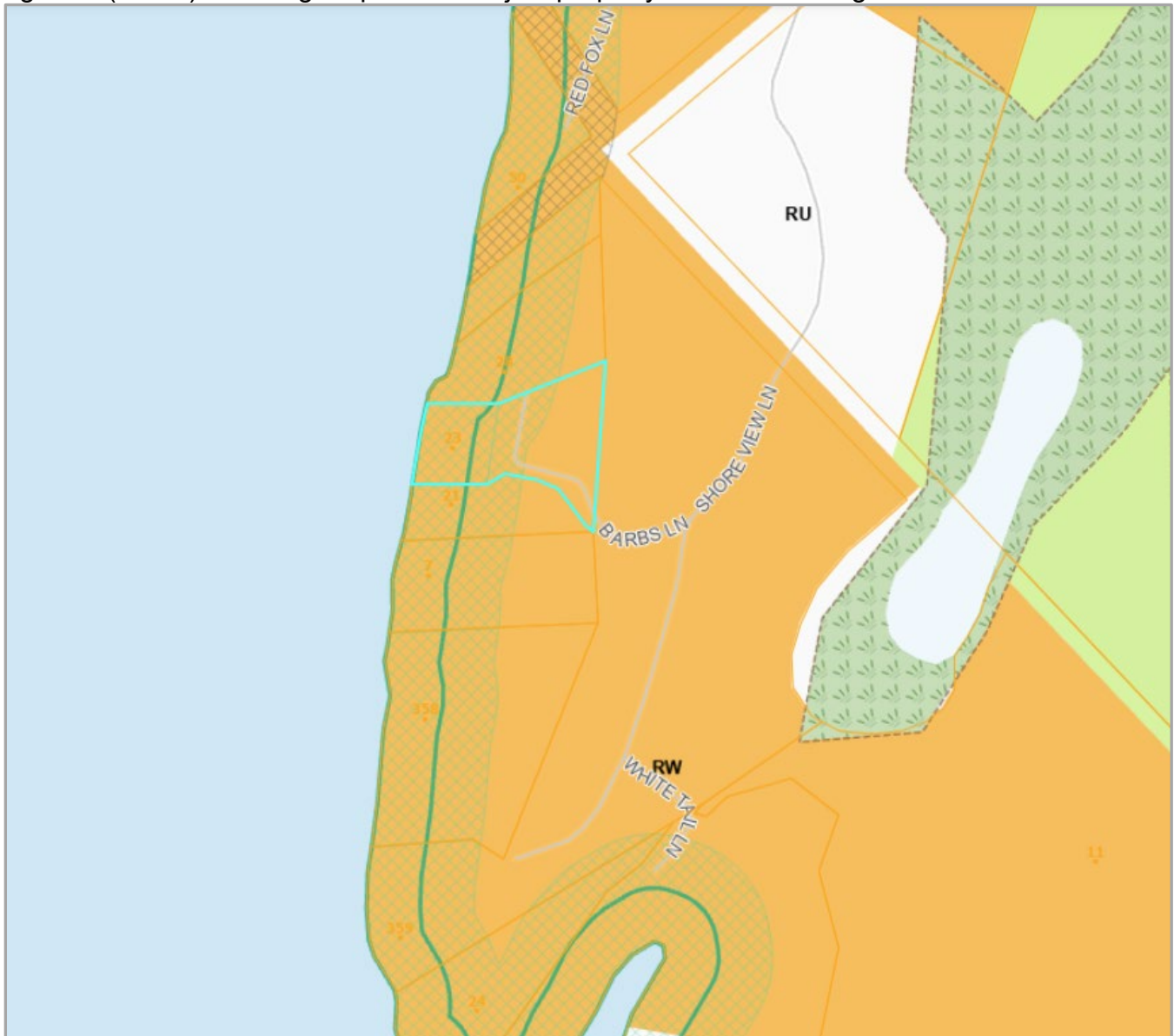
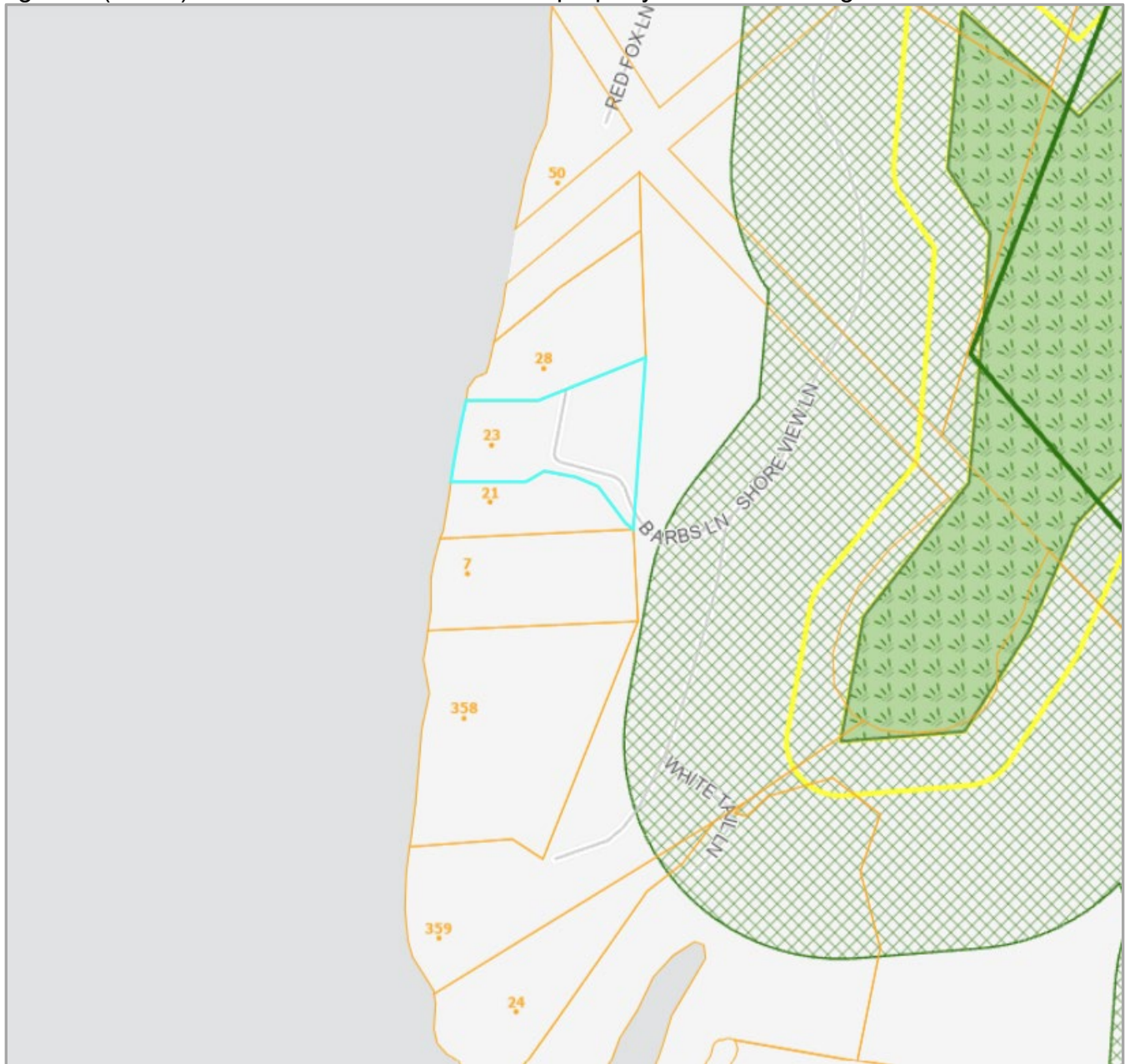


Figure 4 (below) – Official Plan schedule of the property and surrounding area



APPENDIX B – Sketches

Figure 5 (below) – Site Plan Drawing

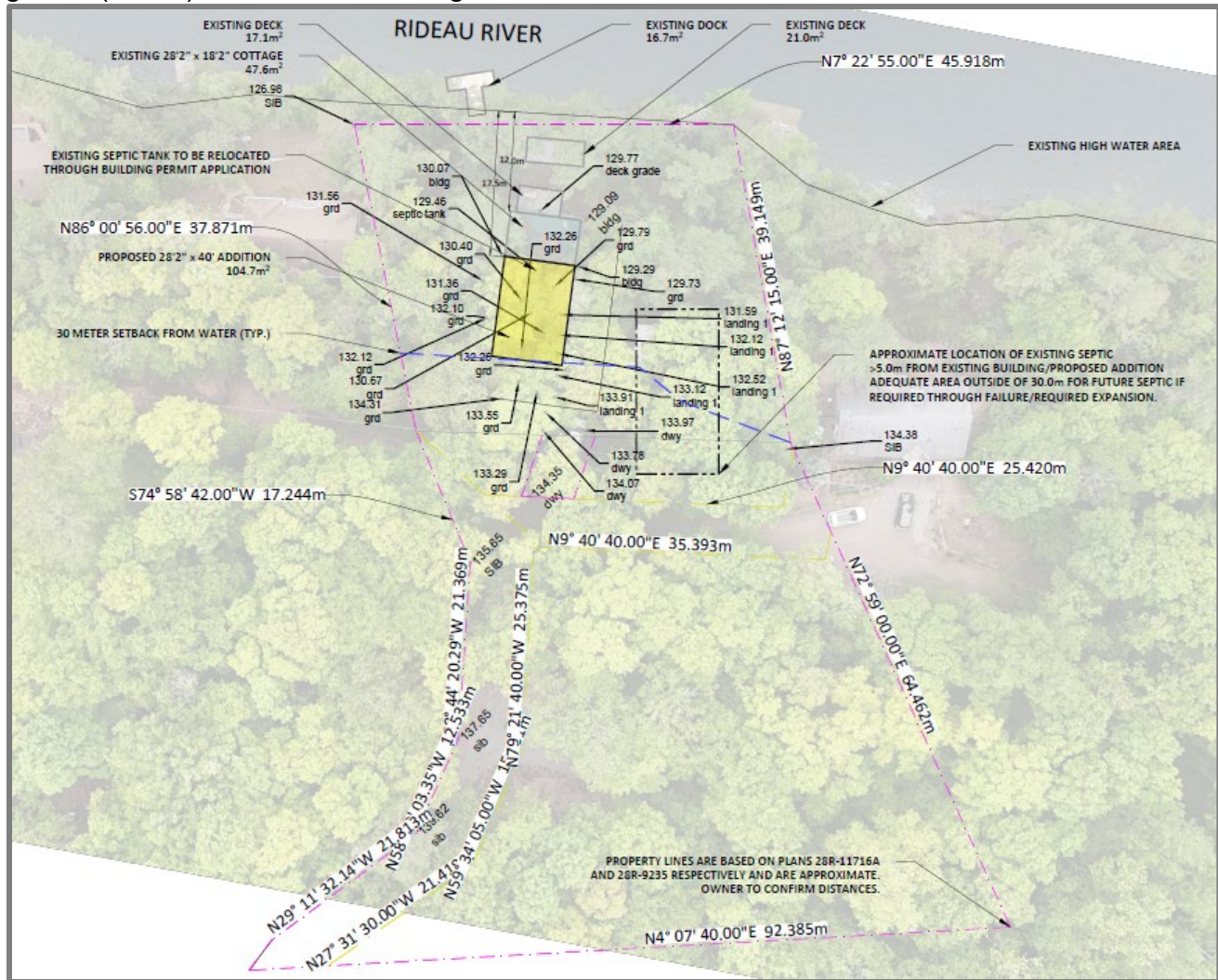
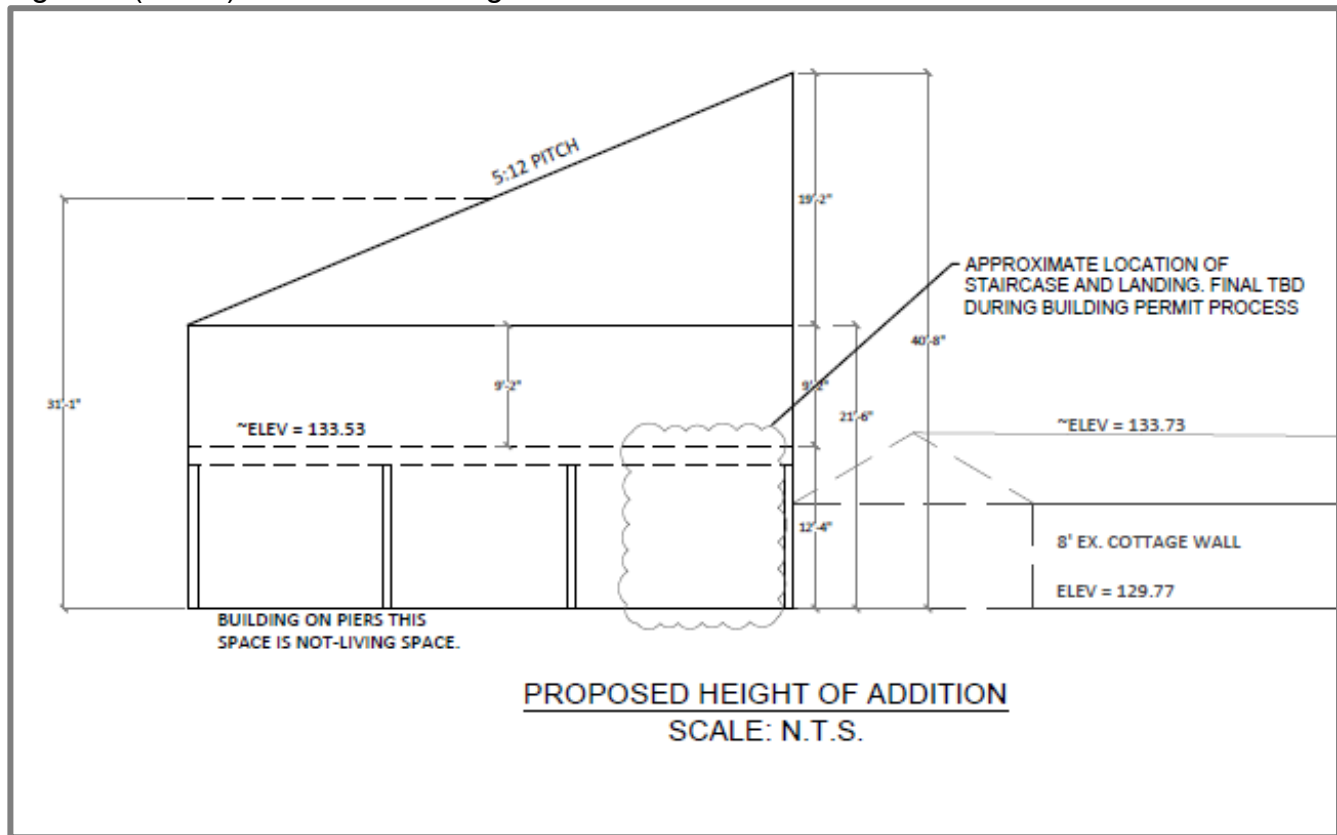


Figure 6 (below) Elevation Drawing



APPENDIX C - Photos



Photo 1 – Existing Dwelling from Rear



Photo 3 – Newly Constructed Dwelling Deck



Photo 2 – Hillside that Proposed Addition will be Built Into



Photo 4 – Newly Constructed Waterfront Deck



Photo 5 – Waterfront Steep Slope

From: [Susan Millar](#)
To: [Foster Elliott](#)
Cc: [Eric Lalande](#); [Amy Schur](#)
Subject: RE: Notice of Hearing for A-20-2025 Carretero
Date: Thursday, June 26, 2025 12:33:15 PM
Attachments: [image001.png](#)
[image002.png](#)

Foster,

Thank you for circulating Parks Canada on the above noted application for a rear addition to an existing cottage, located within the 30m development setback/buffer zone of the Rideau NHS/WHs. Given that the addition encroaches no further to the water than the existing dwelling, as it is located on opposite side of the dwelling, and there are no associated interventions proposed along the waterfront, PCA does not have concerns with the proposal.

Sincerely

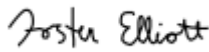
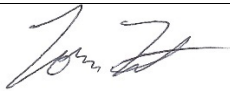

Susan Millar, BComm, MSc
Planner / Planificatrice
Ontario Waterways/Voies navigables de l'Ontario

Parks Canada / Parcs Canada
Rideau Canal Office / Canal-Rideau
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Smiths Falls, ON K7A 2A8

Email / Courriel électronique : susan.millar@pc.gc.ca
Telephone / Téléphone : 343-553-9290

NB : I am away from the office July and August
Je suis absente du bureau en juillet et août

www.parkscanada.gc.ca | www.parcscanada.gc.ca

REPORT TO THE PLANNING ADVISORY AND COMMITTEE OF ADJUSTMENT	
Date of Report: July 3, 2025	Date of Meeting: July 9, 2025
Subject of Report: Section 45 Application A-14-2024 & Site Plan Control Application SP-26-2024 COURVILLE	
Recommendation: Staff recommend that the Section 45 application A-14-2024 be approved as submitted with the conditions outlined in Section 8 of this report.	
Decision: Site Plan application SP-26-2024 is approved as submitted , with the conditions outlined in Section 9 of this report.	
Report Prepared By:	 Foster Elliott Associate Planner
Departmental Approval:	 Tom Fehr Manager of Development Services
Chief Administrative Officer (CAO) Approval:	 Shellee Fournier, CAO

1.0 PROPOSAL

This is an application under Section 45 of the Ontario Planning Act requesting minor variances from the provisions of the Township of Rideau Lakes' Zoning By-law #2023-50 as amended. The applicants are proposing to construct a 72.5sqm (780sqft) 1-storey dwelling with a loft (less than 1.8m height), and an attached uncovered 4sqm (43sqft) entrance side deck with associated stairs and a 0.7sqm (8sqft) rear uncovered entry landing. The new dwelling is proposed to be serviced by a new holding tank. The following variances are requested:

- **Section 3.30.2** – Relief of 22.9m from the required minimum 30m water setback to allow for 7.1m water setback for the proposed dwelling.
- **Section 5.2.2** – Relief of 3.8m from the required minimum 7.5m rear yard setback to allow for 3.7m rear yard setback for the proposed dwelling.
- **Section 3.27** – Relief of 11.4m from the required minimum 17.5m centreline of a township street setback to allow for a 6.1m centreline of a township street setback for the proposed dwelling.
- **Section 3.30.2** – Relief of 20.2m from the required minimum 30m water setback to allow for a 9.8m water setback for the proposed sewage disposal system.

This property is also subject to a Site Plan Control Application (SP-26-2024) under the authority of Section 41 of the Planning Act where the applicants are proposing to undertake the works as described above.



Figure 1 – Context Map

2.0 PROPERTY AND OWNER INFORMATION:

Attribute	Value
Roll Number	083183605116729
Owner Name	David & Adele Courville
Location	Indian Lake Rd (no civic address)
Area	0.39 acres
Frontage	308.00 ft Indian Lake
Depth	67.00 ft
Description	CON 8 PT LOT 21 RP 28R5 PART;68

The subject property is generally sloped from the road to the water, with the east portion (east of driveway) being a hill that slopes down towards both the road and the lake. The proposed building envelope is partially cleared, with the rest of the property in a natural state. Mature vegetation occupies the eastern portion of the lot, with the western portion (building envelope) containing less trees, and the shoreline area is more conducive to wetland vegetation (i.e. cattails). The surrounding properties are residential.

3.0 BACKGROUND

This application was heard at the July 24, 2024 PACA meeting, where a deferral resolution was passed. The staff report reviewed at the July 24th, 2024 PACA meeting is attached. The deferral resolution outlined that various aspects of the proposal needed to be either revised or reviewed. The reasons for the deferral were:

1. To provide more time to examine alternative dwelling layouts and sizing with the applicants that result in a maximized water setback;
2. To allow for more time for staff to work with the preparers of the submitted EIS to address the significance of adjacent woodland designations and any potential impacts to the woodlands resulting from the proposed development, and a determination of the water setback from the proposed dwelling to the unevaluated wetland on site. Should the setback be less than 6m which was included in the notice, a re-notice or amendment to the application is required;
3. That the amended EIS receive a peer review that is completed by a qualified firm to the satisfaction of the Manager of Development Services. The cost associated with the peer review shall be recovered by the Township from the applicant;
4. That an amended shoreline buffer planting plan be submitted that identifies additional plantings along the shoreline area; and;
5. To allow for more time to receive formal comments from the CRCA and Parks Canada.

Since this deferral, the applicants have revised the proposal. The new proposal as outlined in Section 1 of this report. The key changes from the previous proposal are:

- Smaller dwelling size – 84.17sqm to a newly proposed 72.5sqm (with loft of less than 1.8m height)
 - Dwelling reduced in depth, therefore enabling an increase in the water setback
- Water Setback has been confirmed based on the EIS peer review and revised EIS provided
- Previously proposed 6m for the dwelling, now 7.1m for the dwelling
- Same rear and centreline setback proposed as previously proposed
- Septic holding tank water setback increased from 6m to 9.8m

The following report is intended to be an update to the previous staff report for the July 24th, 2024 PACA meeting to address the changes and identified reasons for deferral.

4.0 AGENCY COMMENTS

4.1 Chief Building Official (CBO)

The CBO has no objections. A building permit is required for the proposed development.

4.2 Cataraqui Region Conservation Authority (CRCA)

Preliminary comments were received by the CRCA in July of 2024. These comments outline that the CRCA has been involved in the process of the application (since 2013) and outlined some items to be considered by the Township in making a final recommendation for the proposal. This included identifying the extent of the unevaluated wetland from the original EIS, and recommended a peer review of the EIS since the CRCA was no longer able to peer review the EIS in light of the Bill 23 changes. The previous proposal complied with the Natural Hazard policies of the CRCA and is proposed outside of any natural hazards.

Formal comments were received from CRCA on the revised application. CRCA has no objections to the proposal. A CRCA permit is required for the proposed development. Floodproofing measures will be required for the dwelling and septic holding tank. CRCA

encourages the maintenance/enhancement of a healthy vegetative buffer between the development and the shoreline (unevaluated wetland) to help stabilize soils in the long term, as well as mitigate indirect impacts on the wetland.

4.3 Parks Canada

Parks Canada has reviewed the revised application and provided comments. Their comments recognize the status of the subject property as an undersized lot of record that is zoned for residential use. They acknowledge the extensive consultation that has been undertaken with the proponent, the Township, and the CRCA to confirm an appropriate building envelope for the constrained site. Based on the approach taken for the proposed development they have no objections to approval of the revised application. They further note that they would not be supportive of any future expansion of the footprint of the building beyond what is currently proposed.

4.4 Fire Chief

No concerns with Fire Services.

4.5 Manager of Roads and Drainage

No concerns with the application from the roads department.

5.0 STAFF REVIEW – REVISED APPLICATION

5.1 Minor in Nature

The proposal results in potential for environmental impacts, and therefore the previous deferral of the application was to ensure that a peer review was completed of the submitted Environmental Impact Study (EIS) and that the EIS address the potential significant woodlands, and identify the extent of the unevaluated wetland on the property at the shoreline of Indian Lake. The EIS was peer reviewed, and the EIS preparer LRL Engineering completed the necessary updates. The conclusions of the EIS are that the proposed development will have no negative impacts on the natural heritage features so long as the recommended mitigation measures are implemented as outlined in Section 9 and 10 of the EIS.

As the new proposal results in the same setback to the rear lot line and centreline of the road, the previous review of impacts to traffic flow and road maintenance remains appropriate. The recommended condition of the site plan approval that the owners acknowledge that the snow bank will be in very close proximity to the proposed dwelling should be included.

Impacts to neighbours as addressed previously in 2024 were identified to be minimal as the development remains conforming with the required side lot line setbacks, and through the use of mitigation measures to minimize impacts to the road from the development should be included such as: exterior lighting, colour/design or the exterior of the building as to fit in with the built and natural environment. Overall, through the revised proposal and EIS updates from the peer review, the proposal is considered minor in nature as there are no anticipated negative impacts to the environment, road, or neighbours.

5.2 Intent and Purpose of the Zoning By-law (ZBL)

The property is zoned Waterfront Residential (RW). The intent of the provisions for waterfront properties as outlined in this zone are to regulate the intensity and form of development to ensure that the Township's water and lake resources are protected long-term in terms of both ecology and as a recreational, economic and cultural resource. The residential use of the property is permitted. As noted in the previous report, the lot is an existing lot of record that is zoned for residential use. The lot is non-conforming with current zoning standards, being less than 1 acre at 0.39 acres, however Section 3.6 of the ZBL permits existing lots of record that do not comply

with the minimum lot frontage or size be developed for the uses permitted in the zone which the lot is zoned, without the need for a Planning Act approval for the deficient lot size or frontage. The proposal conforms to the provisions of the ZBL in Section 5.2 which include: 6m minimum side yard setbacks, 10m maximum building height, 10% maximum lot coverage, and 15% floor space index. The proposal also complies with the minimum 30m Natural Heritage A setback for both the dwelling and the septic holding tank as required in Section 3.22.1 of the ZBL.

The water setback has been increased since the previous proposal, which was one of the criteria for deferral. The water setback has now also been measured to the unevaluated wetland identified in the EIS, where previously it was measured to the lake. The resulting increases were due to a reduction in the size of the proposed dwelling footprint. The new proposal is therefore determined to maximize the water setback as the applicants have revised the dwelling layout to ensure that the dwelling can be located further from the water, but remain functional for their purpose.

The proposal also includes the same setback to the rear lot line and the centreline of the road as previously proposed. The previous report outlined that the revised proposal should have consideration for the 5m absolute minimum centreline of the road setback as described by the Manager of Roads and Drainage during the 2024 application review. Through the revision of the smaller dwelling size, and understanding of the snow plowing requirements and bank location from road maintenance, the resulting proposal for a 6.1m centreline of the road setback enables the snowbank from the plowing to not be directly abutting or up on the side of the dwelling. Staff have considered the functionality of having the snow plowing and associated snow bank directly abutting the dwelling, and believe that the additional 1.1m enables some separation between the dwelling and snowbank to minimize risk of damage from road operations to the dwelling. Through the recommended conditions of approval, the revised proposal is considered to meet the intent of the ZBL.

5.3 Intent and Purpose of the Official Plan (OP)

The property is designated Rural in the OP. The intent of the Rural designation is outlined in Section 3.8 of the OP and seeks to maintain the rural and recreational nature of the Township. Accordingly, a modest amount of compatible and orderly development is permitted. The proposed residential use of the property is considered to conform with this section of the OP.

The waterfront development policies of Section 2.2 of the OP were re-reviewed under the revised application. The existing lot precludes the ability for the dwelling and septic system to be located 30m from the water. Further, limiting the disturbance of native soils and removal of vegetation within the 30m water setback shall occur beyond that what is required for the development. Through the revised shoreline buffer planting plan, and the recommended mitigation measures of the EIS, the proposal conforms to the waterfront development policies of the OP.

Through the submission of the revised shoreline buffer planting plan, and the recommended mitigation measures of the EIS, the proposal conforms to the Environmentally Sensitive Development Section of the OP, while also implementing the standard suite of environmentally sensitive development conditions in the site plan approval such as outdoor lighting, stormwater runoff, exterior colours/materials, and erosion control during construction.

Section 2.4.5.C of the OP encourages the development of tiny dwellings on existing non-complying lots that are deficient in the lot size requires of the ZBL. The previous proposal was for a dwelling that met the minimum 75sqm size requirement of the RW zone – therefore not a tiny dwelling. One of the deferral criteria was to review the proposed dwelling's size and shape. The revised proposal is for a 72.5sqm dwelling, which is considered a tiny dwelling under the ZBL, as it is less than the 75sqm dwelling size minimum. A tiny dwelling is any dwelling greater than 30sqm

and less than the required minimum dwelling size for the applicable zone which the property is zoned, in this case being 75sqm for the RW zone.

No new land use compatibility concerns have been identified. Previously the review included the abutting Township Road, which through mitigation measures that can be implemented, staff did not anticipate any land use compatibility concerns.

Cultural Heritage, Rideau Canal, and Archaeological Resources Section 2.17 has been reviewed. This section calls for the protection of cultural heritage aspects of the Rideau Canal system. Parks Canada provided comments indicating that they have no concerns with approval of the revised application. Through the recommended conditions of approval, the proposal conforms to the policies of Section 2.17 of the Township's OP.

As identified in the CRCA comments, the subject property is within a flooding hazard. CRCA provides comments on planning applications on natural hazards, who has identified that through floodproofing measures to be implemented via a future CRCA permit for the proposed development, the dwelling and septic holding tank will meet the CRCA flooding hazard policies. No development is proposed adjacent to the steep slope on the eastern side of the property.

Natural Heritage policies are reviewed for the revised proposal as two of the items for deferral related to the EIS and natural heritage policies. The revised EIS based on the peer review comments has now reviewed the woodland. It is determined that the woodland is not significant, and therefore any removal of trees required for the development will not have any significant impacts. Further, due to the extent of neighbour concerns on the previous proposal on impacts to the environment, the submitted EIS was peer reviewed by Ainley Group, and subsequently revised based on the peer review comments. Through insuring the recommended mitigation measures outlined in the submitted revised EIS are adhered to through the approval, there are no anticipated negative impacts to the natural heritage features or unevaluated wetland on the property, and the proposal conforms to the Natural Heritage policies of the OP.

Since the previous report and review, staff have identified that on the submitted survey, a portion of the existing Township owned and maintained road exits the road allowance and goes onto the subject property as noted by 'EP' (Edge of Pavement) in the submitted survey. Section 4.6 of the Township's OP enables the Township to require land to be conveyed at no cost for the purpose of widening the existing public road right-of-way as a condition of site plan approval. Therefore, staff recommend that the site plan approval include a condition that road widening be dedicated to the Township for only the extent of the boundary of the existing road that is on the subject property. Overall, through the recommended conditions of the Site Plan approval, the proposal complies with the OP.

5.4 Appropriate use and development of the property

The proposed development is now a tiny dwelling, which is the encouraged development for existing lots of record which do not meet the minimum size requirements of the ZBL. The proposal is considered through the implementation of the recommended conditions of approval to not have any anticipated negative impacts to the environment, which was a majority of the concerns of the neighbours during under the previous proposal.

Through the adherence to the recommended mitigation measures of the EIS, the use of storm water management mechanisms, adhering to the shoreline buffer planting plan, and natural materials and/or colours, the development will address the more significant concerns of the Township. There are no anticipated negative impacts on the neighbours, environment, or natural heritage features from the proposal. Overall, the proposed plan of development is considered appropriate given the priorities and policies of the Township are adhered to.

6.0 OTHER MATTERS OF LOCAL/PROVINCIAL INTEREST

The policies of the *Ontario Provincial Planning Statement* (PPS) have been considered in reviewing this application. The protection of water resources as outlined in Section 4.2 have been considered. These sections call for the minimizing of negative impacts, implementing restrictions on development to protect sensitive surface and groundwater features, and implementing stormwater management practices and maintaining or increasing vegetative and pervious surfaces. Section 4.1 (Natural Heritage) has been reviewed due to the adjacent provincially significant wetlands and the woodland designations. This section calls for the protection of these environmental features and that no negative impacts occur on them from the development. Section 5.2 (Natural Hazards) has also been reviewed due to the identified flood hazard by the CRCA. As noted by the CRCA, the proposal can comply with their regulations for the flooding hazard considering the constrained lot. The proposal, and through Site Plan Control with the attached conditions, is considered to be consistent with the policies of the PPS.

The policies of the *United Counties of Leeds & Grenville Official Plan* have also been considered in reviewing this application. The subject property is designated as Rural Lands in Section 3.3 of the Counties OP. An objective of the Rural Lands designation is to promote development opportunities of recreational dwellings that have limited impact on infrastructure demands and other environmental resources. Section 4.2 has also been reviewed due to the adjacent natural heritage features to the property. Through the recommended conditions the proposed development under Site Plan Control is considered to conform with the Counties OP.

7.0 PUBLIC INPUT/COMMENTS

14 written public comments were received and reviewed in the previous PACA meeting along with one oral comment at the meeting itself. There was only one as the chair of PACA asked that one public member speak for all the neighbours.

Since the re-notice, the Township has not received any formal comments at the time of writing this report, but have received various requests for additional information.

The comments received previously were grouped into 4 main categories:

- Environmental concerns
- Extent of Requests (minor vs major)
- Previous Township Building Official Letter (dated 2001)
- Septic System adequacy

These comments were addressed both in the previous staff report, and PACA meeting. The peer review of the EIS was required to ensure that another professional review the work of the EIS to confirm the methodology and review were completed according to literature and common practices.

8.0 RECOMMENDATION (SECTION 45)

Staff recommend that the Section 45 application **A-14-2024 be approved** as submitted with the following conditions:

1. That this approval is based on the following specifications and that any deviation from these specifications will require subsequent review and approval by the Township:
 - a. The dimensions and location of the proposed structure(s) shall be consistent with the approval;
 - b. All setbacks and development parameters shall be consistent with the details noted in the site plan and compliant with Zoning By-law 2023-50 where no approval has been granted;

2. That this approval is contingent upon the owners entering into a Site Plan Agreement (SP-26-2024) with the Township; and;
3. Future development not included in this approval will be subject to review and approval by the Township, Conservation Authority and/or Parks Canada and any other governing agency or regulations where applicable.

9.0 DECISION (SITE PLAN CONTROL)

Site Plan application **SP-26-2024** is **approved** for the following reasons:

- 1) That this approval is contingent on the approval of A-14-2024;
- 2) That this approval is based on the following specifications and that any deviation from these specifications will require subsequent review and approval by the Township:
 - i) The dimensions and location of the proposed structure(s) shall be consistent with the approval;
 - ii) All setbacks and development parameters shall be consistent with the details noted in the site plan and compliant with Zoning By-law 2023-50 where no approval has been granted;
- 3) That the owners agree to register the Site Plan Agreement for this application on title of the subject property prior to the issuance of the building permit for the proposed development. All expenses pertaining to the registration are to be borne by the owners;
- 4) That the owners convey the portion of the Township road (Indian Lake Road) which enters their property to the Township. The lands to be transferred for the road widening shall be free and clear of any and all encumbrances. This shall occur prior to the issuance of a building permit for the proposed development;
- 5) That the owners adhere to the submitted Shoreline Buffer Planting Plan. The owners shall encourage the development of a shoreline naturalization buffer (no disturbance area) extending up to 15m back from the high water mark. It should be noted that a shoreline access path through this area is permitted;
- 6) That the owner adheres to all the mitigation measures outlined in Sections 9 and 10 of the submitted revised Scoped Environmental Impact Study completed by LRL Engineering revised on March 2, 2025;
- 7) That the owners acknowledge that the location of the dwelling will be near the public road, and snow plowing maintenance will create a snowbank in close proximity to the dwelling. Any and all damage related to the snow plowing operations is not the responsibility of the Township to remedy;
- 8) That all outdoor lighting be downward cast, and as minimal as required to meet the required objectives;
- 9) That all materials used on the exterior of the structure are encouraged to be of a natural material or a colour reflective of the surrounding environment;
- 10) That the owners maintain all existing on-site drainage patterns with the exception of directing any stormwater runoff and snowmelt resulting from the new development away from the lake into a vegetated area of natural infiltration;
- 11) That sediment and erosion control measures be implemented during all stages of construction. This must include some form of silt fencing between the areas of development and the lake. This fencing must remain in place until all areas that were disrupted are fully stabilized (i.e. no bare soils remain);
- 12) All excavated material is to be disposed of away from the lake, and all construction material shall be stored in a location well away from the lake; and;

- 13) Future development not included in this approval will be subject to review and approval by the Township, Conservation Authority and/or Parks Canada and any other governing agency or regulations where applicable.

APPENDIX A - Property Maps

Figure 2 (below) – Aerial image of subject property and adjacent lands



Figure 3 (below) – Zoning map of the subject property and surrounding area

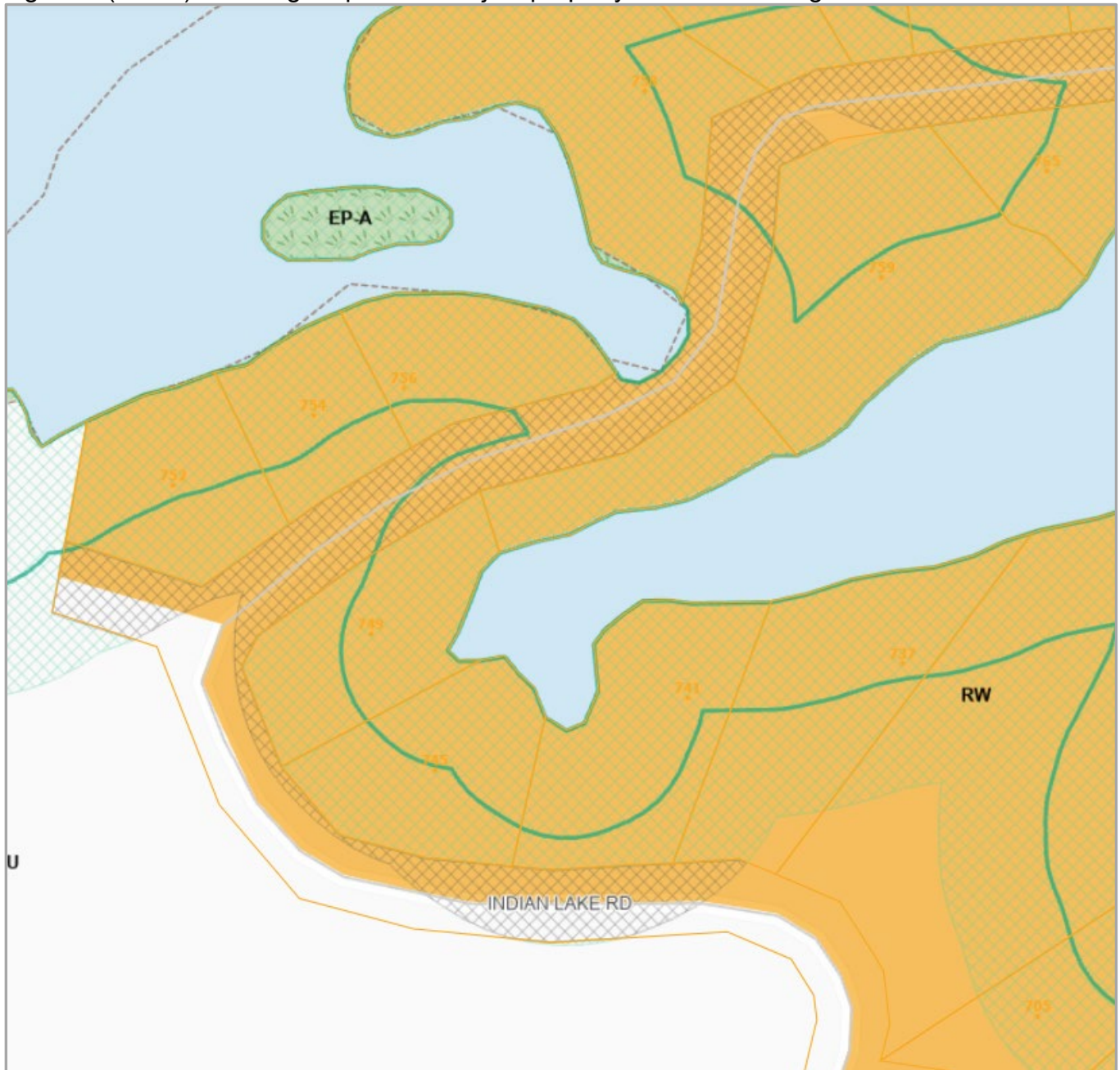


Figure 4 (below) – Official Plan schedule of the property and surrounding area

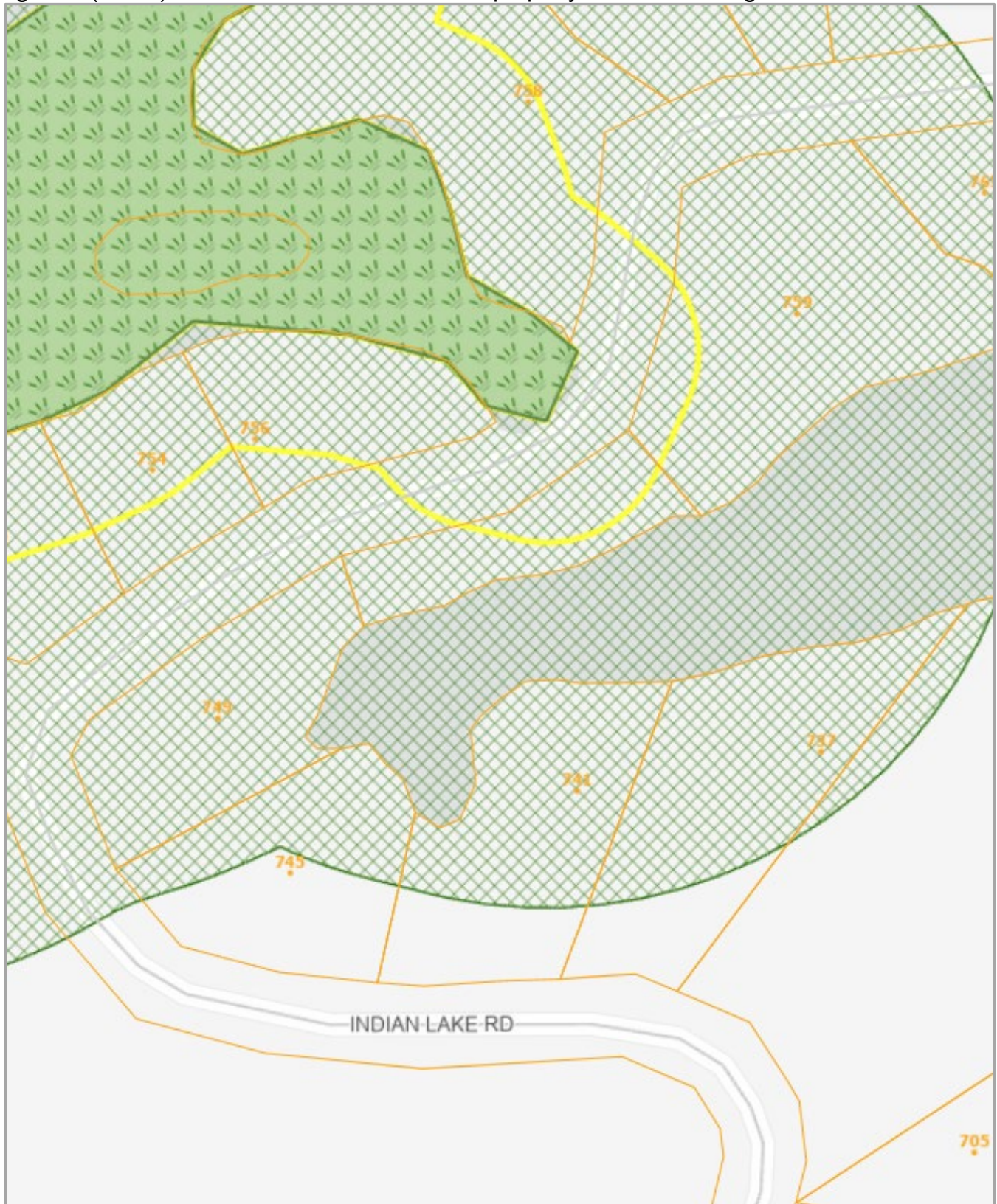
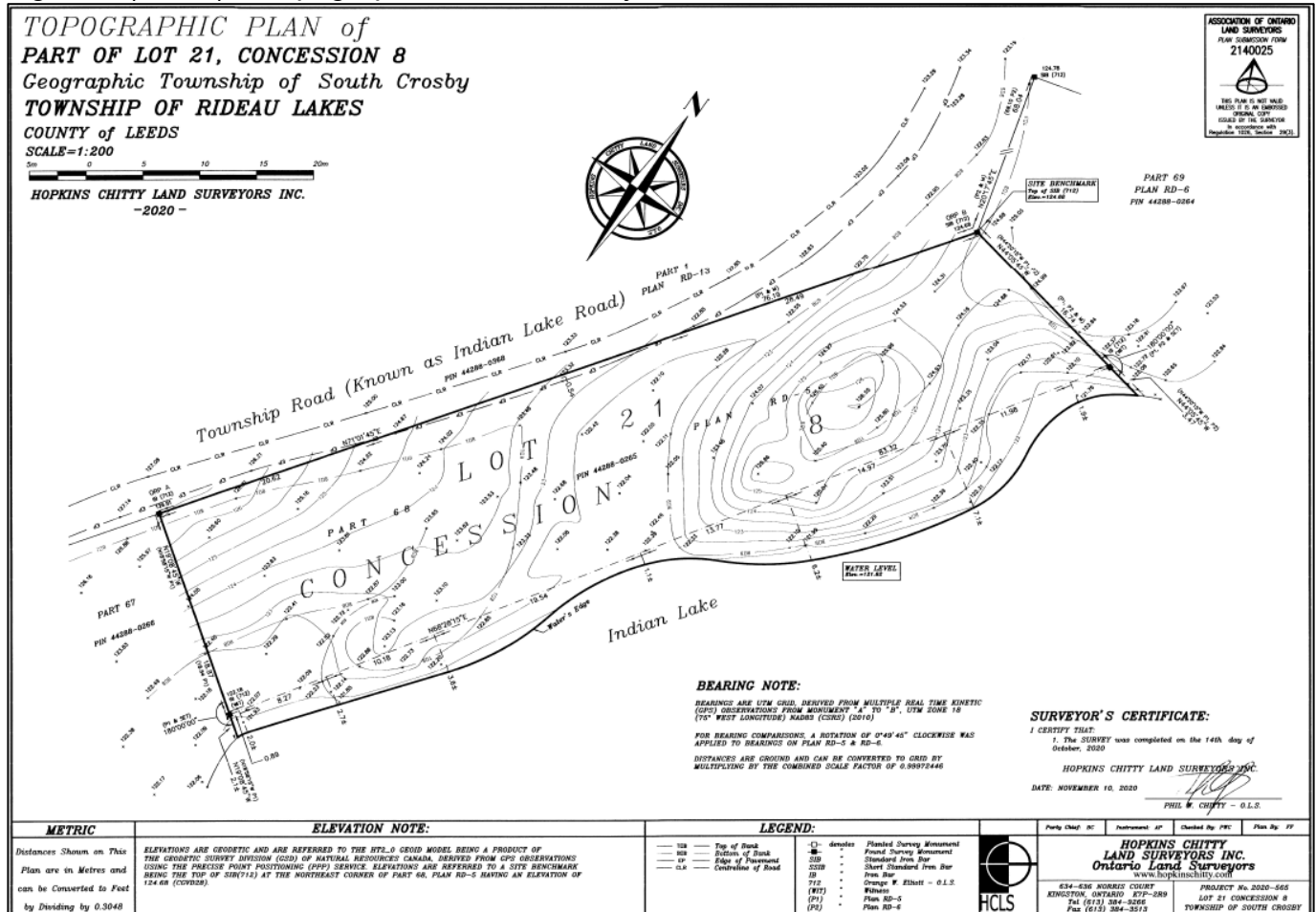


Figure 7 (below) – Topographic Plan of Survey



APPENDIX C - Photos



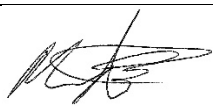
Photo 1 – Proposed Development Area



Photo 3 – Existing Public Road



Photo 2 – Shoreline Area to be enhanced by the SBPP

REPORT TO THE COMMITTEE OF ADJUSTMENT & PLANNING ADVISORY COMMITTEE	
Date of Report: July 16, 2024	Date of Meeting: July 24, 2024
Subject of Report: Section 45 Application A-14-2024 & Site Plan Control Application SP-26-2024 COURVILLE	
Recommendation: Staff recommend that the Section 45 application A-14-2024 be deferred for the following reasons: <ol style="list-style-type: none"> 1. To provide more time to examine alternative dwelling layouts and sizing with the applicants that result in a maximized water setback; 2. To allow for more time for staff to work with the preparers of the submitted EIS to address the significance of adjacent woodland designations and any potential impacts to the woodlands resulting from the proposed development, and a determination of the water setback from the proposed dwelling to the unevaluated wetland on site. Should the setback be less than 6m which was included in the notice, a re-notice or amendment to the application is required; 3. That the amended EIS receive a peer review that is completed by a qualified firm to the satisfaction of the Manager of Development Services. The cost associated to the peer review shall be recovered by the Township from the applicant; 4. That an amended shoreline buffer planting plan be submitted that identifies additional plantings along the shoreline area; and 5. To allow for more time to receive formal comments from the CRCA and Parks Canada 	
Decision: Site Plan application SP-26-2024 is also deferred pending the above for the Section 45(1) application.	
Report Prepared By:	 Foster Elliott, Associate Planner
Departmental Approval:	 Malcolm Norwood, Manager of Development Services
Chief Administrative Officer (CAO) Approval:	 Shellee Fournier, CAO

1.0 PROPERTY AND OWNER INFORMATION:

Attribute	Value
Roll Number	083183605116729
Owner Name	COURVILLE, DAVID & ADELE
Location	Indian Lake Rd (no civic address)
Area	0.39 acres

Frontage	308.00 ft
Depth	67.00 ft
Description	CON 8 PT LOT 21 RP 28R5 PART;68



Figure 1 – Context Map

2.0 PROPOSAL

2.1 Purpose of the Application

This is an application under Section 45 of the Ontario Planning Act requesting minor variances from the provisions of the Township of Rideau Lakes' Zoning By-law #2023-50 as amended. The applicants are proposing to construct an 84.17sqm (906sqft) 1-storey dwelling, and an attached uncovered 3.96sqm (42.7sqft) entrance deck with associated stairs. The new dwelling is proposed to be serviced by a new sewage disposal system (holding tank). The following variances are requested:

- **Section 3.30.2** – Relief of 24m from the required minimum 30m water setback to allow for a 6m water setback for the proposed dwelling.
- **Section 5.2.2** – Relief of 3.8m from the required minimum 7.5m rear yard setback to allow for a 3.7m rear yard setback for the proposed dwelling.
- **Section 3.27** – Relief of 11.36m from the required minimum 17.5m centreline of a township street setback to allow for a 6.14m centreline of a township street setback for the proposed dwelling.
- **Section 3.30.2** – Relief of 24m from the required minimum 30m water setback to allow for a 6m water setback for the proposed sewage disposal system (holding tank).



Figure 2 – Aerial image of subject property and adjacent lands.

This property is also subject to a Site Plan Control Application (**SP-26-2024**) under the authority of Section 41 of the Planning Act where the applicants are proposing to undertake the works as described above.

This property was subject to previous planning application **A-26-2013** which was deferred at the January 8, 2014 meeting for the following reasons:

1. There appear to be inconsistencies in the measurements submitted through the site plan drawing as the applicants have acknowledged this possibility. A revised drawing provided through the re-measuring of the proposed may required slight differences in the requested variances that will require re-noticing of the application; and;
2. After confirming measurements, and updated report is requested from the Cataraqui Region Conservation Authority regarding flood plain concerns
3. That under the first reason that the resubmitted drawing shall be survey accurate
4. That the EIS comments from the CRCA and the EIS be submitted to the MNR (Ministry of Natural Resources) to review and comment.

The application did not return to a subsequent meeting after the January 8, 2014 meeting.

The application form identified a setback of 12.6m from the water for the proposed sewage disposal system, and an 8.4m water setback for the dwelling, however, upon further review staff understood the setback of the sewage disposal system and dwelling to be approximately 6m, based on the blue contour line noted on the submitted site plan which represents the maximum recorded water of Indian Lake. Therefore, staff noticed the anticipated 6m setback for the proposed sewage disposal system and dwelling in the public notice of the application.

3.0 AGENCY COMMENTS

3.1 Chief Building Official (CBO)

The CBO has no objections so long as a Class 4 septic system cannot be installed as determined by the Ontario Building Code (OBC) Part 8. Building permits will be required for the proposed development.

3.2 Rideau Waterway Development Review Team (RWDRT)

No comments have been received from the RWDRT. Preliminary comments have been received from the CRCA. These comments detailed the scope of CRCA's review regarding Natural Heritage and Natural Hazards. Previously the CRCA would comment on Natural Heritage features and areas, and complete reviews of Environmental Impact Studies (EIS). In late 2022 Bill 23 was passed that removed this ability, effective January 1st, 2023. The CRCA strived to support the Township through the Bill 23 transition, and continued to comment and review the EIS in September of 2023. As the application has now been submitted over a year since Bill 23 came into effect, the CRCA's approach to the review of this application is now focused on Natural Hazards. These preliminary comments also included a general review of the EIS, which indicates that the submitted EIS has some minor items to address, but in general the CRCA believes that the EIS has been completed appropriately. Natural Hazards were also reviewed, and the proposal is compliant with the CRCA natural hazards avoidance policies, as the dwelling and septic holding tank are appropriately located and can be elevated to be outside the extent of flooding and erosion risk. Further, the CRCA outlines that Parks Canada have not provided input at this time, and that likely Parks Canada and the CRCA will be providing separate comments on this application.

3.3 Fire Chief

No concerns with fire services.

3.4 Manager of Roads and Drainage

No concerns regarding Township Roads. An absolute minimum of a 5m centreline of the road setback is required, and 6.14m is proposed. The Manager of Roads and Drainage does not believe the wing of the snowplow will impact the building, however the snowbank will be very close to the building.

3.5 Hydro One

No comments or concerns at this time.

4.0 STAFF REVIEW – SECTION 45 and SITE PLAN CONTROL

4.1 Minor in Nature

The proposal is for a new 84.17 (906sqft) single family dwelling on a very narrow lot that is approximately 15.5m at its narrowest, and maintains a general average of 18-20m in depth according to a submitted survey of the property. The proposal requests reduced setbacks to the water for the dwelling and sewage disposal system, as well as reduced setbacks to the rear yard and centreline of the Township street. Potential impacts from any development on this lot are environmental, which include but are not limited to the abutting lake and the nearby provincially significant wetland, impacts on neighbours, and impacts to the abutting improved street, Indian Lake Road.

The applicants have submitted an Environmental Impact Study (EIS), which details the proposal and assesses the development for potential environmental impacts. The submitted Environmental Impact Study concludes that through the implementation of the proposed mitigation measures that impacts to the environment are considered negligible. The proposal also

includes the installation of a new holding tank as the sewage disposal system that is proposed to service the dwelling. For constrained properties such as this one, a holding tank that is permitted under the Ontario Building Code (OBC) assists in reducing environmental impacts from a reduced water setback, as suggested in formal comments submitted by a licensed septic installer. The environmental impacts are minimal as all discharge from the dwelling is collected into the holding tank and then pumped out and hauled to an adequate sewage treatment facility. While the submitted EIS has a supportive conclusion for the development that there are no impacts to the wetland to the north and Indian Lake to the south, there is no discussion on adjacent potentially significant woodlands which bears upon the assessment of impacts resulting from the proposed development. Staff are recommending that the EIS preparer amend the EIS to include a discussion on the potential impacts to the adjacent potentially significant woodlands so that impacts can be properly assessed.

The proposal also includes a reduction in the rear yard setback and centreline of the Township street located abutting the rear of the property. Impacts related to the roadway traffic, sight lines, maintenance, and operations have been discussed with the Manager of Roads and Drainage. The Manager of Roads has identified no concerns with the proposal as it relates to the Township Road, provided an absolute minimum setback of 5m from the centreline of the road is maintained at all times. The proposal is for a 6.14m centreline setback, which meets this requirement, but also presents an opportunity for a slightly enhanced water setback for the dwelling to be situated on the lot. The owners should be aware that snowbanks will be in very close proximity to the proposed dwelling and this is recommended to be included as a condition of any future Site Plan Agreement that is to be registered on title to the property.

Impacts to neighbouring properties are also considered. The 2 abutting properties to the east and west are residentially developed. The proposal does not include any side yard setback reductions. Real distance separation through side yard setbacks are considered appropriate in mitigating potential negative impacts to neighbours. Through the Planning Act application process, public consultation is also important in identifying potential impacts. A summary of public comments are outlined at the end of this report, and no comments identify any potential negative impacts to other properties. However, one comment does outline the potential impact to the streetscape resulting from the reduced rear yard setback and centreline of the Township street setback. The Manager of Roads and Drainage has considered impacts on the abutting Township street and has indicated no concerns with the proposal, and requests an absolute minimum 5m to the centreline of the road setback for future development on this lot. Any potential approval of development on this lot would incorporate aspects that mitigate potential impacts to the roadway such as: exterior lighting, colour/design of the exterior of the building as to fit in with the built and natural environment. Considering the adherence to side lot line setbacks, and mitigation measures that can be incorporated to minimize land use compatibility impacts noted in public comments, staff are confident that impacts to neighbouring properties are minor. Overall, the proposal is minor in nature when considering impacts to the environment, the abutting Township road, and neighbouring properties, however further investigation is required into the potentially significant woodlands to fully assess potential impacts.

4.2 Intent and Purpose of the Zoning By-Law (ZBL)

The property is zoned Waterfront Residential (RW). The intent of the provisions for waterfront properties as outlined in this zone are to regulate the intensity and form of development to ensure that the Township's water and lake resources are protected long-term in terms of both ecology and as a recreational, economic and cultural resource. The proposed residential use of the property is permitted in the RW zone.

The subject property is approximately 0.39 acres in size, with approximately 91m of waterfrontage along Indian Lake. The 0.39 acre property size is non-conforming with the minimum 1-acre property size, and the 91m of frontage complies with the minimum 60m of frontage requirement in the RW zone. Section 3.6 of the ZBL states that existing lots of record, such as this one, that do not meet the minimum lot area or frontage are permitted to be developed with a building or structure for the purpose of a permitted use within the zone in which the lot is located on the date of the passing of the By-law without the requirement to obtain relief from the applicable lot area or frontage provisions. However Section 3.6 also states that this provision shall not be construed as granting relief from any other provisions of the Zoning By-law. The proposal for the dwelling meets or exceeds the requirements of the Township's ZBL other than those where relief is requested for the development parameters outlined in Section 5.2 which include: 6m minimum side yard setback, 10m maximum building height, 10% maximum lot coverage, and 15% maximum floor space index. The proposal also meets the required minimum 30m setback outlined in Section 3.22.1 to a Natural Heritage A designation, as an EIS was submitted that recommended a lesser than 120m Natural Heritage A setback.

The proposal does not meet the required minimum 30m water setback for either the dwelling or the sewage disposal system (holding tank) and has requested relief of 24m to permit a 6m water setback for the dwelling and sewage disposal system. The intent of the 30m water setback is to ensure adequate separation between development and the sensitive surface water features to mitigate impacts that development can cause. Part of this review is to determine whether the water setback has been maximized. In this proposal, and with consideration for the comments received from the Manager of Roads and Drainage regarding the Township road centreline setback, staff believe there is an ability to move the dwelling further back on the property, which will subsequently increase the water setback. This can result in a maximum increase of 1.14m to the water setback for the dwelling only. Further, the submitted Environmental Impact Study (EIS) that is supplemental to the application outlines an unevaluated wetland along the upland side of the shoreline of this property. As defined in the ZBL, a "water setback" is in reference to a "waterbody". A "waterbody" is defined as:

"any bay, lake, river, unevaluated wetland, watercourse or canal, but excluding a drainage swale or irrigation channel"

The provided site plan and dimensions to the water did not account for the identified unevaluated wetland in the submitted EIS. As such, staff recommend that the application be deferred so that the water setback can be properly evaluated when accounting for the unevaluated wetland identified in the EIS, and an updated water setback is provided accordingly. Should the revised proposal result in a setback of less than 6m for either the sewage disposal system or dwelling, the application would require a re-notice. In addition to the above measures, staff are also recommending that the applicant re-evaluate the proposed dwelling size and layout to further demonstrate a maximized setback. The proposed dwelling is an approximate 30ft x 30ft structure that maintains an approximate 50ft setback to the western lot line, and the submitted sketch identifies an envelope that has more land to the west that some of the dwelling area could occupy that is further than 6m from the water. Staff believe that this area should be examined for some of the dwelling to be located, in order to increase the dwelling's setback to the water. As a result of the comments from the Roads Manager, as well as the potential ability to explore alternative dwelling designs to maximize the setback on the lot, staff are recommending deferral in order to achieve a maximized water setback in order to meet the intent of the Zoning By-law.

Further, the proposal also does not meet the rear yard setback requirement of 7.5m, which is proposed to be 3.7m. The intent of rear yard setbacks is to enable real separation distances on

properties between buildings to mitigate land use compatibility. In the case of waterfront properties, the rear yard setback typically aligns to the road in which access is gained, in this case a Township street. For this proposal the centreline of the Township street as required in Section 3.27 of 17.5m is proposed to be reduced to 6.14m. The intent of the centreline of the Township street setback is to allow adequate separation for buildings and structures from the roadway to ensure that traffic, sight lines, maintenance and other road operations are not impeded or hindered by development. The Manager of Roads and Drainage has indicated no concerns with the proposed 6.14m setback, and has also indicated for this property that an absolute minimum 5m centreline setback can be permitted. The Manager of Roads and Drainage has also stated that either with the proposed 6.14m centreline setback, or a 5m centreline setback that the snowbank will be in very close proximity to the dwelling. The Township Fire Chief has also commented on the application for the reduced setbacks to the rear lot line and Township street, which he has indicated no concerns regarding fire and emergency services. The revised proposal should have consideration for a 5m centreline of the Township street setback to attempt to maximize the water setback for the proposed development while still maintaining the recommended clearance by the Township's Manager of Roads.



Figure 3 – Zoning map of the subject property and surrounding area.

4.3 Intent and Purpose of the Official Plan

The subject property is designated Rural in the OP. The intent of the Rural designation is outlined in Section 3.8 of the OP and seeks to maintain the rural and recreational flavor of the Township. Accordingly, a modest amount of compatible and orderly development is permitted. The proposed residential use of the property is considered consistent with this section of the Official Plan.

The Waterfront Development Policies outlined in Section 2.2 of the OP are reviewed. Section 2.2.2 highlights the importance and policies regarding the water setback. The proposed will not meet the minimum required 30m setback as noted in this section along with Section 3.30.2 of the ZBL. Section 2.2.2.C of the OP states that development and site alteration may be permitted less than 30m from a waterbody in situations where existing lots or existing developments preclude the reasonable possibility of achieving this setback, and will be subject to other policies in the OP. The proposal is to construct a new dwelling and sewage disposal system, which due

to the lack of depth existing on the property is required to be completed within the 30m setback. The submitted EIS concludes no negative impact to the wetlands and Indian Lake. Section 2.2.2.E states that minimum disturbances of native soils and very limited removal of vegetation occur beyond that required for development, which the Township can utilize Site Plan Control to incorporate into development proposals.

The proposal must also be consistent with the Environmentally Sensitive Development section of the OP with the policies outlined in Section 2.6. Development shall be undertaken in a manner that is sympathetic and complementary to the natural and build contextual environment in which it is to occur. Massing of buildings and structures are to not dominate the natural landscape, particularly in areas of high potential impact such as the Rideau Canal system. Parks Canada has been circulated on the application, however no comments have been received at the time of this report. This section further calls for retaining as much natural vegetation as possible and reinstating vegetative buffers that are disturbed or destroyed where they abut shorelines, wetlands, and roads, and priority shall be given to using native species of vegetation. Maintenance of a minimum 30m strip of substantially undisturbed and naturally vegetated area abutting the length of the shoreline on waterfront properties should be required as it is intended to ensure the protection of the most environmentally sensitive portion of the water setback area. Through this proposal, a 30m width of substantially undisturbed and naturally vegetated area is not feasible, as the entire lot is within 30m of the water. However, Section 2.2.2.C of the OP contemplates development within the 30m water setback in specific circumstances which include existing lots of record or existing developments. Therefore, staff believe that the proposal for a new dwelling and septic system maintains the intent of the official plan in this regard, so long as the remaining portion of the lot remains substantially undisturbed and naturally vegetated. The applicants have submitted a shoreline buffer planting plan in support of this proposal. The plan identifies existing mature vegetation to remain, and some new perennials. Due to the proximity to the shoreline of the proposed development, a revised shoreline buffer planting plan shall be submitted identifying a more robust plan which includes greater depth of planting along the shoreline with particular regard for woody vegetation to assist with erosion and stormwater in the areas of proximity to the driveway and proposed dwelling. The Shoreline Buffer Planting Plan will assist in maintaining the intent the Environmentally Sensitive Development section of the OP while recognizing that the existing lot of record in the subject application is a scenario contemplated under Section 2.2.2C where a water setback can be reduced.

The size of the proposed dwelling and the shape of the dwelling should also be considered in the context of the environment. Staff believe that on a constrained lot such as this, a tiny dwelling, or a dwelling of smaller footprint should be considered. It is policy of Section 2.4.5.C of the OP that the Township will encourage the development of tiny dwellings on existing non-complying lots that are deficient in the lot size requirements outlined in the Zoning By-law. This OP policy is appropriate for this lot considering its small size and narrow depth and is recommended to be considered by the owner. Additionally, the Environmentally Sensitive Development section states that development should preserve natural land forms and contours particularly when undertaking grading or site alteration, as well as attempting to implement a 'dark skies' in relation to light pollution and spill-over from the development, and implementing storm water management approaches and best practices. Due to the constrained site, roof runoff shall be collected through eaves troughing and directed to the side or rear of the dwelling into leaching pits (French Drains). Colour and architectural style of the building should also be sensitive to the surrounding environment. The development is encouraged to use natural materials or colours reflective of the environment for the exterior of the dwelling. Erosion control measures shall be utilized during construction while any bare soil exists to minimize any sediments from entering the lake.

Land use compatibility has been reviewed in light of this application under Section 2.16 of the OP. The proposal is for a residential use in a residential area, and through the use of real separation distances by adhering to side lot line setbacks, no land use compatibility concerns have been identified to the directly abutting neighbouring properties to the east and the west. Further, the Manager of Roads and Drainage has identified that a minimum 5m centreline of the Township street setback is required for development, and through mitigation measures that can be implemented on an approval that minimize potential impacts to the abutting Township street such as lighting and streetscape, staff anticipate no land use compatibility concerns.

Section 2.17 Cultural Heritage, Rideau Canal and Archaeological Resources has been reviewed. Parks Canada comments on cultural heritage impacts to the Rideau Canal system. As no comments have been received from Parks Canada at the time of writing this report, through the adherence to Section 2.6, Environmentally Sensitive Development of the OP discussed above, and the use of colours or natural materials reflective of the surrounding environment, the proposal would complement the natural and scenic values of the cultural heritage landscape. However, staff would recommend obtaining formal comments from Parks Canada prior to providing a decision on the application. The subject property is within an area of archaeological potential. The Township does not have record of any archaeological resource identified on or adjacent to the subject lands. As such, any development within an area of archaeological potential shall in the event of an accidental discovery of items of archaeological significance, construction activities must be halted immediately and a licensed consultant archaeologist must be contacted to carry out the fieldwork in compliance with the Ontario Heritage Act [s.48(1)]. Further that if a burial site is unearthed, the appropriate authorities must be contacted (police, coroners office, Bereavement Authority of Ontario) and the Funeral, Burial and Cremation Services Act must be complied with. Future comments from Parks Canada and Site Plan Control can assist in ensuring that potential significant cultural heritage resources are appropriately conserved.

The property is not subject to human hazards. The submitted topographical survey identified potential steep slopes which were identified on site by staff on the eastern portion of the property. No development is proposed on or near the top of the potentially steep slope. Through the pre-consultation and preliminary comments from the CRCA, the subject property contains an area of potential flooding. As mentioned in the preliminary comments from the CRCA, the proposal is outside of the flooding area, and the dwelling and septic system can be elevated to be outside of the flooding and erosion risk.

In regards to Natural Heritage, the subject property is within the adjacent lands (120m) of a Natural Heritage A designation (Provincially Significant Wetland). Section 3.4 of the OP sets out the policy regarding the Natural Heritage A (NHA) designation. Development and site alteration are not permitted within the NHA designation, and may only be permitted within the adjacent lands where it is demonstrated through the submission of an Environmental Impact Assessment that there will be no negative impacts on the wetlands natural features or their ecological functions. Further, the property is adjacent to potential fish habitat (no data available for Indian Lake). Section 2.20.3 of the OP requires that an Environmental Impact Assessment is required that demonstrates no negative impacts on the potential fish habitat will occur for development to occur within the adjacent lands (120m) of the potential fish habitat. Further the property is also within the adjacent lands (120m) of a woodland designation. The intent of the woodland designation is to identify wooded areas that have the potential to be significant. Section 2.20.6 of the OP states that no development or site alteration shall occur within any significant woodland or within their adjacent lands unless an Environmental Impact Assessment has been completed that demonstrates that no negative impacts from the proposed development will occur on the woodlands natural features or ecological function.

An Environmental Impact Assessment was submitted with the application completed by LRL Engineering dated May 29, 2024. The assessment is required to be completed to the requirements of Section 2.20.7 of the OP. The submitted Environmental Impact Assessment reviewed in the context of the proposal the identified Provincially Significant Wetland (Natural Heritage A designation), Potential Fish Habitat (Indian Lake), Species at Risk, and identified an unevaluated wetland on the subject property along the shoreline. The Environmental Impact Assessment did not review the woodland designation nearby to determine significance or impacts. The EIS should be revised to include the review of the woodland designation. Further, the Environmental Impact Assessment concludes that the development impacts on the provincially significant wetland and Indian Lake are negligible, although the OP policies strictly require the EIS to demonstrate no negative impacts. Staff recommend that a peer-review of the revised EIS is completed to review the proposal to confirm the methodology, mitigation measures and conclusions of the submitted study, as well as detail the setback to the unevaluated wetland identified to the development, which the Township would then recover the cost of the peer review from the applicants as per Section 2.20.7 of the OP. At this time, staff are unable to confirm conformity with the Natural Heritage Section of the OP until the peer review has been completed.

Section 2.21 Water Resources and Waste Water Treatment has also been considered. This section recognizes the issue of surface water quality impacts related to water-oriented development, and that there is a relationship between surface water and groundwater quality. Stormwater management is also an important interest of the Township as development affects the quality and quantity of storm run-off, and the Township shall endeavor to implement best practices related to storm water management such as low impact development (LID) techniques and other sustainable drainage best practices. The Township will evaluate site plans according to an approved storm water design plan, or where no such plan exists, may request a design be created, the determination of impact of the development on the receiving watercourse during and after construction, and mitigation measures for any adverse impacts from the development. In this case where development is proposed on a non-complying lot, within 30m of the water, a grading and drainage plan can assist with reducing any potential negative impacts from the development in terms of flooding, pollution, erosion and sedimentation due to the proximity to the lake and roadway of the development, which could be incorporated into a potential approval.

Overall, staff are recommending deferral to provide for more time to examine the size and layout of the dwelling to assist with meeting Section 2.4.5C and 2.6 of the OP, as well as more time to update and peer review the EIS to ensure the application meets sections 2.20 and 3.4 of the OP, and it is recommended that an updated shoreline buffer planting plan be submitted that shows a more robust natural vegetative state on the remainder of the property to meet the intent of sections 2.2 and 2.6 of the OP, and lastly to allow for more time for formal comments to be received from the CRCA and Parks Canada to meet section 2.17 and 2.18 of the OP.

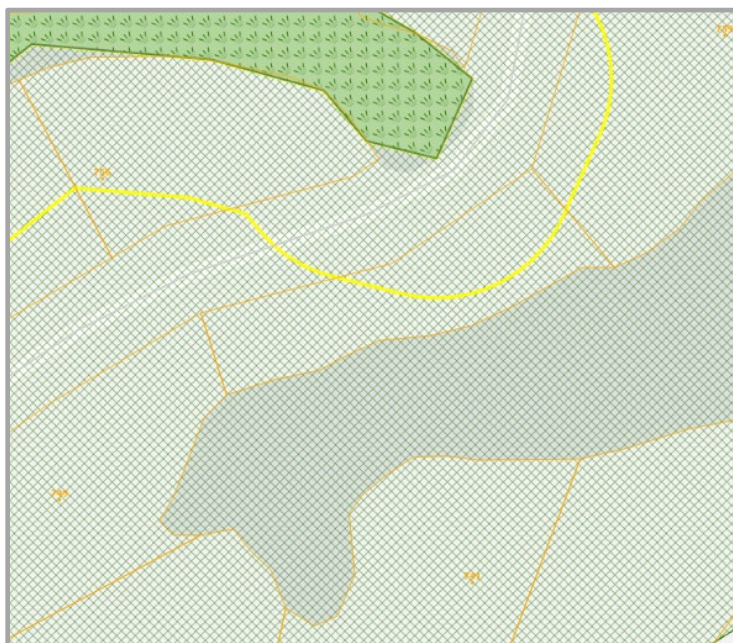


Figure 4 – Official Plan schedule of the property and surrounding area.

4.4 Appropriate Use and Development of the Property

The existing non-complying property is very narrow and therefore the proposed development requests relief from water setbacks, the rear yard setback, and the centreline of the Township street setback. The property was also subject to a minor variance application in 2013 that requested similar variances. The 2013 application was deferred to update the site plan inconsistencies and be survey accurate, an amendment to the EIS as requested by the CRCA, and to circulate the amended EIS and CRCA comments to the Ministry of Natural Resources for review and comment. Since this previous application in 2013, new owners of the property have worked with the Township and CRCA to develop a new proposal and to provide new supporting documentation. This new proposal was accompanied by a survey, an updated EIS for the property, as well as the description and elevation drawings of the proposed new dwelling. The applicants have developed a design that works within the parameters of the supportive EIS, while also being sympathetic to the environment. In the context of the surrounding properties, the proposal to construct a dwelling on this lot is appropriate use and development of the property.

The applicants however should have regard for a smaller dwelling size, as the Township's Official Plan and Zoning By-law permit tiny dwellings, and encourage them on existing non-complying lots in terms of lot area such as the subject property. Further, the shape and design of the dwelling should be considered in a manner which elongates the dwelling east to west, to enable a larger water setback. The use of a holding tank as proposed would by design not permit any discharge into the environment that would occur through a traditional septic system, which is also an appropriate sewage disposal system for the lot.

The application does have merit in that the lot is an existing lot of record zoned for residential use. However, the combined 4 variances along with their extent of requested relief should be considered in terms of overall appropriateness for the development on the lot. The significant reviews of each aspect of the requested relief have been completed and suggest that the proposal is appropriate. The submitted EIS concludes no negative impacts to the adjacent wetlands or surface water features on the site, which has generally been supported by the CRCA. Natural Hazard reviews have been completed by the CRCA who have indicated that they believe the proposal complies with their policies for development adjacent to natural hazard features. The

Township's Manager of Roads has reviewed the potential impacts on the road and has identified a minimum setback which needs to be maintained to allow for proper functionality and maintenance of the road. Notwithstanding this, the CRCA's review of impacts to natural heritage features is more limited as a result of changes to the Conservation Authorities Act, which is reflected in the formal preliminary comments that have been submitted by the CRCA. Considering the extent of the relief requested from the water and the adjacent significant natural heritage features, it is prudent to ensure that the review of the EIS be confirmed by a peer review so that conclusions, methodology and overall veracity of the report can be confirmed. This level of review would have been completed by the CRCA in the past, however, under new legislation they are limited in their ability to formally comment on the EIS and so staff see it as in the public interest to ensure that all appropriate mitigation measures are in place prior to any approval of development on a highly constrained lot such as this. Overall, the additional recommended conditions such as obtaining a peer review, ensuring all formal agency comments are received, and exploring alternative options to maximize the water setback is to ensure all potential avenues at the Township's disposal are utilized to corroborate the applicant's notion that the development is appropriate for the lot.

5.0 OTHER MATTERS OF LOCAL/PROVINCIAL INTEREST

The policies of the *Ontario Provincial Policy Statement* (PPS) have been considered in reviewing this application. The protection of water resources as outlined in Section 1.6.6.7 and 2.2 have been considered. These sections call for the minimizing of negative impacts, implementing restrictions on development to protect sensitive surface and groundwater features, and implementing stormwater management practices and maintaining or increasing vegetative and pervious surfaces. Section 2.1 (Natural Heritage) have been considered due to the identified natural heritage features and areas. As the submitted supportive EIS is recommended to be amended and then be peer reviewed, at this time staff cannot confirm consistency with the PPS Natural Heritage policies at this time. Section 3.1 Natural Hazards have also been reviewed. As noted by the CRCA comments, the proposal is adequately setback from any Natural Hazard, and the dwelling and septic holding tank can be elevated above any flooding elevations. Section 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns. This section calls for avoiding development and land use patterns which may cause environmental or public health and safety concerns. In this application, a potential public safety concern is identified due to a proposed reduced centreline of the Township road setback. The Manager of Roads and Drainage has reviewed the application and has identified no concerns to the public road from the proposed development.

The policies of the *United Counties of Leeds & Grenville Official Plan* have also been considered in reviewing this application. The subject property is designated as Rural Lands in Section 3.3 of the Counties OP. An objective of the Rural Lands designation is to promote development opportunities of recreational dwellings that have limited impact on infrastructure demands and other environmental resources. The Natural Heritage Section (4.2) has also been considered. Due to the submitted supportive EIS is recommended to be revised and peer reviewed, staff are unable to determine and confirm consistency with the Natural Heritage Section of the UCLG OP.

6.0 PUBLIC INPUT/COMMENTS

Ten public comments have been received from neighbours in opposition to this application. The applicants have also provided a response letter that addressed the first 7 of these comments received. The final 3 were received after this response letter. In general, the ten comments received generally grouped into the below concerns:

- Environmental Concerns
- The extent of the requests (minor vs major)
- Previous Township Building Official Letter (dated 2001)
- Septic system adequacy

The planning system in Ontario is designed to incorporate public input into the application review and decision process. Many of the neighbours have commented on the negative impact from the proposal on the environment which includes but is not limited to: lake water quality, animal habitat, and wetland impacts. Through the Township staff review, the Official Plan details requirements of an EIS to be submitted that is to the satisfaction of the Township and other approval authorities. In previous years, the CRCA would be able to review and provide comments on the EIS formally, however this was removed from their scope on planning applications through the passing of Bill 23 in November of 2022. With that said, the Township does not have qualified persons on staff who can review EIS's for adequacy. Thus, as potential environmental impacts from a development on a constrained site are of great interest to the Township, and have been a great concern of neighbours, a peer review of the EIS should be completed to confirm the conclusion that no negative impacts to the environment will occur from the development so long as the mitigation measures are adhered to. The peer review can also help to clarify the actual setbacks from the various environmental features on the lot, like the unevaluated wetland. Lastly, the peer review also serves as an additional opportunity to identify other mitigation measures that will assist in limiting impacts.

The extent of the requested relief and a perceived precedent has also been noted as a concern in some comments. Staff ultimately review each planning application on its own merit and unique context, and therefore precedent is not necessarily applicable to other applications. In this case the request for relief is typically higher than other proposals as a result of the constrained nature of the lot. However, like all other proposals reviewed by staff, maximizing the water setback is of high priority. Ultimately, any minor variance application is reviewed under the same 4 tests as prescribed by the Planning Act, with consideration for the specific property and any constraints present.

Many neighbours commented on a previous Township building official letter dated May 29, 2001. In this letter from the former Chief Building Official (CBO), it was claimed that the size of the property would not be big enough to build on or support a sewage system. However, the current Township CBO and the CBO in 2013 indicated no concerns with the proposed holding tank which has also been reviewed and supported by a licensed septic installer. Although a previous Township Chief Building Official made a determination in 2001, the current authority of the Ontario Building Code rests with the current Chief Building Official who is not beholden to a past official's opinion.

Other comments were received on the proposed septic system, and indicated that in the event of a failure of the system, all sewage will dispose of directly into the lake. By nature a holding tank does not discharge at all into the environment. As such, a holding tank is therefore pumped out frequently, and any of these pump outs can be checkpoints for the owners or sewage hauler to ensure the system is working properly. Although concerns have regard to a potential failure of the system, all septic systems that are installed are to be regularly inspected and maintained by the property owner. The Township would not be in a position to decline an application due to a hypothetical failure of a new sewage system, as any sewage system can fail for any number of reasons.

7.0 SKETCHES

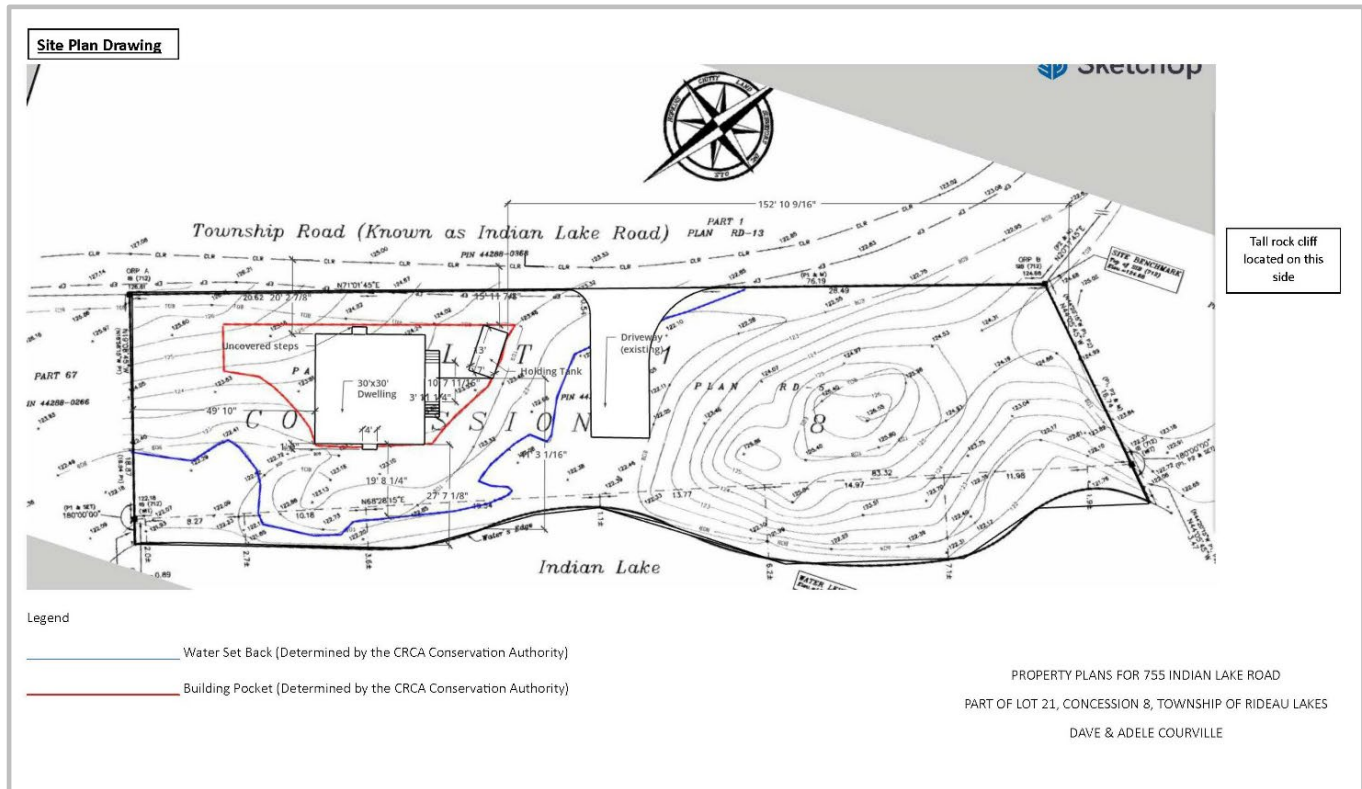
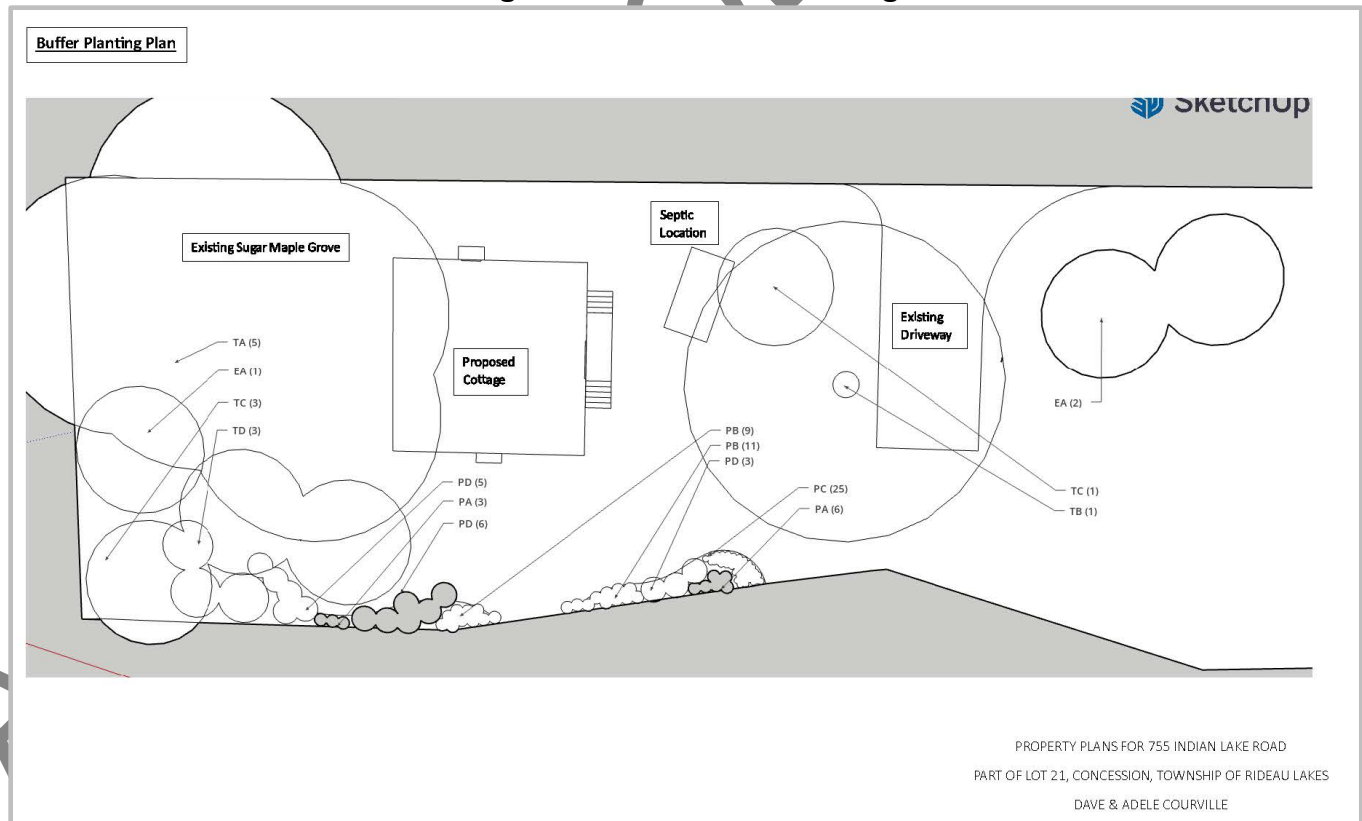


Figure 5 – Site Plan Drawing



PLANTING LEGEND

TYPE	CODE	NAME	QTY	SIZE
Perennials				
	PA	Anemone canadensis – Canada Anemone	9	4 inch or plugs
	PB	Iris versicolor (white 'Versicle') – Blue Flag Iris	20	4 inch or plugs
	PC	Dryopteris marginalis – Wood Fern	25	4 inch or plugs
	PD	Eupatorium maculatum -Joe Pye-Weed	14	4 inch or plugs
Evergreen Trees and Shrubs				
	EA	Tsuga canadensis – Eastern Hemlock	3	5gal
Coniferous Trees & Shrubs				
To be planted amongst other sugar maples to replace existing trees that had to be removed.	TA	Acer saccharum – Sugar Maple	5	5gal
	TB	Acer rubrum – Red Maple	1	5gal
	TC	Betula papyrifera – White Birch	4	5gal
	TD	Amelanchier sp. – Serviceberry	3	2gal

Date planting will take place:

Unknown at this time

Plants to be installed by:

Landowner (I am a professional landscaper)

Site Preparation Plan:

Existing weeds will be removed.

Plants will be installed directly into existing conditions.

Maintenance Plan:

Plants will be watered as needed until roots are established.

Area will be monitored for invasive plants and unwanted invasive plants and weeds will be removed. Plants will be replaced as needed.

Additional Details:

Trees will be spaced at least 3 meters apart.

Shrubs and perennials will be planted in groups of like species.

Planting choices are derived from Example Native Species List.

PROPERTY PLANS FOR 755 INDIAN LAKE ROAD

PART OF LOT 21, CONCESSION 8, TOWNSHIP OF RIDEAU LAKES

DAVE & ADELE COURVILLE

Figure 6 – Shoreline Buffer Planting Plan

8.0 PHOTOS



Photo 1 – Area of Proposed Development (looking west)



Photo 2 – Area Between Water and Proposed Development



Photo 3 – Area of Development along the Road (looking west)



Photo 4 – Area of Development along the Road (looking east)



Photo 5 – Wetland on North side of Indian Lake Road



June 27, 2025

CRCA File: MV/RID/167/2024

Sent by e-mail

Foster Elliott
Associate Planner
Township of Rideau Lakes
felliott@rideaulakes.ca

Dear Mr. Elliott:

**Re: Applications for Minor Variance A-14-2024 & Site Plan Control SP-26-2024
(Revised)
Lot 21, Concession 8, Indian Lake Road
Ward of South Crosby, Township of Rideau Lakes
Waterbody: Indian Lake**

Cataraqui Conservation (CRCA) staff have reviewed the above-noted applications and provide the following comments for the Township's consideration.

Summary of Proposal

The applicant is proposing to construct a 72.5 sq. m 1-storey dwelling with a loft and an attached uncovered entrance deck and an attached uncovered entrance side deck with associated stairs and a rear uncovered entry landing. The new dwelling is proposed to be serviced by a new sewage holding tank. The applicant seeking relief from the Township of Rideau Lakes Zoning By-law to reduce the required minimum water setback and reduce the minimum rear yard setback and road centreline setback.

Discussion

CRCA has been involved extensively in the review of the proposed development at this property dating back to 2013 and in more recent years through consultation with the current owners on the subject minor variance. Up until January 1, 2024 CRCA's review included a broad range of environmental matters including natural heritage, water quality and natural hazards. Following the passing of Bill 23 CRCA's scope of review was limited

A-14-2024
June 26, 2025

to natural hazards matters only. CRCA provided preliminary comments dated July 11, 2024. These comments provided considerations for the Township's review which in our opinion have been addressed in the revised submission.

Post Bill 23, CRCA's main interests with respect to this application are the avoidance of natural hazards (e.g. flooding and erosion) associated with the shoreline of Indian Lake and the protection of the hydrological function of wetlands. 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), directs development away from lands subject to natural hazards, such as flooding and erosion. CRCA defers any comments as they relate to natural heritage to the Township of Rideau Lakes and their peer review of the application.

Flooding

The regulatory floodplain for the Rideau Canal system is the maximum recorded water level. This level is recorded as 122.39 m geodetic for Indian Lake. The regulatory floodplain extends inland from the shoreline onto the subject property. CRCA policies generally requires new development be setback a minimum of 6 metres from the floodplain but includes permissions for development on constrained lots where it is not feasible to achieve this setback. The subject property is a constrained lot as it is entirely located within 15 m of the floodplain and there is insufficient area to locate a building envelope out of the 6 m setback from the floodplain. The proposed dwelling and sewage holding tank are located outside of the regulatory floodplain in an area of least and acceptable risk on the constrained lot. The dwelling and sewage holding tank will be required to be elevated and floodproofed to the maximum extent and level in accordance with Appendix H (attached). The lowest finished first floor (including basements and crawl spaces) and the holding tank riser pipe will be required to have a minimum elevation of 122.99 metres geodetic. These design details will be confirmed through the CRCA permit approval process should the minor variance be granted.

Erosion

The CRCA defines the extent of potential erosion hazard for bedrock shorelines to be a stable slope allowance of 1(h):1(v), plus an erosion allowance of 6 metres. For till shorelines the stable slope is defined as 3(h):1(v) plus an erosion allowance of 6 metres. For constrained lots with shoreline heights below 3 metres in height, a reduction of the erosion allowance to 4 metres is considered. The shoreline examined immediately in front of the proposed building envelope contained a till shoreline, approximately 1.5 metres in height. The extent of the erosion hazard in this location would therefore be

A-14-2024
June 26, 2025

approximately 8.5 to 10.5 metres from the toe of slope. The proposed setback of 9.6 m (31' 6") is supported under CRCA's policies.

Wetlands

The subject property is adjacent to Benson Mosquito Loon Provincially Significant Wetland (PSW) on the north side of Indian Lake Road and unevaluated wetlands to the south in Indian Lake. CRCA's primary focus is ensuring new development and site alteration do not impact the hydrologic function of wetlands. These functions include flood attenuation and shoreline erosion control. CRCA policies generally require a minimum setback of 30 m from all wetlands. The 30 m setback is maintained from the Benson Mosquito Loon PSW to the north. The proposed development is located a minimum of 7 metres (23 ft.) from the unevaluated wetlands to the south. CRCA policies can permit new development within 30 m of a wetland if there are no reasonable alternatives for locating the building outside of the 30 metre setback and if the interference on the hydrologic function of the wetland has been deemed to be acceptable by CRCA.

The proposed dwelling has been laid out to achieve the maximum setback from the wetlands. The proposed dwelling is not anticipated to have a direct impact on the hydrologic function of the wetlands. However, alteration of lands adjacent to a wetland can have indirect impacts on wetlands. For this reason, it is important that the portion of the property between the dwelling and the waters edge be maintained in a healthy naturalized state. Other protection measures include proper control of runoff (directing stormwater away from the wetland) and using erosion and sediment controls during construction.

To ensure long-term erosion avoidance and slope stability as well as to minimize impacts on the hydrologic function of wetlands, staff recommend the maintenance and enhancement of a healthy buffer of native vegetation between buildings/structures and the water, to help stabilize soils into the long-term. Runoff from buildings and structures and other hardened surfaces should also be directed away from the shoreline to a naturally vegetated location where infiltration can occur. Property erosion and sediment controls (e.g. silt fencing, fibre roll etc.) should be utilized during construction. Any additional protection or mitigation measures recommended in the Environmental Impact Assessment should also be adhered to in order to protect the integrity of wetlands.

Recommendation

CRCA staff have no objection to the approval of applications A-14-2024 and SP-26-2024 based on our review of natural hazards. We recommend that the above noted best practices measures (in bold) are included in the site plan agreement.

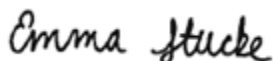
A-14-2024
June 26, 2025

Regulatory Requirements

Please note that the subject lands are subject to Ontario Regulation 41/24: *Prohibited Activities, Exemptions and Permits* which is administered by the CRCA. The purpose of the regulation is to ensure that proposed changes (e.g. development and site alteration) to a property are not affected by natural hazards, such as flooding and erosion, and that the changes do not put other properties at greater risk from these hazards. For this property, any development (buildings and structures) and site alteration (excavation, grading, placement of fill) on the property is subject to O. Reg. 41/24. **A permit will be required for the proposed dwelling and sewage holding tank as well as any other development or site alteration on the property.**

Please inform our offices of any decision made by the Township with regard to this application. If you have any questions, please contact Emma Stucke at 613-546-4228 ext. 239, or by e-mail at estucke@crca.ca.

Sincerely,



Emma Stucke, MCIP, RPP
Resource Planner
Cataraqui Conservation

Cc: Susan Millar, Parks Canada, via email

From: [Susan Millar](#)
To: [Amy Schur](#); [Foster Elliott](#)
Subject: RE: Notice of Hearing for A-14-2024 Courville
Date: Thursday, July 3, 2025 9:02:31 AM
Attachments: [image001.png](#)
[image002.png](#)

Foster,

Thank you for circulating Parks Canada on the above noted application for new seasonal dwelling on an existing lot of record, located within the 30m development setback/buffer zone of the Rideau NHS/WHS. As you are aware, we are interested in minimizing impacts to the cultural, natural and scenic values of the waterway. Minimizing impacts, including visual impacts can be achieved through minimizing or ideally avoiding interventions within the 30 metre buffer zone surrounding the World Heritage, maintaining and enhancing vegetative buffer/screening of development, building siting, height and massing, and building materiality and colours. A minimum buffer of 30 metres also serves as an appropriate riparian buffer or “ribbon-of-life”, providing a zone of undisturbed soil and vegetation along the shoreline, which will help to filter runoff, prevent soil erosion, and provide wildlife habitat.

It is acknowledged that this is an undeveloped, existing lot of record which predates modern planning policy; a lot creation of this limited area would not be permissible today. As such, while the lot is significantly undersized, our focus remains on minimizing impacts within this context. It is understood that consultation and a EIS was undertaken by previous owners in 2013, and has been used as a baseline for this proposal. It is understood that consultation has occurred with the Township and the CRCA in order to confirm an appropriate building envelope within the constrained site, maximizing setback from the adjacent PSW and minimizing the loss of mature vegetation. Parks Canada does not object to the approach taken, but would not be supportive of any future footprint expansion on the site.

Please note that the Parks Canada Rideau Canal Office is an approval authority for in-water and shoreline works along the waterway. If the landowner wishes to carry out any new in-water and shoreline works, including repairs to existing structures, the Rideau Canal Office must be contacted. Written approval must be obtained prior to the commencement of construction. Work must adhere to the Rideau Canal's *Policies for In-water and Shoreline Works and Related Activities*. Parks Canada/Rideau Canal permitting staff can be reached at on-rc-cr.permits-permis@pc.gc.ca.

Sincerely,
Susan Millar, BComm, MSc
Planner / Planificatrice
Ontario Waterways/Voies navigables de l'Ontario
Parks Canada / Parcs Canada
Rideau Canal Office / Canal-Rideau
34 Beckwith St. S. / 34, rue Beckwith Sud Smiths Falls, ON K7A 2A8
Email / Courriel électronique : susan.millar@pc.gc.ca
Telephone / Téléphone : 343-553-9290

NB : I am away from the office July and August

Je suis absente du bureau en juillet et août

www.parkscanada.gc.ca | www.parcscanada.gc.ca

Amy Schur
Development Services Analyst
Development Services

Township of Rideau Lakes

Subject: Proposed Lot Development Part Lot 21, Concession 8, Indian Lake Road
Township of Rideau Lakes, Ontario

John & Cora Beking
XXX Indian Lake Rd.

We have looked over the revised version.

There is no indication that they have changed their building footprint in the revised version. All concerns that were brought forward in our last statement are still present. Both the house and the septic are within 1 meter of the road allowance.


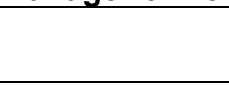
Also attached pg. 69 of the proposal. The distance from the proposed property to the septic holding tank is less than 30 M. or just over the roadway.

In addition, last year a beaver lodge was built in the Benson-Mosquito-Loon wetland. There are 5 residents that have been observed. We have observed more fish spawning and an active turtle population.

We would not be in favour of this proposed lot development

Attached also are the concerns that we expressed last year.

John and Cora Beking

Report to the Planning Advisory & Committee of Adjustment	
Date of Meeting: July 9, 2025	Date of Report: July 4, 2025
Subject of Report: Manager's Report	
Recommendation: Be it resolved that the Planning Advisory and Committee of Adjustment receives the July 9, 2025 Manager's Report for Information Purposes.	
Report Prepared By:	 Tom Fehr Manager of Development Services
Departmental Approval:	 Tom Fehr Manager of Development Services
CAO Approval:	 Shellee Fournier, CAO

Manager Site Plan Approvals

SP-18-2025 WINLOVE-SMITH

72 R2, Ward of South Elmsley

- Construct a detached garage with a loft,
- Ground floor area of 62.4sqm and a gross floor area of 125sqm
- Proposed height of the garage is to be 6m
- Property was previously subject to a site plan control application (SP-7-2019) for the development of a 296.5sqft 2-storey dwelling (which includes the walkout basement and attached rear covered porch) with 87sqm of attached, uncovered decking, and a new septic system

Manager Consent Approvals

- None

Updates, Notices & Communications

- None

Attachments

- None