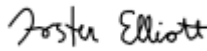
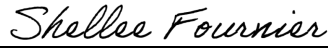


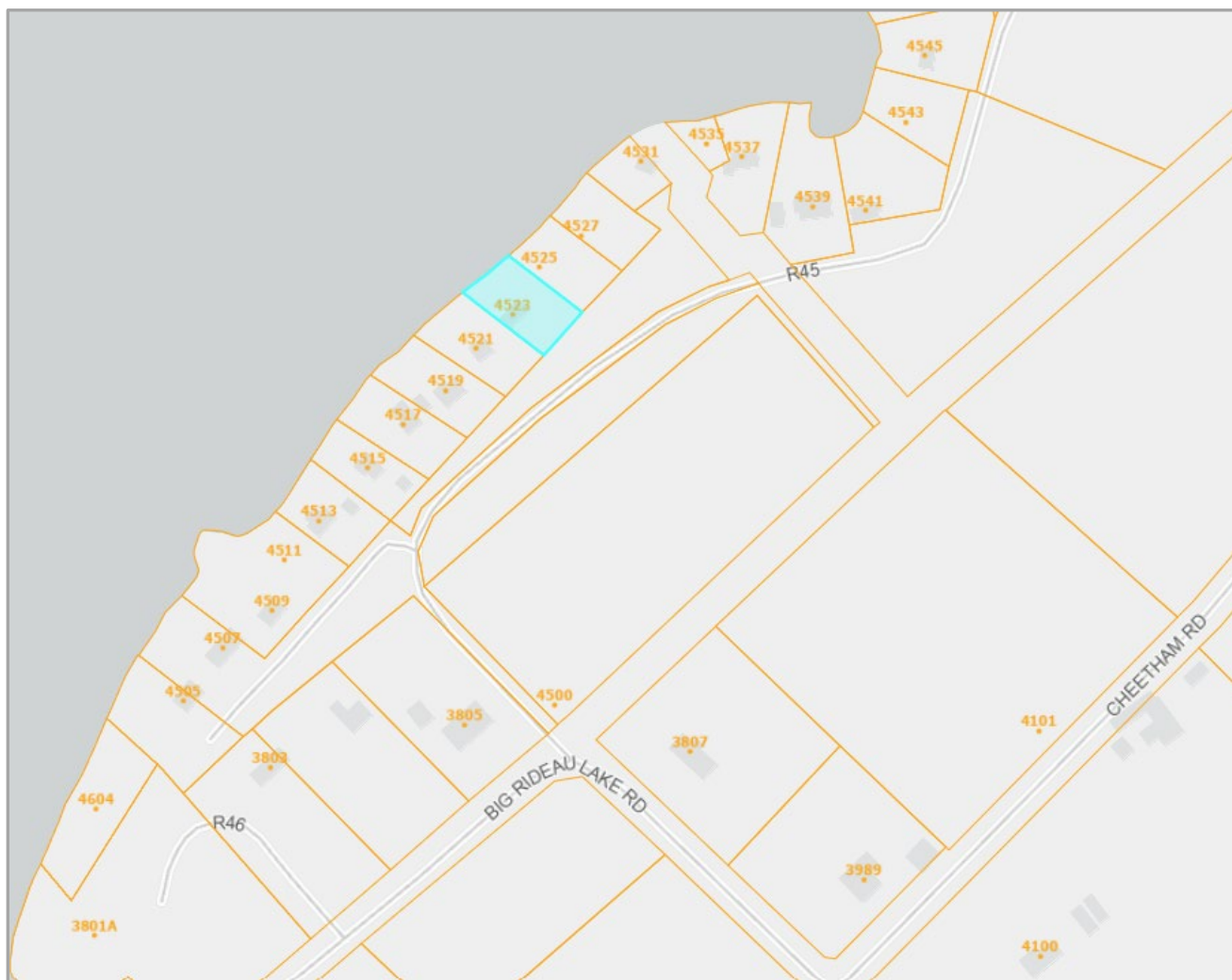
REPORT TO THE COMMITTEE OF ADJUSTMENT & PLANNING ADVISORY COMMITTEE	
<b>Date of Report:</b> June 26, 2025	<b>Date of Meeting:</b> July 9, 2025
<b>Subject of Report:</b> Section 45 Application A-10-2025 & Site Plan Control Application SP-13-2025 <b>MILLS</b>	
<b>Recommendation:</b> Staff recommend that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

## 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:**

<b>Attribute</b>	<b>Value</b>
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
<b>Dwelling with Enlargement</b>			
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

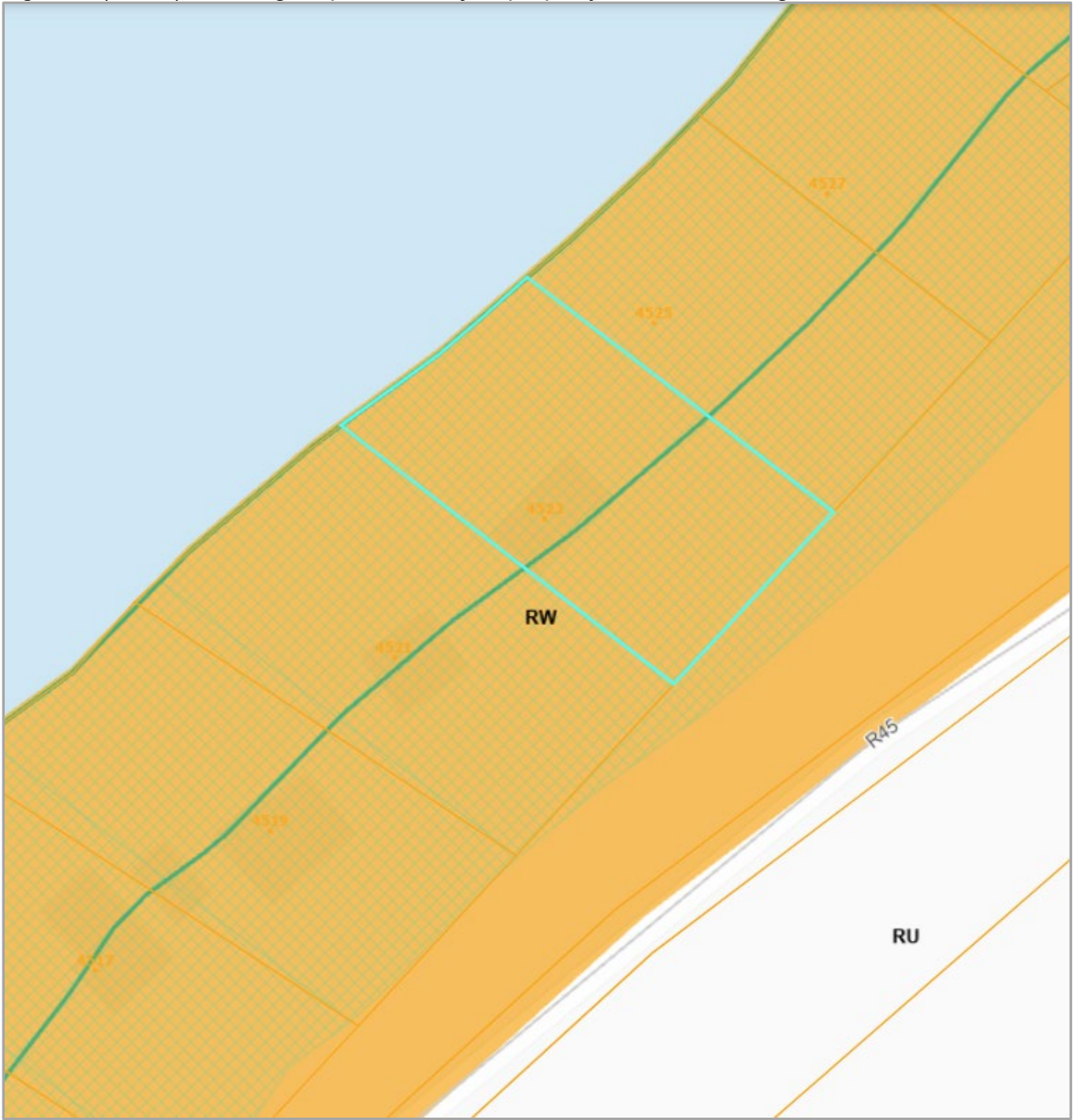
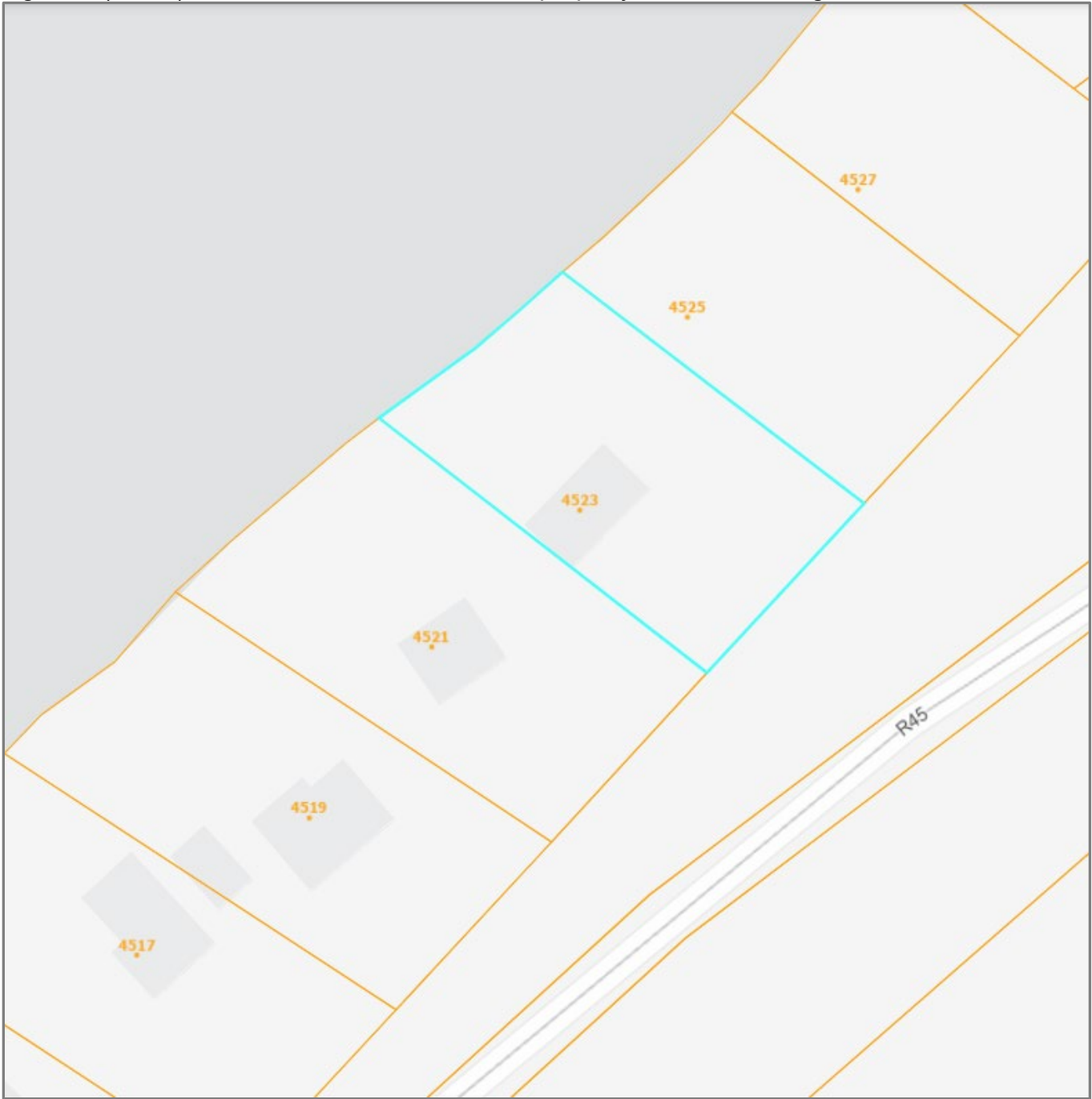




Figure 4 (below) – Official Plan schedule of the property and surrounding area



APPENDIX B – Sketches

Figure 5 (below) – Site Plan Drawing

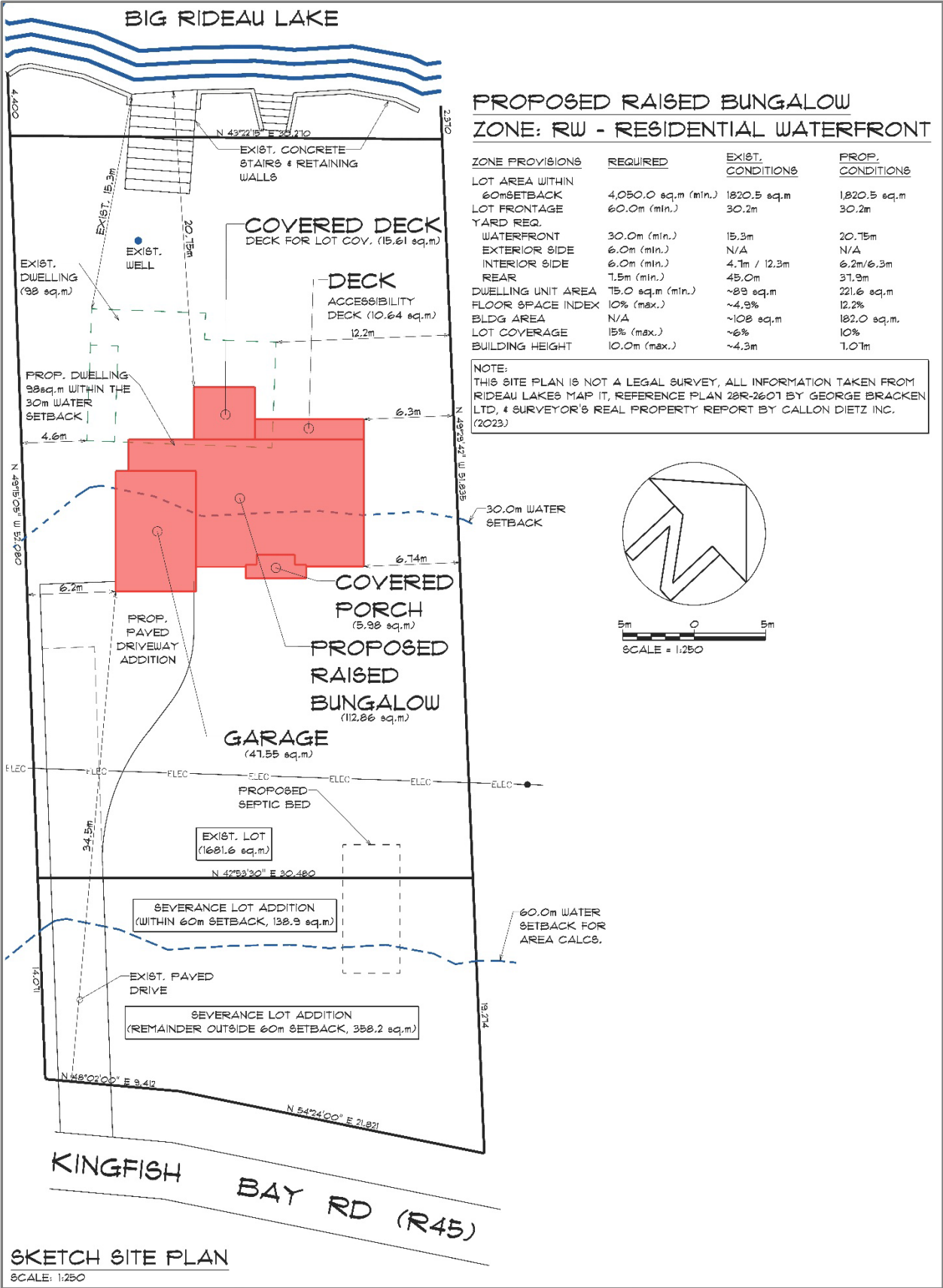
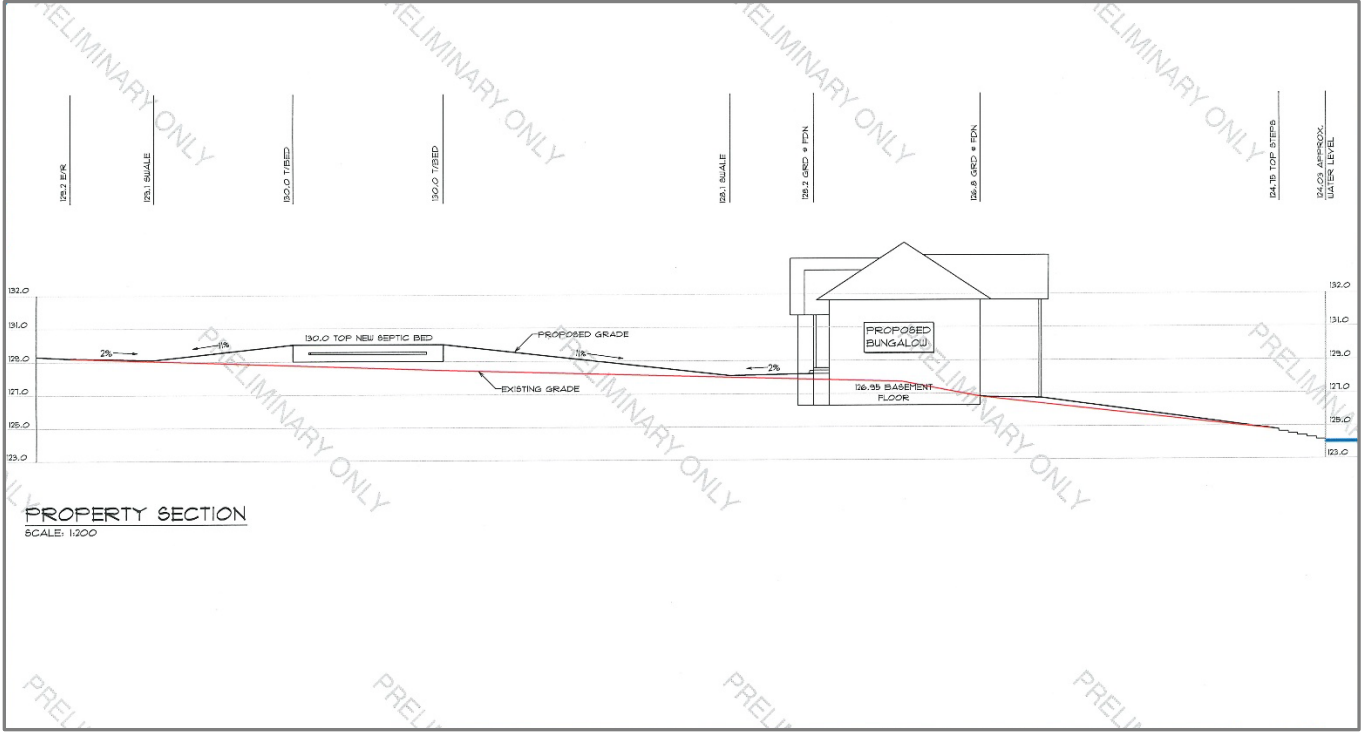


Figure 6 (below) – Elevation Drawing (looking from east side)





## 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