

**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:

Foster Elliott

**Foster Elliott,
Associate Planner**

Departmental Approval:

Tom Fehr

**Tom Fehr,
Manager of Development Services**

**Chief Administrative Officer (CAO)
Approval:**

Shellee Fournier

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.*

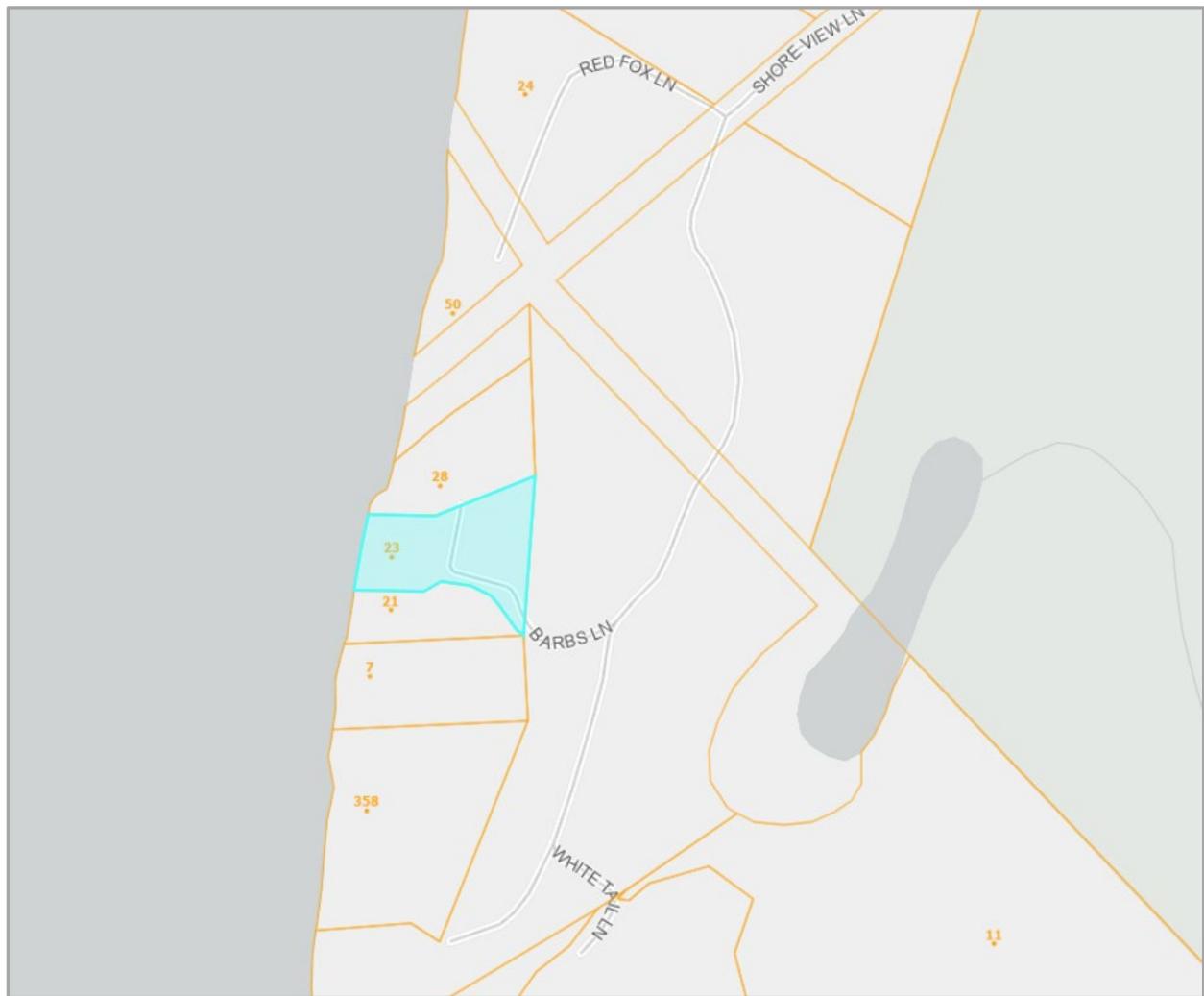


Figure 1 – Context Map

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 naturalize. 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

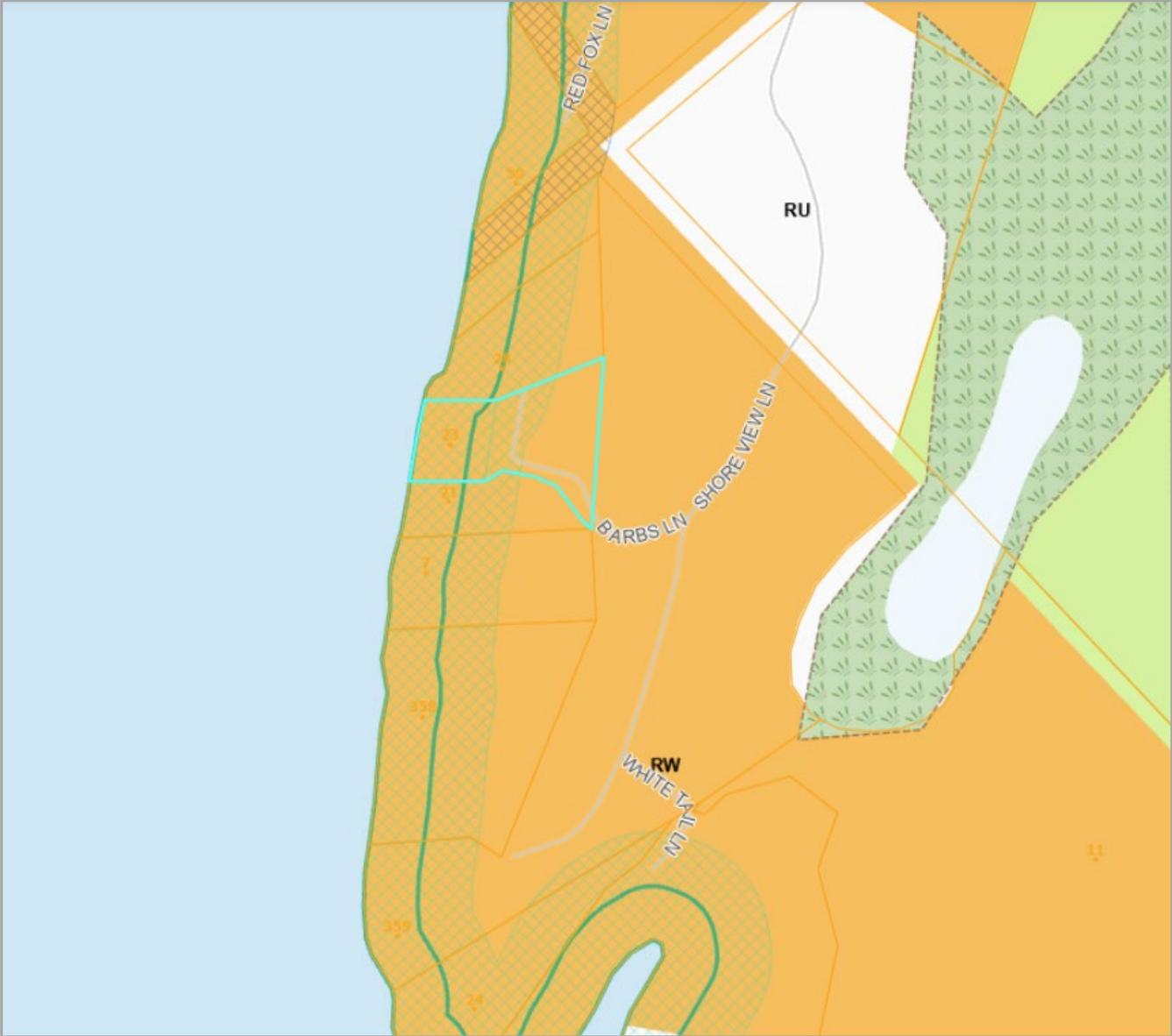
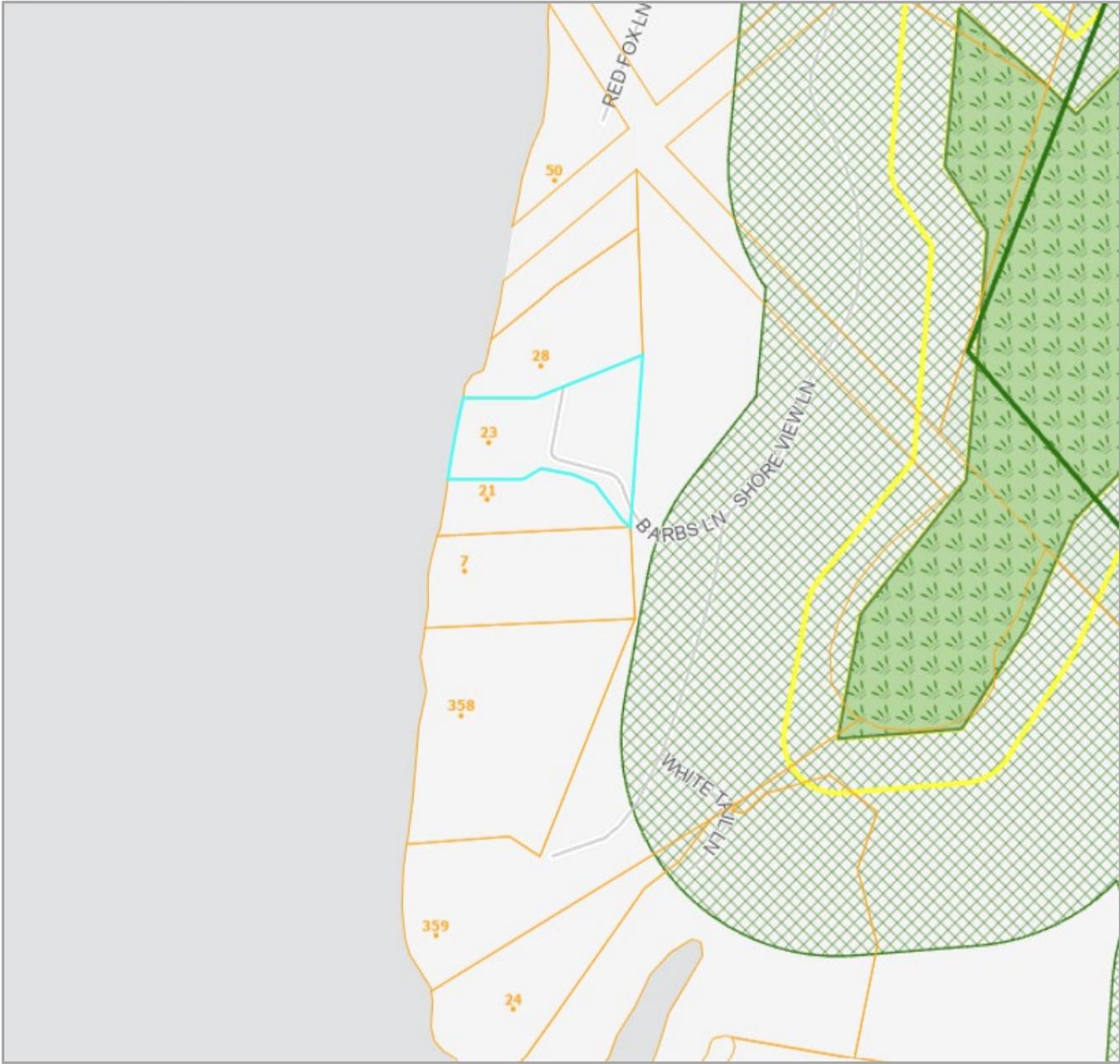


Figure 4 (below) – Official Plan schedule of the property and surrounding area



APPENDIX B – Sketches

Figure 5 (below) – Site Plan Drawing

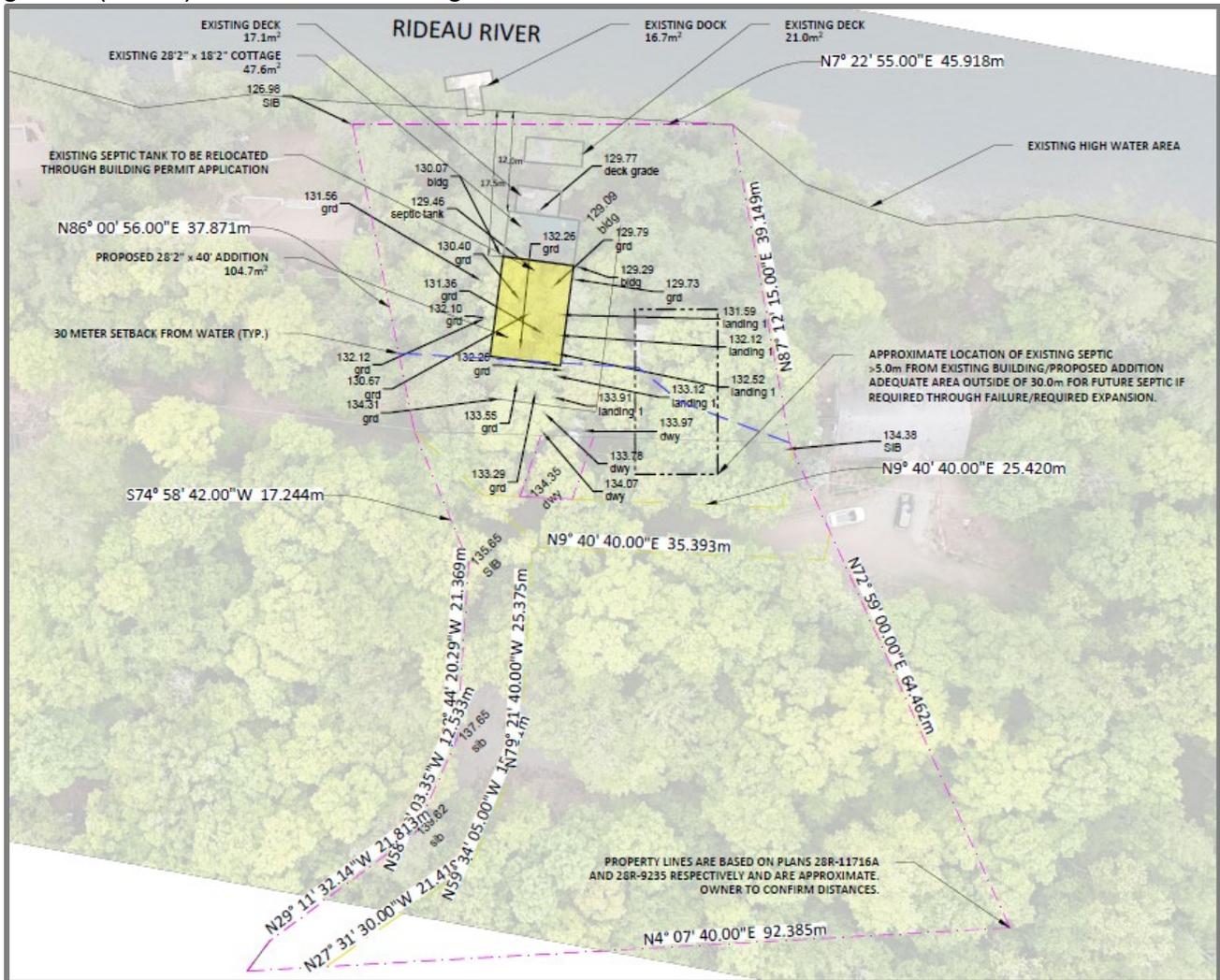
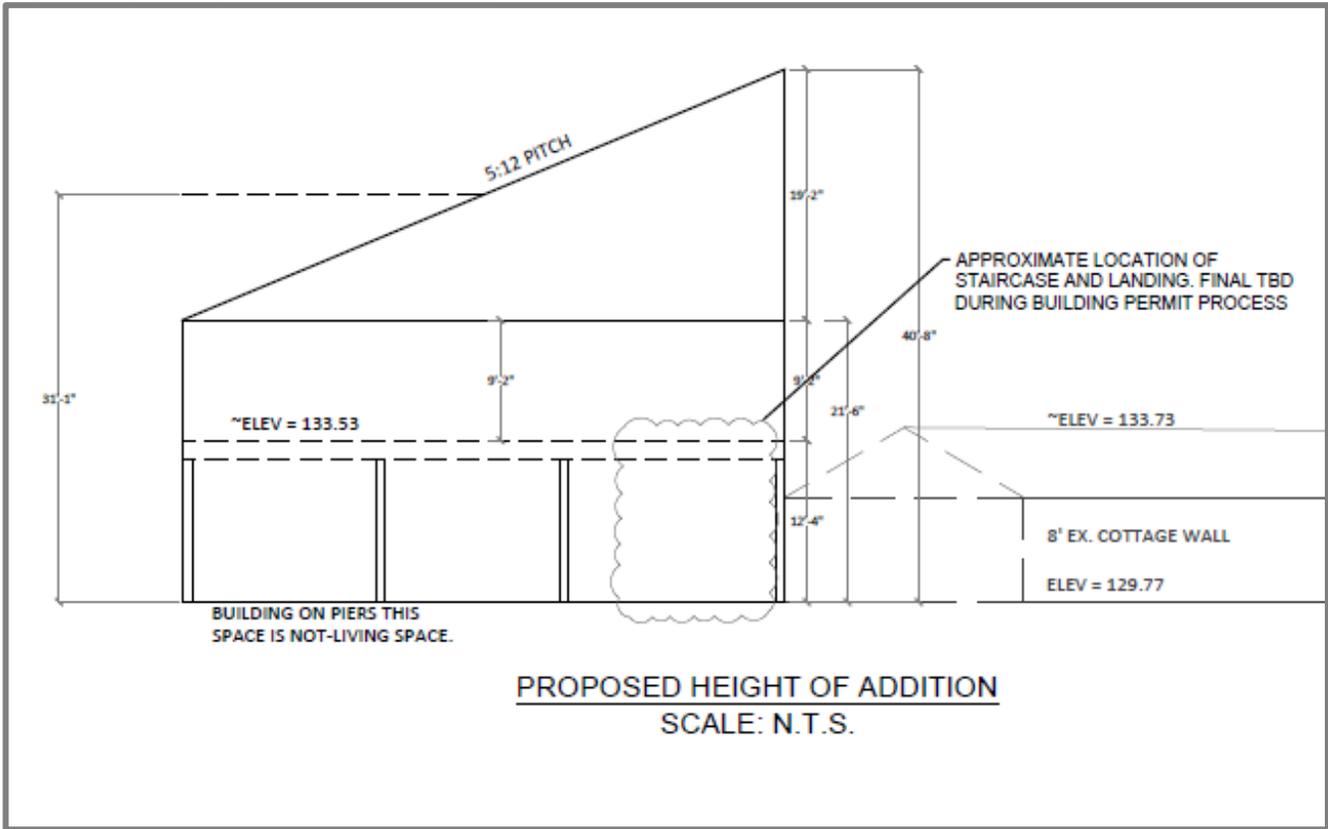


Figure 6 (below) Elevation Drawing



APPENDIX C - Photos



Photo 1 – Existing Dwelling from Rear

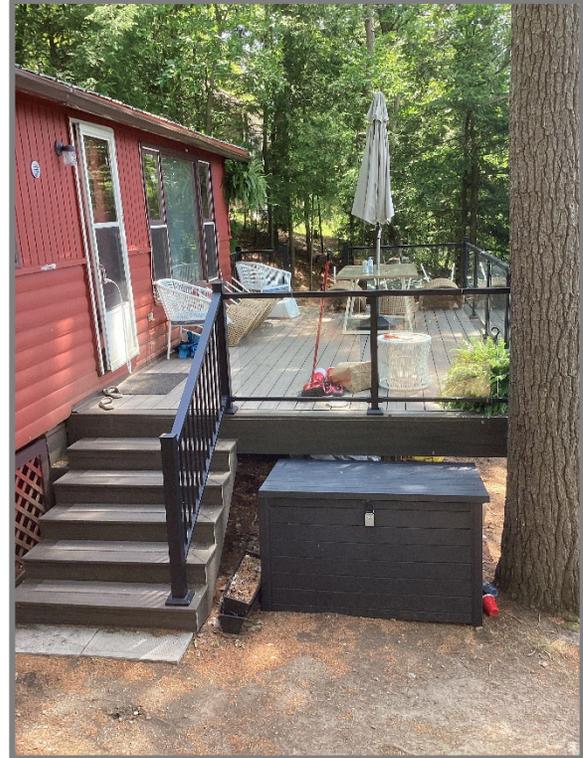


Photo 3 – Newly Constructed Dwelling Deck



Photo 2 – Hillside that Proposed Addition will be Built Into



Photo 4 – Newly Constructed Waterfront Deck



Photo 5 – Waterfront Steep Slope