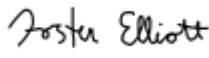
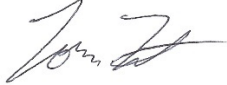



REPORT TO THE PLANNING ADVISORY AND COMMITTEE OF ADJUSTMENT	
Date of Report: July 3, 2025	Date of Meeting: July 9, 2025
Subject of Report: Section 45 Application <b>A-14-2024</b> & Site Plan Control Application <b>SP-26-2024 COURVILLE</b>	
<b>Recommendation:</b> Staff recommend that the Section 45 application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

## 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 24<sup>th</sup>, 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 24<sup>th</sup>, 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

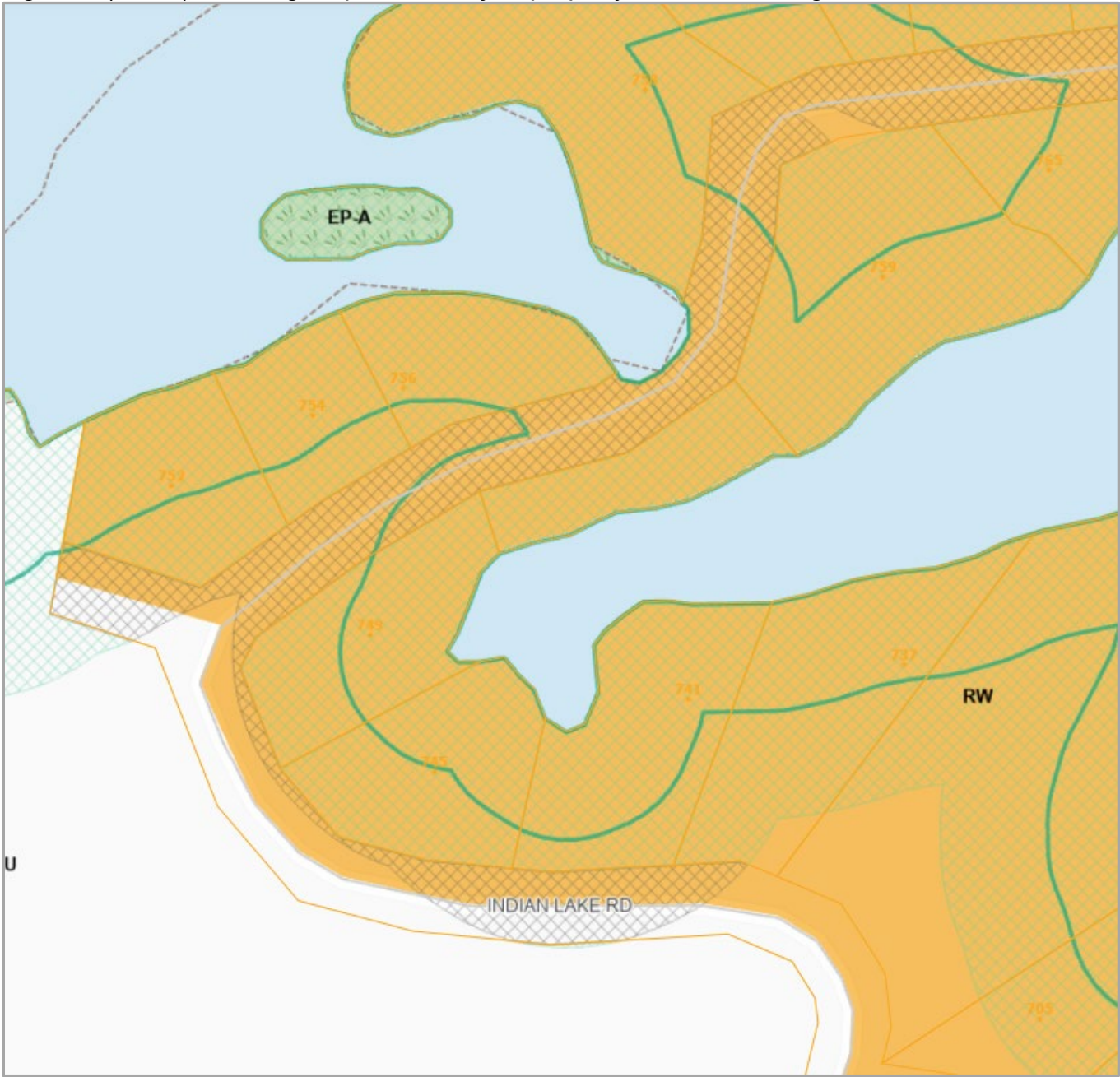


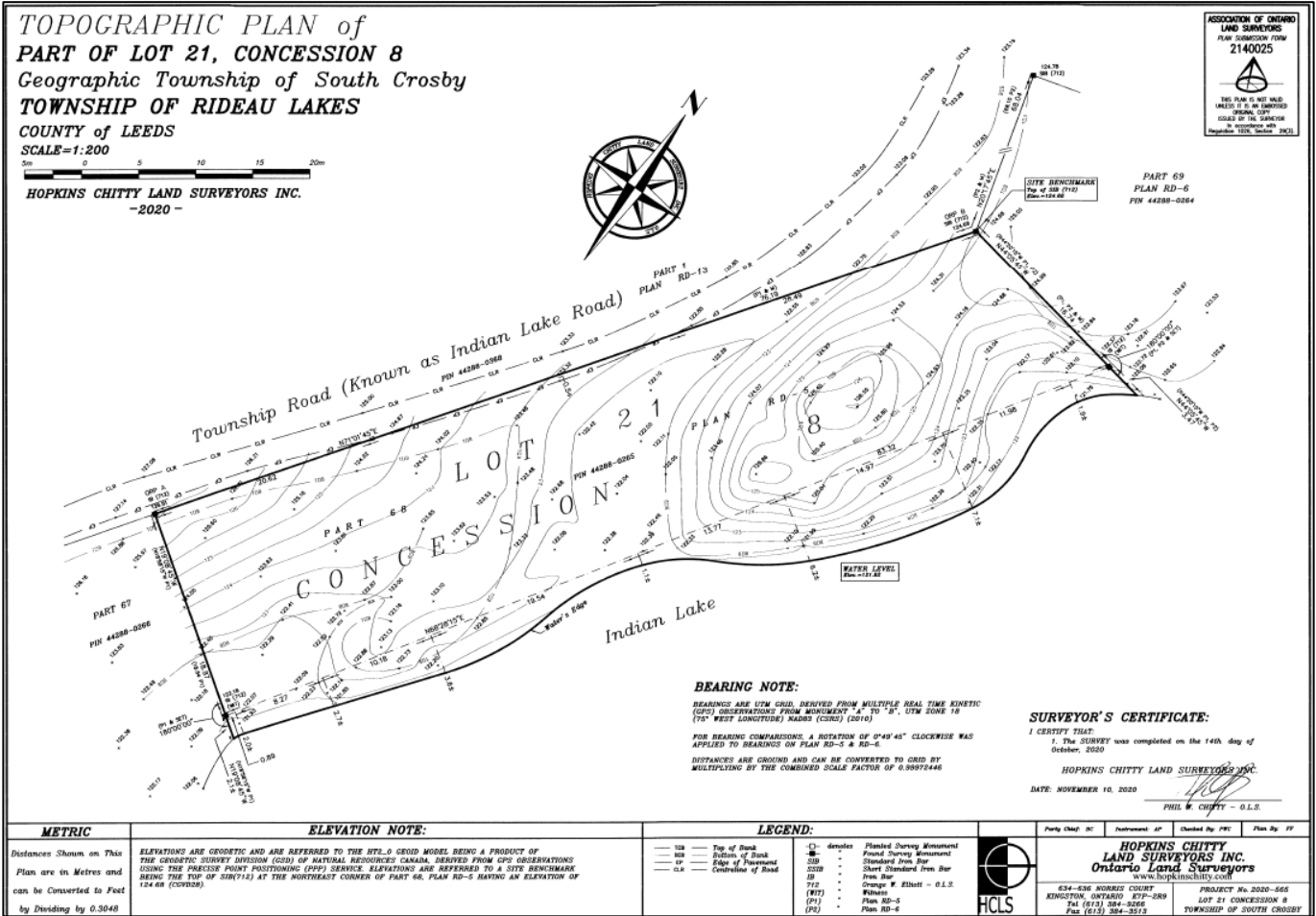
Figure 4 (below) – Official Plan schedule of the property and surrounding area



Figure 5 (below) – Site Plan Drawing



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