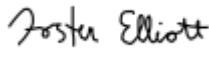

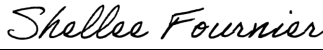


REPORT TO THE PLANNING ADVISORY AND COMMITTEE OF ADJUSTMENT	
Date of Report: April 8, 2026	Date of Meeting: April 15, 2026
Subject of Report: Section 45 Application A-6-2026 & Site Plan Control Application SP-6-2026 ALLAIN, GOLDIE & WALSH	
Recommendation: Staff recommend that the Section 45 application A-6-2026 be approved as submitted with the conditions outlined in Section 8 of this report.	
Decision: Site Plan application SP-6-2026 remains under review pending the submission of additional items as 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 45.2 of the Ontario Planning Act requesting permission to expand a non-conforming use. The applicants are proposing to construct a 24.5sqm (264sqft) one storey addition to an existing 128.6sqm (1384sqft) 2 storey dwelling. The existing dwelling is non-conforming as it is located 3.2m from the front lot line where a 6m setback is required, the 16m centreline of the Township street setback (no distance provided), and 5.4m from the side lot line (southeast) where a 6m setback is required. The proposed addition is located in a conforming location with the front lot line and centreline of the road setback, however maintains the non-conforming 5.4m side lot line setback. The addition has already been constructed.

This property is also subject to a Site Plan Control Application (SP-6-2026) under the authority of Section 41 of the Planning Act where the applicants are proposing to undertake the works as described above as well as, construction of 31.2sqm (336sqft) of attached uncovered decking. The decking has already been constructed.

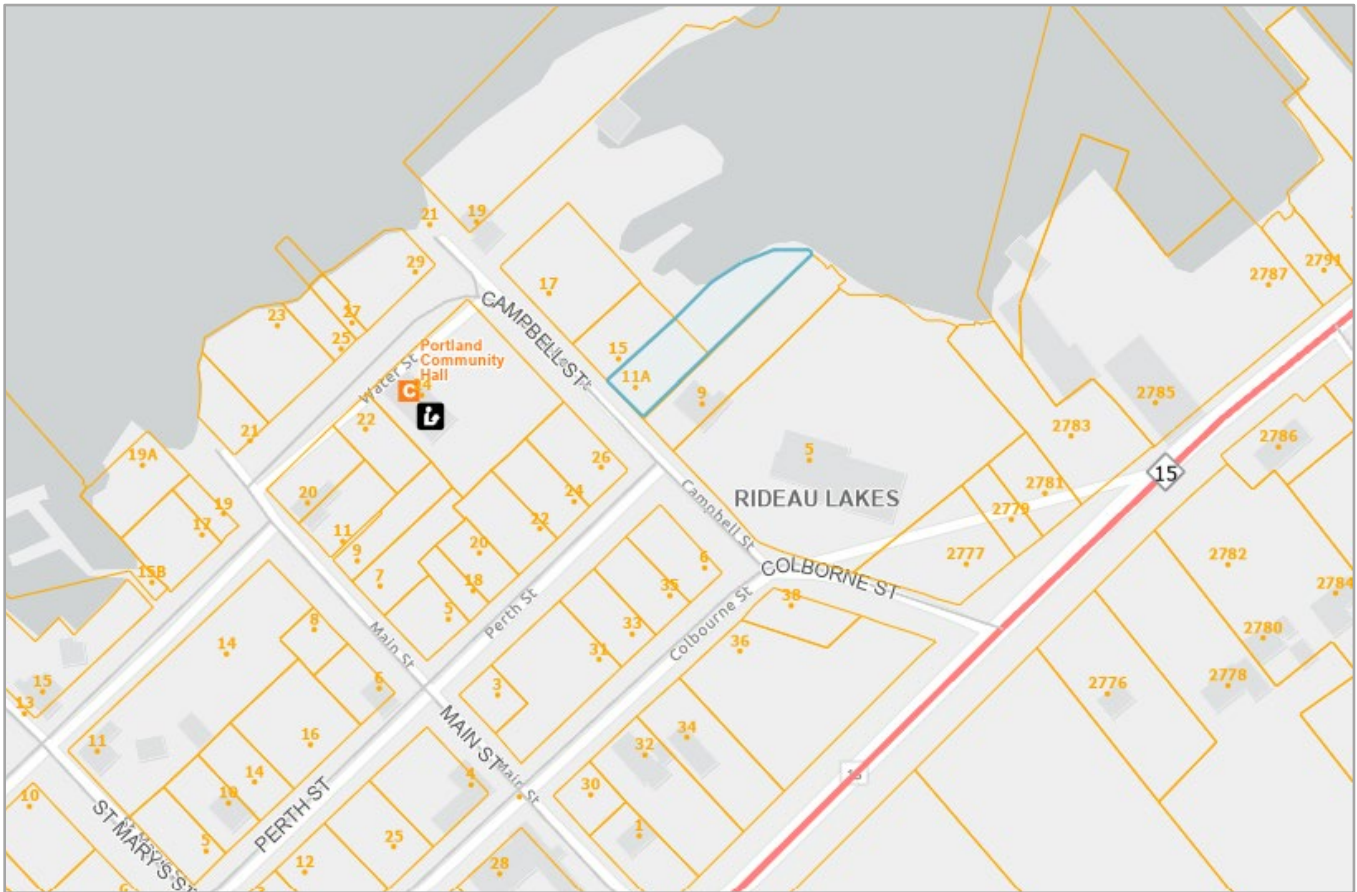


Figure 1 – Context Map

2.0 PROPERTY AND OWNER INFORMATION:

Attribute	Value
Roll Number	083183103650800
Owner Name	Jordan Allain, Breanne Goldie & David Walsh
Location	11A Campbell Street
Area	17816.04 acres
Frontage	162.19 ft
Depth	0.00 ft
Description	BASTARD CON 2 PT LOT 19 PLAN;27 PT LOTS 10 AND 11 RP;28R10952 PARTS 1 TO 3

The subject property is generally flat, with a slight slope around the dwelling and septic area. There are a few mature trees scattered on this lot, mainly located in the rear and along the waterfront. The remaining areas are manicured lawn, and some garden landscape areas in the front of the dwelling. The shoreline area contains a wire fence and a gate to an area used for a dock. This area is maintained lawn, and on the waterside of the fence is generally natural with longer grasses and some wetland type vegetation (cattails). The property is currently developed with a dwelling with an attached covered front porch, and an accessory building (shed) and a gazebo (gazebo not included in submitted site plan or application). The applicant has outlined the gazebo is to be removed.

3.0 AGENCY COMMENTS

3.1 Chief Building Official (CBO)

The CBO has no objections to the addition. Building permits are required for the proposed development. The CBO outlines that the proposed deck that has already been constructed does not comply with Part 8 minimum clearance distances to septic tank and sewage system distribution piping. Deck to be revised or removed.

3.2 Rideau Valley Conservation Authority (RVCA)

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

3.3 Parks Canada

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

3.4 Fire Chief

No concerns with Fire Services.

3.5 Manager of Roads and Drainage

No concerns from a roads and drainage perspective.

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 to maintain the same nonconforming side yard setback as the existing dwelling, while maintaining the required front yard and centreline of the Township street setbacks as outlined in the Zoning By-law that the current dwelling is within. Further, the dwelling is currently a 2 storey building, whereas the proposed addition is only one, this assists in not aggravating the situation created by the nonconforming use of the dwelling that is closer to the side lot line than permitted. Therefore, staff believe that the proposed addition through this application does not aggravate the situation created by the existence of the current 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 assisting to determine “appropriateness” of scale of the proposed extension/enlargement. In this case, the enlargement of the dwelling aligns similarly to dwellings located within the neighbourhood. The proposed addition will not violate any other building performance standard pertaining to scale of the building (height, lot coverage, floor space index, etc.). Therefore 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 results in the dwelling being located at the same side yard setback as the current dwelling. The addition has been constructed without proper approvals, and no complaints were received regarding the impact this development had on the neighbouring property. The neighbouring property is developed with a dwelling which is also situated close to the shared lot line. Their development abutting the lot line is a garage portion of the house, which has a lesser impact from the proposal than if this portion of the dwelling was a main area of residential occupancy (i.e. living area). The addition that has been constructed does not contain any windows on this side, which assists in minimizing impact in terms of privacy to neighbouring properties. Overall, staff believe that there are no anticipated impacts to the neighbouring properties from the proposed addition.

- 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 onsite is not changed through this proposal.

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

Comment: Off street parking is now available on this property that is not within the right-of-way. 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 enlargement from 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 closer to the water than the existing development, however it maintains the minimum required 30m setback. Therefore, maximization of the water setback is not considered since the standard 30m water setback is maintained. Staff believe the consideration for maximizing the water setback is meant for development that is non-conforming in terms of the minimum required water setback.

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

Comment: As noted above, the enlargement is located no closer to the lot line than the existing dwelling. As discussed above, there are no anticipated negative impacts to the neighbouring 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 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.

- 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. No comments from the RVCA have been received at the time of writing this report. There are no identified natural hazards that impact the property beyond the typical flooding and erosion which is associated with the shoreline. Due to the distance from the shoreline for this addition, staff do not anticipate these natural hazards to impact the proposal.

- 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 appears to meet the 30m water setback. While the proposal does result in less area outside of the 30m water setback for a future septic system, as the existing system appears to meet the 30m water setback, the proposal is not anticipated to remove the ability for a complying septic system in the future.

- 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 lot coverage and floor area but remains within the permitted maximum of 10% and 15% respectively (shown in Table 1 below in Section 5 of this report). The height of the addition is proposed to be 3.7m (12ft) which is within the permitted maximum of 10m. Therefore, no non-complying standards in relation to lot intensity or height are proposed or existing for the addition subject to the adjustments of the deck to the satisfaction of the CBO.

- 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. Although as noted the proposed addition is located closer to the water, than the current dwelling, the resulting addition maintains the required 30m minimum setback of the ZBL. The proposed addition maintains the existing non-complying standard of 5.4m to the side lot line as the existing dwelling. The small size of the addition, and the single storey outline an appropriate proportion to the existing two storey dwelling on the site, and the surrounding area. As discussed above, the proposal remains within the maximum height

allowance, and the permitted maximum lot coverage and floor space index. Overall, the proposed addition is 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. As noted the proposed addition is closer to the water, but maintains the minimum 30m setback required. Through this proposal, including the site plan control, environmental net gains will be obtained, such as stormwater management and shoreline buffer planting. The proposal maintains the existing side yard setback to the neighbouring property to the southeast for the dwelling. As discussed above, it is not anticipated that the addition will create or aggravate any land use compatibility concerns. Overall, staff do not anticipate any negative impacts on the surrounding properties, neighbourhood, or environment will occur from the proposed addition provided the mitigation measures outlined in the conditions of site plan control are adhered to.

5.0 STAFF REVIEW – SITE PLAN CONTROL

5.1 Compliance with the Zoning By-Law (ZBL)

The property is zoned General Residential (RG). The intent of the provisions for residential development in this zone specific for waterfront properties are to regulate the intensity and form of residential 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 proposed deck as constructed (construction occurred without proper approvals), does not meet the requirements of the Ontario Building Code (OBC) for clearance distances to the septic system (tank and distribution piping). Therefore, it is recommended that prior to the site plan control approval, that the applicants work with the building department to a design that meets the OBC requirements, and then work to finalize the site plan control approval portion of the application. At its current size and location, the deck meets the minimum setback requirements and maximum lot coverage requirements as outlined in Table 1. Overall, pending approval of the Section 45 application, and revision to comply with the OBC the deck portion of the site plan application could be approved, but remains under review until the CBO is satisfied with the revised decking design.

Table 1: Zoning Provisions

Provision		Required	Proposed	Existing
Dwelling Addition				
Setbacks (min.)	*Water & NHA	30m	~40m	~42m
	Front	10m	15.6m	3.2m
	Side (southeast)	6m	5.4m	5.4m
	Side (Northwest)	6m	7.9m	1.8m
	*Rear	7.5m	~40m	~42m
Height (max.)		10m	3.7m	6.1m
Deck				
Setbacks (min.) with permitted encroachments per S.3.31 of ZBL	*Water	26m	~34m	N/A
	*Natural Heritage A	30m	~34m	N/A
	Front	3m	19.1m	N/A
	Side (southeast)	3m	5.4m	N/A
	Side (Northwest)	3m	5.2m	N/A
	*Rear	3m	~34m	N/A
Height (max.)		10m	0.6m	N/A

**Lot Intensity Provisions			
Lot Coverage (max.)	10%	9.7%	7.4%
Floor Space Index (max.)	15%	9.3%	7.8%

*Distances measured using GIS as distances provided were to the waterfront owned by the applicant, not the closest point of the waterfront.

**Lot Coverage Maximums based on current extent of decking proposed. Decking will be reduced to meet requirements of OBC.

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	Development is outside of 30m from the water.
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 -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	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

	-Encourage natural materials or colours		-Sediment and erosion controls to be used during construction
2.16 Land Use Compatibility	Avoid land use compatibility conflicts	Yes	No compatibility concerns identified for the decking. Section 45 approval in Section 4 discusses the addition.
2.17 Cultural Heritage, Rideau Canal, and Archaeological Resources	Protect cultural heritage and archaeological resources	Yes	-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	No natural hazards identified
2.19 Human-made Hazards	Avoid human made hazards	Yes	None identified
2.20 Natural Heritage: 2.20.1 & 3.4 Natural Heritage A	No development is permitted adjacent to a Provincially Significant Wetland 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: 2.20.3 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.
3.9 Settlement Area	Encourages more concentrated development than typically found or permitted in the Rural area, while maintaining the character of the village and hamlets.	Yes	Residential use is permitted -Maintains the character of the village

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 PSW. Through the environmental net benefits on this lot, negative impacts from the development on the PSW are mitigated. 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 Settlement Area in Section 2.3.3 of the Counties OP. An objective of the Rural Settlement Area designation is to provide for limited intensification while generally maintaining a rural settlement character and evolve as service and residential centres for the surrounding rural area. Through the recommended conditions the proposed development under Site Plan Control is considered to conform with the Counties OP.

7.0 PUBLIC INPUT/COMMENTS

One public comment was received at the time of writing this report from the Big Rideau Lake Association (BRLA). This comment outlined no objections to the proposal.

8.0 RECOMMENDATION (SECTION 45)

Staff recommend that Section 45 application **A-6-2026 be approved** subject to 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-6-2026) 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-6-2026 remains under review** for the following reasons:

1. For the applicant to work with the building department on a deck design that complies with the Ontario Building Code.
 - a. That the applicant submit a revised site plan drawing of this design for review.

Once the above is completed and a revision submitted to the planning department the Site Plan Control application could be approved subject to the following preliminary conditions (subject to change pending the revised submission of the decking):

- 1) That this approval is contingent on the approval of A-6-2026;
- 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 adhere to the 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;
- 5) That prior to final inspection of the addition, that the gazebo is removed from the property;
- 6) That prior to final inspection of the addition, that a permit be obtained for the new deck;
- 7) That all outdoor lighting be downward cast, and as minimal as required to meet the required objectives;
- 8) 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;
- 9) 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;
- 10) 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);
- 11) 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;
- 12) That in the event of a 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;
- 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

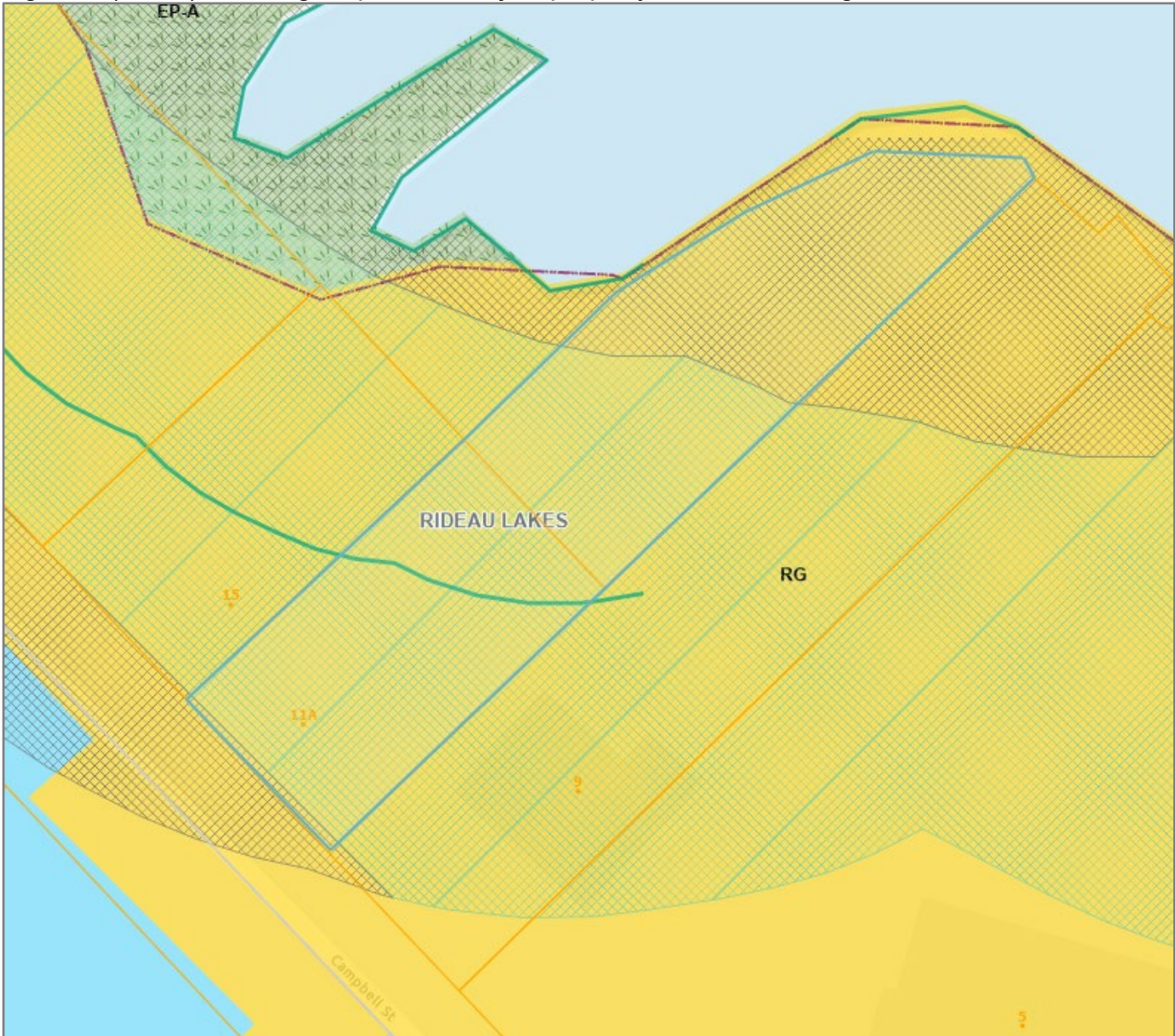
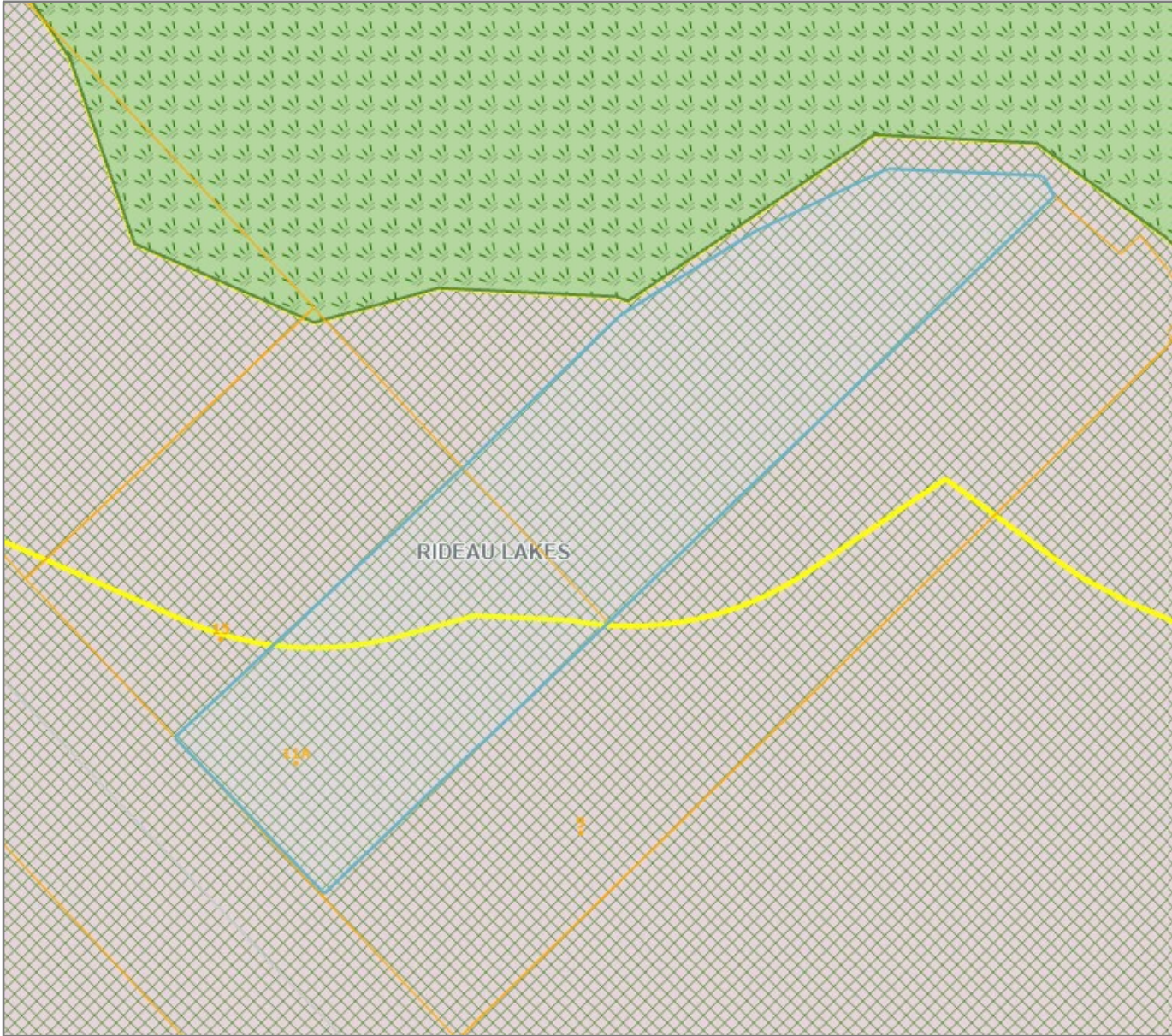


Figure 4 (below) – Official Plan schedule of the property and surrounding area



APPENDIX C - Photos



Photo 1 – Existing Dwelling



Photo 3 – Area Along Side Lot Line



Photo 2 – Existing Constructed Addition



Photo 4 – Area between Development and the Lake



Photo 5 – Existing Deck to be Revised



Photo 6 – Gazebo to be Removed