

**REPORT TO THE COMMITTEE OF ADJUSTMENT &
PLANNING ADVISORY COMMITTEE**

Date of Report: April 8, 2026

Date of Meeting: April 15, 2026

Subject of Report: Section 45 Application A-7-2026 & Site Plan Control Application SP-7-2026
FASANO

Recommendation:

Staff recommend that the Section 45 application **A-7-2026** be **approved as submitted** with the conditions outlined in Section 8 of this report.

Decision:

Site Plan application **SP-7-2026** is **approved** with the conditions outlined in Section 9 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 45.2 of the Ontario Planning Act requesting permission to expand a non-conforming use. The applicants are proposing to expand an existing 14.9sqm (160sqft) sunroom with a 5.6sqm (60sqft) addition. The addition is on the front of sunroom which is on the water side of a 60.3sqm (650sqft) 1 storey dwelling. Through this proposal the whole sunroom area will be reconstructed to include the addition. The existing dwelling is located 14.3m (47ft) from the water and Natural Heritage A designation where a standard of 30m is required. The proposed sunroom addition is to be located 13.4m (44ft) from the water and Natural Heritage A designation. The addition has already been constructed.

This property is also subject to a Site Plan Control Application (SP-7-2026) 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, removal and replacement of a 37.2sqm (400sqft) attached uncovered deck as well as install an accessibility ramp to access the deck. The deck has already been constructed, which was constructed larger than proposed. The applicants are required to reduce the size of the decking.

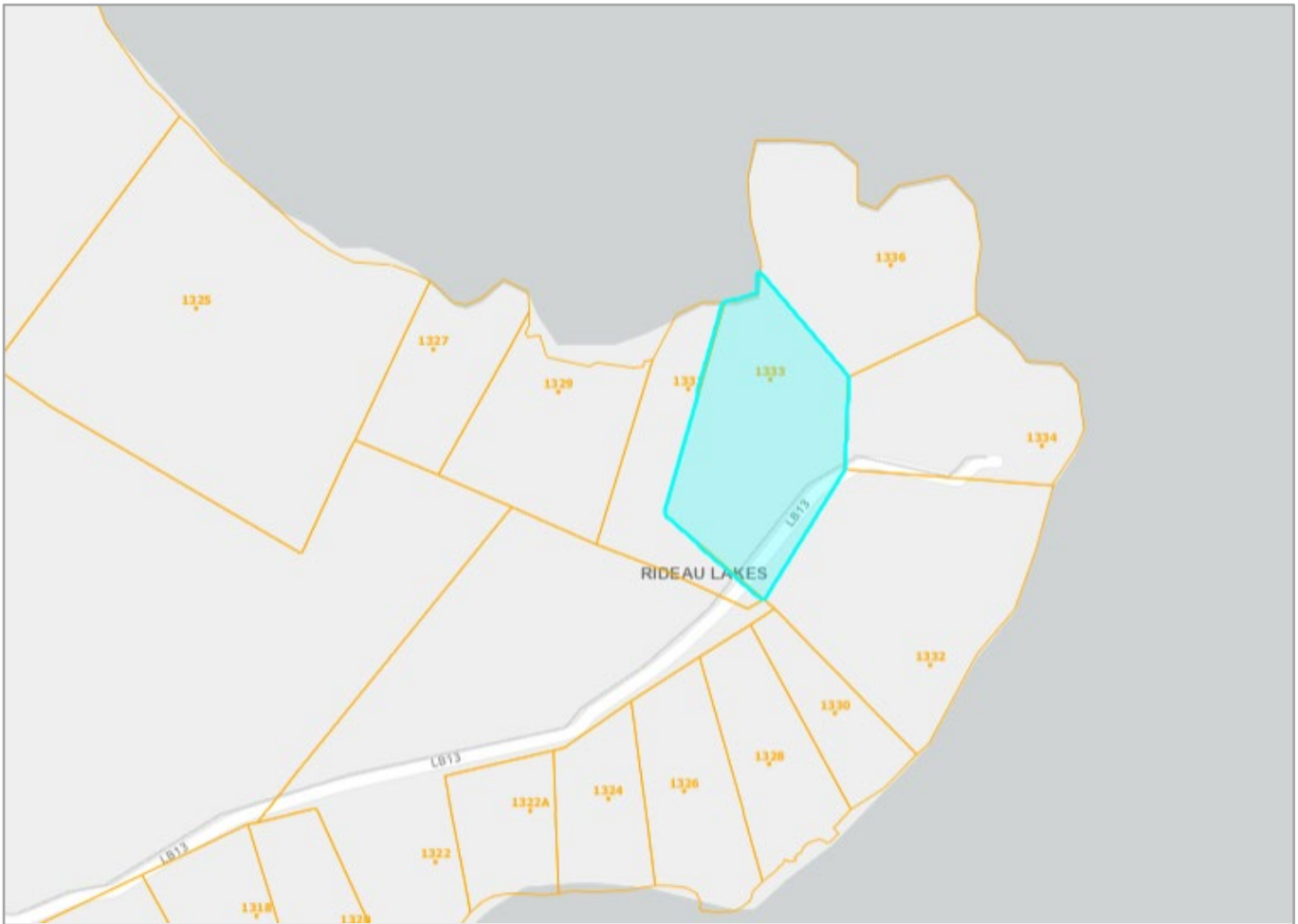


Figure 1 – Context Map

2.0 PROPERTY AND OWNER INFORMATION:

Attribute	Value
Roll Number	083183105647000
Owner Name	Tine-Marie Fasano
Location	1333 LB13
Area	0.84 acres
Frontage	120.00.00 ft Lower Beverley Lake
Depth	351.13 ft
Description	BAST CON 10 PT LOT 29 LOWER;BEVERLEY

The subject property is generally flat, containing a gentle slope from the dwelling to the waters edge. The property contains numerous mature trees, mostly located behind the dwelling and along the side lot lines. There are few mature trees between the dwelling and the lake. The property currently contains a dwelling with deck, septic, and two out buildings. Surrounding properties are residential.

3.0 AGENCY COMMENTS

3.1 Chief Building Official (CBO)

The CBO has no objections. Building permits will be required for the development.

3.2 Cataraqui Region Conservation Authority (CRCA)

No formal comments received at the time of writing this report. Since the construction has already occurred, the CRCA has been in contact with the Township and the applicant on the steps to remedy the property. This included reducing the constructed decking back to the original size prior to the redevelopment of the lot. In these comments CRCA noted no concerns regarding the slight increase to the screened in room.

3.3 Fire Chief

No concerns with Fire Services.

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 located closer to the lake and Natural Heritage A (NHA) designation than the existing dwelling. It is important to note that the existing decking prior to the unauthorized construction was located closer to the lake and NHA than the proposed addition. Through this consideration, the decking will remain at the previous setback as it will be needed to be reconstructed to the original size, and the sunroom addition will slightly reduce the water and NHA setback of the dwelling. This proposal to expand the addition does aggravate the situation created by the existence of the use.

- 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 is a minimal increase in size of the overall structure. This proposed size of the dwelling aligns similarly to surrounding properties which are developed at a similar setback to the lake and NHA designation. The proposed development 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 as the enlargement is only through extension of the front wall closer to the lake, the massing of the building as seen from the lake is not impacted. Further, through retention of the existing vegetation along the shoreline as proposed in the shoreline buffer planting plan as well as additional planting, 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 maintains the minimum 6m side yard setback to the abutting property to the west. Further, based on the site visit, there is a rock knoll with vegetation on top along this area of the lot line which provides a physical barrier between the two properties. Therefore, there are no anticipated negative impacts to the neighbouring properties from this proposal. No comments have been received at the time of writing this report from any neighbours.

- 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 altered through this application.

- 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 to the rear of the dwelling, 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 and NHA than the existing dwelling, but as noted, is not encroaching closer than the existing development on the site (deck). The proposed enlargement is not considered to be maximizing the water setback for the development.

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

Comment: As noted above, the enlargement is located in compliance with the minimum 6m side yard setbacks required in the ZBL. Further, the area of the enlargement that is closest to the side lot line contains a rock knoll with vegetation that provides a physical barrier between the two properties reducing the potential for impacts to arise. Therefore, staff do not believe the enlargement results in undue adverse impacts on 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 includes maintenance of the existing vegetation on site as well as additional plantings which provides a visual buffer for the proposed development as seen from the water. Further, the height of the building is not altered, nor is the elevation as seen from the lake significantly changed, since the sunroom area will be only moved closer to the lake but maintain the general peak style look as previously on the site. 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 CRCA provides comments regarding natural hazards. No formal comments have been received from the CRCA on the circulated application, however the CRCA has been involved in this development since the time of notice of the unauthorized

development. The CRCA has noted previously that the addition to the sunroom and returning the decking to its previous size is a result that they can support. There is some area of the shoreline that is designated as Floodplain (FP) which the CRCA did not note any concerns with in their detailed review and discussion on the unauthorized development. No other natural hazards were identified by staff.

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 (holding tank). Currently the system appears to be within the 30m water and NHA setback requirement of the ZBL, however there remains suitable land outside of the 30m setback area not impacted by this proposal that could accommodate a future septic system.

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). These provisions are calculated for both the total lot and the area of the lot within 60m. The height of the enlargement is proposed to be 1 storey, and based on the staff site visit is within the permitted maximum 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 completed by Ecological Services. This EIS outlines that no impacts are anticipated so long as the recommended mitigation measures are implemented, which include additional shoreline vegetation plantings (buffering), use of eaves troughing to direct all stormwater to the rear of the building, reducing the constructed decking back to the original size, and erosion control measures during construction. 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 enlargement is located closer to the water and NHA than the previous dwelling, the policies listed above are only guidelines to assist in the assessment of appropriateness, not a threshold of what is or isn't

considered appropriate. The proposed enlargement is a small scale 3ft extension of the sunroom across the full 20ft width. Considering the existing scale of development on the site, and the surrounding properties, the proposed addition is considered to be appropriate scale for an enlargement of the existing non-conforming dwelling, the aspects of the enlargement moving closer to the water are further discussed below in Section 4.2 for impacts of the proposal. Overall, through the recommended conditions of the site plan control portion of this approval outlined in Section 5 of this report, the proposed enlargement of the sunroom 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 dwelling is closer to the lake and NHA designation than the previous dwelling. Also noted is that this enlargement is not closer than the overall development of the site, since the existing deck (prior to the unauthorized development) was closer to the lake. The applicants hired a biologist to complete and submit an EIS to assess the impacts of the development on the natural heritage features of the property and surrounding area. The EIS concludes that there are no anticipated impacts so long as the mitigation measures are implemented. There are no anticipated impacts to neighbours from this proposal. Overall, through the recommended conditions of the site plan control portion of this approval outlined in Section 5 of this report, the proposed enlargement of the sunroom is considered appropriate.

5.0 STAFF REVIEW – SITE PLAN CONTROL

5.1 Compliance with the Zoning By-Law (ZBL)

The property is zoned Waterfront Residential (RW) and Flood Plain (FP). The small area of FP is along the shoreline – no development is proposed within this area. 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 proposed waterside deck is in non-conformance with the ZBL Section 3.22.1 as it is required to be a minimum of 30m from the NHA designation. However, as the deck was previously there, the reconstruction of the deck to the same size, height and volume is permitted under Section 3.15.3 of the ZBL. A recommended condition is that prior to final inspection of the dwelling addition, that the permit for the deck be issued that removes the unauthorized expansion of the deck which has not been applied for under this approval, nor would be supported by the CRCA as previously discussed. The zoning standards are provided below in Table 1 for the proposal. Table 1 does not include the decking to be reconstructed since the decking per Section 3.15.3 is required to be the same as the previous decking. Overall, pending approval of the Section 45 application for the enlargement to the dwelling, and the review of the identified shed on site, the site plan control approval meets the intent of the Zoning By-Law.

Table 1: Zoning Provisions

Provision		Required	Proposed	Existing
Dwelling Enlargement				
Setbacks (min.)	Water/NHA	30m	13.4m	14.3m
	Side (West)	6m	6.4m	6.4m
	Side (East)	6m	14.6m	12.1m
	Rear	7.5m	42m	36.5m
Height (max.)		10m	<10m*	<10m*
Lot Coverage (max.)	Total Lot	10%	4.1%	3.9%
	60m Area	10%	4.1%	3.9%

Floor Space Index (max.)	Total Lot	15%	2.4%	2.4%
	60m Area	15%	3%	3%

*No height measurement was provided. Based on staff's site visit the dwelling and enlargement already constructed was less than 10m in height.

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	Enlargement considered under Section 4 of this report. Deck to be reconstructed to the same as the previous development
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	-Enlargement of dwelling considered under Section 4 of this report. -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
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	Flood Plain identified – CRCA noted no concerns during previous discussions of this development
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 NHA designation unless no negative impacts are demonstrated.	Yes	EIS completed by biologist, concludes no negative impacts so long as mitigation measures are implemented. Recommendations: Implement mitigation measures outlined in the submitted EIS
2.20 Natural Heritage: 2.20.3 Fish Habitat	No development is permitted adjacent to Fish Habitat unless no negative impacts are demonstrated	Yes	EIS completed by biologist, concludes no negative impacts so long as mitigation measures are implemented. Recommendations: Implement mitigation measures outlined in the submitted EIS
2.20 Natural Heritage: 2.20.6 Woodland	No development is permitted within or adjacent to Woodlands unless no negative impacts are demonstrated	Yes	EIS completed by biologist, concludes no negative impacts so long as mitigation measures are implemented. Recommendations: Implement mitigation measures outlined in the submitted EIS
3.8 Rural	Retain the rural and recreational flavour of Rural lands while providing for a	Yes	Residential use is permitted

	limited amount of compatible and orderly new development.		Maintains the rural and recreational nature of Township
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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. Section 4.1 Natural Heritage has also 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)

Staff recommend that Section 45 application A-7-2026 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 on the owners entering into a site plan agreement with the Township through SP-7-2026; 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 subject to the following conditions:

- 1) That this approval is contingent on the approval of A-7-2026;
- 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:
 - 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 the permit for the decking be issued prior to final inspection of the of the sunroom addition;
- 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 all recommended mitigation measures of the Environmental Impact Assessment completed by Ecological Services and dated December 9th, 2025 be implemented which include:
 - a) Use of eaves troughing on the building to direct stormwater runoff to the rear of the building;
 - b) Maintain and enhance the vegetative buffer between the lake and the development;
 - c) Use sediment and erosion control measures during the course of construction when the soil mantle is disrupted;
 - d) Any tree removal is to take place outside of the migratory birds breeding season (April 15th to August 15th);
- 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;
- 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 (as best as possible);
- 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

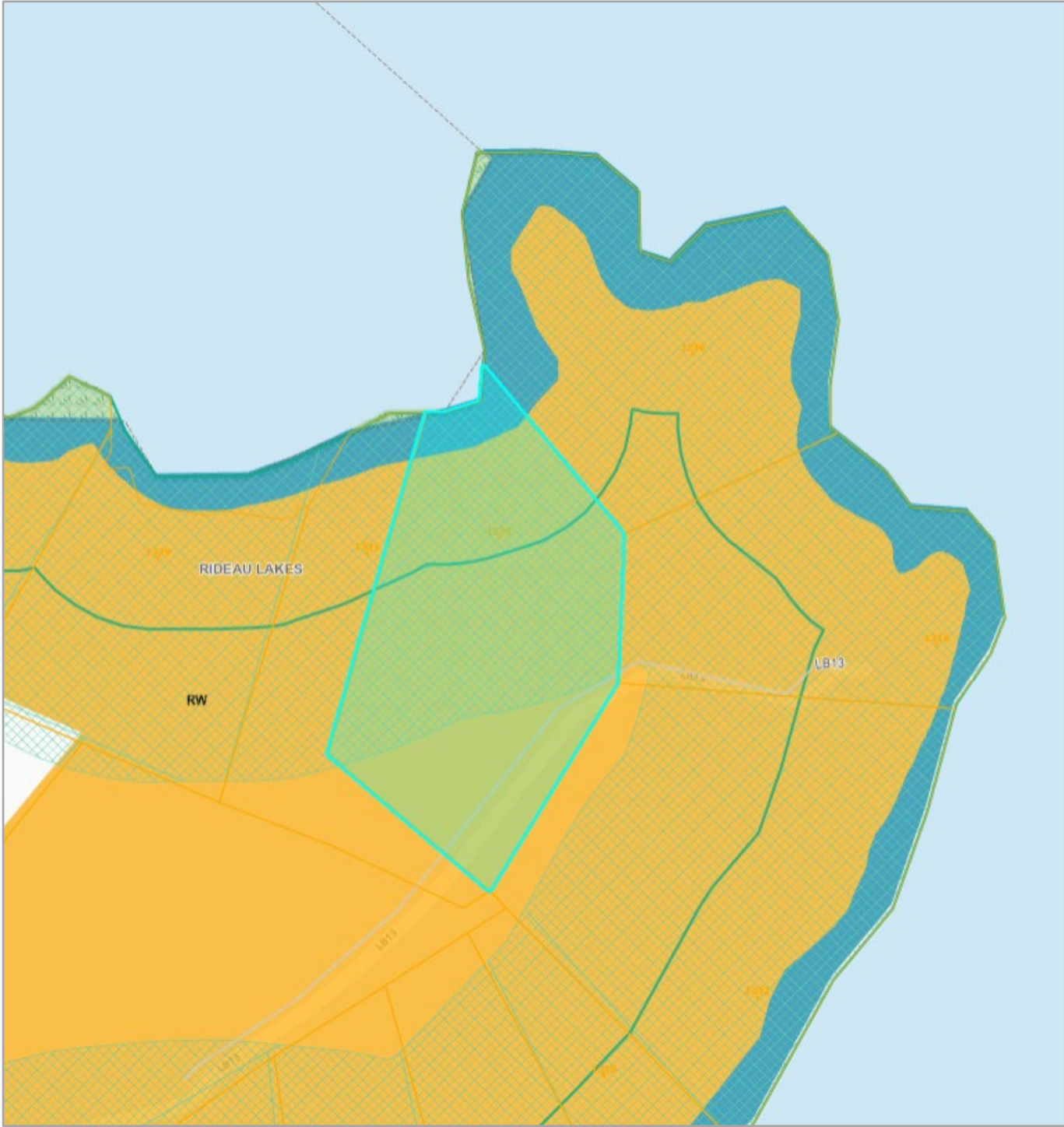
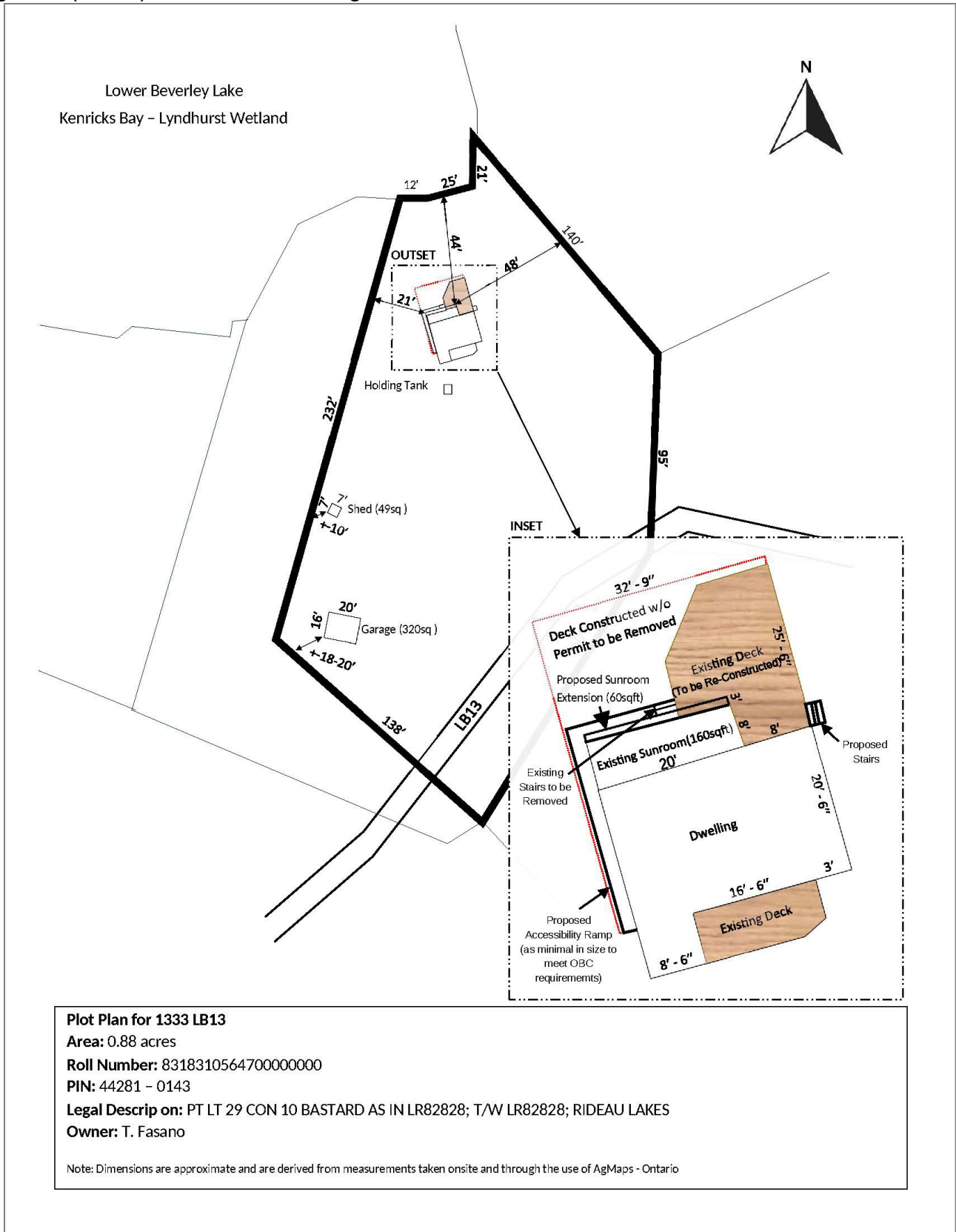


Figure 4 (below) – Official Plan schedule of the property and surrounding area



APPENDIX B – Sketches

Figure 5 (below) – Site Plan Drawing



APPENDIX C - Photos



Photo 1 – Existing Dwelling with Addition



Photo 3 – Existing Deck to be Reconstructed and reduced in size



Photo 2 – Area Between the Dwelling and the Lake



Photo 4 – Area along West Side Lot Line