

Committee of Adjustment Agenda

1:00 PM - Monday, September 22, 2025

Council Chambers

[Zoom Meeting Registration](#)

1. Call to Order

- a) Format of Meeting 3
[Format of Meetings](#)

2. Traditional Land Acknowledgement

We begin this gathering by acknowledging and celebrating these traditional lands as a gathering place of the first peoples and their ancestors who are entrusted to care for Mother Earth since time immemorial. We do so respecting both the land and the Indigenous People who continue to walk with us through this world. Today, the Township of North Frontenac is committed to working with Indigenous Peoples and all residents to pursue a united path of reconciliation.

3. Approval of Agenda

- a) September 22, 2025

Be It Resolved That the Committee approves the Agenda dated September 22, 2025, as circulated.

4. Disclosure of Pecuniary Interest and General Nature Thereof

5. Delegations

None.

6. Adoption of Minutes

- a) Minutes of Meeting held August 25, 2025 4 - 16

Be It Resolved That the Committee adopts the Minutes of a Meeting held August 25, 2025, as circulated.

[Committee of Adjustment - 25 Aug 2025 - Minutes - Pdf](#)

7. Business Arising Out of Minutes

None.

8. Zoning By-law Amendment Application (Recommendation to Council)

None.

9. Consent Applications

None.

10. Minor Variance Applications

- a) File #A13/25 - Request for Permission to Enlarge Legal Non-Complying Structure (1053B Pine Cove Lane) 17 - 38

[Notice of Hearing - Shannon](#)
[Report from County Planner](#)
[Report from MVCA](#)

- b) File #A14/25 - Request for Permission to Enlarge Legal Non-Complying Structure (5853 Road 506) 39 - 54

[Notice of Hearing - Ross](#)
[Report from County Planner](#)

11. Other Business

None.

12. Adjournment

- a) Adjournment of the Committee Meeting

Be It Resolved That the meeting adjourns at _____ p.m. until October 27, 2025, at 1:00 p.m. or at the call of the Chair.



Township of North Frontenac Committee of Adjustment/Planning Advisory Committee Meeting Format and Appeal Information

The presentation of each application will follow this format:

1. The Chair will introduce each file as they are listed on the agenda.
2. The County Planner will provide an overview of the application, including comments received from outside agencies, and provide recommendations to the Committee.
3. The Committee member who attended the site will present their site inspection report.
4. Committee members will ask Planning staff and the applicant or agent questions.
5. The Chair will ask if the applicant or agent have any comments or questions regarding the reports; and then ask members of the public if they have any comments or questions regarding the proposed development.
6. The Committee will deliberate and vote on the application. Voting will take place with members of the Committee raising their hands. The Chair will then state whether the vote was carried. Please note the Alternate Member does not comment or vote unless a member of the Committee is absent or declares a pecuniary interest.

A “specified person” or public body (as defined in the Planning Act) who has an interest in the matter may, within 20 days from the date of the Committee decision, file a notice appeal against the decision of the Committee by filing a notice of appeal to the Ontario Land Tribunal with the Secretary-Treasurer of the Committee. If an appeal to an application is received within the 20-day appeal period, the applicant will be notified and provided further information about the appeal process.

If a “specified person” or “public body” (as defined in the Planning Act) that files an appeal of a decision of the Committee of Adjustment in respect to the proposed development does not make written submissions to the Committee before it gives or refuses a provisional consent; the Ontario Land Tribunal (OLT) may dismiss the appeal.



Committee of Adjustment Minutes

1:00 PM - Monday, August 25, 2025
Council Chambers

Present: Garry Wood, Chair; Carl Tooley, Member; Jim Ogilvie, Member; and Brent Smith, Alternate Member

Also Present: Tara Mieske, Secretary/Treasurer, Dmitry Kurylovich, Project Manager/Senior Planner, County of Frontenac; Councillor Roy Huettl (Council Liaison); Brooke Drechsler, Deputy Clerk/Assistant to the Planning Manager; and Marnie Geerlinks, Administrative Assistant to the Clerk's Department

1. Call to Order

The Chair called the meeting to order at 1:00 p.m.

2. Traditional Land Acknowledgement

We begin this gathering by acknowledging and celebrating these traditional lands as a gathering place of the first peoples and their ancestors who are entrusted to care for Mother Earth since time immemorial. We do so respecting both the land and the Indigenous People who continue to walk with us through this world. Today, the Township of North Frontenac is committed to working with Indigenous Peoples and all residents to pursue a united path of reconciliation.

3. Approval of Agenda

a) *August 25, 2025*

33-25 Moved by Carl Tooley, Seconded by Jim Ogilvie

Be It Resolved That the Committee approves the Agenda dated August 25, 2025, as circulated.

Carried

4. Disclosure of Pecuniary Interest and General Nature Thereof

a) *Declarations*

Brent Smith, Alternate Member, declared a pecuniary interest in Item 10(b): File #A08/25 - 1053 High Rocks Lane.

Carl Tooley, Member, declared a pecuniary interest in Item 10(c): File #A10/25 - 1033 Waterworth Lane.

5. Delegations

None.

6. Adoption of Minutes

a) *Minutes of Meeting held July 28, 2025*

34-25 Moved by Jim Ogilvie, Seconded by Carl Tooley

Be It Resolved That the Committee adopts the Minutes of a Meeting held July 28, 2025, as circulated.

Carried

7. Business Arising Out of Minutes

None.

8. Zoning By-law Amendment Application (Recommendation to Council)

None.

9. Consent Application with Minor Variance Application

a) *Minor Variance File #A09/25 and Consent Application #B12/25: Part of Lot 23, Concession 7 (2468 Highway 506 and 2458 Highway 506)*

Mike Hage, applicant, was present for the meeting.

Dmitry Kurylovich, Senior Planner with the County of Frontenac, provided an overview of the application for the creation of a new lot with a reduced area. He advised the area of the subject property is 2.1 acres with approximately 670 feet of frontage onto Road 506 and approximately 246 feet of frontage onto Myers Cave Road. He noted the proposed severed lot will have an area of 1.1 acres with approximately 195 feet of road access onto Road 506 and approximately 246 feet of frontage onto Myers Cave Road; and that the proposed retained lot will have an area of 1.0 acres with approximately 475 feet of road access on Road 506.

Kurylovich advised the subject lots were considered lots of record; however the lots inadvertently merged on title. He noted this type of merger typically happens when lots share a property line; are owned by the same person(s); and were created outside the land division process under the Planning Act.

The Planner advised the issue of the inadvertent merger was discovered during the sale of the retained lot. He advised the lots had separate Property Identification Numbers (PINs) and Assessment Roll Numbers (ARNs); and appeared to be two separate lots. The pending sale triggered a search in Ontario Land Registry which uncovered the merged lots.

Kurylovich advised both lots are serviced with Class 4 systems; with a permit for a septic system issued by South Frontenac in 2023 (septic approval authority at that time) for the barn conversion on the eastern lot. He noted there were no hazards observed on the property, therefore formal comments from the Conservation Authority were not required.

Kurylovich advised the proposed lots are required to meet all the provisions as a new lot, despite the lots being inadvertently merged. He noted the following:

- both lots have frontage on Township roads (Road 506 and Myers Cave Road);
- both lots are serviced or capable of being serviced;
- the western lot has a well, while the eastern parcel requires well and water service.

Kurylovich recommended approval of the applications subject to the conditions included in the planning report. He noted a condition for a road widening for the eastern parcel had been included; however recommended the Committee consider changing the condition to allow the applicant to enter into an agreement with Township to provide the road widening requirement within two years. He also recommended the Committee consider waiving the park levy fee because of the technical nature of the application.

Garry Wood advised he attended the site on July 23, 2025. He noted the property on the eastern side slopes towards the rear with a hydro line through the lot. He advised the property on the western side is well treed and there does not appear to be any obvious connection between the parcels. Wood advised he is satisfied with the applications as proposed and the conditions included in the planning report. He recommended approval of the applications.

Carl Tooley asked if the two lots had been surveyed. Kurylovich advised both lots were surveyed. Wood asked how many units have been included in the barn. Mr. Hage advised there are two units (a 6 bedroom house, a 2 bedroom apartment and a storage area).

Marnie Geerlinks advised there were no comments from the public.

35-25 Moved by Carl Tooley, Seconded by Jim Ogilvie

Be It Resolved That Minor Variance Application File #A09/25, requesting the following:

- a Reduced Area of a Proposed New Lot and the Retained Lot; and
- A reduced setback for the existing dwelling on the proposed new lot from the front lot line;

shall be approved subject to the conditions noted in the Planning Report:

And That the Secretary shall forward a copy of the Notice of Decision to the Applicant and each person or public body that made a written request to be notified, and any other person or public body prescribed by September 4, 2025.

Carried

36-25 Moved by Jim Ogilvie, Seconded by Carl Tooley

Be It Resolved That Consent Application File #B12/25 for the creation of a New Lot shall be approved subject to the conditions noted in the Planning Report and including the following conditions:

- Change Road Widening Condition to an Agreement to be completed within two years
- Remove the requirement for Park Levy

And That the Secretary shall issue the Notice of Decision by September 4, 2025;

And That the Secretary shall forward the Notice to the Applicant and each person or public body that made a written request to be notified and any other person or public body prescribed;

And That all conditions shall be completed within a period of two year after Notice of Decision was given under subsection 53(15) or 53(24) of the *Planning Act*.

Carried

10. Minor Variance Applications

- a) ***File #A07/25: Part of Lot 23, Concession 6, Block A, Registered Plan 1090 Geographic Township of Barrie (1062 Big Mountain Lane) -Minor Variance for Oversized Dock***

Scott Scaletta, applicant, was present for the application.

Dmitry Kurylovich, Senior Planner with the County of Frontenac, provided an overview of the Minor Variance application to permit an oversized dock. The applicant is proposing to remove the roof of an existing boat port with an area of 55 square metres; remove the existing 30 square metre sun dock; and remove the existing dock with an area of 26 square metres attached to the boat port.

Kurylovich advised the Official Plan designation of the property is Waterfront Area and the Zoning designation is Limited Service Waterfront. He advised Section 3.1.2 of the Zoning By-law provides that a dock shall have a maximum area of 25 square metres and a maximum length of 10 metres. He advised the property is currently developed with a one storey dwelling, a Class 4 septic system, a boat house, the sun dock and the dock (subject to the application).

Kurylovich advised the application was reviewed by Mississippi Valley Conservation Authority (MVCA), who advised they had no objections to the proposed development; however they recommended the shoreline be revegetated to reduce the potential for shoreline erosion. Kurylovich noted a permit for the dock will be required from MVCA if the Committee approves the Minor Variance application.

Kurylovich advised neighbouring residents expressed concerns regarding the length of the proposed dock as it may create a navigation hazard for swimmers, kayaks, canoes,

etc. Kurylovich noted the proposed dock is longer than neighbouring docks; however it does not meet the threshold for being considered a hazard.

Kurylovich noted the application was considered using the four tests under the Planning Act. He noted the removal of the two existing docks will result in a decrease of the total dock area on the subject property. With the removal of the relatively wide sun dock, the total developed area along the shoreline will be reduced. Additional native vegetative plantings are recommended along the shoreline to mitigate impact of runoff from the maintained lawn portion of the lot.

Kurylovich advised the Planning Justification Report submitted with application provided adequate analysis and justification of the proposed development. Kurylovich recommended approval of the Minor Variance application subject to the conditions included in the Planning Report.

Wood advised he attend the site on July 25, 2025. He noted the property has a gentle slope. He advised the waterfront area has an existing boat house and numerous docks with little vegetation. He asked if the seadoo docking area is considered a dock under the Zoning By-law. Kurylovich confirmed it is considered a dock.

Ogilvie asked how far a dock is permitted to extend into a waterway. Kurylovich advised a dock can have a maximum length of 10 metres, with the applicant requesting a length of 13.8 metres. He noted there appears to be enough distance between shorelines to reduce any navigational impact. Wood noted he observed boat traffic during his site visit and the length of the dock does not appear to have any impact.

Wood asked if a condition for revegetation of the shoreline could be included. Wood asked Mr. Scaletta if he would be supportive of the revegetation of the shoreline. Mr. Scaletta noted he has planted a few trees on the property. Wood noted a vegetative buffer would be very beneficial in the mitigation of shoreline erosion. Kurylovich noted MVCA can provide information regarding revegetation with native species. The Committee requested the area where the sun dock is being removed be revegetated as a condition of the variance.

Wood asked if the seadoo dock area was included in the calculation. Kurylovich advised there was nothing in the Planning Justification Report to justify the seadoo dock area. Wood noted he understands the purpose of the seadoo dock is to reduce the potential for damage to occur on the boats and seadoos. He advised he would like to include the double seadoo dock in addition to the oversized dock. Scaletta asked if the seadoo dock would be attached to the oversized dock. Wood advised the seadoo dock could be attached to the dock or the boathouse.

Ogilvie asked how much square footage could be added to the dock. Kurylovich advised the Official Plan does not specifically address the area of shoreline being used for waterfront structures and does not speak to damage to boating equipment. He advised

the Zoning By-law addresses the permitted area and length and docks on the shoreline. He advised that when the additional seadoo area is considered in addition to the oversized dock, the resulting area is more than twice what is permitted. He advised it is his opinion the four tests under the Planning Act are being met with the proposed oversized dock. He advised if an additional docking area is being proposed, he would have to reconsider the application and his recommendations.

Wood advised that for the purpose of safety, he believes the four tests are being met with the inclusion of the seadoo dock area and noted a few square metres of docking on the side will not affect anyone. He noted the total area of the proposed dock and seadoo dock keeps with the characteristics of other docks in the area. The Committee agreed to include the seadoo dock in the variance being requested.

Geerlinks advised there were no comments from the public.

37-25 Moved by Carl Tooley, Seconded by Jim Ogilvie

Be It Resolved That Minor Variance Application File #A07/25, requesting an increase in the permitted area and length of a dock shall be approved subject to the conditions noted in the Planning Report;

And That one double Seadoo dock is permitted to remain attached to the approved dock and shall not exceed the length of the dock;

And That the area where the sun dock is located shall be revegetated with natural vegetation;

And That the dock reconstruction shall be completed by December 31, 2025;

And That the Secretary shall forward a copy of the Notice of Decision to the Applicant and each person or public body that made a written request to be notified, and any other person or public body prescribed by September 4, 2025.

Carried

b) *File #A08/25: Part of Lot 20, Concession 7, Geographic Township of Barrie (1053 High Rocks Lane) - Request for Permission to Expand Non-Complying Structure*

Brent Smith, Applicant, and Russ Gregory, Agent, were present for the hearing.

Dmitry Kurylovich, Senior Planner with the County of Frontenac, provided an overview of the application to expand the footprint of a legal non-complying structure and add a partial second storey. He noted the existing dwelling is located on a rock outcrop approximately 5 metres from Mississagagon Lake.

Kurylovich advised the Official Plan designation of the property is Waterfront Area and Rural; and that the Zoning By-law designation is Limited Service Waterfront/Limited Service Rural. He noted the property is developed with a dwelling, a septic system and an accessory structure.

Kurylovich advised the applicant is proposing to rebuild the existing dwelling in the

current footprint with the following additions:

- 40 square metre garage addition on the southeastern side of the dwelling
- 8.92 square metre addition between the garage addition and the existing dwelling
- 7.4 square metre addition to the south side of the dwelling
- 5.6 square metre covered porch on the south side of the dwelling
- 4.65 square metre covered porch in the corner of the dwelling and attached garage side of the existing footprint
- 20.07 square metre covered porch/deck on the north side of the dwelling (will reduce the waterbody setback by 1.3 metres)
- 7.4 square metre second story overhang above the covered porch/deck
- 20.1 square metre covered terrace/porch on the southwest side of the dwelling as an addition to the existing wood deck.

Kurylovich advised a Slope Stability Assessment of the proposed development was provided and was peer reviewed by Mississippi Valley Conservation Authority. Their office advised they have no concerns with proposed development provided the mitigation measures indicated in the report are adhered to.

Kurylovich noted the existing birch trees on the waterside of the dwelling may have to be removed due to the proposed development.

Kurylovich advised a septic assessment will be required to ensure the current septic system is functioning property; and that this will be done as part of the building permit process. In his opinion, the proposal meets the Planning Act and recommended approval subject to the conditions included in the planning report.

Tooley advised he attended the site on August 15, 2025; and the applicant was present. He noted the Slope Stability Assessment advised the slope is stable and will support development. He recommended approval of the application subject to the conditions included in the planning report.

Ogilvie noted the number of bedrooms were not included in the application. Smith (property owner) advised the dwelling will remain a 3 bedroom home; and that the existing septic system was designed for a three bedroom home. Smith noted the terrace was previously covered with a roof, which was removed due to safety concerns. He advised the proposed overhang is less than what was originally there.

Tooley advised he is concerned with the identified square footage as he doesn't want an issue between the Committee's decision and the building permit. Kurylovich advised he can only speak to the proposed footprint, not the gross floor area. He advised his recommendations are based on each individual addition and the square footage. He noted there shouldn't be any issues as long as the building drawings provided with the building permit application match what is approved by the Committee. Gregory (agent) advised the living space on the first storey is 1700 square feet, with 1200 square feet as the second storey. He advised there shouldn't be any future changes provided the

Committee is agreeable to the proposed development. Tooley noted the original notice from the Township states the proposed development is 2200 square feet, which is footprint (not gross floor area). Kurylovich advised that when the area of the proposed additions are added to the existing footprint, this brings the total area to approximately 2200 square feet.

Geerlinks advised there were no comments from the public.

38-25 Moved by Jim Ogilvie, Seconded by Carl Tooley

Be It Resolved That Planning Application File #A08/25, a request for permission to expand a legal non-conforming/non-complying structure, shall be approved subject to the conditions noted in the Planning Report;

And That the Secretary shall forward a copy of the Notice of Decision to the Applicant and each person or public body that made a written request to be notified, and any other person or public body prescribed by September 4, 2025.

Carried

- c) ***File #10/25: Part of Lot 30, Concession 13, Geographic Township of Clarendon (1033 Waterworth Lane) - Request for Reduced Setback from wetland area***

Brent Smith, Alternate Member, sat as a Committee Member for this application.

Carl Tooley, applicant, was present for the hearing.

Dmitry Kurylovich, Senior Planner with the County of Frontenac, provided an overview of the Minor Variance application requesting a reduced setback from the boundary of a regulated wetland area. He advised the applicant is looking to open up an area to construct a dwelling and an accessory structure.

Kurylovich advised the property has an Official Plan designation of Waterfront Area; and the Zoning By-law designation is Limited Service Waterfront. He noted the property is approximately 4.54 acres with frontage on Turtle Lake. He advised the property has an area of coastal wetland which provides for seasonal flooding around the shoreline. Kurylovich advised that, due to the required setback from the regulated area, there is a limited development area on the subject property. Kurylovich advised the applicant is looking to reduce the required setback from the boundary of the regulated wetland to create a larger development area.

Kurylovich advised the application was provided to Mississippi Valley Conservation Authority (MVCA) for review and comment. He advised MVCA did not provide support or denial of the application; however their office acknowledged the proposed development area and requested further information regarding the septic system installation. Kurylovich advised if all regulatory setbacks are met (setback from high water mark and interior lot lines), the development envelope is approximately 0.07 hectares and the site conditions would have to be optimal for siting of a dwelling, septic system and accessory

structures.

Kurylovich advised approval of the Planning application will provide up to a 15 metre setback to the regulated wetland area; however MVCA can increase that setback during their permit process as the Minor Variance does not override the MVCA permitting process.

Kurylovich advised the development should be considered in the context of the overall area. The waterbody currently supports thirteen lots, most of which are already developed and smaller than the subject property. As the remaining lots are vacant and large and accessed by a private lane, the development in the area is limited. He advised the application meets the four tests under Section 45(1) of the Planning Act and recommended approval of the application subject to the conditions included in the Planning Report. He noted the approval of the Minor Variance only applies to the proposed dwelling and accessory structures.

Smith advised he attended the site on August 15, 2025, and that the required marking cards were posted. He noted the proposed building envelope was well marked. He advised the proposed development could be shifted further from the regulated wetland area; however this would have a greater impact on the existing vegetation. Smith recommended approval of the application subject to the conditions included in the Planning Report.

Ogilvie noted that MVCA's policies cannot be overridden by the Minor Variance decision. Kurylovich confirmed this. He advised it can be difficult for agencies to evaluate a paper development proposal.

Tooley advised he spoke with MVCA and advised that he wanted to create a building envelope for a future buyer; however MVCA would not evaluate the proposal without a site plan. He noted permits are non-transferable and only valid for two years.

Wood noted the Committee could approve the proposed building envelope; but MVCA could deny the permit. Kurylovich noted it is common for a property owner to facilitate the permit process from the MVCA during the sale of a property. He advised the role of the Committee is to meet the intent of the Official Plan and Zoning By-law when evaluating a proposed development. He noted paper exercises are difficult for the Township, planning staff and Committee to evaluate.

Susan Rush, a neighbouring property owner, noted she supports the application and has concerns if the development is further from the wetland there will be removal of vegetation which creates a buffer area between her property and the subject property; potential issues with the septic installation; and negative impacts on the waterbody.

Wood asked the applicant to clarify their intent with the property. Tooley advised the provided site plan shows an area outlined in red which is 15 metres from the wetland

area and 30 metres from the waterbody. He advised development within this area would require minimal vegetation to be removed. He noted if the setback is increased, this would result in a loss of vegetation and potentially devalue the property. Mr. Tooley advised MVCA asked for location and specifications of the septic system; however he advised their office the system will be outside the 30 metre setback to the wetland area.

Wood noted this appears to be a two step process to get approval from MVCA; if the applicant is successful in obtaining a Minor Variance, potential buyers can be provided the decision of the Committee. However, Wood noted a permit is still required from MVCA for development.

Ms. Rush asked if the buyer is required to building within the envelope set out in the decision. Kurylovich advised a potential buyer can build outside the 30 metre setback to the wetland area and the waterbody; however the location of a septic system will dictate further development of the property.

Geerlinks advised there were no further comments from the public.

39-25 Moved by Brent Smith, Seconded by Jim Ogilvie

Be It Resolved That Minor Variance Application File #A10/25, requesting a reduced setback for a dwelling and an unattached garage from a regulated wetland area, shall be approved subject to the conditions noted in the Planning Report;

And That the Secretary shall forward a copy of the Notice of Decision to the Applicant and each person or public body that made a written request to be notified, and any other person or public body prescribed by September 4, 2025.

Carried

d) File #A11/25: Lot 2, Plan 1322, Geographic Township of Miller (1154 Haffie Lane) - Request for Permission to Expand Non-Complying Structure

Chris Shail, applicant, attended the meeting electronically.

Dmitry Kurylovich, Senior Planner with the County of Frontenac, provided an overview of the application to expand a legal non-complying structure with two additions:

- a 22 square metre sunroom over top of the existing deck; and
- a 10 square metre deck addition to square off the west side of the deck.

Kurylovich advised the property has an Official Plan designation of Waterfront Area; and is zoned Limited Service Waterfront. He advised the property is developed with a dwelling and a Class 4 septic system. He noted the applicants recently removed half of the deck on the east side of the dwelling. He advised the Planning Report recognizes the deck as existing and being replaced in the future.

Kurylovich advised the sunroom addition will be inline with deck. He noted the applicant

changed the proposed width of the sunroom from 14 feet to 12 feet due to the location of existing trees. He advised that due to slope of property, the trees are well established with a large root system and are important to stabilize the ground. He noted if the sunroom was 14 feet wide, the trees would have to be removed as they would be hazardous. However the removal of the trees would have a significant impact.

Kurylovich advised the property is not under jurisdiction of a Conservation Authority. He noted the Township's Chief Building Official inspected the location of the proposed development and determined there weren't any concerns with the slope. Kurylovich advised the proposed development meets the two tests under Section 45(2) of the Planning Act and recommended approval subject to the conditions included in the planning report.

Tooley advised he attended the site on August 13, 2025, and the required marking signs were posted. He advised the applicants would like to cover a portion of the deck and add a sunroom to the existing dwelling and that the stairs would be reconfigured. He noted the northern portion of the deck would be 12 feet wide and one small maple tree will have to be removed. He recommended approval of the application subject to the conditions included in the Planning Report.

Geerlinks advised there were no comments from the public.

40-25 Moved by Carl Tooley, Seconded by Jim Ogilvie

Be It Resolved That Planning Application File #A11/25, a request for permission to expand a legal non-conforming/non-complying structure, shall be approved subject to the conditions noted in the Planning Report:

And That the Secretary shall forward a copy of the Notice of Decision to the Applicant and each person or public body that made a written request to be notified, and any other person or public body prescribed by September 4, 2025.

Carried

- e) ***File #A12/25: Part of Lot 6, Range B, Geographic Township of Barrie (1051 Wintergreen Road) - Request for Permission to Expand Non-Complying Structure***

Danielle Kecso, agent, attended the meeting electronically.

Dmitry Kurylovich, Senior Planner with the County of Frontenac, provided an overview of the application for the expansion of a legal non-conforming structure with the applicant proposing to construct an unenclosed, uncovered deck with an area of 30.5 square metres.

Kurylovich advised the property has an Official Plan designation of Rural with a Mineral Aggregate Resource layer; and is zoned Rural. He noted the property has an area of 0.78 hectares with frontage on Wintergreen Road and Nowell Road. He advised the

property is developed with a one storey dwelling, a septic system and an accessory structure.

Kurylovich advised the setback of the existing deck is 4.1 metres from the front lot line, with the setback of the proposed deck being 3.6 metres. He noted the purpose of the required 7 metre setback from the front lot line is to provide separation distance between traffic and development for safety and road maintenance. He noted the setback also creates a buffer between the travelled area of a road and housing. Kurylovich advised the actual separation distance between the travelled portion of the road and the current deck is approximately 10 metres.

Kurylovich advised the Public Works Manager has no concerns with the proposed deck, and advised there area no conflicts with road maintenance. He advised the proposed development meets the two tests under Section 45(2) of the Planning Act and recommended approval subject to the conditions included in the planning report.

Wood advised he attended the site and had similar comments to the Planner. He noted the proposed development does not pose a safety hazard and recommended approval subject to the conditions listed in the Planning Report.

41-25 Moved by Jim Ogilvie, Seconded by Carl Tooley

Be It Resolved That Planning Application File #A12/25, a request for permission to expand a legal non-conforming/non-complying structure, shall be approved subject to the conditions noted in the Planning Report:

And That the Secretary shall forward a copy of the Notice of Decision to the Applicant and each person or public body that made a written request to be notified, and any other person or public body prescribed by September 4, 2025.

Carried

11. Other Business

None.

12. Adjournment

a) *Adjournment of Meeting*

42-25 Moved by Carl Tooley, Seconded by Jim Ogilvie

Be It Resolved That the meeting adjourns at 3:48 p.m. until September 22, 2025, at 1:00 p.m. or at the call of the Chair.

Carried

Mayor

Clerk



Notice of Public Hearing
Request for Permission to Enlarge Legal Non-Complying Structure
Clause 45 (2) of the Planning Act
Section 3, Ontario Regulation 200/96

File Number: #A13/25
Subject Land: Part of Lot 18, Concession 5, Geographic Township of Barrie (1053B Pine Cove Lane)
Applicant(s): Mike and Jill Shannon

Take Notice: The Township of North Frontenac Committee of Adjustment will hold a public meeting on **September 22, 2025, at 1:00 p.m.** to discuss and hear comments regarding the above-noted application under the authority of Section 45 of the Planning Act, R.S.O. 1990 as amended. The meeting will be held in person at the Municipal Office in Council Chambers, 6648 Road 506, Plevna, Ontario; and through Electronic Participation.

Purpose and Effect under Section 45(2)

The subject property is zoned Limited Service Waterfront, which permits one dwelling per lot. The property is developed with seven (7) dwellings. The request for permission is regarding one of the existing dwellings, which has an area of approximately 130 square metres and is setback 74 metres from the high water mark of Kashwakamak Lake.

The Applicants are proposing to add 18 square metres of unenclosed, uncovered decking to the existing deck.

Submissions: Written comments on this application, shall be provided to the undersigned before the hearing of the application at the address above or by email to the Clerk at clerkplanning@northfrontenac.ca Members of the public are encouraged to submit written comments. Comments shall be made available to any interested person for inspection at the hearing. If we have not heard from you, we will assume that you have no comments or concerns regarding this matter.

Public Hearing: You are entitled to attend this public hearing in person; or by electronic participation to provide comments regarding the proposed development to the Committee. Representation by counsel or an authorized agent is permitted to give evidence about this application.

To register for Electronic Participation, please visit the Township's Website to find the Zoom Meeting link under "Planning Applications Being Considered"; email Brooke Drechsler at deputyclerk@northfrontenac.ca; or call (613) 479-2231 or 1-800-234-3953 ext. 231.

Additional Information: Additional information regarding the application is available by contacting the undersigned during regular business hours, Monday to Friday 9:00 am to 4:00 pm.

Notice of Decision: If you wish to be notified of the decision of the Committee in respect of the proposed planning application, you must make a written request to the undersigned.

Appeal: If a "specified person" or "public body" as defined in the Planning Act files an appeal of a decision of the Committee of Adjustment in respect of the proposed planning application has not made a written submission or provide comments to the Committee before a decision is made, the Ontario Land Tribunal may dismiss the appeal.

Notice of Collection: Personal information is collected under the authority of the Municipal Act, the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), the Planning Act, and all other relevant legislation, and will be used to assist in making a decision on this matter. All personal information (as defined by MFIPPA), including (but not limited to) names, addresses, opinions, and comments collected will be made available for public disclosure to members of the public, at the meeting, through requests, and through the website of the Corporation of the Township of North Frontenac. Questions regarding the collection, use and disclosure of this personal information may be directed to the undersigned.

Dated at Plevna, Ontario this 13th day of August 2025.

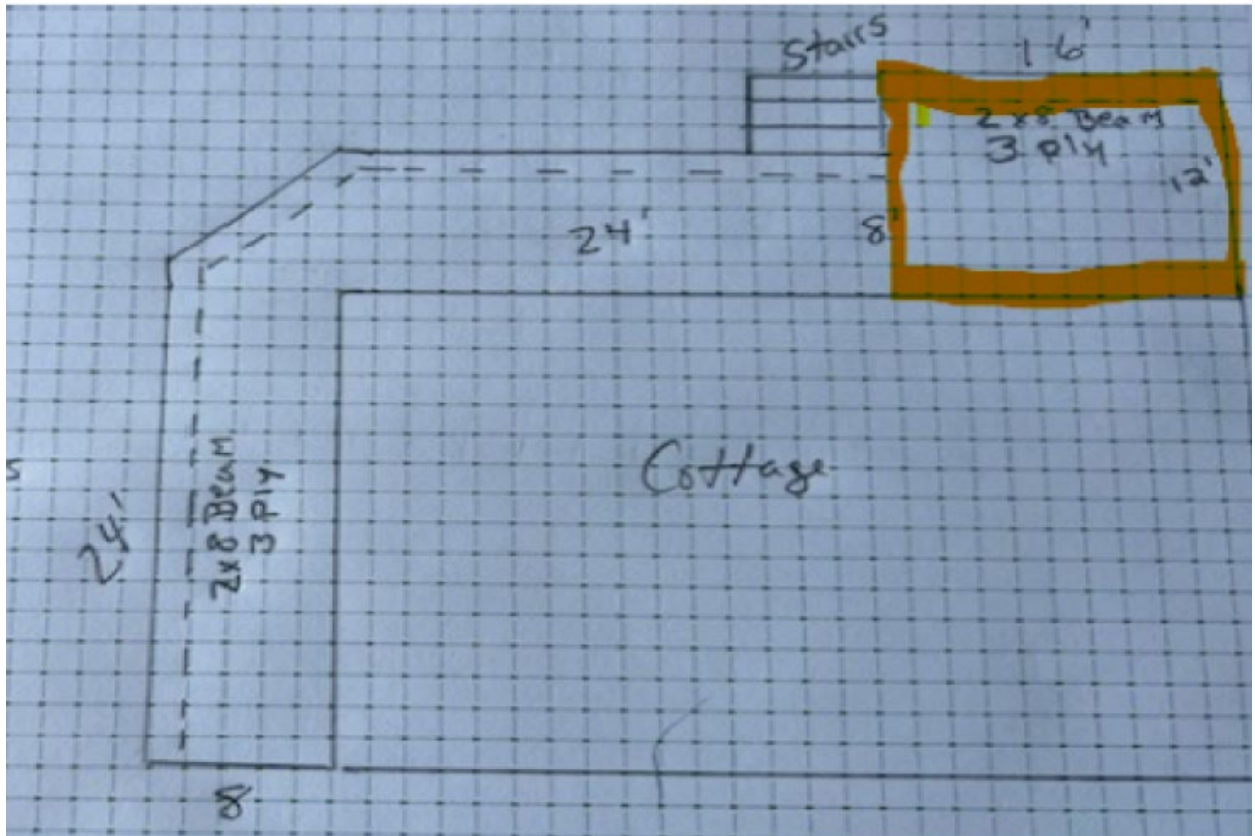
Tara Mieske, Clerk/Planning Manager

Township of North Frontenac
6648 Road 506 Plevna, Ontario K0H 2M0

Key Map



Site Plan





Planning Report

To: Members of Committee of Adjustment

Prepared By: Dmitry Kurylovich, Community Planner, County of Frontenac

Reviewed By: Sonya Bolton, Manager, Community Planning, County of Frontenac

Re: Application for Permission to Expand a Legal Non-Complying Structure by Constructing a Deck Addition (Dwelling)

Address: 1035B Pine Cove Lane

Legal Description: Part Lot 18, Concession 5; Part 1, Registered Plan 13R-13776, Geographic Township of Barrie

File Number: A13/25 (Shannon)

Owner(s): Jill Shannon, Mike Shannon, Steve Juniper, Chris Newman, Ray Davis, Bill Casselman, Tim Vanvorce, Pat Reid.

Applicant: Jill and Mike Shannon

Date Prepared: September 09, 2025

Date of Meeting: September 22, 2025

Recommendation:

That the Committee of Adjustment for the Township of North Frontenac approve the application subject to the conditions outlined in Appendix A of this report.

Proposal:

This application proposes to:

- Replace the existing 35.6 square metre (384 square foot) uncovered, unenclosed deck and add a deck addition that is approximately 18 square metres (194 square feet) in area. The deck addition will be approximately 70 metres (230 feet) from Lake Kashwakamak.

The subject property contains 7 dwellings that were constructed between 1964 and 1980, prior to the current Zoning By-law. The Current Township Zoning By-Law Number 55-19 only permits one dwelling to be located on a waterfront lot. Since the use of the property (multiple dwellings) does not comply with the current Zoning By-law, permission is required to expand the size of any non-complying structure/dwelling on the lot. Refer to the site plan (Attachment 2) and the list of existing structures below for the site context.

Existing Development

According to information obtained from the Municipal Property Assessment Corporation (MPAC), the property is developed with 7 individually owned dwellings, ranging between 44.6 square metres (480 square feet) to 100 square metres (1,084 square feet) in floor area and two accessory structures. Six of the seven dwellings are located within the 30 metre (98 foot) waterbody setback of Lake Kashwakamak.

The subject dwelling is located approximately 70 metres (230 feet) from the estimated highwater mark of Lake Kashwakamak, has an approximate floor area of 130 square metres (1,400 square feet) and is serviced with an existing sewage disposal system.

Background Information

Information Category	Response
Official Plan designation	Waterfront Area and partly subject to Waste Disposal Facility Buffer.
Zoning	Limited Service Waterfront (LSW)
Current size (area) of subject property	1.40 hectares (3.47 acres)
Existing road frontage and access	121 metres (398 feet) on Kashwakamak Lake Road. Also accessed from Pine Cove Lane (private road)
Waterfront	124 metres (408 feet) on Kashwakamak Lake
Natural heritage features	No regulated features except shoreline.
Surrounding land uses	Smaller waterfront residential properties containing a single dwelling to the east and west. Large naturally vegetated Crownland parcel to the south.

Pre-application Consultation:

The property owner consulted with Township and County planning staff prior to the submission of this application.

Public Notice

Notice of the public meeting before the Committee of Adjustment was given in accordance with the requirements of the Planning Act. A notice was placed on the subject property and mailed to all property owners within 60 metres of subject property, 10 days in advance of the meeting.

Comments

Mississippi Valley Conservation Authority (MVCA).

Comments from MVCA staff were not received at the time this report was drafted.

County planning staff did not identify any potentially hazardous slopes during their site visit.

Septic Approval Authority (Township Chief Building Official)

This application was not circulated for a septic system review because the proposed addition is a deck that does not contain any plumbing or habitable space, and because no impact is anticipated on the existing sewage disposal system.

Public Comments

No comments were received at the time of drafting this report.

Conformity and Consistency with Policy Planning Documents

Applications for permission are required to be consistent with the Provincial Planning Statement, 2024 and conform to both the County of Frontenac Official Plan and the Township of North Frontenac Official Plan. It is the opinion of planning staff that the proposed expansion is consistent with and conform to the planning policies of all these documents.

The key policies of each document that are applicable to the subject applications are outlined in Appendix B of this report, and the policy issues are addressed in the planning analysis below.

North Frontenac Zoning By-Law Number 55-19

The subject property is zoned as Limited Service Waterfront (LSW) in the Township of North Frontenac Zoning By-Law Number 55-19. The LSW Zone permits single detached dwellings and a variety of low-impact accessory uses.

The LSW zone permits a maximum lot coverage of 15% and a minimum waterbody setback of 30 metres (98 feet) for all principal uses and structures (dwelling) and 5% for all accessory uses and structures.

The subject property supports 7 dwellings. Since the use of the dwellings was established prior to the current zoning by-law, they are considered to be non-complying. Any expansion of the non-complying use and structures requires Committee of Adjustment approval under Section 45(2) of the *Planning Act*. The dwelling subject to this application meets all other provisions of the LSW Zone. The lot coverage proposed by this application falls below the maximum set out in the Zoning By-law

County planning staff are of the opinion that the proposed application complies with the purpose and intent of the zoning by-law.

Planning Analysis and Considerations

This application was reviewed against the policies of the Provincial Planning Statement, the County of Frontenac Official Plan, and the Township of North Frontenac Official Plan. The analysis below summarizes all relevant policies by theme. A list of all land-use planning policies relevant to this application is found in Appendix B of this report.

Waterfront Character

The proposed deck addition is relatively minor and located approximately 70 metres (230 feet) from the shoreline of Kash Lake. No impact on the waterfront character is anticipated because of this proposal.

Sewage Disposal System Services

The existing dwelling is serviced with a sewage disposal system that is not anticipated to be impacted by the proposed development.

Natural Heritage

The proposed development will be taking place over an existing planted garden. No native or regulated shoreline vegetation will be impacted.



Figure 1. An image of the dwelling and existing deck. The proposed addition will be located on the left side of the deck.

Minimum Distance Separation

The subject property is located within the 500 metre (1,640 foot) influence area from an existing and active waste management facility. However, the subject dwelling falls outside of the buffer area and is therefore not impacted by the influence area. It should also be noted that this application is adding onto an existing sensitive land use and not creating any additional land use conflicts, therefore no supporting studies are required. Studies within the influence area are required when new sensitive land uses are proposed to be developed.

No livestock facilities or aggregate extraction operations were identified within the applicable screening areas surrounding the subject property.

Natural Hazards

County staff did not identify any natural hazards that may impact the development.

Legal Non-Conforming

In accordance with Section 45(2) of the *Planning Act*, the Committee of Adjustment may permit the enlargement or extension of an existing legal non-conforming building or structure, where the use of such building or structure does not conform with the provisions of the Zoning By-law but legally has been in continuous existence before and following the date the By-law was passed. No permission may be given by the Committee to enlarge or extend the building or structure beyond the original limits of the land where the legal non-conforming building or structure is situated.

In considering whether to grant a permission pursuant to Section 45(2), the relevant tests are:

1. Is the application desirable for appropriate development of the subject property?

County planning staff are of the opinion that the application is desirable for the appropriate development of the subject property.

The proposed deck addition is modest in size and will provide for additional outdoor amenity space for the property owners. The addition will not result in any native vegetation removal or require grading.

2. Will the application result in undue adverse impacts on the surrounding properties and neighbourhood?

County planning staff are of the opinion that the proposed addition will not result in any undue adverse impacts on the surrounding properties and neighbourhood.

The proposed addition is not anticipated to have a negative impact on the existing aesthetic of the shoreline. The proposed addition will not be visible from the water, or from any public road. No negative impact is anticipated on any adjacent land uses.

Recommendation

Subject to any additional comments received prior to, or during, the Committee of Adjustment meeting, it is recommended that the Committee of Adjustment approve application A13/25, as per the plans submitted with the application, and with the recommended conditions attached in Appendix A.

Attachments

Appendix A: Draft Conditions of Approval

Appendix B: Relevant Planning Policy and Legislation

Attachment 1 - Key Map

Attachment 2 – Applicant Submitted Site Plan

Attachment 3 – Addition Drawings

Appendix A: Draft Conditions of Approval

Note: Conditions are a decision of the Committee of Adjustment; the conditions below are recommended. The final approved conditions will be included in the signed decision.

Recommended Conditions for Application A13/25 (Shannon)

Applicability

1. That the permission granted through application A13/25 is only to:
 - a. Replace the existing 35.6 square metre (384 square foot) uncovered, unenclosed deck and,
 - b. Construct a deck addition that is approximately 18 square metres (194 square feet) in area on a dwelling located approximately 70 metres (230 feet) from the shoreline of Lake Kashwakamak.
2. This permission does not include the expansion of any other structures on the subject property.

No Adverse Impacts

3. The owner/applicant shall ensure that there are no adverse impacts on neighbouring properties as a result of the approved proposal, nor shall there be any increased runoff or grade changes to the property as a result of any excavation or downspout orientation.

Building Permits

4. A building permit is required for all demolition and construction on the property. There shall be no additional development, or demolition of existing structures, on the property without approval from the Township of North Frontenac.
5. The owner/applicant shall provide to the Building Department a copy of the decision of the Committee of Adjustment, together with a copy of any approved drawings. The drawings submitted with the building permit application must, in the opinion of the Township, conform to the general intent and description of any approved drawings, including any amendments and conditions approved by the Committee of Adjustment, as stated in the decision. Additional variances may be required should further zoning deficiencies be identified through the Building Permit application process.

Construction Method

6. All excavated material shall be disposed of more than 30 metres (98 feet) of the waterbody. Excess soil or fill shall not be placed in any low area and shall not interfere with any seasonal or permanent wetlands or watercourse.
7. Natural drainage patterns on the site shall not be substantially altered such that additional run-off is directed towards the lake, or onto neighboring properties. In order to achieve this, eaves troughing shall be installed on the additions and outlet away from the lake, to a leach pit or well-vegetated area to maximize infiltration.

Appendix B: Relevant Planning Policy

Provincial Planning Statement (2024)

The Provincial Planning Statement (PPS) provides direction on matters of Provincial interest related to land use planning and development. The PPS promotes efficient land use and development patterns that support strong, liveable and healthy communities, protect the environment and public health and safety, and facilitate economic growth. Under Section 3 of the Planning Act, all municipal decisions regarding planning applications “shall be consistent with” applicable provincial policy.

When assessing consent and minor variance applications on rural lands, planning authorities must comply with Sections 2.5 and 2.6 of the PPS, and apply the relevant policies of the following sections:

- Chapter 3: Infrastructure and Public Service Facilities of the PPS contains policies that direct the development of public and private infrastructure including transportation networks, sewage, water and stormwater services, waste management, and public spaces, recreation, parks, trails, and open spaces.
- Chapter 4: Wise Use and Management of Resources of the PPS contains policies that encourage the protection of natural heritage, water, agricultural land, mineral and aggregate resources, and cultural heritage and archaeological resources for their economic, environmental and social benefits.
- Chapter 5: Protecting Public Health and Safety of the PPS contains policies intended to reduce the potential for public cost or risk to Ontario’s residents from natural or human-made hazards. Conservation Authorities have provincially delegated responsibilities to represent Provincial interests regarding natural hazards under Section 5.2 of the PPS.

The following policies are applicable to this application:

- Permitted uses on rural lands include residential development, including lot creation, where site conditions are suitable for the provision of appropriate sewage and water services; (Section 2.6.1.c).
- Development that can be sustained by rural service levels should be promoted (Section 2.6.2).
- Development shall be appropriate to the infrastructure which is planned or available and avoid the need for the uneconomical expansion of this infrastructure (Section 2.6.3).
- Conserving biodiversity and considering the ecological benefits provided by nature (Section 2.5.1.g).
- Supporting healthy, integrated and viable rural areas by building upon rural character and leveraging rural amenities and assets (Section 2.5.1.a).

- Natural features and areas shall be protected for the long term (Section 4.1.1).
- Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage and not create new or aggravate existing hazards (Section 5.1.1).

County of Frontenac Official Plan (2016)

The County of Frontenac Official Plan is a framework for guiding development in the County through the management and protection of the natural environment and by providing direction and influence on growth patterns. It is focused on the six themes of economic sustainability, growth management, community building, housing and social services, heritage and culture, and environmental sustainability.

The following policies are applicable to this application:

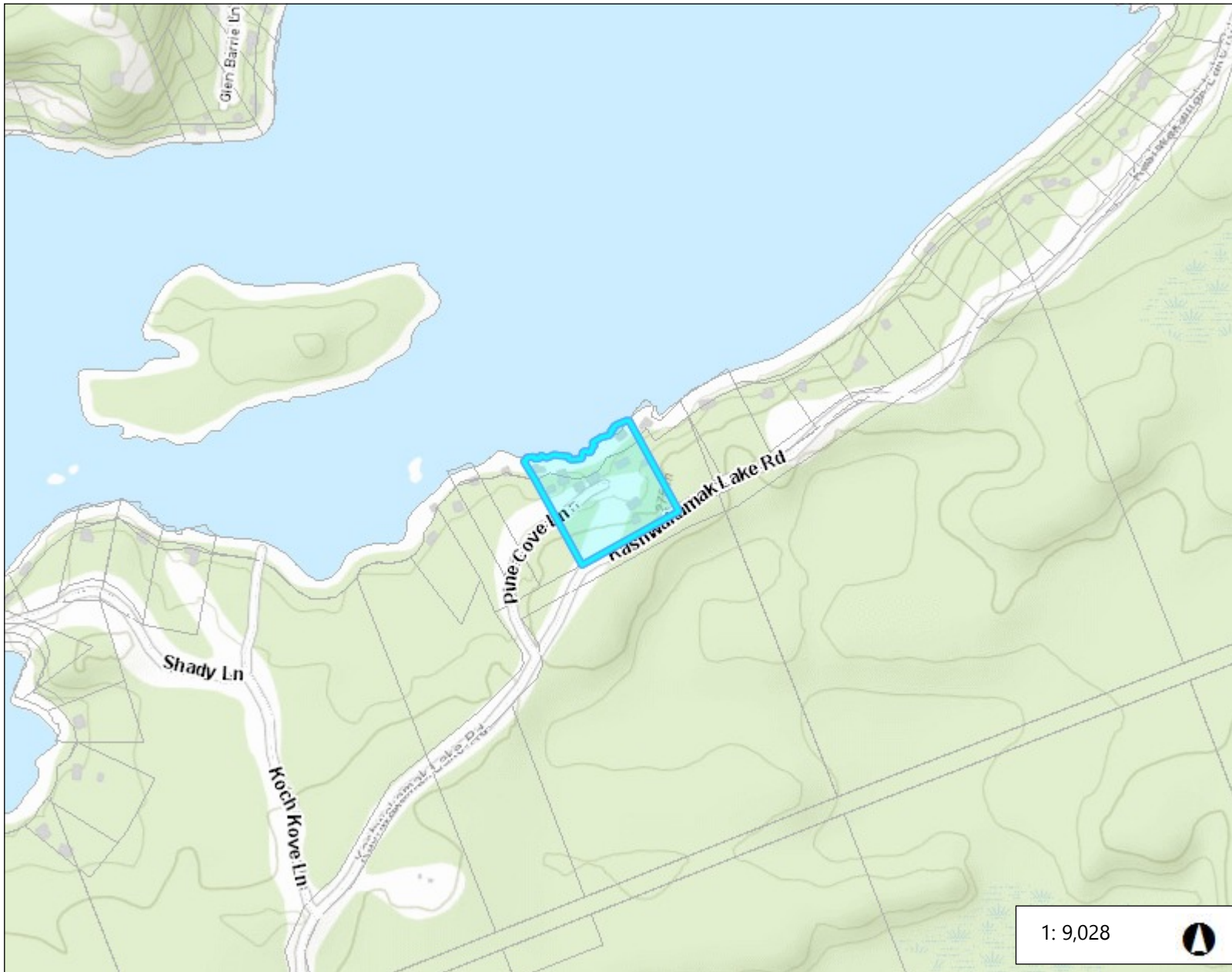
- Section 3.3, Rural Lands, provides policies for all lands outside of the settlement areas. The Plan recognizes that rural lands are used as an alternative location for those preferring a rural lifestyle. Low density residential development, as well as rural-related commercial, industrial, recreational and institutional development, is permitted.
- Section 4.2, Servicing, includes policies for the use of private on-site water and sewage services, provided that site conditions are suitable for the long-term provision of such services with no negative impacts.
- Section 7, Environmental Sustainability, sets out policies for environmental sustainability and the protection of the natural heritage system and the ecological functions it provides.

Township of North Frontenac Official Plan (2017)

The property is designated as Waterfront Area in the Township of North Frontenac's Official Plan (2017). Waterfront Area policies are intended to govern development within 150 metres (500 feet) of waterbodies and on islands with the intent of protecting water quality, shoreline amenities and natural habitat areas. It is Council's intent that the water quality of all waterbodies in the Municipality will be maintained at their present level or enhanced. New development must be considered in light of its impact on the environmental quality of any lake or river.

- Section 4.10.5 Objectives sets out the objectives of the Waterfront Area including character, access and servicing, natural areas, and development. Limiting the density of buildings and structures in the Waterfront Area is an important part of protecting the character of waterbodies in North Frontenac. The Official Plan also speaks to the preservation and protection of the appearance of the shoreline in a natural vegetated state shall be encouraged.

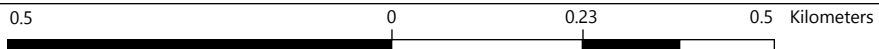
- The objective listed in Section 4.10.5 (O) is to support redevelopment opportunities of waterfront properties while maintaining the character of the waterfront area.
- Section 4.10.6 (A) states that where development occurs in the Waterfront Area, it should enhance and protect, where possible, those qualities that contribute to character.
- Section 4.10.6 (B) states that natural form should dominate the character of the Waterfront. Natural shorelines may visually screen development viewed from the water and buffer uses
- Section 4.10.6 (D) states that where development occurs in the Waterfront, it should complement the natural and built form and should enhance and protect those qualities that contribute to character.



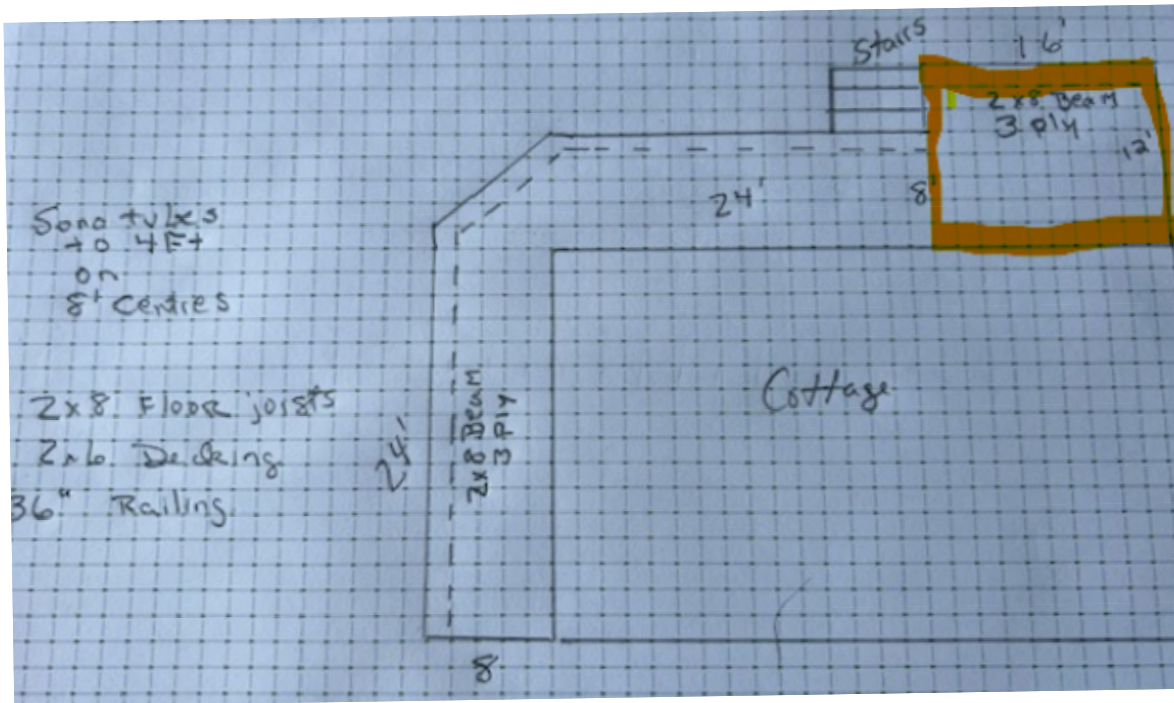
Legend

- Road
 - Highway
 - Major Road
 - Secondary Road
 - Ferry Route
- ▭ Assessment Parcels
- ▭ Ownership Parcels
- ▭ Lot / Concession
- ▭ Citations

1: 9,028



Notes





25-NF-MV

September 12, 2025

Tara Mieske
Secretary-Treasurer
Township of North Frontenac
P.O. Box 97
Plevna, Ontario K0H 2M0

Dear Ms. Mieske:

**Re: Request for Permission – #A13/25
Part Lot 18, Con 5, Township of North Frontenac (Barrie)
1053B Pine Cove Lane
SHANNON**

Mississippi Valley Conservation Authority (MVCA) has been circulated the above noted application to conduct a review in terms of MVCA Regulations and Provincial Planning Policy for Natural Hazard issues. The scope of the natural hazards review includes flooding, erosion, wetlands, unstable slopes and unstable soils.

PROPOSAL

According to the notice, The subject property is zoned Limited Service Waterfront, which permits one dwelling per lot. The property is developed with seven (7) dwellings. The request for permission is regarding one of the existing dwellings, which has an area of approximately 130 square metres and is setback 74 metres from the high water mark of Kashwakamak Lake.

The Applicants are proposing to add 18 square metres of unenclosed, uncovered decking to the existing deck.

Note: The proposed deck addition is approximately 4' closer to the lake compared to the exiting deck.

PROPERTY CHARACTERISTICS

The subject property has frontage on Kashwakamak Lake. Most of the shoreline is developed with other dwellings, shoreline decks and docks, and a beach. Slopes were observed throughout the property.

NATURAL HAZARDS REVIEW

The objective of MVCA's natural hazards review is to ensure that the control of *flooding* and *erosion* are not impacted by development. This includes impacts to wetlands, watercourses, slope stability, and unstable soils. For the subject property, the **lake and slopes** are relevant to MVCA's advisory review.

Waterbody

MVCA considers both direct and indirect impacts to waterbodies/watercourses, within the context of flooding and erosion. Impacts are not anticipated if minimum waterbody setback requirements (as stipulated by the municipality) are adhered to. If the minimum development setback cannot be met, as with the subject proposal, we generally recommend the following:

- No further encroachment towards the waterbody, compared to the existing structure. For the subject proposal, the proposed deck addition is 4' closer to the lake compared to the existing deck. However, the area of encroachment is limited to 64 sq.ft. and the deck addition is far enough from the shoreline (i.e. ~74') to minimize the potential for erosion impacts.
- Mitigation measures:
 - *Vegetated Buffers*: Overland flow and surface runoff, wave and ice movement are commonly associated with shoreline erosion. To mitigate these effects, we recommend the retention/planting of vegetated buffers. Naturalized shorelines with an abundance of vegetation provide erosion protection by assisting with the mitigation of surface runoff. In addition, the root system of vegetation binds the soil, to further mitigate erosion.
 - *Drainage Patterns*: Natural drainage patterns should not be substantially altered such that additional drainage is directed towards the waterbody.
 - *Erosion Control*: During construction, erosion control is generally achieved by installing erosion control fencing between the work area and the waterbody. Post construction, the maintenance of a vegetated buffer is generally suitable as the first line of defense against shoreline erosion.

Erosion Hazard (Slopes)

It is provincial policy that: *Development shall generally be directed to areas outside of hazardous lands adjacent to a stream and small inland lake systems which are impacted by flooding and/or erosion hazards* (Provincial Policy Statement 2020, Section 3.1.1.b). The document entitled *Understanding Natural Hazards* (Ministry of Natural Resources,

2001) was prepared as a guide to identify and provide direction and methods to address these hazards. As per the guide, *Erosion hazards* include slopes which have the potential for erosion and/or instability due to their steepness and height i.e. steeper than 3:1 and higher than 3 m.

Based on MVCA's observations, there are slopes on the subject property that meet the criteria of an Erosion Hazard; however, they are outside the area of the proposed development.

MVCA Ontario Regulation 41/24 (Regulatory)

Pursuant to ONTARIO REGULATION 41/24, *Prohibited Activities, Exemptions and Permits*, written permission is required from MVCA prior to any alterations to the shoreline of the lake.

No alterations to the shoreline are proposed with the subject application.

RECOMMENDATIONS & CONCLUSIONS

To mitigate potential erosion impacts, MVCA generally recommends against encroachments into the waterbody setback, particularly where options exist to reduce/avoid it. However, in this case, the area of encroachment is minimal (64 sq.ft.) and it's far enough from the shoreline (i.e. ~74') to minimize the potential for erosion impacts.

MVCA generally recommends shoreline plantings to further mitigate any potential impacts. However, there is limited opportunity on the subject due to extent of existing shoreline development.

NOTES

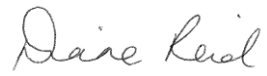
A review for Species at Risk was not conducted. We suggest contacting the Ministry of the Environment, Conservation and Parks should you require a review in this regard.

The applicant should be advised that, pursuant to ONTARIO REGULATION 41/24, *Prohibited Activities, Exemptions and Permits*, written permission is required from MVCA prior to any alterations to the shoreline of the lake.

We advise consultation with Fisheries and Oceans Canada (DFO) [Projects near water \(dfo-mpo.gc.ca\)](http://dfo-mpo.gc.ca) prior to conducting any work within the lake, to assess potential impacts to fish habitat. Authorization from DFO may be required for such work.

Should any questions arise please do not hesitate to call. Please advise us of the Committee's decision in this matter.

Yours truly,

A handwritten signature in cursive script that reads "Diane Reid".

Diane Reid
Environmental Planner



Notice of Public Hearing
Request for Permission to Enlarge Legal Non-Complying Structure
Clause 45 (2) of the Planning Act
Section 3, Ontario Regulation 200/96

File Number: #A14/25
Subject Land: Part of Lot 26, Concession 7, Geographic Township of Clarendon (5853 Road 506)
Applicant(s): Brooke Ross

Take Notice: The Township of North Frontenac Committee of Adjustment will hold a public meeting on **September 22, 2025, at 1:00 p.m.** to discuss and hear comments regarding the above-noted application under the authority of Section 45 of the Planning Act, R.S.O. 1990 as amended. The meeting will be held in person at the Municipal Office in Council Chambers, 6648 Road 506, Plevna, Ontario; and through Electronic Participation.

Purpose and Effect under Section 45(2)

The subject property is zoned Rural, which requires a principle use to have a minimum rear yard setback of 7 metres. The property is developed with a dwelling with a 6.4 metres setback to the rear lot line and an existing deck that is 180 square feet.

The Applicant is proposing to construct a 420 square foot deck (which includes the 180 square foot deck replacement) and a 100 square foot covered porch.

Submissions: Written comments on this application, shall be provided to the undersigned before the hearing of the application at the address above or by email to the Clerk at clerkplanning@northfrontenac.ca Members of the public are encouraged to submit written comments. Comments shall be made available to any interested person for inspection at the hearing. If we have not heard from you, we will assume that you have no comments or concerns regarding this matter.

Public Hearing: You are entitled to attend this public hearing in person; or by electronic participation to provide comments regarding the proposed development to the Committee. Representation by counsel or an authorized agent is permitted to give evidence about this application.

To register for Electronic Participation, please visit the Township's Website to find the Zoom Meeting link under "Planning Applications Being Considered"; email Brooke Drechsler at deputyclerk@northfrontenac.ca; or call (613) 479-2231 or 1-800-234-3953 ext. 231.

Additional Information: Additional information regarding the application is available by contacting the undersigned during regular business hours, Monday to Friday 9:00 am to 4:00 pm.

Notice of Decision: If you wish to be notified of the decision of the Committee in respect of the proposed planning application, you must make a written request to the undersigned.

Appeal: If a “specified person” or “public body” as defined in the Planning Act files an appeal of a decision of the Committee of Adjustment in respect of the proposed planning application has not made a written submission or provide comments to the Committee before a decision is made, the Ontario Land Tribunal may dismiss the appeal.

Notice of Collection: Personal information is collected under the authority of the Municipal Act, the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), the Planning Act, and all other relevant legislation, and will be used to assist in making a decision on this matter. All personal information (as defined by MFIPPA), including (but not limited to) names, addresses, opinions, and comments collected will be made available for public disclosure to members of the public, at the meeting, through requests, and through the website of the Corporation of the Township of North Frontenac. Questions regarding the collection, use and disclosure of this personal information may be directed to the undersigned.

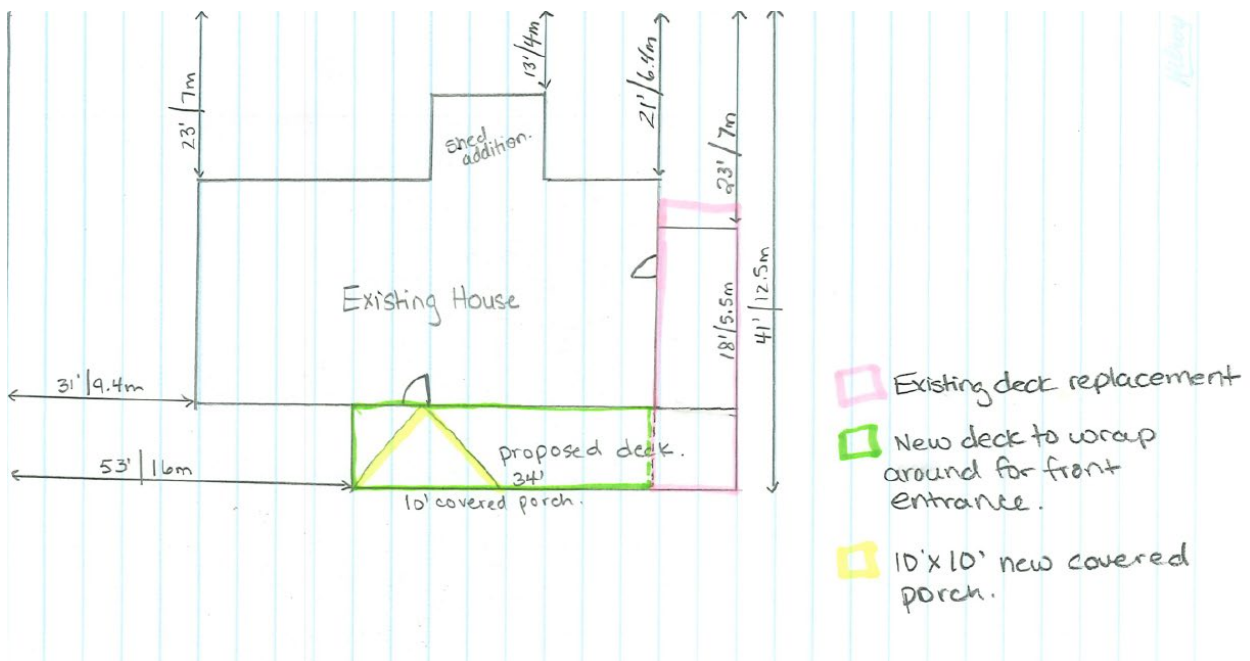
Dated at Plevna, Ontario this 28th day of August 2025.

Tara Mieske, Clerk/Planning Manager
Township of North Frontenac
Email: clerkplanning@northfrontenac.ca

Key Map



Site Plan





Planning Report

To: Members of Committee of Adjustment

Prepared By: Dmitry Kurylovich, Senior Planner, County of Frontenac

Reviewed By: Sonya Bolton, Manager, Community Planning, Frontenac County

Re: Application for Permission to Expand a Legal Non-Complying Structure (Deck)

Address: 5853 Road 506

Legal Description: Part Lot 26, Concession 7, Geographic Township of Clarendon

File Number: A14/25 (Ross)

Owner(s): Brooke Ross

Applicant(s): Brooke Ross

Date Prepared: September 10, 2025

Date of Public Meeting: September 22, 2025

Recommendation:

That the Committee of Adjustment for the Township of North Frontenac receive comments from the public, and subject to any issues being raised at the public meeting, approve the application subject to the conditions outlined in Appendix A of this report.

Proposal:

This application proposes to:

- Demolish and replace an existing 16.72 square metres (180 square foot) deck on the east side of the dwelling
- Construct an unenclosed, uncovered deck with an area of 39.01 square metres (420 square feet) on the south side of the dwelling

- Construct a 9.29 square metre (100 square foot) covered porch on the south side of the dwelling (front door).

The proposed development is an expansion of an existing legally non-complying dwelling that was constructed prior to Township Zoning By-Law Number 55-19 coming into effect.

The existing dwelling is non-compliant because the dwelling is located 4 metres (13 feet) from the rear lot line whereas 7 metres (22.97 feet) is required by the current Zoning By-law.

Permission under Section 45(2) of the Planning Act is required to enlarge the footprint of the non-complying structure.

Existing Development

- A one storey 87.05 square metre (937 square foot) dwelling.
- A Class 4 Septic system.

Background Information

Information Category	Response
Official Plan designation	Rural; Mineral Aggregate Resource (Secondary); Mineral Resource Area (Kyanite, Sillimanite, Gold)
Zoning	Rural (R)
Current size (area) of subject property	0.19 hectares (0.48 acres)
Existing road frontage and access	56.6 metres (185 feet) on Road 506
Waterfront	None.
Natural heritage features	None
Surrounding land uses	Surrounded by a large rural lot on the north, west, and east side. Rural lots of varying sizes to the south, across Road 506.

Pre-application Consultation:

The property owner consulted with Township and County staff prior to the submission of this application.

Public Notice

Notice of the public meeting before the Committee of Adjustment was given in accordance with the requirements of the Planning Act. A notice was placed on the subject property and mailed to all property owners within 60 metres of subject property, 10 days in advance of the meeting.

Comments

Septic Approval Authority (Township of North Frontenac)

No comments required. The deck expansion and porch will have no impact on the sewage system.

Public Comments

County planning staff are not aware of any public comments received at the time of drafting this report.

Conformity and Consistency with Policy Planning Documents

Applications for permission are required to be consistent with the Provincial Planning Statement, 2024 and conform to both the County of Frontenac Official Plan and the Township of North Frontenac Official Plan. It is the opinion of planning staff that the proposed expansion is consistent with and conforms to the planning policies of all these documents.

The key policies of each document that are applicable to the subject application are outlined in Appendix B of this report, and the policy issues are addressed in the planning analysis below.

North Frontenac Zoning By-Law Number 55-19

The subject property is zoned Rural (R) in the Township of North Frontenac Zoning By-Law Number 55-19. The Rural Zone permits residential and accessory uses.

The Zoning By-law requires that the minimum setback from the rear lot line of a property to a principal use shall be 7 metres (22 feet). The intent of the 7 metre (22 feet) setback is to provide an adequate separation between development on adjacent lots to ensure that structures can be constructed and maintained without encroachment, to ensure run-off from non-pervious development does not impact adjacent lots, and to preserve the rural character of the area.

The existing dwelling was constructed within the minimum 7 metre (22 feet) rear-yard setback, before the current Zoning By-law came into effect and is therefore considered to be a non-complying structure.

Section 3.24 of the Zoning By-law allows the renovation, repair, or reconstruction of existing non-complying structures if the footprint and volume of the structures are not increased. Since the application proposes to increase the size of the deck, further decreasing the setback to the front lot line, approval is required under Section 45(2) of the Planning Act.

Although the development is taking place on the opposite side of the deficient setback, the Zoning By-law makes no exception as to where the development is taking place on a non-complying structure. Any footprint expansion of a non-complying structure requires approval under Section 45(2) of the Planning Act.



Figure 1. Image of the front of the dwelling where the deck and porch are proposed.

The development as proposed will not exceed the maximum lot coverage permitted by the Zoning By-law.

Planning Analysis and Considerations

This application was reviewed against the policies of the Provincial Planning Statement, the County of Frontenac Official Plan, and the Township of North Frontenac Official

Plan. The analysis below summarizes all relevant policies by theme. A list of all land-use planning policies relevant to this application is found in Appendix B of this report.

Natural Heritage

The lot does not appear to contain any regulated natural heritage features. No impact on any regulated natural heritage feature is anticipated

Minimum Distance Separation

No livestock facilities, aggregate extraction operations, or landfills were identified within the applicable screening areas surrounding the subject property. MDS calculations are not required for the expansion of a deck.

Aggregate Resources

The subject property is located in an area that is identified to contain deposits of mineral aggregate resources and minerals. Provincial policy requires municipalities to protect aggregate and mineral deposits.

Because the residential use been established since at least the 1960s on the subject property, County planning staff are of the opinion that the proposed deck expansion will have no impact on the potential for aggregate and mineral extraction within the area.

Natural Hazards

The property is mostly flat. No evidence of any natural hazards have been identified.

Legal Non-Conforming Structures

In accordance with Section 45(2) of the *Planning Act*, the Committee of Adjustment may permit the enlargement or extension of an existing legal non-conforming building or structure, where the use of such building or structure does not conform with the provisions of the Zoning By-law but legally has been in continuous existence before and following the date the By-law was passed. No permission may be given by the Committee to enlarge or extend the building or structure beyond the original limits of the land where the legal non-conforming building or structure is situated.

In considering whether to grant a permission pursuant to Section 45(2), the relevant tests are:

1. Is the application desirable for appropriate development of the subject property?

County planning staff are of the opinion that the application is desirable for the appropriate development of the subject property.

The proposed deck addition and covered porch will be constructed on the opposite side of the deficient yard setback. The development will enhance the functionality of

the outdoor space for residents without causing adverse impacts on the surrounding character.

The total proposed footprint of all structures on the subject property is below the maximum lot coverage permitted by the Zoning By-law.

2. Will the application result in undue adverse impacts on the surrounding properties and neighbourhood?

County planning staff are of the opinion that the proposal will not result in any undue adverse impacts on the surrounding properties and neighbourhood. The development also conforms to the general aesthetic and massing of similar residential properties in the Township.

Recommendation

Subject to any additional comments received prior to, or during, the Committee of Adjustment meeting, it is recommended that the Committee of Adjustment approve application A14/25, as per the plans submitted with the application, and with the recommended conditions attached in Appendix A.

Attachments

Appendix A: Draft Conditions of Approval

Appendix B: Relevant Planning Policy and Legislation

Attachment 1 – Key Map

Attachment 2 – Applicant Submitted Site Plan

Appendix A: Draft Conditions of Approval

Note: Conditions are a decision of the Committee of Adjustment; the conditions below are recommended. The final approved conditions will be included in the signed decision.

Recommended Conditions for Application A14/25 (Ross)

Applicability

1. That the permission granted through application A14/25 is only to:
 - a. Demolish and replace an existing 16.72 square metres (180 square foot) deck on the east side of the dwelling
 - b. Construct an unenclosed, uncovered deck with an area of 39.01 square metres (420 square feet) on the south side of the dwelling
 - c. Construct a 9.29 square metre (100 square foot) covered porch on the south side of the dwelling.
2. This permission does not include a reduction in the required setbacks along the entire width/length and depth of the property or for any other existing or future structures.
3. Application number A14/25 is applicable only to the Township of North Frontenac's Zoning By-Law Number 55-19, as amended, and not to any subsequent zoning by-laws.

No Adverse Impacts

4. The owner/applicant shall ensure that there are no adverse impacts on neighbouring properties as a result of the approved proposal, nor shall there be any increased runoff or grade changes to the property as a result of any excavation or downspout orientation.

Building Permits

5. A building permit is required for all demolition and construction on the property. There shall be no additional development, or demolition of existing structures, on the property without approval from the Township of North Frontenac.
6. The owner/applicant shall provide to the Building Department a copy of the decision of the Committee of Adjustment, together with a copy of any approved drawings. The drawings submitted with the building permit application must, in the opinion of the Township, conform to the general intent and description of any approved drawings, including any amendments and conditions approved by the Committee of Adjustment, as stated in the decision. Additional variances may be

required should further zoning deficiencies be identified through the Building Permit application process.

Appendix B: Relevant Planning Policy

Provincial Planning Statement (2024)

The Provincial Planning Statement (PPS) provides direction on matters of Provincial interest related to land use planning and development. The PPS promotes efficient land use and development patterns that support strong, liveable and healthy communities, protect the environment and public health and safety, and facilitate economic growth. Under Section 3 of the Planning Act, all municipal decisions regarding planning applications “shall be consistent with” applicable provincial policy.

When assessing consent and minor variance applications on rural lands, planning authorities must comply with Sections 2.5 and 2.6 of the PPS, and apply the relevant policies of the following sections:

- Chapter 3: Infrastructure and Public Service Facilities of the PPS contains policies that direct the development of public and private infrastructure including transportation networks, sewage, water and stormwater services, waste management, and public spaces, recreation, parks, trails, and open spaces.
- Chapter 4: Wise Use and Management of Resources of the PPS contains policies that encourage the protection of natural heritage, water, agricultural land, mineral and aggregate resources, and cultural heritage and archaeological resources for their economic, environmental and social benefits.
- Chapter 5: Protecting Public Health and Safety of the PPS contains policies intended to reduce the potential for public cost or risk to Ontario’s residents from natural or human-made hazards. Conservation Authorities have provincially delegated responsibilities to represent Provincial interests regarding natural hazards under Section 5.2 of the PPS.

The following policies are applicable to this application:

- Supporting healthy, integrated and viable rural areas by building upon rural character and leveraging rural amenities and assets (Section 2.5.1.a).
- Conserving biodiversity and considering the ecological benefits provided by nature (Section 2.5.1.g).
- Permitted uses on rural lands include residential development, including lot creation, where site conditions are suitable for the provision of appropriate sewage and water services; (Section 2.6.1.c).
- Development that can be sustained by rural service levels should be promoted (Section 2.6.2).
- Development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the uneconomical expansion of this infrastructure (Section 2.6.3).

- Planning public streets, spaces and facilities to be safe, meet the needs of persons of all ages and abilities, including pedestrians, foster social interact and facilitate active transportation and community connectivity (Section 3.9.1.a).
- Natural features and areas shall be protected for the long term (Section 4.1.1).
- Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards (Section 5.1.1).

County of Frontenac Official Plan (2016)

The County of Frontenac Official Plan is a framework for guiding development in the County through the management and protection of the natural environment and by providing direction and influence on growth patterns. It is focused on the six themes of economic sustainability, growth management, community building, housing and social services, heritage and culture, and environmental sustainability.

The following policies are applicable to this application:

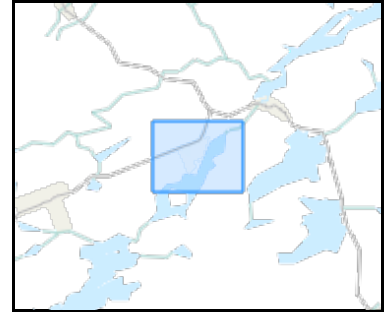
- Section 3.3, Rural Lands, provides policies for all lands outside of the settlement areas. The Plan recognizes that rural lands are used as an alternative location for those preferring a rural lifestyle. Low density residential development, as well as rural-related commercial, industrial, recreational and institutional development, is permitted.
- Section 4.1, Transportation, supplies policies for an extensive road network including municipal roads to support long-term viability of a regional road system to ensure access through the Frontenacs as well as the surrounding area.
- Section 7, Environmental Sustainability, sets out policies for environmental sustainability and the protection of the natural heritage system and the ecological functions it provides.

Township of North Frontenac Official Plan (2017)

The property is designated as Rural Area in the Township of North Frontenac's Official Plan (2017). The rural area polices are intended to provide variety of land uses which are sustainable within a rural environment and to plan for new development which is sensitive to and preserves the unique feature of the environment.

- Section 4.3.2.C states that residential development will be permitted where it has frontage on and direct access to year-round maintained road, preferably the existing network of roads or on private lanes, either of which must meet municipal standards for road construction.

- Section 4.3.2.H states that a provision shall be made for safe access to a lot by avoiding entrances on curves, grades or where sightlines may be limited.
- Section 4.15.2 states that it is a policy that mineral aggregate resources will be protected for their resource value and their long-term use through the designation of active pits and quarries and mineral aggregate reserves as a Mineral Aggregate Resources Area (see Land Use Plan Schedules). As much of the mineral aggregate resources as is realistically possible will be made available to supply mineral resource needs as close to markets as is possible. This shall also include wayside pits and quarries although they are not required to be specifically designated.



Legend

Boundaries

Township Boundary



Property Information

Civic Address Points



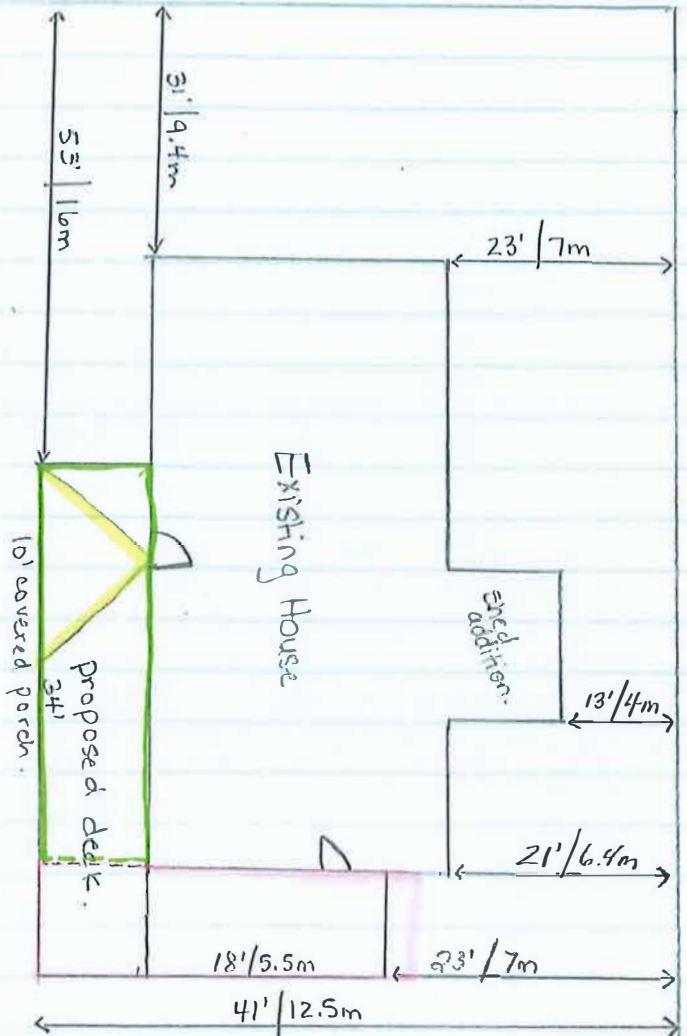
Assessment Parcels



Notes

0 0.5 1 km

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.



- Existing deck replacement
- New deck to wrap around for front entrance.
- 10' x 10' new covered porch.