



Committee of Adjustment

Report N° PE2024-036

Date received: 06/07/2024

Date of the meeting: 18/06/2024

Submitted by: Ellory Vincent

Subject: Permission

File no: D-13-24-03

Owner: Jane Wyman & Florence Loyer

Applicant: William Lesniowski

Civic address: 10-478 Wilson Road

Legal description: PT LT 16 CON 1 OS CLARENCE DESCRIPTION MAY NOT BE ACCEPTABLE IN FUTURE AS IN RR173957, T/W BS7477; CLARENCE-ROCKLAND

General information

Designation of the Official Plan of the United Counties of Prescott and Russell:

Hamlet Policy Area

Designation of the Official Plan of the Urban Area of the City of Clarence-Rockland:

N/A

Designation of the Official Plan of Bourget:

N/A

Classification of Zoning By-Law No. 2016-10:

Seasonal Residential (RS) Zone & Seasonal Residential Flood Plan (RS-FP) Zone

Services:

- Municipal water: No
- Municipal Sewer: No
- Road access: Private Road access

Purpose

A permission for the purpose of which is to expand a seasonal residential dwelling on a legal non-complying lot, the effect of which would permit the addition of a sunroom, a covered porch and a covered/uncovered deck in compliance with the site plan (190270-SP) submitted by Lascelles (Agent).

Permission requested

Addition of a sunroom (2.68 m X 6.16 m = 16.50 m²), Covered porch (1.5 m X 10.45 m = 15.65 m²), Covered Deck (see Appendix B – 190270-SP),

Uncovered Deck (see Appendix B – 190270-SP)

Conditions and Comments Received

No concerns or objections were submitted from the United Counties of Prescott and Russell, the Department of Finance, the Fire Department, and the Operations Department.

South Nation Conservation:

Appendix C - Comments received from SNC (June 13, 2024).

SNC requests that the following be included as a condition of approval:

1. That the owner successfully obtains all necessary permits under the Conservation Authorities act for the proposed development within the Regulated area of the Floodplain and Riverine Erosion Hazards of the Ottawa River to the satisfaction of South Nation Conservation.

Planning Services:

Through the Planning Rationale provided by the Lascelles Engineering and Associates Ltd. It outlines that the proposed project includes raising the house and replacing the current foundations with a new basement floor elevation higher than the 1-100 flood elevation, the construction of a sunroom attached to the existing residence, removal of an existing deck which was constructed outside the property boundary and the reconstruction of a covered and uncovered deck to the rear of the residence, as well as covered porch at the front of the residence.

A pre-consultation meeting was held between the South Nation Conservation Authority and the applicant on July 6th, 2023. More recently, a pre-consultation meeting, to discuss the project requirements, was held between the City of Clarence-Rockland and the applicant on March 19th, 2024.

Lascelles Engineering on behalf of the applicant notes that the proposed project will protect the basement of the existing house against future flooding events. Further noting that it is not possible to bring the existing residence into compliance with the by-law as the required zoning setback would cover the majority of the legal non-complying lot.

The property has a frontage of approximately 22.88m on Wilson Road, lot depth of 15.8m and an area of 317.78 square meters.

Planning Act

Under section 45(2) of the Planning Act landowners of legal non-conforming and/or legal non-conforming land and/or buildings can

apply to the Committee of Adjustment for permission to expand a legal non-conforming use or legal non-complying land or buildings. Section 45(2) states that:

“In addition to its powers under subsection (1), the committee, upon any such application,

(a) Where any land, building or structure, on the day the by-law was passed, was lawfully used for a purpose prohibited by the by-law, may permit,

i. The enlargement or extension of the building or structure, if the use that was made of the building or structure on the day the by-law was passed, or a use permitted under subclause (ii) continued until the date of the application to the committee, but no permission may be given to enlarge or extend the building or structure beyond the limits of the land owned and used in connection therewith on the day the by-law was passed, or

ii. the use of such land, building or structure for a purpose that, in the opinion of the committee, is similar to the purpose for which it was used on the day the by-law was passed or is more compatible with the uses permitted by the by-law than the purpose for which it was used on the day the by-law was passed, if the use for a purpose prohibited by the by-law or another use for a purpose previously permitted by the committee continued until the date of the application to the committee; or

(b) where the uses of land, buildings or structures permitted in the by-law are defined in general terms, may permit the use of any land, building or structure for any purpose that, in the opinion of the committee, conforms with the uses permitted in the by-law. R.S.O. 1990, c. P.13, s. 45 (2).”

Regarding the application D-13-24-03, the applicant has a lot that is legal non-complying with the RS zone provisions as well as a residence that is legal non-complying with the required setbacks outlined in the RS zone provisions. The applicant is seeking permission to add additions to their legal non-complying residence on their legal non-complying lot. Therefore, under section 45(2)(a)(i) the applicant is seeking permission from the Committee of Adjustment to construct an addition in the form of a sunroom, a covered porch, and a covered/uncovered deck.

Unlike an application for minor variance under section 45(1) of the Planning Act, an application for permission under 45(2) is not evaluated using the four tests.

United Counties of Prescott and Russell Official Plan (2022)

The subject property is located in the “Hamlet Policy Area” (Section 2.5) on schedule “A2” of the Official Plan of the United Counties of Prescott and Russell (UCPR OP). Under section 2.5.2 of the UCPR OP the Hamlet Policy Area is

intended to create a planning framework that will encourage, and support diversified, mixed use, communities at a lower density. Section 2.5.3 of the UCPR OP details that municipalities should provide for a mix of 100% low-density residential development in the Hamlet Policy Area. The existing residence is a permitted use in the Hamlet Policy Area that is a detached seasonal dwelling and thus is a form of low-density housing. The proposed project can be considered to conform to the UCPR OP.

Clarence-Rockland Zoning By-law 2016-10

The subject property is located in Seasonal Residential (RS) Zone as well as the Seasonal Residential Flood Plain Zone. As previously mentioned, the existing lot and residence are legal non-complying with the Zoning By-law. The table below outlines the required RS provisions, the existing legal non-complying lot and the proposed additions to the property. Please note that all measurements are based on Site Plan No. 190270-SP.

Provisions	RS Requirements for Seasonal Dwelling	Existing Lot / Residence	Proposed Additions to Residence
Minimum lot area	2,500.0 m ²	317.78 m ²	No change
Minimum lot frontage	38.0 m	22.87 m	No change
Minimum front yard (private road)	7.5 m	5.23 m	3.46 m
Minimum exterior side yard (private road)	7.5 m	n/a	n/a
Minimum interior side yard	5.0 m	5.0 m (west) 3.95 (east)	1.0 m (west) 2.45 m (east)
Minimum rear yard	10.0 m	*Irregular shaped lot (refer to SP) Approx.0.15 m	0.10 m

The residence currently complies with the interior side yard setback of 5.0 m along the western interior property line. The applicant is proposing a covered deck that will be within this required setback area. Section 4.1 of the Zoning by-law outlines provisions related to accessory structures and buildings with section 4.1(e)(ii) outlining that:

“accessory buildings or structures of more than 10 m² other than accessory residential wind turbines, shall not be located closer than 1.2 meter to any interior side lot line, exterior side lot line, rear lot line

or main building, shall not exceed 3.8 meters in height in urban residential zones, 5.0 meters in community residential zones and shall not exceed 6.0 meters in height in rural and agricultural zone”.

Therefore, a condition providing that the proposed covered deck is not located closer than 1.2 m to the western interior lot line be included.

Section 4.17.1 of the Zoning By-law outlines provisions for lands within the Flood Plain overlay. Citing that no person shall use any lot or erect, alter or use any building or structure in a flood plain, as identified by the suffix '-FP' on the Zoning Maps of the Zoning By-law, for any purpose except one or more of the following uses:

- agricultural use, excluding buildings;
- conservation use, excluding buildings;
- flood or erosion control works;
- forestry operation, excluding buildings;
- marine facility;
- park;
- marina;
- golf course, excluding buildings;
- parking lot;
- public infrastructure, excluding stormwater management facility.

As the applicant is not proposing to extend the proposed uncovered deck further into the floodplain than the existing deck and based on the recommendation/condition contained in the South Nation Conservation Authority Report Dated June 13th, 2024, the proposed additions can be considered to be compliant with the Flood Plain provisions contained in the Zoning By-law.

[Recommendation from the Planning Division](#)

THAT the Committee of Adjustment accepts the application for Permission submitted by William Lesniowski with their agent Lascelles Engineering and Associates Ltd (Stephanie Brunette) for the property identified as 10-478 Wilson Road to:

Expand a seasonal residential dwelling on a legal non-complying lot, the effect of which would permit the addition of a sunroom, a covered porch and a covered/uncovered deck in substantial compliance with the site plan (190270-SP) and the conditions listed below.

It is recommended that application D-13-24-03 be approved subject to the following conditions:

1. That the owner submit an Environmental Impact Study and implement all mitigation measures.
2. That the owner successfully obtains all necessary permits under the Conservation Authorities act for the proposed development within

the Regulated area of the Floodplain and Riverine Erosion Hazards of the Ottawa River to the satisfaction of South Nation Conservation.

3. That the proposed covered deck shown on the western interior property line of the lot is not located closer than 1.2 m to the western interior property line so as to be in compliance with section 4.1(e)(ii) of the Zoning By-law.

[Click or tap here to enter text.](#)

ATTACHMENTS

Appendix A – Location Map (10-478 Wilson Road)

Appendix B – Site Plan (190270-SP)

Appendix C- South Nation Conservation Report (Dated June 13th, 2024)

APPENDIX A - Location Map (10-478 Wilson Road)

10-478 Wilson Road



Map generated by UCPR A la Carte web mapping application. The United Counties of Prescott and Russell disclaims all responsibility for errors, omissions or inaccuracies in this publication. Do not rely on it as being a precise indicator of routes or location of features. Produced by UCPR under Licence with the OMNRF. © King's Printer for Ontario, 2024. © 2024 United Counties of Prescott and Russell, All rights reserved.

**Prescott
Russell**

June 14, 2024
12:22:55 PM

Legend

- | | |
|---|--|
| Roads | <input checked="" type="checkbox"/> River or Lake |
| - Provincial | - River or Stream |
| - Comté / County | <input type="checkbox"/> Lot and Concession Fabric |
| - Rural | <input type="checkbox"/> Settlement Area (< 20k scale) |
| - Urban / Urban | <input type="checkbox"/> Municipal Boundary (< 150k scale) |
| - Rampe / Ramp | |
| - Saisonier / Seasonal | |
| - Privé / Private | |
| <input type="checkbox"/> Zoning | |
| <input type="checkbox"/> Zoning Intake Protection Zone | |
| <input checked="" type="checkbox"/> Zoning Exception Area | |
| - ZO_UnstableSlope | |
| <input type="checkbox"/> ZO_ANSI | |
| <input type="checkbox"/> ZO_SignWoodland | |
| <input type="checkbox"/> ZO_MineralReserve | |
| <input checked="" type="checkbox"/> ZO_InformationCenter | |
| <input checked="" type="checkbox"/> ZO_Floodplain | |
| <input checked="" type="checkbox"/> Zoning Nation Potential Retrogressive Landslide | |
| <input type="checkbox"/> ZO Locally Significant Wetlands | |
| <input type="checkbox"/> Parcels | |

APPENDIX C – South Nation Conservation Report (Dated June 13th, 2024)



SOUTH NATION
CONSERVATION
DE LA NATION SUD

Via email: zoning_zonage@clarence-rockland.com

June 13, 2024



City of Clarence-Rockland
1560 Laurier Street
Rockland, ON K4P 1P7

Attention: Marie-Eve Bélanger, Manager of Development

**Re: Application for Permission
10-478 Wilson Road
Part of Lot 16, Concession 1 (Old Survey), Former Clarence Township
Roll No. 031601602113400
File No. D-13-24-03**

South Nation Conservation (SNC) received and reviewed the proposed site plan and elevations for the above proposed Permission (File No. D-13-24-03). It is our understanding that the application is for the purpose of expanding a seasonal residential dwelling on a legal non-complying lot, the effect of which would permit the addition of a sunroom and a covered/uncovered deck.

SNC's review considers the impact of this application on public health and safety and of property damage as outlined under Section 3.1 (Natural Hazards) of the Provincial Policy Statement (May 2020) issued under Section 3 of the Planning Act, 1990, and SNC's obligations under the *Conservation Authorities Act*.

SNC also provides comments based on the Sewage System Management Agreement and Source Water Protection Agreement between SNC and the City of Clarence-Rockland.

Natural Hazards

SNC's review notes that the existing dwelling on the subject property is located within an area subject to Floodplain and Riverine Erosion Hazard of the Ottawa River.

Riverine Erosion Hazard

The subject property is within the Riverine Erosion Hazard of the Ottawa River. Given the topography of the property, no additional geotechnical studies are required for the proposed addition.

Floodplain

The existing dwelling is within the floodplain of the Ottawa River. An engineering study has been completed for this portion of the watershed to determine the extents and elevation of the flood hazards associated with the Ottawa River.

The Flood Hazard Elevation along the Ottawa River is calculated as the 100-year flood elevation, plus an allowance for wave uprush and other water related hazards. The Flood



SOUTH NATION
CONSERVATION
DE LA NATION SUD

Hazard Elevation for the subject property has been calculated at 44.47masl (CGVD2013) and 44.71masl (CGVD1928). Please note the flood hazard elevation might change based on the proposed grading plan.

Conservation Authorities Act and Ontario Regulation 41/24

SNC administers Part VI of the *Conservation Authorities Act* and Ontario Regulation 41/24: Prohibited Activities, Exemptions and Permits.

A SNC permit is required before undertaking development activities or other activities in or near the following areas: floodplains; watercourses; unstable slopes; unstable soils and bedrock; hazardous lands; wetlands; and areas within 30 metres of wetlands.

According to SNC's Regulations policies, SNC's review of development within the Regulatory Floodplain and Riverine Erosion Hazard requires that the proposed development meet the specific criteria, including:

- Risk to public safety is not increased;
- Susceptibility to natural hazards is not increased or new hazards are not created;
- Control of flooding and erosion are not adversely affected during and post development;
- The number of dwelling units is the same or less;
- Any proposed basement or crawl space is designed to facilitate services only and is not habitable floor space;
- There is no feasible alternative site outside the Riverine Flooding Hazard;
- Floodproofing of additions is undertaken to the extent practical;
- Floodproofing of buildings or structures sets the lowest opening to be 0.3 metres above the Flood Hazard Elevation;
- There is no risk of structural failure due to potential hydrostatic/dynamic pressures; and
- Safe access is established.

The proposed 4-season sunroom, covered deck, and uncovered deck will require a permit from SNC. SNC acknowledges that a pre-consultation meeting was held in June 2023 for the proposed addition and that submission requirements for a permit application were determined at that time. Successful completion of the required Permit application will be added as a recommended condition of approval.

Source Water Protection

The property is not within a Source Water Protection area.

Private Sewage Systems

It is understood that the existing dwelling is currently serviced by private septic system. A Septic Compliance Review is required for the proposed addition. Please visit the SNC website www.nation.on.ca to obtain a copy of the [application form](#) and contact SNC's



SOUTH NATION
CONSERVATION
DE LA NATION SUD

Septic department for more information. A [list of licensed septic installers](#) in the region is available on the SNC website.

Recommendation

SNC has no objections to the proposed Permission, however, we request the following be included as a condition of approval:

1. That the owner successfully obtains all necessary permits under the Conservation Authorities Act for the proposed development within the Regulated Area of the Floodplain and Riverine Erosion Hazards of the Ottawa River to the satisfaction of South Nation Conservation.

Please advise the applicant that SNC is available to discuss any aspect of the development at any time. If you have any questions, please do not hesitate to contact the undersigned.

Sincerely,

Claire Lemay, MCIP, RPP
Senior Planner
South Nation Conservation