



**THE CORPORATION OF THE
TOWNSHIP OF BONNECHERE VALLEY
PUBLIC MEETING
AGENDA**

Tuesday, July 15, 2025, 5:25 p.m.

COUNCIL CHAMBERS, MUNICIPAL BUILDING AND ZOOM CONFERENCING

- 1. Agenda**
- 2. Minutes**
- 3. Reports**
- 4. Adjournment**

PUBLIC MEETING
DATE July 15, 2025
TIME 5:25 pm

APPLICANT Neil and Paula Moloney

CHAIR: Being 5:25 pm., this is a public hearing of the Committee of Adjustment held in compliance with the Planning Act with respect to one application:

- **Permission Application PA-01 for the property described as Part of Lot 31, Concession 7, known as 291B Trebbien Road.**

CLERK: I reached out to Ryan Poulton, from Novatech, to explain why the different address. He explained they used the municipal addressing markers observed during their site visit to identify the property in their cover letter and on the application form. Below is an air photo markup showing the general locations where he observed municipal addressing signs. I unfortunately did not get a photo of a municipal addressing sign marked 291B. The 291B sign is likely near the 291A sign and Trebbien Road.



I understand the municipal system has the property identified as 291B, and the purchase and sale agreement also lists the property as 291B (also known as 309B).

CHAIR: There is a sign-in sheet for the application at the door, if you would like to be provided with a Decision of the Committee, please provide you name and mailing address and/or email address on the sheet.

- CHAIR:** The first matter of business is acceptance of the Minutes of the previous hearing, held on May 20, 2025, which have been circulated to the Committee members. Are there any comments? Can I have a mover and a seconder to accept the minutes? Carried.
- CHAIR:** Members are to state any pecuniary interest and the general nature thereof before items are discussed. Are there any declarations this evening?
- CHAIR:** The property owner(s) of 291B Trebbien Road are seeking permission to expand an existing legal noncomplying cottage under Zoning By-law 2022-042, as follows:
a) Section 3.27.4(c): permit the cottage to be located 13.4 metres from the high water mark;
b) Section 3.27.4(c): permit the porch to be located 12.9 metres from the high water mark;
and c) Section 3.27.4(e): permit the cottage to be increased in height, size, and volume.
- CHAIR:** The public meeting is a requirement of the Planning Act. In accordance with the Planning Act, notice must be given to all neighbours at least 10 days before the public meeting is held. Would the Clerk Please report on the circulation of notice.?
- CLERK:** On June 18, 2025, The Notice was circulated to all property owners within 60m of the subject property. Notice of the meeting was posted on the Township's website.
- CHAIR:** The 10 day notice having been given, I now declare the meeting properly constituted to transact its business.
- CHAIR:** Would the Clerk please report on any written comments received?
- CLERK:** Summary of the Comments: There were none received.
- CHAIR:** Does the Committee have any questions for the Clerk?
- Does the applicant or an agent of the applicant wish to address the Committee?
- Does the Committee have any questions of the applicant/agent?
- CHAIR:** This therefore completes the Public meeting process.
- Will the Clerk please read a draft of the recommended decision?
- CHAIR:** Committee will give careful consideration to the arguments Is the Committee prepared to make a decision for or against the Minor Variance.

The decision of the Committee of Adjustment will be circulated to the applicant and anyone who has submitted comments. Notice is hereby given that the last date for appealing this decision to the Ontario Land Tribunal is August 4, 2025.

I declare this Public Meeting closed.

Adjournment Time:

**The Corporation of
THE TOWNSHIP OF BONNECHERE VALLEY
MINUTES
PUBLIC MEETING
Tuesday, May 20, 2025 at 5:15 P.M.
In Person & Via Zoom Conferencing**

PRESENT Deputy Mayor John Epps
Councillor Merv Buckwald
CAO Annette Gilchrist
Planning and Licensing Clerk Erica Rice

VIA ZOOM Mayor Jennifer Murphy
Councillor Brent Patrick

REGRETS Councillor Tracey Sanderson

GALLERY Philip and Mary Lou Harrington

Meeting Called to Order: The meeting was called to order at 5:20 pm by Mayor Jennifer Murphy.

Pecuniary Interest: None

Approval of Public Meeting Minutes: Motion by John Epps "That the Public Meeting Minutes from Tuesday November 13, 2023 be approved as presented." Seconded by Merv Buckwald.

Carried.

Reports: The property owner(s) are proposing to replace the existing cottage, currently occupying a gross floor area of 53.51 m² (24'x24'). The new cottage is said to have an approximate gross floor area of 72.46 m² (30'x26') and will include the addition of a full basement. The new cottage will be built on the original cottage footprint, but the new cottage will extend the north wall by approximately 2 feet (0.61 metres) and the west wall by 6 feet (1.8 metres), and add a full basement.

Under Section 3.18.3 of the local Zoning By-law, any building or structure may be repaired or replaced provided the new building (cottage) does not further contravene any requirements of the Zoning By-law and does not increase the height, size or volume of the building. In this proposal, the proposed dwelling (cottage) will increase both the size and volume of the existing building. Therefore, permission for a variance to Section 3.18.3 will be required to allow for a larger building.

Under Section 9.2(d) of the local Zoning By-law, the minimum interior side yard setback is 3 metres (9.8 feet). In this proposal, the new cottage will further encroach into the minimum required side yard width (east lot line). The actual proposed setback will need to be

confirmed. This will require permission for a variance to the Zoning By-law from the 3-metre minimum requirement to the proposed setback distance.

Declaration of Interest: None declared.

Clerk's report on Notices: On April 16, 2025, The Notice was circulated to all property owners within 60m of the subject property. Notice of the meeting was posted on the Township's website. Notice of the meeting was also placed in the Eganville Leader.

Reading of Written Comments: There wasn't any submissions.

Comments and Questions from Committee: None.

Adjournment: The Committee adjourned at 5:23 pm.

Jennifer Murphy, Mayor

Erica Rice, Planning and Licensing Clerk



NOTICE OF PUBLIC HEARING FOR PERMISSION APPLICATION

TOWNSHIP OF BONNECHERE VALLEY

TAKE NOTICE THAT the Township of Bonnechere Valley Committee of Adjustment will be considering a Permission Application made under Section 45 of the Planning Act by:

NEIL AND PAULA MOLONEY – PERMISSION APPLICATION- 01

The subject land is described as Con 7, Pt Lot 31, RP 49R 20893 Parts 1 to 4 in the geographic Township of Sebastopol, 291B Trebbien Road. The hearing will be held on **Tuesday July 15, 2025 at 5:25 p.m. in Council Chambers 49 Bonnechere Street, East, Eganville, ON.**

Purpose: The applicant proposes to permit the expansion of a legally non-conforming use (cottage and porch) to be located 13.4 metres and 12.9 metres respectively from the normal high water mark of a waterbody. Permission is also requested to increase the size of the legally non-conforming use (cottage).

If you would like to provide the Committee of Adjustment with your written comments on this application, please contact the undersigned. If we have not heard from you by the hearing date specified, we will assume that you have no comments or concerns regarding this matter.

If a person or public body that files an appeal of a decision of the Committee of Adjustment in respect of the proposed Minor Variance does not make a written submission to the Committee before a decision is made, The Ontario Land Tribunal may dismiss the appeal.

Notice of Collection: Personal information collected as a result of this public meeting 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 Bonnechere Valley. Questions regarding the collection, use and disclosure of this personal information may be directed to the undersigned.

If you wish to be notified of the decision of the Committee in respect of the proposed Permission Application, you must make a written request to the undersigned.

Additional information regarding the application is available for public inspection at the Municipal Office during regular business hours, Monday to Friday, 8:30 a.m. to 4:00 p.m. or by contacting the undersigned.

Dated at the Township of Bonnechere Valley this 18th day of June, 2025.

Please refer to file PERMISSION APPLICATION 2025-01



COMMITTEE OF ADJUSTMENT PLANNING REPORT

PART A – BASIC INFORMATION

1. TWP FILE NO.: PA-01
CNTY FILE NO.: MV-01/25
2. APPLICANT: Neil and Paula Moloney
Agent: Novatech
3. MUNICIPALITY: Township of Bonnechere Valley
(Geographic Township of Sebastopol)
4. LOT: (Part of) 31 CONCESSION: 7 STREET: Trebbien Road

SUBJECT LANDS

5. COUNTY OF RENFREW
OFFICIAL PLAN
Land Use Designation(s): Rural
At-Capacity Lake
6. TWP OF BONNECHERE VALLEY
ZONING BY-LAW 2022-042
Zone Category(s) Limited Service Residential (LSR)
At-Capacity Lake

7. DETAILS OF PERMISSION REQUEST

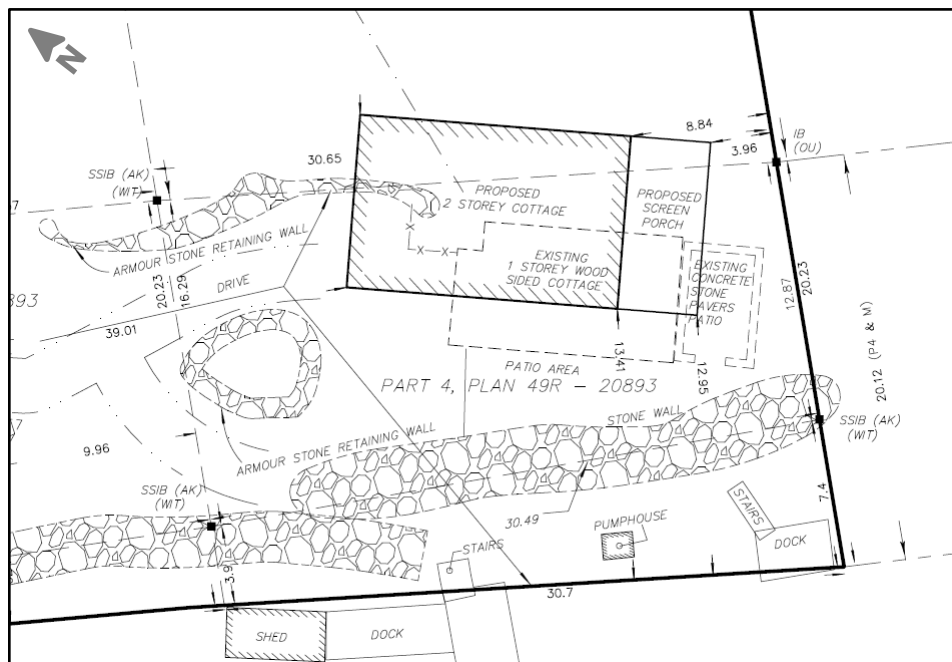
The current application is seeking permission to expand an existing legal non-complying cottage under Zoning By-law 2022-042, as follows:

- a) Section 3.27.4(c): permit the cottage to be located 13.4 metres from the high water mark;
- b) Section 3.27.4(c): permit the porch to be located 12.9 metres from the high water mark; and
- c) Section 3.27.4(e): permit the cottage to be increased in height, size, and volume.

8. SITE PERFORMANCE STANDARDS

<u>Zoning By-law Standard</u>	<u>Permitted</u>	<u>Proposed</u>
Section 3.27.4(c)	For an existing lot of record less than 64 metres in depth, the minimum water setback shall be 20 metres .	<ul style="list-style-type: none"> Cottage - 13.4 metres from the high water mark Porch – 12.9 metres from the high water mark
Section 3.27.4(e)	An existing non-conforming dwelling may be moved or reconstructed to improve the existing water setback, provided in part that the dwelling's height, size, or volume is not increased.	The existing 1 story cottage and stone patio is proposed to be replaced with a two story cottage and a screened porch that is 2.4 and 2.9 metres back from it's existing location (from 10.5 to 12.9 and 13.4 metres from the high water mark).

9. SITE CHARACTERISTICS AND SETTING



The subject property is on the southeast shore of Lake Clear, in the geographic Township of Sebastopol. It is about 3187 square metres in size and is accessed from a private road (Trebbien Road). There is a cottage and some accessory structures on the subject lands, which steeply slope towards the lake and are supported by retaining walls

(see above). Since the existing cottage is within the minimum 20 metre water setback, it is considered a legal non-complying building.

Within the local context are a number of small cottage lots that are similar in size and shape to the subject property (see right). Other nearby features include: Lake Clear to the west, Meadow Lake and wooded rural lands to the north, more wooded areas to the east and south, and several farms to the east.

*Note: Shoreline road allowance was recently purchased to enlarge the subject property. The property parcel fabric has not yet been updated to reflect this.



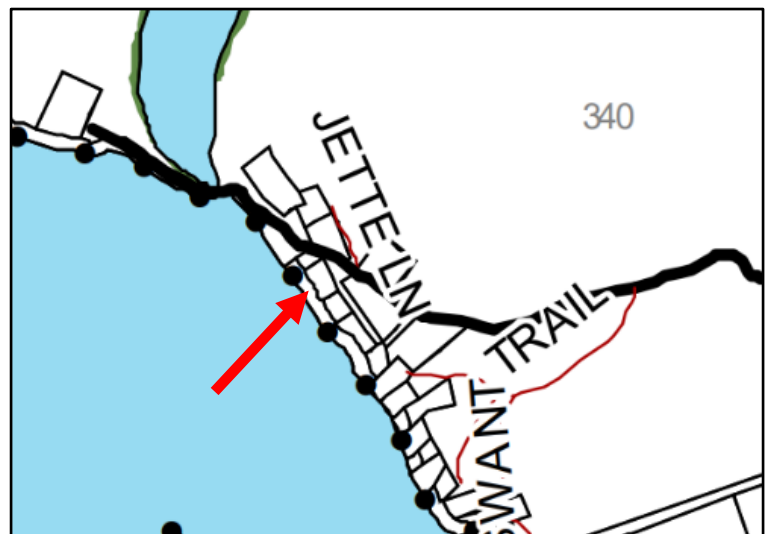
10. **OFFICIAL PLAN**

The subject lands are designated Rural in the County of Renfrew Official Plan. Section 5.3(1) of the Rural designation permits a range of rural uses, including limited residential uses.

Section 2.0 - General Development Policies, contains various general policies that apply to this property and the proposed application.

Section 2.2(11) - Water Setback and Protection of Shoreline Integrity, generally requires all buildings and structures to be setback a minimum of 30 metres from the high water mark of water bodies. This setback may be reduced on an existing lot of record, provided it can be demonstrated through a professionally-prepared report that the reduction is justified and there will be no negative impacts.

Section 9.3(2)(d) outlines the requirements for existing lot development on At Capacity Lakes. In particular, it states that for existing lots where the minimum 30 metre water setback cannot be met, buildings and structures should be placed as far back from the high water mark as possible.

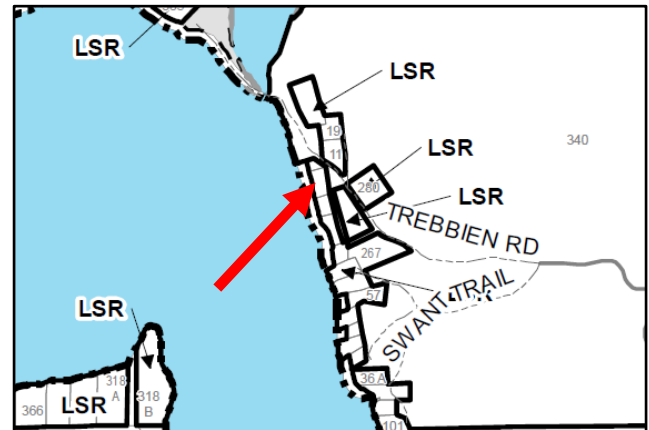


Section 9.4(3) contains At-Capacity Lake policies for lands around Lake Clear.

11. **ZONING BY-LAW**

The subject property is zoned Limited Service Residential (LSR) in the Township's Zoning By-law. This zone permits a limited service dwelling and related accessory buildings and structures.

Section 2 contains definitions for various terms used in the Zoning By-law. *Water – High Water Mark* is defined as the point where the action of water has created a clear difference in soil and vegetation on either side of the point.



Section 3.0 of the Zoning By-law outlines various General Provisions that may apply to a property and development proposal.

Subsection 3.27.4(c) identifies that for existing lots less than 64 metres in depth, the minimum water setback is 20 metres.

Section 3.27.4(e) states that an existing, non-conforming dwelling can be moved or reconstructed to improve the existing water setback, provided that the building's height, size, or volume is not increased and the appropriate approvals for a private septic system have been obtained.

12. **STUDIES**

A planning justification letter and a survey were submitted with the application. A summary of the letter is provided below. To view the survey, please see Appendix 1.

Planning Justification Letter, Novatech Engineering Consultants Ltd., June 5, 2025

The letter begins by briefly describing the property and what the owners intend to do. They plan to tear down the existing one-storey cottage and concrete patio, which are about 10.56 metres from the high water mark. Afterwards, they want to replace the cottage and patio with a new two-storey cottage and screened-in porch, which would be set back further from the water, at 13.41 metres and 12.95 metres.

It is explained that the current cottage does not meet the Zoning By-law, because it is closer than the minimum 20 metres from the high water mark. Since the cottage was legally built before this provision was made, it is allowed to stay. This is called a legal non-complying building. Now, since the owners want to move the cottage and make it bigger, they have to ask the Committee for permission to do that.

Reasons are given for why the application should be approved, by comparing it against two standard questions for permission:

- Is the application desirable for appropriate development of the subject property; and
- Will the application cause negative impacts on the surrounding properties and neighbourhood.

The letter suggests the proposal is desirable and appropriate because it will conform with the At-Capacity Lake and Water Setback policies of the Official Plan (OP). As per Section 9.3(2)(d), the new septic system for the two-storey cottage will be placed as far back from Lake Clear as possible, and will need to be approved by the Chief Building Official. Additionally, no land will be dug up, filled, or changed between the new cottage and Lake Clear.

Following the water setback policies of the OP, the new cottage will be moved further back from the lake. However, it still will not meet the full 20 metre water setback requirement. To help reduce any negative impacts on the At Capacity Lake, the letter recommends several mitigation measures. These measures can be found in the "Recommendations" section of this report.

It is also highlighted that the proposal will not affect nearby properties. The closest cottages are 55 and 22 metres away from the current cottage, and are separated by hilly ground and thick tree cover. Together, these natural features create a buffer that will limit any visual impacts to the nearby cottages.

Lastly, the permission application is noted to be consistent with the Provincial Planning Statement 2024 (PPS). This is because a limited service dwelling (cottage) is a permitted rural use, and the development will be supported by a new septic system, which improves the existing service (outhouse) on the subject property. Based on this review, the letter finds the application will conform to all applicable planning policy and represents good land use planning.

13. **PUBLIC/AGENCY COMMENTS**

As required by the Planning Act, the public has been notified of the application by posting a notice in a widely circulated newspaper (The Eganville Leader). Public agencies have been notified, as required.

As of the writing of this report, there have been no comments or concerns. Should any comments be received, they will be provided at the Hearing.

14. **GENERAL PLANNING COMMENTS**

Section 45(2) of the Planning Act states that a Committee of Adjustment may permit a legal non-complying building, structure, or use to be enlarged or expanded. Unlike a minor variance, applications for permission are not subject to the "four tests", and instead are examined on:

- a) Whether the application is desirable for appropriate development of the subject property; and
- b) Whether the application will cause negative impacts on the surrounding properties and neighbourhood.

Application Appropriateness & Desirability

The Provincial Planning Statement 2024 (PPS) allows residential development where it can be supported by rural service levels. As noted in the application, the existing cottage draws water from the lake and is serviced an outhouse. The proposed development will improve the situation by replacing the outhouse with a septic system that will be set back as far as possible from the lake. This is anticipated to reduce nitrate impacts to adjacent properties and Lake Clear.



As shown in the image above, it is not possible for the owners to move their cottage 30 metres back from the lake. That is why they plan to move the cottage, porch, and new septic system as far back as possible. No soil or natural features between the current structure and Lake Clear will be disturbed. Additionally, the design and layout for the new septic system will be reviewed by the Township's Chief Building Official before it is installed. Overall, this aligns with the At Capacity Lake policies of the Official Plan (OP).

The application also meets the water setback policies found in Section 2.2(11)(b) and (d) of the OP. Subsection (b) allows buildings on existing lots to be closer than 30 metres from the water, as long as they are set back as far as possible. Both the application and the planning justification letter make it clear that the subject property is an existing lot, where a 30-metre setback is not possible due to steep slopes on the north and east sides of the property. That is why the proposed cottage and porch will be moved back as far as they can, which is 2.4 and 2.9 metres further from the lake than the existing cottage.

The OP also notes that if buildings will be closer than 30 metres to the high water mark, a professional planning report is needed to show that the reduced setback is needed and will not cause negative impacts. The planning justification letter shows that it is not possible for the new cottage and porch to be set back 30 metres from the water because of steep slopes. Through review of planning policy and the local context, it also explains that the proposal will not negatively impact Lake Clear or the surrounding area. This is because the new septic system will help limit nitrate movement to the lake, the existing trees and steep hills will limit visual impacts to neighbouring properties, and the new cottage and porch are being moved farther from the high water mark.

Finally, subsection 2.2(11)(d) of the OP states that the area between a dwelling and the lake must stay in a natural condition to minimize nutrient runoff and to protect landscape views from the water. The planning justification letter and the application sketch show this area will not be changed, which matches the intent of the OP.

Impact Potential

This request for permission is not expected to have any significant impacts to neighbouring properties. The proposed cottage and porch will be moved 2.4 and 2.9 metres further back from the lake, and the septic system will reduce any existing nitrate impacts caused by the outhouse. No landscape changes are planned near the lake, and any possible impacts during construction can be limited by following the measures outlined in the planning justification letter. These mitigation measures will be required as conditions of approval.

Although the height, size, and volume of the cottage are being increased, existing tree cover and hilly ground between the cottage and nearby neighbours will help limit visual impacts (see image on next page). Given these conditions, it is unlikely that impacts will be created on surrounding properties or Lake Clear beyond what currently exists.



Based on the above review, it is staff's opinion that the proposed application for permission is an appropriate, desirable use of land, that is not anticipated to create any new or significant impacts on neighbouring properties.

15. **RECOMMENDATIONS**

That subject to any additional concerns or information raised at the Committee of Adjustment Hearing, the Committee grant permission to expand the legal non-complying cottage at 309A Trebbien Road, as follows:

- a) Section 3.27.4(c): permit the cottage to be located 13.4 metres from the high water mark;

- b) Section 3.27.4(c), permit the porch to be located 12.9 metres from the high water mark; and
- c) Section 3.27.4(e), permit the cottage to be increased in height, size, and volume.

The following conditions shall apply to this decision:

1. All construction work associated with the proposed cottage and septic system installation shall be carried out expeditiously, with good trade practices, as to cause minimal environmental disturbance to the lake environment and nuisance to neighbours.
2. Every effort shall be made to restrict the disturbance of soil and vegetation cover during construction. Vegetation removal shall be limited to the greatest extent possible, and only as necessary to accommodate the placement of the cottage and installation of the septic system.
3. Where adjacent trees are to be retained, sturdy protective fencing is recommended around the perimeter of the work areas to ensure the adjacent vegetation to be retained is not impacted by the construction and to isolate the work area from sensitive wildlife. The protective fencing is to be installed at the outer limits of the critical root zone of the retained adjacent trees.
4. Sediment and erosion control measures, in accordance with best management practices (i.e. silt fencing), are to be established adjacent to the construction area and shall be implemented prior to construction and maintained throughout the construction process. Any sediment control works shall remain in place until all disturbed areas have been stabilized and vegetation is well established.
5. Drainage patterns on this property should not be adjusted to allow any further run-off from the site onto adjacent lands or waterbodies. Roof runoff and eavestroughing should be directed to soak-away pits, grass or other permeable surfaces.

Date:	June 27, 2025
Prepared by:	Nicole Moore, Junior Planner
Reviewed by:	Bruce Howarth, MCIP, RPP Manager of Planning Services

X:\Planning\Data\MUNICIPAL\Bonnechere Valley\Minor Variance\2025\A-XX Neil & Paula Maloney (Agent-Novatech)\MV Planning Report.docx

APPENDIX 1

SCHEDULE				
PART	LOT	CONCESSION	PIN	AREA (HA)
1	PT 31	7	ALL 57467 - 0107 (LT)	0.101
2			ALL 57467 - 0106 (LT)	0.094
3	PT ORIGINAL SHORE ROAD ALLOWANCE		PT 57467 - 0260 (LT)	0.061
4	ALONG LAKE CLEAR, FRONTING LOT 31, CONCESSION 7			0.062

PART 1 IS COMPRISED OF ALL OF PIN 57467 - 0107 (LT).
PART 2 IS COMPRISED OF ALL OF PIN 57467 - 0106 (LT).

PLAN 49R - 20893

RECEIVED AND DEPOSITED

Friday 21 February 2025
(date)

Representative for LAND REGISTRAR FOR THE LAND TITLES
DIVISION OF RENFREW (No. 49)

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE
LAND TITLES ACT
DATE: FEBRUARY 19, 2025

SIMON KASPRZAK

PLAN OF SURVEY
OF PART OF
LOT 31, CONCESSION 7
AND PART OF
ORIGINAL SHORE ROAD ALLOWANCE
ALONG LAKE CLEAR
(FRONTING LOT 31, CONCESSION 7)
GEOGRAPHIC TOWNSHIP OF SEBASTOPOL
TOWNSHIP OF BONNECHERE VALLEY
COUNTY OF RENFREW
SCALE 1 : 200

ADAM KASPRZAK SURVEYING LTD.

BEARING NOTE:
BEARINGS ARE UTM GRID DERIVED FROM PLAN 49R-20030,
OBSERVATIONS ON MONUMENTS ORP1 AND ORP2, SHOWN HEREON,
HAVING A GRID BEARING OF N35°59'00"W, REFERRED TO THE CENTRAL
MERIDIAN OF UTM ZONE 18 (75° WEST LONGITUDE) NAD 83 (CSRS) (1997).
FOR BEARING COMPARISONS, THE ASTRONOMIC BEARINGS ON
UNDERLYING PLANS WERE ROTATED AS FOLLOWS:
(P1) 1°47'00" CLOCKWISE
(P3) 1°34'20" CLOCKWISE

METRIC NOTE:
DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES
AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

DISTANCE NOTE:
DISTANCES SHOWN ON THIS PLAN ARE GROUND DISTANCES
AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING
BY A COMBINED SCALE FACTOR OF 0.999991.

MONUMENT NOTE:
SSIB PLANTED DUE TO INSUFFICIENT OVERBURDEN, OR SUBSURFACE
BEDROCK.

WATER'S EDGE NOTE:
CONTROLLED WATER'S EDGE MEASURED AT THE TIME OF SURVEY IS
ACCEPTED AS THE BEST AVAILABLE EVIDENCE OF THE WATER'S EDGE
AS IT EXISTED AT THE TIME OF THE ORIGINAL SURVEY OF THE
TOWNSHIP OF SEBASTOPOL.

THE LEVEL OF LAKE CLEAR IS ARTIFICIALLY REGULATED BY A
CONTROL STRUCTURE AT THE NORTHEAST CORNER OF THE LAKE.

NOTE A:
SET PARALLEL TO ADJACENT BOUNDARIES AS SHOWN ON (P1).

INTEGRATION DATA:

OBSERVED REFERENCE POINTS (ORPs) DERIVED FROM PLAN 49R-20030, UTM ZONE 18 NAD83 (CSRS)(1997).		
POINT ID	NORTHING	EASTING
ORP1	5 032 900.01	332 242.00
ORP2	5 032 820.00	332 300.09
COORDINATE VALUES TO RURAL ACCURACY PER SEC. 14 (2) OF O. REG. 218/10 AND CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.		

LEGEND	
IB	- IRON BAR
SIB	- STANDARD IRON BAR
SSIB	- SHORT STANDARD IRON BAR
MF	- MONUMENT FOUND
MS	- MONUMENT SET
RIB	- ROUND IRON BAR
F	- FENCE
W	- WITNESS
(WT)	- WITNESS
(OU)	- ORIGIN UNKNOWN
(782)	- A.C. BOURNE, O.L.S.
(1290)	- D.W. PATTERSON, O.L.S.
(AK)	- ADAM KASPRZAK SURVEYING LTD.
(P1)	- PLAN BY T.J. KIEFFER, O.L.S., DATED FEBRUARY 6, 1958, ATTACHED TO INST. R52771.
(P2)	- PLAN 49R-20030
(P3)	- PLAN 49R-13328
(P4)	- ORIGINAL TOWNSHIP PLAN OF SEBASTOPOL
(NTS)	- NOT TO SCALE
(M)	- MEASURED
HP	- HYDROPOLE

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE
WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES
ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON FEBRUARY 11, 2025.
DATE: FEBRUARY 19, 2025

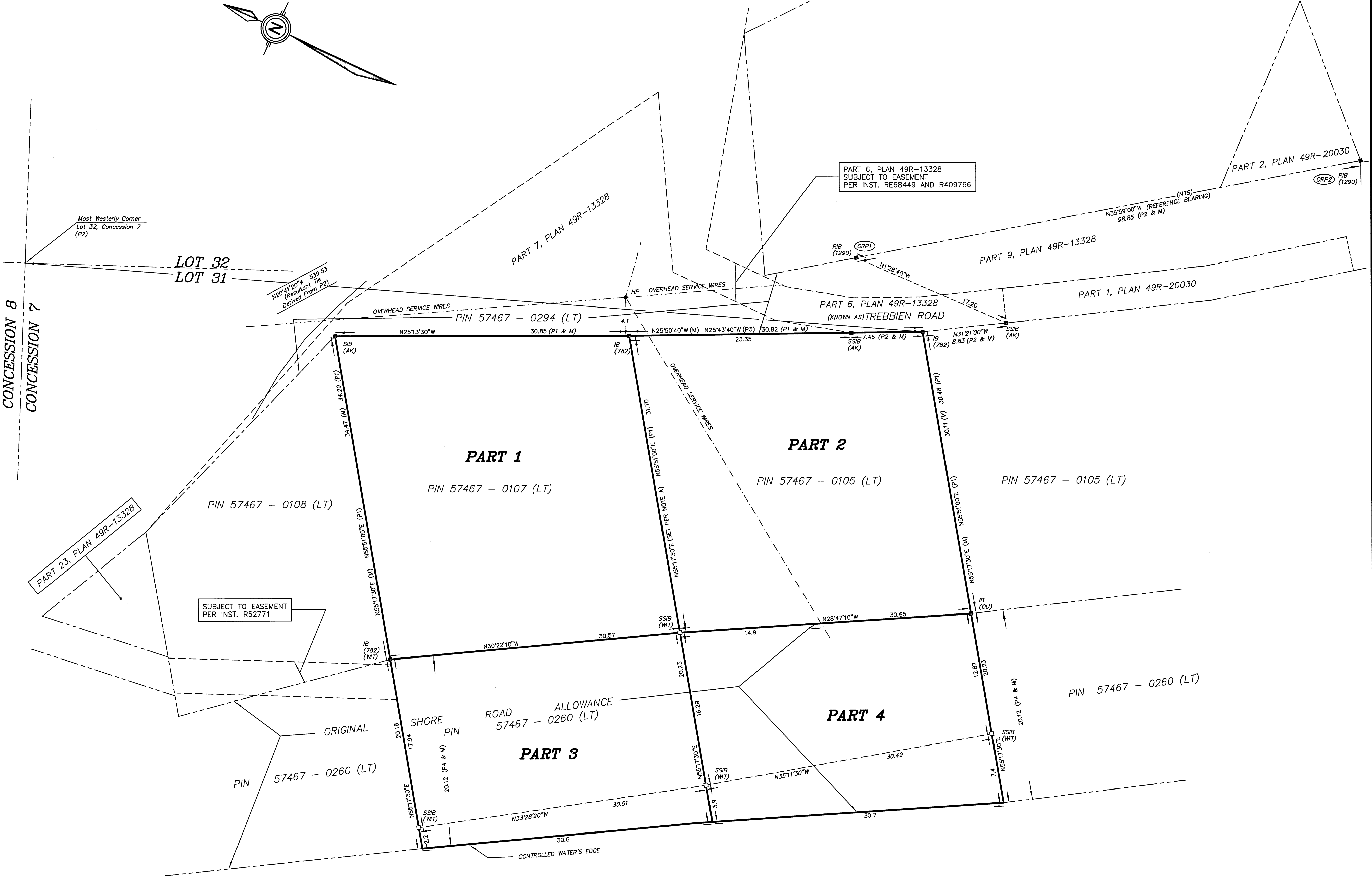
SIMON KASPRZAK
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER
V - 91663

AK ADAM KASPRZAK SURVEYING LTD.
ONTARIO LAND SURVEYORS
29 BRIDGE ST., P.O. BOX 633
RENFREW ONTARIO K7V 4E7
PHONE (613) 432-3048

SCALE: 1 : 200 REF: 24-2153

FILE: 24-2153_E.dwg



LAKE CLEAR
PIN 57467 - 0122 (LT)

June 5, 2025

Committee of Adjustment
Township of Bonnechere Valley
49 Bonnechere Street
Eganville, ON, P.O. Box 100

Attention: Annette Gilchrist, CAO/Clerk
Anne McVean, County Planner

Reference: 309A Trebbien Road
Application for Permission
Our File No.: 125044

Novatech has been retained by the owners (Neil and Paula Moloney) of 309A Trebbien Road (the Subject Property) to prepare and file a permission application to expand a legally non-conforming use. The permission application will facilitate the demolition of an existing one-storey cottage and construction of a new two-storey cottage. The existing cottage is a legally non-conforming use as it is located within the required 20 metre setback from the normal high water mark of Lake Clear.

This letter describes the existing conditions of the Subject Property, the proposed development, and provides a rationale in support of the application. Please note municipal addressing signs along Trebbien Road and private driveways appear to be inconsistent with the County and Townships GIS mapping. Observed municipal addressing signs are used to identify the Subject Property and adjacent land.

Existing Conditions

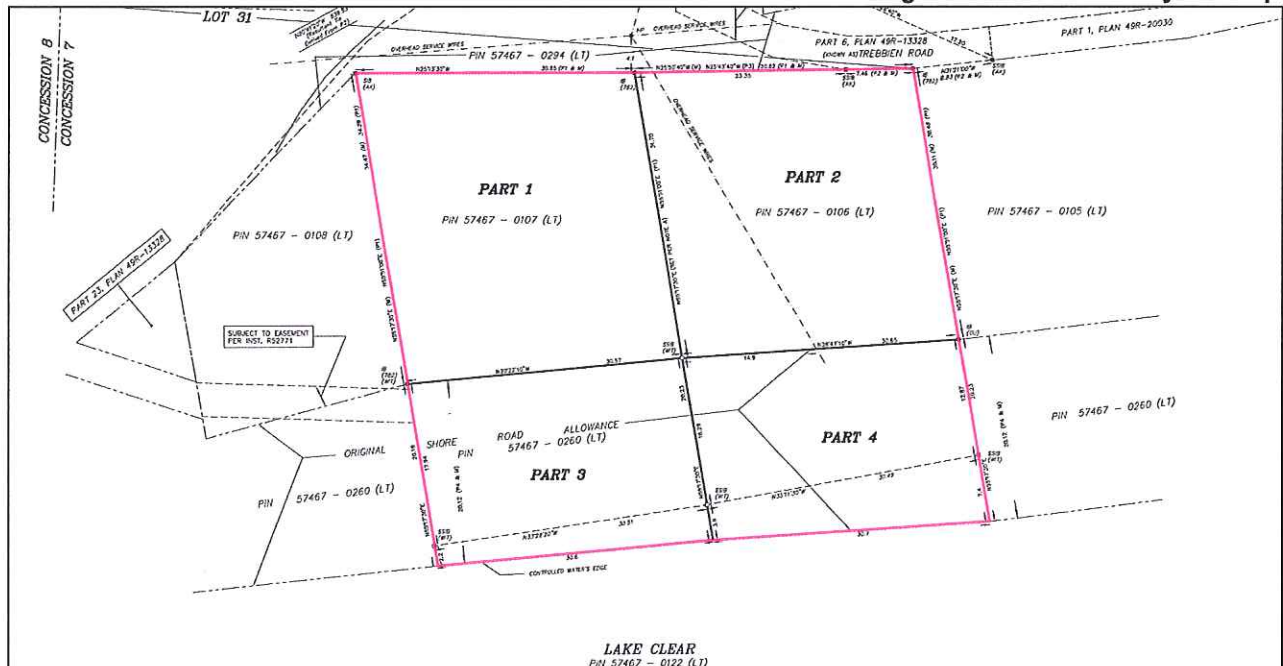
309A Trebbien Road is a waterfront property located along the east shore of Lake Clear, west of McGrath Road (see Figures 1 and 2). The Subject Property has approximately 61 metres of frontage along Trebbien Road and an approximate area of 3,187 square metres. The property was recently expanded to include the adjacent shoreline road allowance along Lake Clear.

Figure 1. Property Location



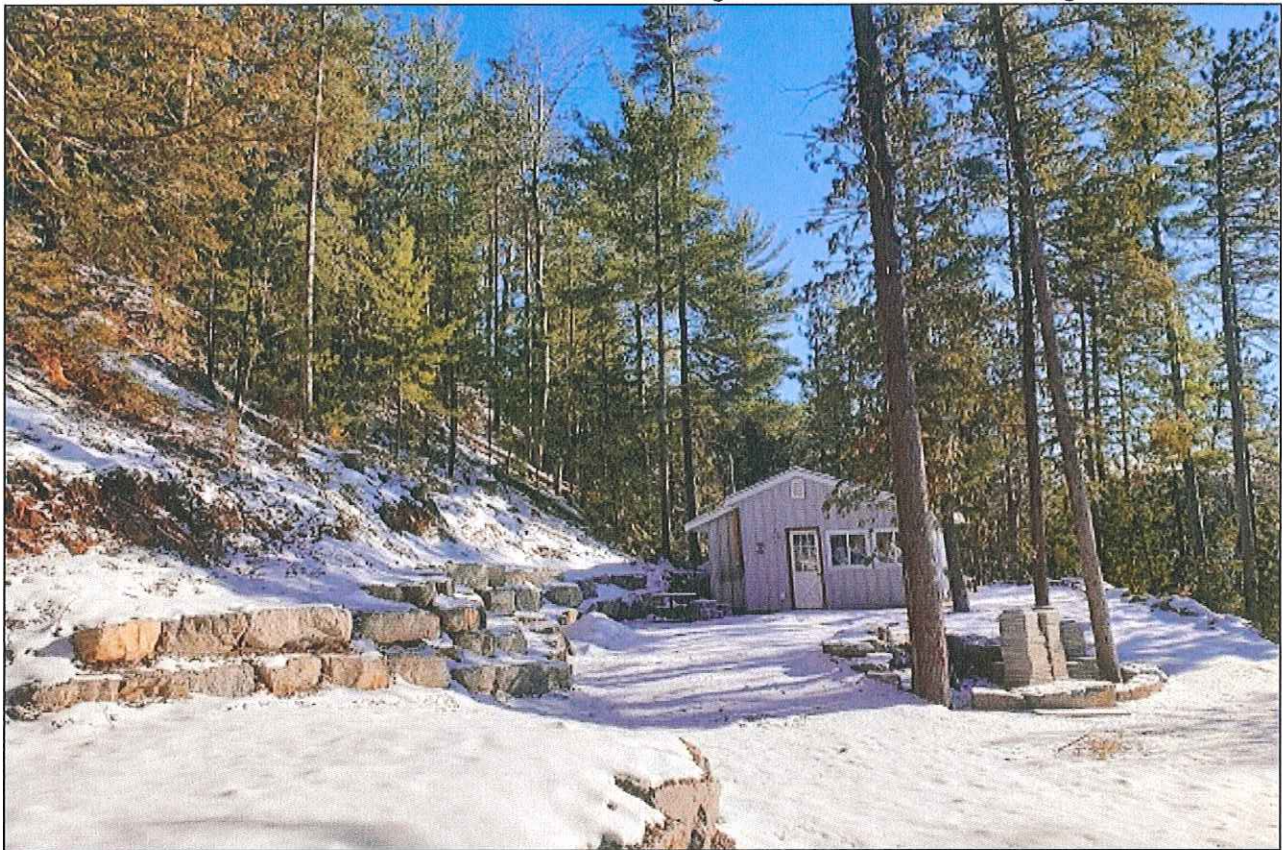


Figure 3. Plan of Survey Markup



The Subject Property is designated Rural on Schedule A of the County of Renfrew's Official Plan. The Subject Property is zoned Limited Service Residential (LSR) by the Township of Bonnechere Valley's Zoning By-law. The rear half of the Subject Property near Trebbien Road is at a higher elevation than the shoreline half of the property along Lake Clear. There is a difference of approximately 10 to 15 metres in elevation. The Subject Property is developed with a one-storey cottage situated approximately 10.56 metres from the Lake, as far back from the Lake as possible given the grade increases to the rear of the property (see Figure 4). Given that the existing cottage does not meet the required 20 metre setback as set out in the Zoning By-law, the cottage is considered to be legal non-conforming. The cottage is accessed via a private driveway off Trebbien Road. The driveway access to the property crosses the adjacent property to the north, and is subject to an access easement. Armour stone retaining walls are located near the shore of Lake Clear.

Figure 4. Site Photo Illustrating Grade Increase



Proposed Development

The application for permission is to support the demolition of the existing cottage on the property and construction of a new two-storey cottage. The new cottage will be setback slightly further from Lake Clear than the existing cottage (see Figure 5). The existing cottage is setback approximately 10.56 metres from the shoreline, whereas the proposed cottage will be located 13.41 metres from the shoreline, and the proposed porch will be located 12.95 metres from the shoreline. The new cottage will maintain the same orientation to Lake Clear as the existing cottage. An existing concrete patio south of the cottage will be replaced with a screened porch. Preliminary elevations of the proposed

cottage are shown in Figures 6 and 7. A new septic system is proposed in support of the two-storey cottage.

Figure 5. Proposed Cottage Footprint

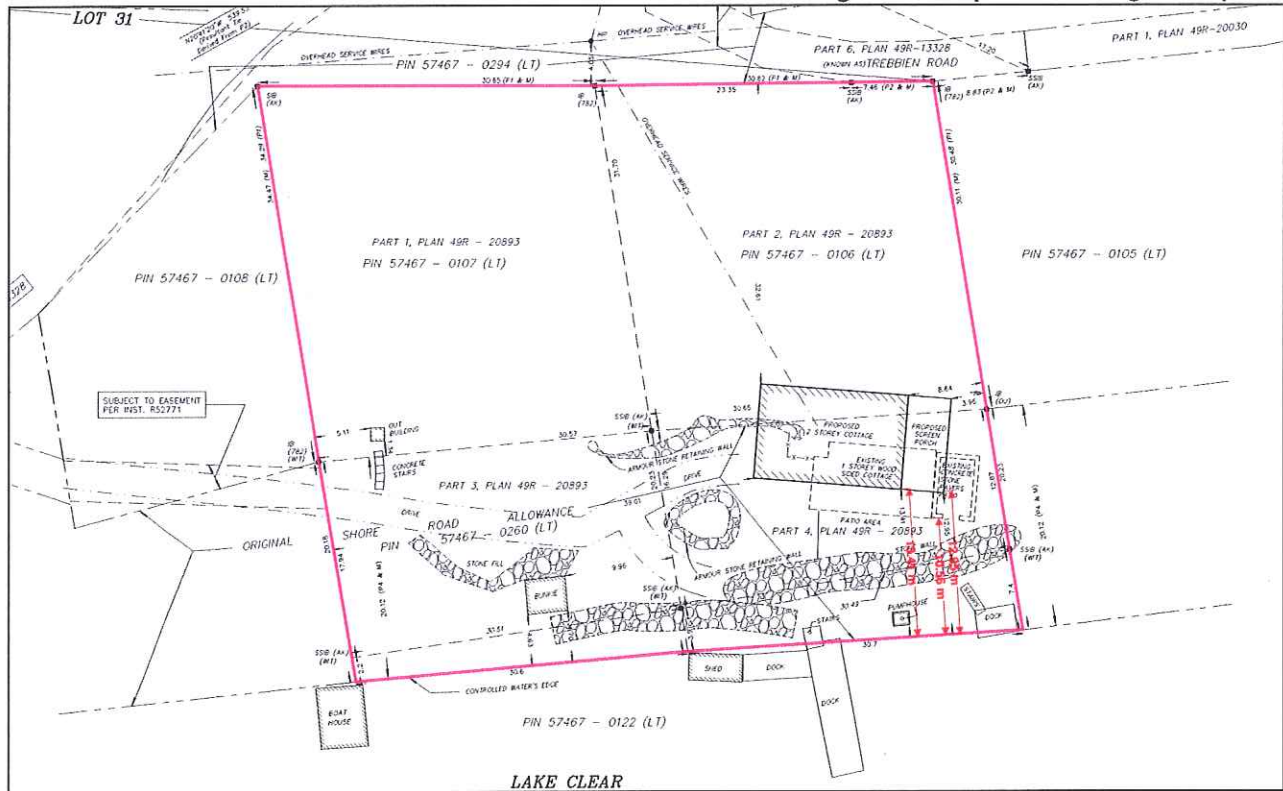


Figure 6. Northwest Elevation

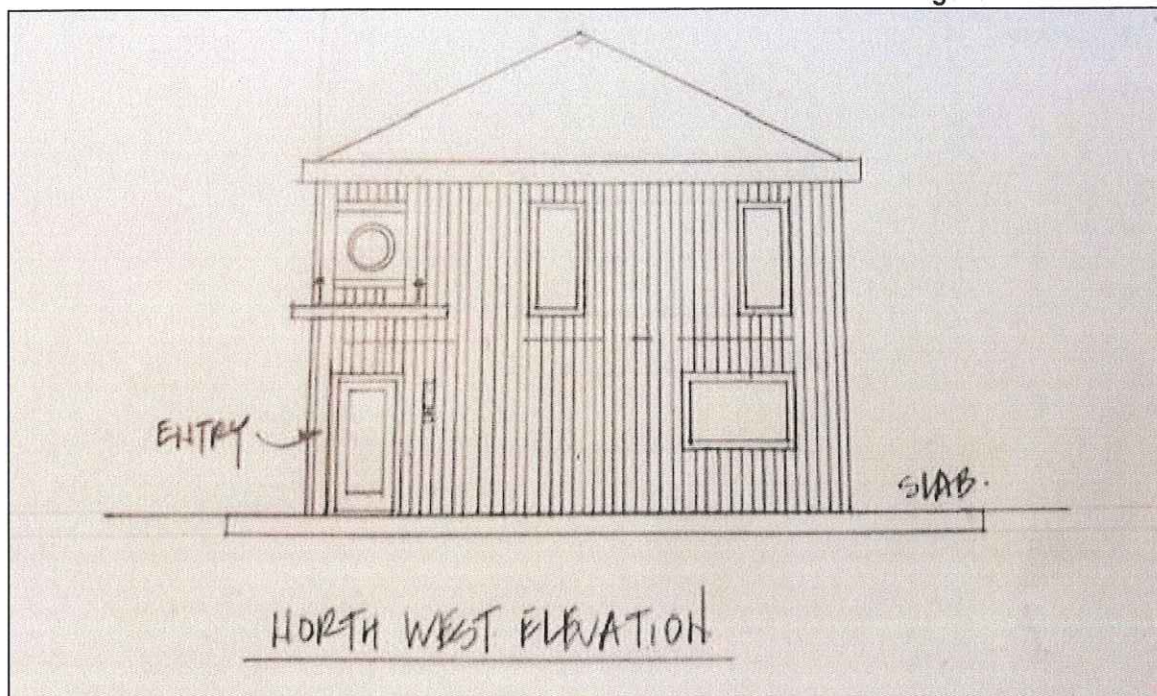
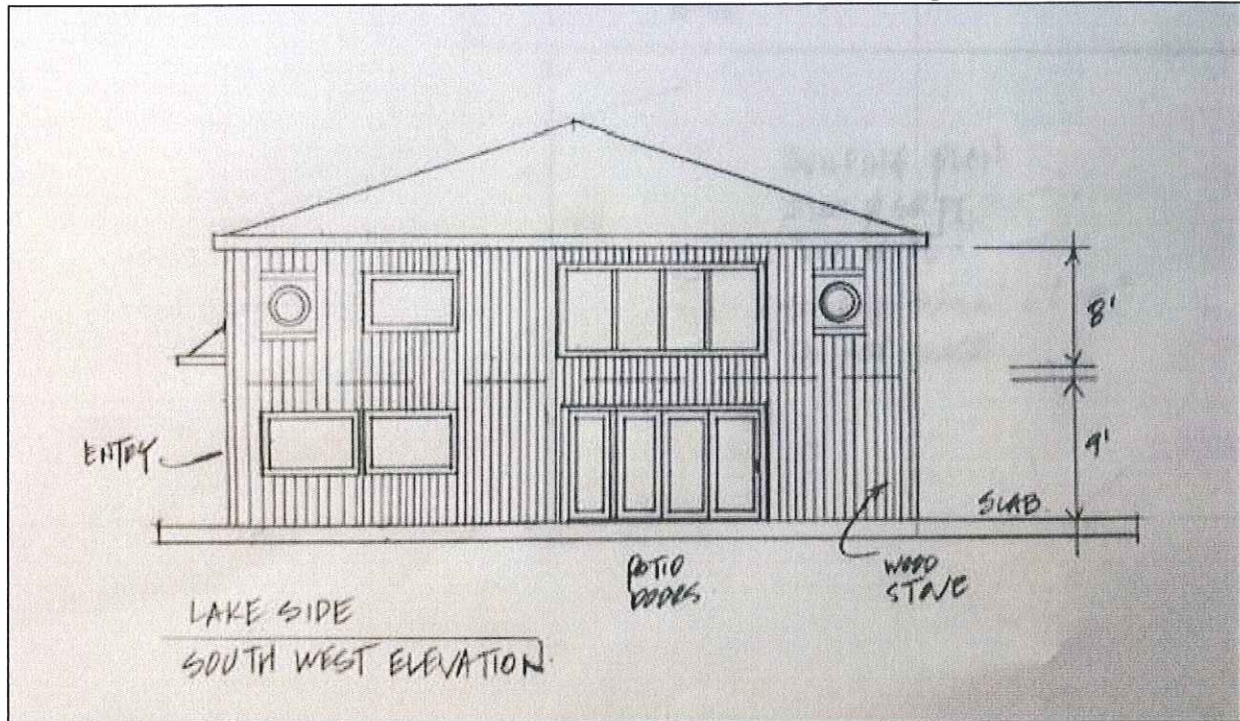


Figure 7. Southwest Elevation



Permission Application

The existing cottage is considered legal non-conforming because it does not conform with the water setbacks of the Zoning By-law. In order to expand the cottage, a permission application under Section 45(2) of the Planning Act is required. The permission application seeks permission for the following:

- To permit the expansion of a legal non-conforming use (cottage) to be located 13.4 metres from the high water mark of a waterbody; whereas for an existing lot of record which has less than 64 metres of lot depth, the minimum water setback shall be 20 metres. [Section 3.27.4 c)];
- To permit the expansion of a legal non-conforming use (porch) to be located 12.9 metres from the high water mark of a waterbody; whereas for an existing lot of record which has less than 64 metres of lot depth, the minimum water setback shall be 20 metres. [Section 3.27.4 c)];
- To permit the expansion of a legal non-conforming use (cottage); whereas where an existing, non-conforming dwelling may be moved or reconstructed to improve the existing water setback(s) of the dwelling, even if the improved setback(s) does not meet any other minimum required water setback described in the subsection, provided the dwelling to be moved or reconstructed is not increased in height, size or volume and the appropriate approvals for private sewage disposal services are obtained, and all other provisions of the By-law are complied with. [Section 3.27.4 e)].

Permission Rationale

Expansion of a legal non-conforming use is permitted under Section 45(2) of the *Planning Act*. There are no tests set out in the *Planning Act* for applications under Section 45(2). The decision of Sims et al. v. Daschko (attached to this covering letter) sets out the test for expansion of a legal non-conforming use. The Ontario Municipal Board decision states that: *"there must always be a prior consideration of whether what is intended is indeed desirable for the appropriate development or use of the land, building or structure. The effect of any concession made must always be weighed in the light of the impact it could have upon neighbouring properties enjoying a different classification"*.

Expansion of a legally non-conforming use must therefore be appropriate and desirable for the area, and the impacts of expanding the legally non-conforming use on neighbouring properties must be examined.

Tests for Permission

The first test for expansion of a legal non-conforming use is that it must be desirable for the appropriate development or use of the land, building, or structure.

309A Trebbien Road is designated Rural on Schedule A of the County of Renfrew Official Plan. Section 5.3 of the Official Plan sets out policies for lands designated Rural. Policy 1 of Section 5.3 permits limited low density residential uses including the proposed cottage.

Section 9.3 of the County's Official Plan sets out policies for at capacity lakes. Policy 1 of Section 9.3 lists Lake Clear as an "At Capacity Lake". Policy 2 (d) of Section 9.3 of the Official Plan states:

"Development on existing lots with lakeshore frontage shall only be permitted under the following conditions:

- i. No more than one single detached dwelling unit shall be permitted on a single vacant lot.*
- ii. All buildings and structures and associated private waste disposal systems shall have a minimum setback of 30 metres from the high water mark of the lake, or in the case of existing lots, where this setback cannot be met, the setback shall be as remote from the high water mark as the lot will permit to the satisfaction of the Local Council and the applicable approval authority for the private waste disposal system.*
- iii. All new permits issued by the applicable approval authority for private waste disposal systems which involve construction of tile beds will be conditional upon the use of a fill material known to have a good phosphorus retention capability.*
- iv. The property between the shoreline of the lake and the dwelling or private waste disposal system will be retained where possible in its natural state to serve as a buffer which will assist in minimizing the land-surface transport of nutrient laden silt to the lake. The retention of the natural soil mantle and natural vegetation within 30 metres of the shoreline of the lake will be encouraged.*

- v. *Dredging and/or filling activities involving the littoral zone shall be discouraged in order to avoid the re-suspension of nutrients from the lakes sediments and the destruction of fish habitat. Any such dredging or filling shall require the prior approval of the Local Council and the Ministry of Natural Resources and Forestry and the Federal Department of Fisheries and Oceans."*

It is proposed to replace the existing one-storey cottage with a new two-storey cottage situated 13.4 metres from the Lake. A new septic system is required in support of the proposed development and the new septic system will be located as far from Lake Clear as possible on the Subject Property. The design of the septic system will be required to be approved by the Chief Building Official prior to construction. No changes are proposed to landscaping between the new cottage and Lake Clear. No dredging or filling is proposed in the littoral zone of Lake Clear.

Policy 11 of Section 2.2 of the Official Plan sets out policies for water setbacks and protection of shoreline integrity. Policy 11 (b) of Section 2.2 states:

"Generally all buildings and structures and associated private waste disposal systems will be set back a minimum horizontal distance of 30 metres (or approximately 100 feet) from the normal high water mark of a water body. This requirement may be increased, or in very limited situations decreased. In the case of existing lots, where the setback cannot be met (parcel is a small size or has physical constraints), the setback shall be as remote from the high water mark as the lot will permit... .

For existing lots of record, where a development is proposed to decrease the minimum 30 metre horizontal setback from the high water mark of a water body, a report, prepared by a professional, may be required that demonstrates the reduction is justified and that the development will not have a negative impact on the quality of the lake water, natural features, or neighbouring properties. The scope of the report should be such that its intent is not to justify an inappropriate encroachment closer to the high watermark than can otherwise be accommodated by an undersized lot. The study should identify existing constraints (lot size, topographical constraints), identify appropriate envelopes for dwelling and septic tile field as far back from the high water mark as is reasonably possible and suggest appropriateness of dwelling size (envelope) for the undersized subject lot."

A new septic system is proposed in support of the expanded cottage on the Subject Property. The proposed septic system will be located as far away from Lake Clear as possible given site constraints on the property. The septic system design will be required to be approved by the Chief Building Official prior to issuance of a building permit.

In recognizing that the proposed development is within 20 metres of an at capacity lake, the following best management practices will be implemented. These mitigation measures are intended to minimize environmental impacts resulting from the proposed redevelopment.

1. All construction work associated with the proposed cottage and septic system installation shall be carried out expeditiously, with good trade practices, as to cause minimal environmental disturbance to the lake environment and nuisance to neighbours.
2. Every effort shall be made to restrict the disturbance of soil and vegetation cover during construction. Vegetation removal shall be limited to the greatest extent possible, and only as necessary to accommodate the placement of the cottage and installation of the septic system.

3. Where adjacent trees are to be retained, sturdy protective fencing is recommended around the perimeter of the work areas to ensure the adjacent vegetation to be retained is not impacted by the construction and to isolate the work area from sensitive wildlife. The protective fencing is to be installed at the outer limits of the critical root zone of the retained adjacent trees.
4. Sediment and erosion control measures, in accordance with best management practices (i.e silt fencing), are to be established adjacent to the construction area and shall be implemented prior to construction and maintained throughout the construction process. Any sediment control works shall remain in place until all disturbed areas have been stabilized and vegetation is well established.
5. Drainage patterns on this property should not be adjusted to allow any further run-off from the site onto adjacent lands or waterbodies. Roof runoff and eavestroughing should be directed to soak-away pits, grass or other permeable surfaces.

Policy 11 (d) of Section 2.2 states:

"The property between the shoreline of the water body and the dwelling or private waste disposal system will be retained where possible in its natural state to serve as a buffer which will assist in minimizing the land-surface transport of nutrients to the lake or water body and maintaining a natural landscape view from the water. The retention of the natural soil mantle and vegetation within 30 metres (or approximately 100 feet) of the shoreline of the water body is encouraged."

No changes are proposed to the landscaping between the cottage and the shoreline of Lake Clear. The requested permission will facilitate expanding the existing cottage and will increase the setback of the cottage from the Lake.

The requested permission is desirable for the appropriate development and use of the Subject Property.

The second test for expanding a legal non-conforming use is impact on neighbouring properties.

The proposed cottage will be generally in the same location with a slightly larger setback from Lake Clear than the existing cottage. There are two residential properties adjacent to 309A Trebbien Road developed with cottages. 309B Trebbien Road is north of the Subject Property, and 291A Trebbien Road is located south of the Subject Property. These cottages are approximately 55 metres and 22 metres from the existing cottage on the Subject Property respectively (see Figure 8). The cottage at 291A Trebbien Road is at a higher elevation than the existing cottage on the Subject Property. Both cottages are screened from view of the proposed development by trees.

The requested permission to expand a legally non-conforming cottage is not anticipated to have a negative impact upon neighbouring properties.

Figure 8. Separation Distances



Provincial Planning Statement

Section 3 (5) of the *Planning Act* states:

"A decision of the council of a municipality, a local board, a planning board, a minister of the Crown and a ministry, board, commission or agency of the government, including the Tribunal, in respect of the exercise of any authority that affects a planning matter,

(a) subject to a regulation made under subsection (6.1), shall be consistent with the policy statements issued under subsection (1) that are in effect on the date of the decision;" 2006, c. 23, s. 5; 2017, c. 23, Sched. 5, s. 80; 2023, c. 10, Sched. 6, s. 2 (1).

The Provincial Planning Statement 2024 (PPS) provides policy direction on matters of provincial interest related to land use planning and development in the Province of Ontario. The Provincial Planning Statement 2024 came into effect October 20, 2024. All decisions affecting planning matters "shall be consistent with" policy statements issued under the *Planning Act*.

309A Trebbien Road is designated Rural on Schedule A of the County of Renfrew Official Plan. Section 2.6 of the PPS sets out policies for rural lands in municipalities and Policy 1 of Section 2.6 of the PPS states:

"On rural lands located in municipalities, permitted uses are:

c) residential development, including lot creation, where site conditions are suitable for the provision of appropriate sewage and water services,"

Policy 2 of Section 2.6 of the PPS states:

“Development that can be sustained by rural service levels should be promoted.”

The existing cottage is a legal non-conforming use. The LSR zone permits a limited service dwelling as a residential use. The requested permission supports the continued use of the Subject Property for residential uses. The proposed development will replace the existing one-storey cottage on the Subject Property with a two-storey cottage. A new septic system will be designed in support of the proposed development. The septic system will be located east of the cottage, with effluent pumped to the septic bed to be located to the rear of the property, away from the Lake. The design of the septic system will be required to be approved by the Chief Building Official prior to issuance of a building permit for construction. The new septic system will be located on the rear of the Subject Property, as far as possible from Lake Clear. The proposed septic system improves upon the existing services (outhouse) on the Subject Property.

The requested permission is consistent with the policies of the PPS.

Conclusions

The proposed development at 309A Trebbien Road is appropriate and desirable for the use of the land and the surrounding area. The expansion will have no impact on surrounding properties. The proposed development conforms to Section 42(2) of the *Planning Act*. The permission to expand legal non-conforming rights represent good land use planning.

In support of this permission application, please find enclosed:

- One (1) copy of this Cover Letter;
- Complete Permission (minor variance) Application Form (one copy);
- Survey Plan 49R-20893 (one 11x17 copy); and
- Property Sketch (one 11x17 copy).

Should you have any questions regarding this application please do not hesitate to contact the undersigned.

Yours truly,

NOVATECH



Ryan Poulton, M.PL., MCIP, RPP
Project Manager

1975 CarswellOnt 1185
Ontario Municipal Board

Sims v. Daschko

1975 CarswellOnt 1185, 4 O.M.B.R. 390

Sims et al. v. Daschko

McCrae V-Chair

Judgment: April 3, 1975

Docket: None given.

Counsel: Eugene Fedak, for John Daschko

Headnote

Municipal law

A. L. McCrae, Vice-Chairman:

1 This application comes to the Board by way of an appeal by Anthony Sims, Alex Gould and Clara Zitaruk from a decision of the Committee of Adjustment of the City of Hamilton dated July 2, 1974, whereby the Committee granted an application by John Daschko for a variance from the provisions of By-law 6593 of the City of Hamilton, as amended, to permit the construction of a one-storey and a two-storey addition onto an existing bakery located at the rear of dwelling house premises known municipally as 16 Earl St., notwithstanding that this would be an extension of a non-conforming use and upon the conditions set out in the said decision.

2 In its written reasons, the Committee of Adjustment stated in part as follows:

1. The proposed addition will act as infilling for the existing bakery and would appear to co-ordinate the operations of the bakery and eliminate some of the existing unsightliness as well as the dilapidated structure;

2. The one storey addition replacing the drive shed that appears to be in existence in excess of 20 years would have a minimal effect on the sun light for the abutting properties to the north.

3 Evidence adduced before the Board was that the lands with which the Board is dealing were zoned as "D" by the by-law in force in the municipality, which would permit one and two-family residences. In 1974, an amending By-law 74-60 was passed by the municipal Council and not as yet approved by the Ontario Municipal Board, rezoning the rear portion of the lands of the applicant of the first instance from "D" to "H", which is a commercial classification, but like the "D" use does not permit bakeries. The Committee of Adjustment is of the opinion that the current zoning is that to which consideration should be given in dealing with this matter. It would appear however that there is not too much turning upon this since under both by-laws the use being made of the lands we are dealing with remains legal non-conforming. Extensions of course, of a legal non-conforming use are permitted subject to the requirements of s. 42 [of the *Planning Act*, R.S.O. 1970, c. 349] and providing that what is proposed constitutes a proper planning concept for the area which will not adversely affect the amenities of other properties lying in close proximity.

4 Alexander Gould, one of the appellants, stated that he has lived at 20 Earl St. for over 20 years and is located only two houses to the north of the subject bakery. It is his evidence that he resides in a single-family home upon which he has spent some \$7,000 in home improvements over the years. To the rear of his property he has invested some \$200 in a rose garden requiring a normal amount of sunlight. Exhibit 2 is an old photograph of his home prior to any renovation and showing an additional structure on the front, which has since been torn down. Exhibit 5 is a view of his home as renovated showing its relationship or

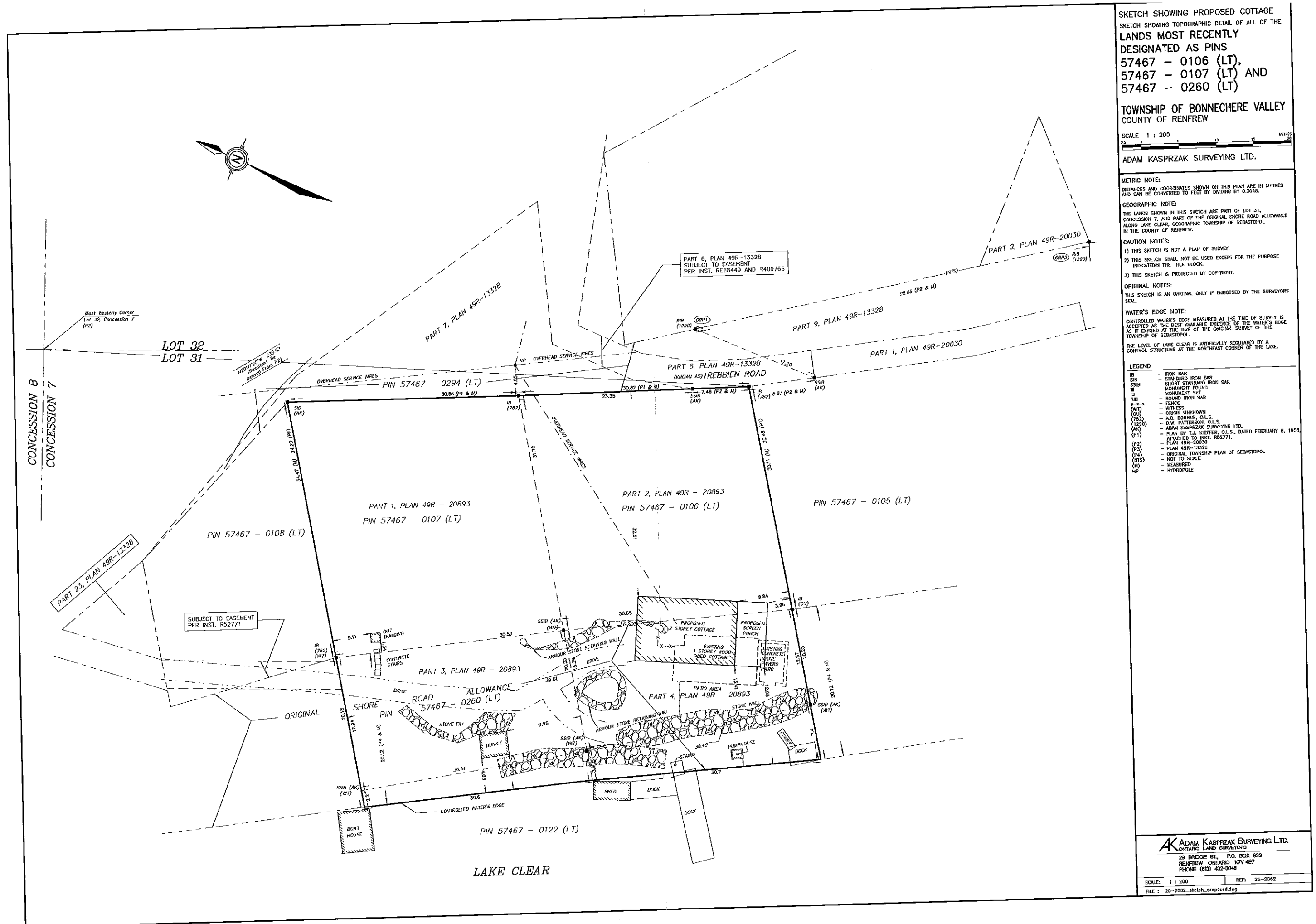
proximity to the home of Anthony Sims, another appellant. The witness Gould stated that he was not opposed to the expansion but only to the manner in which it was going to be accomplished. It was his opinion that the proposed extension should be located elsewhere on the property and not in such close proximity to existing residential homes. His main concern is that the extensions proposed will reduce the light to his back yard. He contends that the two-storey addition should be erected on an existing concrete block addition to the east and abutting a 12-foot alley. If this was done, it would be possible to further extend the building to a height of one storey to the west. It would appear, however, on submissions made that such a rearrangement would not be possible due to the bearing qualities of the existing concrete block addition.

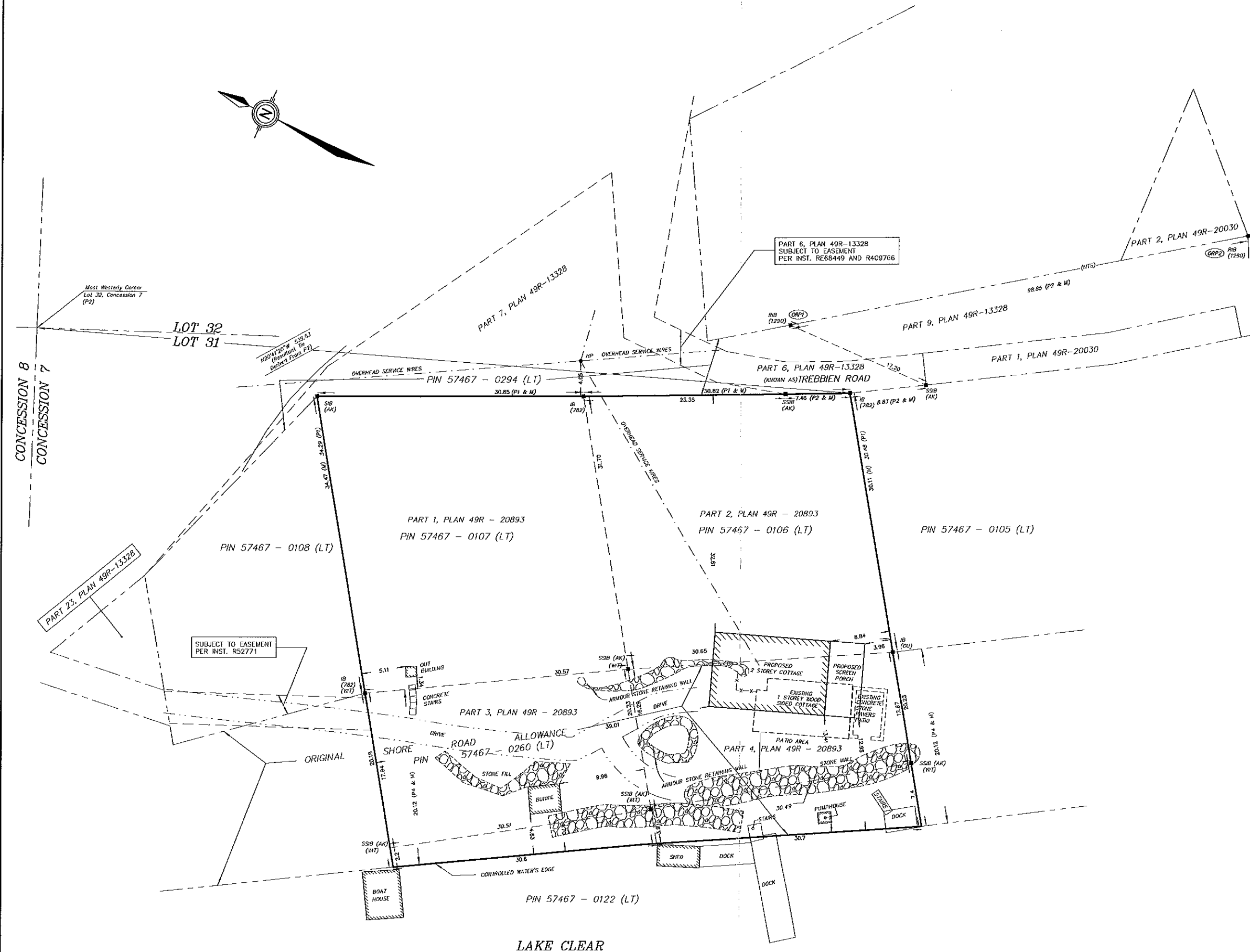
5 The other appellant, Anthony Sims, was not present but was represented by his son, Alexander. He stated that his father resides at 18 Earl St. immediately adjacent to the bakery. From the back wall of his father's home to the high board fence at the rear, there is only a distance of 12 ¹/₂ ft. The only kitchen window faces to the east. On the south side of the house there is a distance of seven ft. three in. between it and the Daschko property. This is better seen on ex. 4, which shows the board fence to the rear and the mesh fence to the south delineating the Sims and Daschko lands. The one-storey addition, which will be approximately 10 ft. high and 15 ft. in width contemplated to replace the drive shed, will extend across a very large portion of the 25-foot rear width of the Sims property. This will block off a great deal of the limited exposure his father's property presently has, since he only has seven ft. three in. on the south part of 18 Earl St. suitable for that purpose. The witness stated that there is also a concern being expressed about the possible noise factor which would emanate from any addition to the existing bakery and raises the possibility that it would be possible to install other machinery in the building at a later date. Like the other appellant, he is of the opinion that any addition proposed should be located elsewhere on the Daschko property as it should be farther away from the residential users most affected. At the present time, he states, certain noise does emanate from the existing bakery.

6 Counsel for the applicant of the first instance did not call evidence to support the position of the applicant, but made submissions to the Board that the only concerns that had been expressed by the appellants had to do with a fear of loss of light and of noise. He raised the possibility that the addition proposed could quite possibly have the effect of muffling existing noise and any additional which might be created. He does not agree that there will be any adverse effects upon the adjacent properties through loss of light.

7 Applications such as this with which the Committee of Adjustment and the Board must deal are quite often, as is the case here, of a very complex nature. While the *Planning Act* does in equity make provision for those properties which have been classed as legal non-conforming so that extensions of that use under proper circumstances might be contemplated, there must always be a prior consideration of whether what is intended is indeed desirable for the appropriate development or use of the land, building or structure. The effect of any concession made must always be weighed in the light of the impact it could have upon neighbouring properties enjoying a different land use classification. Even the most recent by-law passed by the municipality does not permit bakeries within the land use classification that has been given to the subject property. It is quite clear that the homes on Earl St. were erected at a time before land use planning had been introduced to Ontario. The very minimal spacing between the homes on the street and the limitation upon lot sizes coupled with the mixing of various type of land uses in the area give eloquent testimony to this. In view of the limited residential amenities that presently apply to the lands of the appellants, it is my opinion that far greater thought planning-wise should be given to any proposed development in the immediate area than would appear to have been the case in the application before the Board. There is no planning evidence before me to support what is being sought by the owner of the bakery nor to satisfy me that the extension of the present bakery use will not adversely affect the already limited residential amenities of the neighbouring properties.

8 In all the circumstances, therefore, I am of the opinion that the appeal should succeed and the decision of the Committee of Adjustment is accordingly set aside.





SKETCH SHOWING PROPOSED COTTAGE
 SKETCH SHOWING TOPOGRAPHIC DETAIL OF ALL OF THE
 LANDS MOST RECENTLY
 DESIGNATED AS PINS
 57467 - 0106 (LT),
 57467 - 0107 (LT) AND
 57467 - 0260 (LT)

TOWNSHIP OF BONNECHERE VALLEY
 COUNTY OF RENFREW

SCALE 1 : 200
 ADAM KASPRZAK SURVEYING LTD.

METRIC NOTE:
 DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES
 AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

GEOGRAPHIC NOTE:
 THE LANDS SHOWN IN THIS SKETCH ARE PART OF LOT 31,
 CONCESSION 7, AND PART OF THE ORIGINAL SHORE ROAD ALLOWANCE
 ALONG LAKE CLEAR, GEOGRAPHIC TOWNSHIP OF SEBASTOPOL,
 IN THE COUNTY OF RENFREW.

CAUTION NOTES:
 1) THIS SKETCH IS NOT A PLAN OF SURVEY.
 2) THIS SKETCH SHALL NOT BE USED EXCEPT FOR THE PURPOSE
 INDICATED IN THE TITLE BLOCK.
 3) THIS SKETCH IS PROTECTED BY COPYRIGHT.

ORIGINAL NOTES:
 THIS SKETCH IS AN ORIGINAL ONLY IF EMBOSSED BY THE SURVEYORS
 SEAL.

WATER'S EDGE NOTE:
 CONTROLLED WATER'S EDGE MEASURED AT THE TIME OF SURVEY IS
 ACCEPTED AS THE BEST AVAILABLE EVIDENCE OF THE WATER'S EDGE
 AS IT EXISTED AT THE TIME OF THE ORIGINAL SURVEY OF THE
 TOWNSHIP OF SEBASTOPOL.

LEGEND

IB	IRON BAR
SSB	STANDARD IRON BAR
SSB	SHORT STANDARD IRON BAR
■	MONUMENT FOUND
□	MONUMENT SET
RB	ROUND IRON BAR
—+—+—	FENCE
(WT)	WITNESS
(OU)	ORIGIN UNKNOWN
(782)	A.C. BOURNE, O.L.S.
(1290)	D.W. PATTERSON, O.L.S.
(AK)	ADAM KASPRZAK SURVEYING LTD.
(P1)	PLAN BY T.J. KIEFER, O.L.S., DATED FEBRUARY 6, 1958, ATTACHED TO INST. R52771.
(P2)	PLAN 49R-20030
(P3)	PLAN 49R-13328
(P4)	ORIGINAL TOWNSHIP PLAN OF SEBASTOPOL
(HTS)	NOT TO SCALE
(M)	MEASURED
HP	HYDROPOLE

AK ADAM KASPRZAK SURVEYING LTD.
 ONTARIO LAND SURVEYORS
 29 BRIDGE ST., P.O. BOX 633
 RENFREW ONTARIO K7V 4E7
 PHONE (613) 432-3048

SCALE: 1 : 200 REF: 25-2062

SCHEDULE				
PART	LOT	CONCESSION	PIN	AREA (HA)
1	PT 31	7	NL 87487 - 0107 (LT)	0.101
2			NL 87487 - 0108 (LT)	0.094
3	PT ORIGINAL SHORE ROAD ALLOWANCE ALONG LAKE CLEAR, FRONTING LOT 31, CONCESSION 7		PT 87487 - 0260 (LT)	0.041
4			PT 87487 - 0260 (LT)	0.047

PART 1 IS COMPRISED OF ALL OF PIN 57487 - 0107 (LT).
 PART 2 IS COMPRISED OF ALL OF PIN 57487 - 0108 (LT).

PLAN 49R - 20893
 RECEIVED AND DEPOSITED
 FEB 21 FEBRUARY 2025
 (date)
 Representative for LAND REGISTRAR FOR THE LAND TITLES DIVISION OF RENFREW (No. 49)
 I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT
 DATE: FEBRUARY 19, 2025
 SIMON KASPRZAK
 SIMON KASPRZAK

PLAN OF SURVEY
 OF PART OF
LOT 31, CONCESSION 7
 AND PART OF
ORIGINAL SHORE ROAD ALLOWANCE ALONG LAKE CLEAR
 (FRONTING LOT 31, CONCESSION 7)
 GEOGRAPHIC TOWNSHIP OF SEBASTOPOL
 TOWNSHIP OF BONNECHERE VALLEY
 COUNTY OF RENFREW
 SCALE 1 : 200
 ADAM KASPRZAK SURVEYING LTD.

BEARING NOTE:
 BEARINGS ARE UTM GRID DERIVED FROM PLAN 49R-20030. OBSERVATIONS ON MONUMENTS ORP1 AND ORP2, SHOWN HEREON, HAVING A GRID BEARING OF N35°58'00"W, REFERRED TO THE CENTRAL MERIDIAN OF UTM ZONE 18 (75° WEST LONGITUDE) NAD 83 (CSRS) (1997). FOR BEARING COMPARISONS, THE ASTRONOMIC BEARINGS ON UNDERLYING PLANS WERE ROTATED AS FOLLOWS:
 (P1) 1°47'00" CLOCKWISE
 (P3) 1°34'20" CLOCKWISE

METRIC NOTE:
 DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

DISTANCE NOTE:
 DISTANCES SHOWN ON THIS PLAN ARE GROUND DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY A COMBINED SCALE FACTOR OF 0.99981.

MONUMENT NOTE:
 SSB PLANTED DUE TO INSUFFICIENT OVERBURDEN, OR SUBSURFACE BEDROCK.

WATER'S EDGE NOTE:
 CONTROLLED WATER'S EDGE MEASURED AT THE TIME OF SURVEY IS ACCEPTED AS THE BEST AVAILABLE EVIDENCE OF THE WATER'S EDGE AS IT EXISTED AT THE TIME OF THE ORIGINAL SURVEY OF THE TOWNSHIP OF SEBASTOPOL.

THE LEVEL OF LAKE CLEAR IS ARTIFICIALLY REGULATED BY A CONTROL STRUCTURE AT THE NORTHEAST CORNER OF THE LAKE.

NOTE A:
 SET PARALLEL TO ADJACENT BOUNDARIES AS SHOWN ON (P1).

INTEGRATION DATA:

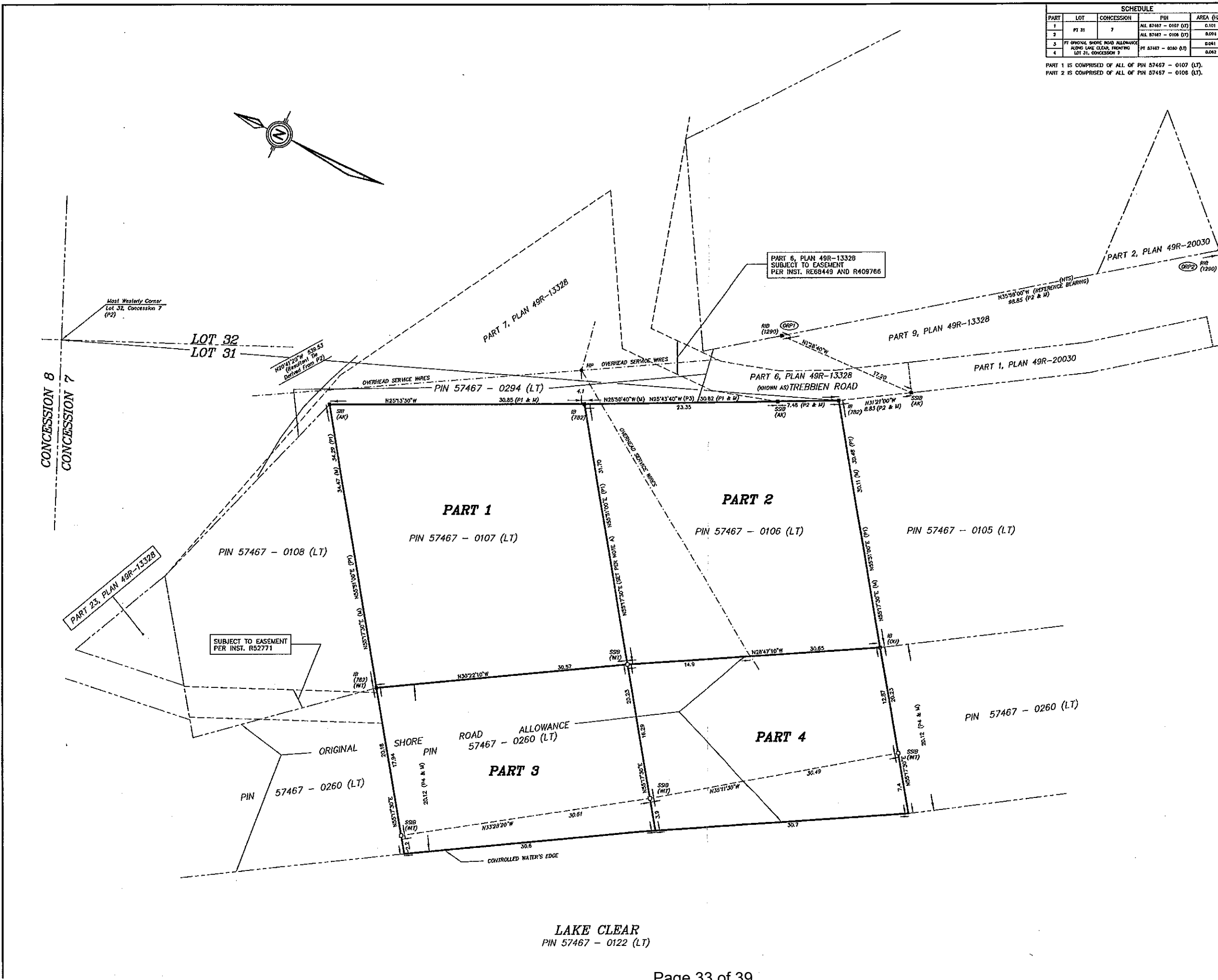
OBSERVED REFERENCE POINTS (ORP) DERIVED FROM PLAN 49R-20030, UTM ZONE 18 NAD83 (CSRS)(1997).		
POINT ID	NORTHING	EASTING
ORP1	5 032 800.01	332 242.00
ORP2	5 032 820.00	332 300.09

COORDINATE VALUES TO RURAL ACCURACY PER SEC. 14 (2) OF O. REG. 218/10 AND CANNOT IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

- LEGEND**
- IB - IRON BAR
 - SIB - STANDARD IRON BAR
 - SSB - SHORT STANDARD IRON BAR
 - M - MONUMENT FOUND
 - ES - MONUMENT SET
 - RIB - ROUND IRON BAR
 - F - FENCE
 - (WT) - WITNESS
 - (OU) - GROUND UNKNOWN
 - (782) - A.C. BOHRNE, O.L.S.
 - (1290) - D.W. PATTERSON, O.L.S.
 - (AK) - ADAM KASPRZAK SURVEYING LTD.
 - (P1) - PLAN BY T.J. KIEFFER, O.L.S., DATED FEBRUARY 6, 1958, ATTACHED TO DIST. R52771.
 - (P2) - PLAN 49R-20030
 - (P3) - PLAN 49R-13328
 - (P4) - ORIGINAL TOWNSHIP PLAN OF SEBASTOPOL
 - (NTS) - NOT TO SCALE
 - (U) - MEASURED
 - HP - HYDROPOLE

SURVEYOR'S CERTIFICATE
 I CERTIFY THAT:
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
 2. THE SURVEY WAS COMPLETED ON FEBRUARY 11, 2025.
 DATE: FEBRUARY 19, 2025

Simon Kasprzak
 SIMON KASPRZAK
 ONTARIO LAND SURVEYOR
 THIS PLAN OF SURVEY RELATES TO A/LS PLAN SUBMISSION FORM NUMBER V - 51883
ADAM KASPRZAK SURVEYING LTD.
 ONTARIO LAND SURVEYORS
 20 BRIDGEE ST., P.O. BOX 630
 RENFREW, ONTARIO K7V 4E7
 PHONE (613) 432-9048
 SCALE: 1 : 200 REF: 24-2153



Application for Minor Variance

*Note: The " * " identifies prescribed information outlined in Ontario Regulation 200/96;*

PART I GENERAL INFORMATION

1. APPLICANT/OWNER INFORMATION

- a) *Applicant's Name(s): Novatech
- *Address: 240 Michael Cowpland Drive, Suite 200, Ottawa, Ontario K2M 1P6
- *Phone#: Home (____) _____ Work () Fax (____) _____
- b) *The applicant is: the registered owner [] an agent authorized by the owner [*]
- c) If the applicant is an agent authorized by the owner, please complete the following:
- *Name of Owner: Neil and Paula Moloney
- *Address of Owner 1530 Caton Street, Ottawa, Ontario K1H 6J4
- *Phone#: Home (____) _____ Work () Fax (____) _____
- d) To whom should correspondence be sent? Owner [] Applicant [] Both [*]

2. *PROVIDE A DESCRIPTION OF THE SUBJECT LAND:

Street Address: 309A Trebbien Road

Municipality: Township of Bonnechere Valley Concession: 7 Lot: Pt Lot 31

Registered Plan No.: _____ Block or Lot No(s). in the Plan: _____

Reference Plan No.: 49R-20893 Part No(s).: Parts 1 to 4

Assessment Roll Number _____

3. *CURRENT DESIGNATION OF THE SUBJECT LAND IN THE OFFICIAL PLAN:

Rural

4. *CURRENT ZONING OF THE SUBJECT LAND:

Limited Service Residential (LSR)

PART II DETAILS OF THE APPLICATION

5. *PLEASE STATE THE NATURE AND EXTENT OF THE RELIEF FROM THE ZONING BY-LAW

The permission application proposes to permit the expansion of a legally non-conforming use (cottage and porch) to be located 13.4 metres and 12.9 metres respectively from the normal high water mark of a waterbody. Permission is also requested to increase the size of the legally non-conforming use (cottage).

6. *WHAT IS THE REASON WHY THE PROPOSED USE CANNOT COMPLY WITH THE PROVISIONS OF THE ZONING BY-LAW?

The existing cottage on the property is legally non-conforming with respect to the required setback from the normal high water mark of Lake Clear. A new cottage and porch is proposed in approximately the same location as the existing cottage. The new cottage cannot be located further from Lake Clear due to the topography of the property.

7. *DIMENSIONS OF THE SUBJECT LAND:

Frontage: 61 metres (Trebbien Road) Depth: 51.89 metres Area: 3,187 square metres

8. *PLEASE MARK BELOW THE ACCESS TO THE SUBJECT LAND:

☐ Provincial Highway ☐ Municipal Road Maintained All Year
☐ Municipal Road Maintained Seasonally ☒ Right Of Way ☐ Water
☐ Other Public Road: _____ (Private Road)

9. *IF THE ONLY ACCESS IS BY WATER, PLEASE STATE BELOW THE PARKING AND DOCKING FACILITIES THAT ARE TO BE USED, AND THE DISTANCE OF THESE FACILITIES FROM THE SUBJECT LAND AND FROM THE NEAREST PUBLIC ROAD:

n/a

10. *WHEN WAS THE SUBJECT LAND ACQUIRED BY THE CURRENT OWNER?

April 15, 2021, Shoreline Road Allowance (Parts 3 and 4 Plan 49R-20893) acquired in March 2025.

11. *WHAT ARE THE EXISTING USES OF THE SUBJECT LAND AND HOW LONG HAVE THEY CONTINUED?

#1 Dwelling, Limited Services (Cottage) Since: 1970 / 55 Years

#2 _____ Since: _____ / _____ Years

12. *ARE THERE ANY BUILDINGS OR STRUCTURES ON THE SUBJECT LAND?

☒ Yes ☐ No

13. *WHAT ARE THE "PROPOSED" USES OF THE SUBJECT LAND?

Dwelling, Limited Services (Cottage)

20. APPLICATION SKETCH

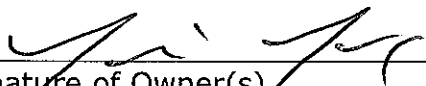
On a separate page(s), please provide a sketch, preferably prepared by a qualified professional, showing the following: (In some cases, it may be more appropriate to prepare additional sketches at varying scales to better illustrate the proposal.)

- * Boundaries and the dimensions of the subject land for which the amendment is being sought.
- * The location, size and type of all existing and proposed buildings and structures, indicating the distances from the front yard lot line, rear yard lot line and the side yard lot lines.
- * The approximate location of all natural and artificial features on the subject land and on land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks.
- * The current uses on land that is adjacent to the subject land.
- * The location, width, and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way.
- * If access to the subject land is by water only, the location of the parking and docking facilities to be used.
- * The location and nature of any easement affecting the subject land.
- Applicant's Name
- Date of Sketch
- The scale to which the sketch is drafted (e.g. 1 cm = 50 m)
- North Arrow
- The locations and dimensions of off-street parking spaces and off-street loading facilities
- Planting strips and landscaped areas
- Buildings to be demolished or relocated.

PART III AUTHORIZATION OF OWNER FOR AGENT TO MAKE THE APPLICATION:

(If affidavit (Part IV) is signed by an Agent on Owner's behalf, the Owner's written authorization below must be completed)

I (we) Neil Moloney of the Township of Barnetson Valley in the County of Renfrew do hereby authorize Novatech Engineers to act as my (our) agent in this application.


Signature of Owner(s)

June 10, 2025
Date

PART IV *AFFIDAVIT: (This affidavit must be signed in the presence of a Commissioner)

I, (we) Neil Moloney of the
Township of Bonnechere Valley in the County of Renfrew solemnly declare that
all of the information required under Ontario Regulation 200/96, and the statements
contained in this application are true, and I, (we), make this solemn declaration
conscientiously believing it to be true, and knowing that it is of the same force and effect
as if made under oath and by virtue of the **CANADA EVIDENCE ACT.**

DECLARED before me at the Village of Eganville in the
County of Renfrew this 10 day of June, 2025

[Signature]
Signature of Owner or Authorized Agent

June 10, 2025
Date

[Signature]
Signature of Commissioner

June 10, 2025
Date

ERICA RICE
Planning and Licensing Clerk
Commissioner for taking Affidavits
for the Corporation of the
Township of Bonnechere Valley

NOTE: One of the purposes of the Planning Act is to provide for planning processes that are open, accessible, timely and efficient. Accordingly, all written submissions, documents, correspondence, e-mails or other communications (including your name and address) form part of the public record and will be disclosed/made available by the local Municipality to such persons as the local Municipality sees fit, including anyone requesting such information. Accordingly, in providing such information, you shall be deemed to have consented to its use and disclosure as part of the planning process.

(To be completed by the Municipality)

"COMPLETE" APPLICATION AND FEE OF \$ _____ **RECEIVED BY THE MUNICIPALITY:**

Date

Signature of Municipal Employee

Roll # _____



The Corporation of the Township of Bonnechere Valley

Committee of Adjustment Decision

Application No.	PA -01 Neil and Paula Moloney
Date of Hearing	July 15, 2025
Date of Decision	July 15, 2025

In the matter of section 45 of the Planning Act, Zoning by-law No. 2022-042
and an application for () minor variance or (x) permission application
a) Section 3.27.4(c): permit the cottage to be located 13.4 metres from the high water mark;
b) Section 3.27.4(c): permit the porch to be located 12.9 metres from the high water mark;
and c) Section 3.27.4(e): permit the cottage to be increased in height, size, and volume.

Location of the property: **Part of Lot 31, Concession 7, known as 291B Trebbien Road.**

Street Address: **291B Trebbien Road**

The request is hereby () refused or () granted, subject to the following conditions:

1. All construction work associated with the proposed cottage and septic system installation shall be carried out expeditiously, with good trade practices, as to cause minimal environmental disturbance to the lake environment and nuisance to neighbours.
2. Every effort shall be made to restrict the disturbance of soil and vegetation cover during construction. Vegetation removal shall be limited to the greatest extent possible, and only as necessary to accommodate the placement of the cottage and installation of the septic system.
3. Where adjacent trees are to be retained, sturdy protective fencing is recommended around the perimeter of the work areas to ensure the adjacent vegetation to be retained is not impacted by the construction and to isolate the work area from sensitive wildlife. The protective fencing is to be installed at the outer limits of the critical root zone of the retained adjacent trees.

4. Sediment and erosion control measures, in accordance with best management practices (i.e. silt fencing), are to be established adjacent to the construction area and shall be implemented prior to construction and maintained throughout the construction process. Any sediment control works shall remain in place until all disturbed areas have been stabilized and vegetation is well established.

5. Drainage patterns on this property should not be adjusted to allow any further run-off from the site onto adjacent lands or waterbodies. Roof runoff and eavestroughing should be directed to soak-away pits, grass or other permeable surfaces.

Reasons: _____

Concur in the Decision:

_____	Committee Member
_____	Committee Member
_____	Committee Member
_____	Committee Member
_____	Committee Member

Notice of Last Date of Appeal

Notice is hereby given that the last date for appealing this decision to the Ontario Municipal Board is **August 4, 2025**.