

**NOTICE OF DECISION OF
COMMITTEE OF ADJUSTMENT
WITH REASONS RE APPLICATION FOR**

File No. 03-MV-2023



Minor Variance – s.45 (1)



Permission – s.45 (2)

MUNICIPALITY OF SOUTH DUNDAS COMMITTEE OF ADJUSTMENT

Name of Committee

RE AN APPLICATION BY

Swank Construction Ltd.

Name of Applicant

10781 County Road 2, Iroquois ON, K0E 1K0

Address of Applicant

LOCATION OF PROPERTY

5620 Hanes Road, Morrisburg ON, K0C 1X0

Brief description

PURPOSE OF APPLICATION **is to reduce the minimum required setback from a waterbody in the "Residential Waterfront (RW)" zone from a previously approved setback of 13.4m to 10m from the normal high-water mark.**

As set out in application

WE, the undersigned, in making the decision upon this application, have considered whether or not the variance requested was minor and desirable for the appropriate development or use of the land, building or structure, and that the general intent and purpose of the zoning by-law and the official plan will be maintained or, in the case of a change in a use of property which is lawfully non-conforming under the by-law, as to whether or not this application has met the requirements of subsection 45 (2) of the *Planning Act*, concur in the following decision and reasons for decision made on the **24th day of August, 2023.**

DECISION:
Granted

CONDITIONS:
That the applicant provides a lot grading plan prepared by a Professional Engineer and submitted for approval to the Chief Building Official no later than November 1 st 2023; and,
That the applicant enhances and maintains the vegetated buffer along the watercourse, and implements standard erosion and sediment control during the construction of the dwelling and accessory building to the satisfaction of South Nation Conservation

REASONS FOR DECISION:
The variance would not have an adverse impact on surrounding land uses based on the recommended conditions.
The proposal allows for the existing lot of record to be developed while maintaining appropriate protection for fish habitat and provides mitigation for flood risk with conditions.
All four of the minor variance tests were satisfied in the opinion of the committee, it is minor in nature, it is desirable and an appropriate use for the neighbourhood, the proposed dwelling does conform to the general intent of the Zoning By-law and the Official Plan.
A building permit will be issued after the appeal period and verification that there are no appeals.



Signature of member



Signature of member



Signature of member

NOTE: Continued on reverse

Appeal – The last date for filing a notice of appeal of this decision is September 14th, 2023. Any such appeal must be filed with the secretary-treasurer of the committee and must set out the objection to the decision and the reasons in support of the objection and must be accompanied by the fee required by the Ontario Land Tribunal.

Person – appeal limitation – Only individuals, corporations and public bodies may appeal decisions in respect of an application for a minor variance or permission to the Ontario Land Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.


Other applications – If known, indicate if the subject land is the subject of an application under the Act for:

- Approval of a plan of subdivision (under section 51) File# Status
- Consent (under section 53) File# Status
- Previous application (under section 45) File# Status

CERTIFICATION

I Rikki Johnston certify that the information included herein is a true copy of the decision of the committee with respect to the application recorded therein.

Dated this 25th day of August 2023



Signature of Secretary-Treasurer