

February 22, 2024

The Township of Leeds and the Thousand Islands
1233 Prince Street
Lansdowne, Ontario
K0E 1L0

**RE: Application for Zoning By-Law Amendment
311 Stratford Road
Leeds and the Thousand Islands, Ontario
Owner: Jeffrey and Kelly Cavanagh**

ZanderPlan has been retained by the property owners to provide planning support for a Zoning By-Law Amendment application for the property located at 311 Stratford Road. The subject property currently includes a large dwelling with a private well and septic system, an oversized boathouse, and an accessory building previously permitted to be built at a height of 7.9 m by a minor variance in 2016. The accessory building is being used in a non-compliant manner under the current zoning, as the upper storey has been developed as a dwelling unit. The property owners intend to remove the kitchen currently constructed in the accessory building, to convert the unit into a Sleep Cabin as defined in the Township's Zoning By-law. The sleep cabin will not fully conform with the existing zoning requirements, hence the property owners are seeking a Zoning Amendment to create a new Island Residential special exception zone to permit: a sleep cabin on the second storey of an accessory building, a sleep cabin with a height of 7.9 m, and an oversized sleep cabin with a gross floor area of 762 sq.ft (71 square metres).

PROPERTY LOCATION AND DETAILS

The subject property, shown in Figure 1, is located at 311 Stratford Road, Leeds and the Thousand Islands, Ontario. The Site is approximately 0.23 hectares, with an entrance on Stratford Road.

The property is currently zoned Island Residential (RI) and has been granted two minor variances related to accessory building height and boathouse size. Additionally, a zoning amendment was granted in 2021 to permit the boathouse to be used as an outdoor amenity space; this resulted in the waterfront area being zoned as an Environmental Protection Special Exception Zone (EP-6). Presently, the site has a large dwelling with a private well and septic system, a boathouse, and an accessory building, which includes a non-compliant upper storey dwelling unit. The property owners have agreed to remove the kitchen features from the accessory building and use the space as a sleep cabin which will include a bathroom. Additionally, the property owners intend to upgrade the septic system to support the sleep cabin together with the needs of the existing dwelling.

The property fronts onto the St. Lawrence River, however, no concerns from a natural hazards, natural heritage, or water quality perspective have been identified by the Cataraqui Conservation Authority, provided the upgraded septic system has a sufficient setback from the River. The surrounding properties are similarly zoned Island Residential under Schedule A of the Township of Leeds and the Thousand Islands Zoning By-Law.



Figure 1. Site Location

PROVINCIAL POLICY STATEMENT, 2020

The Provincial Policy Statement (PPS, 2020), created under the authority of Section 3 of the *Planning Act*, identifies matters of Provincial interest which must be considered when planning applications are filed in Ontario. Approval authorities are required to ensure that decisions on planning matters are consistent with these policies.

Section 1.0 of the PPS speaks to Building Strong Healthy Communities with policies for Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns found under **Section 1.1**. Permitting a sleeping cabin on the site within the existing accessory building will allow for a greater variety of uses on the property with no adverse effects on the environment or public health and safety since the building is already in place, (Sec. 1.1.1c) and support land use patterns that conserve biodiversity by providing additional sleeping space in an existing structure (Sec. 1.1.1h). Infrastructure and servicing facilities will be available to

P.O. Box 20148 Perth, Ontario K7H 3M6 ph. 613-264-9600 fax: 613-264-9609 www.zanderplan.com

adequately meet the projected needs of all structures on site once the sewage system is upgraded (Sec. 1.1.1g).

Section 1.1.4 of the PPS speaks to Rural Areas in Municipalities. Permitting the sleep cabin within the existing accessory building will provide additional sleeping space without resulting in any additional impact to the economic system or natural resources of the area or altering the rural character (Sec. 1.1.4.1).

Section 1.1.5 of the PPS speaks to Rural Lands in Municipalities. The development on the site is compatible with the rural landscape and can be sustained by the rural service levels, provided the septic system is upgraded as proposed (Sec. 1.1.5.4).

Section 1.2.6 of the PPS speaks to Land Use Compatibility, noting that “Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects”. The existing development and proposed plans of the site requiring amendments to the Zoning By-Law do not meet the definition of a major facility as defined by the Provincial Policy Statement as there are no adverse effects expected from contaminant discharges, noise, odour, or other public health risks from the proposed use of the existing lot and building (Sec. 1.2.6). Further, the subject property is not located in proximity to any major facilities that would result in a conflict with the proposed use.

Section 1.4 of the PPS speaks to Housing and providing an appropriate range and mix of housing options and densities. The proposed development will offer additional sleeping space to support the existing dwelling, which will help the housing meet the social, health, economic, and well-being requirements of the current residents (Sec. 1.4.3b). The subject site will also obtain the appropriate levels of infrastructure and servicing for the proposed use (Sec.1.4.3c).

Section 1.6.6 of the PPS speaks to Sewage, Water and Stormwater. The property owners intend to upgrade the septic system to adequately support the dwelling and sleep cabin, as required to meet the Township’s needs (Sec.1.6.6.1 b).

Section 2.1 of the PPS speaks to Natural Heritage, requiring natural features and areas to be protected for the long term (Sec. 2.1.1) and the diversity and connectivity of natural features to be maintained, restored, or where possible improved (Sec. 2.1.2). Based on pre-consultation with the Cataraqui Conservation Authority in December 2022, there are no natural heritage features identified on the subject property or surrounding properties which are of concern.

Section 2.2 of the PPS speaks to Water. The subject property fronts onto the St. Lawrence River. No additional development is proposed on the site, as the proposed sleep cabin is within the existing accessory building, hence, provided the upgraded septic system meet the required setbacks, no negative impacts to water quality or quantity are anticipated (Sec.2.2.1 b).

Section 2.3 of the PPS speaks to Agriculture. The subject property is not designated for agricultural use nor is it located in an area containing prime agricultural lands.

Section 2.4 of the PPS speaks to Minerals and Petroleum. The subject property does not contain any known significant minerals and petroleum resources that need to be preserved.

Section 2.5 of the PPS speaks to Mineral Aggregate Resources; there are no known mineral aggregate resources on or within close proximity to the subject property.

Section 2.6 of the PPS speaks to Cultural Heritage and Archaeology; there are no known cultural heritage or archaeological resources on or within close proximity to the subject property.

Section 3 of the PPS speaks to Protecting Public Health and Safety. The subject property does not contain any natural hazards. The proposed additional use of the lot is contained within the existing buildings. At this time there are known public health and safety hazards identified on the property, nor any man-made hazards pursuant to the policies of Section 3.2.

Overall, the proposed Zoning By-Law Amendment to permit a second storey sleep cabin within the existing accessory building is consistent with the policies in the 2020 Provincial Policy Statement.

TOWNSHIP OF LEEDS AND THE THOUSAND ISLANDS OFFICIAL PLAN, 2018

The Township of Leeds and the Thousand Islands Official Plan provides planning goals, objectives, and policies for development within the Township. The subject property is designated as Rural in Schedule A of the Official Plan.

Permitting the sleep cabin within the existing accessory building is consistent with and supported by the Township of Leeds and the Thousand Islands Official Plan, including aligning with the following relevant sections:

- **Section 3.3 – Objectives:** Permitting a second storey sleep cabin within the existing accessory building supports the objectives of the Official Plan by providing additional sleeping space to the residents without altering the natural beauty of the areas or impacting the natural heritage features or water resources through further development.
- **Section 4.6 – Compatibility and Built Form:** Through a prior minor variance approval on the site concerning the existing accessory building, it has been established that Council is satisfied that the size and height of the structure is compatible with the surrounding uses, built form, and general character of the area, despite the structure exceeding the zoning height requirements for the building to be used as a sleep cabin (Sec. 4.6.1.1; Sec. 4.6.1.2). Permitting the use of the second storey of the existing building for a sleep cabin will not change the compatibility of the existing accessory building with the surrounding area, as

the building would only change internally, and would be consistent with Council's previous opinion of the structure.

- **Section 5.5 – Natural Heritage System:** Permitting a second storey sleep cabin within the existing accessory building will provide additional sleeping space for the residents without additional impact to the adjacent woodlands, waterbodies, and other natural features.
- **Section 5.7.1 – Residential Uses in the Rural Area:** Permitting a second storey sleep cabin within the existing accessory building will not result in any structural changes which could disrespect the rural character or natural heritage features of the area (Sec. 5.7.1).
- **Section 5.9.2 – Thousand Islands Area:** The use of the second storey of the existing accessory building as a sleep cabin will not result in additional development and hence will not alter the special character of the Thousand Islands Area.
- **Section 6.1.4 – Waterfront Areas and Waterbody Protection:** Permitting a second storey sleep cabin within the existing accessory building will not result in any impacts to the St. Lawrence River waterfront or water quality. The existing accessory building exceeds the 30 m setback from the waterbody, as will the location of the proposed upgraded septic system

Overall, the proposed second storey sleep cabin within the existing accessory building aligns with the policies and objectives in the Township of Leeds and the Thousand Islands Official Plan.

UNITED COUNTIES OF LEEDS AND GRENVILLE OFFICIAL PLAN, 2015

The United Counties of Leeds and Grenville Official Plan provides planning goals, objectives, and policies for development within the Counties. The subject property is designated as Rural Lands in Schedule A of the United Counties of Leeds and Grenville Official Plan.

Permitting the sleep cabin within the existing accessory building is consistent with and supported by the United Counties of Leeds and Grenville Official Plan, including aligning with the following relevant sections:

- **Section 3.3 – Rural Lands:** Permitting a second storey sleep cabin within the existing accessory building will not result in any additional land use or development, which will support the preservation of natural heritage features and the rural landscape.
- **Section 4.2 – Natural Heritage Features and Functions:** The use of the second storey of the existing accessory building as a sleep cabin will not result in additional development and hence will not impact natural heritage features or their associated functions.
- **Section 4.4 – Water Resources and Source Water Protection:** Permitting a second storey sleep cabin within the existing accessory building will not result in any impacts to the St. Lawrence River waterfront or water quality. The existing accessory building exceeds the 30 m setback from the waterbody, as does the location of the proposed upgraded septic system.

- **Section 6.3.1 – Sewage and Water Services:** The site is currently supported with private well and septic systems. The property owners intend to upgrade the septic system to adequately service the bathroom in the proposed sleep cabin alongside servicing the main dwelling.

Overall, the proposed second storey sleep cabin within the existing accessory building aligns with the policies and objectives in the United Counties of Leeds and Grenville Official Plan.

THE CORPORATION OF THE TOWNSHIP OF LEEDS AND THE THOUSAND ISLANDS ZONING BY-LAW NO. 07-079

The subject property is currently zoned Island Residential (RI). Two minor variances and one zoning amendment have previously been granted to support development on the site:

- A minor variance was granted in 2016 to build an accessory building at a height of 7.9 m, where the Zoning By-Law only permits 7m (Application No. A-2016-016);
- A minor variance was granted in 2021 to build on oversized boathouse (Application No. 2-21-032); and,
- A zoning by-law amendment was granted in 2021 to permit the boathouse rooftop to be used as an amenity space, putting the waterfront area in an Environmental Protection Special Exception Zone (EP-6) (Application No. Z-202-017).

In relation to the proposed use of the second storey of the existing accessory building as a sleep cabin, the following zoning policies currently apply:

- The use of an accessory building for human habitation is not permitted (Sec. 3.1 a(v));
- One sleep cabin per lot is permitted in the Island Residential Zone (Sec. 5.6a)
- The following zoning provisions apply for a sleep cabin (Sec. 3.34):

Zone Provision	Requirement
Maximum Floor Area (including covered porch)	30 m ²
Maximum Height	5 m

Based on the proposed use of the second storey of the existing accessory building as a sleep cabin, the following changes to the zoning requirements are proposed as part of a new Island Residential special exception zone RI-X:

- Sleep cabin to be permitted on the second storey of an accessory building;
- Sleep cabin to have a height of 7.9 m (as was previously granted in the minor variance for the accessory building); and,
- Sleep cabin to be permitted to be 71 m² (where the current zoning has a maximum of 30 m²).

It is ZanderPlan's opinion that the proposed Zoning By-law Amendment would support efficient use of space on the property, allowing the property owners to make use of their existing accessory building for additional sleeping space without having to further develop on the property. Reviewing the proposed second storey sleep cabin in the existing accessory building in relation to the Township of Leeds and the Thousand Islands Official Plan, Leeds and Grenville Official Plan, and Provincial Policy Statement, it is evident that permitting such use would be consistent with local and provincial planning policy and objectives, and would not have any negative impact on surrounding land uses.

SITE PLAN CONTROL APPROVAL

It is assumed that the property will be subject to site plan control approval, following the decision on the Zoning By-law Amendment. The implementation of a new septic system and any other recommendations for future development can be implemented through this agreement.

SUMMARY

ZanderPlan has been retained by the property owners to provide planning support for a Zoning By-Law Amendment application for the property located at 311 Stratford Road. The property owners are seeking a new Island Residential special exception zone RI-x, which would permit the development of a sleep cabin in the existing accessory building on the site through the following provisions:

- Sleep cabin to be permitted on the second storey of an accessory building;
- Sleep cabin to have a height of 7.9 m; and,
- Sleep cabin to be permitted to be 71 m²

Based on a review of the Corporation of the Township of Leeds and the Thousand Islands Zoning By-Law, the Township of Leeds and the Thousand Islands Official Plan, the United Counties of Leeds and Grenville Official Plan, and the 2020 Provincial Policy Statement, permitting the proposed use through a Zoning By-Law Amendment would be consistent with these local and provincial planning policies and objectives.

Should you require any additional information in order to process this application, please don't hesitate to contact the undersigned.

All respectfully submitted by:



Tracy Zander, M.Pl, MCIP, RPP