

ISSUE DATE:

**June 9, 2010**



PL081497

Ontario Municipal Board  
Commission des affaires municipales de l'Ontario

IN THE MATTER OF subsection 45(12) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: Garfield Earl Brown  
Subject: Minor Variance  
Property Address/Description: 184B Bay Road  
Variance from By-law: By-law 2005-6  
Municipality: Township of Rideau Lakes  
Municipal File No.: A-60-2007  
OMB Case No.: PL081497  
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**APPEARANCES:**

**Parties**

**Counsel\*/Agent**

Garfield Earl Brown

N. Authier\*

Township of Rideau Lakes

S. Laidman

**MEMORANDUM OF ORAL DECISION DELIVERED BY J. V. ZUIDEMA  
ON MAY 27, 2010 AND ORDER OF THE BOARD**

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Garfield and Nora Brown (“the Applicants/Appellants”) are the owners of property located at 184B Bay Road, (“the subject property”) in the Township of Rideau Lakes (“the Township”). They applied for minor variances to recognize existing deficiencies and to permit renovations. The Township’s Committee of Adjustment refused the application and an appeal was launched to this Board.

Since that decision, new information has arisen. Specifically the Applicants/Appellants acquired two additional parcels of land. Doing so changed the floor space index variance and removed the lot coverage variance. Also because of these circumstances, an agreement was reached with the Township to permit the amended variances. Executed Minutes of Settlement were presented to the Board

along with supporting Affidavit evidence from Sheldon Laidman, a professional Planner acting on behalf of the Township.

The Parties requested that the Board amend the application and it did so, determining that no further notice was required as the amendments were minor. The Board also provided an oral disposition reflective of the Minutes of Settlement based on the unchallenged evidence provided by Mr. Laidman. Mr. Laidman opined that the revised variances met the four tests under the legislation and the Board accepts his unrefuted evidence.

The amended variances are as follows:

1. Proposed Water Setback (Lower Rideau Lake) of 4.57 m (15 feet) whereas a minimum of 30 m (100 feet) is required;
2. Proposed Water Setback (Watercourse) of 12.2 m (40 feet) whereas a minimum of 30 m (100 feet) is required;
3. Proposed Interior Yard Setback (West) of 4.57 m (15 feet) whereas a minimum of 6 m (20 feet) is required; and
4. Proposed Floor Space Index of 12.7% whereas the maximum Floor Space Index of 10% is permitted.

THEREFORE THE BOARD having been asked to consider an application which has been amended from the original application, and the Board having determined as provided for in subsection 45(18.1.1) of the *Planning Act*, that no further notice is required;

AND FURTHER THE BOARD ORDERS that the appeal is allowed and the amended variances as noted above are authorized.

This is the Board's Order.

"J. V. Zuidema"

J. V. ZUIDEMA  
VICE-CHAIR