

**Minor Variance or Permission Application**

**3. Property information**

Civic address: 439 West Diamond Lake Road, Highland Grove, ON, K0L 2/

Assessment Roll Number: 1290278020073680000

Former Geographic Township Herschel

Legal Description: **CON 3 PT LOT 33 PLAN HSR**  
**1896 LOT 44**  
**IRREG**  
**0.37AC 100.00FR D**

Lot frontage (m): 30.7 Lot Depth (m): 72.33 Lot Area (ha): .22

Date the subject property was acquired by current owner: Sep 27, 1996

**4. Access to property (select one):**

- Provincial highway
  - Municipal Road (year-round maintenance)
  - Municipal Road (seasonal maintenance)
  - Other (please specify): \_\_\_\_\_
- Right-of-way
  - Water (see next page)

Where access to the subject land is by water only:

Docking facilities Location: \_\_\_\_\_

Distance of Docking facilities from subject land: \_\_\_\_\_

Distance of Docking facilities from public road: \_\_\_\_\_

Parking facilities Location: \_\_\_\_\_

Distance of Parking facilities from subject land: \_\_\_\_\_

Distance of Parking facilities from public road: \_\_\_\_\_

**5. Is 66 feet Shore Road Allowance owned by Applicants?**  Yes  No  N/A

*If yes, please include documentation to support this. If no water frontage, select N/A.*

If No, is development happening on the Shore Road Allowance?  Yes  No

**6. Servicing of the Property**

**Water** is provided to the subject land by:

- Publicly owned/operated pipe water system
- Privately owned/operated individual well
- Privately owned/operated communal well
- Lake or other waterbody
- Other means (please explain): \_\_\_\_\_

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**Sewage** is provided to the subject land by:

- Publicly owned/operated sanitary sewage system
- Privately owned/operated individual septic system
- Privately owned/operated communal septic system
- Privy
- Other means (please explain): \_\_\_\_\_

**Storm drainage** is provided to the subject land by:

- Sewers
- Ditches
- Swales
- Other means (please explain): \_\_\_\_\_

**7. Current Land Use**

Current designation of the property in the County of Hastings Official Plan:

Rural/Waterfront

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Current zoning of the property in the Comprehensive Zoning Bylaw:

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What is the land currently being used for? Please explain:

3 Season cottage

Length of time the current use of the land has continued: 1977

What are the land uses of adjacent and neighbouring properties?

Cottages

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8. Existing buildings/structures

Include the following for each building(s) or structure(s) on the property:

**Existing Building/Structure 1 (both metric and imperial units):**

Type of building: 1 Storey Frame Dwelling

Date constructed: 1977

Height of building (to the midpoint of the roof): 14'4.2672m

Front lot line setback: 132.4'/40.36m      Dimensions: 24'3"x32'3"/79.5m x 105.

Rear lot line setback: 83.3'/25.4m      Floor area: 780sf/72.47sm/

Side lot line setback: 17.5'/5.34m      Side lot line setback: 32.55'/9.92m

Distance to water (if applicable): 83.3'/25.4m

**Existing Attached Structure (such as a deck) (metric and imperial units):**

Type of building: Attached Deck

Date constructed: 1977

Height of building (to the midpoint of the roof or top of deck): 5'.1.5m

Front lot line setback: 134.5'/41m      Dimensions: 36' x 10'/11m x 3m (IRRE

Rear lot line setback: 83.3'/25.4m      Floor area: 356sf/33sm

Side lot line setback: 16'4.87m      Side lot line setback: 32.8'/10m

Distance to water (if applicable): 75.3'/22.95m

Note: If there are any additional attached decks, porches, etc., include them as an Existing Building/Structure below.

**Existing Building/Structure 2 (both metric and imperial units):**

Type of building: Frame Shed

Date constructed: 1977

Height of building (to the midpoint of the roof): 9.5'/2.7m

Front lot line setback: 69.4'/21.14m      Dimensions: 10.25' x 9.25/3.1m x 2.8r

Rear lot line setback: 154.2'/47m      Floor area: 90sf/8.4sm

Side lot line setback: 16'4.87m      Side lot line setback: 14'4.27m

Distance to water (if applicable): 154.2'/47m



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**Existing Building/Structure 3 (both metric and imperial units):**

Type of building: Bunkie

Date constructed: 2005

Height of building (to the midpoint of the roof): 11'7"/3.6m

Front lot line setback: 147.8'/45m      Dimensions: 10.25'x 10.25'/3.1m x 3.1

Rear lot line setback: 79.4'/24.2m      Floor area: 100sf/9.3sm

Side lot line setback: 58'/17.7m      Side lot line setback: 15.6'/4.75m

Distance to water (if applicable): 79.4'/24.2m

**Existing Building/Structure 4 (both metric and imperial units):**

Type of building: \_\_\_\_\_

Date constructed: \_\_\_\_\_

Height of building (to the midpoint of the roof): \_\_\_\_\_

Front lot line setback: \_\_\_\_\_      Dimensions: \_\_\_\_\_

Rear lot line setback: \_\_\_\_\_      Floor area: \_\_\_\_\_

Side lot line setback: \_\_\_\_\_      Side lot line setback: \_\_\_\_\_

Distance to water (if applicable): \_\_\_\_\_

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**Existing Building/Structure 5 (both metric and imperial units):**

Type of building: \_\_\_\_\_

Date constructed: \_\_\_\_\_

Height of building (to the midpoint of the roof): \_\_\_\_\_

Front lot line setback: \_\_\_\_\_      Dimensions: \_\_\_\_\_

Rear lot line setback: \_\_\_\_\_      Floor area: \_\_\_\_\_

Side lot line setback: \_\_\_\_\_      Side lot line setback: \_\_\_\_\_

Distance to water (if applicable): \_\_\_\_\_

**Note:** If there are additional buildings, please attach (a) separate page(s) to this Application.

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## 9. Summary of Development Proposal

Provide a complete written description of the nature of the application with details of the proposed development including but not limited to: proposed use(s), height/storeys, floor area(s), number of parking/loading spaces, landscape area, etc. If additional space needed, attach (a) separate page(s) to this Application.

The proposed development 3 season cottage is to be a 2 story framed building with an ICF full height (8') walk-out basement. Each story and walk-out basement will have 8' high ceilings.

The proposed building is to be 36'3" wide x 32' long, with an attached deck that is going to be 40'3" wide (4" wider than the cottage) and will vary from 10'6" to 8' long (going out from the cottage).

The secondary structures on the property (the frame shed and bunkie) could be moved as necessary prior to the new construction starting, although a minor variance to leave each in place is requested.

There will be a new septic system (5' x 7') put in at the time of construction. (7m from proposed dwelling/22.7m from road/3.06m from side property line/15.51m from side property line/44m from water)

## 10. Relief

Provide a written explanation of the nature and extent of the relief being requested from the Comprehensive Zoning Bylaw. A land use planning consultant or other qualified professional may be able to assist you:

The relief is being requested because the existing cottage is within the 30 metres setback of the high water mark. The proposed dwelling will be built the same distance from the water. It will not be moving any closer to the water.

## 11. Reason

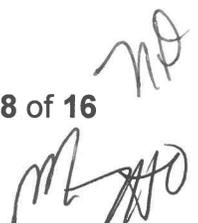
Provide a written explanation of why the proposed development or use cannot comply with the Comprehensive Zoning Bylaw. How or can the proposal be modified to comply with the regulations? A land use planning consultant or other qualified professional may be able to assist you in providing an explanation:

The proposed development is not able to be constructed at the 30m distance from the water as per the Bylaw due to a few different factors.

One being that it is being built in the same area as the existing structure that is to be torn down prior to construction, which is already not within the 30m distance. The new cottage is not being constructed any closer to the waters edge, so in regards to the water, the footprint of the cottage and deck are staying the same.

The proposed development is not able to be pushed back towards the road to due to the incline. If the ground closer to the hill were to be disturbed it would potentially compromise the integrity of the hill that is on the roadside, which was stated in the Slope Stability Report that was done for the property.

Based on these compliances, it has been decided to extend the proposed development on either side towards the neighboring properties within the required setbacks, as well as towards the hill on the road side within the required set back.





**12. Rationale**

Did you conduct a Pre-consultation with the Municipality?  Yes  No  
*If yes, please include any correspondence with the Municipality.*

**Tests for a Minor Variance or Permission Application**

Please provide a written explanation of why/how the proposed development or use is consistent with the Provincial Policy Statement and either meets the tests of a Minor Variance or Permission Application. To see these tests, check the Minor Variance or Permission Guide. A land use planning consultant or other qualified professional may be able to assist you in providing planning rationale to support your Application. If more space needed to answer, please attach (an) additional page(s):

The proposed developments' variance is minor in nature. The footprint to the water setback is not being changed from what is already existing on the property. There would be no significant changes to the property or surrounding land if the proposed dwelling was to be built in the requested location.

**13. Property/proposed development**

Include the following for each proposed building(s) or structure(s) on the property:

**Proposed Building/Structure 1 (both metric and imperial units):**

Type of building: 2 Storey Frame Dwelling with basement

Date to be constructed: 2026

Height of building (to the midpoint of the roof): 29'6 1/2"

Front lot line setback: 34.79m Dimensions: 36'3" x 30'1 1/2"

Rear lot line setback: 27.2m Floor area: 1092sf

Side lot line setback: 13.5'4.12m Side lot line setback: 31'9.45m

Distance to water (if applicable): 27.2m

**Proposed Attached Structure (such as a deck) (metric and imperial units):**

Type of building: Attached Deck

Date to be constructed: 2026

Height of building (to the midpoint of roof or top of deck): 8'2.4m

Front lot line setback: 134.5'41m Dimensions: 40' x 10.6'12.2m x 3.2m

Rear lot line setback: 24m Floor area: 414.3sf/38.5sm

Side lot line setback: 12'3.65m Side lot line setback: 36'11m

Distance to water (if applicable): 24m

**Proposed Building/Structure 3 (both metric and imperial units):**

Type of building: \_\_\_\_\_

Date to be constructed: \_\_\_\_\_

Height of building (to the midpoint of roof): \_\_\_\_\_

Front lot line setback: \_\_\_\_\_ Dimensions: \_\_\_\_\_

Rear lot line setback: \_\_\_\_\_ Floor area: \_\_\_\_\_

Side lot line setback: \_\_\_\_\_ Side lot line setback: \_\_\_\_\_

Distance to water (if applicable): \_\_\_\_\_

**Note:** If there are additional buildings, attached decks, attached porches, etc., please attach a separate page to this Application.

	Application	Site Plan	Building Plans	Please confirm the correct information
Height to midpoint of roof	28' 8.5 m	n/a	Unknown	29'6-1/2"
Dimensions of dwelling	36' 3" by 32' 11.05 m X 9.75 m	11.062 m by 9.144 m	36' 3" by 30' 1-1/2"	36'3" x 30'1-1/2" (as per plans)
Floor area	1095.7 sf 101.8 sm	Not shown	1092 sq. ft. (= 36' 3" by 30' 1-1/2")	1092 sq. ft. (as per plans)
Distance of dwelling to front lot line (i.e. road)	40.36 m	34.79 m	n/a	34.79m
Distance of dwelling to rear lot line (i.e. high water mark)	134.5' 41 m	27.2 m	n/a	27.2m
Distance of dwelling to water	25.4 m	+/- 27.2 m	n/a	27.2m
Dimensions of the deck	40' by 10.6'	Unknown by 3.214 m	Unknown by 10' 6"	40' x 10'6"
Distance to the rear lot line (i.e. high water mark)	160' 50m	24 m	n/a	24m
Distance of deck to water	22.95 m	24 m	n/a	24m



**14. Land Uses and Features**

Are any of the following uses or features on the subject lands and/or within 500 metres of the subject lands (Please indicate if it applies with a 'Yes' and an 'N/A' if it does not. Any features indicated with a 'Yes', please identify on your site plan):

	On Subject Lands	Within 500 Metres (unless otherwise specified)
An agricultural operation (any livestock facility, occupied or vacant, including manure storage)	N/A	N/A
A landfill (active or non-operating) (within 1000 metres)	N/A	N/A
An active mine site (within 1000 metres)	N/A	N/A
A rehabilitated or abandoned mine site or mine hazards (within 1000 metres)	N/A	N/A
An active gravel pit or quarry	N/A	N/A
Any industrial use (current or former)	N/A	N/A
Provincial Park or Crown Lands	N/A	N/A
A floodplain	N/A	N/A
Significant wildlife habitat (such as a deer yard) and/or significant habitat of Species at Risk (including but not limited to endangered and threatened species)	N/A	N/A
Lake, river, stream, creek, pond or other water feature	Yes	Yes
Fish habitat	N/A	N/A
Provincially Significant Wetland	N/A	N/A
Any known cultural heritage, archaeological resources and/or areas of archaeological potential?	N/A	N/A
A slope, including a steep and/or unstable slope with an angle of three-to-one (horizontal:vertical) or 18 degrees	Yes	Yes

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15. Other Planning Applications

Has the property been or is the property currently the subject of any of the following (include file number and status)? Check all that apply:

- Official Plan Amendment \_\_\_\_\_
- Consent (Severance) \_\_\_\_\_
- Plan of Subdivision \_\_\_\_\_
- Zoning Bylaw Amendment Application \_\_\_\_\_
- Minor Variance Application \_\_\_\_\_
- Site Plan Control Application \_\_\_\_\_

16. Site Plan Requirements

The site plan will have to be clear and Minimum requirements for a site plan will show the following:

- The boundaries and dimensions of the subject land.
- The location, size and type of all existing and proposed buildings and structures, including septic systems, in the subject land, indicating the distance of the buildings or structures from the front yard lot line, rear lot lines, 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 (including railways, roads, watercourses, drainage ditches, lake, pond, river or stream, banks, wetlands, wooded areas, wells, and septic tanks).
- The current uses on land that are 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.
- The location and nature of easements and right-of-ways affecting the subject land.
- If access to the subject land is by water only, the location of the parking and docking facilities to be used.
- The distance of the proposed buildings or structure to any water features, including, but not limited to, lakes, rivers, streams, creeks and ponds.
- Any land uses and/or features noted above on Page 8 of this Application.
- For proposals on waterfront properties, the Municipality recommends including a landscaping plan in the Application to indicate how natural vegetation will be maintained or restored on the property.

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