TOWNSHIP OF
CARLING

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NOTICE OF DECISION
MINOR VARIANCE APPLICATION A/6/2026
(Sue Milburn – 36 Back Bay Road)

April 16, 2026

IN THE MATTER OF MINOR VARIANCE APPLICATION A/6/2026
Date of Hearing: April 14, 2026
Applicant/Owner: Sue Milburn
Property Location: 36 Back Bay Road

The purpose of the application was to seek relief from the following provisions of Zoning by-law C500-200:

1) Section 9.02 (d) – Minimum front yard
2) Section 5.45 (c) – Permitted balcony encroachment
3) Section 5.45 (c) – Permitted balcony encroachment – balcony height
4) Section 5.13 (c) – Encroaching stairs – maximum width

The effect of the application was to permit the construction of a Seasonal Dwelling with a reduced front yard of 10m (Section 9.02(d) states that 20m minimum is required). The proposed dwelling will also have a balcony that encroaches into the front yard 7.6m (Section 5.45 (c) limits the encroachment to 5m) – said balcony will also be located 3.23m above average grade (Section 5.45 (c) limits the height of an encroaching balcony to 3m above average grade). Lastly, the proposed dwelling also includes stairs that are proposed to encroach into the front yard and will be 3.5m wide. Section 5.13 c) limits the width of encroaching stairs to 2m maximum. The table below summarizes the relief granted.

By-law Section	**Requirement**	**Proposed**	**Variance/Relief Required**
Section 9.02 d) Minimum front yard	20m	10m	10m
Section 5.45 c) Balcony Encroachments	Maximum distance of 5m	7.6m	2.6m
Section 5.45 c) Balcony height	Maximum height of 3m	3.23m	0.23m
Section 5.13 c) Stair Encroachments	Maximum width of 2m	3.5m	1.5m

The Committee of Adjustment, in making their decision, was of the opinion that the proposed minor variance:

1) Maintained the general intent and purpose of the Township's Official Plan;
2) Maintained the general intent and purpose of the Township's Zoning By-law
3) Was desirable for the appropriate development or use of land, building or structure; and
4) Can be considered minor.

The Committee of Adjustment has granted approval to Minor Variance Application No. A/6/2026 subject to the following conditions:

1) That the variances apply to a seasonal dwelling that is substantially with the site plan and building drawing submitted with the application.
2) Confirmation that a septic system can be accommodated on the subject lands.
3) That the proposed development be subject to an application for site plan approval, which shall identify mature vegetation located within the front yard as being preserved.
4) That all applicable planning fees be paid in full.

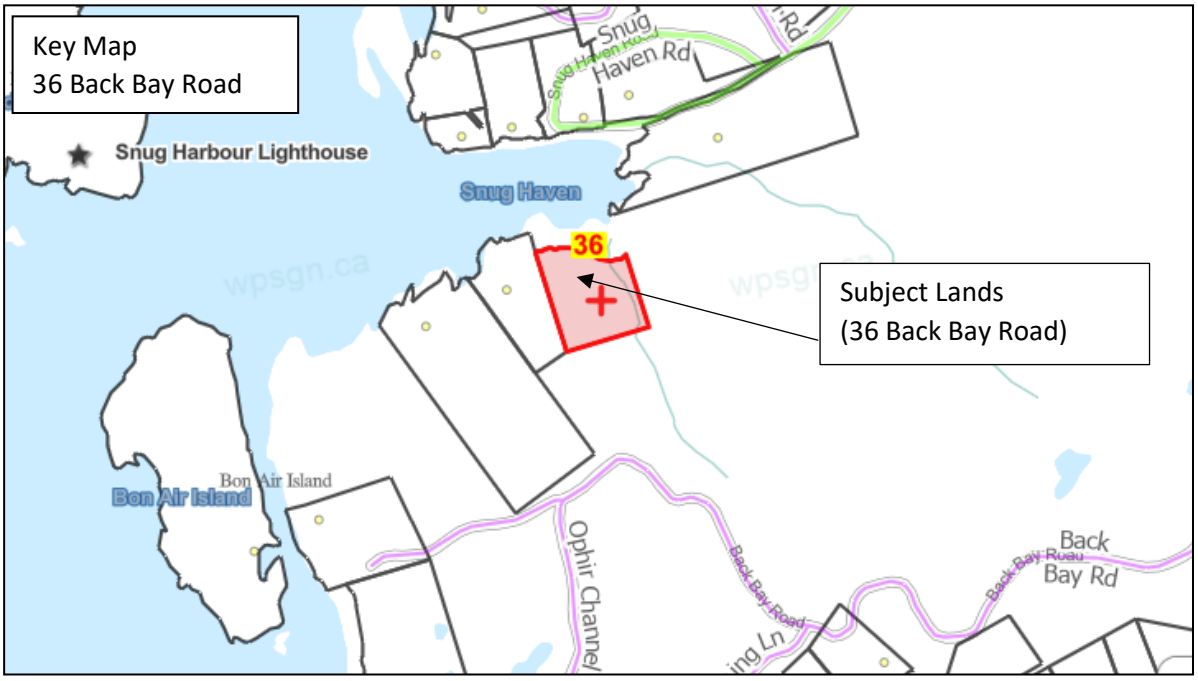
Appeals of this decision may be made in accordance with Section 45(12) of the Planning Act, R.S.O., 1990, c. P13, which states in part:

The applicant, the Minister or a specified person or public body that has an interest in the matter may within 20 days of the making of the decision appeal to the Tribunal against the decision of the committee by filing with the secretary-treasurer of the committee a notice of appeal setting out the objection to the decision and the reasons in support of the objection accompanied by payment to the secretary-treasurer of the fee charged by the Tribunal as payable on an appeal from a committee of adjustment to the Tribunal.

Take notice that an appeal to the Ontario Land Tribunal in respect of all or part of this Minor Variance may be made by filing a notice of appeal with the Secretary-Treasurer either via the Ontario Land Tribunal e-file service (first-time users will need to register for a My Ontario Account) at https://olt.gov.on.ca/e-file-service by selecting Carling (Township): Clerk & Secretary-Treasurer as the Approval Authority or by mail (2 West Carling Bay Road, Nobel, ON P0G 1G0), no later than 4:00 p.m. on May 4, 2026. The filing of an appeal after 4:00 p.m., in person or electronically, will be deemed to have been received the next business day. The appeal fee of $400 can be paid online through e-file or by certified cheque/money order to the Minister of Finance, Province of Ontario. If you wish to appeal to the Ontario Land Tribunal (OLT) or request a fee reduction for an appeal, forms are available from the OLT website at www.olt.gov.on.ca. If the e-file portal is down, you can submit your appeal to planning@carling.ca.

The last day for an appeal of the decision is **Monday, May 4, 2026**. If no Notice of Appeal has been received by 4:00 p.m. on that date, the decision of the Committee of Adjustment is final and binding

Kevin McLlwain
Secretary-Treasurer, Township of Carling Committee of Adjustment


Key Map
36 Back Bay Road
Snug Harbour Lighthouse
Snug Haven
Snug Haven Rd
36
Subject Lands
(36 Back Bay Road)
Bon Air Island
Ophir Channel
Back Bay Road
Back Bay Rd

Resolution COA-12-2026

Wing - Cook :

It is the opinion of the Committee of Adjustment, with respect to the Application for Minor Variance filed pursuant to Section 45(1) of the Planning Act, R.S.O. 1990, c. P.13, as amended:

- that the general intent and purpose of the Zoning By-law is maintained;
- that the general intent and purpose of the Official Plan is maintained;
- that the variance is desirable for the appropriate development or use of land, building or structure; and
- that the variance is minor.

Subject to the following conditions:

1) That the variances apply to a seasonal dwelling that is substantially in conformity with the site plan and building drawing submitted with the application.

2) Confirmation that a septic system can be accommodated on the subject lands.

3) That the proposed development be subject to an application for site plan approval, which shall identify mature vegetation located within the front yard as being preserved.

4) That all applicable planning fees be paid in full.

Carried

Susan Murphy (Chair)

Lisa Cook

Al Doubrough

Bruce Kelly

Pam Wing

Certified to be a true copy
Kevin McLiwain - Clerk
Township of Carling