
TIARA Newsletter

Autumn 2007

TLTI Passes New Zoning By-Laws

In the summer of 2006, the Planning Department of the Township of Leeds and the Thousand Islands released a draft of version of Zoning By-laws which erroneously stated that dwellings on Islands of less than 1 hectare (2.5 acres) could not be erected, enlarged or replaced. In late 2007, TLTI Council **passed a revised Comprehensive Zoning By-law** in which these restrictions were removed. This marks the end of the Official Plan development process that began in 2002.

In addition to correcting and removing conflicting textual errors in the original draft By-law, there are several changes that will be of specific **interest to shoreline and island property owners**.

1. Based on the premise that island owners do not benefit from public parking such as one might have on an adjacent roadway or street, Islands and lots on islands of 2.5 acres or greater are now allowed a maximum perimeter of marine facilities of 400 sq. ft, an increase from 197sq. ft. The maximum dock coverage area increases from 807 sq. ft. to 1614 sq. ft.
2. Undeveloped Islands of 0.25 acres or less will be permitted one dock not to exceed 2% of the size of the Island.
3. For Islands less than 2.5 acres (to a minimum of 0.25 acre), marine facilities are limited to 3% of the size of the island or lot.
4. Maximum dwelling coverage for waterfront and island lots increases from 5% to 10%.

Zoning By-laws are detailed regulations that support the Township's new Official Plan adopted by Council in April of 2006. Full details are available at the township's comprehensive web site;

www.townshipleeds.on.ca

Point Comfort Marsh

Long time TIARA members will recall that in the late 1970s and early 1980s, this **wetland**, located immediately east of the of the Glen House Resort on the Thousand Island Parkway, played a significant role in TIARA's early efforts to develop sound land use planning practises for the Thousand Islands. At the time, the owners of Glen House began to **develop a new commercial marina** next to the Parkway by **dumping** tons of sand fill directly into the marsh which they claimed to own. TIARA launched a significant protest at the site and immediately alerted regulatory officials who ordered a halt to the destruction of the marsh. (For more background, see the History section of TIARA's web site.)

Then, in the late 1980s, **TIARA successfully appealed** to the Ontario Municipal Board to **reverse a Township decision** that would have officially rezoned all of Point Comfort, including the marsh, from "Rural" to "Tourist Commercial". At the time, the owners of Glen House were planning to develop a 48 unit 3 storey accommodation complex on land immediately adjacent to the marsh.

History repeats itself! TIARA's concerns about the future of the Point Comfort Marsh arose again in 2005 when, **without public consultation**, all of Point Comfort suddenly appeared zoned again as "Tourist Commercial" in the draft Official Plan for TLTI. TIARA and others strongly objected and the "Tourist Commercial" designation was eventually removed by the Township's Planners.

Alas, in 2007, TIARA had new concerns for the Point Comfort Marsh. An unauthorised marina with facilities for 44 boats has been operating right next to the marsh. The residential property involved was acquired by the owners of Glen House in 1991 and

during the intervening years, the marina has been substantially expanded without applicable zoning.

In late 2006, the owners applied to the Township for a Zoning By-law amendment with a Special Exception in an effort to legitimize marina. The Township's Staff Planner brought the application to TLTI Council.

TIARA objected. We pointed out that under the circumstances, the Township's own Official Plan requires an **amendment to the Official Plan**, not the Zoning By-law. This is particularly important to us because an Official Plan amendment would trigger the necessary provincially required environmental impact studies, thereby addressing **TIARA's specific concerns about protecting the health of the marsh**.

Because of the complexity of the issue, TIARA obtained advice from professional Planner Anthony Usher who made a written submission to TLTI Council expressing our concerns.

Council ultimately agreed and has required the property owner to apply for an Official Plan amendment.

TIARA fully appreciates that marinas and resorts along the river make **invaluable contributions to the local economy** and are indeed an essential part of life in the Thousand Islands. **TIARA's fundamental concerns in this instance are for the Point Comfort Marsh**, not to mention the overall integrity of the Township's Official Plan. When the Official Plan Amendment and supporting studies are put forward by the property owner, TIARA will comment accordingly. We will keep you informed.

TIARA Launches Canadian Heritage River Nomination Project

At its Annual Meeting this past August, TIARA officially launched a project to seek nomination for Canadian Heritage River Status for the St. Lawrence River. There are 36 Heritage Rivers across Canada and remarkably, the St. Lawrence is **not** among them.

Spearheaded by TIARA President Peter Macklem, work on the project began in late 2006 by TIARA Board sub committees. The nomination process requires extensive collaboration and formal motions of support from each of the municipal governments that front the Canadian side of the river.

Ideally, the designation will be from Kingston and Frontenac Islands right through the province of Quebec, provided we can obtain support of Quebec based champions to independently manage their part of the nomination process. At the same time, with the help of **Save the River** in Clayton New York, TIARA hopes to identify river based non-government organisations in New York State which might be interested in pursuing a similar designation from the **American Heritage River Programme**. We think it would be simply wonderful if a two-country designation could be celebrated at the same time. After all, we do share a tremendous history.

TIARA Board members have begun making delegations to local governments along the Ontario side of the River, including the Band Council of the Mohawk of Akwesasne whose support will be crucial to the success of the project.

So far, our delegations have been **very well received** and we have obtained full support from each of the cities, towns and townships that we have visited.

TIARA funds are not being used for this project. TIARA Directors are contributing their time, efforts and mileage voluntarily, as they do for all of their TIARA related commitments. However, funding for research

is available from the Canadian Heritage River Programme which is managed nationally by Parks Canada and provincially by Ontario Parks.

We expect to obtain approval for our funding request shortly. This will allow us to pay summer students who will be hired from various locations along the river to research, compile and report the required local scientific, cultural and historic background information which makes up a large part of the nomination application.

We anticipate the entire process to take two or more years. We are asking **TIARA members interested in contributing** to the project either by doing or supplying existing research into the river's scientific, natural and cultural history, to please contact us.

WRAFT Update

This past November WRAFT (Waterfront Ratepayers After Fair Taxation) held its Annual Meeting in Toronto and received a strong endorsement from its member associations to continue the battle for property tax reform. TIARA is represented on WRAFT's Board of Directors.

2008 will be a critical year in that struggle. Without serious reform this year, 2008 assessments will bring massive tax hikes for hundreds of thousands of Ontario home and cottage owners.

In its 2007 budget the Ontario government took steps to make your tax burden more predictable in the short run. **Your 2008 increase**, which reflects the rise in real estate values for the years 2005 through 2007, will be phased in over the next **four years**. Any resulting tax increases will accordingly be phased in over the years 2009 to 2012. Then you will get assessed again in 2012.

Unfortunately this reform does **not bring stability** to the property tax system. Assessments will be carried out every four years and will **still** be subject to the vagaries of the real estate market; the inadequacy of sales transactions and lack of comparability in many areas; and the imprecision that is built into the assessment process. On top of that, less frequent assessments means that property owners in hot urban markets and in many waterfront areas will be clobbered when market highs coincide with the new four-year assessment cycle.

You will receive your 2008 assessment sometime this coming Fall. WRAFT plans to attempt to determine, in advance, the impact of that valuation in a few urban and waterfront areas. With that information WRAFT will make every effort to convince the government at Queens Park that further steps are essential to bring stability and long term predictability to the Ontario property tax regime.

We continue to hear that **municipalities need more funding** to maintain infrastructure and tax increases are inevitable. In WRAFT's view, Ontario homeowners cannot be expected to cover these cost increases and at the same time be exposed to assessment related tax shifts based purely on the vagaries of real estate markets.

Over the past four years, in WRAFT's efforts to gain real reform to the property tax system, we have had a good hearing at Queen's Park. We believe our views will continue to be heard and considered. We recognise that inequities in the property tax system are not a pressing issue for this government. Still, WRAFT wants its member associations to know that it **remains committed** to bringing to Ontario property owners a more stable and equitable property tax regime. We will need your continued involvement and support to make this happen.

Fences Don't Always Make Good Neighbours

In 2005, a property owner along the Thousand Islands Parkway applied to TLTI for a permit to perform various **upgrades** to his riverfront cottage. The application

included plans to move an existing detached garage from another location onto his property. In fact, what ended up being built was a **three room addition** to the cottage which bears absolutely no resemblance to a garage whatsoever. The new addition is considerably larger than the original cottage. It also **fails to meet a 7.5 metre side yard setback requirement** and encroaches the neighbour's property line within 3.5 ft.

When the unlawful construction was repeatedly reported to the Township Planning Department, **nothing was done** – until a falsely modified building permit on display at the site was reported to Township officials who visited the site and issued a stop work order. **The Planning Department's solution** to the problem was to require the property owner to apply to the Committee of Adjustment for a **Minor Variance** in order to make the addition legal.

Concerned that a precedent of approving unlawful construction in this manner would negatively impact on future planning enforcement in the Township, TIARA attended the hearing and raised questions about the property owner's **hand sketched measurement distances** from the lot line. The Committee, on the other hand, focussed on having the parties **negotiate a privacy fence** between the properties.

After three hearings on the matter, the Committee of Adjustment **approved the application and legalised the new addition**, provided a fence is built.

TIARA has appealed the Committee's decision to the OMB (Ontario Municipal Board). We have based our appeal on the fact that the **measurements supplied by the property owner were vastly inaccurate** and not supported by a qualified Ontario Land Surveyor. At considerable personal expense, the affected neighbours have had a professional Ontario Land Surveyor determine that the new addition actually sits 3.05 feet from the property line, not 10 feet as claimed by the property owner.

TIARA has shared this information with the Township Planner. The Township has elected to **not participate in the hearing** and will therefore not be defending the Committee of Adjustment's decision to legalise the structure. The position of the Township's Staff Planner is that the matter is solely between property owners. She says that In any case, the Township would not have issued a building permit associated with the Committee's approval until the property owner had provided certified measurements from a qualified Ontario Land Surveyor. We're not so sure about that.

An OMB hearing will be scheduled for sometime in the late winter or early spring. We will inform you of the outcome. In the meantime, we can't help but wonder why the township doesn't implement a policy which requires measurements from a certified Ontario Land Surveyor be part of applications by property owners for both building permits and requests for minor variances.

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