



COMMITTEE OF ADJUSTMENT AGENDA

Monday, April 25, 2022 - 5:00 p.m.
Municipal Office – Council Chambers – 217 Harper Road

Chair, Larry Sparks

1. CALL TO ORDER

Roll Call

2. AMENDMENTS/APPROVAL OF AGENDA

*Suggested Motion by Ron Running/Peter Siemons:
“THAT, the agenda be adopted as presented.”*

**3. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST
AND GENERAL NATURE THEREOF**

4. APPROVAL OF MINUTES

i) **Committee of Adjustment Meeting – March 28th, 2022 - *attached, page 7.***

*Suggested Motion by Peter Siemons/Ron Running:
“THAT, the minutes of the Committee of Adjustment meeting held March 28th,
2022 be approved as circulated.”*

5. INTRODUCTION

- The purpose of this meeting is to hear an application for Minor Variance:
 - **Hobson**
 - **Horricks**
 - **Yan and Callery, Trustees**
 - **Bisson**
 - **Kwiatkowski**

- The Committee is charged with making a decision on the applications on the agenda. The decision will be based on both oral and written input received and understandings gained. The four key factors on which decisions are based include:
 - Is the application generally in keeping with the intent of the Township's Official Plan?
 - Is the application generally in keeping with the intent of the Township's Zoning By-Law?
 - Is the application desirable for the appropriate development or use of the site?
 - Is the application minor in nature and scope?

- The Planner will provide a brief overview of the details of the file. The applicant will then be given an opportunity to explain the need for the variance. Then, any person or public body, in opposition and then in favour, to the application will be heard.

- If a person or public body does not make oral or written submissions at a public meeting, or make written submissions to Tay Valley Township before the decision is passed, the person or public body may not be added to the hearing of an appeal before the Ontario Land Tribunal (OLT) unless, in the opinion of the Board, there are reasonable grounds to do so.

- If you wish to be notified of the decision of the Committee of Adjustment in respect to the below listed application(s), you must submit a written request to the Secretary-Treasurer of the Committee of Adjustment at adminassistant@tayvalleytwp.ca. This will also entitle you to be advised of a possible Ontario Land Tribunal hearing. Even if you are the successful party, you should request a copy of the decision since the Committee of Adjustment decision may be appealed to the Ontario Land Tribunal by the applicant or another member of the public.

- The Secretary/Treasurer must provide notice of the Committee's decision to all those who request a copy. Anyone may appeal the decision to the Ontario Land Tribunal (OLT) by filing with the Secretary/Treasurer within twenty (20) days of the notice of decision.

6. APPLICATION

i) **FILE #: MV22-08 – Hobson – attached, page 13.**

- a) PLANNER FILE REVIEW
- b) APPLICANT COMMENTS
- c) ORAL & WRITTEN SUBMISSIONS
- d) DECISION OF COMMITTEE

Recommended Decision by Ron Running/Peter Siemons:

“THAT, in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application MV22-08 is **approved**, to allow a variance from the requirements of Section 3.29 (Water Setbacks) of Zoning By-Law 2002-121, for the lands legally described as 306 Featherston Lane, Concession 2, E Part Lot 9 in the geographic Township of South Sherbrooke, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-914-015-28200 to permit a reduced water setback for the enclosure of a screened-in porch at a water setback of 12m instead of the required 30m;

AND THAT, a Site Plan Control Agreement, including the conditions from the Rideau Valley Conservastion Authority, be executed.”

ii) **FILE #: MV22-09 – Horricks – attached, page 26.**

- a) PLANNER FILE REVIEW
- b) APPLICANT COMMENTS
- c) ORAL & WRITTEN SUBMISSIONS
- d) DECISION OF COMMITTEE

Recommended Decision by Ron Running/Peter Siemons:

“THAT, in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application MV22-09 is **approved**, to allow a variance from the requirements of Section 5.2.2 (Zone Provisions) of Zoning By-Law 2002-121, for the lands legally described as 518 Black Lake Route 11C, Concession 6, Part Lot 17, in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-020-43100 to permit a reduction from the minimum lot area of 4,050m² to 1,573m²;

AND THAT, prior to the issuance of a building permit that the legal right of way for the property be corrected to be from Black Lake Route 11 and

removed from Black Lake Route 11 C, and that an updated civic address be obtained”

iii) **FILE #: MV22-10 – Yan and Callery, Trustees – attached, page 37.**

- a) PLANNER FILE REVIEW
- b) APPLICANT COMMENTS
- c) ORAL & WRITTEN SUBMISSIONS
- d) DECISION OF COMMITTEE

Recommended Decision by Ron Running/Peter Siemons:

“THAT, in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application MV22-10 is **approved**, to allow a variance from the requirements of Section 3.29 (Water Setbacks) of Zoning By-Law 2002-121, for the lands legally described as 943 Jones Point, Concession 5, Part Lot 3, in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-025-07800 to permit a reduced water setback for an additional bay for a garage at a setback of 20m from Adam Creek;

AND THAT, the existing Site Plan Control Agreement be amended to include the conditions from the Ridea Valley Conservation Authority.”

iv) **FILE #: MV22-11 – Bisson – attached, page 49.**

- a) PLANNER FILE REVIEW
- b) APPLICANT COMMENTS
- c) ORAL & WRITTEN SUBMISSIONS
- d) DECISION OF COMMITTEE

Recommended Decision by Ron Running/Peter Siemons:

“THAT, in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application MV22-11 is **approved**, to allow a variance from the requirements of Section 3.29 (Water Setbacks) and Section 3.30 (Yard and Water Setback Encroachment) of Zoning By-Law 2002-121, for the lands legally described as 277 Colin Farmer Road, Concession 7, Part Lot 3, in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-025-36900 to:

- reduce the minimum required water setback for a proposed cottage to 15m from the lake;

- permit a deck of 3m encroachment rather than the 2m permitted at this setback;

AND THAT, a Site Plan Control Agreement, including the conditions from the Rideau Valley Conservation Authority, be executed.”

v) **FILE #: MV22-12 – Kwiatkowski – attached, page 59.**

- a) PLANNER FILE REVIEW
- b) APPLICANT COMMENTS
- c) ORAL & WRITTEN SUBMISSIONS
- d) DECISION OF COMMITTEE

Recommended Decision by Ron Running/Peter Siemons:

“THAT, in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application MV22-12 is **approved**, to allow a variance from the requirements of Section 3.29 (Water Setbacks) of Zoning By-Law 2002-121, for the lands legally described as 2721 Old Brooke Road, Concession 7, Part Lot 17, in the geographic Township of South Sherbrooke, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-914-010-08000 to:

- reduce the minimum required water setback for a dwelling to 21m;
- reduce the minimum required water setback for a septic system to 15m;

AND THAT, a Site Plan Control Agreement, including the conditions from the Mississippi Valley Conservation Authority, be executed.”

7. NEW/OTHER BUSINESS

None.

8. ADJOURNMENT

MINUTES

COMMITTEE OF ADJUSTMENT MINUTES

Monday, March 28th, 2022

5:00 p.m.

Conference Call

ATTENDANCE:

Members Present:

Chair, Larry Sparks
Peter Siemons
Ron Running

Members Absent:

None

Staff Present:

Noelle Reeve, Planner
Garry Welsh, Secretary/Treasurer

Applicant/Agents Present:

Chris Clarke, ZanderPlan Inc., Applicant/Agent
Andrew Mason, Applicant/Agent

Public Present:

None

1. CALL TO ORDER

The Chair called the meeting to order at 5:00 p.m.
The Chair conducted Roll Call.
A quorum was present.

The Chair provided an overview of the Teleconference Participation Etiquette that was outlined in the Agenda.

2. AMENDMENTS/APPROVAL OF AGENDA

The Agenda was adopted as presented.

3. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST AND GENERAL NATURE THEREOF

None at this time.

4. APPROVAL OF MINUTES

i) **Committee of Adjustment Meeting – February 28th, 2022.**

The minutes of the Committee of Adjustment meeting held on February 28th, 2022, were approved as circulated.

5. INTRODUCTION

The Chair welcomed the attendees and introduced the Committee Members, the Planner and the Secretary/Treasurer and identified the applicants. The Planner then provided an overview of the Minor Variance application review process to be followed, including:

- the mandate and responsibilities of the Committee
- a review of available documentation
- the rules of natural justice, the rights of persons to be heard and to receive related documentation on request and the preservation of persons' rights.
- the flow and timing of documentation and the process that follows this meeting
- all persons attending are encouraged to make comments in order to preserve their right to comment should this application be referred to the Ontario Land Tribunal (OLT).
- any person wanting a copy of the decision regarding this/these application(s) should leave their name and mailing address with the Secretary/Treasurer.

The Chair advised that this Committee of Adjustment is charged with making a decision on the applications tonight during this public meeting. The decision will be based on both the oral and written input received and understandings gained. The four key factors on which decisions are based include:

- Is the application generally in keeping with the intent of the Township's Official Plan?
- Is the application generally in keeping with the intent of the Township's Zoning By-laws?
- Is it desirable and appropriate development and use of the site?
- Is it minor in nature and scope?

Based on the above, the Committee has four decision options:

- Approve – with or without conditions
- Deny – with reasons
- Defer – pending further input
- Return to Township Staff – application deemed not to be minor

The agenda for this meeting included the following application(s) for Minor Variance:

MV22-03 – STIMPSON – 519 Black Lake Route 11C, Concession 6, Part Lot 17,
geographic Township of North Burgess

MV22-05 – JENKINS – 268 Black Lake Route 11, Concession 6, Part Lot 17,
geographic Township of North Burgess

MV22-01 – ANTHONY – 556 Christie Lake Lane 41A, Concession 2, Part Lot 17,
geographic Township of South Sherbrooke

MV22-02 – KIRKPATRICK AND LYONS - 541 Black Lake Road, Concession 6, Part
Lot 18, geographic Township of North Burgess

6. APPLICATIONS

i) **FILE #: MV22-03 – Stimpson**

a) PLANNER FILE REVIEW

The Planner reviewed the file and PowerPoint in the agenda package.

b) APPLICANT COMMENTS

None.

c) ORAL & WRITTEN SUBMISSIONS

None.

d) DECISION OF COMMITTEE

RESOLUTION #COA-2022-05

MOVED BY: Peter Siemons

SECONDED BY: Ron Running

“THAT, in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application MV22-03 is approved, to allow a variance from the requirements of Section 5.2.2 (Zone Provisions) of Zoning By-Law 2002-121, for the lands legally described as 519 Black Lake Route 11C, Concession 6, Part Lot 17 in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-020-43200 to reduce the minimum lot area required to 1,845m².”

ADOPTED

ii) **FILE #: MV22-05– Jenkins**

a) PLANNER FILE REVIEW

The Planner reviewed the file and PowerPoint in the agenda package.

b) APPLICANT COMMENTS

None.

c) ORAL & WRITTEN SUBMISSIONS

None.

d) DECISION OF COMMITTEE

RESOLUTION #COA-2022-06

MOVED BY: Ron Running

SECONDED BY: Peter Siemons

“**THAT**, in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application MV22-05 is approved, to allow a variance from the requirements of Section 5.2.2 (Zone Provisions) of Zoning By-Law 2002-121, for the lands legally described as 268 Black Lake 11, Concession 6, Part Lot 17 in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-020-43300 to reduce the minimum lot area required to 2,742m².”

ADOPTED

iii) **FILE #: MV22-06 – Anthony**

a) PLANNER FILE REVIEW

The Planner reviewed the file and PowerPoint in the agenda package. The Planner noted that although the property falls within an inactive waste site buffer, the Ministry of Environment was able to confirm that plume measurements and direction of flow do not affect this site. It was also noted that an accessory building would not require a setback from the buffer.

The Planner explained that there is already an existing Site Plan Control Agreement for this property and the accompanying site drawing will just have to be updated.

b) APPLICANT COMMENTS

The Applicant/Agent noted that the application for variance on maximum height was requested to accommodate a slightly higher ground floor with

additional storage capacity above. It was also noted that the proposal also meets all setback requirements and does not block the existing right-of-way.

c) ORAL & WRITTEN SUBMISSIONS

None.

d) DECISION OF COMMITTEE

RESOLUTION #COA-2022-07

MOVED BY: Peter Siemons
SECONDED BY: Ron Running

“**THAT**, in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application MV22-06 is approved, to allow a variance from the requirements of Section 3.1.6.2 (Accessory Uses) of Zoning By-Law 2002-121, for the lands legally described as 556 Christie Lake Lane 41A, Concession 2, Part Lot 17 in the geographic Township of South Sherbrooke, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-914-020-13204 to permit the construction of a 7m-high garage.”

ADOPTED

iv) **FILE #: MV22-07 –Kirkpatrick and Lyons**

a) PLANNER FILE REVIEW

The Planner reviewed the file and PowerPoint in the agenda package. The Planner noted that the existing boathouse and shed will be removed from the unopened road allowance. The Planner also explained that there is a small triangular parcel of land with no confirmed ownership, situated between the subject property and the Township-owned travelled road. The Planner supports the variance, however, before construction could occur, the Clerk would have to approve a conditional building permit, with respect to clarification of access to the travelled road.

b) APPLICANT COMMENTS

The Applicant / Agent noted that the new building location will be moved 0.8m towards the lake, to accommodate minimum clearance of 5m from the septic system. It was also noted that the building height variance will allow for a steeper roof pitch, additional storage capacity, and aesthetic value.

c) ORAL & WRITTEN SUBMISSIONS

None.

d) DECISION OF COMMITTEE

The Committee required the addition of a Site Plan Control Agreement.

RESOLUTION #COA-2022-08

MOVED BY: Ron Running

SECONDED BY: Peter Siemons

“THAT, in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application MV22-07 is approved, to allow a variance from the requirements of Sections 3.1.10 and 3.1.6.2 (Accessory Uses) of Zoning By-Law 2002-121, for the lands legally described as 541 Black Lake Road, Concession 6, Part Lot 18, Geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-020-52000 to permit the construction of a 25m² Sleep Cabin and permit an accessory building to be two storeys tall and 6.7m in height.

AND THAT, a Site Plan Control Agreement, including the conditions from the Rideau Valley Conservation Authority be executed.”

ADOPTED

7. NEW/OTHER BUSINESS

None.

8. ADJOURNMENT

The meeting adjourned at 5:49 p.m.

APPLICATIONS

Committee of Adjustment

March 28th, 2022

Noelle Reeve, Planner

APPLICATION MV22-08

Hobson

306 Featherston Lane, Concession 2, E Part Lot 9,
Geographic Township of South Sherbrooke

SUMMARY OF PROPOSAL

Purpose and Effect: To seek relief from Section 3.29 (Water Setbacks) of By-Law 2002-121, as amended, as follows:

- Permit a reduced water setback for the enclosure of a screened-in porch at a water setback of 12m instead of the required 30m.

The effect of the variance is to permit the conversion of an existing screened-in porch to a three-season room by replacing the screens with windows at a reduced setback of 12 m from Farren Lake.

REVIEW COMMENTS

The property is located on Farren Lake and currently contains a small cottage 61m² (656 sq ft) built in the late 1960s and a shed. The lot is 3,885m² (0.91 acres).

Provincial Policy Statement - No concerns. Sections 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, Section 2.1 Natural Heritage, and Section 3.1 Protecting Public Health and Safety – Natural Hazards are satisfied as the lot additions increase the size of the undersized lots without negatively affecting the environment.

County Sustainable Community Official Plan - Section 3.3.3.1 Rural Area Land Use Policies Objectives are to: ensure development is consistent with rural service levels; to maintain the distinct character of rural, waterfront and settlement areas; and to ensure that development is compatible with natural heritage. No concerns.

Official Plan - The subject land is designated Rural in the *Official Plan*, and residential uses are permitted.

Section 2.24.1.a of the Official Plan requires a minimum setback of 30m from the high-water mark of any water body for new development. However, the Official Plan Section 2.24.2.c does allow for a reduction in setbacks where an existing lot of record or existing development precludes the possibility of meeting the setback.

Official Plan Amendment 5 prescribes additional protection measures for Farren Lake as it was determined by the Ministry of Environment, Conservation and Parks to be at capacity for phosphorus. For this application, the only applicable additional best management practice would be for a Site Plan Control Agreement to maintain vegetation along the shore.

Zoning By-Law - The property is zoned Seasonal Residential, and a cottage is a permitted use. Lot coverage at 1.6% is well under the 10% maximum. Water setback is proposed at 12m instead of the 30m required. However, no new encroachment will occur.

The application can be considered minor in impact as no new encroachment into the 30m setback will occur.

The proposal is also desirable and appropriate development of the lands in question as it is a permitted use and replacing the screens with windows will not increase the existing encroachment toward the lake.

CIRCULATION COMMENTS

Rideau Valley Conservation Authority (RVCA) – The RVCA had not submitted comments at the time of the report.

Mississippi-Rideau Septic System Office (MRSSO) – Not circulated as there is no change to living space.

Public – None at the time of the report.

SITE PLAN CONTROL

A Site Plan Control Agreement would be recommended to maintain vegetation along the waterfront.

RECOMMENDATION

That the Minor Variance be granted for relief from the requirements of Section 3.29 (Water Setbacks) of Zoning By-Law 2002-121, as amended, as follows:

- To permit a reduced water setback for a three-season room at a setback of 12m from Farren Lake

because the general intent and purpose of the *Official Plan* and *Zoning By-law* are maintained; further, that the variance is desirable for the appropriate development of the lands and can be considered minor. As such, the application meets the tests of the *Planning Act*.

Hobson Minor Variance

Public Notice

Pursuant to the Planning Act, Notice of Public Hearing is to be provided a minimum of 10 days for a Minor Variance to the Zoning By-law. Notice was duly given by posting at the nearest public road and delivering to adjacent property owners within 60 metres of the location. Notice was also given to public agencies as required.

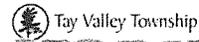
Ontario Land Tribunal

Please be cautioned that if, at a later date, a person or public body choose to appeal the Committee's decision on this matter to the Ontario Land Tribunal, the Tribunal may dismiss all or part of an appeal without holding a hearing if the reasons set out in the appeal do not refer to land use planning grounds offended by the decision, or if the appeal is not made in good faith, or if it is frivolous or vexatious or made only for the purpose of delay.

The Tribunal may also dismiss the appeal if the appellant did not make oral submission at the public meeting or did not make written submission before the variance was adopted.

If you choose to appeal, you must submit written reasons, the prescribed fee and any other background material requested. This notice is not intended to discourage your objection in any way. It is intended only to inform you of your rights and obligations and to encourage early participation.

1



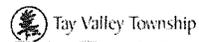
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Hobson Minor Variance

Decision Process

- based on both the oral and written input received and understanding gained
- four key factors:
 - ✓ Is the application generally in keeping with the intent of the Township's Official Plan?
 - ✓ Is the application generally in keeping with the intent of the Township's Zoning By-laws?
 - ✓ Is it desirable and appropriate development and use of the site?
 - ✓ Is it minor in nature and scope?
- four decision options:
 - ? Approve – with or without conditions
 - ? Deny – with reasons
 - ? Defer – pending further input
 - ? Return to Township Staff – application deemed not to be minor

2



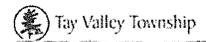
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Hobson Minor Variance

Hearing Process

- The Planner will review the application and present her comments plus those of the Conservation Authority, Septic System Office, and any public comments received
- The Applicant may provide additional details or clarification
- Any members of the public may contribute comments or questions
- The Committee members will discuss and decide
- The Notice of Decision will be signed

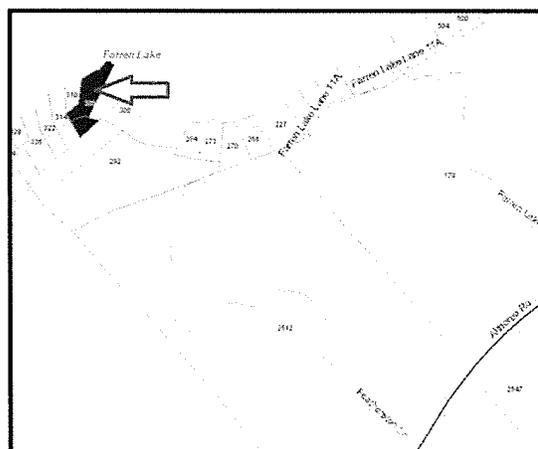
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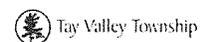
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Hobson

306 Featherston Lane, Part Lot 9, Concession 2, in the geographic Township of South Sherbrooke

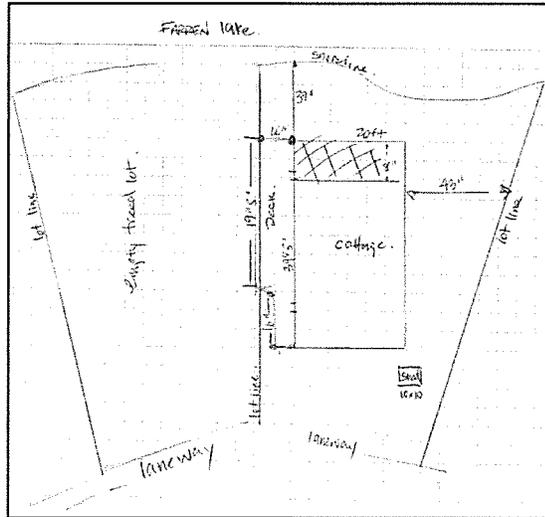


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4

Hobson – Site Sketch

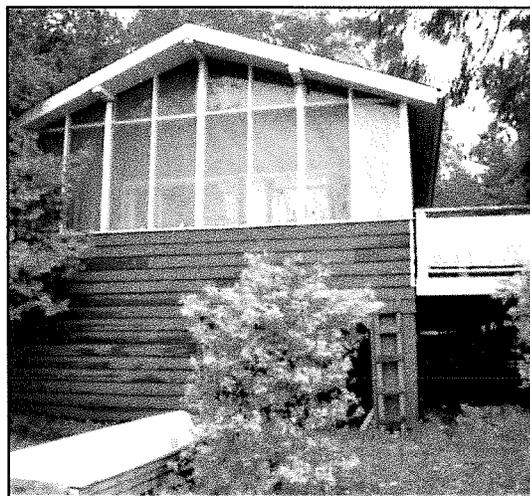


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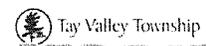


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Hobson – Photo



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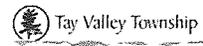
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Hobson Comments

Rideau Valley Conservation Authority (RVCA):

- No comments at the time of the report.

9



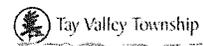
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Hobson - Comments

Mississippi Rideau Septic System Office (MRSSO):

- Not circulated as there is no change to living space.

10

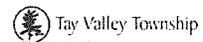


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Hobson Official Plan

- The subject land is designated Rural in the Official Plan, and residential uses are permitted.

11

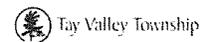


11

Hobson Zoning By-law

- The property is zoned Seasonal Residential, and a cottage is a permitted use. Lot coverage at 1.6% is well under the 10% maximum. Water setback is proposed at 12m instead of the 30m required. However, no new encroachment will occur.
- The application can be considered minor in impact as no new encroachment into the 30m setback will occur.
- The proposal is also desirable and appropriate development of the lands in question as it is a permitted use and replacing the screens with windows will not increase the existing encroachment toward the lake.

12



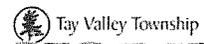
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Hobson Official Plan & Zoning Test

Is the application generally in keeping with the intent of the Township's Official Plan & Zoning By-Law?

- Section 2.24.1.a of the Official Plan requires a minimum setback of 30m from the high-water mark of any water body for new development.
- However, the Official Plan Section 2.24.2.c does allow for a reduction in setbacks where an existing lot of record or existing development precludes the possibility of meeting the setback.

13



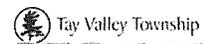
13

Hobson Official Plan & Zoning Test

Is the application generally in keeping with the intent of the Township's Official Plan & Zoning By-Law?

- Official Plan Amendment 5 prescribes additional protection measures for Farren Lake as it was determined by the Ministry of Environment, Conservation and Parks to be at capacity for phosphorus.
- For this application, the only applicable additional best management practice would be for a Site Plan Control Agreement to maintain vegetation along the shore.

14



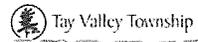
14

Hobson Development & Use Test

Is it desirable and appropriate development for the use of the site?

- The proposal is desirable and appropriate development of the lands in question as it is a permitted use and replacing the screens with windows will not increase the existing encroachment toward the lake.

15



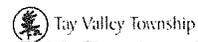
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Hobson "Minor" Test

Is it minor in nature and scope?

- The application can be considered minor in impact as no new encroachment into the 30m setback will occur.

16

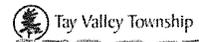


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Hobson Public Comments

- No comments were received at the time of the report. Members of the public are welcome to speak to the application at this meeting.

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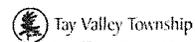
17

Hobson Recommendation

That the Minor Variance be granted for relief from the requirements of Section 3.29 (Water Setback) because the general intent and purpose of the Official Plan and Zoning By-law are maintained; further, that the variance is desirable for the appropriate development of the lands and can be considered minor. As such, the application meets the tests of the Planning Act.

And that, a Site Plan Control Agreement, including the conditions from the RVCA, be executed.

18



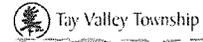
18

Hobson Resolution

Recommended Decision:

"THAT, in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application MV22-08 is approved, to allow a variance from the requirements of Section 3.29 (Water Setback) of Zoning By-Law 2002-121, for the lands legally described as 306 Featherston Lane, Concession 2, E Part Lot 9 in the geographic Township of South Sherbrooke, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-914-015-28200 to permit a reduced water setback for the enclosure of a screened-in porch at a water setback of 12m instead of the required 30m."

19



Committee of Adjustment

April 25th, 2022

Noelle Reeve, Planner

APPLICATION MV22-09

Horricks

518 Black Lake Route 11, Concession 6 Part Lot 17,
Geographic Township of North Burgess

SUMMARY OF PROPOSAL

Purpose and Effect: To seek relief from Section 5.2.2 (Zone Provisions) of Zoning By-Law 2002-121, as amended, as follows:

- To permit a reduction from the minimum lot area of 4050m² to 1,573m²

The effect of the variance would be to satisfy a condition of an addition-to-lot severance (B21-114).

REVIEW COMMENTS

The subject property is located at 518 Black Lake Route 11. The lot is currently 1,093m² (0.26 acre). Following the lot addition, the consolidated lot will be 1,573 m² (0.39 acre) and has received conditional approval from the Land Division Committee.

Provincial Policy Statement

No concerns. Sections 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, Section 2.1 Natural Heritage, and Section 3.1 Protecting Public Health and Safety – Natural Hazards are satisfied as the lot additions increase the size of the undersized lots without negatively affecting the environment.

County Sustainable Community Official Plan

Section 3.3.3.1 Rural Area Land Use Policies Objectives are to: ensure development is consistent with rural service levels; to maintain the distinct character of rural, waterfront and settlement areas; and to ensure that development is compatible with natural heritage.

Official Plan

The subject land is designated Rural in the *Official Plan*, and residential uses are permitted. Sections 5.2.2.1 and 5.2.2.12 of the Official Plan state that no land division shall create a lot which cannot comply with the minimum size and water frontage requirement. However, no change is being made to frontage, the size is increasing, and lot line adjustments and lot additions are permitted.

Zoning By-Law

The property is zoned Seasonal Residential. Lot size for this zone is 4,050m² and frontage required is 60m, which is why a variance is required.

The application can be considered minor in impact. No new lots have been created and no development is being proposed at this time. The lot addition provides permission for a new right of way and space for future septic replacement or a storage building. There are no anticipated negative impacts on the neighbouring properties.

The proposal is also desirable for the appropriate development of the lands in question as the use of the property is not proposed to change and the right-of-way will be clarified.

CIRCULATION COMMENTS

Rideau Valley Conservation Authority – No objection to the severance proposal.

Mississippi-Rideau Septic System Office (MRSSO) – No objections to the severance as proposed.

SITE PLAN CONTROL

Not recommended as no new development is proposed.

PUBLIC COMMENT

None at the severance hearing and none at the time of writing this report.

RECOMMENDATION

That the Minor Variance be granted for relief from the requirements of Section 5.2.2

(Zone Provisions) because the general intent and purpose of the *Official Plan* and *Zoning By-law* are maintained; further, that the variance is desirable for the appropriate development of the lands and can be considered minor. As such, the application meets the tests of the *Planning Act*.

Horricks Minor Variance

Public Notice

Pursuant to the Planning Act, Notice of Public Hearing is to be provided a minimum of 10 days for a Minor Variance to the Zoning By-law. Notice was duly given by posting at the nearest public road and delivering to adjacent property owners within 60 metres of the location. Notice was also given to public agencies as required.

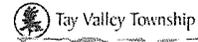
Ontario Land Tribunal

Please be cautioned that if, at a later date, a person or public body choose to appeal the Committee's decision on this matter to the Ontario Land Tribunal, the Tribunal may dismiss all or part of an appeal without holding a hearing if the reasons set out in the appeal do not refer to land use planning grounds offended by the decision, or if the appeal is not made in good faith, or if it is frivolous or vexatious or made only for the purpose of delay.

The Tribunal may also dismiss the appeal if the appellant did not make oral submission at the public meeting or did not make written submission before the variance was adopted.

If you choose to appeal, you must submit written reasons, the prescribed fee and any other background material requested. This notice is not intended to discourage your objection in any way. It is intended only to inform you of your rights and obligations and to encourage early participation.

1



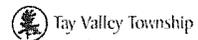
1

Horricks Minor Variance

Decision Process

- based on both the oral and written input received and understanding gained
- four key factors:
 - ✓ Is the application generally in keeping with the intent of the Township's Official Plan?
 - ✓ Is the application generally in keeping with the intent of the Township's Zoning By-laws?
 - ✓ Is it desirable and appropriate development and use of the site?
 - ✓ Is it minor in nature and scope?
- four decision options:
 - ? Approve – with or without conditions
 - ? Deny – with reasons
 - ? Defer – pending further input
 - ? Return to Township Staff – application deemed not to be minor

2



2

Horricks Minor Variance

Hearing Process

- The Planner will review the application and present her comments plus those of the Conservation Authority, Septic System Office, and any public comments received
- The Applicant may provide additional details or clarification
- Any members of the public may contribute comments or questions
- The Committee members will discuss and decide
- The Notice of Decision will be signed

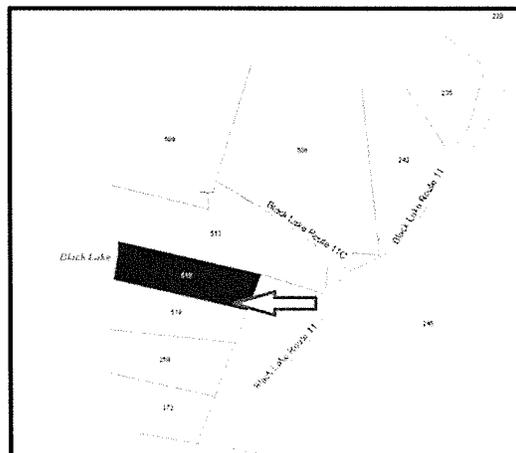
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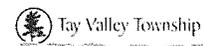
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Horricks

518 Black Lake Route 11, Concession 6 Part Lot 17, geographic Township of North Burgess



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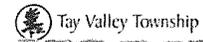
Horricks - Proposal

The Minor Variance application seeks relief from Section 5.2.2 (Zone Provisions) of Zoning By-Law 2002-121, as amended, as follows:

- To permit a reduction from the minimum lot area of 4050m² to 1,573m²

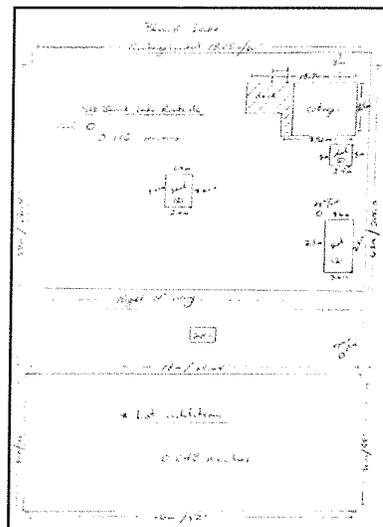
The effect of the variance would be to satisfy a condition of an addition-to-lot severance (B21-114).

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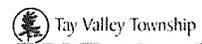


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Horricks – Site Sketch

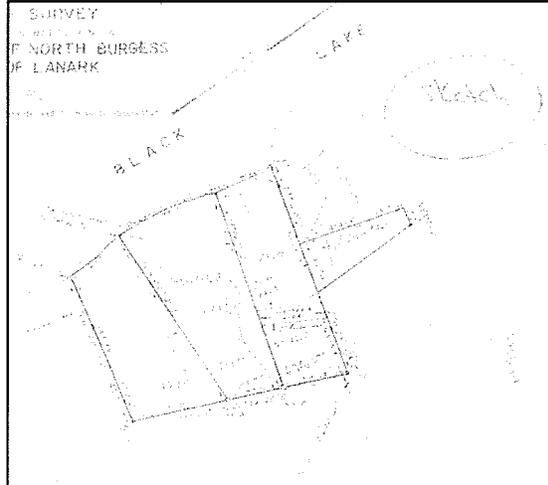


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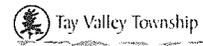


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Horricks – Site Sketch



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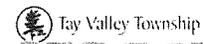
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Horricks Comments

Rideau Valley Conservation Authority (RVCA):

- No objection to the severance proposal.

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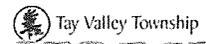
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Horricks - Comments

Mississippi Rideau Septic System Office (MRSSO):

- No objections to the severance as proposed.

9



9

Horricks Official Plan

- The subject land is designated Rural in the Official Plan, and residential uses are permitted. Sections 5.2.2.1 and 5.2.2.12 of the Official Plan state that no land division shall create a lot which cannot comply with the minimum size and water frontage requirement.
- However, no change is being made to frontage, the size is increasing, and lot line adjustments and lot additions are permitted.

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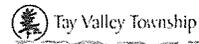


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Horricks Zoning By-law

- The property is zoned Seasonal Residential. Lot size for this zone is 4,050m² and frontage required is 60m, which is why a variance is required.

11



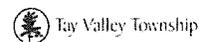
11

Horricks Official Plan & Zoning Test

Is the application generally in keeping with the intent of the Township's Official Plan & Zoning By-Law?

- Section 2.24.1.a of the Official Plan requires a minimum setback of 30m from the high-water mark of any water body for new development.
- However, the Official Plan Section 2.24.2.c does allow for a reduction in setbacks where an existing lot of record or existing development precludes the possibility of meeting the setback.

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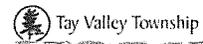
12

Horricks Official Plan & Zoning Test

Is the application generally in keeping with the intent of the Township's Official Plan & Zoning By-Law?

- Yes. No new lots have been created and no development is being proposed at this time.
- There are no anticipated negative impacts on the neighbouring properties.

13



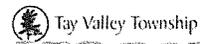
13

Horricks Development & Use Test

Is it desirable and appropriate development for the use of the site?

- The proposal is desirable for the appropriate development of the lands in question as the use of the property is not proposed to change and the right-of-way will be clarified.

14



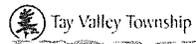
14

Horricks "Minor" Test

Is it minor in nature and scope?

- The application can be considered minor in impact. No new lots have been created and no development is being proposed at this time.
- The lot addition provides permission for a new right of way and space for future septic replacement or a storage building.
- There are no anticipated negative impacts on the neighbouring properties.

15

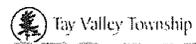


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Horricks Public Comments

- No comments were received at the time of the report. Members of the public are welcome to speak to the application at this meeting.

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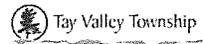


16

Horricks Recommendation

That the Minor Variance be granted for relief from the requirements of Section 5.2.2 (Zone Provisions) because the general intent and purpose of the Official Plan and Zoning By-law are maintained; further, that the variance is desirable for the appropriate development of the lands and can be considered minor. As such, the application meets the tests of the Planning Act.

17



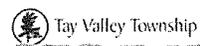
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Horricks Resolution

Recommended Decision:

"THAT, in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application MV22-09 is approved, to allow a variance from the requirements of Section 5.2.2 (Zone Provisions) of Zoning By-Law 2002-121, for the lands legally described as 518 Black Lake Route 11C, Concession 6, Part Lot 17, in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-020-43100 to permit a reduction from the minimum lot area of 4050m² to 1,573m²."

18



18

Committee of Adjustment

April 25, 2022

Noelle Reeve, Planner

APPLICATION MV22-10

Yan and Callery, Trustees
943 Jones Point, Concession 5, Part Lot 3,
Geographic Township of North Burgess

SUMMARY OF PROPOSAL

Purpose and Effect: To seek relief from Section 3.29 (Water Setbacks) of By-Law 2002-121, as amended, as follows:

- Permit a reduced water setback for the addition of a garage at a water setback of 20m at the closest point to Adam Creek instead of the required 28m (from ZBLA 2010 - 53).

The effect of the variance is to permit the addition of a second garage bay to an existing garage at a reduced setback of 20m at the closest point from Adam Creek.

REVIEW COMMENTS

The property is located on a peninsula on Adam Lake and Big Rideau Lake and currently contains a cottage 312m² (3,362 sq ft) in area but 156m² footprint, garage 53 m² (574 sq ft), deck 71m² (sq ft), a 20m² (216 sq ft) Bunkie and a shed 22m² (234 sq ft). There is also a boathouse 48m² (515 sq. ft) entirely over water. The lot is 4,015m² (0.9 acres) with 201m water frontage. The cottage and garage required a rezoning to Residential Limited Services Special Exception – 87 (RLS-87) in 2010 for water setback relief from Adam Lake and Adam Creek and Big Rideau Lake. For each structure one of the 30m setback requirements was met but not all of them.

Provincial Policy Statement

No concerns. Sections 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, Section 2.1 Natural Heritage, and Section 3.1 Protecting Public Health and Safety – Natural Hazards are satisfied as a Site Plan Control Agreement is in place and will be augmented for the proposed garage addition.

County Sustainable Community Official Plan

Section 3.3.3.1 Rural Area Land Use Policies Objectives are to: ensure development is consistent with rural service levels; to maintain the distinct character of rural, waterfront and settlement areas; and to ensure that development is compatible with natural heritage. No concerns.

Official Plan

The subject land is designated Rural in the *Official Plan*, and accessory residential uses are permitted.

Section 2.24.1.a of the Official Plan requires a minimum setback of 30m from the high-water mark of any water body for new development (28m in this instance due to the RLS-87 zoning amendment). However, the Official Plan Section 2.24.2.c does allow for a reduction in setbacks where an existing lot of record or existing development precludes the possibility of meeting the setback.

Official Plan Amendment 6 prescribes additional protection measures for Adam Lake as it was determined by the Ministry of Environment, Conservation and Parks to be at capacity for phosphorus. For this application, the garage meets the setback from Adam Lake and needs relief from Adam Creek – the outflow into Big Rideau Lake. The best management practice for this application would be for the Site Plan Control Agreement to maintain vegetation along the shore and require eavestroughs to drain to a soak away pit.

Zoning By-Law

The property is zoned Residential Limited Services Special Exception-87 (RLS- 87) and a garage is a permitted use. Current lot coverage is 8% and with the proposed garage is 9.4%, slightly under the 10% maximum. Water setback is proposed at 20m at the closest point instead of the 28m required by the RLS-87 zone.

The application can be considered minor in impact as a modest encroachment into the 28m setback will occur and the site vegetation has been well maintained.

The proposal is also desirable and appropriate development of the lands in question as it is a permitted use.

CIRCULATION COMMENTS

Rideau Waterfront Development Review Team (RDWDRT) – The RDWDRT comments were not available at the time of the report. One point of clarification that the Planner requires is whether a permit was required to be obtained for the patio.

Mississippi-Rideau Septic System Office (MRSSO) – Not available at the time of the report.

Public – None at the time of the report.

SITE PLAN CONTROL

A Site Plan Control Agreement was registered on the property in 2010 and would be amended to include requirements related to the proposed garage.

RECOMMENDATION

That the Minor Variance be granted for relief from the requirements of Section 3.29 (Water Setbacks) of Zoning By-Law 2002-121, as amended, as follows:

- To permit a reduced water setback for an additional bay for a garage at a setback of 20m from Adam Creek

because the general intent and purpose of the *Official Plan* and *Zoning By-law* are maintained; further, that the variance is desirable for the appropriate development of the lands and can be considered minor. As such, the application meets the tests of the *Planning Act*.

And that the existing Site Plan Control Agreement be amended to include the conditions of the MVCA.

Yan and Callery, Trustees Minor Variance

Public Notice

Pursuant to the Planning Act, Notice of Public Hearing is to be provided a minimum of 10 days for a Minor Variance to the Zoning By-law. Notice was duly given by posting at the nearest public road and delivering to adjacent property owners within 60 metres of the location. Notice was also given to public agencies as required.

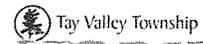
Ontario Land Tribunal

Please be cautioned that if, at a later date, a person or public body choose to appeal the Committee's decision on this matter to the Ontario Land Tribunal, the Tribunal may dismiss all or part of an appeal without holding a hearing if the reasons set out in the appeal do not refer to land use planning grounds offended by the decision, or if the appeal is not made in good faith, or if it is frivolous or vexatious or made only for the purpose of delay.

The Tribunal may also dismiss the appeal if the appellant did not make oral submission at the public meeting or did not make written submission before the variance was adopted.

If you choose to appeal, you must submit written reasons, the prescribed fee and any other background material requested. This notice is not intended to discourage your objection in any way. It is intended only to inform you of your rights and obligations and to encourage early participation.

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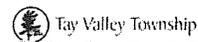
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Yan and Callery, Trustees Minor Variance

Decision Process

- based on both the oral and written input received and understanding gained
- four key factors:
 - ✓ Is the application generally in keeping with the intent of the Township's Official Plan?
 - ✓ Is the application generally in keeping with the intent of the Township's Zoning By-laws?
 - ✓ Is it desirable and appropriate development and use of the site?
 - ✓ Is it minor in nature and scope?
- four decision options:
 - ? Approve – with or without conditions
 - ? Deny – with reasons
 - ? Defer – pending further input
 - ? Return to Township Staff – application deemed not to be minor

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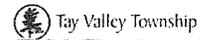
Yan and Callery, Trustees - Proposal

The Minor Variance application seeks relief from Section 3.29 (Water Setbacks) of Zoning By-Law 2002-121, as amended, as follows:

- a reduced water setback for the addition of a garage at a water setback of 20m at the closest point to Adam Creek instead of the required 28m (from ZBLA 2010 - 53)

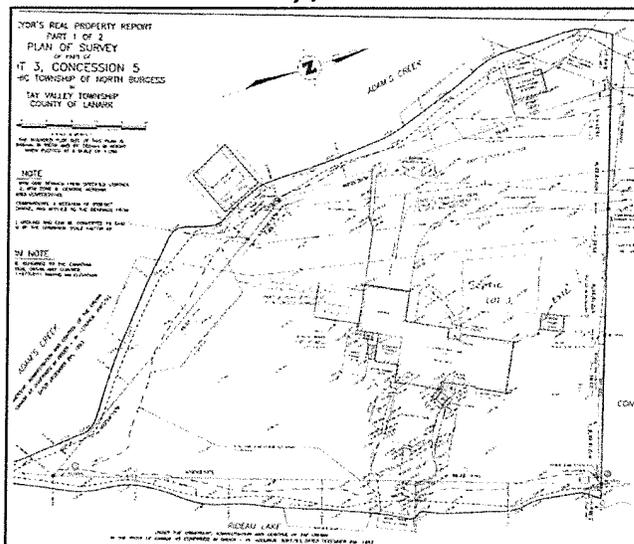
The effect of the variance is to permit the addition of a second garage bay to an existing garage at a reduced setback of 20m at the closest point from Adam Creek.

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Yan and Callery, Trustees – Site Sketch



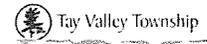
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Yan and Callery, Trustees Comments

Rideau Waterfront Development Review Team (RDWDRT)

- One point of clarification that the Planner requires is whether a permit was required to be obtained for the patio.

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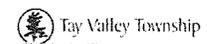


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Yan and Callery, Trustees - Comments **Mississippi Rideau Septic System Office (MRSSO):**

- Not available at the time of the report.

8

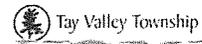


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Yan and Callery, Trustees Official Plan

- The subject land is designated Rural in the Official Plan, and accessory residential uses are permitted.

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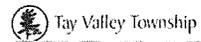


9

Yan and Callery, Trustees Zoning By-law

- The property is zoned Residential Limited Services Special Exception-87 (RLS- 87) and a garage is a permitted use. Current lot coverage is 8% and with the proposed garage is 9.4%, slightly under the 10% maximum.
- Water setback is proposed at 20m at the closest point instead of the 28m required by the RLS-87 zone.

10



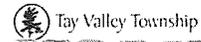
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Yan and Callery, Trustees Official Plan & Zoning Test

Is the application generally in keeping with the intent of the Township's Official Plan & Zoning By-Law?

- Section 2.24.1.a of the Official Plan requires a minimum setback of 30m from the high-water mark of any water body for new development (28m in this instance due to the RLS-87 zoning amendment).
- However, the Official Plan Section 2.24.2.c does allow for a reduction in setbacks where an existing lot of record or existing development precludes the possibility of meeting the setback.

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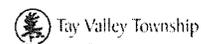
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Yan and Callery, Trustees Official Plan & Zoning Test

Is the application generally in keeping with the intent of the Township's Official Plan & Zoning By-Law?

- Official Plan Amendment 6 prescribes additional protection measures for Adam Lake as it was determined by the Ministry of Environment, Conservation and Parks to be at capacity for phosphorus.
- For this application, the garage meets the setback from Adam Lake and needs relief from Adam Creek – the outflow into Big Rideau Lake.
- The best management practice for this application would be for the Site Plan Control Agreement to maintain vegetation along the shore and require eavestroughs to drain to a soak away pit.

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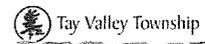
12

Yan and Callery, Trustees Development & Use Test

Is it desirable and appropriate development for the use of the site?

- The proposal is desirable for the appropriate development of the lands in question as it is a permitted use.

13



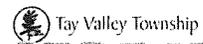
13

Yan and Callery, Trustees "Minor" Test

Is it minor in nature and scope?

- The application can be considered minor in impact as a modest encroachment into the 28m setback will occur and the site vegetation has been well maintained.

14

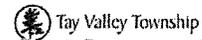


14

Yan and Callery, Trustees Public Comments

- No comments were received at the time of the report. Members of the public are welcome to speak to the application at this meeting.

15



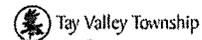
15

Yan and Callery, Trustees Recommendation

That the Minor Variance be granted for relief from the requirements of Section 3.29 (Water Setbacks) because the general intent and purpose of the Official Plan and Zoning By-law are maintained; further, that the variance is desirable for the appropriate development of the lands and can be considered minor. As such, the application meets the tests of the Planning Act.

And that the existing Site Plan Control Agreement be amended to include the conditions from the RVCA

16



16

Yan and Callery, Trustees Resolution

Recommended Decision:

"THAT, in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application MV22-10 is approved, to allow a variance from the requirements of Section 3.29 (Water Setbacks) of Zoning By-Law 2002-121, for the lands legally described as 943 Jones Point, Concession 5, Part Lot 3, in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-025-07800 to permit a reduced water setback for an additional bay for a garage at a setback of 20m from Adam Creek;

AND THAT, the existing Site Plan Control Agreement be amended to include the conditions from the RVCA."

Committee of Adjustment

March 28th, 2022

Noelle Reeve, Planner

APPLICATION MV22-11

Bisson

277 Colin Farmer Road, Concession 7, Pt Lot 3,
Geographic Township of North Burgess

SUMMARY OF PROPOSAL

Purpose and Effect: To seek relief from Sections 3.29 (Water Setbacks) and 3.30 (Yard and Water Setbacks) of Zoning By-Law 2002-121, as amended, as follows:

- *Reduce the minimum required water setback for a proposed cottage to 15m from the lake.*
- *Permit a deck of 3m encroachment rather than the 2m permitted at this setback.*

The effect of the variance would be to permit construction of a 103.7m² cottage at a setback of 15 m from the lake with a 3m deep deck to replace a cottage at a setback of 8.2m from the lake which had a 3.6m deck located 4.6m from the lake.

REVIEW COMMENTS

The property is situated at 277 Colin Farmer Rd on Otty Lake. The lot currently has a small (77m²) cottage on it with a deck only 4.6m from the lake. The owners would have the right to rebuild on the same footprint with no increase in size, height or volume.

The Township planner and RVCA planner met the landowners on site and have had numerous follow up conversations to help the proposal evolve. It was acknowledged that there are constraints to developing this lot as there is a hydro line and the lot begins to hit rock as the distance from the lake increases and solutions were discussed. The applicants agreed not to request a full basement under the cottage so that the hill will not need to be completely excavated and they agreed to a half storey design, not a full two storey design to limit the amount of development within the 30m setback.

Official Plan

The subject land is designated Rural in the *Official Plan*, and residential uses are permitted.

Section 2.24.1.a requires a minimum setback of 30m from the high-water mark of any water body for new development. However, given the possibility of redevelopment on the existing footprint so close to the lake, a reduction in the water setback could be accepted as a net environmental gain would occur. A new septic system will be located to a 30 m setback from the current location at approximately 18m. A Site Plan Control Agreement will ensure that a vegetated buffer is in place between the new cottage and the shoreline.

Zoning Bylaw

The property is zoned Seasonal Residential (RS) and is 2,561 m². Lot coverage when the new cottage and new garage (at a 30m setback) are built will be 8.1%, therefore, under the 10% permitted. The deck area at 25m² is less than the 28m² permitted at this water setback.

The application can be considered minor in impact as development is moving away from the lake (more than doubling the existing setback) and a net environmental gain will occur. The application for the 1m deck encroachment can also be considered minor.

In addition, the Site Plan Control Agreement will include recommendations to require retention of vegetation to mitigate stormwater runoff impacts.

The proposal is also desirable and appropriate development of the lands in question as it is a permitted use and improves the water setback.

CIRCULATION COMMENTS

Rideau Valley Conservation Authority – Verbally the RVCA did not object to the application. The RVCA recommended standard conditions for the Site Plan Control Agreement:

- 1) Sediment and erosion control is to include measures such as sediment/silt control fencing installed prior to the construction phase of development.
- 2) Eavestroughs draining to the rear.
- 3) Vegetation enhancement along the shore.

Mississippi-Rideau Septic System Office (MRSSO) – A septic application will be submitted to the MRSSO.

Public – None at the time of the report.

RECOMMENDATION

That the minor variance be granted for relief from the requirements of Section 3.29 (Water Setback) and Section 3.30 (Yard and Water Setback Encroachment) of Zoning By-Law 2002-121, as amended, as follows:

- Reduce the minimum required water setback for a proposed cottage to 15m from the lake
- Permit an additional deck encroachment of 1m (resulting in a 3m wide deck)

because the general intent and purpose of the *Official Plan* and *Zoning By-law* are maintained; further, that the variance is desirable for the appropriate development of the lands and can be considered minor. As such, the application meets the tests of the *Planning Act*.

And that a Site Plan Control Agreement, including the conditions from the RVCA, be executed.

Bisson Minor Variance

Public Notice

Pursuant to the Planning Act, Notice of Public Hearing is to be provided a minimum of 10 days for a Minor Variance to the Zoning By-law. Notice was duly given by posting at the nearest public road and delivering to adjacent property owners within 60 metres of the location. Notice was also given to public agencies as required.

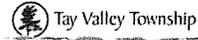
Ontario Land Tribunal

Please be cautioned that if, at a later date, a person or public body choose to appeal the Committee's decision on this matter to the Ontario Land Tribunal, the Tribunal may dismiss all or part of an appeal without holding a hearing if the reasons set out in the appeal do not refer to land use planning grounds offended by the decision, or if the appeal is not made in good faith, or if it is frivolous or vexatious or made only for the purpose of delay.

The Tribunal may also dismiss the appeal if the appellant did not make oral submission at the public meeting or did not make written submission before the variance was adopted.

If you choose to appeal, you must submit written reasons, the prescribed fee and any other background material requested. This notice is not intended to discourage your objection in any way. It is intended only to inform you of your rights and obligations and to encourage early participation.

1



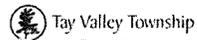
1

Bisson Minor Variance

Decision Process

- based on both the oral and written input received and understanding gained
- four key factors:
 - ✓ Is the application generally in keeping with the intent of the Township's Official Plan?
 - ✓ Is the application generally in keeping with the intent of the Township's Zoning By-laws?
 - ✓ Is it desirable and appropriate development and use of the site?
 - ✓ Is it minor in nature and scope?
- four decision options:
 - ? Approve – with or without conditions
 - ? Deny – with reasons
 - ? Defer – pending further input
 - ? Return to Township Staff – application deemed not to be minor

2



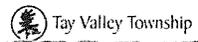
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Bisson Minor Variance

Hearing Process

- The Planner will review the application and present her comments plus those of the Conservation Authority, Septic System Office, and any public comments received
- The Applicant may provide additional details or clarification
- Any members of the public may contribute comments or questions
- The Committee members will discuss and decide
- The Notice of Decision will be signed

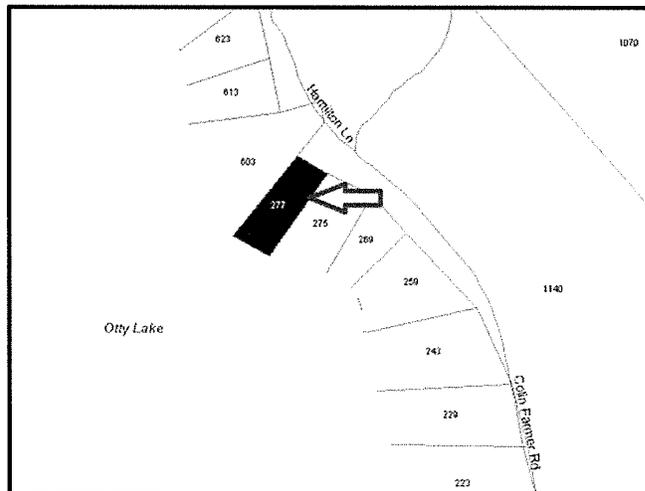
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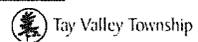
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Bisson

277 Colin Farmer Road, Concession 7, Part Lot 3, geographic Township of North Burgess



4



4

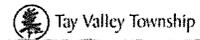
Bisson - Proposal

The Minor Variance application seeks relief Sections 3.29 (Water Setbacks) and 3.30 (Yard and Water Setbacks) of Zoning By-Law 2002-121, as amended, as follows:

- Reduce the minimum required water setback for a proposed cottage to 15m from the lake.
- Permit a deck of 3m encroachment rather than the 2m permitted at this setback.

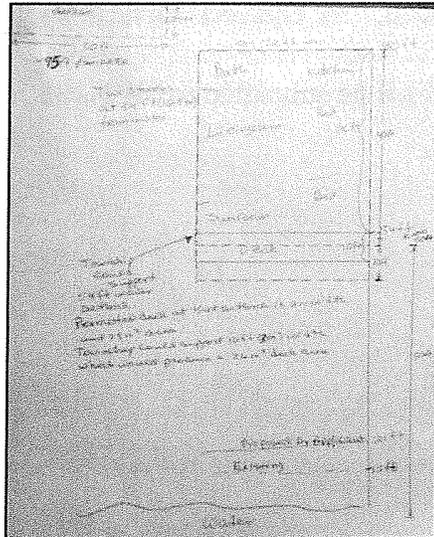
The effect of the variance would be to permit construction of a 103.7m² cottage at a setback of 15 m from the lake with a 3m deep deck to replace a cottage at a setback of 8.2m from the lake which had a 3.6m deck located 4.6m from the lake.

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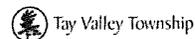


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Bisson – Site Sketch



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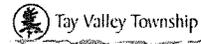
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Bisson Comments

Rideau Valley Conservation Authority (RVCA)

- Verbally the RVCA did not object to the application. The RVCA recommended standard conditions for the Site Plan Control Agreement:
 - 1) Sediment and erosion control is to include measures such as sediment/silt control fencing installed prior to the construction phase of development.
 - 2) Eavestroughs draining to the rear.
 - 3) Vegetation enhancement along the shore.

7



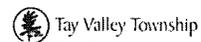
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Bisson - Comments

Mississippi Rideau Septic System Office (MRSSO):

- A septic application will be submitted to the MRSSO.

8

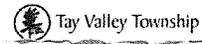


8

Bisson Official Plan

- The subject land is designated Rural in the Official Plan, and accessory residential uses are permitted.

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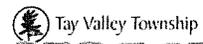


9

Bisson Zoning By-law

- The property is zoned Seasonal Residential (RS) and is 2,561 m².
- Lot coverage when the new cottage and new garage (at a 30m setback) are built will be 8.1%, therefore, under the 10% permitted.
- The deck area at 25m² is less than the 28m² permitted at this water setback.

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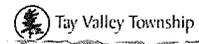
10

Bisson Official Plan & Zoning Test

Is the application generally in keeping with the intent of the Township's Official Plan & Zoning By-Law?

- The Site Plan Control Agreement will include recommendations to require retention of vegetation to mitigate stormwater runoff impacts.

11



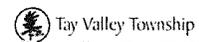
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Bisson Development & Use Test

Is it desirable and appropriate development for the use of the site?

- The proposal is desirable for the appropriate development of the lands in question as it is a permitted use and improves the water setback.

12



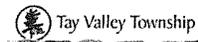
12

Bisson "Minor" Test

Is it minor in nature and scope?

- The application can be considered minor in impact as development is moving away from the lake (more than doubling the existing setback) and a net environmental gain will occur.
- The application for the 1m deck encroachment can also be considered minor.

13

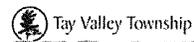


13

Bisson Public Comments

- No comments were received at the time of the report. Members of the public are welcome to speak to the application at this meeting.

14



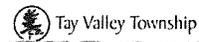
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Bisson Recommendation

That the Minor Variance be granted for relief from the requirements of Section 3.29 (Water Setbacks) because the general intent and purpose of the Official Plan and Zoning By-law are maintained; further, that the variance is desirable for the appropriate development of the lands and can be considered minor. As such, the application meets the tests of the Planning Act.

And that, a Site Plan Control Agreement, including the conditions from the RVCA, be executed.

15



15

Bisson Resolution

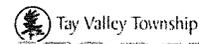
Recommended Decision:

"THAT, in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application MV22-11 is approved, to allow a variance from the requirements of Section 3.29 (Water Setbacks) and Section 3.30 (Yard and Water Setback Encroachment) of Zoning By-Law 2002-121, for the lands legally described as 277 Colin Farmer Road, Concession 7, Part Lot 3, in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-025-36900

- Reduce the minimum required water setback for a proposed cottage to 15m from the lake;*
- Permit a deck of 3m encroachment rather than the 2m permitted at this setback;*

AND THAT, a Site Plan Control Agreement, including the conditions from the RVCA, be executed."

16



16

Committee of Adjustment

March 28th, 2022

Noelle Reeve, Planner

APPLICATION MV22-12

Kwiatkowski

2721 Old Brooke Road, Concession 7, Lot 17,
Geographic Township of South Sherbrooke

SUMMARY OF PROPOSAL

Purpose and Effect: To seek relief from Section 3.29 (Water Setbacks) of Zoning By-Law 2002-121, as amended, as follows:

- Reduce the minimum required water setback for a proposed 111m² dwelling to 21m from a wetland/pond
- Reduce the minimum required water setback to 15m for the septic system from the wetland/pond.

The effect of the variance would be to permit construction of a dwelling on a vacant lot at a setback of 21 m from a wetland and a septic system at 15m.

REVIEW COMMENTS

The property is situated at 2721 Old Brooke Road. The lot currently has the dwelling under construction on it. There was a mix up at the Mississippi Valley Conservation Authority (MVCA) office due to a mapping error that indicated that an unevaluated but regulated wetland was located south of the property when in fact it is located on the property.

The applicant believed he had permission from MVCA to build in the current location. However, he did not have a building permit. When he applied for the septic permit, the inspector noted footings had already been poured for the dwelling.

MVCA enforcement staff then visited the property to determine if they would issue an order or fines for construction within the 30m wetland buffer. They decided not to because the applicant had not placed fill in the wetland and they acknowledged there had been some lack of clarity about the wetland boundary on their end.

Official Plan

The subject land is designated Rural in the *Official Plan* and a residential use is permitted.

Section 2.24.1.a requires a minimum setback of 30m from the high-water mark of any water body for new development. However, the applicant asked MVCA if he needed to be setback from the wetland on his property and was told he did not need to be.

Zoning By-law

The property is zoned Rural and a dwelling is a permitted use. Lot coverage is 2.7%, well under the 10% maximum.

The application for setback for the dwelling can be considered minor in impact as a Site Plan Control Agreement requiring retention of vegetation to address stormwater runoff impacts will mitigate environmental impacts. The septic system meets the minimum water setback requirement of the Ontario Building Code.

The proposal is also desirable and appropriate development of the lands in question as it is a permitted use.

CIRCULATION COMMENTS

Mississippi Valley Conservation Authority (MVCA) – MVCA did not object to the application. Standard conditions for the Site Plan Control Agreement would include:

- 4) Sediment and erosion control is to include measures such as sediment/silt control fencing installed prior to the construction phase of development.
- 5) Eavestroughs draining to the road, away from the pond.
- 6) Vegetation enhancement along the edges of the pond.

Mississippi-Rideau Septic System Office (MRSSO) – A septic application has been submitted to the MRSSO. There is deep native soil at the 15m setback and bedrock farther from the pond. The inspector recommends the 15m setback.

Public – None at the time of the report.

RECOMMENDATION

That the minor variance be granted for relief from the requirements of Section 3.29 (Water Setback) of Zoning By-Law 2002-121, as amended, as follows:

- Reduce the minimum required water setback for a dwelling to 21m from the wetland/pond
- Permit a septic setback of 15m from the wetland/pond

because the general intent and purpose of the *Official Plan* and *Zoning By-law* are maintained; further, that the variance is desirable for the appropriate development of the lands and can be considered minor. As such, the application meets the tests of the *Planning Act*.

And that a Site Plan Control agreement, including the conditions of the RVCA, be executed.

Kwiatkowski Minor Variance

Public Notice

Pursuant to the Planning Act, Notice of Public Hearing is to be provided a minimum of 10 days for a Minor Variance to the Zoning By-law. Notice was duly given by posting at the nearest public road and delivering to adjacent property owners within 60 metres of the location. Notice was also given to public agencies as required.

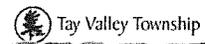
Ontario Land Tribunal

Please be cautioned that if, at a later date, a person or public body choose to appeal the Committee's decision on this matter to the Ontario Land Tribunal, the Tribunal may dismiss all or part of an appeal without holding a hearing if the reasons set out in the appeal do not refer to land use planning grounds offended by the decision, or if the appeal is not made in good faith, or if it is frivolous or vexatious or made only for the purpose of delay.

The Tribunal may also dismiss the appeal if the appellant did not make oral submission at the public meeting or did not make written submission before the variance was adopted.

If you choose to appeal, you must submit written reasons, the prescribed fee and any other background material requested. This notice is not intended to discourage your objection in any way. It is intended only to inform you of your rights and obligations and to encourage early participation.

1



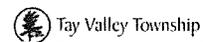
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Kwiatkowski Minor Variance

Decision Process

- based on both the oral and written input received and understanding gained
- four key factors:
 - ✓ Is the application generally in keeping with the intent of the Township's Official Plan?
 - ✓ Is the application generally in keeping with the intent of the Township's Zoning By-laws?
 - ✓ Is it desirable and appropriate development and use of the site?
 - ✓ Is it minor in nature and scope?
- four decision options:
 - ? Approve – with or without conditions
 - ? Deny – with reasons
 - ? Defer – pending further input
 - ? Return to Township Staff – application deemed not to be minor

2



2

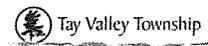
Kwiatkowski - Proposal

The Minor Variance application seeks relief from Section 3.29 (Water Setbacks) of Zoning By-Law 2002-121, as amended, as follows:

- Reduce the minimum required water setback for a proposed 111m² dwelling to 21m from a wetland/pond
- Reduce the minimum required water setback to 15m for the septic system from the wetland/pond.

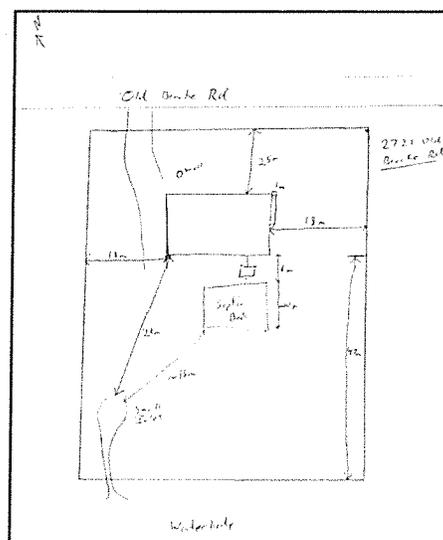
The effect of the variance would be to permit construction of a dwelling on a vacant lot at a setback of 21 m from a wetland and a septic system at 15m.

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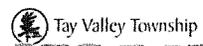


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Kwiatkowski – Site Sketch



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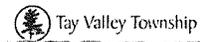
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Kwiatkowski Comments

Mississippi Valley Conservation Authority (MVCA)

- MVCA did not object to the application. Standard conditions for the Site Plan Control Agreement would include:
 1. Sediment and erosion control is to include measures such as sediment/silt control fencing installed prior to the construction phase of development.
 2. Eavestroughs draining to the road, away from the pond.
 3. Vegetation enhancement along the edges of the pond.

7



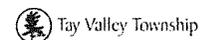
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Kwiatkowski - Comments

Mississippi Rideau Septic System Office (MRSSO):

- A septic application has been submitted to the MRSSO. There is deep native soil at the 15m setback and bedrock farther from the pond. The inspector recommends the 15m setback.

8

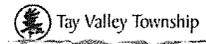


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Kwiatkowski Official Plan

- The subject land is designated Rural in the Official Plan and a residential use is permitted.

9

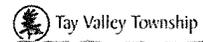


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Kwiatkowski Zoning By-law

- The property is zoned Rural and a dwelling is a permitted use. Lot coverage is 2.7%, well under the 10% maximum.

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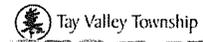
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Kwiatkowski Official Plan & Zoning Test

Is the application generally in keeping with the intent of the Township's Official Plan & Zoning By-Law?

- Section 2.24.1.a of the Official Plan requires a minimum setback of 30m from the high-water mark of any water body for new development. However, the applicant asked MVCA if they needed to be setback from the wetland on their property and were told they did not need to be.

11



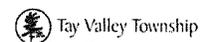
11

Kwiatkowski Development & Use Test

Is it desirable and appropriate development for the use of the site?

- The proposal is desirable for the appropriate development of the lands in question as it is a permitted use.

12



12

Kwiatkowski "Minor" Test

Is it minor in nature and scope?

- The application can be considered minor in impact as a Site Plan Control Agreement will impact any negative impact on the wetland.

13

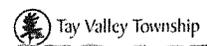


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Kwiatkowski Public Comments

- No comments were received at the time of the report. Members of the public are welcome to speak to the application at this meeting.

14



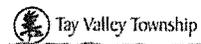
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Kwiatkowski Recommendation

That the Minor Variance be granted for relief from the requirements of Section 3.29 (Water Setbacks) because the general intent and purpose of the Official Plan and Zoning By-law are maintained; further, that the variance is desirable for the appropriate development of the lands and can be considered minor. As such, the application meets the tests of the Planning Act.

And that a Site Plan Control Agreement, including the conditions from the MVCA, be executed.

15



15

Kwiatkowski Resolution

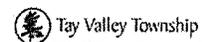
Recommended Decision:

"THAT, in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application MV22-12 is approved, to allow a variance from the requirements of Section 3.29 (Water Setbacks) of Zoning By-Law 2002-121, for the lands legally described as 2721 Old Brooke Road, Concession 7, Part Lot 17, in the geographic Township of South Sherbrooke, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-914-010-08000

- To reduce the minimum required water setback for a dwelling to 21m;*
- To reduce the minimum required water setback for a septic system to 15m;*

AND THAT, a Site Plan Control Agreement, including the conditions from the MVCA, be executed."

16



16