



## COMMITTEE OF ADJUSTMENT MINUTES

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**Monday, April 25<sup>th</sup>, 2022**

**5:00 p.m.**

**Tay Valley Municipal Office – 217 Harper Road, Perth, Ontario  
Council Chambers**

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### **ATTENDANCE:**

**Members Present:** Chair, Larry Sparks  
Ron Running

**Members Absent:** Peter Siemons

**Staff Present:** Noelle Reeve, Planner  
Garry Welsh, Secretary/Treasurer

**Applicant/Agents Present:** Andrew Bisson, Owner

**Public Present:** None

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### **1. CALL TO ORDER**

The Chair called the meeting to order at 5:03 p.m.  
A quorum was present.

### **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 – March 28<sup>th</sup>, 2022.**

The minutes of the Committee of Adjustment meeting held on March 28<sup>th</sup>, 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:

**MV22-08 – HOBSON – 306 Featherston Lane**, Concession 2, Part Lot 9, geographic Township of South Sherbrooke

**MV22-09 – HORRICKS – 518 Black Lake Route 11**, Concession 6, Part Lot 17, geographic Township of North Burgess

**MV22-10 – YAN AND CALLERY, TRUSTEES – 943 Jones Point**, Concession 5, Part Lot 3, geographic Township of North Burgess

**MV22-11 – BISSON – 277 Colin Farmer Road**, Concession 7, Part Lot 3, geographic Township of North Burgess

**MV22-12 – KWIATKOWSKI – 2721 Old Brooke Road**, Concession 7, Part Lot 17,  
geographic Township of South Sherbrooke

## **6. APPLICATIONS**

### **i) FILE #: MV22-08 – Hobson**

#### **a) PLANNER FILE REVIEW**

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

#### **b) APPLICANT COMMENTS**

None.

#### **c) ORAL & WRITTEN SUBMISSIONS**

Written submissions from neighbouring property owners were in support of this application.

#### **d) DECISION OF COMMITTEE**

#### **RESOLUTION #COA-2022-09**

**MOVED BY:** Ron Running  
**SECONDED BY:** Larry Sparks

**“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 Conservation Authority, be executed.”

**ADOPTED**

### **ii) FILE #: MV22-09– Horricks**

#### **a) PLANNER FILE REVIEW**

The Planner reviewed the file and PowerPoint in the agenda package. The Planner noted that as the property is being enlarged the right-of-way to access the property will be changed from Black Lake Route 11C to Black Lake Route 11.

b) APPLICANT COMMENTS

None.

c) ORAL & WRITTEN SUBMISSIONS

None.

d) DECISION OF COMMITTEE

**RESOLUTION #COA-2022-10**

**MOVED BY:** Ron Running

**SECONDED BY:** Larry Sparks

**“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 4,050m<sup>2</sup> to 1,573m<sup>2</sup>;

**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 11C, and that an updated civic address be obtained.”

**ADOPTED**

iii) **FILE #: MV22-10 – Yan and Callery, Trustees**

a) PLANNER FILE REVIEW

The Planner reviewed the file and PowerPoint in the agenda package. The Planner noted that although the proposed encroachment may be considered minor, there are concerns raised by the Rideau Waterfront Development Review Team with the boat launch and stone patio to the shore, a lack of shoreline vegetation, and runoff from the boat launch gravel which is contributing to turbid water in the Adam Creek inlet.

The Planner also reported that there is a pre-existing Site Plan Control Agreement which had not been adhered to when additional features such as a boat launch and stone patio to the shore were added.

b) APPLICANT COMMENTS

None.

c) ORAL & WRITTEN SUBMISSIONS

None.

d) DECISION OF COMMITTEE

The Committee expressed concerns that the application is proposing further development without providing a net environmental gain.

**RESOLUTION #COA-2022-11**

**MOVED BY:** Ron Running

**SECONDED BY:** Larry Sparks

**“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 **deferred**, pending consultation between the Applicant, Rideau Valley Conservation Authority, and Parks Canada to ensure Net Environmental Gain.

**ADOPTED**

iv) **FILE #: MV22-11 – Bisson**

a) PLANNER FILE REVIEW

The Planner reviewed the file and PowerPoint in the agenda package. The Planner also noted that they worked with the Applicants and Rideau Valley Conservation Authority to amend the application to provide net environmental gain.

b) APPLICANT COMMENTS

The Applicant confirmed that the septic system will be relocated further back from the lake and the existing shed, near the water will also be removed.

c) ORAL & WRITTEN SUBMISSIONS

None.

d) DECISION OF COMMITTEE

**RESOLUTION #COA-2022-12**

**MOVED BY:** Ron Running  
**SECONDED BY:** Larry Sparks

**“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.”

**ADOPTED**

v) **FILE #: MV22-12 – Kwiatkowski**

a) PLANNER FILE REVIEW

The Planner reviewed the file and PowerPoint in the agenda package. The Planner explained that unevaluated wetlands are regulated by the Mississippi Valley Conservation Authority and require a setback for development. The Planner also noted that the existing sandy terrain is favourable for installation of a septic system and that this is preferable to having to construct a new system with external fill.

b) APPLICANT COMMENTS

None.

c) ORAL & WRITTEN SUBMISSIONS

None.

d) **DECISION OF COMMITTEE**

The Committee noted that the small section of wetland near the building site is part of a larger beaver pond which may cause the water to fluctuate. Site Plan Control measures will be required to incorporate conditions from the Mississippi Valley Conservation Authority.

**RESOLUTION #COA-2022-13**

**MOVED BY:** Ron Running  
**SECONDED BY:** Larry Sparks

**“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 from the wetland finger encroachment;
- reduce the minimum required water setback for a septic system to 15m;

**THAT**, a Site Plan Control Agreement, including the conditions from the Mississippi Valley Conservation Authority, be executed;

**AND THAT**, the owner shall obtain a permit from the Mississippi Valley Conservation Authority.”

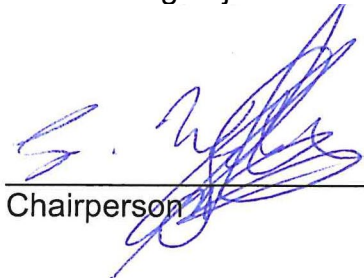
**ADOPTED**

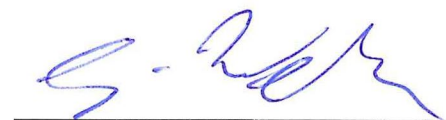
**7. NEW/OTHER BUSINESS**

None.

**8. ADJOURNMENT**

The meeting adjourned at 6:06 p.m.

  
Chairperson

  
Secretary/Treasurer