



COMMITTEE OF ADJUSTMENT MINUTES

Monday, May 30th, 2022

5:00 p.m.

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

ATTENDANCE:

Members Present: Chair, Larry Sparks
Peter Siemons

Members Absent: Ron Running

Staff Present: Noelle Reeve, Planner
Garry Welsh, Secretary/Treasurer
Sarah MacLeod-Neilson, Rideau Valley Conservation
Authority (RVCA)

Applicant/Agents Present: Michael Flynn, Owner
Jessica ter Haar, Owner
Nathan Jones, Applicant

Public Present: None

1. CALL TO ORDER

The Chair called the meeting to order at 5:02 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 – April 25th, 2022.**

The minutes of the Committee of Adjustment meeting held on April 25th, 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:

MV22-13 – FLYNN – 627 Pike Lake Route 12A, Concession 8, Part Lot 24, geographic Township of North Burgess

MV22-15 – ter HAAR – 823 Cohen Way, Concession 8, Part Lots 14 and 15,
geographic Township of South Sherbrooke

MV22-10 – MITCHELL – 289 Christie Lake Lane 21, Concession 2, Part Lot 21,
geographic Township of South Sherbrooke

6. APPLICATIONS

i) FILE #: MV22-13 – Flynn

a) PLANNER FILE REVIEW

The Planner reviewed the file and PowerPoint in the agenda package. The Planner also noted that an overhead electrical wire at the property will have to be relocated, in order to proceed. The Planner also acknowledged that Rideau Valley Conservation Authority had concerns with the stability of the property's slope.

b) APPLICANT COMMENTS

The applicant confirmed that they will relocate the overhead wire, at their expense. The applicant also agreed to obtain the required geotechnical analysis of the slope.

c) ORAL & WRITTEN SUBMISSIONS

The representative from Rideau Valley Conservation Authority recommended that a letter of opinion from a geotechnical engineer would be satisfactory, unless it is found that a full assessment is warranted.

d) DECISION OF COMMITTEE

RESOLUTION #COA-2022-14

MOVED BY: Peter Siemons

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 MV22-13 is **approved**, to allow a variance from the requirements of Section 3.29 (Water Setback) and Section 5.2 (Yard setback and lot coverage) of Zoning By-Law 2002-121, for the lands legally described as 627 Pike Lake Route 12A, Concession 8, Part Lot 24 in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-015-37100

- To reduce the minimum required water setback for a proposed cottage addition to 26m (85 ft) from the lake instead of the 30m required.

- To reduce the east side yard setback to 4.6m from the required 6m and to permit lot coverage of 12% rather than the 10% permitted;

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

ADOPTED

ii) **FILE #: MV22-15 – ter Haar**

a) **PLANNER FILE REVIEW**

The Planner reviewed the file and PowerPoint in the agenda package. The Planner noted that this property is a severable lot, located in a Hamlet. The application will allow the second dwelling to be constructed, prior to the completion of a proposed severance.

b) **APPLICANT COMMENTS**

None.

c) **ORAL & WRITTEN SUBMISSIONS**

None.

d) **DECISION OF COMMITTEE**

RESOLUTION #COA-2022-15

MOVED BY: Peter Siemons

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 MV22-15 is **approved**, to allow a variance from the requirements of Sections 3.19.1 and 3.19.3 (Second Dwelling Zoning provisions) of Zoning By-Law 2002-121, for the lands legally described as 823 Cohen Way, Concession 8, Part Lots 14 and 15, in the geographic Township of South Sherbrooke, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-914-010-26100 to permit the construction of a second dwelling, with a separation from the principal dwelling greater than the maximum 12m (40 ft) permitted and serviced by a separate septic and well (rather than shared systems),

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

ADOPTED

iii) **FILE #: MV22-16 – Mitchell**

a) **PLANNER FILE REVIEW**

The Planner reviewed the file and PowerPoint in the agenda package. It was not known if the applicant intends to connect the sleep cabin to electrical service.

b) **APPLICANT COMMENTS**

None.

c) **ORAL & WRITTEN SUBMISSIONS**

There were written questions submitted by a neighbouring property owner, prior to the meeting, which had been answered by the Planner.

d) **DECISION OF COMMITTEE**

The Committee confirmed that a Site Plan Control Agreement will be required.

RESOLUTION #COA-2022-16

MOVED BY: Peter Siemons

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 MV22-16 is **approved**, to allow a variance from the requirements of Section 2 Definitions (Sleep Cabin) of Zoning By-Law 2002-121, for the lands legally described as 289 Christie Lake Lane 21, Concession 2, Part Lot 21, in the geographic Township of South Sherbrooke, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-914-020-35000 to permit a bathroom in the sleep cabin,

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

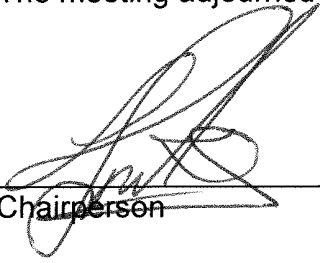
ADOPTED

7. NEW/OTHER BUSINESS

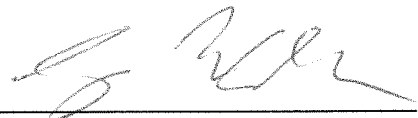
None.

8. **ADJOURNMENT**

The meeting adjourned at 5:40 p.m.



Chairperson



Secretary/Treasurer