



COMMITTEE OF ADJUSTMENT AGENDA

Monday, May 30, 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 – April 25th, 2022 - *attached, page 6.***

*Suggested Motion by Peter Siemons/Ron Running:
“THAT, the minutes of the Committee of Adjustment meeting held April 25th,
2022 be approved as circulated.”*

5. INTRODUCTION

- The purpose of this meeting is to hear applications for Minor Variance:
 - Flynn
 - Ter Haar
 - Mitchell

- 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 #: MV22-13 – Flynn – attached, page 14.**

- 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 MV22-13 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 the Rideau Valley Conservation Authority, be executed.”

ii) **FILE #: MV22-15 – ter Haar – attached, page 31.**

- 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 MV22-15 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.”*

iii) **FILE #: MV22-16 – Mitchell – attached, page 43.**

- 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 MV22-16 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.”*

7. **NEW/OTHER BUSINESS**

None.

8. **ADJOURNMENT**

MINUTES

COMMITTEE OF ADJUSTMENT MINUTES

Monday, April 25th, 2022

5:00 p.m.

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

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

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 28th, 2022.

The minutes of the Committee of Adjustment meeting held on March 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:

MV22-08 – 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 4,050m² 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 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.

APPLICATIONS

Committee of Adjustment

May 30th, 2022

Noelle Reeve, Planner

APPLICATION MV22-13

Flynn

627 Pike Lake Route 12A, Concession 8, Part t Lot 24,
Geographic Township of North Burgess

SUMMARY OF PROPOSAL

Purpose and Effect: To seek relief from Section 3.29 (Water Setbacks) and Section 5.2 (Yard setback and lot coverage) of Zoning By-Law 2002-121, as amended, as follows:

- 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.

The effect of the variance would be to permit a 44.5m² (480 sq ft footprint) two-storey addition (89m², 960 sq ft area) to a 125m² (1,345 sq ft) cottage at a setback of 26m from the lake, an east yard setback of 4.6m and lot coverage of 12%. A garage is proposed for most of the first floor of the addition with a master bedroom, bathroom, and office above the garage.

The existing cottage is setback 23.5m from the lake at its closest point with existing lot coverage of 12.5%. Removal of an existing solarium and some deck are proposed to reduce the lot coverage to 12%.

REVIEW COMMENTS

The property is situated at 627 Pike Lake Route 12A. The small lot 1,376m² (0.34 acre) currently has a (125m², 1,345 sq ft) cottage on it with a 22.2m² (240 sq ft) solarium located at 23.5 m (77 ft) from the lake and a 50m² (538 sq ft) deck set back 19.8m (65 ft) from the lake.

The Township Planner had a number of conversations with the applicant to encourage them to amend their application to better meet the intent of the Township Zoning By-law. The applicants agreed to remove living space close to the lake (solarium) in return for creating living space in line with the bulk of the cottage at 26m from the lake rather than 23m.

The applicants also agreed to remove some decking in order to reduce the current 12.5% lot coverage.

The amount of footprint needing relief from the Zoning By-law is 17.8m² (192 sq ft) while the amount of living space is 36m² (384 sq ft) as the addition is proposed to be two storeys. The bulk of the addition is located farther back than 30m from the lake.

It was acknowledged that there are constraints to developing this lot as there is a desire to maintain the septic system at its location behind the cottage and beyond the 30m setback from the lake and the lot is small.

Provincial Policy Statement - Section 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, is met as the majority of the proposed addition will be located behind the 30m water setback. Section 2.1 Natural Heritage will be met as the proposed location of the addition is beyond the 30m setback and the lot has maintained heavy vegetated cover from the lake to the deck. Section 3.1 Protecting Public Health and Safety – Natural Hazards would be satisfied by a geotechnical assessment if the conservation authority requires one to assess the slope.

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 requires a minimum setback of 30m from the high-water mark of any water body for new development. However, Section 2.24.1.c permits development closer than 30m where there are constraints due to existing lot size or topography. In this case there are lot size constraints and septic placement constraints.

The RVCA raised a possible concern about the slope of the property.

A Site Plan Control Agreement will ensure that the existing very healthy vegetated 11m (36 ft) buffer remains in place between the cottage/addition and the shoreline and would incorporate any requirements related to slope stability.

Zoning By-Law - The property is zoned Seasonal Residential (RS) and is 1,376 m². The floor space index (living space) will increase from 9% to 12% (with the removal of the solarium), meeting the 12% maximum.

The setback relief of 1.4m (4.6 ft) on the east side should not affect the neighbours as their cottage is located forward of the Flynn cottage, toward the lake.

The lot coverage of the current cottage and deck is 12.5%, while lot coverage permitted by the current zoning by-law is 10%. With the original proposed addition with deck, lot coverage would have been 14.6%. The applicants have agreed to remove the proposed deck off the proposed addition and are open to removing deck on the west side of the cottage. The lot coverage would be 12% if the west side of the deck was removed.

The application can be considered minor in impact as development is farther from the lake than the current setback of the cottage living space and existing lot coverage would be reduced.

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 (RVCA) – Verbally raised a concern about the possible need for a slope stability analysis. Will provide formal comments closer to the meeting date.

Mississippi-Rideau Septic System Office (MRSSO) – A part 10/11 septic review application will be required as the increase in living space is greater than 15% and some new fixtures are proposed. The MRSSO believes the existing leaching bed should be adequate for what has been described in the application. Verification that the septic system meets the minimum separation distance to the proposed structure will be required. The minimum separation distance could be up to 8 m, as the system is partially to fully raised.

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 5.2 (Yard setback and lot coverage) of Zoning By-Law 2002-121, as amended, as follows:

- 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

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.

Flynn 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.

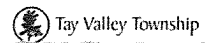
Ontario Land Tribunal

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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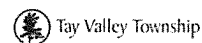
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Flynn Minor Variance

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



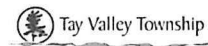
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Flynn Minor Variance

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

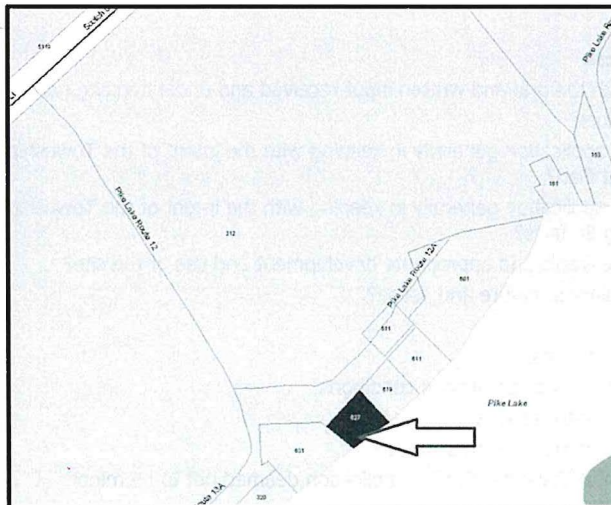
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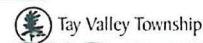
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Flynn

627 Pike Lake Route 12 A, Concession 8, Part Lot 24 , geographic Township of North Burgess



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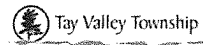
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Flynn - Proposal

The Minor Variance application seeks relief from Section 3.29 (Water Setbacks) and Section 5.2 (Yard Setback and Lot Coverage) of Zoning By-Law 2002-121, as amended, as follows:

- 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.

5



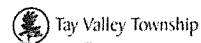
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Flynn - Proposal

The effect of the variance would be to permit a 44.5m² (480 sq ft footprint) two-storey addition (89m², 960 sq ft area) to a 125m² (1,345 sq ft) cottage at a setback of 26m from the lake, an east yard setback of 4.6m and lot coverage of 12%. A garage is proposed for most of the first floor of the addition with a master bedroom, bathroom, and office above the garage.

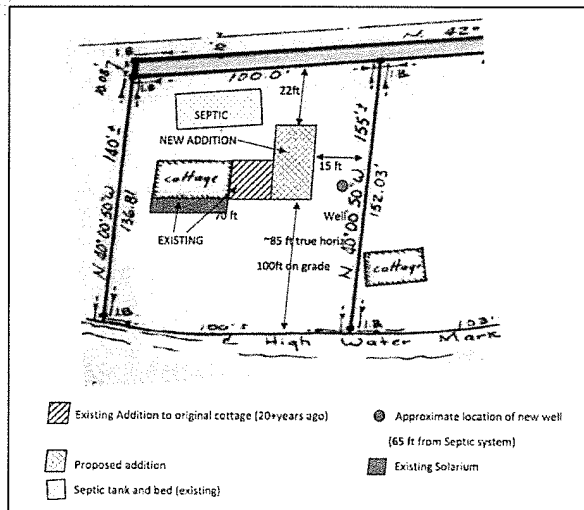
The existing cottage is setback 23.5m from the lake at its closest point with existing lot coverage of 12.5%. Removal of an existing solarium and some deck are proposed to reduce the lot coverage to 12%.

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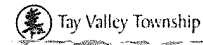


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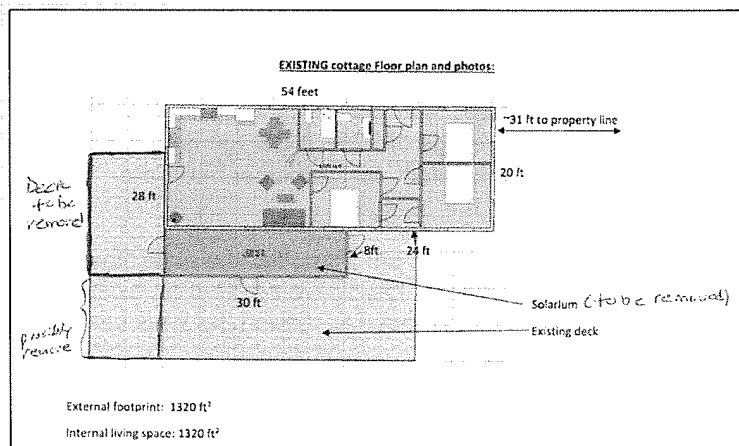
Flynn – Site Sketch



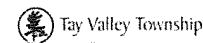
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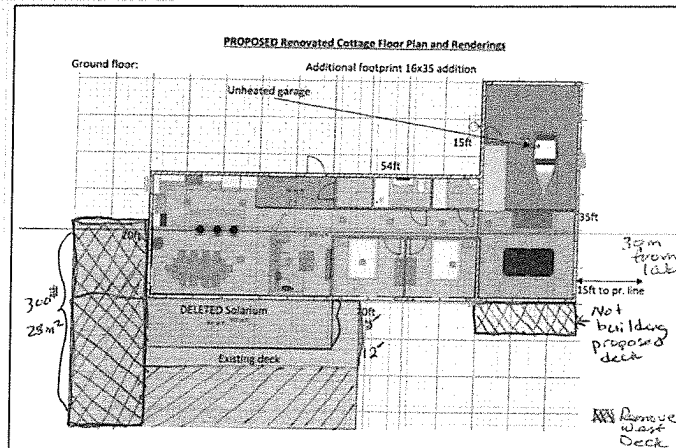
Flynn – Site Sketch



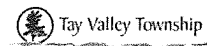
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Flynn – Site Sketch

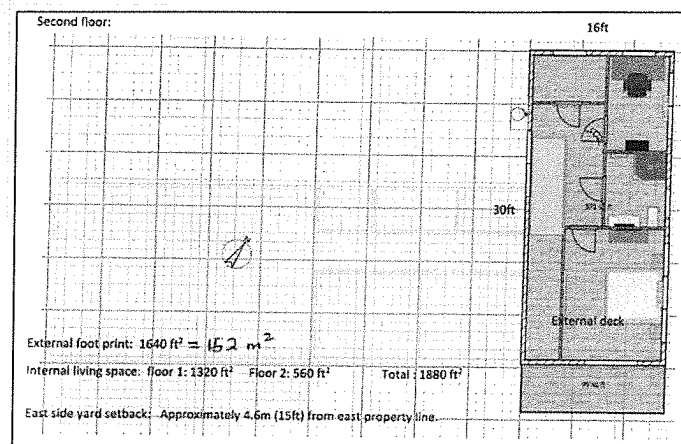


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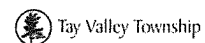


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Flynn – Site Sketch



10



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Flynn – Photos

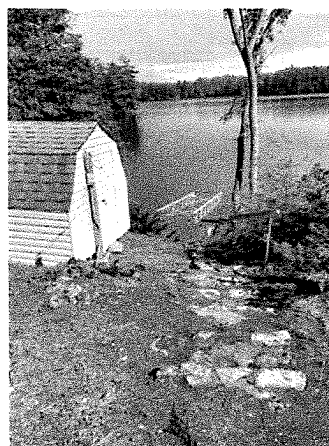
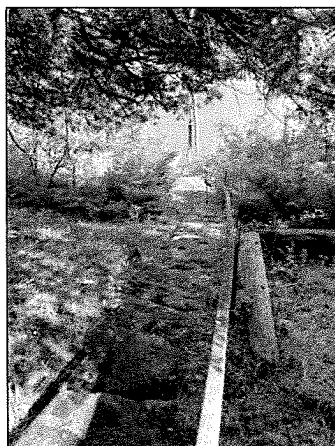


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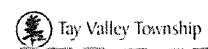


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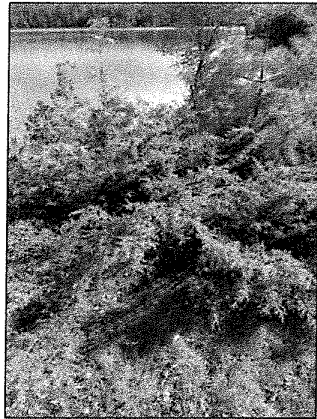


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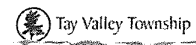


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Flynn – Photos



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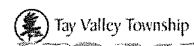
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Flynn Comments

Rideau Valley Conservation Authority (RVCA)

- Verbally the RVCA raised a concern about the possible need for a slope stability analysis. They will provide formal comments closer to the meeting date.

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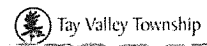
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Flynn - Comments

Mississippi Rideau Septic System Office (MRSSO):

- A part 10/11 septic review application will be required as the increase in living space is greater than 15% and some new fixtures are proposed.
- The MRSSO believes the existing leaching bed should be adequate for what has been described in the application. Verification that the septic system meets the minimum separation distance to the proposed structure will be required.
- The minimum separation distance could be up to 8 m, as the system is partially to fully raised.

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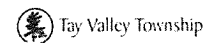
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Flynn

Provincial Policy Statement

- Section 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, is met as the majority of the proposed addition will be located behind the 30m water setback.
- Section 2.1 Natural Heritage will be met as the proposed location of the majority of the addition is beyond the 30m setback from Pike Lake.
- Section 3.1 Protecting Public Health and Safety – Natural Hazards would be satisfied by a geotechnical assessment if the RVCA determines there is a steep slope on the lot.

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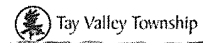


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Flynn County Sustainable Community Official Plan

- No concerns.
- 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.

17

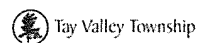


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Flynn Official Plan

- 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, Section 2.24.1.c permits development closer than 30m where there are constraints due to existing lot size or topography. In this case there are lot size constraints and septic placement constraints.

18



18

Flynn Official Plan

- A Site Plan Control Agreement will ensure that the existing very healthy vegetated 11m (36 ft) buffer remains in place between the cottage/addition and the shoreline and would incorporate any requirements related to slope stability.

19

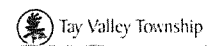


19

Flynn Zoning By-law

- The property is zoned Seasonal Residential (RS) and is 1,376 m². The floor space index (living space) will increase from 9% to 12% (with the removal of the solarium), meeting the 12% maximum.

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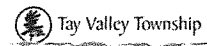
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Flynn Official Plan & Zoning Test

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

- The lot coverage of the current cottage and deck is 12.5%, while lot coverage permitted by the current Zoning By-law is 10%. With the original proposed addition with deck, lot coverage would have been 14.6%.
- The applicants have agreed to remove the proposed deck off the proposed addition and are open to removing deck on the west side of the cottage
- The lot coverage would be 12% if the west side of the deck was removed less than the 12.5% currently.

21



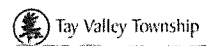
21

Flynn Official Plan & Zoning Test

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

- The setback relief of 1.4m (4.6 ft) on the east side should not affect the neighbours as their cottage is located forward of the Flynn cottage, toward the lake.
- The Site Plan Control Agreement will include recommendations to require retention of vegetation to mitigate stormwater runoff impacts.

22



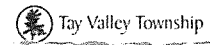
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Flynn Development & Use Test

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.

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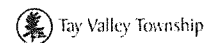
23

Flynn "Minor" Test

Is it minor in nature and scope?

- The application can be considered minor in impact as development is farther from the lake than the current setback of the cottage living space and existing lot coverage would be reduced.

24



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Flynn 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.

25



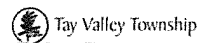
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Flynn Recommendation

That the Minor Variance be granted for relief from the requirements of Section 3.29 (Water Setbacks) and Section 5.2 (Yard setback and lot coverage) 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.

26



26

Flynn 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 MV22-13 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 the Rideau Valley Conservation Authority, be executed."

Committee of Adjustment

May 30th, 2022

Noelle Reeve, Planner

APPLICATION MV22-15

ter Haar

823 Cohen Way, Concession 8 Part Lots 14 and 15,
Geographic Township of South Sherbrooke

SUMMARY OF PROPOSAL

Purpose and Effect: To seek relief from Sections 3.19.1 and 3.19.3 (Second Dwelling Zoning provisions) of Zoning By-Law 2002-121, as amended, as follows:

- 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).

The effect of the variance would be to permit construction of a second dwelling that is farther from the primary dwelling than 12m and does not share the well and septic but does share a driveway.

REVIEW COMMENTS

The property is located on a large 30.6 ha (76 acre) lot on the Fall River and currently contains a single-family dwelling.

Provincial Policy Statement

No concerns. Section 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, is met as the proposed second dwelling will be located in a Hamlet on a Township road. Section 2.1 Natural Heritage will be met as the proposed location of the second dwelling is beyond the 30m setback from the Fall River and outside of the 120m buffer for Provincially Significant Wetlands to the east. Section 3.1 Protecting Public Health and Safety – Natural Hazards is satisfied as the proposed location was not deemed a steep slope and no construction is proposed in the organic soils to the east.

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, Provincially Significant Wetlands (PSW), locally significant wetlands, Organic soil, and Hamlet in the Official Plan, and residential uses are permitted and encouraged in the Hamlet designation.

The PSW and Organic soils are located over 600m away from the proposed dwelling.

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. The dwelling is proposed to be set back 33m and the septic is proposed to be set back 31m.

Zoning By-Law

The property is zoned Rural with some Environmental Protection in the east of the lot and a second dwelling is a permitted use. Lot coverage at 0.12% is well under the 10% maximum.

The Zoning By-law relief is required to permit the proposed second dwelling to be located more than 12m from the primary dwelling as is required by Section 3.19.3 and to not have a shared septic system or well as is required by Section 3.19.1. These provisions were introduced by NovaTech Engineers and Council has indicated they would like to withdraw them in the next update to the Zoning By-law.

The application can be considered minor in impact as there are no anticipated negative impacts on the neighbouring properties as there are no houses located on nearby properties.

The proposal is also desirable and appropriate development of the lands in question as the use of the property for a second dwelling is in keeping with the Provincial Policy Statement Section 1.4.3 Housing which encourages affordable housing options through residential intensification including through the construction of additional residential units (second and third dwellings) on properties.

CIRCULATION COMMENTS

Mississippi Valley Conservation Authority – No objection to the proposal. Typical Site Plan Control Agreement recommendations are proposed.

Mississippi-Rideau Septic System Office (MRSSO) – The MRSSO has no objections. A septic location has been agreed upon and an Elgen System has been proposed.

SITE PLAN CONTROL

A Site Plan Control Agreement would be recommended to implement the MVCA recommendations re: eavestroughs, 15m vegetated buffer, approval required for shoreline works.

PUBLIC COMMENT None at the time of the report.

RECOMMENDATION

That the Minor Variance be granted for relief from the requirements of Sections 3.19.1 and 3.19.3 (Second Dwelling Zoning provisions) of Zoning By-Law 2002-121, as amended, as follows:

- 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).

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 Mississippi Valley Conservation Authority, be executed.

ter Haar 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.

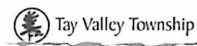
Ontario Land Tribunal

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



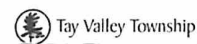
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ter Haar Minor Variance

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



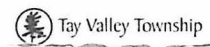
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ter Haar Minor Variance

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

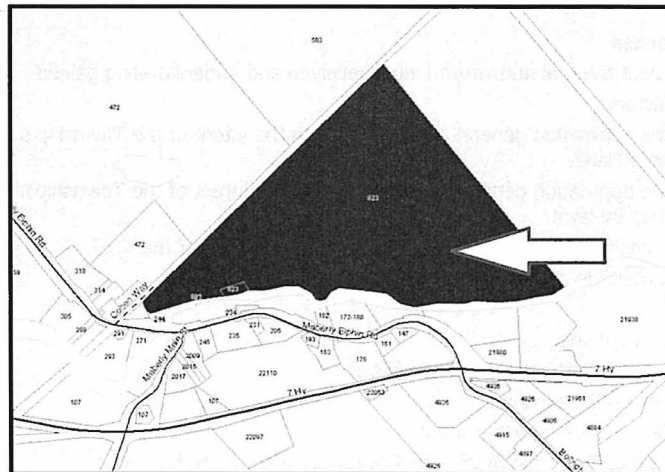
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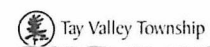
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ter Haar

823 Cohen Way, Concession 8, Part Lots 14 and 15 , geographic Township of South Sherbrooke



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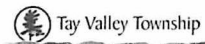
ter Haar - Proposal

The Minor Variance application seeks relief from Sections 3.19.1 and 3.19.3 (Second Dwelling Zoning provisions) of Zoning By-Law 2002-121, as amended, as follows:

- 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).

The effect of the variance would be to permit construction of a second dwelling that is farther from the primary dwelling than 12m and does not share the well and septic but does share a driveway.

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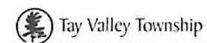


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ter Haar – Photos



6



6

ter Haar Comments

Mississippi Valley Conservation Authority (MVCA)

- No objection to the proposal.
- Regular Site Plan Control Agreement requirements including: maintenance of a 15m vegetated buffer along the Fall River, eavestroughs to drain away from the river, approval from the MVCA if any shoreline works are proposed.

7



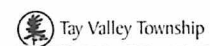
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ter Haar - Comments

Mississippi Rideau Septic System Office (MRSSO):

- The MRSSO has no objections. A septic location has been agreed upon and an Elgen System has been proposed

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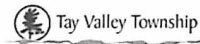


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ter Haar Provincial Policy Statement

- No concerns.
- Section 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, is met as the proposed second dwelling will be located in a Hamlet on a Township road.
- Section 2.1 Natural Heritage will be met as the proposed location of the second dwelling is beyond the 30m setback from the Fall River and outside of the 120m buffer for Provincially Significant Wetlands to the east.
- Section 3.1 Protecting Public Health and Safety – Natural Hazards is satisfied as the proposed location was not deemed a steep slope and no construction is proposed in the organic soils to the east.

9

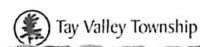


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ter Haar County Sustainable Community Official Plan

- No concerns.
- 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.

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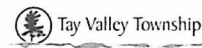


10

ter Haar Official Plan

- The subject land is designated Rural, Provincially Significant Wetlands (PSW), locally significant wetlands, Organic soil, and Hamlet in the Official Plan, and residential uses are permitted and encouraged in the Hamlet designation.
- The PSW and Organic soils are located over 600m away from the proposed dwelling.
- 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. The dwelling is proposed to be set back 33m and the septic is proposed to be set back 31m.

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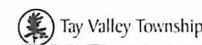


11

ter Haar Zoning By-law

- The property is zoned Rural with some Environmental Protection in the east of the lot and a second dwelling is a permitted use. Lot coverage at 0.12% is well under the 10% maximum.
- The Zoning By-law relief is required to permit the proposed second dwelling to be located more than 12m from the primary dwelling as is required by Section 3.19.3 and to not have a shared septic system or well as is required by Section 3.19.1.

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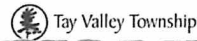
12

ter Haar Official Plan & Zoning Test

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

- The Zoning By-law relief is required to permit the proposed second dwelling to be located more than 12m from the primary dwelling as is required by Section 3.19.3 and to not have a shared septic system or well as is required by Section 3.19.1. These provisions were introduced by NovaTech Engineers and Council has indicated they would like to withdraw them in the next update to the Zoning By-law.

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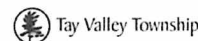
13

ter Haar 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 for a second dwelling is in keeping with the Provincial Policy Statement Section 1.4.3 Housing which encourages affordable housing options through residential intensification including through the construction of additional residential units (second and third dwellings) on properties.

14



14

ter Haar "Minor" Test

Is it minor in nature and scope?

- The application can be considered minor in impact as there are no anticipated negative impacts on the neighbouring properties as there are no houses located on nearby properties.

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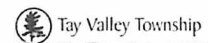


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ter Haar Public Comments

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

16



16

ter Haar Recommendation

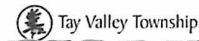
That the Minor Variance be granted for relief from the requirements of Sections 3.19.1 and 3.19.3 (Second Dwelling Zoning provisions) of Zoning By-Law 2002-121, as amended, as follows:

- 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).

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 Mississippi Valley Conservation Authority, be executed.

17



17

ter Haar 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 MV22-15 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."

18



18

Committee of Adjustment

May 30, 2022

Noelle Reeve, Planner

APPLICATION MV22-16

Mitchell

289 Christie Lake Lane 21, Concession 2, Part Lot 21,
Geographic Township of South Sherbrooke

SUMMARY OF PROPOSAL

Purpose and Effect: To seek relief from Section 2 Definitions (Sleep Cabin) of By-Law 2002-121, as amended, as follows:

- To allow a bathroom in the sleep cabin.

The effect of the variance would be to permit construction of a Bunkie that meets the 30m water setback and size requirements of a sleep cabin but includes a washroom.

REVIEW COMMENTS

The property is located at 289 Christie Lake Lane 21 and currently contains a small cottage 49m² (532 sq ft) built in the late 1950s. The lot is 3,237m² (0.80 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 there are no natural hazards or significant environmental features on the lot and the use of the property is remaining the same.

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. This section is satisfied as the proposed accessory building with the Bunkie exceeds the 30m water setback required.

Zoning By-Law - The property is zoned Seasonal Residential, and a cottage and Bunkie are permitted uses. Lot coverage at 2.2 % is well under the 10% maximum. Water setback for the sleep cabin is proposed to meet the 30m required. The Bunkie will increase living space in combination with the existing cottage to 2.2%, well under the 12% permitted.

The application can be considered minor in impact as the 30m water setback will be met and the bathroom fixtures will be tied into the existing septic system. There will not be any kitchen in the sleep cabin, so it is not considered a second dwelling. There are no anticipated negative impacts on the neighbouring properties as the properties are treed.

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

CIRCULATION COMMENTS

Rideau Valley Conservation Authority (RVCA) – The RVCA has no objection. RVCA noted the water quality of Christie Lake is rated Good to Very Good. To protect water quality, maintenance of shoreline vegetation and minimizing runoff to waterbodies is important. This can be achieved by enhancing and protecting shoreline buffers within 30 m of the lake, directing runoff from downspouts away from the lake and minimizing the amount of hardened surface and that shoreline revegetation be considered where appropriate. RVCA also noted, that as is the case with most of Tay Valley Township, the subject property overlies a highly vulnerable aquifer so care should be taken to avoid land uses and practices that could lead to undesirable effects on ground water.

Regular Site Plan Control Agreement measures would apply including, “should any work be proposed along the shoreline of Christie Lake, the prior written permission of the RVCA office is required in accordance with Ontario Regulation 174/06 (Development, Interference with Wetlands, Alterations to Shoreline and Watercourses) made under Section 28 of the Conservation Authorities Act”.

Mississippi-Rideau Septic System Office (MRSSO) – No objection.

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 2 Definitions (Sleep Cabin) of Zoning By-Law 2002-121, as amended, as follows:

- To allow a bathroom in the sleep cabin.

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*.

Mitchell 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.

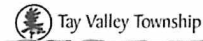
Ontario Land Tribunal

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



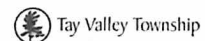
1

Mitchell 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



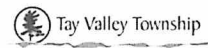
2

Mitchell 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

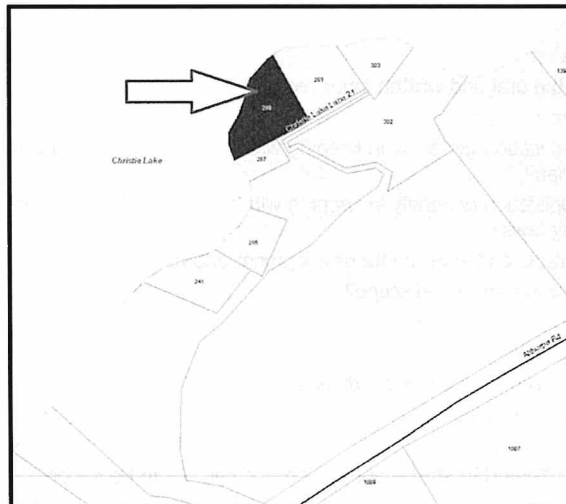
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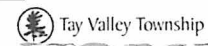
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Mitchell

*289 Christie Lake Lane 21, Concession 2, Part Lot 21, geographic
Township of South Sherbrooke*



4



4

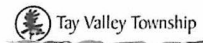
Mitchell - Proposal

The Minor Variance application seeks relief from Section 2 Definitions (Sleep Cabin) of By-Law 2002-121, as amended, as follows:

- To allow a bathroom in the sleep cabin.

The effect of the variance would be to permit construction of a Bunkie that meets the 30m water setback and size requirements of a sleep cabin but includes a washroom.

5

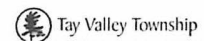


5

Mitchell – Aerial Photo (2019)



6



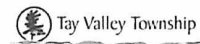
6

Mitchell Comments

Rideau Valley Conservation Authority (RVCA)

- The RVCA has no objection. RVCA noted the water quality of Christie Lake is rated Good to Very Good. To protect water quality, maintenance of shoreline vegetation and minimizing runoff to waterbodies is important. This can be achieved by enhancing and protecting shoreline buffers within 30 m of the lake, directing runoff from downspouts away from the lake and minimizing the amount of hardened surface and that shoreline revegetation be considered where appropriate.
- The subject property overlies a highly vulnerable aquifer so care should be taken to avoid land uses and practices that could lead to undesirable effects on ground water.

7



7

Mitchell Comments

Rideau Valley Conservation Authority (RVCA)

- Regular Site Plan Control Agreement measures would apply including, "should any work be proposed along the shoreline of Christie Lake, the prior written permission of the RVCA office is required in accordance with Ontario Regulation 174/06 (Development, Interference with Wetlands, Alterations to Shoreline and Watercourses) made under Section 28 of the Conservation Authorities Act".

8



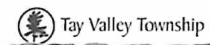
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Mitchell - Comments

Mississippi Rideau Septic System Office (MRSSO):

- The MRSSO has no objections. A Part 10/11 septic review was undertaken.

9

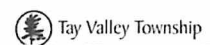


9

Mitchell 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. This section is satisfied as the proposed Bunkie accessory building exceeds the 30m water setback required.

10

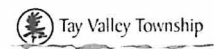


10

Mitchell Provincial Policy Statement

- No concerns.
- Section 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 all satisfied as there are no natural hazards or significant environmental features on the lot and the use of the property is remaining the same.

11

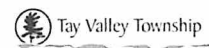


11

Mitchell County Sustainable Community Official Plan

- No concerns.
- 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.

12

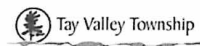


12

Mitchell Zoning By-law

- The property is zoned Seasonal Residential, and a cottage and Bunkie are permitted uses. Lot coverage at 2.2 % is well under the 10% maximum.
- Water setback for the sleep cabin is proposed to meet the 30m required.

13



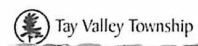
13

Mitchell Official Plan & Zoning Test

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

- The Bunkie will increase living space in combination with the existing cottage to 2.2%, well under the 12% permitted.

14



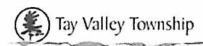
14

Mitchell 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.

15



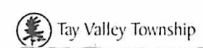
15

Mitchell "Minor" Test

Is it minor in nature and scope?

- The application can be considered minor in impact as the 30m water setback will be met and the bathroom fixtures will be tied into the existing septic system.
- There will not be any kitchen in the sleep cabin, so it is not considered a second dwelling.
- There are no anticipated negative impacts on the neighbouring properties as the properties are treed.

16

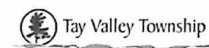


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Mitchell Public Comments

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

17



17

Mitchell Recommendation

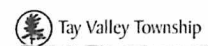
That the Minor Variance be granted for relief from the of Section 2 Definitions (Sleep Cabin) of Zoning By-Law 2002-121, as amended, as follows:

- To allow a bathroom in the sleep cabin.

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.

A Site Plan Control Agreement is recommended.

18



18

Mitchell 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 MV22-16 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.

A Site Plan Control Agreement be undertaken."