



## COMMITTEE OF ADJUSTMENT MINUTES

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Monday, October 17<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  
Peter Siemons  
Ron Running

**Members Absent:** None

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

**Applicant/Agents Present:** Maureen Kerr, Owner  
Kevin Kelford, Owner

**Public Present:** Kimberly Campbell, Tay Valley Township Resident  
Steve Murphy, on behalf of Tay Valley Township Resident

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### 1. CALL TO ORDER

The Chair called the meeting to order at 5:00 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 – September 26<sup>th</sup>, 2022.**

The minutes of the Committee of Adjustment meeting held on September 26<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:

**MV22-14 – Kerr – 2206 Scotch Line**, Concession 1, Part Lot 25, geographic Township of Bathurst

**MV22-24 – Schacht (Slack) – 210 Black Lake Route 11**, Concession 6, Part Lot 17, geographic Township of North Burgess

**MV22-25 – Kelford – 252 Sleepy Hollow Road**, Part Lot 18, Concession 2, Geographic Township of South Sherbrooke

## **6. APPLICATIONS**

### **i) FILE #: MV22-14 – Kerr**

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

The Planner reviewed the file and PowerPoint in the agenda package and reiterated that it is the timing of the construction of the garage before the house that is requiring a minor variance, rather than the structure itself. The Planner also circulated the site drawing initially submitted by the applicant, to confirm the size and location of the proposed garage and subsequent house.

The Planner confirmed that Tay Valley Township does not have a set limit on the size of auxiliary buildings in the Rural zone, so long as the total area of all structures does not exceed 20% coverage of the property.

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

The applicant expressed disappointment that they were being asked to obtain a drainage plan from an engineer, at additional expense.

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

The neighbour to the north of the subject property, Kimberly Campbell, expressed concern that the engineer's letter provided by the applicant did not include a drainage plan that would address the reduction in water infiltration, once the garage and driveway are constructed.

The neighbour to the east, Randall Warwick was unable to attend the meeting but had asked Steve Murphy to forward concerns on his behalf including that the proposed garage is a commercial size and asked if the property could be sold before the house was built, and then zoned Commercial?

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

The Committee noted that the proposed garage size will have an impact socially as it will be highly visible and will also have an environmental impact. The Committee agreed to add a requirement that the proposed house be completed within five years. The Committee also confirmed that a drainage plan should be completed by an engineer, which ensures that water runoff remains within the property.

**RESOLUTION #COA-2022-23**

**MOVED BY:** Ron Running

**SECONDED BY:** Peter Siemons

**“THAT**, in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application MV22-14 is approved, to allow a variance from the requirements of Section 10.1.1 (Permitted Uses) of Zoning By-Law 2002-121, for the lands legally described as 2206 Scotch Line, Concession 1, Part Lot 25, in the geographic Township of Bathurst, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-916-015-02999 to permit the construction of an outbuilding prior to the construction of a dwelling;

**AND THAT**, the storage shed be constructed in the location indicated on the site drawing submitted by the applicant;

**AND THAT**, the approval be subject to a drainage plan, stamped by an engineer;

**AND THAT** the proposed house on this property be completed within five years of this approval.”

**ADOPTED**

ii) **FILE #: MV22-24 – Schacht (Slack)**

a) **PLANNER FILE REVIEW**

The Planner reviewed the file and PowerPoint in the agenda package. The Planner also noted that the applicant would be sure to complete the lot addition application as the parcel to be added contains the septic system for the applicant's property.

b) **APPLICANT COMMENTS**

None.

c) **ORAL & WRITTEN SUBMISSIONS**

None.

d) **DECISION OF COMMITTEE**

**RESOLUTION #COA-2022-23**

**MOVED BY:** Ron Running  
**SECONDED BY:** Peter Siemons

**“THAT**, in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application MV22-24 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 210 Black Lake Route 11, Concession 6, Part Lot 17, in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-020-41500 to permit a reduction from the minimum lot area of 4,050m<sup>2</sup> to 1,552m<sup>2</sup>.”

**ADOPTED**

iii) **FILE #: MV22-25 – Kelford**

a) **PLANNER FILE REVIEW**

The Planner reviewed the file and PowerPoint in the agenda package. The Planner also noted that the subject property recently merged with an acquired adjacent L-shaped property. The Planner also confirmed that one of the existing two trailers is being removed and that the remaining trailer is unable to be relocated further back from the lake.

b) **APPLICANT COMMENTS**

The applicant also confirmed that, the remaining trailer has been on the property for many years and would not be able to be relocated.

c) **ORAL & WRITTEN SUBMISSIONS**

None.

d) **DECISION OF COMMITTEE**

**RESOLUTION #COA-2022-23**

**MOVED BY:** Ron Running  
**SECONDED BY:** Peter Siemons

**“THAT**, in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application MV22-25 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 252 Sleepy Hollow Road, Concession 2, Part Lot 18, in the geographic Township of South Sherbrooke, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-914-020-24500 to permit the construction of a cottage at a water setback of 17.7m rather than the 30m required;

**THAT**, a Site Plan Control Agreement including the conditions from the Rideau Valley Conservation Authority be entered into;

**AND THAT**, the second trailer on the property shall be removed."


**ADOPTED**

**7. NEW/OTHER BUSINESS**

None.

**8. ADJOURNMENT**

The meeting adjourned at 5:50 p.m.

  
Chairperson

  
Secretary/Treasurer