



COMMITTEE OF ADJUSTMENT MINUTES

Monday, February 27th, 2023

5:00 p.m.

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

ATTENDANCE:

Members Present: Chair, Larry Sparks
Richard Schooley

Members Absent: Peter Siemons

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

Applicants/Agents Present: Chris Clarke (ZanderPlan Inc.), Applicant/Agent
Steven Dubreuil, Owner
Gretchen Dubreuil, Owner
Susan Dubreuil, Owner

Public Present: Penny Nault, Tay Valley Township Resident
Franc van Oort, Tay Valley Township Resident
Sylvia van Oort, Tay Valley Township Resident
Brooke Briggs, Tay Valley Township Resident
Diane Briggs, Tay Valley Township Resident
Andrew Williamson, Tay Valley Township Resident
Barbara Shepherd, Tay Valley Township Resident
Paul Jordan, Tay Valley Township Resident

1. CALL TO ORDER

The Chair called the meeting to order at 5:01 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 – January 30th, 2023.

The minutes of the Committee of Adjustment meeting held on January 30th, 2023, 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
- 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.

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:

MV22-27 – Dufour – Long Island, Christie Lake, Concession 3, Part Lot 18, geographic Township of South Sherbrooke

MV22-29 – Dubreuil (Steven and Gretchen) – 1212 Black Lake North Shore Road, Concession 6, Part Lot 23, geographic Township of North Burgess

6. APPLICATIONS

i) FILE #: MV22-27 - Dufour

a) PLANNER FILE REVIEW

The Planner reviewed the file and PowerPoint in the agenda package. The Planner reported that the Mississippi Rideau Septic System Office (MRSSO) reviewed the application and noted that the owner will also need a variance to allow a grey water pit to be located closer than 30m from the lake (at a setback of 18m). This has been added as a recommendation to the Committee. The owner intends to install an incinerating toilet which will not produce black water.

The Planner noted that the applicant must obtain a right-of-way from a neighbouring property on the mainland, for legal access and a parking space. A severance application for the legal access and parking space has been submitted to Lanark County.

b) APPLICANT/AGENT COMMENTS

The Applicant/Agent noted that the granting of the Minor Variance is not the final approval for development on the lot. The severance, septic permit, and building permit still need to be approved.

c) ORAL & WRITTEN SUBMISSIONS

Neighbouring residents with properties on Christie Lake noted concern that there is a bald eagle nesting site on a tall maple on the high point of the island, which could be disturbed by cottage construction on the island. The Planner replied that the Ministry of Natural Resources and Forestry has advised that if the location of the dwelling would require the tree with the nest to be removed, that the tree must be cut down before nesting season in March. Because the eagle is located in Ontario Ecoregion 5, it is not subject to the protections that would be provided in Ecoregion 6 (the more southern, off-Canadian Shield part of the province).

Residents also questioned why the Minor Variance was proceeding before the severance has been approved. The Planner replied that the Variance could be granted because it was administered by a separate section of the Planning Act from the consent process. The owner still needs to obtain a severed right of way, deeded parking space, civic address, and building permit. The Planner also noted the Township cannot prevent development on a lot of record registered under the province's Land Titles database.

A neighbouring property owner asked if development on this island could set a precedent. The Planner replied that there has already been a precedent set in a neighbouring municipality for development on a small lot as it was recognized as a lot of record. However, lot coverage requirements would still apply.

Written comments, submitted on behalf of neighbouring property owners, expressed concerns over the right-of-way for legal access to the island. The Planner noted that the severance application for the right-of-way was amended February 27, 2023 to ensure that it was entirely within the lands owned by the property owner who is granting the access.

d) DECISION OF COMMITTEE

RESOLUTION #COA-2023-05

MOVED BY: Richard Schooley

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 MV22-27 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 Concession 3, Part Lot 18, in the geographic Township of South Sherbrooke, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-914-020-72300:

- To permit a cottage to be constructed on a vacant island, at a water setback of 17m on the south side of the island and 18m on the north side of the island, rather than the 30m required;
- To permit a septic system to be constructed at an 18m setback rather than the 30m required;

THAT, a Development Agreement be executed;

AND THAT, this decision is contingent on the condition for the deeded parking space in Severance File #B23/021 being completed.”

ADOPTED

ii) **FILE #: MV22-29 – Dubreuil (Steven and Gretchen)**

a) **PLANNER FILE REVIEW**

The Planner reviewed the file and PowerPoint in the agenda package. The Planner noted that, at the direction of the Mississippi Rideau Septic System Office (MRSSO), the owners also require a variance to allow the septic tank location to remain at its current setback of 21m from the lake, rather than the 30m minimum setback. The septic bed is located farther back from the lake, across the road.

The Planner noted that the deck encroachment would be identical to the current deck encroachment and that an environmental gain would be achieved as the cottage was proposed to be re-located 1.5m farther from the lake than its current water setback.

The Planner also advised the owners that they are to obtain a permit and consult with the Rideau Valley Conservation Authority to confirm the appropriate location to dispose of excavation rocks, to protect the Provincially Significant Wetland buffer area.

b) **APPLICANT COMMENTS**

The owners confirmed that their proposal is intended to require the least possible expansion of the building, on their lot. The owners also noted that they were not previously aware of the MRSSO comments. The Planner replied that the MRSSO verbal comments were received after the Planner's Report had been completed and that the septic variance could also be included as part of the Committee's decision.

c) **ORAL & WRITTEN SUBMISSIONS**

None.

d) **DECISION OF COMMITTEE**

RESOLUTION #COA-2023-06

MOVED BY: Richard Schooley
SECONDED BY: Larry Sparks

“THAT, in the matter of an application under Section 45(2) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Variance Application MV22-29 is approved, to allow a variance from the requirements of Section 3.29 (Water Setbacks) and Section 3.30 (Yard and Deck Encroachment) of Zoning By-Law 2002-121, for the lands legally described as 1212 Black Lake North Shore Road, Concession 6, Part Lot 23, in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-020-72950:

- To permit a walkout basement to be added to an existing cottage, at a water setback of 15.03m rather than the 30m required;
- To permit a septic system to have a setback of 21m from the lake, rather than the 30m required;
- To permit a deck that is proposed to encroach 5.16m toward the lake rather than the 2m permitted;

AND THAT, a Development Agreement be executed.”

ADOPTED

iii) **FILE #: MV22-29 – Dubreuil (Susan)**

a) **PLANNER FILE REVIEW**

The Planner reviewed the file and PowerPoint in the agenda package. The Planner noted that the owner has entered into an agreement with the Rideau Valley Conservation Authority for revegetation of the shoreline.

b) **APPLICANT COMMENTS**

The owner noted that they will be replacing the existing holding tank with an Eljen septic system which has a reduced water quality impact.

c) **ORAL & WRITTEN SUBMISSIONS**

Written comments received from neighbours were in support of this application.

d) **DECISION OF COMMITTEE**

RESOLUTION #COA-2023-07

MOVED BY: Richard Schooley
SECONDED BY: Larry Sparks

“THAT, in the matter of an application under Section 45(2) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Variance Application MV22-30 is approved, to allow a variance from the requirements of Section 3.29 (Water Setbacks) and Section 10.1.2 (Zone Provisions) of Zoning By-Law 2002-121, for the lands legally described as 555 Black Lake Road, Concession 6, Part Lot 19, in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-020-54200:

- To permit a walkout basement to be added to an existing cottage, at a water setback of 18.3m rather than the 30m required;
- To recognize the existing 4.27m east side yard setback, rather than the 6m required;

AND THAT, a Development Agreement be executed.”

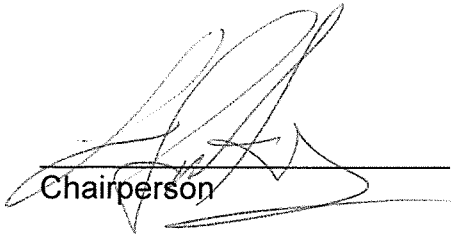
ADOPTED

7. NEW/OTHER BUSINESS

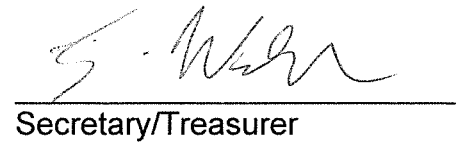
None.

8. ADJOURNMENT

The meeting adjourned at 6:12 p.m.



Chairperson



Secretary/Treasurer