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**Tuesday, September 12<sup>th</sup>, 2023**

**5:30 p.m.**

**Municipal Office – 217 Harper Road, Perth, Ontario**

**Council Chambers**

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*5:30 p.m. Public Meeting - Zoning By-Law Amendments*

*Following Committee of the Whole Meeting*

***Chair, Councillor Wayne Baker***

**1. CALL TO ORDER**

**2. INTRODUCTION**

- The purpose of this public meeting is to hear an application for a Zoning By-Law Amendment for the following application:

**Miskiman**

- The Planner will provide a brief overview of the details of the file and details of the amendment. The public will then be given an opportunity to make comments and ask questions.
- If a person or public body would otherwise have an ability to appeal the decision of the Council of the Corporation of Tay Valley Township to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to Tay Valley Township before the by-law is passed, the person or public body is not entitled to appeal the decision.
- If a person or public body does not make oral submissions at a public meeting or make written submissions to Tay Valley Township before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

- The Clerk must provide notice of Council's decision to all those who request a copy within 15 days after the day the by-law is passed. Anyone may appeal the decision to the Ontario Land Tribunal by filing with the Clerk within 20 days of the notice of decision.
- An appeal to the Ontario Land Tribunal may be filed with the Clerk of the Township not later than 20 days after the day that the notice of decision was given. The notice of appeal must set out the objection to the by-law and the reasons in support of the objection, accompanied by the required fee.
- If you are interested in receiving a copy of the decision, please contact the Administrative Assistant at [adminassistant@tayvalleytwp.ca](mailto:adminassistant@tayvalleytwp.ca).

### 3. APPLICATION

- i) **FILE #ZA23-05: Mike and Sandra Miskiman – *attached, page 4.***  
**398 Little Silver Lake Road**  
**Concession 4, Part Lot 11,**  
**Geographic Township of South Sherbrooke**
  - a) PLANNER FILE REVIEW & PROPOSED BY-LAW
  - b) APPLICANT COMMENTS
  - c) PUBLIC COMMENTS
  - d) RECOMMENDATION

### 4. ADJOURNMENT

# APPLICATION

**PUBLIC MEETING CONCERNING PROPOSED ZONING BY-LAW AMENDMENT**

September 12, 2023

Noelle Reeve, Planner

**APPLICATION ZA22-05 MISKIMAN**

**STAFF RECOMMENDATION**

It is recommended:

“**THAT**, Zoning By-Law No. 02-021 be amended by changing the zoning of the lands at Part Lot 11, Concession 4, Geographic Township of South Sherbrooke (Roll #0911-914-020-73102) known locally as 398 Little Silver Lake Road from Seasonal Residential (RS) to Residential Limited Services Special Exception-193 (RLS-193).

**BACKGROUND**

The application applies to an approximately 0.28-ha (0.69-acre) lot with an existing cottage on Little Silver Lake.

The purpose of this application is to change the zoning from Seasonal Residential (RS) to Residential Special Exception-193 (RLS-193). The effect of the amendment is to allow a cottage to be used as a year-round residence and to recognize a reduced water setback of 21m (69 ft), rather than the 30m required.

**DISCUSSION**

**Provincial Policy Statement (PPS)**

Section 1.1.1 Building Strong Healthy Communities - states that “Healthy, livable and safe communities are sustained by: a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term...and c) avoiding development and land use patterns which may cause environmental or public health and safety concerns.” This section can be met as the applicant is proposing to enclose an open area under part of the existing building, to be used for storage, with no encroachment toward the water.

Section 2.2 of the PPS requires planning authorities to protect, improve or restore the quality and quantity of water by using the watershed as the ecologically meaningful scale for integrated and long-term planning. Little Silver Lake water quality is rated Fair by the Rideau Valley Conservation Authority (RVCA). Through a Site Plan Control Agreement water quality can be maintained and perhaps improved by the proposed redevelopment.

**Lanark County Sustainable Communities Official Plan**

Section 3 Rural Land designation permits a variety of uses including residential uses.

Section 5.4.4 of the County of Lanark's Sustainable Communities Official Plan indicates that municipalities have an obligation to consider the impact of development and land use on waterbodies in order to ensure their long-term viability.

### **Official Plan**

The subject property is designated in the Official Plan as Rural. Section 3.6 Rural designation permits residential uses.

Section 2.24.1 Waterfront Development states that "An adequate water setback serves an important function in relation to the protection of natural and cultural heritage characteristics and water quality of the lakes and rivers of the Township. The intent of the water setback is to prevent the disturbance of the shoreline area as a result of the placement of buildings and structures, including sewage systems, or the removal of the soil mantle and natural vegetation. An appropriate water setback can reduce phosphorus and other nutrient loads to the lake and in combination with vegetation, prevent erosion and sedimentation."

A setback of less than 30m is permitted in exceptional circumstances where an existing development or lot constraints preclude the 30m setback from being met. The existing cottage is setback 21m and the storage area under the building to be enclosed will not extend further towards the water.

### **Zoning By-Law**

The lot is currently zoned Seasonal Residential (RS). Lot coverage requirements are met as the lot coverage will only be 4.1% following construction of the storage area.

### **Planner**

A Site Plan Control Agreement will provide additional protection to the lake by ensuring a vegetative buffer along the shore and that runoff from the building is directed to the rear of the lot away from the lake.

### **Rideau Valley Conservation Authority (RVCA)**

RVCA comments had not been received at the time of the report.

### **Mississippi Rideau Septic System Office (MRSSO)**

The applicant is applying for a Part 10/11 Renovation/Change of Use septic permit.

### **Public Comments**

None.

### **CONCLUSION**

The Planner recommends that the proposed amendment be approved to rezone the lands at Concession 4, Part Lot 11, 398 Little Silver Lake Road, Geographic Township of South Sherbrooke (Roll number 091191402073102) from Seasonal Residential RS to Residential Limited Services Special Exception-193 (RLS-193).

**ATTACHMENTS**

- i) Site Sketch
- ii) Zoning By-law

**Prepared and Submitted By:**

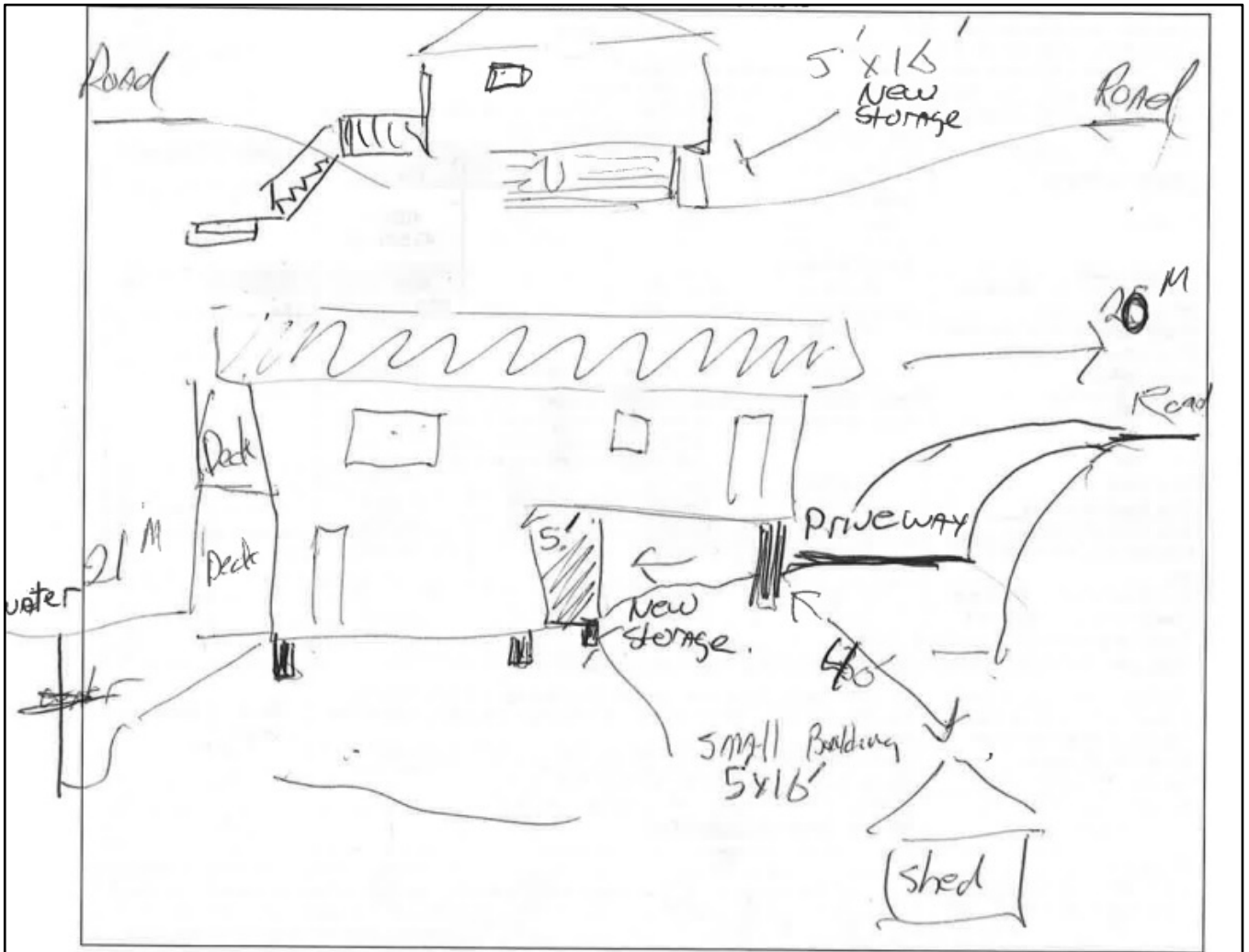
**Approved for Submission By:**

*Original signed*

*Original signed*

**Noelle Reeve,  
Planner**

**Amanda Mabo,  
Chief Administrative Officer/Clerk**



# THE CORPORATION OF TAY VALLEY TOWNSHIP

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## BY-LAW NO. 2023-0XX

### A BY-LAW TO AMEND ZONING BY-LAW NO. 2002-121, AS AMENDED (MISKIMAN – 398 LITTLE SILVER LAKE ROAD) (PART LOT 11, CONCESSION 4, GEOGRAPHIC TOWNSHIP OF SOUTH SHERBROOKE)

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**WHEREAS**, the *Planning Act, R.S.O. 1990, Chapter P.13 Section 34 as amended*, provides that the Councils of local municipalities may enact by-laws regulating the use of land and the erection, location and use of buildings and structures within the municipality;

**AND WHEREAS**, By-Law No. 2002-121 regulates the use of land and the erection, location and use of buildings and structures within Tay Valley Township;

**AND WHEREAS**, the Council of the Corporation of Tay Valley Township deems it advisable to amend By-Law No. 2002-121, as hereinafter set out;

**AND WHEREAS**, this By-Law implements the policies and intentions of the Official Plan for Tay Valley Township;

**NOW THEREFORE BE IT RESOLVED THAT**, the Council of the Corporation of Tay Valley Township enacts as follows:

#### 1. GENERAL REGULATIONS

1.1 **THAT**, By-Law No. 2002-121 is hereby amended by amending the zoning from Seasonal Residential (RS) to Residential Limited Services Special Exception-193 (RLS-193) the lands legally described as Part Lot 11, Concession 4, geographic Township of North Burgess, now in Tay Valley Township, County of Lanark (Roll # 091191402073102), in accordance with Schedule "A" attached hereto and forming part of this By-Law.

1.2 **THAT**, By-Law No. 2002-121, as amended, is further amended by adding the following new subsection at the end of Section 5.3.4 (Exception Zones).

#### 193. RLS-193 (Part Lot 11, Concession 4, South Sherbrooke)

Notwithstanding the provisions of Section 5.1, on the lands zoned RLS-193 the following provisions shall prevail:

- Water Setback dwelling (minimum) 21m



**1.3 THAT**, all other applicable standards and requirements of By-Law No. 2002-121 shall continue to apply to the subject property.

**1.4 THAT**, this By-Law shall come into force and effect with the passing thereof, in accordance with *the Planning Act*, as amended.

**2. ULTRA VIRES**

Should any sections of this by-law, including any section or part of any schedules attached hereto, be declared by a court of competent jurisdiction to be ultra vires, the remaining sections shall nevertheless remain valid and binding.

**3. EFFECTIVE DATE**

ENACTED AND PASSED this XX day of XX, 2023.

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**Robert Rainer, Reeve**

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**Amanda Mabo, Clerk**

**THE CORPORATION OF TAY VALLEY TOWNSHIP  
BY-LAW NO. 2023-XX**

**SCHEDULE "A"**

Miskiman – 398 Little Silver Lake Road  
Part Lot 11 and 23, Concession 4  
Geographic Township of North Burgess  
Tay Valley Township



Area(s) Subject to the By-Law  
To amend the Zoning from  
Seasonal Residential (RS) to  
Residential Limited Services Special Exception-193 (RLS-193)

Certificate of Authentication  
This is Schedule "A" to By-Law 2023-XX  
passed this XX day of XX 2023.

\_\_\_\_\_  
Reeve

\_\_\_\_\_  
Clerk

# Miskiman

## Zoning By-law Amendment

### Public Notice

Pursuant to the Planning Act, Notice of public meeting is to be provided a minimum of 20 days prior for a Zoning By-law Amendment. Notice was duly given by both the posting of the notice in a visible area for the property and by mailing to adjacent property owners within 120 metres of the location. Notice was also given to other public agencies as required.

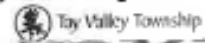
### Ontario Land Tribunal

Please be cautioned that if, at a later date, a person or public body choose to appeal Council'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, the appeal is not made in good faith, or 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 plan or amendment were 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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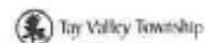
# Miskiman

398 Little Silver Lake Road

Part Lot 11, Concession 4, Geographic Township of South Sherbrooke

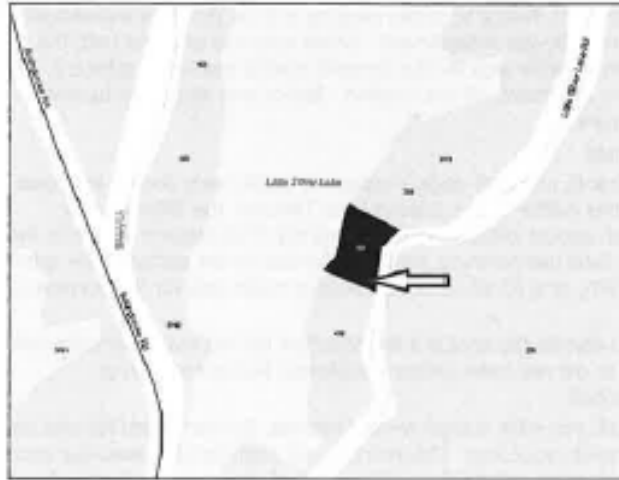
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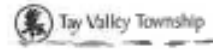


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# Miskiman Location

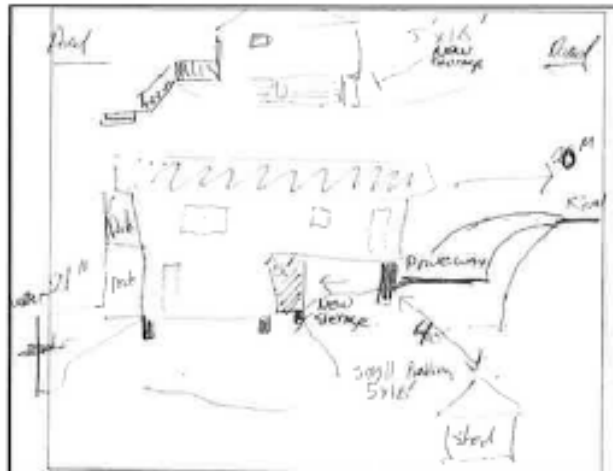


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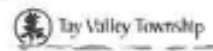


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# Miskiman Site Sketch



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## Miskiman Photos



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## Miskiman Photos



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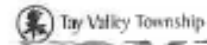


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## Miskiman Planner's Comments Provincial Policy Statement (PPS)

- Section 1.1.1 Building Strong Healthy Communities - states that "Healthy, livable and safe communities are sustained by: a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term...and c) avoiding development and land use patterns which may cause environmental or public health and safety concerns." This section can be met as the applicant is proposing to enclose an open area under part of the existing building, to be used for storage, with no encroachment toward the water.

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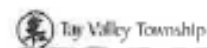


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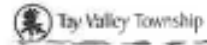


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## Miskiman County Sustainable Communities Official Plan

- Section 3, Rural Area Policies, permits a variety of uses including residential uses.
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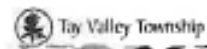


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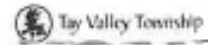


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## Miskiman Planner's Comments Official Plan

- A setback of less than 30m is permitted in exceptional circumstances where an existing development or lot constraints preclude the 30m setback from being met.
- The existing cottage is set back 21m and the storage area under the building to be enclosed will not extend further towards the water.

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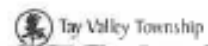


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## Miskiman Planner's Comments Zoning

- The lot is currently zoned Seasonal Residential (RS). Lot coverage requirements are met as the lot coverage will only be 4.1% following construction of the storage area.
- Rezoning to Residential Limited Services is required because the dwelling is used as a permanent home.
- The special exception is required to recognize the existing setback of the dwelling.

12



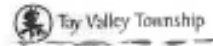
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## Miskiman Planner's Comments

- A Site Plan Control Agreement will provide additional protection to the lake by ensuring a vegetative buffer along the shore and that runoff from the building is directed to the rear of the lot away from the lake.

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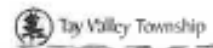
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## Miskiman Comments

### **Rideau Valley Conservation Authority (RVCA)**

- RVCA comments had not been received at the time of the report.

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## Miskiman Comments Continued

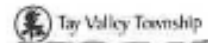
### **Mississippi-Rideau Septic System Office (MRSSO)**

- The applicant is applying for a Part 10/11 Renovation/Change of Use septic permit.

### **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.

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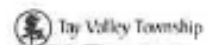


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## Miskiman Recommendation

"THAT, Zoning By-Law No. 2002-121 be amended to rezone the lands at Concession 4, Part Lot 11, 398 Little Silver Lake Road, Geographic Township of south Sherbrooke (Roll #0911-914-020-73102) from Seasonal Residential (RS) to Residential Limited Services Special Exception-193 (RLS-193).

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