



COMMITTEE OF ADJUSTMENT AGENDA

Monday, October 16th, 2023 – 5:00 p.m.
Municipal Office – Council Chambers – 217 Harper Road

Chair, Larry Sparks

1. CALL TO ORDER

2. AMENDMENTS/APPROVAL OF AGENDA

*Suggested Motion by Richard Schooley/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 – September 18th, 2023**
- attached, page 6.

*Suggested Motion by Peter Siemons/Richard Schooley:
“THAT, the minutes of the Committee of Adjustment meeting held September
18th, 2023 be approved as circulated.”*

5. INTRODUCTION

- The purpose of this meeting is to hear applications for Minor Variance:
 - **Mignault**
 - **Foster**
 - **Youngson**
 - **Giff and Hamill**
- 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 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 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.
- The Secretary/Treasurer must provide notice of the Committee's decision to all those who request a copy.

6. APPLICATIONS

i) **FILE #: MV23-06 – Mignault – *attached, page 12.***

- (a) PLANNER FILE REVIEW
- (b) APPLICANT COMMENTS
- (c) ORAL & WRITTEN SUBMISSIONS
- (d) DECISION OF COMMITTEE

Recommended Decision by Richard Schooley/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 MV23-06 is approved, to allow a variance from the requirements of Sections 3.29 (Water Setbacks) and 3.30 (Yard and Water Setback Encroachments) of Zoning By-Law 2002-121, for the lands legally described as 196 Farren Lake Lane 41, Concession 6, Part Lot 6, in the geographic Township of South Sherbrooke, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-914-015-13800;

- *To permit a cottage to be rebuilt at a water setback of 13.4m (44ft) and a new garage at a water setback of 23.8m (78 ft), instead of the 30m required;*
- *To permit a deck to be built with an area of 33m² rather than the 28m² permitted;*

AND THAT, the following be completed prior to the issuance of a Building Permit:

- *a Site Plan Control Agreement be prepared by the Township for the owners and entered into;*
- *legal access be confirmed/established; and*
- *the right of way is named to comply with the requirements of the Road Naming By-law.”*

ii) **FILE #: MV23-07 – Foster – attached, page 27.**

- a) PLANNER FILE REVIEW
- b) APPLICANT COMMENTS
- c) ORAL & WRITTEN SUBMISSIONS
- d) DECISION OF COMMITTEE

*Recommended Decision by Peter Siemons/Richard Schooley:
“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 MV23-07 is approved, to allow a variance from the requirements of Sections 3.19.1 and 3.19.3 (Second Dwelling Unit and Second Dwelling) of Zoning By-Law 2002-121, for the lands legally described as 2099 Elm Grove Road, Concession 5, Part Lot 9, in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-025-19200;
· To permit a second dwelling to be constructed at a distance of greater than the maximum allowed 12m from the existing dwelling, with its own septic system and a separate road entrance;*

***AND THAT,** a Site Plan Control Agreement be prepared by the Township and entered into by the owners.”*

iii) **FILE #: MV23-09 – Youngson – attached, page 41.**

- a) PLANNER FILE REVIEW
- b) APPLICANT COMMENTS
- c) ORAL & WRITTEN SUBMISSIONS
- d) DECISION OF COMMITTEE

*Recommended Decision by Richard Schooley/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 MV23-09 is approved, to allow a variance from the requirements of Sections 3.29 (Water Setbacks) and 3.30 (Yard and Water Setback Encroachments) of Zoning By-Law 2002-121, for the lands legally described as 736 Dunc’s Point, Concession 6, Part Lot 4, in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-025-25900;*

- To recognize the reconstruction of a 33m² deck on the water side of the cottage, rather than the maximum 28m² allowed, with a deck encroachment of 3m into the required water setback, rather than the maximum 2m allowed;
- To recognize reconstruction of a cottage at a water setback of 21.6m (71ft), with a second storey addition at the rear, rather than the 30m required;

AND THAT, a Site Plan Control Agreement be prepared by the Township and entered into by the owners.”

iv) **FILE #: MV23-11 – Giff and Hamill – attached, page 55.**

- PLANNER FILE REVIEW
- APPLICANT COMMENTS
- ORAL & WRITTEN SUBMISSIONS
- DECISION OF COMMITTEE

*Recommended Decision by Peter Siemons/Richard Schooley:
 “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 MV23-11 is approved, to allow a variance from the requirements of Section 10.2 (Zone Provisions) of Zoning By-Law 2002-121, for the lands legally described as 166 Ferrier Road East, Concession 10, Part Lot 1, in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-010-31207;*

- To permit an existing garage to be renovated to a house with a rear setback of 4.6m (15ft) rather than the 6m required, and an interior side setback of 3.05m (10ft) rather than the 6m required.”

7. NEW/OTHER BUSINESS

None.

8. ADJOURNMENT

MINUTES

COMMITTEE OF ADJUSTMENT MINUTES

Monday, September 18th, 2023

5:00 p.m.

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

ATTENDANCE:

Members Present:	Chair, Larry Sparks Peter Siemons Richard Schooley
Members Absent:	None
Staff Present:	Noelle Reeve, Planner Garry Welsh, Secretary/Treasurer
Applicants/Agents Present:	Cal Kirkpatrick, Owner Kathy Patrick, Owner
Public Present:	None

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 – March 27th, 2023.**

The minutes of the Committee of Adjustment meeting held on March 27th, 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:

MV23-04– Kirkpatrick – 551 Black Lake Road, Concession 6, Part Lot 19, geographic Township of North Burgess

MV23-05– Patrick and Jonker – 234 Birch Bay Lane, Concession 8, Part Lot 5, geographic Township of Bathurst

6. APPLICATIONS

i. FILE #: MV23-04- Kirkpatrick

a) PLANNER FILE REVIEW

The Planner reviewed the file and PowerPoint in the agenda package. The Planner noted that although comments had not been received from the Rideau Valley Conservation Authority, there should be no concerns with either the slope on the property or setback from the water. The Planner also noted that since the lot is zoned as Rural (RU) the allowable lot coverage is 20%.

APPLICANT COMMENTS

The applicant asked for clarification on the process to update the existing Site Plan Control Agreement and the timeline, to submit a building permit, following approval of the Minor Variance.

b) ORAL & WRITTEN SUBMISSIONS

None

c) DECISION OF COMMITTEE

RESOLUTION #COA-2023-11

MOVED BY: Peter Siemons

SECONDED BY: Richard Schooley

“**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 MV23-04 is approved, to allow a variance from the requirements of Section 10.1.2 (Rural Zone) of Zoning By-Law 2002-121, for the lands legally described as 551 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 0911-911-020-54000;

- To permit a reduced side yard setback for an addition to the rear of an existing cottage at a west side yard setback of 3m instead of the required 6m;

AND THAT, the Site Plan Control Agreement be updated.”

ADOPTED

ii. **FILE #: MV23-05– Patrick and Jonker**

a) **PLANNER FILE REVIEW**

The Planner reviewed the file and PowerPoint in the agenda package. The Planner noted that most of the applicant's property is wetland with areas of steep slope and a waterfront promontory which has the existing buildings.

The Planner also explained that the Mississippi Valley Conservation Authority will be providing comments on slope stability and that any concerns can be incorporated into the Site Plan Control Agreement. The owners have the right to rebuild on the same building footprint and the slope stability report provided indicated no concerns.

b) **APPLICANT COMMENTS**

The Applicant confirmed that the main cottage is to be demolished and that the new construction of a passive solar building will take place once the required panels can be obtained.

c) **ORAL & WRITTEN SUBMISSIONS**

None.

d) **DECISION OF COMMITTEE**

RESOLUTION #COA-2023-12

MOVED BY: Richard Schooley
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 MV23-05 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 234 Birch Bay Lane, Concession 8, Part Lot 5, in the geographic Township of Bathurst, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-916-020-19800;

- To recognize an existing reduced water setback of 4.5m, instead of the required 30m for a cottage to be rebuilt at the same setback from Bennett Lake;

AND THAT, a Site Plan Control Agreement be executed.”

ADOPTED

7. NEW/OTHER BUSINESS

None.

8. ADJOURNMENT

The meeting adjourned at 5:20 p.m.

APPLICATIONS

Committee of Adjustment

October 16, 2023

Noelle Reeve, Planner

APPLICATION MV23-06

Mignault

196 Farren Lake Lane 41, Concession 2, Part Lot 6
Geographic Township of South Sherbrooke

SUMMARY OF PROPOSAL

Purpose and Effect: To seek relief from Sections 3.29 (Water Setbacks) and 3.30 (Yard and Water Setback Encroachments) of Zoning By-Law 2002-121, as amended, as follows:

- To permit a cottage to be rebuilt at a water setback of 13.4m (44ft) and a new garage at a water setback of 23.8m (78 ft), instead of the 30m required.
- To permit a deck to be built with an area of 33m² rather than the 28m² permitted.

The effect of the variance is to permit a cottage to be built at a water setback of 13.4m (6.1m farther from the lake), a new garage to be built at a water setback of 23.8m due to topographical constraints, and a deck, which meets the permitted encroachment, to be 33m².

REVIEW COMMENTS

The property is located at 196 Farren Lake Lane 41. The lot is 0.30 ha (0.75 acres) with 59.1m (194ft) water frontage and contains a cottage. Legal access has been confirmed, however, the right of way is not named and is required to be named because more than one property is served by the right of way.

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, are satisfied as the proposed new cottage is to be located 6m farther from the lake than the existing cottage.

Section 3.1 Protecting Public Health and Safety – Natural Hazards has been addressed by the Rideau Valley Conservation Authority (RVCA) who noted ‘that excavation into the slope for the cottage and garage has the potential to impact slope stability; should grade changes result in a slope greater than 3H:1V or require a retaining wall greater than 1.2 m’. Wording for inclusion in a Site Plan Control Agreement has been suggested by the RVCA.

A Site Plan Control Agreement will also provide protection of the shoreline and can be used to obtain some naturalization of the property.

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.

Official Plan

The subject land is designated Rural in the *Official Plan*, and residential uses are permitted.

In addition, Official Plan Amendments 4 and 5 identified Farren and Adam Lakes as requiring a phosphorus removal component for a septic system that does not meet the 30m setback from water.

Zoning By-Law

The property is zoned Seasonal Residential and a cottage is a permitted use. Current lot coverage is 3.4% and with the proposed new cottage is 5.2%, well under the 10% permitted and under the permitted 12% Floor Space Index.

The application can be considered minor in impact as the lot coverage remains minimal and the proposed cottage location is 6.1m further from the water the current location. The garage is also located as far as possible from the lake given the constraints of the rock wall at the rear of the property. The increase in deck size above the 28m² permitted is to recognize the existing deck size.

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 shoreline of Farren Lake and 15 m inland is regulated under Ontario Regulation 174/06. Because development is proposed within this area (including grading, site alteration, decks, dock installation, etc.), a permit is required from the RVCA.

RVCA supports the improved setback of the cottage from Farren Lake as it will offer better protection of the shoreline. However, excavation into the slope for the cottage and garage has the potential to impact slope stability; should grade changes result in a slope greater than 3H:1V or require a retaining wall greater than 1.2 m. RVCA recommends the provision of an engineered final grading and landscape plan or letter of opinion from a qualified engineer following the completion of work to confirm that there are no concerns with respect to slope stability.

Finally, most of RVCA's watershed has been identified as a highly vulnerable aquifer as stated in the catchment report and indicated in the Mississippi-Rideau Source Water Protection Plan. These are aquifers that are vulnerable to surface contaminants due to thin or absent soils overlying bedrock that may be fractured. Where these conditions exist, it may be possible for contaminants to enter drinking groundwater supplies. For this reason, care

should be taken to avoid land uses and practices that may inadvertently lead to undesirable effects on groundwater.

Public – None at the time of the report.

SITE PLAN CONTROL AGREEMENT

A Site Plan Control Agreement containing the recommendations of the RVCA is proposed to enhance protection of the water quality of Farren Lake including:

- Surface and roof water runoff management shall be implemented by directing runoff from eaves trough placement and outlets to natural or constructed French drains/areas to allow for maximum infiltration of roof runoff as much as possible away from the services and lake.
- Sediment and erosion controls between the construction area and Farren Lake are to be installed prior to initiation of the work, and to remain in place until the site has been allowed to regenerate and vegetation has been re-established to the satisfaction of the Township or Chief Building Official.
- A vegetation plan should be included as a schedule in any future site plan control agreement. This plan should note the location of the existing vegetation on the subject property, show where there would be increased vegetation and include text for the vegetative buffer's long-term retention. This would not preclude an opening to the shoreline which is a minimum width of 15 metres or 25% of the frontage of the lot, whichever is less.
- Provision of an engineered final grading and landscape plan or letter of opinion from a qualified engineer following completion of work to confirm that there are no concerns with respect to slope stability.
- The following statement should be included in any agreement:

“Should any work be undertaken along the shoreline of Farren Lake and/or 15 m inland, permits would be required by the Rideau Valley Conservation Authority in accordance with Ontario Regulation 174/06 (“Development, Interference with Wetlands and Alteration to Shorelines and Watercourses”).”

RECOMMENDATION

That the Minor Variance be granted for relief from the requirements of Sections 3.29 (Water Setbacks) and 3.30 (Yard and Water Setback Encroachments) of Zoning By-Law 2002-121, as amended, as follows:

- To permit a cottage to be rebuilt at a water setback of 13.4m (44ft) and a new garage at a water setback of 23.8m (78 ft), instead of the 30m required.
- To permit a deck to be built with an area of 33m² rather than the 28m² 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 be prepared by the Township for the owners.

And that the right of way is named to comply with the requirements of the Road Naming By-law.

Mignault Minor Variance

Public Notice

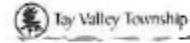
Pursuant to the Planning Act, Notice of Public Hearing is to be provided a minimum of 10 days for a Minor Variance to the Zoning By-law. Notice was duly given by posting at the nearest public road and delivering to adjacent property owners within 60 metres of the location. Notice was also given to public agencies as required.

Ontario Land Tribunal

Please be cautioned that if, at a later date, the owner chooses 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

Mignault 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



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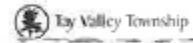
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Mignault Minor Variance

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

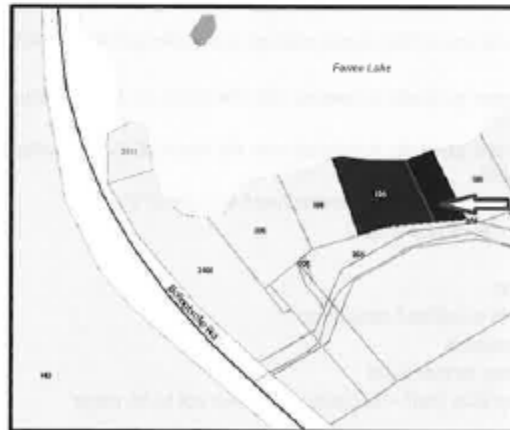
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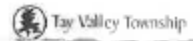
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Mignault

*196 Farren Lake Lane 41, Part Lot 6, Concession 2,
Geographic Township of South Sherbrooke*



4



4

Mignault - Proposal

The Minor Variance application seeks relief from Sections 3.29 (Water Setbacks) and 3.30 (Yard and Water Setback Encroachments) of Zoning By-Law 2002-121, as amended, as follows:

- To permit a cottage to be rebuilt at a water setback of 13.4m (44ft) and a new garage at a water setback of 23.8m (78 ft), instead of the 30m required.
- To permit a deck to be built with an area of 33m² rather than the 28m² permitted.

The effect of the variance is to permit a cottage to be built at a water setback of 13.4m (6.1m farther from the lake), a new garage to be built at a water setback of 23.8m due to topographical constraints, and a deck, which meets the permitted encroachment, to be 33m².

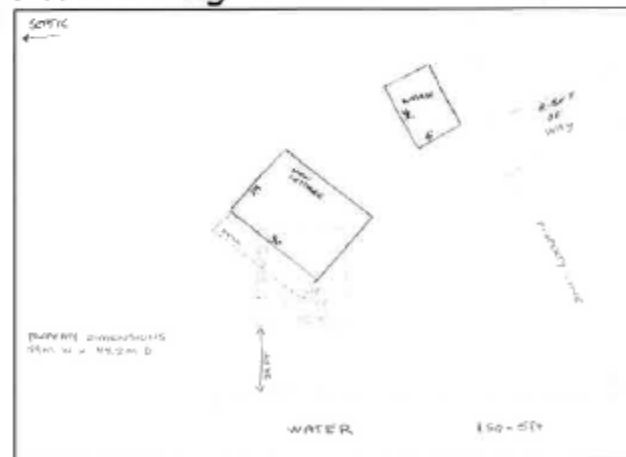
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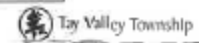


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Mignault Site Drawing



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Mignault Photos



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Mignault Photos



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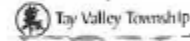
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Mignault Comments

Rideau Valley Conservation Authority

- The shoreline of Farren Lake and 15 m inland is regulated under Ontario Regulation 174/06. Because development is proposed within this area (including grading, site alteration, decks, dock installation, etc.), a permit is required from the RVCA.
- Improved setback of the cottage from Farren Lake offers better protection of the shoreline. However, should grade changes result in a slope greater than 3H:1V or require a retaining wall greater than 1.2 m. RVCA recommends the provision of an engineered final grading and landscape plan or letter of opinion from a qualified engineer to confirm that there are no concerns with respect to slope stability.

9



9

Mignault Comments

Rideau Valley Conservation Authority

- Most of RVCA's watershed has been identified as a highly vulnerable aquifer, vulnerable to surface contaminants due to thin or absent soils overlying bedrock that may be fractured. Where these conditions exist, it may be possible for contaminants to enter drinking groundwater supplies. For this reason, care should be taken to avoid land uses and practices that may inadvertently lead to undesirable effects on groundwater.

10



10

Mignault Provincial Policy Statement

- No concerns if the right of way is named.
- Sections 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, Section 2.1 Natural Heritage, are satisfied as the proposed new cottage is to be located 6m farther from the lake than the existing cottage.
- Section 3.1 Protecting Public Health and Safety – Natural Hazards has been addressed by the (RVCA) who noted that excavation into the slope for the cottage and garage has the potential to impact slope stability; should grade changes result in a slope greater than 3H:1V or require a retaining wall greater than 1.2 m". Wording for inclusion in a Site Plan Control Agreement has been suggested by the RVCA.

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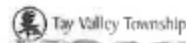


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Mignault Provincial Policy Statement

- Wording for inclusion in a Site Plan Control Agreement has been suggested by the RVCA.
- A Site Plan Control Agreement will also provide protection of the shoreline and can be used to obtain some naturalization of the property.

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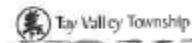


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Mignault County Sustainable Community Official Plan

- 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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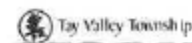


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Mignault Official Plan

- The subject land is designated Rural in the Official Plan, and residential uses are permitted.
- In addition, Official Plan Amendments 4 and 5 identified Farren and Adam Lakes as requiring a phosphorus removal component for a septic system that does not meet the 30m setback from water.

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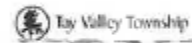


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Mignault Zoning By-law

- The property is zoned Seasonal Residential and a cottage is a permitted use.

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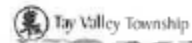
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Mignault Official Plan & Zoning Test

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

- Yes. Current lot coverage is 3.4% and with the proposed new cottage is 5.2%, well under the 10% permitted and under the permitted 12% Floor Space Index.

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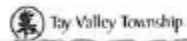
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Mignault Development & Use Test

Is it desirable and appropriate development for the use of the site?

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

17



17

Mignault "Minor" Test

Is it minor in nature and scope?

- The application can be considered minor in impact as the lot coverage remains minimal and the proposed cottage location is 6.1m further from the water the current location.
- The garage is also located as far as possible from the lake given the constraints of the rock wall at the rear of the property.
- The increase in deck size above the 28m² permitted is to recognize the existing deck size.

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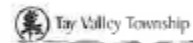


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Mignault Public Comments

- 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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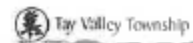
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Mignault Site Plan Control Agreement

A Site Plan Control Agreement containing the recommendations of the RVCA is proposed to enhance protection of the water quality of Farren Lake including:

- Surface and roof water management
- Sediment and erosion controls prior to work
- A vegetation plan to protect the vegetative buffer
- An engineered final grading and landscape plan

20



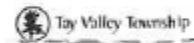
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Mignault Site Plan Control Agreement

- The following statement should be included in any agreement:

“Should any work be undertaken along the shoreline of Farren Lake and/or 15 m inland, permits would be required by the Rideau Valley Conservation Authority in accordance with Ontario Regulation 174/06 (“Development, Interference with Wetlands and Alteration to Shorelines and Watercourses”).”

21



21

Mignault Recommendation

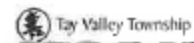
That the Minor Variance be granted for relief from the requirements of Sections 3.29 (Water Setbacks) and 3.30 (Yard and Water Setback Encroachments) of Zoning By-Law 2002-121, as amended, as follows:

- To permit a cottage to be rebuilt at a water setback of 13.4m (44ft) and a new garage at a water setback of 23.8m (78 ft), instead of the 30m required.
- To permit a deck to be built with an area of 33m² rather than the 28m² permitted.

And that the existing Site Plan Control Agreement be updated.

And that the right of way is named to comply with the requirements of the Road Naming By-law.

22



22

Committee of Adjustment

October 16, 2023

Noelle Reeve, Planner

APPLICATION MV23-07

Foster

2099 Elm Grove Road, Concession 5, Part Lot 9
Geographic Township of North Burgess

SUMMARY OF PROPOSAL

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

- To permit a second dwelling to be constructed at a distance of greater than the maximum allowed 12m from the existing dwelling, with its own septic system and a separate road entrance.

The effect of the variance is to permit a 56m² (600 sq ft) accessory dwelling unit, to be built more than 12m from the existing dwelling, with its own septic system and with a separate road entrance.

REVIEW COMMENTS

The property is located at 2099 Elm Grove Road on Big Rideau Lake. The lot is 0.14 ha (0.34 acres) with 22.6m water frontage and contains a cottage.

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 the proposed second unit is to be located 30 m from the water and away from the steep shoreline. A Site Plan Control Agreement will provide protection of the shoreline and can be used to obtain some naturalization of the property.

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.

Official Plan

The subject land is designated Rural in the *Official Plan*, and residential uses are permitted.

Zoning By-Law

The property is zoned Rural and a dwelling and additional dwelling unit are permitted uses. Current lot coverage is 1.6% and with the proposed additional dwelling unit is 2.3%, well under the 20% permitted in the Rural zone. There is no Floor Space Index criterion in the Rural zone.

The application can be considered minor in impact as the proposed location greater than 12m from the existing dwelling and proposed separate septic system has no material impact on the property and these clauses are proposed to be removed in the next update to the Zoning By-law.

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

CIRCULATION COMMENTS

Rideau Waterfront Development Review Team (RWDRT) – The RWDRT has no objection to the proposal.

The RWDRT noted that this property is located on Big Rideau Lake, part of the Rideau Canal National Historic Site and UNESCO World Heritage site. The Rideau Canal National Historic Site is valued in part for its historic, ecological and visual associations with shore lands and communities along the waterway which contribute to the unique historical environment of the canal. Development along a 30 metre buffer zone surrounding the lake is recommended to be unobtrusive, visually screened and integrated within the vegetation and topography.

The RWDRT encourages developing the property in a manner that complements the visual character of the landscape and minimizes visual impact on the protected heritage property. The use of building materials and colours that blend in with the surrounding landscape are encouraged. Earth tones and neutral colours are recommended for the finished exteriors. Reflective materials, such as galvanized and bare metals, particularly for roof coverings and support structures, are discouraged. A minimum buffer of 30 metres can provide a buffer of undisturbed soil and vegetation along the shoreline, which will help to filter runoff, prevent soil erosion, and provide wildlife habitat.

The RWDRT recommend the following statements be included as conditions for any site plan control agreement:

- The following statement should be included in any site plan control agreement:
“Should any work be undertaken along the shoreline of Big Rideau Lake and/or 15 m inland, permits would be required by the Rideau Valley Conservation Authority in accordance with Ontario Regulation 174/06 (“Development, Interference with Wetlands and Alteration to Shorelines and Watercourses”).”
- Surface and roof water runoff management shall be implemented by directing runoff from eaves trough placement and outlets to natural or constructed French drains/areas to allow for maximum infiltration of roof runoff as much as possible away from the services, lake and any watercourse.

- Sediment and erosion controls between the construction area and Big Rideau Lake are to be installed prior to initiation of the work, to remain in place until the site has been allowed to regenerate and vegetation has been re-established to the satisfaction of the Township or Chief Building Official.
- A vegetation plan should be included as a schedule in any future site plan control agreement. This plan should note the location of the existing vegetation on the subject property, show where there would be increased vegetation and include text for the vegetative buffer's long-term retention. This would not preclude an opening to the shoreline which is a minimum width of 15 metres or 25% of the frontage of the lot, whichever is less.
- Should any in-water or shoreline works or alterations be proposed, prior written approval from the Rideau Canal Office of Parks Canada is required.

Lanark County Public Works – The applicant was advised that Lanark County policy only allows one residential entrance per lot and that they should submit an Entrance Inquiry to confirm if the existing entrance could be upgraded to service both dwellings.

Mississippi Rideau Septic System Office (MRSSO) – Comments had not been received at the time of the report.

Public – None at the time of the report.

SITE PLAN CONTROL AGREEMENT

A Site Plan Control Agreement is recommended to enhance protection of the water quality of Big Rideau Lake.

RECOMMENDATION

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

- To permit a second dwelling to be constructed at a distance of greater than the maximum allowed 12m from the existing dwelling, with its own septic system and a separate road entrance.

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 be prepared by the Township for the owner.

Foster 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, the owner chooses 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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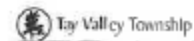
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Foster Minor Variance

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

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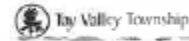
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Foster Minor Variance

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

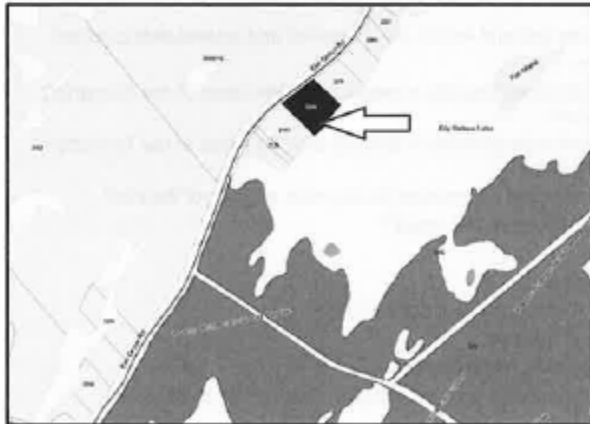
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Foster

*2099 Elm Grove Road, Part Lot 9, Concession 5,
Geographic Township of North Burgess*



4



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Foster - Proposal

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

- To permit a second dwelling to be constructed at a distance greater than the maximum allowed 12m from the existing dwelling, with its own septic system and a separate road entrance.

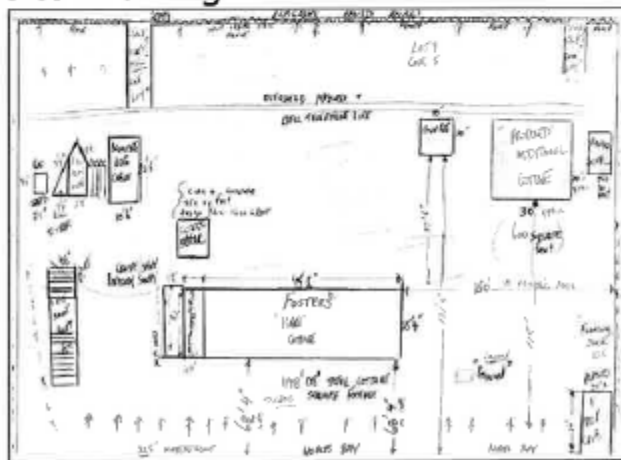
The effect of the variance is to permit a 56m² (600 sq ft) accessory dwelling unit, to be built more than 12m from the existing dwelling, with its own septic system and with a separate road entrance.

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Foster Site Drawing



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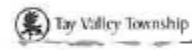


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Foster Photos



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Foster Photos



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Foster Photos



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Foster Comments

Rideau Waterfront Development Review Team (RWDRT)

- The RWDRT has no objection to the proposal
- This property is located on Big Rideau Lake, part of the Rideau Canal National Historic Site and UNESCO World Heritage site. Development along a 30m buffer zone surrounding the lake is recommended to be unobtrusive, visually screened and integrated within the vegetation and topography.

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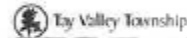
Foster Comments

Rideau Waterfront Development Review Team (RWDRT)

The RWDRT provided recommendations for any site plan control agreement to include the following:

- Requirement for a permit from the Rideau valley Conservation Authority (RVCA) for any work within 15m inland from shore
- Surface and roof water runoff management
- Sediment and erosion controls
- A vegetation plan
- Requirement for a permit from Parks Canada for any in-water or shoreline works or alterations

11



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Foster Comments

Lanark County Public Works

- The applicant was advised that Lanark County policy only allows one residential entrance per lot and that they should submit an Entrance Inquiry to confirm if the existing entrance could be upgraded to service both dwellings.

Mississippi Rideau Septic System Office (MRSSO)

- Comments had not been received at the time of the report.

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Foster 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 the proposed second unit is to be located 30 m from the water and away from the steep shoreline.
- A Site Plan Control Agreement will provide protection of the shoreline and can be used to obtain some naturalization of the property.

13



13

Foster 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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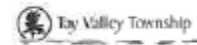


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Foster Official Plan

- The subject land is designated Rural in the Official Plan, and residential uses are permitted.

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Foster Zoning By-law

- The property is zoned Rural and a dwelling and additional dwelling unit are permitted uses.

16



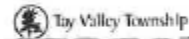
16

Foster Official Plan & Zoning Test

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

- Yes. Current lot coverage is 1.6% and with the proposed additional dwelling unit is 2.3%, well under the 20% permitted in the Rural zone. There is no Floor Space Index criterion in the Rural zone.

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Foster Development & Use Test

Is it desirable and appropriate development for the use of the site?

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

18



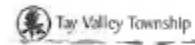
18

Foster "Minor" Test

Is it minor in nature and scope?

- The application can be considered minor in impact as the proposed location greater than 12m from the existing dwelling and proposed separate septic system has no material impact on the property and these clauses are proposed to be removed in the next update to the Zoning By-law.

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Foster 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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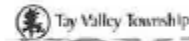


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Foster Site Plan Control Agreement

- A Site Plan Control Agreement is recommended to enhance protection of the water quality of Big Rideau Lake.

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Foster Recommendation

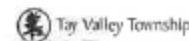
That the Minor Variance be granted for relief from the requirements of Sections 3.19.1 and 3.19.3 (Second Dwelling Unit and Second Dwelling) of Zoning By-Law 2002-121, as amended, as follows:

- To permit a second dwelling to be constructed at a distance of greater than the maximum allowed 12m from the existing dwelling, with its own septic system and a separate road entrance.

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 be prepared by the Township for the owner.

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22

Committee of Adjustment

October 16, 2023

Noelle Reeve, Planner

APPLICATION MV23-09

Youngson

736 Dunc's Point, Concession 6, Part Lot 4

Geographic Township of North Burgess

SUMMARY OF PROPOSAL

Purpose and Effect: To seek relief from Sections 3.29 (Water Setbacks) and 3.30 (Yard and Water Setback Encroachments) of Zoning By-Law 2002-121, as amended, as follows:

- To recognize reconstruction of a cottage at a water setback of 21.6m (71ft), with a second storey addition at the rear, rather than the 30m required.
- To recognize the reconstruction of a 33m² deck on the water side of the cottage, rather than the maximum 28m² allowed, with a deck encroachment of 3m into the required water setback, rather than the maximum 2m allowed.

The effect of the variance is to recognize reconstruction of a cottage, no closer to the lake, with a second storey addition at the rear, and a deck on the water side of the cottage which encroaches 3m into the required water setback for the building.

REVIEW COMMENTS

The property is located at 736 Dunc's Point. The lot is 0.2 ha (0.5 acres) with approximately 24m (79ft) water frontage and contains a cottage and a shed.

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, are satisfied as the proposed reconstruction to the existing cottage would be on the same footprint with an addition to the rear. The new garage is proposed outside the 30m setback of the highwater mark.

A Site Plan Control Agreement will also provide protection of the shoreline and can be used to obtain some naturalization of the property.

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.

Official Plan

The subject land is designated Rural in the *Official Plan*, and residential uses are permitted.

Zoning By-Law

The property is zoned Seasonal Residential and a cottage is a permitted use. Current lot coverage is 7.2% and with the proposed new cottage and garage is 10%, meeting the 10% permitted. At 5.4%, the new cottage will be well under the permitted 12% Floor Space Index.

The application can be considered minor in impact as the lot coverage is met and the proposed addition to the footprint of the cottage is toward the rear, away from the lake. The new garage is also proposed to be situated beyond the 30m water setback.

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) – RVCA had no concerns as a result of the proposed development. Recommendations provided by RVCA concerning shoreline erosion include: directing runoff from eaves troughs, installing sediment and erosion controls prior to work, and a vegetation plan to ensure retention of a vegetative buffer.

Finally, most of RVCA's watershed has been identified as a highly vulnerable aquifer as stated in the catchment report and indicated in the Mississippi-Rideau Source Water Protection Plan. These are aquifers that are vulnerable to surface contaminants due to thin or absent soils overlying bedrock that may be fractured. Where these conditions exist, it may be possible for contaminants to enter drinking groundwater supplies. For this reason, care should be taken to avoid land uses and practices that may inadvertently lead to undesirable effects on groundwater.

Public – None at the time of the report.

SITE PLAN CONTROL AGREEMENT

A Site Plan Control Agreement containing the recommendations of the RVCA is proposed to enhance protection of the water quality of Otty Lake including:

- Surface and roof water runoff management shall be implemented by directing runoff from eaves trough placement and outlets to natural or constructed French drains/areas to allow for maximum infiltration of roof runoff as much as possible away from the services and lake.
- Sediment and erosion controls between the construction area and Otty Lake are to be installed prior to initiation of the work, and to remain in place until the site has been allowed to regenerate and vegetation has been re-established to the satisfaction of the Township or Chief Building Official.

- A vegetation plan should be included as a schedule in any future site plan control agreement. This plan should note the location of the existing vegetation on the subject property, show where there would be increased vegetation and include text for the vegetative buffer's long-term retention. This would not preclude an opening to the shoreline which is a minimum width of 15 metres or 25% of the frontage of the lot, whichever is less.
- The following statement should be included in any agreement:

“Should any work be undertaken along the shoreline of Otty Lake and/or 15 m inland, permits would be required by the Rideau Valley Conservation Authority in accordance with Ontario Regulation 174/06 (“Development, Interference with Wetlands and Alteration to Shorelines and Watercourses”).”

RECOMMENDATION

That the Minor Variance be granted for relief from the requirements of Sections 3.29 (Water Setbacks) and 3.30 (Yard and Water Setback Encroachments) of Zoning By-Law 2002-121, as amended, as follows:

- To recognize the reconstruction of a 33m² deck on the water side of the cottage, rather than the maximum 28m² allowed, with a deck encroachment of 3m into the required water setback, rather than the maximum 2m allowed.
- To recognize reconstruction of a cottage at a water setback of 21.6m (71ft), with a second storey addition at the rear, rather than the 30m required.

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 be prepared by the Township for the owners.

Youngson 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.

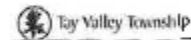
Ontario Land Tribunal

Please be cautioned that if, at a later date, the owner chooses 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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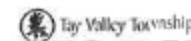
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Youngson Minor Variance

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

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Youngson Minor Variance

Hearing Process

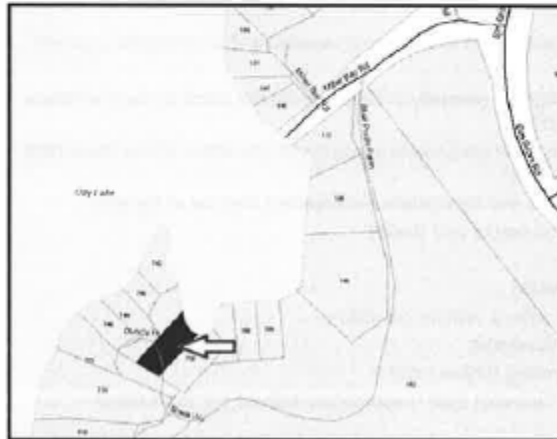
- The Planner will review the application and present her comments plus those of the Conservation Authority, Septic System Office, and any public comments received
- The Applicant may provide additional details or clarification
- Any members of the public may contribute comments or questions
- The Committee members will discuss and decide
- The Notice of Decision will be signed

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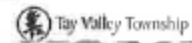


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Youngson *736 Dunc's Point, Part Lot 4, Concession 6, Geographic Township of North Burgess*



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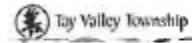
Youngson - Proposal

The Minor Variance application seeks relief from Sections 3.29 (Water Setbacks) and 3.30 (Yard and Water Setback Encroachments) of Zoning By-Law 2002-121, as amended, as follows:

- To recognize reconstruction of a cottage at a water setback of 21.6m (71ft), with a second storey addition at the rear, rather than the 30m required.
- To recognize the reconstruction of a 33m² deck on the water side of the cottage, rather than the maximum 28m² allowed, with a deck encroachment of 3m into the required water setback, rather than the maximum 2m allowed.

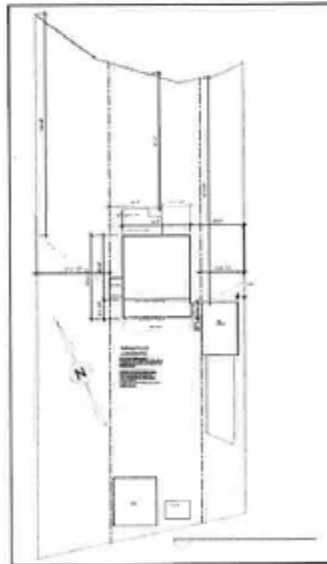
The effect of the variance is to recognize reconstruction of a cottage, no closer to the lake, with a second storey addition at the rear, and a deck on the water side of the cottage which encroaches 3m into the required water setback for the building.

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Youngson Site Drawing



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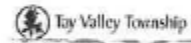


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Youngson Photos



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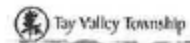


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Youngson Photos



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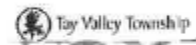
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Youngson Comments

Rideau Valley Conservation Authority (RVCA)

- The RVCA has no objection to the proposal
- Recommendations provided by RVCA concerning shoreline protection include: directing runoff from eaves troughs, installing sediment and erosion controls prior to work, and a vegetation plan to ensure retention of a vegetative buffer.

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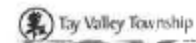
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Youngson Comments

Rideau Valley Conservation Authority (RVCA)

- Most of RVCA's watershed has been identified as a highly vulnerable aquifer, vulnerable to surface contaminants due to thin or absent soils overlying bedrock that may be fractured. Where these conditions exist, it may be possible for contaminants to enter drinking groundwater supplies. For this reason, care should be taken to avoid land uses and practices that may inadvertently lead to undesirable effects on groundwater.

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Youngson 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 the proposed addition is to be located at the rear of the cottage.
- A Site Plan Control Agreement will provide protection of the shoreline and can be used to obtain some naturalization of the property.

11



11

Youngson 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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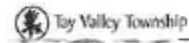


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Youngson Official Plan

- The subject land is designated Rural in the Official Plan, and residential uses are permitted.

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Youngson Zoning By-law

- The property is zoned Seasonal Residential and a cottage is a permitted use.

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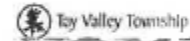
14

Youngson Official Plan & Zoning Test

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

- Yes. Current lot coverage is 7.2% and with the proposed new cottage and garage would be 10%, meeting the 10% permitted. At 5.4%, the new cottage will be well under the permitted 12% Floor Space Index.

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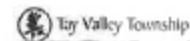
15

Youngson Development & Use Test

Is it desirable and appropriate development for the use of the site?

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

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Youngson "Minor" Test

Is it minor in nature and scope?

- The application can be considered minor in impact as the lot coverage is met and the proposed addition to the footprint of the cottage is toward the rear, away from the lake.

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Youngson 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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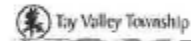
18

Youngson Site Plan Control Agreement

The RVCA provided recommendations for any site plan control agreement to include the following:

- Surface and roof water runoff management
- Sediment and erosion controls
- A vegetation plan
- Requirement for a permit from the Rideau valley Conservation Authority (RVCA) for any work within 15m inland from shore

19



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Youngson Recommendation

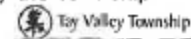
That the Minor Variance be granted for relief from the requirements of Sections 3.29 (Water Setbacks) and 3.30 (Yard and Water Setback Encroachments) of Zoning By-Law 2002-121, as amended, as follows:

- To recognize reconstruction of a cottage at a water setback of 21.6m (71ft), with a second storey addition at the rear, rather than the 30m required.
- To recognize the reconstruction of a 33m² deck on the water side of the cottage, rather than the maximum 28m² allowed, with a deck encroachment of 3m into the required water setback, rather than the maximum 2m allowed.

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 be prepared by the Township for the owner.

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Youngson 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 MV23-09 is approved, to allow a variance from the requirements of Sections 3.29 (Water Setbacks) and 3.30 (Yard and Water Setback Encroachments) of Zoning By-Law 2002-121, for the lands legally described as 736 Dunc's Point, Concession 6, Part Lot 4, in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-025-25900;

- To recognize the reconstruction of a 33m² deck on the water side of the cottage, rather than the maximum 28m² allowed, with a deck encroachment of 3m into the required water setback, rather than the maximum 2m allowed;*
- To recognize reconstruction of a cottage at a water setback of 21.6m (71ft), with a second storey addition at the rear, rather than the 30m required;*

AND THAT, a Site Plan Control Agreement be prepared by the Township for the owners."

21



Committee of Adjustment

October 16, 2023

Noelle Reeve, Planner

APPLICATION MV23-011

Giff and Hamill

166 Ferrier Road East, Concession 10, Part Lot 1
Geographic Township of North Burgess

SUMMARY OF PROPOSAL

Purpose and Effect: To seek relief from Section 10.2 (Zone Provisions) of Zoning By-Law 2002-121, as amended, as follows:

- To permit an existing garage to be renovated to a house with a rear setback of 4.6m (15ft) rather than the 10m required, and an interior side setback of 3.05m (10ft) rather than the 6m required.

The effect of the variance is to permit a garage to be converted to a house in a Rural zone, with a rear setback of 4.6m, and an interior setback of 3.05m from the property line on the west side.

REVIEW COMMENTS

The property is located at 166 Ferrier Road East. The lot is 0.32ha (0.8 acres) with 53.3m (175ft) of road frontage.

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 are satisfied as the owners propose to convert an existing garage for residential use. No new footprint is proposed.

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.

Official Plan

The subject land is designated Rural in the *Official Plan*, and residential uses are permitted.

Zoning By-Law

The property is zoned Rural and residential uses are permitted. Lot coverage is to remain at 5.5%, well under the 10% permitted and at 4.3%, also well under the permitted 12% Floor Space Index.

The application can be considered minor in impact as the lot coverage remains minimal and the existing building is situated towards the rear of the property, surrounded by a forested buffer on the neighbouring lots.

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 was not circulated for comments as there are no streams or water features on the property.

Mississippi Rideau Septic System Office (MRSSO) – The owners have applied to install a new septic system.

Public – None at the time of the report.

RECOMMENDATION

That the Minor Variance be granted for relief from the requirements of Section 10.2 (Zone Provisions) of Zoning By-Law 2002-121, as amended, as follows:

- To permit an existing garage to be renovated to a house with a rear setback of 4.6m (15ft) rather than the 6m required, and an interior side setback of 3.05m (10ft) rather than the 6m required.

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*.

Giff and Hamill 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.

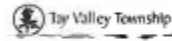
Ontario Land Tribunal

Please be cautioned that if, at a later date, the owner chooses 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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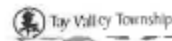
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Giff and Hamill Minor Variance

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

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Giff and Hamill 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

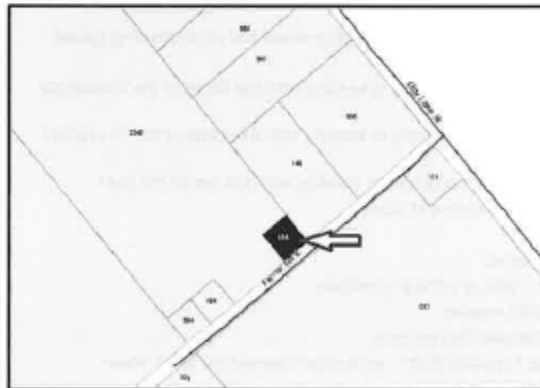
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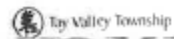
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Giff and Hamill

*166 Ferrier Road East, Part Lot 1, Concession 10,
Geographic Township of North Burgess*



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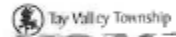
Giff and Hamill - Proposal

The Minor Variance application seeks relief from Section 10.2 (Zone Provisions) of Zoning By-Law 2002-121, as amended, as follows:

- To permit an existing garage to be renovated to a house with a rear setback of 4.6m (15ft) rather than the 10m required, and an interior side setback of 3.05m (10ft) rather than the 6m required.

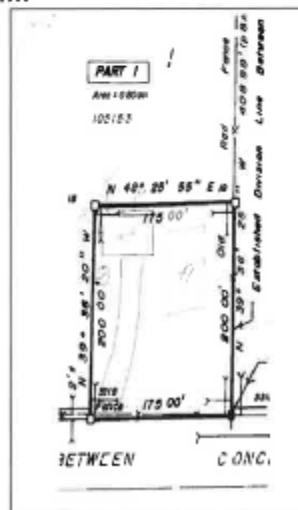
The effect of the variance is to permit a garage to be converted to a house in a Rural zone, with a rear setback of 4.6m, and an interior setback of 3.05m from the property line on the west side.

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Giff and Hamill Site Drawing



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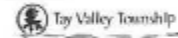


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Giff and Hamill
Photo



7



7

Giff and Hamill
Comments

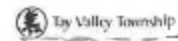
Rideau Valley Conservation Authority (RVCA)

- The RVCA was not circulated for comments as there are no streams or water features on the property.

Mississippi Rideau Septic System Office (MRSSO)

- The owners have applied to install a new septic system.

8

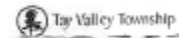


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Giff and Hamill Provincial Policy Statement

- 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 are satisfied as the owners propose to convert an existing garage for residential use. No new footprint is proposed.

9



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Giff and Hamill 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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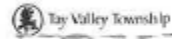


10

Giff and Hamill Official Plan

- The subject land is designated Rural in the Official Plan, and residential uses are permitted.

11



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Giff and Hamill Zoning By-law

- The property is zoned Rural and residential uses are permitted.

12



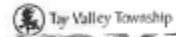
12

Giff and Hamill Official Plan & Zoning Test

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

- Yes. . Lot coverage is to remain at 5.5%, well under the 10% permitted and at 4.3%, also well under the permitted 12% Floor Space Index.

13



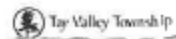
13

Giff and Hamill Development & Use Test

Is it desirable and appropriate development for the use of the site?

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

14



14

Giff and Hamill "Minor" Test

Is it minor in nature and scope?

- The application can be considered minor in impact as the lot coverage remains minimal and the existing building is situated towards the rear of the property, surrounded by a forested buffer on the neighbouring lots.

15

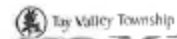


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Giff and Hamill Public Comments

- 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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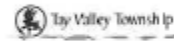
Giff and Hamill Recommendation

That the Minor Variance be granted for relief from the requirements of Section 10.2 (Zone Provisions) of Zoning By-Law 2002-121, as amended, as follows:

- To permit an existing garage to be renovated to a house with a rear setback of 4.6m (15ft) rather than the 6m required, and an interior side setback of 3.05m (10ft) rather than the 6m required.

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.

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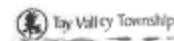
Giff and Hamill Resolution

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 MV23-11 is approved, to allow a variance from the requirements of Section 10.2 (Zone Provisions) of Zoning By-Law 2002-121, for the lands legally described as 166 Ferrier Road East, Concession 10, Part Lot 1, in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-010-31207;

- *To permit an existing garage to be renovated to a house with a rear setback of 4.6m (15ft) rather than the 6m required, and an interior side setback of 3.05m (10ft) rather than the 6m required.*

18



18