



COMMITTEE OF ADJUSTMENT AGENDA

Monday, November 27th, 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 – October 16th, 2023**
- attached, page 4.

*Suggested Motion by Peter Siemons/Richard Schooley:
“THAT, the minutes of the Committee of Adjustment meeting held October 16th,
2023 be approved as circulated.”*

5. INTRODUCTION

- The purpose of this meeting is to hear applications for Minor Variance:
 - **Giroux and Nolet**
- 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 #: MV23-12 – 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 MV23-12 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 623 Upper Scotch Line, Concession 9, Part Lot 13, in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-010-35003;*

- *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.”*

7. NEW/OTHER BUSINESS

None.

8. ADJOURNMENT

MINUTES

COMMITTEE OF ADJUSTMENT MINUTES

Monday, October 16th, 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: | Amy Mignault, Owner Madessa Giff, Owner Bradley Hamill, Owner |
| Public Present: | Mike Barr Allie Leadbeater |

1. CALL TO ORDER

The Chair called the meeting to order at 5:00 p.m.
A quorum was present.

2. AMENDMENTS/APPROVAL OF AGENDA

The Agenda was adopted as presented.

3. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST AND GENERAL NATURE THEREOF

None at this time.

4. APPROVAL OF MINUTES

i) **Committee of Adjustment Meeting – September 18th, 2023.**

The minutes of the Committee of Adjustment meeting held on September 18th, 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:

MV23-06– Mignault – 196 Farren Lake Lane 41, Concession 2, Part Lot 6, geographic Township of South Sherbrooke

MV23-07– Foster – 2099 Elm Grove Road, Concession 5, Part Lot 9, geographic Township of North Burgess

MV23-09– Youngson – 736 Dunc's Point, Concession 6, Part Lot 4, geographic Township of North Burgess

MV23-11– Giff and Hamill – 166 Ferrier Rd East, Concession 8, Part Lot 5, geographic Township of North Burgess

6. APPLICATIONS

i) **FILE #: MV23-06 - Mignault**

a) **PLANNER FILE REVIEW**

The Planner reviewed the file and PowerPoint in the agenda package. The Planner noted that a rock outcropping behind the current cottage location limits further setback from the water. The Planner also confirmed that an engineered report would be required if the slope is greater than 3 Horizontal:1 Vertical (3H:1V), or if a retaining wall greater than 1.2m is needed.

The Planner also recommended that the applicant access services available from the Rideau Valley Conservation Authority (RVCA), for planting along the shoreline.

b) **APPLICANT COMMENTS**

The applicant noted that they will be installing a septic system to replace the current holding tank, and possibly installing a well, rather than using lake water for the cottage.

The applicant also confirmed that they will be proceeding with renaming the section of road that branches off from Farren Lake Lane 41, to provide access to their cottage.

c) **ORAL & WRITTEN SUBMISSIONS**

A neighbouring property owner asked for assurance that the separate naming of the access road would not interfere with the process of them acquiring the unopened road allowance which crosses their property, as they wish to consolidate their lots into one property. The Planner confirmed that naming the road does not affect ownership or this process.

d) **DECISION OF COMMITTEE**

RESOLUTION #COA-2023-13

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 MV23-06 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 2, 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.”

ADOPTED

ii) **FILE #: MV23-07– Foster**

a) **PLANNER FILE REVIEW**

The Planner reviewed the file and PowerPoint in the agenda package. The Planner noted that the second entrance to the property has been allowed by Lanark County Public Works as the U-shaped driveway with two entrances was pre-existing.

b) **APPLICANT COMMENTS**

None.

c) **ORAL & WRITTEN SUBMISSIONS**

None.

d) **DECISION OF COMMITTEE**

The Committee questioned whether the additional dwelling could be used for short-term rental purposes. The Planner noted that the applicant has indicated that the building is intended for his own family's use, but there is no current restriction or licence requirement for short-term rentals within Tay Valley Township.

RESOLUTION #COA-2023-14

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 MV23-07 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.”

ADOPTED

Item 6 iv was discussed next.

iii) **FILE #: MV23-09 - Youngson**

a) **PLANNER FILE REVIEW**

The Planner reviewed the file and PowerPoint in the agenda package. The Planner noted that the lot coverage with the proposed new cottage, garage, and relocated deck, will still meet the 10% permitted maximum lot coverage.

b) **APPLICANT COMMENTS**

None.

c) **ORAL & WRITTEN SUBMISSIONS**

None.

d) DECISION OF COMMITTEE

RESOLUTION #COA-2023-15

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 MV23-09 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.”

ADOPTED

iv) **FILE #: MV23-11 – Giff and Hamill**

a) PLANNER FILE REVIEW

The Planner reviewed the file and PowerPoint in the agenda package. The Planner noted that the applicants intend to renovate an existing garage for use as a dwelling.

b) APPLICANT COMMENTS

The applicant confirmed that the slab on grade construction can be retrofitted for floor insulation and electric heating.

c) ORAL & WRITTEN SUBMISSIONS

None

d) DECISION OF COMMITTEE

RESOLUTION #COA-2023-16

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 MV23-11 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.”

ADOPTED

7. NEW/OTHER BUSINESS

None.

8. ADJOURNMENT

The meeting adjourned at 5:46 p.m.

APPLICATIONS

Committee of Adjustment

November 27, 2023

Noelle Reeve, Planner

APPLICATION MV23-12

Giroux and Nolet

623 Upper Scotch Line, Concession 9, Part Lot 13

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.

The effect of the variance is to permit a 100m² (1,076 sq ft) accessory dwelling unit, to be built 61m behind the existing (203m²) dwelling with its own septic system. The driveway would be shared.

REVIEW COMMENTS

The property is located at 653 Upper Scotch Line. The lot is 1.23 ha (3.04 acres) with 74m frontage and contains a dwelling.

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 at the rear of the existing dwelling and there are no significant natural features nor any hazards.

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 0.75% and with the proposed additional dwelling unit would be 1.6%, 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 surrounding properties as the lot lines are mostly forested (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 Valley Conservation Authority (RVCA) – Not circulated as there were no water features or steep slopes on the property.

Mississippi Rideau Septic System Office (MRSSO) – The owners have applied for a Part 10/11 Change of Use septic permit.

Public – None at the time of the report.

RECOMMENDATION

That the Minor Variance be granted for relief from the requirements of Sections 3.19.1 and 3.19.3 (Second Dwelling 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

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*.

Giroux and Nolet 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.

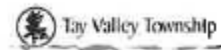
Ontario Land Tribunal

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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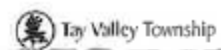
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Giroux and Nolet Minor Variance

Decision Process

- based on both the oral and written input received and understanding gained
- four key factors:
 - ✓ Is the application generally in keeping with the intent of the Township's Official Plan?
 - ✓ Is the application generally in keeping with the intent of the Township's Zoning By-laws?
 - ✓ Is it desirable and appropriate development and use of the site?
 - ✓ Is it minor in nature and scope?
- four decision options:
 - ? Approve – with or without conditions
 - ? Deny – with reasons
 - ? Defer – pending further input
 - ? Return to Township Staff – application deemed not to be minor

2



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Giroux and Nolet 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

3



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Giroux and Nolet

*623 Upper Scotch Line, Part Lot 13, Concession 10,
Geographic Township of North Burgess*



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Giroux and Nolet - 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 of greater than the maximum allowed 12m from the existing dwelling with its own septic system.

The effect of the variance is to permit a 100m² (1,076 sq ft) accessory dwelling unit, to be built 61m behind the existing (203m²) dwelling with its own septic system. The driveway would be shared.

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Giroux and Nolet Site Drawing



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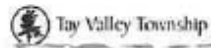


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Giroux and Nolet Aerial Photo (2019)



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Giroux and Nolet Comments

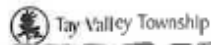
Rideau Valley Conservation Authority (RVCA)

- 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 for a Part 10/11 Change of Use septic permit.

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Giroux and Nolet 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 at the rear of the existing dwelling and there are no significant natural features nor any hazards.

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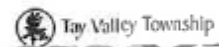


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Giroux and Nolet County Sustainable Community Official Plan

- 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.

10



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Giroux and Nolet Official Plan

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

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Giroux and Nolet Zoning By-law

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

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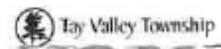
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Giroux and Nolet Official Plan & Zoning Test

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

- Yes. Current lot coverage is 0.75% and with the proposed additional dwelling unit would be 1.6%, well under the 20% permitted in the Rural zone. There is no Floor Space Index criterion in the Rural zone.

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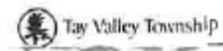
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Giroux and Nolet Development & Use Test

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



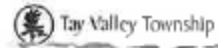
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Giroux and Nolet "Minor" Test

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 surrounding properties as the lot lines are mostly forested (and these clauses are proposed to be removed in the next update to the Zoning By-law).

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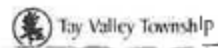


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Giroux and Nolet Public Comments

- 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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Giroux and Nolet 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.

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.

Giroux and Nolet 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 MV23-12 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 623 Upper Scotch Line, Concession 9, Part Lot 13, in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-010-35003;

- *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.*