



COMMITTEE OF ADJUSTMENT AGENDA

Monday, January 22nd, 2024 – 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 – November 27th, 2023**
- attached, page 4.

*Suggested Motion by Peter Siemons/Richard Schooley:
“THAT, the minutes of the Committee of Adjustment meeting held November
27th, 2023 be approved as circulated.”*

5. INTRODUCTION

- The purpose of this meeting is to hear applications for Minor Variance:
 - **Brown**
- 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 #: MV23-14 – attached, page 8.**

- (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 MV23-14 is approved, to allow a variance from the requirements of Sections 3.29 (Water Setbacks) of Zoning By-Law 2002-121, for the lands legally described as 550 Christie Lake Lane 51A, Concession 2, Part Lot 15, in the geographic Township of South Sherbrooke, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-914-020-06500;*

- *To permit a sleeping cabin at a water setback of 18m (59ft) rather than the 30m required;*

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

7. NEW/OTHER BUSINESS

None.

8. ADJOURNMENT

MINUTES

COMMITTEE OF ADJUSTMENT MINUTES

Monday, November 27th, 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: Mathieu Nolet, 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 – October 16th, 2023.**

The minutes of the Committee of Adjustment meeting held on October 16th, 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:

MV23-12– Giroux and Nolet – 623 Upper Scotch Line, Concession 10, Part Lot 13, geographic Township of North Burgess

6. APPLICATIONS

1. **FILE #: MV23-12 – Giroux and Nolet**

a) **PLANNER FILE REVIEW**

The Planner reviewed the file and PowerPoint in the agenda package. The Planner noted that the proposed site for the second unit is appropriately located behind the existing house.

The Planner also confirmed that Tay Valley Township would not allow a trailer to be used as a secondary housing unit. A prefabricated manufactured home requires stamped approval from the Canadian Standards Association (CSA).

b) APPLICANT COMMENTS

The applicant noted that the second unit will have electrical service and water, extended from the existing house. The structure will be situated on a foundation of compacted gravel and cinder blocks with a vinyl skirting.

c) ORAL & WRITTEN SUBMISSIONS

None.

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 MV23-12 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.”

ADOPTED

7. NEW/OTHER BUSINESS

None.

8. ADJOURNMENT

The meeting adjourned at 5:10 p.m.

APPLICATIONS

Committee of Adjustment

January 22, 2024

Noelle Reeve, Planner

APPLICATION MV23-14

Brown

550 Christie Lake Lane 51A, Concession 2, Part Lot 15
Geographic Township of South Sherbrooke

SUMMARY OF PROPOSAL

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

- To permit a sleeping cabin at a water setback of 18m (59ft) rather than the 30m required.

The effect of the variance is to permit a bunkie to be located at 18m from Christie Lake behind a cottage located at 3.6m from the lake.

REVIEW COMMENTS

The property is located at 550 Christie Lake Lane 51A. The lot is 1.08 ha (2.68 acres) with approximately 64m (210 ft) 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 sleeping cabin would be built behind the existing cottage. The Rideau Valley Conservation Authority required the applicant to obtain a slope stability assessment due to the presence of a steep slope on the property. No impediment is presented by the slope if the conditions in the assessment are met.

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 Rural. A cottage with a sleeping cabin is a permitted use. Current lot coverage is 0.4% and with the proposed new sleeping cabin is 0.6%, meeting the 10% permitted. At 0.6%, the cottage and new sleeping cabin 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 sleeping cabin is farther away from the lake.

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 with the proposed development. Recommendations provided by RVCA concerning shoreline erosion include: directing runoff from eaves troughs to soak away pits, enhancement of vegetation along the shoreline of Christie Lake, and the requirement of an RVCA permit for any work along the shoreline and/or 15m inland.

The RVCA also supports the recommendations from the Kollard Associates Slope Stability Assessment to address concerns of erosion and instability due to excavation at the base of the slope.

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 Christie 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 Christie 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 proposed bunkie should be setback at least 1.2 metres from the toe of the slope.
- The exposed bedrock surface should be cleaned to remove soft or loose bedrock and remove bedrock irregularities or projections.
- A gate, barrier or fence should be installed to discourage walking between the slope and bunkie to avoid risk of injury.
- The removal of trees and vegetation on the slope should be limited so as to avoid destabilizing the surficial soil. Any vegetation cover that is removed should be reinstated as soon as possible to protect the slope from erosion.
- The following statement should be included in any agreement:

“Should any work be undertaken along the shoreline of Christie 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 Section 3.29 (Water Setbacks) of Zoning By-Law 2002-121, as amended, as follows:

- To permit a sleeping cabin at a water setback of 18m (59ft) 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.

Brown 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.

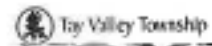
Ontario Land Tribunal

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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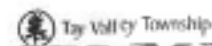
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Brown Minor Variance

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



2

Brown 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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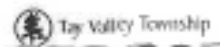
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Brown

*550 Christie Lake Lane 51A, Part Lot 15, Concession 2,
Geographic Township of South Sherbrooke*



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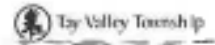


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Brown Photos



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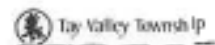


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Brown Photos



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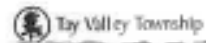
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Brown Comments

Rideau Valley Conservation Authority

- RVCA had no concerns as a result with the proposed development. Recommendations provided by RVCA concerning shoreline erosion include: directing runoff from eaves troughs to soak away pits, enhancement of vegetation along the shoreline of Christie Lake, and the requirement of an RVCA permit for any work along the shoreline and/or 15m inland.
- The RVCA also supports the recommendations from the Kollard Associates Slope Stability Assessment to address concerns of erosion and instability due to excavation at the base of the slope.

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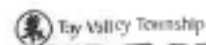
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Brown Comments

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.

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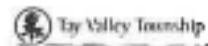


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Brown Provincial Policy Statement

- 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 sleeping cabin would be built behind the existing cottage. The Rideau Valley Conservation Authority required the applicant to obtain a slope stability assessment due to the presence of a steep slope on the property. No impediment is presented by the slope if the conditions in the assessment are met.
- 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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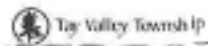


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Brown County Sustainable Community Official Plan

- 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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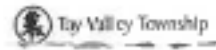


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Brown Official Plan

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

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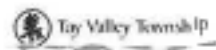


13

Brown Zoning By-law

- The property is zoned Seasonal Residential and Rural. A cottage with a sleeping cabin is a permitted use.

14



14

Brown 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 0.4% and with the proposed new sleeping cabin is 0.6%, meeting the 10% permitted. At 0.6%, the cottage and new sleeping cabin will be well under the permitted 12% Floor Space Index.

15



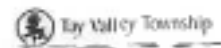
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Brown Development & Use Test

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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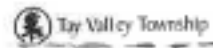
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Brown "Minor" Test

Is it minor in nature and scope?

- The application can be considered minor in impact as the lot coverage is met and the proposed sleeping cabin is farther away from the lake.

17

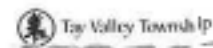


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Brown Public Comments

- 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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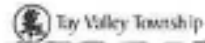
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Brown Site Plan Control Agreement

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

- Surface and roof water management
- Sediment and erosion controls prior to work
- A vegetation plan to protect the vegetative buffer
- Sleeping cabin setback at least 1.2 metres from the toe of the slope
- Removing soft or loose exposed bedrock or projections

19



19

Brown Site Plan Control Agreement

- Limiting removal of trees and vegetation on the slope
- The following statement should be included in any agreement:

"Should any work be undertaken along the shoreline of Christie 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")."

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20

Brown Recommendation

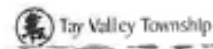
That the Minor Variance be granted for relief from the requirements of Section 3.29 (Water Setbacks) of Zoning By-Law 2002-121, as amended, as follows:

- To permit a sleeping cabin at a water setback of 18m (59ft) 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.

21



21

Brown Resolution

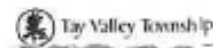
Recommended Decision:

"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 MV23-14 is approved, to allow a variance from the requirements of Sections 3.29 (Water Setbacks) of Zoning By-Law 2002-121, for the lands legally described as 550 Christie Lake Lane 51A, Concession 2, Part Lot 15, in the geographic Township of South Sherbrooke, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-914-020-06500;

- *To permit a sleeping cabin at a water setback of 18m (59ft) rather than the 30m required.*

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

22



22