



COMMITTEE OF ADJUSTMENT AGENDA

Monday, February 26th, 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 – January 22nd, 2024 - *attached, page 4.***

*Suggested Motion by Richard Schooley/Peter Siemons:
“THAT, the minutes of the Committee of Adjustment meeting held January
22nd, 2024 be approved as circulated.”*

5. INTRODUCTION

- The purpose of this meeting is to hear applications for Minor Variance:
 - **Neale**
- 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 #: MV23-15 – attached, page 8.**
- (a) SECRETARY-TREASURER 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 MV23-15 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 689 Black Lake Road, Concession 6, Part Lot 20, in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-020-56600;*

- *To permit a septic system to be set back 15m from a creek, 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, January 22nd, 2024

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:	Glen Brown, Owner
Public Present:	Stephen Tysick Dave Thomas

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 – November 27th, 2023.

The minutes of the Committee of Adjustment meeting held on November 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:

MV23-14– Brown, Concession 2, Part Lot 15, geographic Township of South Sherbrooke

6. APPLICATIONS

i) **FILE #: MV23-14 – Brown**

a) **PLANNER FILE REVIEW**

The Planner reviewed the file and PowerPoint in the agenda package. The Planner noted that since the proposed cabin is to be situated behind the cottage, runoff will be directed to a soakaway pit, and a Site Plan Control Agreement will be placed on title, the potential effect on the lake will be mitigated.

b) APPLICANT COMMENTS

The applicant noted that although the lot extends far back from Christie Lake, the cabin is proposed to be closer to the cottage, due to restrictions from a steep slope, and a Hydro line easement which crosses the property. The Planner reported that the Rideau Valley Conservation Authority engineer determined that the slope should not be disturbed by future development, as that may affect stability.

The applicant also confirmed that vehicles will still be able to park in the existing parking spaces and that the property will continue to only be used seasonally.

c) ORAL & WRITTEN SUBMISSIONS

None.

d) DECISION OF COMMITTEE

RESOLUTION #COA-2024-01

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 MV23-14 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 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.”

ADOPTED

7. **NEW/OTHER BUSINESS**

None.

8. **ADJOURNMENT**

The meeting adjourned at 5:19 p.m.

APPLICATIONS

Committee of Adjustment

February 26, 2024

Noelle Reeve, Planner

APPLICATION MV23-15

Neale

689 Black Lake Road, Concession 6, Part Lot 20
Geographic Township of North Burgess

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 septic system to be setback 15m from a creek, rather than the 30m required.

The effect of the variance is to permit a septic system to be replaced beyond the 30m setback from Black Lake but 15m from a creek.

REVIEW COMMENTS

The property is located at 689 Black Lake Road. The lot is 0.36ha (0.88 acres) with approximately 61m (200 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 septic system would be 38m from the lake; a Site Plan Control Agreement will maintain riparian vegetation, and there are no steep slopes or floodplain.

A Site Plan Control Agreement will also provide protection of the lake 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. The land also falls within a Provincially Significant Wetland Influence Area, which will require the owner to obtain a permit from the Rideau Valley Conservation Authority, prior to installing the proposed septic system.

Zoning By-Law

The property is zoned Rural and a cottage is a permitted use. Total lot coverage for the existing cottage and shed is 2.2%, meeting the 10% permitted. At 1.9%, the cottage is 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 Eljen Geotextile Sand Filter septic system is to be located 30m from the lake, rather than the current septic system which was installed 10m from the lake.

The setback from the stream meets the Ontario Building Code minimum and moving the system farther from the lake was deemed to be the water quality priority.

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 with the proposed installation of a new septic system.

Most of RVCA's watershed has been identified as a highly vulnerable aquifer indicated in the Mississippi-Rideau Source Water Protection Plan. RVCA provided recommendations to protect drinking groundwater supplies which may be included in a Site Plan Control Agreement prepared by the Township.

Mississippi Rideau Septic System Office (MRSSO) – MRSSO discovered the location of the septic system constructed without permit during a re-inspection program site visit, at 10m from the lake. MRSSO subsequently required a permit be obtained relocating it farther from the lake.

Public – None at the time of the report.

SITE PLAN CONTROL AGREEMENT

Section 3.12.4 (Replacement of Non-Complying Sewage Disposal Systems) of the Comprehensive Zoning By-Law requires a Site Plan Control Agreement for replacement of an illegally constructed sewage disposal system, with a replacement system which has less than 30m setback from water.

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

- Increased well casing depths;
- Increased distance of septic systems from drinking water wells;
- Ensuring wells are located upgradient of septic sewage disposal systems;
- Ensuring that wells and septic systems are properly maintained;
- Avoiding the use of pesticides, herbicides, and fertilizers;
- 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 septic system to be setback 15m from a creek, 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, the owners enter into a Site Plan Control Agreement prepared by the Township.

Neale 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.

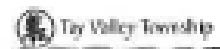
Ontario Land Tribunal

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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Neale 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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Neale 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

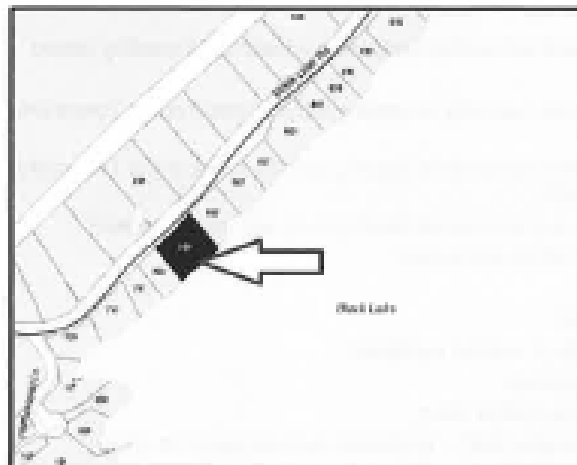
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Neale

*689 Black Lake Road, Part Lot 20, Concession 6,
Geographic Township of North Burgess*



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Neale - Proposal

The Minor Variance application seeks relief from Section 3.29 (Water Setbacks) of Zoning By-Law 2002-121, as amended, as follows:

- To permit a septic system to be setback 15m from a creek, rather than the 30m required.

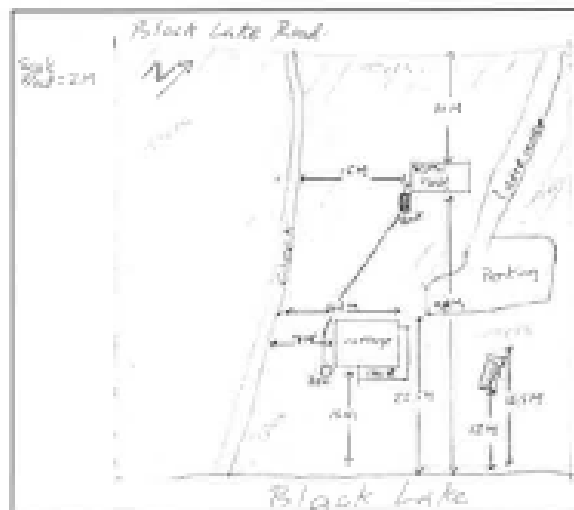
The effect of the variance is to permit a septic system to be replaced beyond the 30m setback from Black Lake but 15m from a creek.

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Neale Site Drawing



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Neale Photos



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Neale Photos



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Neale Comments

Rideau Valley Conservation Authority

- RVCA had no concerns with the proposed installation of a new septic system.
- Most of RVCA's watershed has been identified as a highly vulnerable aquifer indicated in the Mississippi-Rideau Source Water Protection Plan. RVCA provided recommendations to protect drinking groundwater supplies which may be included in a Site Plan Control Agreement prepared by the Township.

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Neale Comments

Mississippi Rideau Septic System Office

- MRSSO discovered the location of the septic system constructed without permit during a re-inspection program site visit, at 10m from the lake. MRSSO subsequently required a permit be obtained relocating it farther from the lake.

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Neale 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 septic system would be 38m from the lake; a Site Plan Control Agreement will maintain riparian vegetation, and there are no steep slopes or floodplain.
- A Site Plan Control Agreement will also provide protection of the lake shoreline and can be used to obtain some naturalization of the property.

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Neale 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.

12



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Neale Official Plan

- The subject land is designated Rural in the Official Plan, and residential uses are permitted.
- The land also falls within a Provincially Significant Wetland Influence Area, which will require the owner to obtain a permit from the Rideau Valley Conservation Authority, prior to installing the proposed septic system.

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Neale Zoning By-law

- The property is zoned Rural and a cottage is a permitted use.

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Neale Official Plan & Zoning Test

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

- Yes. Total lot coverage for the existing cottage and shed is 2.2%, meeting the 10% permitted. At 1.9%, the cottage is well under the permitted 12% Floor Space Index.

15



15

Neale 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.

16



16

Neale "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 Eljen Geotextile Sand Filter septic system is to be located 30m from the lake, rather than the current septic system which was installed 10m from the lake.
- The setback from the stream meets the Ontario Building Code minimum and moving the system farther from the lake was deemed to be the water quality priority.

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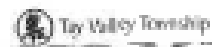


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Neale Public Comments

- 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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Neale Site Plan Control Agreement

- Section 3.12.4 (Replacement of Non-Complying Sewage Disposal Systems) of the Comprehensive Zoning By-Law requires a Site Plan Control Agreement for replacement of an illegally constructed sewage disposal system, when a replacement system which has less than 30m setback from water.

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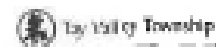


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Neale Site Plan Control Agreement

- A Site Plan Control Agreement containing the recommendations of the RVCA is proposed to enhance protection of the water quality of Black Lake, including:
 - Increased well casing depths;
 - Increased distance of septic systems from drinking water wells;
 - Ensuring wells are located upgradient of septic sewage disposal systems;
 - Ensuring that wells and septic systems are properly maintained;
 - Avoiding the use of pesticides, herbicides, and fertilizers;

20



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20

Neale Site Plan Control Agreement

- RVCA recommends that the following statement be included in any agreement:

"Should any work be undertaken along the shoreline of Black 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

Neale 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 septic system to be setback 15m from a creek, 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, the owners enter into a Site Plan Control Agreement prepared by the Township.

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Neale 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 MV23-15 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 689 Black Lake Road, Concession 6, Part Lot 20, in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-020-56600;

- To permit a septic system to be setback 15m from a creek, rather than the 30m required.*

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