
**Tuesday, March 5th, 2024
5:30 p.m.
Municipal Office – 217 Harper Road, Perth, Ontario
Council Chambers**

*5:30 p.m. Public Meeting - Zoning By-Law Amendment
Following Committee of the Whole Meeting*

Chair, Councillor Marilyn Thomas

1. CALL TO ORDER

2. INTRODUCTION

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

Stinson

- The Planner will provide a brief overview of the details of the file and details of the amendment. The public will then be given an opportunity to make comments and ask questions.
- If a person or public body would otherwise have an ability to appeal the decision of the Council of the Corporation of Tay Valley Township to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to Tay Valley Township before the by-law is passed, the person or public body is not entitled to appeal the decision.
- If a person or public body does not make oral submissions at a public meeting or make written submissions to Tay Valley Township before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.
- The Clerk must provide notice of Council's decision to all those who request a copy within 15 days after the day the by-law is passed. Anyone may appeal the decision to the Ontario Land Tribunal by filing with the Clerk within 20 days of the notice of decision.

- An appeal to the Ontario Land Tribunal may be filed with the Clerk of the Township not later than 20 days after the day that the notice of decision was given. The notice of appeal must set out the objection to the by-law and the reasons in support of the objection, accompanied by the required fee.
- If you are interested in receiving a copy of the decision, please contact the Administrative Assistant at adminassistant@tayvalleytwp.ca.

3. APPLICATION

- i) **FILE #ZA24-01: Brian Stinson – *attached, page 4.***
201 West Bay Drive
Concession 6, Part Lots 23 and 24,
Geographic Township of North Burgess
 - a) PLANNER FILE REVIEW & PROPOSED BY-LAW
 - b) APPLICANT COMMENTS
 - c) PUBLIC COMMENTS
 - d) RECOMMENDATION

4. ADJOURNMENT

APPLICATION

PUBLIC MEETING CONCERNING PROPOSED ZONING BY-LAW AMENDMENT

March 5, 2024

Noelle Reeve, Planner

APPLICATION ZA24-01 – Stinson

STAFF RECOMMENDATION

It is recommended:

“**THAT**, Zoning By-Law No. 02-021 be amended by changing the zoning of the lands at Part Lots 23 and 24, Concession 6, Geographic Township of North Burgess (Roll #0911-911-020-79000) known locally as 201 West Bay Road, from Residential Limited Services (RLS) to Residential Limited Services Special Exception-196 (RLS-196).

BACKGROUND

The application applies to an approximately 0.7-ha (1.72-acre) lot with 27.5m (90 ft) frontage on Black Lake.

The purpose of this amendment is to change the zoning of the property from Limited Services Residential (RLS) to Limited Services Residential Special Exception-196 (RLS-196). The effect of the amendment is to permit a house to be rebuilt, following a fire, at a 4m greater setback from the lake (at 20m) rather than the 30m required and at a 3m greater east side yard setback (at 4m) rather than the 6m required and to permit a deck size of 46m² rather than the 28m² permitted.

Council should be aware that this application was initially received as a minor variance as the proposal was to rebuild 1m farther from the lake following a fire, in the same footprint with some reduction in decking.

However, in analysing the application, it was determined that the application should be heard as a rezoning. The previous dwelling was discovered to only have a building permit for an area of 108m², rather than the 224m² that had been on the ground that new owners had assumed they could rebuild. With their expanding family they had proposed to add a full basement to the reconstruction of the dwelling.

Doubling the size of the dwelling within the 30m setback was not considered minor. The applicants, therefore, applied for a rezoning.

Following a site visit with the Rideau Valley Conservation Authority (RVCA) and the Planner, the applicants worked with their designer to place the proposed dwelling farther back from the lake and to reduce the proposed dwelling size.

DISCUSSION

Provincial Policy Statement (PPS)

Section 1.1.1 Building Strong Healthy Communities - states that "Healthy, livable and safe communities are sustained by: a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term...and c) avoiding development and land use patterns which may cause environmental or public health and safety concerns." This section can be met as the dwelling will increase the water setback from 16m to 20m from Black Lake.

Section 2.1 1 Wise Use and Management of Resources - Natural Heritage states that, "Natural features and areas shall be protected for the long term". Section 2.1 Natural Heritage is satisfied as the development is proposed outside of the 120m buffer from the Provincially Significant Wetland at the rear of the property.

Section 2.2.2 Water states, "Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their hydrologic function will be protected, improved or restored". The proposed dwelling is located farther from the lake than it was previously; a new septic system will be installed farther from the lake; and a Site Plan Control Agreement will be registered on the lot.

The aquifers throughout Tay Valley Township 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 ground water supplies. For this reason, care should be taken to avoid land uses and practices that may inadvertently lead to undesirable effects on groundwater.

Lanark County Sustainable Communities Official Plan

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

Section 5.4.4 of the County of Lanark's Sustainable Communities Official Plan indicates that municipalities have an obligation to consider the impact of development and land use on waterbodies in order to ensure their long-term viability. This section is met as the dwelling is proposed farther back from the lake.

Official Plan

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

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

A water setback of less than 30m is permitted where existing development, topography, or other features preclude the achievement of the 30m setback. In this case, the existing location of the well and West Bay Drive and the outbuilding across the road preclude the achievement of the 30m setback. The proposed dwelling does increase the water setback.

In addition, due to the nature of the slope, an aesthetic impact on the lake would be created if the cottage was to be placed farther back on the ridge.

Zoning By-Law

The lot is currently zoned Residential Limited Services (RLS) and requires rezoning to Residential Limited Services -196 (RLS-196) to provide relief from the zone standards to permit a dwelling to be constructed at a setback of 20m rather than 30m from the lake, following a fire. The setback from water is proposed to be 4m farther than the original.

Performance standards are met for the septic system and the west and rear yard setbacks. Relief is also required for the east side yard setback of 4m instead of the 6m required. The previous dwelling was 1m from the east side yard, so this setback is an improvement.

Relief is also sought for the amount of deck proposed, 46m² instead of the 28m² zone standard.

The remaining zone standards including lot coverage and Floor Space Index (FSI) are met as the lot coverage is proposed to be 3.4%, and the is proposed FSI is 3.3%, both of which are significantly below the maximum of 10% and 12% respectively.

Planner

A net environmental gain will be achieved with the proposed development because the proposed cottage will be located farther back from the lake, a new septic system will be installed farther from the lake, a Site Plan Control Agreement will ensure vegetation is maintained, and less decking will be located in the water setback.

Rideau Valley Conservation Authority (RVCA)

RVCA had no concerns as a result of the proposed development and has determined that a steep slope analysis would not be required.

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/establishment of a vegetative buffer.

A permit would be required from RVCA for any work proposed along the shoreline or within 15m inland from Black Lake.

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.

Mississippi Rideau Septic System Office (MRSSO)

The applicant has applied to install a new septic system.

Public Comments

Letters of support have been received from neighbouring property owners.

CONCLUSION

The Planner recommends that the proposed amendment be approved to rezone the lands at Concession 6, Part Lots 23 and 24, 201 West Bay Drive, Geographic Township of North Burgess (Roll number 0911-911-020-7900) from Residential Limited Services (RLS) to Residential Limited Services Special Exception -196 (RLS-196).

ATTACHMENTS

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

Prepared and Submitted By:

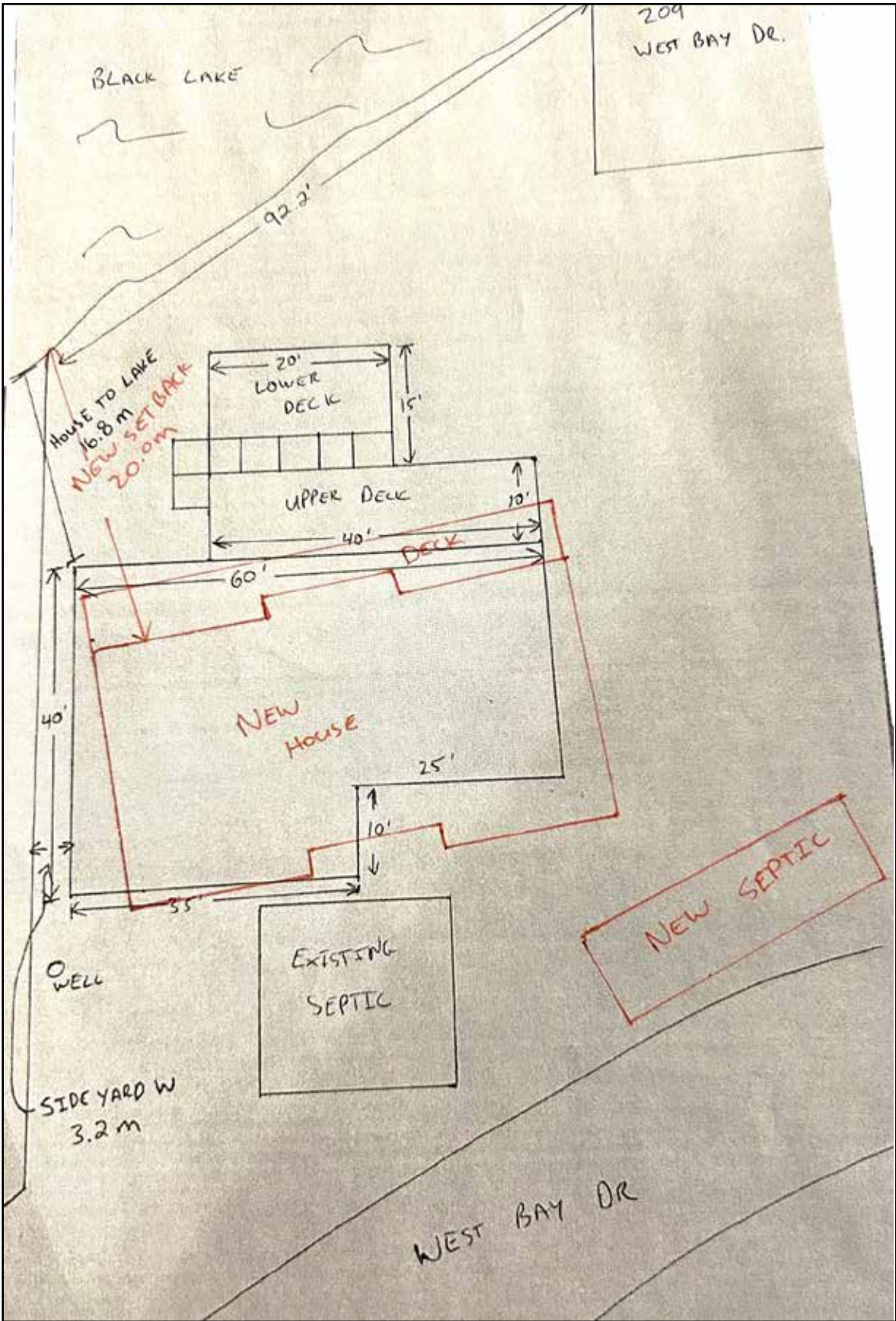
Approved for Submission By:

Original signed

Original signed

**Noelle Reeve,
Planner**

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



THE CORPORATION OF TAY VALLEY TOWNSHIP

BY-LAW NO. 2024-0XX

A BY-LAW TO AMEND ZONING BY-LAW NO. 2002-121, AS AMENDED (STINSON) (PART LOTS 23 and 24, CONCESSION 6, GEOGRAPHIC TOWNSHIP OF NORTH BURGESS)

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

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

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

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

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

1. GENERAL REGULATIONS

1.1 THAT, By-Law No. 2002-121 is hereby amended by amending the zoning from Residential Limited Services (RLS) to on the lands legally described as Part Lot 223 and 24, Concession 6, geographic Township of North Burgess, now in Tay Valley Township, County of Lanark (Roll # 091191102079000), in accordance with Schedule "A" attached hereto and forming part of this By-Law.

1.2 THAT, By-Law No. 2002-121, as amended, is further amended by adding the following new subsection at the end of Section 5.1.4 (Exception Zones).

196. RLS-196 (Part Lots 23 and 24, Concession 6, North Burgess)

Notwithstanding the provisions of Section 5.1, on the lands zoned RLS-196 the following provisions shall prevail:

- Water Setback for dwelling (minimum) 20m
- Deck Area (maximum) 46m²
- East Interior Side Yard Setback (minimum) 4m

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

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

2. ULTRA VIRES

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

3. EFFECTIVE DATE

ENACTED AND PASSED this XX day of XX, 2024.

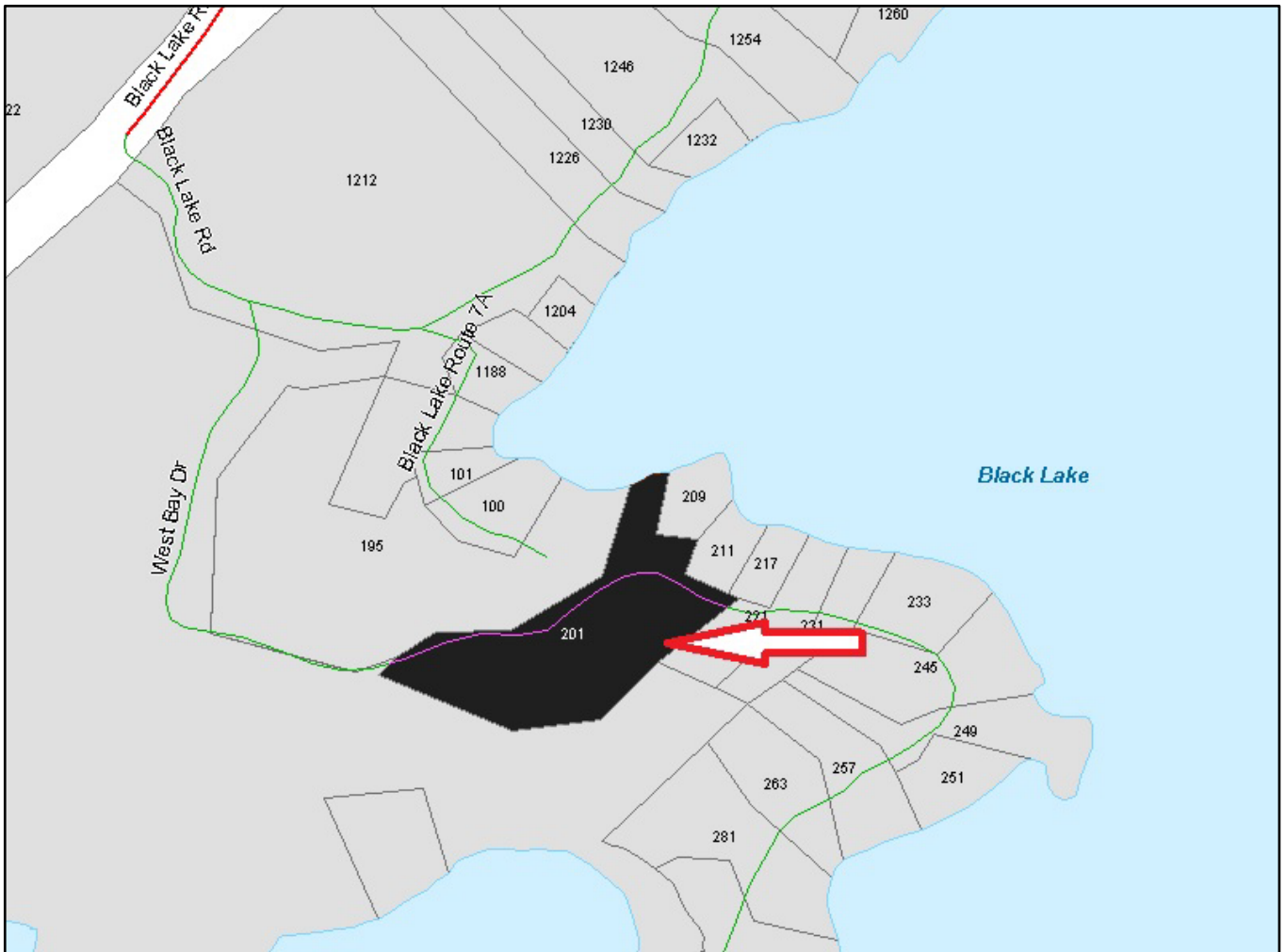
Robert Rainer, Reeve

Amanda Mabo, Clerk

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2024-XX**

SCHEDULE "A"

Stinson – 201 West Bay Drive
Part Lots 23 and 24, Concession 6
Geographic Township of North Burgess
Tay Valley Township



Area(s) Subject to the By-Law

To amend the Zoning from
Residential Limited Services (RLS)
Residential Limited Services Special Exception-196 (RLS-196)

Certificate of Authentication

This is Schedule "A" to By-Law 2024-XX
passed this XX day of XX 2024.

Reeve

Clerk

Stinson

Zoning By-law Amendment

Public Notice

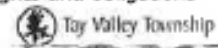
Pursuant to the Planning Act, Notice of public meeting is to be provided a minimum of 20 days prior for a Zoning By-law Amendment. Notice was duly given by both the posting of the notice in a visible area for the property and by mailing to adjacent property owners within 120 metres of the location. Notice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

Ontario Land Tribunal

Please be cautioned that if, at a later date, a person or public body choose to appeal Council's decision on this matter to the Ontario Land Tribunal, the Tribunal may dismiss all or part of an appeal without holding a hearing if the reasons set out in the appeal do not refer to land use planning grounds offended by the decision, the appeal is not made in good faith, or is frivolous or vexatious or made only for the purpose of delay.

The Tribunal may also dismiss the appeal if the appellant did not make oral submission at the public meeting or did not make written submission before the plan or amendment were adopted.

If you choose to appeal, you must submit written reasons, the prescribed fee and any other background material requested. This notice is not intended to discourage your objection in any way. It is intended only to inform you of your rights and obligations and to encourage early participation.



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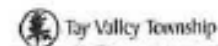
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Stinson

201 West bay Drive

Part Lots 23 and 24, Concession 6, Geographic Township of North Burgess

- The application applies to an approximately 0.7-ha (1.72-acre) lot with 27.5m (90 ft) frontage on Black Lake.
- The purpose of this amendment is to change the zoning of the property from Limited Services Residential (RLS) to Limited Services Residential Special Exception-196 (RLS-196).
- The effect of the amendment is to permit a house to be rebuilt, following a fire, at a 4m greater setback from the lake (at 20m) rather than the 30m required and at a 3m greater east side yard setback (at 4m) rather than the 6m required and to permit a deck size of 46m² rather than the 28m² permitted.



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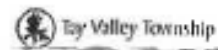
Stinson

201 West bay Drive

Part Lots 23 and 24, Concession 6, Geographic Township of North Burgess

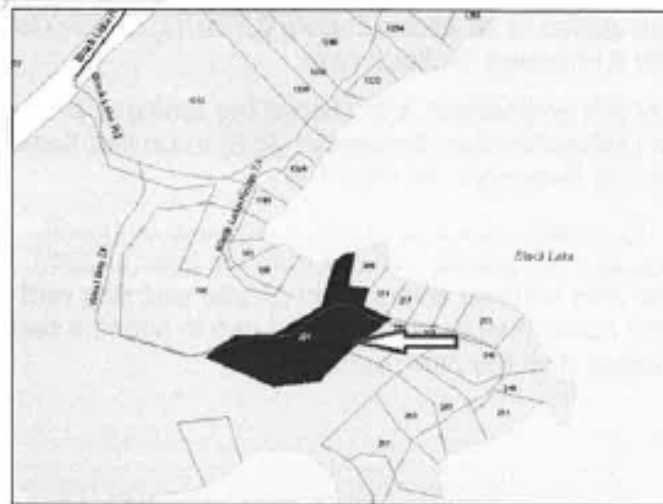
- The application was initially received as a minor variance as the proposal was to rebuild slightly farther from the lake following a fire, in the same footprint with some reduction in decking.
- The previous dwelling was discovered to only have a building permit for an area of 108m², rather than the 224m² that had been on the ground that new owners had assumed they could rebuild. With their expanding family they proposed to add a full basement to the proposed dwelling.
- Doubling the size of the dwelling within the 30m setback was not considered minor. The applicants, therefore, applied for a rezoning.
- Following a site visit with the RVCA and the Planner, the applicants worked with their designer to place the proposed dwelling farther back from the lake and to reduce the proposed dwelling size.

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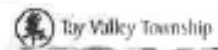


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Stinson Location

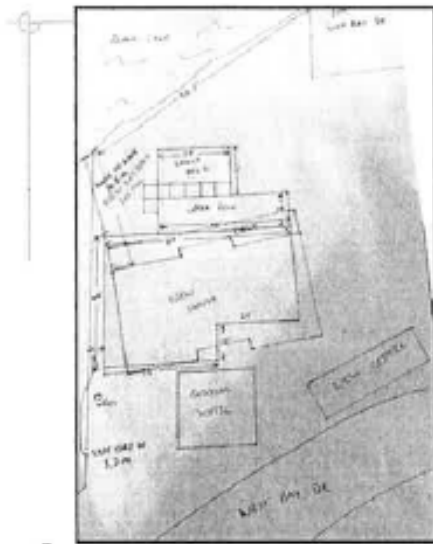


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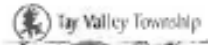


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Stinson Site Sketch

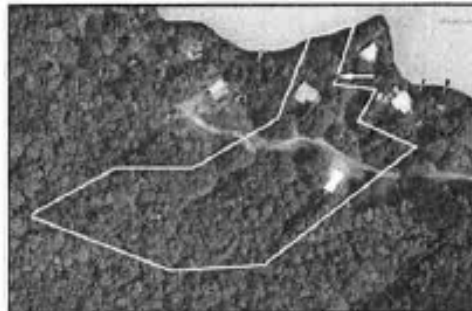


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Stinson Site Photo and 2019 Aerial Photo



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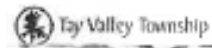
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Stinson Planner's Comments

Provincial Policy Statement (PPS)

- Section 1.1.1 Building Strong Healthy Communities - states that "Healthy, livable and safe communities are sustained by: a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term...and c) avoiding development and land use patterns which may cause environmental or public health and safety concerns." This section can be met as the dwelling will increase the water setback from 16m to 20m from Black Lake.
- Section 2.1 1 Wise Use and Management of Resources - Natural Heritage states that, "Natural features and areas shall be protected for the long term". Section 2.1 Natural Heritage is satisfied as the development is proposed outside of the 120m buffer from the PSW.

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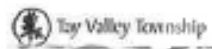
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Stinson Planner's Comments

Provincial Policy Statement (PPS)

- Section 2.2.2 Water states, "Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their hydrologic function will be protected, improved or restored". The proposed dwelling is located farther from the lake than it was previously; a new septic system will be installed farther from the lake; and a Site Plan Control Agreement will be registered on the lot.
- The aquifers throughout Tay Valley Township are vulnerable to surface contaminants due to thin or absent soils overlying bedrock that may be fractured. Care should be taken to avoid land uses and practices that may inadvertently lead to undesirable effects on groundwater.

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Stinson County Sustainable Communities Official Plan

- Section 3 Rural Land designation permits a variety of uses including residential uses.
- Section 5.4.4 of the County of Lanark's Sustainable Communities Official Plan indicates that municipalities have an obligation to consider the impact of development and land use on waterbodies in order to ensure their long-term viability. This section is met as the dwelling is proposed farther back from the lake.

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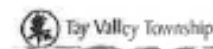


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Stinson Planner's Comments Official Plan

- The subject property is designated in the Official Plan as Rural. Section 3.6 Rural designation permits residential uses.
- Section 2.24.1 Waterfront Development states that "An adequate water setback serves an important function in relation to the protection of natural and cultural heritage characteristics and water quality of the lakes and rivers of the Township. The intent of the water setback is to prevent the disturbance of the shoreline area as a result of the placement of buildings and structures, including sewage systems, or the removal of the soil mantle and natural vegetation. An appropriate water setback can reduce phosphorus and other nutrient loads to the lake and in combination with vegetation, prevent erosion and sedimentation."

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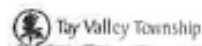


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Stinson Planner's Comments Official Plan

- A water setback of less than 30 m is permitted where existing development, topography, or other features preclude the achievement of the 30m setback. In this case the existing location of the well and West Bay Drive and the outbuilding preclude the achievement of the 30m setback. The proposed dwelling does increase the water setback.
- In addition, the nature of the slope would create an aesthetic impact on the lake if the cottage was to be placed on the ridge.

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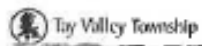


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Stinson Planner's Comments Zoning

- The lot is currently zoned Residential Limited Services (RLS) and requires rezoning to Residential Limited Services -196 (RLS-196) to provide relief from the zone standards to permit a dwelling to be constructed following a fire at a setback of 20m from the lake.
- Performance standards are met for the septic system and the west and rear yard setbacks. Relief is also required for the east side yard setback of 4m instead of the 6m required. The previous dwelling was 1m from the east side yard, so this setback is an improvement.
- Relief is also sought for the amount of deck proposed, 46m² instead of the 28m² zone standard.
- The remaining zone standards including lot coverage and Floor Space Index (FSI) are met as the lot coverage is proposed to be 3.4%, and the proposed FSI is 3.3%, both of which are significantly below the maximum of 10% and 12% respectively.

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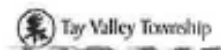


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Stinson Planner's Comments

- A net environmental gain will be achieved with the proposed development because the proposed cottage will be located farther back from the lake, a new septic system will be installed farther from the lake, a Site Plan Control Agreement will ensure vegetation is maintained, and less decking will be located in the water setback.

13



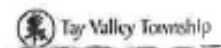
13

Stinson Comments

Rideau Valley Conservation Authority (RVCA)

- RVCA had no concerns as a result of the proposed development and has determined that a steep slope analysis would not be required.
- 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/establishment of a vegetative buffer.
- A permit would be required from RVCA for any work proposed along the shoreline or within 15m inland from Black Lake.
- 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. Care should be taken to avoid land uses and practices that may inadvertently lead to undesirable effects on groundwater.

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Stinson Comments Continued

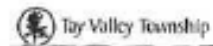
Mississippi-Rideau Septic System Office (MRSSO)

- The applicant has applied to install a new septic system.

Public Comments

- Letters of support were received from neighbouring property owners.
- Members of the public are welcome to speak to the application at this meeting.

15

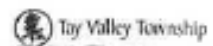


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Stinson Recommendation

"THAT, Zoning By-Law No. 2002-121 be amended to rezone the lands at Concession 6, Part Lots 23 and 24, 201 West Bay Road, Geographic Township of North Burgess (Roll #0911-911-020-79000) from Residential Limited Services (RLS) to Residential Limited Services Special Exception-196 (RLS-196)."

16



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