



## COMMITTEE OF ADJUSTMENT MINUTES

---

Monday, March 18<sup>th</sup>, 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  
Amanda Mabo, Chief Administrative Officer/Clerk

**Staff Absent:** None

**Applicants/Agents Present:** Chris Clarke, ZanderPlan Inc., Agent/Applicant  
Spencer Kell, Owner

**Public Present:** Dr. Jessica Younes  
Sara Simpson  
Garry Dean  
Simon Spanchak  
Danny Jollimore  
Teri McKay  
Josh Simpson  
Christa Haddad  
Roland Spuehler  
Genevieve gallant  
Linzi Schofield

---

### 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 – February 26<sup>th</sup>, 2024.**

The minutes of the Committee of Adjustment meeting held on February 26<sup>th</sup>, 2024, were approved as circulated.

## 5. INTRODUCTION

The Chair welcomed the attendees. The Chair 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:

**MV23-10 – Scobie**, Concession 6, Part Lot 23, geographic Township of North Burgess

**MV24-02 – March**, Concession 3, Part Lot 12, geographic Township of North Burgess

**MV24-02 – Kell**, Concession 8, Part Lots 13 and 14, geographic Township of South Sherbrooke

## 6. APPLICATIONS

### i) **FILE #: MV23-10 - Scobie**

#### a) **PLANNER FILE REVIEW**

The Planner reviewed the file and PowerPoint in the agenda package. The Planner noted that the applicant worked closely with the Rideau Valley Conservation Authority (RVCA) and Planner to revise the original application as the applicant was proposing a much larger expansion which would have encroached farther towards the lake. RVCA comments, received after the Planner's report was completed, supported the revised proposal submitted by the applicant.

#### b) **APPLICANT COMMENTS**

None.

#### c) **ORAL & WRITTEN SUBMISSIONS**

None.

#### d) **DECISION OF COMMITTEE**

### **RESOLUTION #COA-2024-03**

**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 MV23-10 is approved, to allow a variance from the requirements of Section 3.29 (Water Setbacks) and Section 5.2.2 (Zone Provisions) of Zoning By-Law 2002-121, for the lands legally described as 317 West Bay Drive, Concession 6, Part Lot 23, in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-020-78800;

- To permit a 44.2 m<sup>2</sup> (476 sq ft) addition to a cottage, at a setback of 19m from Black Lake, rather than the 30m required.
- To permit lot coverage of 11% rather than the 10% permitted.

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

**ADOPTED**

ii) **FILE #: MV24-02 - March**

a) **PLANNER FILE REVIEW**

The Planner reviewed the file and PowerPoint in the agenda package. The Planner confirmed that RVCA comments, received after the Planner's Report was completed, were supportive of the applicant's proposal. The Planner also noted that the existing Site Plan Control Agreement will be updated to include RVCA recommendations, and that replacement of the septic system will provide a net environmental gain.

b) **APPLICANT COMMENTS**

None.

c) **ORAL & WRITTEN SUBMISSIONS**

None.

d) **DECISION OF COMMITTEE**

**RESOLUTION #COA-2024-04**

**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 *MV24-02 is approved, to allow a variance from the requirements* of Section 3.29 (Water Setbacks) and Section 5.2.2 (Zone Provisions) of Zoning By-Law 2002-121, for the lands legally described as 913 Shady Lane, Concession 3, Part Lot 12, in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-020-09300;

- To permit a 6.1 m<sup>2</sup> (65.7 sq ft) addition to a cottage, at a setback of 22m (72 ft) from Big Rideau Lake, rather than the 30m required, and
- To permit lot coverage of 11% rather than the 10% permitted;

**THAT**, the existing Site Plan Control Agreement be updated.

**AND THAT**, minor variance approval is subject to confirmation of legal access and/or road frontage.”

**ADOPTED**

iii) **FILE #: MV24-04 - Kell**

a) **PLANNER FILE REVIEW**

As a preamble, the Chair reminded all in attendance that the Committee is precluded from determining the planning merits of the application based on the personal or protected characteristics of people who may occupy the Group Home. Personal or protected characteristics include disabilities such as addiction.

The Planner then reviewed the file and PowerPoint in the agenda package. The Planner demonstrated that the proposal meets the Zoning By-Law performance standards for 1 Group Home per 1,000 residents and 500m separation between Group Homes, but the Minor Variance is sought to obtain relief from the required 30m separation from the nearby dwelling, across the road.

The Planner noted that the Mississippi Valley Conservation Authority (MVCA) had no concerns with the proposal as there is no exterior construction proposed. However, if there are any future alterations which cause disturbance within 15m (50 ft) of the river shoreline, a permit from MVCA would be required.

b) **APPLICANT COMMENTS**

None.

c) **ORAL & WRITTEN SUBMISSIONS**

Members of the Committee confirmed that they were provided with all written submissions and had reviewed them extensively.

A neighbouring property owner asked if the application has required an extraordinary amount of staff time to review. The Planner confirmed that although there was a significant amount of research and review it would by no means be considered extraordinary.

Neighbouring residents also asked for clarification on the difference between the proposed group home and the former addiction treatment centre within the village of Maberly. The Planner explained that the group home is intended to provide a sober living environment for those who have already undergone addiction detoxification treatment elsewhere.

d) **DECISION OF COMMITTEE**

The Committee acknowledged that neighbouring property owners had concerns with the proposal for a Group Home but that these concerns are beyond the limits or purview of decisions made under the *Planning Act*.

**RESOLUTION #COA-2024-05**

**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 MV24-04 is approved, to allow a variance from the requirements of Section 3.5 (Group Homes) of Zoning By-Law 2002-121, for the lands legally described as 261 Maberly Elphin Road, Concession 8, Part Lot 13 and 14, in the geographic Township of South Sherbrooke, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-914-010-20500;

- To permit a Group Home to be setback 18m from a dwelling on another lot rather than the 30m required.”

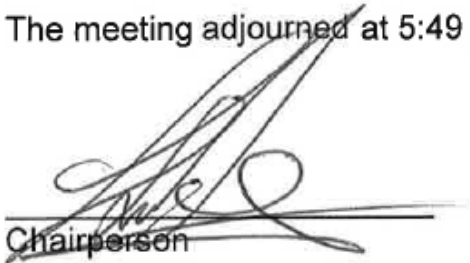
**ADOPTED**

**7. NEW/OTHER BUSINESS**

None.

**8. ADJOURNMENT**

The meeting adjourned at 5:49 p.m.

  
Chairperson

  
Secretary/Treasurer