
Tuesday, September 10th, 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 Angela Pierman

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:

Kelly and Kreeft

- 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.
- Only the applicant, the Minister or a specified person or public body that has an interest in the matter may appeal the decision to the Ontario Land Tribunal. A “specified person” does not include an individual or a community association.
- If a specified 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 specified 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. A specified person or public body 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 Planning Administrative Assistant at adminassistant@tayvalleytwp.ca.

3. APPLICATIONS

- i) **FILE #ZA24-07: Heather Kelly, Adam Kreeft, Richard Kelly, and Catherine Kelly – *attached, page 4.* 705 Davern Lane 11D Part Lot 9, Concession 3, Geographic Township of South Sherbrooke**
 - a) PLANNER FILE REVIEW & PROPOSED BY-LAW
 - b) APPLICANT COMMENTS
 - c) PUBLIC COMMENTS
 - d) RECOMMENDATION

4. ADJOURNMENT

APPLICATIONS

PUBLIC MEETING CONCERNING PROPOSED ZONING BY-LAW AMENDMENT

September 10, 2024

Noelle Reeve, Planner

APPLICATION ZA24-09 – Kelly and Kreeft

STAFF RECOMMENDATION

It is recommended:

“**THAT**, Zoning By-Law No. 02-021 be amended by changing the zoning of the lands at Part Lot 9, Concession 3, Geographic Township of South Sherbrooke (Roll #0911-914-015-50200) known locally as 705 Davern Lane 11D, from Seasonal Residential (RS) to Residential Limited Services (RLS).

BACKGROUND

The application applies to an approximately 0.18-ha (0.45-acre) lot with 30.5m (100 ft) frontage on Davern Lake.

The purpose of this application is to change the zoning from Seasonal Residential (RS) to Limited Services Residential (RLS). The effect of the amendment is to allow a seasonal residential dwelling on a private road to be used as a year-round residence.

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 exceeds the required 30m water setback.

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 not anticipated to affect the lake as the 30m water setback is exceeded and there is no proposed increase to the existing building, just internal renovations.

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 30m water setback from the lake has been exceeded for the dwelling.

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 developed area is more than 30m back from the lake.

Official Plan

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

Section 2.10.2 Residential Conversion from Secondary to Principal Use outlines the requirements for rezoning from RS to RLS to occur including: adequacy of septic, no environmental hazards, an Occupancy permit, etc. These requirements are met for the property. A Site Plan Control Agreement is not required as there is no proposed development within 30m of the water.

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." The dwelling exceeds the 30m required water setback.

Zoning By-Law

The lot is currently zoned Seasonal Residential (RS) and requires rezoning to Residential Limited Services (RLS) to allow a newly constructed dwelling to be used as a year-round residence. Lot coverage requirements are met as the lot coverage is 4%, and the Floor Space Index is 4%, both of which are significantly below the maximum of 10% and 12% respectively.

Planner

The owners are proposing to use the existing cottage structure as a year-round residence. Since the building is more than 30m from the shoreline and no additions are being proposed, there is no requirement for a Site Plan Control Agreement.

Rideau Valley Conservation Authority (RVCA)

The application was not circulated to RVCA as there is no exterior development being proposed and the property is more than 30m from the shoreline.

Mississippi Rideau Septic System Office (MRSSO)

The application was not circulated to MRSSO as no new building additions or plumbing fixtures are being proposed.

Public Comments

None.

CONCLUSION

The Planner recommends that the proposed amendment be approved to rezone the lands at Concession 3, Part Lot 9, 705 Davern lane 11D, Geographic Township of South Sherbrooke (Roll number 091191401550200) from Seasonal Residential RS to Residential Limited Services (RLS).

ATTACHMENTS

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

Prepared and Submitted By:

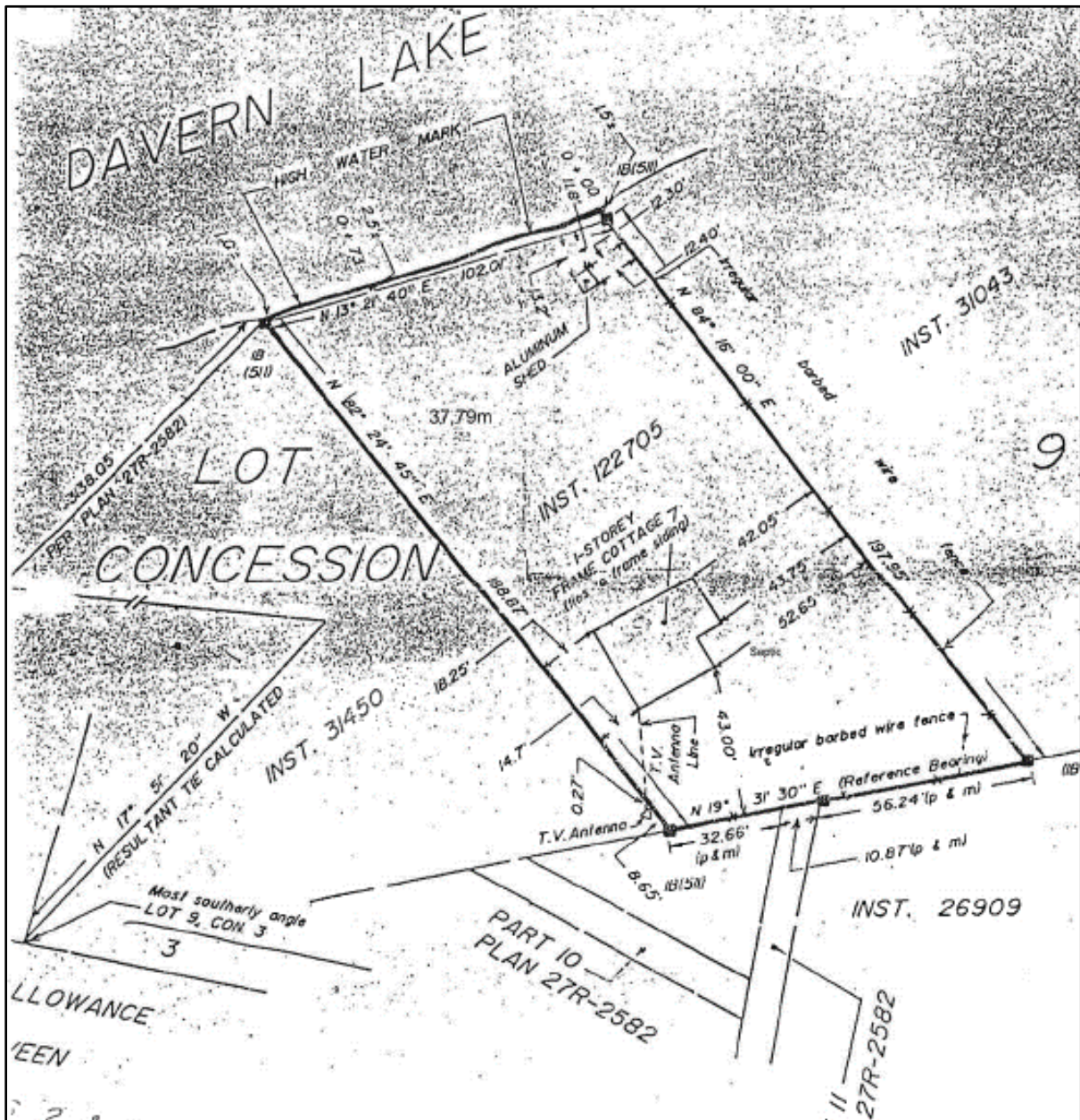
Approved for Submission By:

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 (KELLY AND KREEFT – 705 DAVERN LANE 11D) (PART LOT 9, CONCESSION 3, GEOGRAPHIC TOWNSHIP OF SOUTH SHERBROOKE)

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 Seasonal Residential (RS) to Residential Limited Services (RLS) on the lands legally described as Part Lot 9, Concession 3, geographic Township of South Sherbrooke, now in Tay Valley Township, County of Lanark (Roll # 091191401550200), in accordance with Schedule "A" attached hereto and forming part of this By-Law.
- 1.2 **THAT**, all other applicable standards and requirements of By-Law No. 2002-121 shall continue to apply to the subject property.
- 1.3 **THAT**, this By-Law shall come into force and effect with the passing thereof, in accordance with *the Planning Act*, as amended.

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2024-0XX**

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. BY-LAWS RESCINDED

3.1 All by-laws or parts thereof and resolutions passed prior to this by-law which are in contravention of any terms of this by-law are hereby rescinded.

4. 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"

Kelly and Kreeft – 705 Davern Lane 11D
Part Lot 9, Concession 3
Geographic Township of South Sherbrooke
Tay Valley Township



Area(s) Subject to the By-Law
To amend the Zoning from
Seasonal Residential (RS) to
Residential Limited Services (RLS)

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

Reeve

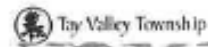
Clerk

Kelly and Kreeft 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.

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Kelly and Kreeft Zoning By-law Amendment

Ontario Land Tribunal

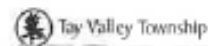
Only the applicant, the Minister or a specified person or public body that has an interest in the matter may appeal the decision to the Ontario Land Tribunal. A "specified person" does not include an individual or a community association.

Please be cautioned that the Ontario Land 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.

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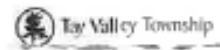
Kelly and Kreeft

705 Davern Lane 11D

Part Lot 9, Concession 3, Geographic Township of South Sherbrooke

- The application applies to an approximately 0.18-ha (0.45-acre) lot with 30.5m (100 ft) frontage on Davern Lake.
- The purpose of this application is to change the zoning from Seasonal Residential (RS) to Limited Services Residential (RLS). The effect of the amendment is to allow a seasonal residential dwelling on a private road to be used as a year-round residence.

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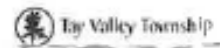


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Kelly and Kreeft Location



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Kelly and Kreeft Photos



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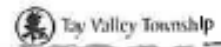


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Kelly and Kreeft Planner's Comments Provincial Policy Statement (PPS)

- 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 newly constructed dwelling exceeds the required 30m water setback.
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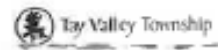


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- Section 2.2.2 Water states, "Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their hydrologic function will be protected, improved or restored". The 30m water setback from the lake has been exceeded for the lot.
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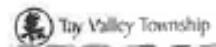


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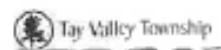


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Kelly and Kreeft Planner's Comments

- The owners are proposing to use the existing cottage structure as a year-round residence. Since the building is more than 30m from the shoreline and no additions are being proposed, there is no requirement for a Site Plan Control Agreement.

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Kelly and Kreeft Comments

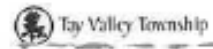
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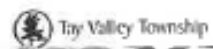
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Kelly and Kreeft Comments Continued

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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Kelly and Kreeft Recommendation

"THAT, Zoning By-Law No. 2002-121 be amended to rezone a portion of the lands at Concession 3, Part Lot 9, Bennett Lake Road, Geographic Township of South Sherbrooke (Roll #0911-914-015-50200) from Seasonal Residential (RS) to Residential Limited Services (RLS)