



COMMITTEE OF ADJUSTMENT MINUTES

Monday, October 21st, 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:	Tammy Thornton, Owner
Public Present:	Paul Haliburton Willie Haliburton Robert Roszell Donna Roszell

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 – August 19th, 2024.**

The minutes of the Committee of Adjustment meeting held on August 19th, 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:

MV24-12 – Thornton, Concession 5, Part Lot 11, geographic Township of North Burgess

6. APPLICATION

i) **FILE #: MV24-12 – Thornton**

a) **PLANNER FILE REVIEW**

The Planner reviewed the file and PowerPoint in the agenda package. The Planner noted that the owner worked with the Township to amend their original application to make it acceptable. The owner had originally sought to include a basement under the proposed kitchen addition, but this would require a hydro geological study due to proximity to the wetland. Additional decking was also reduced to a landing allowed for access as the owner has already constructed a gazebo.

The Planner also confirmed that the proposed garage must be set back at least 1m from the property line as relief from this requirement was not included in the application. A rise in the land towards the neighbouring property will also prevent water runoff from flowing in that direction.

The Planner noted that the Rideau Valley Conservation Authority supports the application, with recommendations that will protect and enhance ground water and the lake shoreline. A permit was not required for the fill that has been added to the building site as it is not within 15m of the lake. The Township's Chief Building Official (CBO) is responsible for determining the need for a site drainage and grading plan.

The Planner noted that the Natural Heritage Information Centre (NHIC) mapping confirms that there are no species at risk within the proposed development area. Ontario Parks was not circulated for comments as they did not have property within 60m of the subject lot.

b) APPLICANT COMMENTS

The Applicant acknowledged that the structures on the submitted site drawings are not to scale and that they can redraw them for the Township to match the application. The Planner also confirmed that the written numbers on the application are what is referred to when assessing the application and updating the existing Site Plan Control Agreement.

c) ORAL & WRITTEN SUBMISSIONS

Six written messages of support for the application and one message expressing concerns were received prior to the meeting and circulated to the Committee for review. – *attached, page 5.*

Neighbouring property owners, Robert Roszell and Donna Roszell, stated that the Site Plan Control Agreement definitely needs to be updated, with all buildings shown and drawn to scale. They also noted that there are alternate locations on the lot that the garage could have been located. The Planner responded that the garage location has been deemed to be acceptable as it meets the side yard setback and is outside the wetland area. The Planner also asked the applicant to stake out the 18m and 35m distances from the shoreline to provide clarity for the CBO.

d) DECISION OF COMMITTEE

RESOLUTION #COA-2024-13

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 MV24-12 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 580 Lally Lake Lane A, Part Lot 11, Concession 5, in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-025-21706;

- To allow a proposed cottage addition at a water setback of 15m (50 ft) rather than the minimum 30m required;
- To permit the construction of a garage at a water setback of 18.5m (60.7ft) rather than the minimum 30m required;

AND THAT, the existing Site Plan Control Agreement be updated.”

7. NEW/OTHER BUSINESS

None.

8. ADJOURNMENT

The meeting adjourned at 5:35 p.m.


Chairperson


Secretary/Treasurer

TVT Admin Assistant

Subject: FW: Minor Variance 24-12 - Thornton - 580 Lally Lake Lane A - Part Lot 11, Conc 5 - North Burgess

From: Paul Haliburton

Sent: 16 October 2024 11:54

To: Noelle Reeve <planner@tayvalleytwp.ca>

Subject: Minor Variance 24-12 - Thornton - 580 Lally Lake Lane A - Part Lot 11, Conc 5 - North Burgess

Dear Noelle

We are neighbours of Tammy and Nick Thornton and have no objection to the approval of their application to expand their kitchen and add a garage to their property located at Round Lake.

Paul and Wilma Haliburton
290 Lally Lake Drive
613 227 2305

TVT Admin Assistant

Subject: FW: Thornton Minor Variance Application

From: Andrew Lennox
Sent: Thursday, October 17, 2024 6:08 PM
To: TVT Admin Assistant <adminassistant@tayvalleytwp.ca>
Subject: Thornton Minor Variance Application

Attention Garry Welsh,
Administrative Assistant
Tay Valley Township,

We live on Round Lake, directly across from the Thornton's. After thoroughly reading the proposed application for the minor variance, in our opinion, there is absolutely no reason not to grant this application for minor variance. We therefore fully support the staff conclusion "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 allow a proposed cottage addition at a water setback of 15m (50 ft) rather than the minimum 30m required.
- To permit the construction of a garage at a water setback of 18.5m (60.7ft) rather than the minimum 30m required.

Most importantly, as stated in the staff conclusion, this application should be approved "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."

In our opinion, this approval should be a very straightforward one. Thanks for your consideration of our comments as lake neighbours.

Andrew Lennox & Mary Clennett
304 Lally Lake Drive
Perth, K7H 3C7
Andrew

TVT Admin Assistant

Subject: FW: File MV24-12

From: David howson
Sent: Saturday, October 19, 2024 10:00 AM
To: TVT Admin Assistant <adminassistant@tayvalleytwp.ca>
Subject: File MV24-12

Dear Mr. G Welsh

With regards to the above file seeking a minor variance to 580 Lally Lake Lane for the expansion of a kitchen and a new garage structure.

I'm located at 296 Lally Lake Dr. The proposed changes to the property have no impact on my property.

As long as the Township and the Conservation Authority feels that it will have no adverse impact on the balance of the lake I have no problem with the sought-after variance.

Regards

David Howson

416 930 4575

TVT Admin Assistant

Subject: FW: Application MV 24-12

From: Del Lally
Sent: Friday, October 18, 2024 8:07 AM
To: TVT Admin Assistant <adminassistant@tayvalleytwp.ca>
Subject: Application MV 24-12

Secretary-Treasurer
Tay Valley Township
217 Harper Rd.
Perth Ontario K7H3C6

I am writing to you in support for application MV 24-12, minor variance, Thornton, 580 Lally Lake Lane.

My wife, Cheryl Lally and myself Del Lally have property that abuts 580 Lally Lake Lane. We fully support the application for a Minor Variance applied by Nick and Tammy Thornton. The Thornton's are longtime residents of Round lake who are respectful, good willed, individuals looking to expand their kitchen area for family and close friend gatherings. The garage is an overdue space needed to work on and store their outdoor equipment.

Both requests have been planned out carefully to have the least impact to the area. We are available for further comment if required.

Thank you for your time.

Sincerely,

Del and Cheryl Lally

TVT Admin Assistant

Subject: FW: Thornton's application MV 24-12 for a minor variance

From: Justine Jeffery
Sent: Friday, October 18, 2024 11:18 AM
To: TVT Admin Assistant <adminassistant@tayvalleytwp.ca>
Subject: Thornton's application MV 24-12 for a minor variance

Garry Walsh
Tay Valley Township
217 Harper Rd.
Perth, ON
K7H3C6

I am writing to you in support of Nick and Tammy Thornton's application MV 24-12 for a minor variance at 580 Lally Lake Lane.

My husband and I (Jim and Justine Rutherford) have property that abuts 580 Lally Lake Lane. We fully support the application for a Minor Variance applied by Nick and Tammy Thornton. The Thorntons are longtime residents of Round lake who are respectful to everyone on the lake but also ecologically respectful to their land and the lake. They are very kind people looking to expand their kitchen area for family and close friend gatherings. The garage is a far overdue space needed to store supplies including storage of their vehicles and other outdoor equipment.

These 2 projects have been planned out carefully which we can't see there being any impact to the area. Feel free to contact us for anything further.

Sincerely,

Jim and Justine Rutherford
308 Lally Lake Rd, Tay Valley

BENNETT THOMAS GEORGE
2308 LALLY RD
PERTH ON CANADA
K7H 3C7

TO: NOELLE REEVE, PLANTER

WE SUPPORT THE MINOR
VARIANCE MV-2412
FOR KITCHEN AND GARAGE
EXTENSION

TOM BENNETT

Thomas Bennett

MARIE BENNETT

Marie Bennett

Robert & Donna Roszell
584 Lally Lake Lane A
Tay Valley, K7H 3C7

October 18, 2024

Tay Valley Township - Committee of Adjustment

Subject: Opposition to Minor Variance Request for Application *MV24-12 Thornton*

Dear Members of the Committee of Adjustment,

We are writing to formally oppose the minor variance request submitted by the applicant for the development of a garage and an addition to the main cottage on 580 Lally Lake Lane A, which is adjacent to our property at 584 Lally Lake Lane A. Opposition to the minor variance request is based on the following points:

1. **Inadequate Site Plan:** The site plan provided by the applicant is not legible and does not accurately represent the intended development. The garage is shown to be abutting the property line, which would require a side yard variance. The proposed garage depicted is smaller than the intended development, making it unclear if the proposed development would be built in the location shown. While Tay Valley Township accepts hand-drawn plans, accurate dimensions that depict the proposed development are required. The site plan that has been provided does not meet Township standards.
2. **Violation of Site Plan Control Agreement:** In May 2021, the applicant brought in approximately 15 loads of gravel fill to level the site of the proposed garage. This action violates the applicant's site plan control agreement as the fill is within 15 meters of the water line. An agreement with the Rideau Valley Conservation Authority is required, along with a lot drainage and grading plan. If the Committee decides to grant this minor variance, the approval must be conditional on the receipt of these items.

See figures 1 & 2 for photo evidence of the gravel fill.

Figure 1 - The initial loads of gravel fill. Photo dated May 4th, 2021



Figure 2 - Additional loads of gravel fill. Photo dated May 23rd, 2021



- 3. Impact on Critical Habitat for Species at Risk:** The applicant's property is within an area identified as critical habitat for species at risk by Environment Canada. Six species are listed as being at risk in the targeted spatial area, including Whip-poor-will, Gray Ratsnake, Golden Winged Warbler, Blandling's Turtle, Spotted Turtle, and American Ginseng. The applicant has potentially already damaged critical habitat by bringing fill onto the site. Any approval of this minor variance for the proposed garage must require an accredited biologist to report on the habitat loss and detail appropriate remediation. If approval for the minor variance for the kitchen addition is granted, an accredited biologist must also provide recommendations on maintaining shoreline habitat and water quality during the construction period. Furthermore, the biologist would be able to recommend construction timing based on the nesting and migration patterns of the species at risk.

[The Species at Risk Critical Habitat Area map from Environment Canada can be found at this link.](#)

- 4. Omission of Referral:** Based on the information provided in the agenda, it appears that the Planning Department did not refer the minor variance application to Ontario Parks. Only a small portion of Round Lake is not within Murphy's Point Provincial Park, and the subject property is only ~50 metres away from the southwest park boundary. When considering any development application, affected parties must have the opportunity to provide comment. Based on the material provided in the report, it appears that a referral was not sent to Ontario Parks. Ontario Parks, as a public agency, must be circulated this application and given opportunity to provide comment.

See figure 3 for a map of the subject property and surrounding area, which includes the majority of Round Lake being within the boundary of Murphy's Point Provincial Park.

Figure 3 - Round Lake, Murphy's Point Provincial Park, and the subject property



5. **Non-compliance with Zoning Bylaw and Official Plan:** The variance is not minor in nature and does not align with the general intent of the Township's Zoning Bylaw and Official Plan. A 50% reduction in setback is a considerable request for a minor variance. If the Zoning bylaw requirements must be varied to the extent that the applicant is requesting, it begs the question of whether the subject property's current zone meets the needs of the applicant. The impact on the lake, much of which is within the boundary of Murphy's Point Provincial Park, and the potential impact on neighbours due to water runoff and erosion from the site following gravel infill, are significant concerns. A rezoning process is the proper avenue for the applicant to seek this development, as it will give the Township greater control over protecting the shoreline, natural environment, and neighbouring properties.

In conclusion, we respectfully request that the Committee of Adjustment deny the minor variance request based on the points outlined above. The proper avenue for the applicant to develop the site is through a rezoning application. Should committee members approve the minor variance application despite the numerous irregularities noted in this letter, the approval should be conditional on:

1. An accurate and legible site plan;
2. An updated site plan control agreement, agreement with the RVCA, and a lot grading and drainage plan;
3. A report from an accredited biologist to determine:
 - a. Remediation for the site impacted by gravel fill,
 - b. Maintenance of shoreline habitat during construction;
4. The referral of the application to Ontario Parks, and appropriate measures taken to meet any referral comments.

Thank you for considering these concerns.

Sincerely,

Robert & Donna Roszell

Owners of 584 Lally Lake Lane A