



## COMMITTEE OF ADJUSTMENT AGENDA

Monday, November 25<sup>th</sup>, 2024 – 5:00 p.m.  
Municipal Office – Council Chambers – 217 Harper Road

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**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 – October 21<sup>st</sup>, 2024 - attached, page 4.**

*Suggested Motion by Peter Siemons/Richard Schooley:  
“THAT, the minutes of the Committee of Adjustment meeting held October 21<sup>st</sup>,  
2024, be approved as circulated.”*

**5. INTRODUCTION**

- The purpose of this meeting is to hear application for Minor Variance:
  - **van Haastrecht**
- 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](mailto: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 #:** **MV24-14 – van Haastreht – *attached, page 20.***  
**1209 Bygrove Lane**  
**Part Lot 1, Concession 1**  
**Geographic Township of South Sherbrooke**

- (a) PLANNER FILE REVIEW
- (b) APPLICANT COMMENTS
- (c) ORAL & WRITTEN SUBMISSIONS
- (d) DECISION OF COMMITTEE

*Recommended Decision by Richard Schooley/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 MV24-14 is approved, to allow a variance from the requirements of Section 3.29 (Water Setbacks) and Section 5.1.2 (Zone Provisions) of Zoning By-Law 2002-121, for the lands legally described as 1209 Bygrove Lane, Part Lot 1, Concession 1, in the geographic Township of South Sherbrooke, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-914-015-01114;*

- *To recognize a reduced water setback of 21.2m (69.6 ft) from Bobs Lake, instead of the required 30m, for a dwelling, to be built on the same footprint;*
- *To allow a proposed dwelling addition to be built at a reduced water setback of 26.7m (87.6 ft) rather than the minimum 30m required;*
- *To allow a proposed dwelling to be built with a height of 11m rather than the maximum 9m permitted;*

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

*AND THAT, the existing right-of-way serving the property be named as a private road, Bygrove Lane, in the Township Road Naming By-Law at the owners expense.”*

## 7. NEW/OTHER BUSINESS

None.

## 8. ADJOURNMENT

# MINUTES

## COMMITTEE OF ADJUSTMENT MINUTES

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**Monday, October 21<sup>st</sup>, 2024**

**5:00 p.m.**

**Tay Valley Municipal Office – 217 Harper Road, Perth, Ontario  
Council Chambers**

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### **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

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### **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 19<sup>th</sup>, 2024.**

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

**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.

## **TVT Admin Assistant**

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

**From:** Paul Haliburton

**Sent:** October 16, 2024 11:55 AM

**To:** TVT Planner <[planner@tayvalleytwp.ca](mailto: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



## TVT Admin Assistant

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**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

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**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

## TVT Admin Assistant

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**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**

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**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**

# APPLICATION

**Committee of Adjustment**

November 25, 2024

**Noelle Reeve, Planner**

**APPLICATION MV24-14**

van Haastreht

1209 Bygrove Lane, Concession 1, Part Lot 1  
Geographic Township of South Sherbrooke

**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 recognize a reduced water setback of 21.2m (69.6 ft) from Bobs Lake, instead of the required 30m, for a dwelling, to be built on the same footprint.
- To allow a proposed dwelling addition to be built at a reduced water setback of 26.7m (87.6 ft) rather than the minimum 30m required.

And to seek relief from Section 5.1.2 Residential Zone standards for a dwelling height of 11m instead of the 9m permitted.

The effect of the variance is to permit an existing cottage to be demolished and a dwelling to be built at the same reduced setback of 21.2m from Bobs Lake, with a proposed addition at a reduced water setback of 26.7m, and at a height of 11m.

**REVIEW COMMENTS**

The property is located at 1209 Bygrove Lane. The lot is 1.36ha (3.35 acres) with 225.3m water frontage. The lot currently has a 140.2m<sup>2</sup> (1,509 sq ft) cottage, a 25m<sup>2</sup> deck, a 210.7m<sup>2</sup> garage with two-bedroom suite above, a 180.3m<sup>2</sup> boathouse, a 20m<sup>2</sup> shed, an 8.2m<sup>2</sup> sauna, a 60.2m<sup>2</sup> dock and a 197.2m<sup>2</sup> dock. The owner proposes to demolish the existing cottage and adjoining deck, then rebuild the dwelling on the original site, at a 21.2m water setback, with an addition to the rear at a water setback of 26.7m, and a building height of 11m.

**Provincial Planning Statement, 2024 (PPS 2024)**

No concerns. Section 2 Building Homes, Sustaining Strong and Competitive Communities 2.5.1 Rural Areas in Municipalities states: "Healthy, integrated and viable rural areas should be supported by:

- "a) building upon rural character, and leveraging rural amenities and assets;
- b) promoting regeneration; and
- g) conserving biodiversity and considering the ecological benefits provided by nature;"

Section 2.6.1c) Rural Lands in Municipalities permits residential development.

Section 2.9 Energy Conservation, Air Quality and Climate Change states:

“Planning authorities shall plan to reduce greenhouse gas emissions and prepare for the impacts of a changing climate through approaches that: d) promote green infrastructure, low impact development, and active transportation, protect the environment and improve air quality”.

These requirements of the PPS 2024 are satisfied as the proposed addition is to be located at the rear of where the existing cottage is situated, farther from the lake and lot coverage is well below the 20% permitted. An update to the existing Site Plan Control Agreement will provide continued protection of the lake and can be used to retain or augment the vegetation on the property

Chapter 3 Infrastructure and Facilities Section 3.6.8 Sewage, Water and Stormwater states, “Planning for stormwater management shall: b) minimize, or, where possible, prevent or reduce increases in stormwater volumes and contaminant loads; c) minimize erosion and changes in water balance including through the use of green infrastructure; e) maximize the extent and function of vegetative and pervious surfaces; f) promote best practices, including...low impact development;”.

These requirements of the PPS 2024 are satisfied as the proposal will reduce impervious surface close to the water (a 45m<sup>2</sup> deck).

Chapter 4: Wise Use and Management of Resources Section 4.1.1 Natural Heritage states that, “Natural features and areas shall be protected for the long term.” Specifically, Section 4.1.5 d) states that: “Development and site alteration shall not be permitted in: significant wildlife habitat; unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.” These requirements of the PPS 2024 are satisfied as there is no significant wildlife habitat identified on the property.

Section 4.2.1 Water states: “Planning authorities shall protect, improve or restore the quality and quantity of water by: e) implementing necessary restrictions on development and site alteration to 2) protect, improve or restore vulnerable surface and ground water, sensitive surface water features and sensitive ground water features and their hydrologic functions;”. All of Tay Valley Township is a Highly Vulnerable Aquifer and as such requires protection. According to the RVCA’s Tay River Subwatershed Report 2017 Bobs and Crow Lake Catchments, the water quality in this section of Bobs Lake is rated Fair to Good demonstrating the lake is a vulnerable surface water body. The requirements of the PPS 2024 to protect vulnerable water are satisfied as the existing Site Plan Control Agreement will be updated to ensure maximum vegetation cover.

Section 4.6.2 Cultural Heritage and Archaeology states: “Planning authorities shall not permit development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless the significant archaeological resources have been conserved”. Areas of archaeological potential include lands that contain or are located within 300 meters of a primary water source such as a lakeshore, river or large creek.

Chapter 5 Protecting Public Health and Safety Section 5.2.2 b states “Development shall generally be directed to areas outside of: b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards”. These requirements of the PPS 2024 are satisfied as a slope stability assessment has been undertaken by the applicant.

### **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.

Section 2.20.4 Steep Slopes and Erosion Lands requires a slope stability assessment when steep slopes are present. A slope stability report is being prepared by the applicant.

Section 2.24.1.2c) permits development less than 30m from water where existing development precludes the reasonable possibility of achieving the setback. The proposed addition is located farther from the lake at the rear of the dwelling.

### **Zoning By-Law**

The area of the property to be built on is zoned Residential (R) and a dwelling is a permitted use. The current lot coverage is 3.9%. With the proposed increase in living space and demolition of the deck, the lot coverage will increase to 5.8%, well under the 20% maximum permitted in the zone. Water setback is proposed at the same 21.2m at the closest point of the cottage, instead of the 30m required.

The application can be considered minor in impact as the existing setback is being recognized with the additional development proposed to be located at the rear of the existing cottage location.

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 has no objections to the proposed development pending a satisfactory slope stability analysis. An update to the existing Site Plan Control Agreement will include the following standard recommendations:

- vegetation along the shoreline and leading to the shoreline be retained and augmented with the exception of a 6m path to the shore.

- sediment control measures shall be implemented throughout the construction process (mainly the placement of a sediment barrier such as staked straw bales between exposed soil and the lake). The sediment barrier should remain in place until all disturbed areas have been stabilized and re-vegetated.
- excavated material shall be disposed of well away from the water.
- natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the lake. In order to help achieve this, eaves troughing shall be installed and outlet to a leach pit or well-vegetated area away from the lake to allow for maximum infiltration.

The owner should contact RVCA prior to proceeding with future development activity to confirm if a permit is required.

**Mississippi Rideau Septic System Office (MRSSO)** – A Part 10/11 Renovation/Change of Use Septic Permit will be required before a building permit can be issued.

**Public** – None at the time of the report.

#### **SITE PLAN CONTROL AGREEMENT**

An update to the existing Site Plan Control Agreement containing the recommendations of the RVCA is proposed to enhance protection of the water quality and shoreline of Bobs Lake.

#### **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 recognize an existing reduced water setback of 21.2m (69.6 ft), instead of the required 30m for a dwelling to be built at the same setback from Bobs Lake.
- To allow a proposed dwelling addition to be built at a reduced water setback of 26.7m (87.6 ft) rather than the minimum 30m required.

And that relief be granted from Section 5.1.2 Residential Zone standards for a dwelling height of 11m instead of the 9m permitted.

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*.

That the existing Site Plan Control Agreement be updated.

And that the existing right-of-way serving the property be named as a private road, Bygrove Lane, in the Township Road Naming By-Law.

## van Haastrecht 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.

1



1

## van Haastrecht Minor Variance

### **Ontario Land Tribunal**

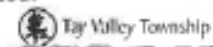
Only the applicant, the Minister or a specified person or public body that has an interest in the matter may appeal the decision to the Ontario Land Tribunal. A "specified person" does not include an individual or a community association.

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.

2



2

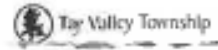


## van Haastrecht Minor Variance

### 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

3



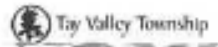
3

## van Haastrecht 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

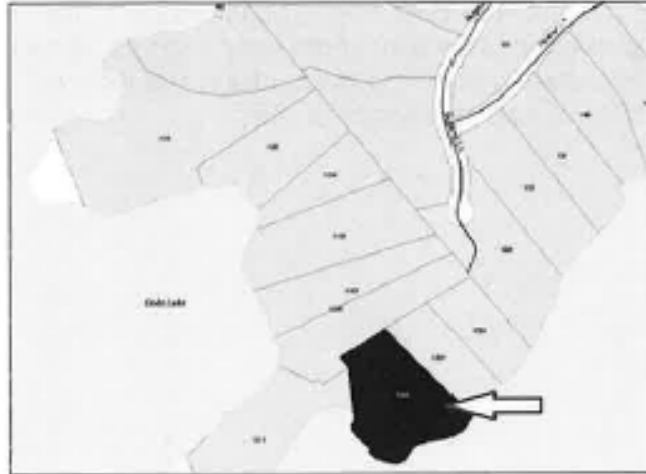
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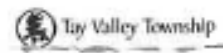
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## van Haastrecht

1209 Bygrove Lane, Part Lot 1, Concession 1  
Geographic Township of South Sherbrooke



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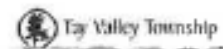
## van Haastrecht - Proposal

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

- To recognize a reduced water setback of 21.2m (69.6 ft) from Bobs Lake, instead of the required 30m, for a dwelling to be built on the same footprint.
- To allow a proposed dwelling addition to be built at a reduced water setback of 26.7m (87.6 ft) rather than the minimum 30m required.

And to seek relief from Section 5.1.2 Residential Zone standards for a dwelling height of 11m instead of the 9m permitted.

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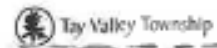


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## van Haastrecht - Proposal

The effect of the variance is to permit an existing cottage to be demolished and a dwelling to be built at the same reduced setback of 21.2m from Bobs Lake, with a proposed addition at a reduced water setback of 26.7m, and at a height of 11m.

7

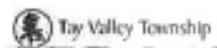


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## van Haastrecht – Planner's Review Comments

- The property is located at 1209 Bygrove Lane. The lot is 1.36ha (3.35 acres) with 225.3m water frontage. The lot currently has a 140.2m<sup>2</sup> (1,509 sq ft) cottage, a 25m<sup>2</sup> deck, a 210.7m<sup>2</sup> garage with two-bedroom suite above, a 180.3m<sup>2</sup> boathouse, a 20m<sup>2</sup> shed, an 8.2m<sup>2</sup> sauna, a 60.2m<sup>2</sup> dock and a 197.2m<sup>2</sup> dock.
- The owner proposes to demolish the existing cottage and adjoining deck, then rebuild the dwelling on the original site, at a 21.2m water setback, with an addition to the rear at a water setback of 26.7m, and a building height of 11m.

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## van Haastrecht Site Drawing



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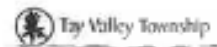


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## van Haastrecht Photos



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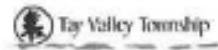


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van Haastrecht  
Photos



11

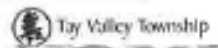


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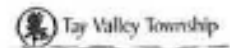


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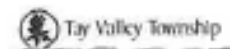


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Photos



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## van Haastrecht

### Comments

#### **Rideau Valley Conservation Authority (RVCA)**

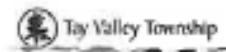
RVCA has no objections to the proposed development.

A slope stability assessment is in preparation.

An update to the existing Site Plan Control Agreement will include the following standard recommendations as well as any from the slope stability report:

- vegetation along the shoreline and leading to the shoreline be retained and augmented with the exception of a 6m path to the shore.
- sediment control measures shall be implemented throughout the construction process (mainly the placement of a sediment barrier such as staked straw bales between exposed soil and the lake). The sediment barrier should remain in place until all disturbed areas have been stabilized and re-vegetated.

15



15

## van Haastrecht

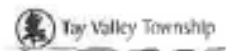
### Comments

#### **Rideau Valley Conservation Authority (RVCA)**

- excavated material shall be disposed of well away from the water.
- natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the lake. In order to help achieve this, eaves troughing shall be installed and outlet to a leach pit or well-vegetated area away from the lake to allow for maximum infiltration.

The owner should contact RVCA prior to proceeding with future development activity to confirm if a permit is required.

16



16

## van Haastrecht Comments

### **Mississippi Rideau Septic System Office (MRSSO)**

- A Part 10/11 Renovation/Change of Use Septic Permit will be required before a building permit can be issued.

17

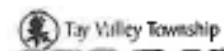


17

## van Haastrecht Provincial Planning Statement, 2024

- No concerns.
- Section 2 Building Homes, Sustaining Strong and Competitive Communities 2.5.1 Rural Areas in Municipalities states: "Healthy, integrated and viable rural areas should be supported by:
  - "a) building upon rural character, and leveraging rural amenities and assets;
  - b) promoting regeneration; and
  - g) conserving biodiversity and considering the ecological benefits provided by nature;"
- Section 2.6.1c) Rural Lands in Municipalities permits residential development.

18



18



## van Haastrecht

### Provincial Planning Statement, 2024

- Section 2.9 Energy Conservation, Air Quality and Climate Change states:
- "Planning authorities shall plan to reduce greenhouse gas emissions and prepare for the impacts of a changing climate through approaches that: d) promote green infrastructure, low impact development, and active transportation, protect the environment and improve air quality".
- These requirements of the PPS 2024 are satisfied as the proposed addition is to be located at the rear of where the existing cottage is situated, farther from the lake and lot coverage is well below the 20% permitted. An update to the existing Site Plan Control Agreement will provide continued shoreline and lake protection.

19



19

## van Haastrecht

### Provincial Planning Statement, 2024

- Chapter 3 Infrastructure and Facilities Section 3.6.8 Sewage, Water and Stormwater states, "Planning for stormwater management shall: b) minimize, or, where possible, prevent or reduce increases in stormwater volumes and contaminant loads; c) minimize erosion and changes in water balance including through the use of green infrastructure; e) maximize the extent and function of vegetative and pervious surfaces; f) promote best practices, including...low impact development;".
- These requirements of the PPS 2024 are satisfied as the proposal will reduce impervious surface close to the water (removal of a 45m<sup>2</sup> deck).

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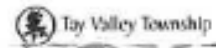


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## van Haastrecht Provincial Planning Statement, 2024

- Chapter 4: Wise Use and Management of Resources  
Section 4.1.1 Natural Heritage states that, "Natural features and areas shall be protected for the long term." Specifically Section 4.1.5 d) states that: "Development and site alteration shall not be permitted in: significant wildlife habitat; unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions."
- These requirements of the PPS 2024 are satisfied as there is no significant wildlife habitat identified on the property.

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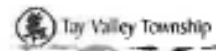


21

## van Haastrecht Provincial Planning Statement, 2024

- Section 4.2.1 Water states: "Planning authorities shall protect, improve or restore the quality and quantity of water by: e) implementing necessary restrictions on development and site alteration to 2) protect, improve or restore vulnerable surface and ground water, sensitive surface water features and sensitive ground water features and their hydrologic functions;". All of Tay Valley Township is a Highly Vulnerable Aquifer and as such requires protection. Water quality in this section of Bob's Lake is rated Fair to Good demonstrating the lake is a vulnerable surface water body. The requirements of the PPS 2024 to protect vulnerable water are satisfied as the existing Site Plan Control Agreement will be updated to ensure maximum vegetation cover.

22

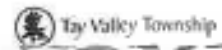


22

## van Haastrecht Provincial Planning Statement, 2024

- Section 4.6.2 Cultural Heritage and Archaeology states: "Planning authorities shall not permit development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless the significant archaeological resources have been conserved".
- Areas of archaeological potential include lands that contain or are located within 300 meters of a primary water source such as a lakeshore, river or large creek.

23

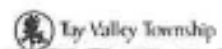


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## van Haastrecht Provincial Planning Statement, 2024

- Chapter 5 Protecting Public Health and Safety Section 5.2.2 b states "Development shall generally be directed to areas outside of: b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards".
- These requirements of the PPS 2024 are satisfied as a slope stability assessment has been undertaken by the applicant.

24

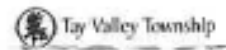


24

## van Haastrecht County Sustainable Communities 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.

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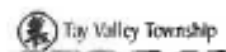


25

## van Haastrecht Official Plan

- The subject land is designated Rural in the Official Plan, and residential uses are permitted.
- Section 2.20.4 Steep Slopes and Erosion Lands requires a slope stability assessment when steep slopes are present. A slope stability report is being prepared by the applicant.
- Section 2.24.1.2c) permits development less than 30m from water where existing development precludes the reasonable possibility of achieving the setback. The proposed addition is located farther from the lake at the rear of the dwelling.

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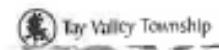


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## van Haastrecht Zoning By-law

- The area of the property to be built on is zoned Residential (R) and a dwelling is a permitted use.

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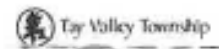
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## van Haastrecht Official Plan & Zoning Test

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

- Yes. The proposed lot coverage is 5.8% which is well under the 20% permitted in the zone.
- New development is proposed farther from the lake than the existing development.

28



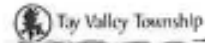
28

## van Haastrecht Development & Use Test

*Is it desirable and appropriate development for the use of the site?*

- The proposal is also desirable and appropriate development of the lands in question as it is a permitted use. In addition, the existing Site Plan Control Agreement will be updated to ensure maintenance and enhancement of vegetation.

29



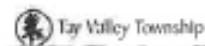
29

## van Haastrecht "Minor" Test

*Is it minor in nature and scope?*

- The application can be considered minor in impact as the existing setback is being recognized with the additional development proposed to be located at the rear of the existing cottage location.

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## van Haastrecht Site Plan Control Agreement

- An update to the existing Site Plan Control Agreement containing the recommendations of the RVCA as well as any requirements of the slope stability report is proposed to enhance protection of the water quality and shoreline of Bobs Lake.

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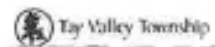


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## van Haastrecht Public Comments

- 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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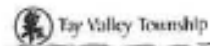
## van Haastrecht Recommendation

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 recognize an existing reduced water setback of 21.2m (69.6 ft), instead of the required 30m for a dwelling to be built at the same setback from Bobs Lake;
- To allow a proposed cottage addition to be built at a reduced water setback of 26.7m (87.6 ft) rather than the minimum 30m required;

And that relief be granted from Section 5.2.1 Residential Zone standards for a dwelling height of 11m instead of the 9m permitted;

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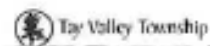
## van Haastrecht Recommendation

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;

That the existing Site Plan Control Agreement be updated;

And that the existing right-of-way serving the property be named as a private road, Bygrove Lane, in the Township Road Naming By-Law.

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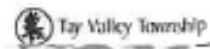


## van Haastrecht Resolution

*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 MV24-14 is approved, to allow a variance from the requirements of Section 3.29 (Water Setbacks) and Section 5.1.2 (Zone Provisions) of Zoning By-Law 2002-121, for the lands legally described as 1209 Bygrove Lane, Part Lot 1, Concession 1, in the geographic Township of South Sherbrooke, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-914-015-01114;*

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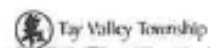
## van Haastrecht Resolution Continued

- *To recognize a reduced water setback of 21.2m (69.6 ft) from Bobs Lake, instead of the required 30m, for a dwelling, to be built on the same footprint;*
- *To allow a proposed dwelling addition to be built at a reduced water setback of 26.7m (87.6 ft) rather than the minimum 30m required;*
- *To allow a proposed dwelling to be built with a height of 11m rather than the maximum 9m permitted;*

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

*AND THAT, the existing right-of-way serving the property be named as a private road, Bygrove Lane, in the Township Road Naming By-Law."*

36



36