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**Tuesday, March 4<sup>th</sup>, 2025  
5:30 p.m.  
Municipal Office – 217 Harper Road, Perth, Ontario  
Council Chambers**

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

**Chair, Councillor Korrine Jordan**

**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:

**Boyle**

- 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.
- 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](mailto:adminassistant@tayvalleytwp.ca).

### 3. APPLICATION

- i) **FILE #ZA24-11: Anthony Boyle – *attached, page 4.***  
**1414 Ennis Road**  
**Part Lot 10, Concession 10,**  
**Geographic Township of Bathurst**
  - a) PLANNER FILE REVIEW & PROPOSED BY-LAW
  - b) APPLICANT COMMENTS
  - c) PUBLIC COMMENTS
  - d) RECOMMENDATION

### 4. ADJOURNMENT

# APPLICATION

**PUBLIC MEETING CONCERNING PROPOSED ZONING BY-LAW AMENDMENT**

March 4<sup>th</sup>, 2025

**Noelle Reeve, Planner**

**APPLICATION ZA24-11 – Boyle**

**STAFF RECOMMENDATION**

It is recommended:

**“THAT**, Zoning By-Law No. 02-021 be amended by changing the zoning of the lands at Part Lot 10, Concession 10, Geographic Township of Bathurst (Roll #0911-916-030-13510) known locally as 1414 Ennis Road, from Seasonal Residential (RS) to Residential Limited Services - Special Exception 197 (RLS-197).”

**BACKGROUND**

The application applies to an approximately 0.13-ha (0.28-acre) lot with 28.6m (93.8 ft) frontage on Bennett Lake.

The purpose of this application is to change the zoning from Seasonal Residential (RS) to Limited Services Residential – Special Exception 197 (RLS-197). The effect of the amendment is to allow a permanent residence to be rebuilt on a lot and allow relief from Section 5.3.2 for a water setback of 16.4m and 17.6m for the south and north corners of the cottage on Bennett Lake, instead of the 30m required. Relief is also requested from Section 3.30 for a water setback encroachment for a deck of 2.4m instead of the 2m permitted.

**DISCUSSION**

**Provincial Planning Statement (PPS)**

Chapter 2 Building Homes, Sustaining Strong and Competitive Communities – 2.5.1 Rural Areas in Municipalities:

states that “Healthy, integrated and viable rural areas should be supported by:

- a) Building upon rural character and leveraging rural amenities and assets; and
- b) Promoting regeneration.” This section can be met as the dwelling is maintaining the same water setback from Bennett Lake.

Chapter 4: Wise Use and Management of Resources – 4.1.Natural Heritage states that, “Natural features and areas shall be protected for the long term”, and Section 4.1.2 states that “The diversity and connectivity of natural features in an area, and the long term ecological function and biodiversity be natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and surface water features and ground water features”.

There is a Mississippi Valley Conservation Authority (MVCA) regulated wetland buffer on the subject property. Therefore, a permit will be required from MVCA for construction of the dwelling and the septic system to ensure the function of the wetland is maintained.

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 alterations". A Site Plan Control Agreement will be executed for this property that will include a new septic system and require revegetation of the shoreline and 15m back from the lake which will protect water quality.

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 (e.g., spilling gas on the ground).

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.

In this case, the cottage is being rebuilt on the exact footprint so no new disturbance is anticipated. If archaeological objects are uncovered during construction, an archaeologist must be informed.

Chapter 5 Protecting Public Health and Safety Section 5.2.2 b Natural Hazards states "Development shall generally be directed to areas outside of hazards". No hazards have been identified.

## **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. A Site Plan Control Agreement will be executed for this property that will include a new septic system and require revegetation of the shoreline and the 15m between it and the dwelling which will protect water quality.

### **Official Plan**

The subject property is designated in the Official Plan as Rural and MVCA regulated wetlands. Section 2.3.3 Rural designation permits residential uses.

Section 3.1.3.2 Wildlife Habitat and Adjacent Lands states "the Natural Heritage System shown on Schedule B also contains linkages and corridors. These linkages and corridors

mostly follow watercourses and wetlands and are intended to function as connections between significant features. For the purpose of this Plan, linkage and corridors will be considered to be wildlife habitat with a corresponding 30 m setback". The proposed building site is partially inside the MVCA regulated wetlands buffer but is separated from the wetland by Ennis Road. A permit will be required from the MVCA with conditions to protect the wetland.

Section 6.3.3.3 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 subject property.

Section 3.2.3.1 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.

Section 2.3.2.3 states "An appropriate water setback can reduce phosphorus and other nutrient loads to the lake and in combination with vegetation, prevent erosion and sedimentation."

Section 3.2.6.1 Expansions or Additions to Existing Development states "When considering expansions to existing structures, it will be expected that the proponent demonstrate that every effort has been made to locate the addition to the rear of the existing structure and minimize the amount of development within the 30 m setback."

Section 3.2.7.3 Preservation of Vegetation states "As a condition of development or redevelopment, restoration of the natural vegetation and shoreline characteristics may be required. In these instances, undisturbed shorelines of the Waterfront shall be used as an example of how to restore and rehabilitate a disturbed shoreline.

3.2.10 Net Environmental Gain states "Waterfront development and redevelopment shall be required to demonstrate a net environmental gain in regard to increased setbacks, drainage design, new and improved septic systems, increased buffers, vegetation and habitat."

All of these considerations will be met as the dwelling is being rebuilt as far back as possible on the property given that the septic system will be located to the rear of the dwelling. A Site Plan Control Agreement will be executed for this property that will include a new septic system and require revegetation of the shoreline and the 15m toward the cottage which will protect water quality.

## **Zoning By-Law**

The lot is currently zoned Seasonal Residential (RS) and requires rezoning to Residential Limited Services - Special Exception 197 (RLS-197) to allow a proposed dwelling to be used as a year-round residence. Relief is sought from Section 5.3.2 for a water setback of 16.4m and 17.6m for the south and north corners of the cottage on Bennett Lake, instead of the 30m

required. Relief is also requested from Section 3.30 for a water setback encroachment for a deck of 2.4m instead of the 2m permitted.

Floor space index of 6.7% is below the 12% permitted. Lot coverage is shown as 10.8% on the site sketch submitted but can easily be reduced to the 10% required by reducing the size of the deck. No relief is proposed for lot coverage. All other setbacks are met from the side yards and rear yard.

## **Planner**

The applicant cannot move the dwelling back farther because of the location of the septic tank. A net environmental gain will occur as a new septic is being installed and the existing bunkie will be counted as a bedroom for the new septic permit which it was not before. A Site Plan Control Agreement will provide additional protection to the lake by ensuring a vegetative buffer is created along the shore (and back 15m) and that runoff from the building is directed to the rear of the lot away from the lake.

## **Mississippi Valley Conservation Authority (MVCA)**

The MVCA does not have any objections to the subject application provided the following mitigation measures are implemented:

1. With the exception of the existing clearing for water access, the existing vegetation along the shoreline shall be retained to a minimum depth of 15 m. This effort will help to mitigate the effects of erosion on the shoreline.
2. Natural drainage patterns on the site shall not be substantially altered such that additional drainage is not directed towards the lake.

A MVCA permit is required for the development of the new dwelling within 30 m of a MVCA regulated wetland. Once MVCA is notified of approval of the subject application by the proponent, the MVCA permit application process will commence, and details on how to submit a complete application will be provided to the proponent.

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

The applicant submitted a Part 10/11 that was refused and will need to apply for a new septic system.

## **Public Comments**

None at the time of the report.

## **CONCLUSION**

The Planner recommends that the proposed amendment be approved to rezone the lands at Concession 10, Part Lot 10, 1414 Ennis Road, Geographic Township of Bathurst (Roll number

091191603013510) from Seasonal Residential RS to Residential Limited Services Special Exception-197 (RLS - 197) and that the owners enter into a Site Plan Control Agreement prepared by the Township.

**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

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## BY-LAW NO. 2025-xx

### A BY-LAW TO AMEND ZONING BY-LAW NO. 2002-121, AS AMENDED (BOYLE) (1414 ENNIS ROAD, PART LOT 10, CONCESSION 10, GEOGRAPHIC TOWNSHIP OF BATHURST)

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**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 Special Exception - 197 (RLS-197) on the lands legally described as Part Lot 10, Concession 10, geographic Township of Bathurst, now in Tay Valley Township, County of Lanark (Roll # 091191603013510), in accordance with Schedule "A" attached hereto and forming part of this By-Law.

1.2 **THAT**, By-Law No. 2002-121, as amended, is further amended by adding the following new subsection at the end of Section 5.3.2 (Exception Zones).

#### 197. RLS-197 (Part Lot 10, Concession 10, Bathurst)

Notwithstanding the provisions of Section 5.3.2 and 3.30 on the lands zoned RLS-197 the following provisions shall prevail:

- Water Setback South side of dwelling (minimum) 16.4m
- Water Setback North side for dwelling (minimum) 17.6m
- Water Setback Encroachment for Decks 2.4m

**THE CORPORATION OF TAY VALLEY TOWNSHIP  
BY-LAW NO. 2025-xx**

- 1.3** THAT, all other applicable standards and requirements of By-Law No. 2002-121 shall continue to apply to the subject property.
- 1.4** THAT, this By-Law shall come into force and effect with the passing thereof, in accordance with *the Planning Act*, as amended.

**2. ULTRA VIRES**

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

**3. EFFECTIVE DATE**

ENACTED AND PASSED this 25<sup>th</sup> day of March, 2025.

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**Robert Rainer, Reeve**

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**Amanda Mabo, Clerk**

**THE CORPORATION OF TAY VALLEY TOWNSHIP  
BY-LAW NO. 2025-xx**

**SCHEDULE "A"**

Boyle – 1414 Ennis Road  
Part Lot 10, Concession 10  
Geographic Township of Bathurst  
Tay Valley Township



Area(s) Subject to the By-Law

To amend the Zoning from  
Seasonal Residential (RS) to  
Residential Limited Services Special Exception-197  
(RLS-197)

Certificate of Authentication

This is Schedule "A" to By-Law 2025-0xx  
passed this 25<sup>th</sup> day of March 2025.

# Boyle 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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# Boyle 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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## Boyle

1414 Ennis Road

Part Lot 10, Concession 10, Geographic Township of Bathurst

- The application applies to an approximately 0.13-ha (0.28-acre) lot with 28.5m (93.8 ft) frontage on Bennett Lake.
- Seasonal Residential (RS) to Residential Limited Services – Special Exception 197 (RLS-197). The effect of the amendment is to allow a permanent residence to be built on a lot and allow relief from Section 5.3.2 for a water setback of 16.4m and 17.6m for the south and north corners of the cottage on Bennett Lake, instead of the 30m required. Relief is also requested from Section 3.30 for a water setback encroachment for a deck of 2.4m instead of the 2m permitted.

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## Boyle

1414 Ennis Road



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Boyle  
Photos



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Boyle  
Photos



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## Boyle Planner's Comments Provincial Planning Statement (PPS)

- Chapter 2 Building Homes, Sustaining Strong and Competitive Communities – 2.5.1 Rural Areas in Municipalities:  
states that "Healthy, integrated and viable rural areas should be supported by:  
a) Building upon rural character and leveraging rural amenities and assets; and  
b) Promoting regeneration." This section can be met as the dwelling is maintaining the same water setback from Bennett Lake.
- Chapter 4: Wise Use and Management of Resources – 4.1.Natural Heritage states that, "Natural features and areas shall be protected for the long term", and Section 4.1.2 states that "The diversity and connectivity of natural features in an area, and the long term ecological function and biodiversity be natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and surface water features and ground water features".

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## Boyle Planner's Comments Provincial Planning Statement (PPS)

- There is a Mississippi Valley Conservation Authority (MVCA) regulated wetland buffer on the subject property. Therefore, a permit will be required from MVCA for construction of the dwelling and the septic system to ensure the function of the wetland is maintained.
- 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 alterations". A Site Plan Control Agreement will be executed for this property that will include a new septic system and require revegetation of the shoreline which will protect water quality.
- 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 (e.g., spilling gas on the ground).

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## Boyle Planner's Comments Provincial Planning Statement (PPS)

- 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.
- In this case, the cottage is being rebuilt on the exact footprint so no new disturbance is anticipated. If archaeological objects are uncovered during construction, an archaeologist must be informed.
- Chapter 5 Protecting Public Health and Safety Section 5.2.2 b Natural Hazards states "Development shall generally be directed to areas outside of hazards". No hazards have been identified.

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## Boyle 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. A Site Plan Control Agreement will be executed for this property that will include a new septic system and require revegetation of the shoreline which will protect water quality.

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## Boyle Planner's Comments Official Plan

- The subject property is designated in the Official Plan as Rural and MVCA regulated wetlands. Section 2.3.3 Rural designation permits residential uses.
- Section 3.1.3.2 Wildlife Habitat and Adjacent Lands states "the Natural Heritage System shown on Schedule B also contains linkages and corridors. These linkages and corridors mostly follow watercourses and wetlands and are intended to function as connections between significant features. For the purpose of this Plan, linkage and corridors will be considered to be wildlife habitat with a corresponding 30 m setback". The proposed building site is partially inside the MVCA regulated wetlands buffer but is separated from the wetland by Ennis Road. A permit will be required from the MVCA with conditions to protect the wetland.

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## Boyle Planner's Comments Official Plan

- Section 6.3.3.3 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 subject property.
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- Section 2.3.2.3 states "An appropriate water setback can reduce phosphorus and other nutrient loads to the lake and in combination with vegetation, prevent erosion and sedimentation."

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## Boyle Planner's Comments Official Plan

- Section 3.2.6.1 Expansions or Additions to Existing Development states "When considering expansions to existing structures, it will be expected that the proponent demonstrate that every effort has been made to locate the addition to the rear of the existing structure and minimize the amount of development within the 30 m setback."
- Section 3.2.7.3 Preservation of Vegetation states "As a condition of development or redevelopment, restoration of the natural vegetation and shoreline characteristics may be required. In these instances, undisturbed shorelines of the Waterfront shall be used as an example of how to restore and rehabilitate a disturbed shoreline."

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## Boyle Planner's Comments Official Plan

- 3.2.10 Net Environmental Gain states "Waterfront development and redevelopment shall be required to demonstrate a net environmental gain in regard to increased setbacks, drainage design, new and improved septic systems, increased buffers, vegetation and habitat."
- All of these considerations will be met as the dwelling is being rebuilt as far back as possible on the property given that the septic system will be located to the rear of the dwelling. A Site Plan Control Agreement will be executed for this property that will include a new septic system and require revegetation of the shoreline which will protect water quality.

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## Boyle Planner's Comments Zoning

- The lot is currently zoned Seasonal Residential (RS) and requires rezoning to Residential Limited Services - Special Exception 197 (RLS-197) to allow a proposed dwelling to be used as a year-round residence. Relief is sought from Section 5.3.2 for a water setback of 16.4m and 17.6m for the south and north corners of the cottage on Bennett Lake, instead of the 30m required. Relief is also requested from Section 3.30 for a water setback encroachment for a deck of 2.4m instead of the 2m permitted.
- Floor space index of 6.7% is below the 12% permitted. Lot coverage is shown as 10.8% on the site sketch submitted but can easily be reduced to the 10% required by reducing the size of the deck. No relief is proposed for lot coverage. All other setbacks are met from the side yards and rear yard.

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## Boyle Planner's Comments

The applicant cannot move the dwelling back farther because of the location of the septic tank. A net environmental gain will occur as a new septic is being installed and the existing bunkie will be counted as a bedroom for the new septic permit which it wasn't before. A Site Plan Control Agreement will provide additional protection to the lake by ensuring the vegetative buffer is created along the shore and that runoff from the building is directed to the rear of the lot away from the lake.

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## Boyle MVCA Comments

### Mississippi Valley Conservation Authority (MVCA)

- The MVCA does not have any objections to the subject application provided the following mitigation measures are implemented:
  1. With the exception of the existing clearing for water access, the existing vegetation along the shoreline shall be retained to a minimum depth of 15 m. This effort will help to mitigate the effects of erosion on the shoreline.
  2. Natural drainage patterns on the site shall not be substantially altered such that additional drainage is directed towards the lake.
- An MVCA permit is required for the development of the new dwelling within 30 m of an MVCA regulated wetland. Once MVCA is notified of approval of the subject application by the proponent, the MVCA permit application process will commence, and details on how to submit a complete application will be provided to the proponent.

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## Boyle MRSSO Comments

### Mississippi Rideau Septic System Office (MRSSO)

- The applicant submitted a Part 10/11 that was refused and will need to apply for a new septic system.

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## Boyle 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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## Boyle Recommendation

"THAT, Zoning By-Law No. 02-021 be amended by changing the zoning of the lands at Part Lot 10, Concession 10, Geographic Township of Bathurst (Roll #0911-916-030-13510) known locally as 1414 Ennis Road, from Seasonal Residential (RS) to Residential Limited Services - Special Exception 197 (RLS-197).

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

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