



COMMITTEE OF ADJUSTMENT MINUTES

Monday, March 31st, 2025

5:00 p.m.

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

ATTENDANCE:

Members Present:

Chair, Larry Sparks
Richard Schooley
Peter Siemons

Members Absent:

None

Staff Present:

Noelle Reeve, Planner
Allison Playfair, Secretary/Treasurer

Applicants/Agents Present:

Alison O'Leary, Owner
Michelle McKenzie, Owner
Iain Hutchinson, Owner
Michael Barkhouse, Applicant/Agent

Public Present:

Kayla Stamp
Robert Garland
Harry Nasmith
Marjory Nasmith

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

i) Addition: Appointment of Secretary/Treasurer.

The Agenda was adopted as amended.

3. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST AND GENERAL NATURE THEREOF

None at this time.

4. APPOINTMENT OF SECRETARY/TREASURER

RESOLUTION #COA-2025-01

MOVED BY: Richard Schooley
SECONDED BY: Peter Siemons

“WHEREAS, Garry Welsh has retired and is no longer employed by the Township;

NOW THEREFORE BE IT RESOLVED THAT, Allison Playfair be appointed as Secretary/Treasurer of the Committee of Adjustment.”

ADOPTED

5. APPROVAL OF MINUTES

i) Committee of Adjustment Meeting – November 25th, 2024.

The minutes of the Committee of Adjustment meeting held on November 25th, 2024, were approved as circulated.

6. INTRODUCTION

The Chair welcomed the attendees. The Planner 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 Planner 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:

MV24-11 – O’Leary, Part Lot 8, Concession 8, geographic Township of South Sherbrooke

MV25-01 – Hutchinson, Part Lot 3, Concession 8, geographic Township of North Burgess.

MV25-02 – McKenzie, Part Lot 26, Concession 2, geographic Township of North Burgess.

MV25-03 – Vaughan, Part Lot 23&24, Concession 2&3, geographic Township of North Burgess

7. APPLICATIONS

i) FILE #: MV24-11 – O’Leary

a) PLANNER FILE REVIEW

The Planner reviewed the file and PowerPoint in the agenda package. The Planner noted that a road naming would be required for Emergency Services to locate the property accurately. This will be a condition of the Minor Variance.

The Planner noted that all development within 100m of water bodies requires a Site Plan Control Agreement that includes a detailed drawing of all vegetation and existing and proposed structures on a sketch.

The Planner described the size and location of the addition and proposed deck for the Committee Members

Mississippi Valley Conservation Authority (MVCA) comments raised concerns about the erosion hazard of the slope. A Steep Slope Analysis would be required to provide assurance that the development could occur safely. MVCA standard conditions will be included in the Site Plan Control Agreement as well as any recommendations from the Steep Slope Analysis.

The Planner stated the applicant would require a Part 10/11 from the Mississippi Rideau Septic System Office for their project to be sure that the septic system can handle the additional fixtures.

The Planner noted that the decision as drafted contains a condition that a Slope Stability Study be undertaken. However, the MVCA noted that if the proposed new construction was reduced, a Slope Stability Study may not be required.

The Planner advised the Committee that the applicant would like to work with their designer to see if they can reduce the size of the project to satisfy the MVCA's approval without a Slope Stability Study.

The Planner stated that if a Slope Stability is not required after revised drawings have been received, the Township will clear that condition.

b) APPLICANT COMMENTS

None.

c) ORAL & WRITTEN SUBMISSIONS

None.

d) DECISION OF COMMITTEE

The Committee reviewed the wording of the decision and approved the minor variance with the conditions of: a road naming, Site Plan Control Agreement and slope stability study.

RESOLUTION #COA-2025-02

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 MV24-10 is approved, to allow a variance from the requirements of Section 3.29 (Water Setbacks) and 3.30 (Yard and Water Setback Encroachments) of Zoning By-Law 2002-121, for the lands legally described as 363 Clear Lake Lane 11, Part Lot 8, Concession 8, in the geographic Township of South Sherbrooke, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-914-010-18705:

- To permit a 9.3m² (100 sq ft) addition to a cottage, at a setback of 22.3m (73.2ft) from Clear Lake, rather than the 30m required.
- To permit a total of 39m² (424 sq ft) combination of deck and screened porch rather than the 28m² permitted.

THAT, the owners enter into a Site Plan Control Agreement prepared by the Township;

THAT, the owners provide a Slope Stability letter of opinion from an engineer;

AND THAT, the right of way be named to comply with requirements of the Road Naming Policy and incorporated in the Road Naming By-Law".
ADOPTED

Item 7 iii) was dealt with next.

ii) **FILE #: MV25-01 – Hutchinson**

a) **PLANNER FILE REVIEW**

The Planner reviewed the file and PowerPoint in the agenda package. The Planner explained to the Committee and members of the public that a previous Minor Variance was approved in 2000 to allow a water setback for the dwelling of 21m. Therefore, this is now the setback for this application (equivalent to the 30m setback as far as encroachment is concerned).

The Planner clarified that the proposed deck is encroaching beyond the 3m permitted. Therefore, it requires a variance. The Planner noted that the steep slope on the property was addressed at the time of the previous minor variance.

The Rideau Valley Conservation Authority (RVCA) had no concerns. The Planner noted that if any construction were to be completed within 15m of the shoreline a permit from RVCA would be required.

The Planner also advised the Committee that a right of way crosses the applicant's parcel (to provide neighbouring properties with access) will need to be named as a condition of the Minor Variance.

b) **APPLICANT COMMENTS**

None.

c) **ORAL & WRITTEN SUBMISSIONS**

None.

d) **DECISION OF COMMITTEE**

RESOLUTION #COA-2025-05

MOVED BY: Richard Schooley
SECONDED BY: Peter Siemons

"THAT, in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application MV25-01 is approved, to allow a variance from the requirements of Section 3.30 (Yard and Water Setback Encroachment) of Zoning By-Law 2002-121, for the lands legally described as 683

Beaver Dam Lane, Part Lot 3, Concession 8, in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-010-24000:

- To allow a deck encroachment 1.2m greater than the permitted encroachment (4.2m instead of 3m);

THAT, the owners enter into a Site Plan Control Agreement prepared by the Township;

AND THAT, the right of way be named to comply with the requirements for the Road Naming Policy and incorporated into the Road Naming By-Law.”

ADOPTED

iii) **FILE #: MV25-02 – McKenzie**

(a) **PLANNER FILE REVIEW**

The Planner reviewed the file and PowerPoint in the agenda package.

The Planner clarified for the Committee that previous owners built the deck without a permit and the applicants have agreed to reduce the size of the replacement deck to meet the permitted size.

The Planner noted that this application is on the Big Rideau and Parks Canada as well as the Rideau Valley Conservation Authority provide comments and neither had concerns.

The Planner stated that there are Provincially Significant Wetlands on the north of the property but not in the proposed area of work and they do not impact this application.

The Planner noted that the Township Official Plan, in accordance with direction from Parks Canada, does not permit any development within 15m of the Big Rideau Lake. The proposed work will occur at 17m from the shoreline.

A Site Plan Control Agreement will be required.

(b) **APPLICANT COMMENTS**

None

(c) **ORAL & WRITTEN SUBMISSIONS**

None

(d) DECISION OF COMMITTEE

RESOLUTION #COA-2025-03

MOVED BY: Richard Schooley

SECONDED BY: Peter Siemons

“THAT, in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application MV25-01 is approved, to allow a variance from the requirements of Section 3.30 (Yard and Water Setback Encroachment) of Zoning By-Law 2002-121, for the lands legally described as 527 Tracy’s Point, Part Lot 26 Concession 2, in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-020-07000;

- To permit the construction of a deck to be built with a 3m encroachment rather than the 2m permitted.
- The deck will be located 17m from Big Rideau Lake.

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

ADOPTED

iv) **FILE #: MV25-03 – Vaughan**

(a) **PLANNER FILE REVIEW**

The Planner reviewed the file. The Planner noted that requests for relief from these sections are very common and the sections will be amended in the new Zoning By-Law.

The Planner noted that the relief for the west side yard setback is sought to permit a 5m setback instead of the required 6m.

The Planner noted during the presentation that the contractor would need to redirect the pipe that is draining into the ravine beside the primary dwelling to instead drain into a soak away pit.

The primary dwelling was setback 40m from water to meet the steep slope on the property and the Planner noted the secondary dwelling is well back from the steep slope.

Neither Rideau Valley Conservation Authority (RVCA) nor Parks Canada had any concerns.

The Planner explained that a Member of the Committee had some questions about the floor space index size of the second dwelling and that it may have exceeded the 80m² permitted in a residential zone.

However, the calculations were confirmed that the interior walls measured 77m² which is under the permitted size.

The Planner also clarified that the submitted drawings indicate the maximum height of the second dwelling is 5m from the grade to the middle of the roof, therefore also meeting the height requirement. The Planner had mistakenly measured to the top of the roof. The Planner advised the Committee the height requirement for secondary units will also be addressed in the up coming Zoning By-Law as most municipalities allow for a 6m height.

(b) **APPLICANT COMMENTS**

The applicant stated he felt his application was represented well by the Planner and had no additional comments.

The Planner answered a Committee Member's question that in the current Zoning By-Law a secondary unit can either be 50% of the floor area of the Primary dwelling or a maximum of 80m² which ever is less.

The Committee approved the variance with the condition for a new Site Plan Control Agreement.

(c) **ORAL & WRITTEN SUBMISSIONS**

(d) **DECISION OF COMMITTEE**

RESOLUTION #COA-2025-04

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 MV25-03 is approved, to allow a variance from the requirements of Sections 3.19.1 and 3.19.3 (Second Dwelling Unit and Second Dwelling) of Zoning By-Law 2002-121, for the lands legally described as 1147 Big Rideau North Shore Road, Part Lot 23&24 Concession 2&3, in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-020-03000:

- To permit a second dwelling to be constructed that is connected to a separate water supply and septic from the principal dwelling.
- To permit a second dwelling to be separated 26m (85 ft) from the principal dwelling rather than the maximum 12m permitted.
- To permit an east side yard setback reduction of 1m to 5m rather than the 6m required for a dwelling.

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

ADOPTED

Item 7 ii) was dealt with next.

8. NEW/OTHER BUSINESS

None.

9. ADJOURNMENT

The meeting adjourned at 5:49 p.m.


Chairperson
Secretary/Treasurer