



COMMITTEE OF ADJUSTMENT AGENDA

Monday, March 31st, 2025 – 5:00 p.m.
Municipal Office – Council Chambers – 217 Harper Road

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 – November 24th, 2024 - attached, page 7.**
*Suggested Motion by Peter Siemons/Richard Schooley:
“THAT, the minutes of the Committee of Adjustment meeting held November 24th, 2024, be approved as circulated.”*

5. INTRODUCTION

- The purpose of this meeting is to hear application for Minor Variance:
 - **O’Leary**
 - **Hutchinson**
 - **McKenzie**
 - **Vaughan**
- 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 planningassistant@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 – O’Leary – *attached, page 12.***
363 Clear Lake Lane 11
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 MV24-10 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 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;*

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

ii) **FILE #:** **MV25-01 – Hutchinson – attached, page 28.**
683 Beaver Dam Lane
Part Lot 3, Concession 8
Geographic Township of North Burgess

- (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 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 Norther 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 is named to comply with the requirements for the Roan Naming Policy and be incorporated into the Road Naming By-Law.”*

ii) **FILE #:** **MV25-02 – McKenzie – attached, page 43.**
527 Tracy’s Point
Part Lot 26, Concession 2
Geographic Township of North Burgess

- (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 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 Norther 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.”

iii) **FILE #:** **MV25-03 – Vaughan – attached, page 60.**
1147 Big Rideau North Shore Road
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

“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 Norther 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 6m to 5m for the second dwelling.*

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

7. NEW/OTHER BUSINESS

None.

8. ADJOURNMENT

MINUTES

COMMITTEE OF ADJUSTMENT MINUTES

Monday, November 25th, 2024

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
Garry Welsh, Secretary/Treasurer

Applicants/Agents Present: Malcolm Wildeboer, Applicant/Agent

Public Present: None

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 – October 21st, 2024.**

The minutes of the Committee of Adjustment meeting held on October 21st, 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:

MV24-14 – van Haastrecht, Concession 1, Part Lot 1, geographic Township of South Sherbrooke

6. APPLICATIONS

7. **FILE #: MV24-14 – van Haastrecht**

a) **PLANNER FILE REVIEW**

The Planner reviewed the file and PowerPoint in the agenda package. The Planner also reviewed an additional PowerPoint with further details about actions taken by the owner of the property, to ensure a net environmental gain – *attached, page 5.*

The Planner noted that the correct zoning for the subject property is Residential Limited Services (RLS) rather than Residential (R), as the lot fronts on the private road portion of Bygrove Lane. A previous Zone mapping error has now been corrected.

The Planner also explained that the applicant is working with the Township to try and consolidate and reduce the entrances to the water along the shoreline and remove the artificial turf which was installed by a previous owner. One dock has already been removed.

The Planner reported that the Rideau Valley Conservation Authority (RVCA) has no objections to the proposed development and that they are satisfied with the provided Slope Stability Assessment. The Mississippi Rideau Septic System Office (MRSSO) has waived the requirement for a Part 10/11 septic system review as the recently installed septic system was built with enough capacity to accommodate the proposed development.

The Planner noted that the new *Provincial Planning Statement, 2024* now has a greater consideration for biodiversity and low impact development. The owner of the subject property has already taken steps to support this policy direction such as using permeable material to join hardened surfaces and has implemented reforestation, removal of non-native plant species, and planting native species.

The Planner had not requested an archaeological study prior to development on the property as previous owners had already disturbed the landscape. However, the current owner is requested to report any archaeological artifacts that may be found during construction.

b) APPLICANT COMMENTS

None.

c) ORAL & WRITTEN SUBMISSIONS

None.

d) DECISION OF COMMITTEE

RESOLUTION #COA-2024-14

MOVED BY: Richard Schooley

SECONDED BY: Larry Sparks

“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 Sections 3.29 (Water Setbacks) and 5.2.2 (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 dwelling height of 11m instead of the 9m permitted.

THAT, the owner enters into a new Site Plan Control Agreement prepared by the Township, to ensure maintenance of vegetation on the property and vegetative enhancement of the shoreline;

AND THAT, the private portion of Bygrove Lane be recognized as a private road in the Lanark County Road Name Inventory.”

ADOPTED

8. NEW/OTHER BUSINESS

None.

9. ADJOURNMENT

The Committee thanked Secretary/Treasurer, Garry Welsh for his service to the Township and wished him well on his upcoming retirement.

The meeting adjourned at 5:25 p.m.

APPLICATION

Committee of Adjustment

March 31, 2025

Noelle Reeve, Planner

APPLICATION MV24-11

O'Leary

363 Clear Lake Lane 11, Concession 8, Part Lot 8
Geographic Township of South Sherbrooke

SUMMARY OF PROPOSAL

Purpose and Effect: To seek relief from Sections 3.29 (Water Setbacks) and 3.30 (Yard and Water Setback Encroachments) of Zoning By-Law 2002-121, as amended, as follows:

- 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.

The effect of the first variance is to replace an existing deck with an addition of 9.3m² of living space at a setback of 22.3m instead of the 30m required. The effect of the second variance is to add 9.1m² of new screened porch and 16.7m² of new connecting deck to the cottage for a total amount of deck/screened porch of 11m² (118 sq ft) above the 28m² permitted.

REVIEW COMMENTS

The property is located at 363 Clear Lake Lane 11. The lot is 0.95 ha (2.35 acres) with approximately 97.7m (320.80ft) water frontage and contains a cottage and a small storage shed.

The property's road access needs to be corrected with a survey of a part and naming of the road up to the T intersection. The road naming will need to be completed before a building permit can be issued and will be a condition of the minor variance.

Provincial Policy Statement

No concerns. Chapter 2 Building Homes, Sustaining Strong and Competitive Communities recognizes cottages as a use.

Chapter 4: Wise Use and Management of Resources – 4.1 Natural Heritage concerns for species at risk and the Provincially Significant Wetlands buffer were addressed with the Ministry of Environment, Conservation and Parks (MECP). The recommendations of the Environmental Impact Statement July 29, 2024, will be implemented in a Site Plan Control Agreement.

Chapter 4.2 Water concerns will also be met through a Site Plan Control Agreement which will provide protection of the shoreline and can be used to obtain some additional naturalization of the property.

Chapter 5 Protecting Public Health and Safety – 5.2 Natural Hazards – 5.2.1 and 5.2.8 concerns about steep slopes and erosion will be addressed by the Mississippi Valley Conservation Authority.

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. The Site Plan Control Agreement will ensure these requirements are met.

Official Plan

The subject land is designated Rural in the *Official Plan*, and residential uses are permitted. The lot also falls within the buffer of a Provincially Significant Wetland.

The updated *Official Plan* contains new provisions relating to water quality protection.

The requirements of Sections 3.2.5 Waterfront Development, 3.2.7 Preservation of Vegetation, 3.2.11 Subwatershed Plans for the protection of water quality will be met through Site Plan Control.

Section 4.6.3 Steep Slopes and Erosion Lands will be addressed by the Mississippi Valley Conservation Authority.

Zoning By-Law

The property is zoned Seasonal Residential (RS) and a cottage is permitted use. Current lot coverage is 0.99% and with the proposed addition to the cottage and deck/screened porch, the lot coverage will increase to 1.3%, which is well within the 10% maximum lot coverage permitted. Side and rear yard setbacks are met.

The application can be considered minor in impact as the lot coverage is met and the proposed porch and deck additions meet the permitted 2m encroachment. The relief is required for the porch and deck area at 39m² rather than the 28m².

The proposal is also desirable and appropriate development of the lands in question as it is a permitted use. A Site Plan Control Agreement will be registered on the subject property to maintain and enhance vegetation.

CIRCULATION COMMENTS

Mississippi Valley Conservation Authority (MVCA) – MVCA has raised concerns with the steep slopes/erosion hazard.

Mississippi Rideau Septic System Office (MRSSO) – MRSSO Comments had not been received at the time of the report.

Public – None at the time of the report.

SITE PLAN CONTROL AGREEMENT

A Site Plan Control Agreement containing the recommendations from the EIS and any recommendations from the MVCA is proposed to enhance protection of the water quality and wildlife in and around Clear Lake.

RECOMMENDATION

That the Minor Variance be granted for relief from the requirements of Sections 3.29 (Water Setbacks) and 3.30 (Yard and Water Setback Encroachments) of Zoning By-Law 2002-121, as amended, as follows:

- 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.

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*.

And that the owners enter into a Site Plan Control Agreement prepared by the Township.

And that the right of way is named to comply with requirements of the Road Naming Policy and be incorporated in the Road Naming By-Law.

O'Leary 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

O'Leary 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

O'Leary 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

O'Leary 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

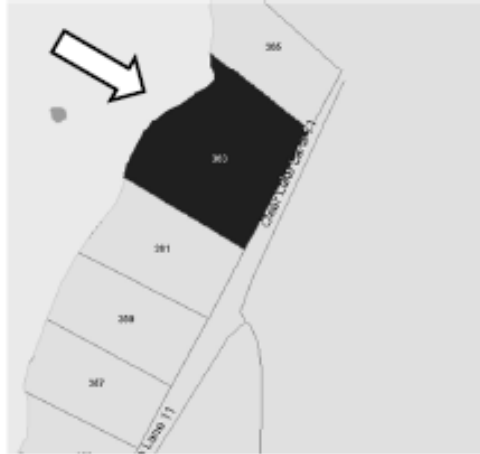
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4

O'Leary

363 Clear Lake 11, Part Lot 8, Concession 8
Geographic Township of South Sherbrooke



5



5

O'Leary - Proposal

The Minor Variance application seek relief from Sections 3.29 (Water Setbacks) and 3.30 (Yard and Water Setback Encroachments) of Zoning By-Law 2002-121, as amended, as follows:

- 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.

The effect of the first variance is to replace an existing deck with an addition of 9.3m² of living space at a setback of 22.3m instead of the 30m required. The effect of the second variance is to add 9.1m² of new screened porch and 16.7m² of new connecting deck to the cottage for a total amount of deck/screened porch of 11m² (118 sq ft) above the 28m² permitted.

6



6

O'Leary - Proposal

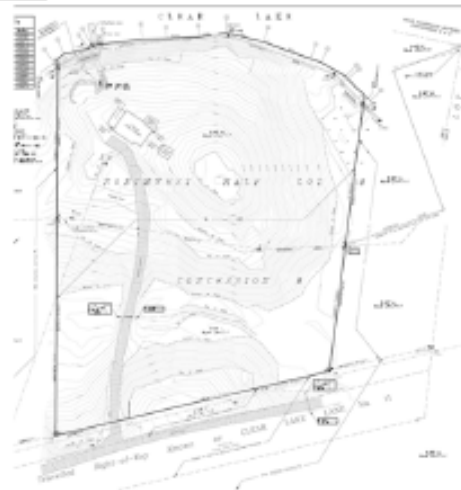
- The property is located at 363 Clear Lake Lane 11. The lot is 0.95 ha (2.35 acres) with approximately 97.7m (320.80ft) water frontage and contains a cottage and a small storage shed.
- The property's road access needs to be corrected with a survey of a part and naming of the road up to the T intersection. The road naming will need to be completed before a building permit can be issued and will be a condition of the minor variance.
- A Site Plan Control Agreement will be required.

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O'Leary Site Drawing



8



8

O'Leary
Photos



9



9

O'Leary
Photos



10



10

O'Leary Photos



11



11

O'Leary Comments

Mississippi Valley Conservation Authority (VCA)

MVCA has raised concerns with the steep slope/erosion hazard.

Standard recommendations include the following:

- 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.

12



12

O'Leary Comments

Mississippi Valley Conservation Authority (MVCA)

- 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 MVCA prior to proceeding with future development activity to confirm if a permit is required.

13



13

O'Leary Comments

Mississippi Rideau Septic System Office (MRSSO)

- MRSSO Comments had not been received at the time of the report.

14



14

O'Leary Provincial Policy Statement

- No concerns.
- Chapter 2 Building Homes, Sustaining Strong and Competitive Communities recognizes cottages as a use.
- Chapter 4: Wise Use and Management of Resources – 4.1 Natural Heritage concerns for species at risk and the Provincially Significant Wetlands buffer were addressed with the Ministry of Environment, Conservation and Parks (MECP). The recommendations of the Environmental Impact Statement July 29, 2024, will be implemented in a Site Plan Control Agreement.

15



15

O'Leary Provincial Policy Statement

- Chapter 4.2 Water concerns will also be met through a Site Plan Control Agreement which will provide protection of the shoreline and can be used to obtain some additional naturalization of the property.
- Chapter 5 Protecting Public Health and Safety – 5.2 Natural Hazards – 5.2.1 and 5.2.8 concerns about steep slopes and erosion will be addressed by the Mississippi Valley Conservation Authority.

16



16

O'Leary 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. The Site Plan Control Agreement will ensure these requirements are met.

17



17

O'Leary Official Plan

- The subject land is designated Rural in the Official Plan, and residential uses are permitted. The lot also falls within the buffer of a Provincially Significant Wetland.
- The updated Official Plan contains new provisions relating to water quality protection.
- The requirements of Sections 3.2.5 Waterfront Development, 3.2.7 Preservation of Vegetation, 3.2.11 Subwatershed Plans for the protection of water quality will be met through Site Plan Control.
- Section 4.6.3 Steep Slopes and Erosion Lands will be addressed by the Mississippi Valley Conservation Authority.

18

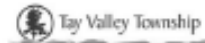


18

O'Leary Zoning By-law

- The property is zoned as Seasonal Residential (RS) and a cottage is a permitted use.

19



19

O'Leary Official Plan & Zoning Test

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

- Yes. Current lot coverage is 0.99% and with the proposed addition to the cottage and deck/screened porch, the lot coverage will increase to 1.3%, which is well within the 10% maximum lot coverage permitted. Side and rear yard setbacks are met.

20



20

O'Leary 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. A Site Plan Control Agreement will be registered on the subject property to maintain and enhance vegetation.

21



21

O'Leary "Minor" Test

Is it minor in nature and scope?

- The application can be considered minor in impact as the lot coverage is met and the proposed porch and deck additions meet the permitted 2m encroachment. The relief is required for the porch and deck area at 39m² rather than the 28m².

22



22

O'Leary Site Plan Control Agreement

- A Site Plan Control Agreement containing the recommendations from the EIS and any recommendations from the MVCA is proposed to enhance protection of the water quality and wildlife in and around Clear Lake.

23



23

O'Leary 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.

24



24

O'Leary Recommendation

That the Minor Variance be granted for relief from the requirements of Sections 3.29 (Water Setbacks) and 3.30 (Yard and Water Setback Encroachments) of Zoning By-Law 2002-121, as amended, as follows:

- 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.

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.

And that the owners enter into a Site Plan Control Agreement prepared by the Township.

And that the right of way is named to comply with requirements of the Road Naming Policy and be incorporated in the Road Naming By-Law.

25



25

O'Leary Resolution

Recommended Decision:

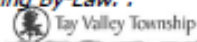
"THAT, in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application MV24-10 is approved, to allow a variance from the requirements of Section 3.29 (Water Setbacks) of Zoning By-Law 2002-121, for the lands legally described as 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.*

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

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

26



26

Committee of Adjustment

March 31, 2025

Noelle Reeve, Planner

APPLICATION MV25-01

Iain Hutchinson

683 Beaver Dam Lane, Concession 8, Part Lot 3

Geographic Township of North Burgess

SUMMARY OF PROPOSAL

Purpose and Effect: To seek relief from Section 3.30 (Yard and Water Setback Encroachments) of Zoning By-Law 2002-121, as amended, as follows:

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

The effect of the variance is to permit a portion of the deck to be set back 17.1m (56.1 ft) from Otty Lake rather than the 18.3m (60 ft) approved by Minor Variance A00-19. Minor Variance A00-19 allowed the dwelling to be constructed at 21.3m (70 ft).

REVIEW COMMENTS

The property is located at 683 Beaver Dam Lane. The lot is 3,360m² (0.83 acres) with approximately 51.8m (170ft) water frontage and contains a cottage and garage.

The property is subject to a right of way to allow access to the neighbour's property to the west and the applicant travels down the right of way to their driveway. The right of way will need to be named before a building permit can be issued. The applicant has started the process of naming the road. A condition of the minor variance is the road naming needs to be completed before the building permit can be issued.

Provincial Policy Statement

No concerns. Chapter 2 Building Homes, Sustaining Strong and Competitive Communities recognizes cottages as a use. Chapter 4: Wise Use and Management of Resources – 4.1 Natural Heritage and 4.2 Water will be met through a Site Plan Control Agreement which will provide protection of the shoreline and can be used to obtain some additional naturalization of the property. Chapter 5 Protecting Public Health and Safety – 5.2 Natural Hazards – 5.2.1 and 5.2.8 steep slopes/erosion hazard were addressed in the original minor variance.

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. A Site Plan Control Agreement will meet these requirements.

Official Plan

The subject land is designated Rural in the Official Plan, and residential uses are permitted.

The updated Official Plan contains new provisions relating to water quality protection.

The requirements of Sections 3.2.5 Waterfront Development, 3.2.7 Preservation of Vegetation, 3.2.11 Subwatershed Plans for the protection of water quality will be met through Site Plan Control. Additionally, permits are required from the RVCA for work within 15m of the shoreline

Zoning By-Law

The property is zoned RLS and a cottage is a permitted use. Current lot coverage is 9.7% and with the proposed connection of the 2 pre-existing decks and removal of the pergola, the resulting lot coverage will be 10%. This meets the 10% maximum lot coverage permitted.

The application can be considered minor in impact as the lot coverage is met and the encroachment can be considered minor as it replaces an existing pergola .

The proposal is also desirable and appropriate development of the lands in question as it is permitted use. In addition, a Site Plan Control Agreement will be registered on the subject property to maintain and enhance vegetation.

CIRCULATION COMMENTS

Rideau Valley Conservation Authority (RVCA) – RVCA has no objections.

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) – MRSSO was not circulated, the application did not add living space or fixtures.

Public – None at the time of the report.

SITE PLAN CONTROL AGREEMENT

A Site Plan Control Agreement containing the recommendations of the RVCA is proposed to enhance protection of the water quality and shoreline of Otty Lake.

RECOMMENDATION

That the Minor Variance be granted for relief from the requirements of Section 3.30 (Yard and Water Setback Encroachments) of Zoning By-Law 2002-121, as amended, as follows:

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

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*.

And that the owners enter into a Site Plan Control Agreement prepared by the Township.

And that the right of way is named to comply with the requirements for the Road Naming Policy and be incorporated into the Road Naming By-Law.

Hutchinson 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



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Hutchinson 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

Hutchinson 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

Hutchinson 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

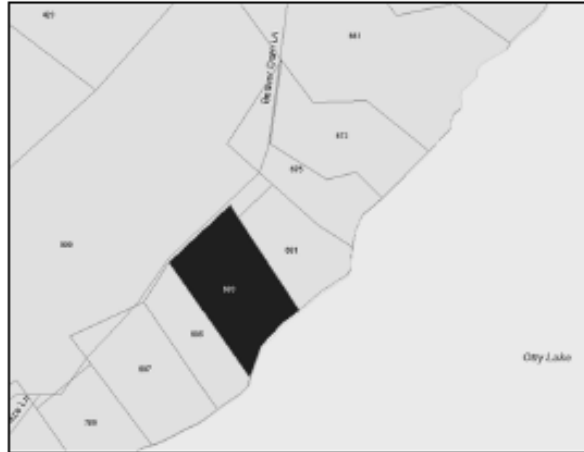
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Hutchinson

683 Beaver Dam Lane, Part Lot 3, Concession 8
Geographic Township of North Burgess



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Hutchinson - Proposal

The Minor Variance application seeks relief from Section 3.30 (Yard and Water Setback Encroachment) of Zoning By-Law 2002-121, as amended, as follows:

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

The effect of the variance is to permit a portion of the deck to be set back 17.1m (56.1 ft) from Otty Lake rather than the 18.3m (60 ft) approved by Minor Variance A00-19. Minor Variance A00-19 allowed the dwelling to be constructed at 21.3m (70 ft).

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Hutchinson - Proposal

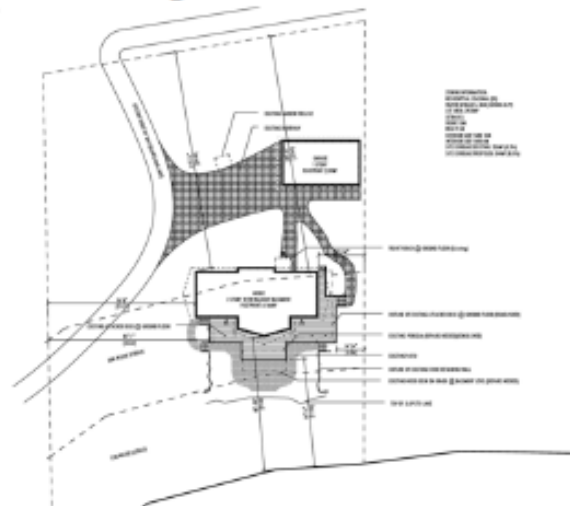
- The property is located at 683 Beaver Dam Lane. The lot is 3,360m² (0.83 acres) with approximately 51.8m (170ft) water frontage and contains a cottage and garage. The owner is proposing to construct an 87m² deck onto the cottage.
- A Site Plan Control Agreement will be required.

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Hutchinson Site Drawing



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Hutchinson Photos



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Hutchinson Comments

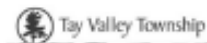
Rideau Valley Conservation Authority (RVCA)

RVCA has no objections.

Standard recommendations include the following:

- 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.

10



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Hutchinson 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.

11



11

Hutchinson Comments

Mississippi Rideau Septic System Office (MRSSO)

- MRSSO was not circulated, the application did not add living space or fixtures.

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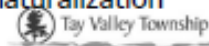


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Hutchinson Provincial Policy Statement

- No concerns.
- Chapter 2 Building Homes, Sustaining Strong and Competitive Communities recognizes cottages as a use. Chapter 4: Wise Use and Management of Resources – 4.1 Natural Heritage and 4.2 Water will be met through a Site Plan Control Agreement which will provide protection of the shoreline and can be used to obtain some additional naturalization of the property. Chapter 5 Protecting Public Health and Safety – 5.2 Natural Hazards – 5.2.1 and 5.2.8 steep slopes/erosion hazard were addressed in the original minor variance.
- A Site Plan Control Agreement will provide protection of the shoreline and can be used to maintain naturalization of the property.

13



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Hutchinson 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. A Site Plan Control Agreement will meet these requirements.

14



14

Hutchinson Official Plan

- The subject land is designated Rural in the Official Plan, and residential uses are permitted.
- The updated Official Plan contains new provisions relating to water quality protection.
- The requirements of Sections 3.2.5 Waterfront Development, 3.2.7 Preservation of Vegetation, 3.2.11 Subwatershed Plans for the protection of water quality will be met through Site Plan Control. Additionally, permits are required from the RVCA for any future work within 15m of the shoreline

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Hutchinson Zoning By-law

- The property is zoned as Residential Limited Services (RLS) and a cottage is a permitted use.

16



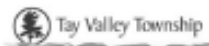
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Hutchinson Official Plan & Zoning Test

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

- Yes. The current lot coverage is 9.7% and with the proposed connection of the 2 pre-existing decks and removal of the pergola, the resulting lot coverage will be 10%. This meets the 10% maximum lot coverage permitted.
- Setbacks are met. Steep slopes were addressed at the time of the previous minor variance.

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Hutchinson 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 permitted use. In addition, a Site Plan Control Agreement will be registered on the subject property to maintain and enhance vegetation.

18



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Hutchinson "Minor" Test

Is it minor in nature and scope?

- The application can be considered minor in impact as the lot coverage is met and the encroachment can be considered minor as it replaces an existing pergola.

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Hutchinson Site Plan Control Agreement

- A Site Plan Control Agreement containing the recommendations of the RVCA is proposed to enhance protection of the water quality and shoreline of Otty Lake.

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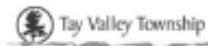


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Hutchinson Public Comments

- 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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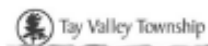
Hutchinson Recommendation

That the Minor Variance be granted for relief from the requirements of Section 3.30 (Yard and Water Setback Encroachments) of Zoning By-Law 2002-121, as amended, as follows:

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

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.

22



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Hutchinson 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 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 Norther 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);*

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

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

23



Committee of Adjustment

March 31, 2025

Noelle Reeve, Planner

APPLICATION MV25-02

John and Michelle McKenzie
527 Tracy's Point, Concession 2, Part Lot 26
Geographic Township of North Burgess

SUMMARY OF PROPOSAL

Purpose and Effect: To seek relief from Section 3.30 (Yard and Water Setback Encroachments) of Zoning By-Law 2002-121, as amended, as follows:

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

The effect of the variance is to permit construction of a deck on an existing dwelling on Big Rideau Lake with an encroachment 1m greater than permitted. The deck will not encroach into the 15m setback along the Big Rideau Canal required by the Township's Official Plan.

REVIEW COMMENTS

The property is located at 527 Tracy's Point. The lot is 1.17ha (2.9 acres) with approximately 52m (170 ft) water frontage and contains a cottage, storage building, wood shop and storage shed.

Provincial Policy Statement

No concerns. Chapter 2 Building Homes, Sustaining Strong and Competitive Communities recognizes cottages as a use. Chapter 4: Wise Use and Management of Resources – 4.1 Natural Heritage and 4.2 Water will be met through a Site Plan Control Agreement which will provide protection of the shoreline and can be used to obtain some additional naturalization of the property. Chapter 5 Protecting Public Health and Safety – 5.2 Natural Hazards – 5.2.1 and 5.2.8 the proposed development is located outside the identified Provincially Significant Wetlands buffer area and there are no natural hazards.

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. A Site Plan Control Agreement will meet these requirements.

Official Plan

The subject land is designated Rural, Provincially Significant Wetlands and PSW buffer in the Official Plan, and residential uses are permitted in the proposed location for the deck.

The updated Official Plan contains new provisions relating to water quality protection.

The requirements of Sections 3.2.5 Waterfront Development, 3.2.7 Preservation of Vegetation, 3.2.11 Subwatershed Plans for the protection of water quality will be met through Site Plan Control.

Section 5.4.3 Rideau Canal World Heritage Site applies only to properties along Big Rideau Lake. The Rideau Canal is designated a UNESCO World Heritage Site. Existing lots of record will retain, as a minimum, all natural vegetation 15 meters from the shoreline in its natural state and only allow access to the waterfront by way of modest, pedestrian access/stairs with minimal disturbance to the natural features. A recent Ontario Land Tribunal decision prevents construction within the 15m setback.

Zoning By-Law

The property is zoned RLS and Rural and a cottage is a permitted use. Current lot coverage is 4.7% and with the proposed reduction in the replacement of the decking, the resulting lot coverage will be 4.3% which is well under the 10% permitted for the RLS zone.

The application can be considered minor in impact as the proposed replacement deck is smaller than the original deck on the cottage and the lot coverage is reduced.

The proposal is also desirable and appropriate development of the lands in question as it is permitted use. In addition, a Site Plan Control Agreement will be registered on the subject property to maintain and enhance vegetation.

CIRCULATION COMMENTS

Rideau Valley Conservation Authority (RVCA) – RVCA has no objections.

Parks Canada noted that this property is located on Big Rideau Lake, part of the Rideau Canal National Historic Site and UNESCO World Heritage site. The Rideau Canal National Historic Site is valued in part for its historic, ecological and visual associations with shore lands and communities along the waterway which contribute to the unique historical environment of the canal. Development along a 30 metre buffer zone surrounding the lake is recommended to be unobtrusive, visually screened and integrated within the vegetation and topography.

Parks Canada encourages developing the property in a manner that complements the visual character of the landscape and minimizes visual impact on the protected heritage property. The use of building materials and colours that blend in with the surrounding landscape are encouraged. Earth tones and neutral colours are recommended for the finished exteriors. Reflective materials, such as galvanized and bare metals, particularly for roof coverings and support structures, are discouraged. A minimum buffer of 30 metres can provide a buffer of undisturbed soil and vegetation along the shoreline, which will help to filter runoff, prevent soil erosion, and provide wildlife habitat.

Parks Canada recommends long term protection, preservation, and where possible, enhancement of the vegetative buffer between the dwelling and the water. Permits are required from Parks Canada if works along the shoreline are proposed.

Mississippi Rideau Septic System Office (MRSSO) – MRSSO was not circulated, the application did not add living space or fixtures.

Public – None at the time of the report.

SITE PLAN CONTROL AGREEMENT

A Site Plan Control Agreement containing the recommendations of the RVCA and Parks Canada is proposed to enhance protection of the water quality and shoreline of Big Rideau Lake.

RECOMMENDATION

That the Minor Variance be granted for relief from the requirements of Section 3.30 (Yard and Water Setback Encroachments) of Zoning By-Law 2002-121, as amended, as follows:

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

And that the owners enter into a Site Plan Control Agreement prepared by the Township.

McKenzie 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

McKenzie 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

McKenzie 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



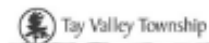
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McKenzie Minor Variance

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

4



4

McKenzie

527 Tracy's Point, Part Lot 26, Concession 2
Geographic Township of North Burgess



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McKenzie - Proposal

The Minor Variance application seeks relief from Section 3.30 (Yard and Water Setback Encroachments) of Zoning By-Law 2002-121, as amended, as follows:

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

The effect of the variance is to permit construction of a deck on an existing dwelling on Big Rideau Lake with an encroachment 1m greater than permitted. The deck will not encroach into the 15m setback along the Big Rideau Canal required by the Township's Official Plan.

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McKenzie - Proposal

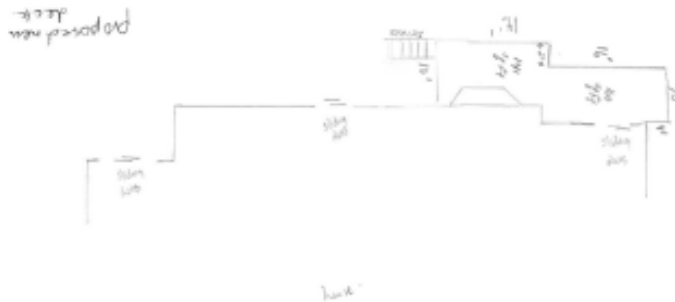
- The property is located at 527 Tracy's Point. The lot is 1.17ha (2.9 acres) with approximately 52m (170 ft) water frontage and contains a cottage, storage building, wood shop and storage shed.
- A Site Plan Control Agreement will be required.

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McKenzie Site Drawing



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McKenzie Photos



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McKenzie Photos



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McKenzie Comments

Rideau Valley Conservation Authority (RVCA)

RVCA has no objections

Standard recommendations include the following:

- 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.

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McKenzie 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.

12



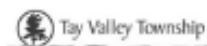
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McKenzie Comments

Rideau Valley Conservation Authority (RVCA)

- Parks Canada noted that this property is located on Big Rideau Lake, part of the Rideau Canal National Historic Site and UNESCO World Heritage site. The Rideau Canal National Historic Site is valued in part for its historic, ecological and visual associations with shore lands and communities along the waterway which contribute to the unique historical environment of the canal. Development along a 30 metre buffer zone surrounding the lake is recommended to be unobtrusive, visually screened and integrated within the vegetation and topography.

13



13

McKenzie Comments

Rideau Valley Conservation Authority (RVCA)

- Parks Canada encourages developing the property in a manner that complements the visual character of the landscape and minimizes visual impact on the protected heritage property. The use of building materials and colours that blend in with the surrounding landscape are encouraged. Earth tones and neutral colours are recommended for the finished exteriors. Reflective materials, such as galvanized and bare metals, particularly for roof coverings and support structures, are discouraged. A minimum buffer of 30 metres can provide a buffer of undisturbed soil and vegetation along the shoreline, which will help to filter runoff, prevent soil erosion, and provide wildlife habitat.
- Parks Canada recommends long term protection, preservation, and where possible, enhancement of the vegetative buffer between the dwelling and the water. Permits are required from Parks Canada if works along the shoreline are proposed.

14



14

McKenzie Comments

Mississippi Rideau Septic System Office (MRSSO)

- MRSSO was not circulated, the application did not add living space or fixtures.

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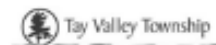


15

McKenzie Provincial Policy Statement

- No concerns.
- Chapter 2 Building Homes, Sustaining Strong and Competitive Communities recognizes cottages as a use. Chapter 4: Wise Use and Management of Resources – 4.1 Natural Heritage and 4.2 Water will be met through a Site Plan Control Agreement which will provide protection of the shoreline and can be used to obtain some additional naturalization of the property. Chapter 5 Protecting Public Health and Safety – 5.2 Natural Hazards – 5.2.1 and 5.2.8 the proposed development is located outside the identified Provincially Significant Wetlands buffer area and there are no natural hazards.

16



16

McKenzie

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. A Site Plan Control Agreement will meet these requirements.

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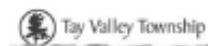


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McKenzie Official Plan

- The subject land is designated Rural, Provincially Significant Wetlands (PSW) and PSW buffer in the Official Plan, and residential uses are permitted in the proposed location for the deck.
- The updated Official Plan contains new provisions relating to water quality protection.
- The requirements of Sections 3.2.5 Waterfront Development, 3.2.7 Preservation of Vegetation, 3.2.11 Subwatershed Plans for the protection of water quality will be met through Site Plan Control.

18



18

McKenzie Official Plan

- Section 5.4.3 Rideau Canal World Heritage Site applies only to properties along Big Rideau Lake. The Rideau Canal is designated a UNESCO World Heritage Site. Existing lots of record will retain, as a minimum, all natural vegetation 15 meters from the shoreline in its natural state and only allow access to the waterfront by way of modest, pedestrian access/stairs with minimal disturbance to the natural features. A recent Ontario Land Tribunal decision prevents construction within the 15m setback.

19



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McKenzie Zoning By-law

- The property is zoned as Residential Limited Services (RLS) and Rural and a cottage is a permitted use.

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McKenzie Official Plan & Zoning Test

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

- Yes. Current lot coverage is 4.7% and with the proposed reduction in the replacement of the decking, the resulting lot coverage will be 4.3% which is well under the 10% permitted for the RLS zone.
- Setbacks will be met and natural heritage features (water, Provincially Significant Wetlands) will be protected through a Site Plan Control Agreement. .

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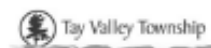
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McKenzie Development & Use Test

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 permitted use. In addition, a Site Plan Control Agreement will be registered on the subject property to maintain and enhance vegetation.

22



22

McKenzie "Minor" Test

Is it minor in nature and scope?

- The application can be considered minor in impact as the proposed replacement deck is smaller than the original deck on the cottage and the lot coverage is reduced.

23



McKenzie Site Plan Control Agreement

- A Site Plan Control Agreement containing the recommendations of the RVCA and Parks Canada is proposed to enhance protection of the water quality and shoreline of Big Rideau Lake.

24



McKenzie 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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McKenzie Recommendation

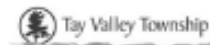
That the Minor Variance be granted for relief from the requirements of Section 3.30 (Yard and Water Setback Encroachments) of Zoning By-Law 2002-121, as amended, as follows:

- To permit the construction of a deck to be built with a 3m encroachment toward Big Rideau Lake rather than the 2m 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.

And that the owners enter into a Site Plan Control Agreement prepared by the Township.

26



26

McKenzie 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 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 Norther 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."

Committee of Adjustment

March 31st, 2025

Noelle Reeve, Planner

APPLICATION MV25-03

Vaughan

1147 Big Rideau North Shore Road, Concession 2&3, Part Lot 23&24
Geographic Township of North Burgess

SUMMARY OF PROPOSAL

Purpose and Effect: To seek relief from Sections 3.19.1 and 3.19.3 (Second Dwelling Unit and Second Dwelling) of Zoning By-Law 2002-121, as amended, as follows:

- 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.

The effect of the variance is to permit a second dwelling and attached garage to have its own water supply and septic system. The variance would also allow the second dwelling to be located at a distance of 26m (85 ft) from the principal dwelling, rather than the maximum 12 m permitted.

REVIEW COMMENTS

The property is located at 1147 Big Rideau North Shore Road on Big Rideau Lake. The lot is 2.6 ha (6.45 acres) with 79.44m water frontage and contains a cottage with attached garage.

A previous zoning by-law amendment (RLS-129) established a minimum 40m setback from the lake due to steep slopes. The amendment also permitted a 20m setback from the stream. Construction will be located beyond these constraints and beyond the Provincially Significant Wetlands buffer. Protection of rare tree species will be captured in a new Site Plan Control Agreement.

Provincial Policy Statement

No concerns. Chapter 2 Building Homes, Sustaining Strong and Competitive Communities, Chapter 4: Wise Use and Management of Resources – 4.1 Natural Heritage and 4.2 Water and Chapter 5 Protecting Public Health and Safety – 5.2 Natural Hazards – 5.2.1 are satisfied as the proposed second unit is to be located 86m from the water and approximately 40m from the steep slope. The current Site Plan Control Agreement will be revised and replace the existing agreement on title. The Site Plan Control Agreement is for protection of the shoreline and can be used to indicate the rare tree species.

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, Provincially Significant Wetlands and PSW buffer in the Official Plan, and residential uses are permitted in the proposed location.

The updated Official Plan contains new provisions relating to water quality protection.

The requirements of Sections 3.2.5 Waterfront Development, 3.2.7 Preservation of Vegetation, 3.2.11 Subwatershed Plans for the protection of water quality will be met through Site Plan Control.

Section 5.4.3 Rideau Canal World Heritage Site applies only to properties along Big Rideau Lake. The Rideau Canal is designated a UNESCO World Heritage Site. Existing lots of record will retain, as a minimum, all natural vegetation 15 meters from the shoreline in its natural state and only allow access to the waterfront by way of modest, pedestrian access/stairs with minimal disturbance to the natural features. A recent Ontario Land Tribunal decision prevents construction within the 15m setback.

Zoning By-Law

The property is zoned RLS-129 and a dwelling and additional dwelling unit are permitted uses. Current lot coverage is 0.69% and with the proposed additional dwelling unit is 0.96%, well under the 10% permitted in the Residential Limit Services zone. The proposed second dwelling will still be well under the permitted 12% Floor Space Index.

The application can be considered minor in impact as the proposed location greater than 12m from the existing dwelling and proposed separate septic system has no material impact on the property and these clauses are proposed to be removed in the next update to the Zoning By-law.

The proposal is also desirable and appropriate development of the lands in question as it is a permitted use.

CIRCULATION COMMENTS

Rideau Waterfront Development Review Team (RWDRT) – The RVCA has no objection to the proposal.

Parks Canada noted that this property is located on Big Rideau Lake, part of the Rideau Canal National Historic Site and UNESCO World Heritage site. The Rideau Canal National Historic Site is valued in part for its historic, ecological and visual associations with shore lands and communities along the waterway which contribute to the unique historical environment of the canal. Development along a 30 metre buffer zone surrounding the lake is

recommended to be unobtrusive, visually screened and integrated within the vegetation and topography.

Parks Canada encourages developing the property in a manner that complements the visual character of the landscape and minimizes visual impact on the protected heritage property. The use of building materials and colours that blend in with the surrounding landscape are encouraged. Earth tones and neutral colours are recommended for the finished exteriors. Reflective materials, such as galvanized and bare metals, particularly for roof coverings and support structures, are discouraged. A minimum buffer of 30 metres can provide a buffer of undisturbed soil and vegetation along the shoreline, which will help to filter runoff, prevent soil erosion, and provide wildlife habitat.

Parks Canada recommends long term protection, preservation, and where possible, enhancement of the vegetative buffer between the dwelling and the water. Permits are required from Parks Canada if works along the shoreline are proposed.

Mississippi Rideau Septic System Office (MRSSO) – Applicant is applying for a new septic system.

Public – None at the time of the report.

SITE PLAN CONTROL AGREEMENT

A replacement of the current registered Site Plan Control Agreement is recommended to capture the rare tree species, additional Secondary Unit and to maintain and enhance vegetation for the protection of the water quality of Big Rideau Lake.

RECOMMENDATION

That the Minor Variance be granted for relief from the requirements of Sections 3.19.1 and 3.19.3 (Second Dwelling Unit and Second Dwelling) of Zoning By-Law 2002-121, as amended, as follows:

- 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.

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*.

And that a new Site Plan Control Agreement be prepared by the Township for the owner.

Vaughan 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

Vaughan 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

Vaughan 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

Vaughan 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

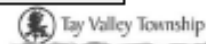
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4

Vaughan

1147 Big Rideau North Shore, Part Lots 23&24, Concession 2&3
Geographic Township of North Burgess



5

Vaughan - Proposal

The Minor Variance application seeks relief from Sections 3.19.1 and 3.19.3 (Second Dwelling Unit and Second Dwelling) of Zoning By-Law 2002-121, as amended, as follows:

- 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 a side yard setback reduction of 1m from 6m to 5m.

The effect of the variance is to permit a second dwelling and attached garage to have its own water supply and septic system. The variance would also allow the second dwelling to be located at a distance of 26m (85 ft) from the principal dwelling, rather than the maximum 12 m permitted. Additionally, the variance would allow the second dwelling to be located 5m from the east interior lot line (instead of the 6m required).



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Vaughan - Proposal

- The property is located at 1147 Big Rideau North Shore Road on Big Rideau Lake. The lot is 2.6 ha (6.45 acres) with 79.44m water frontage and contains a cottage with attached garage.
- The current Site Plan Control Agreement will be replaced with a new one.

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Vaughan Site Drawing



8



8

Vaughan Photos



Location of the
second dwelling
behind primary

9



9

Vaughan Photos



10



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Vaughan Comments

Rideau Valley Conservation Authority (RVCA)

RVCA has no objections. In their letter they included comments from Parks Canada.

- Parks Canada noted that this property is located on Big Rideau Lake, part of the Rideau Canal National Historic Site and UNESCO World Heritage site. The Rideau Canal National Historic Site is valued in part for its historic, ecological and visual associations with shore lands and communities along the waterway which contribute to the unique historical environment of the canal. Development along a 30 metre buffer zone surrounding the lake is recommended to be unobtrusive, visually screened and integrated within the vegetation and topography.

11



11

Vaughan Comments

Rideau Valley Conservation Authority (RVCA)

- Parks Canada encourages developing the property in a manner that complements the visual character of the landscape and minimizes visual impact on the protected heritage property. The use of building materials and colours that blend in with the surrounding landscape are encouraged. Earth tones and neutral colours are recommended for the finished exteriors. Reflective materials, such as galvanized and bare metals, particularly for roof coverings and support structures, are discouraged. A minimum buffer of 30 metres can provide a buffer of undisturbed soil and vegetation along the shoreline, which will help to filter runoff, prevent soil erosion, and provide wildlife habitat.
- Parks Canada recommends long term protection, preservation, and where possible, enhancement of the vegetative buffer between the dwelling and the water. Permits are required from Parks Canada if works along the shoreline are proposed.

12



12

Vaughan Comments

Rideau Valley Conservation Authority (RVCA)

Standard recommendations include the following:

- 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.

13



13

Vaughan 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.

14



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Vaughan Comments

Mississippi Rideau Septic System Office (MRSSO)

- Applicant is applying for a new septic system as is indicated on the Site Plan Drawing.

15



15

Vaughan Provincial Policy Statement

- No concerns.
- Chapter 2 Building Homes, Sustaining Strong and Competitive Communities, Chapter 4: Wise Use and Management of Resources – 4.1 Natural Heritage and 4.2 Water and Chapter 5 Protecting Public Health and Safety – 5.2 Natural Hazards – 5.2.1 are satisfied as the proposed second unit is to be located 86m from the water and approximately 40m from the steep slope. The current Site Plan Control Agreement will be revised and replace the existing agreement on title. The Site Plan Control Agreement is for protection of the shoreline and can be used to indicate the rare tree species and Provincially Significant Wetland in the rear.

16



16

Vaughan 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. A Site Plan Control Agreement will meet these requirements.

17



17

Vaughan Official Plan

- The subject land is designated Rural, Provincially Significant Wetlands (PSW), PSW buffer and Significant Woodlands – Rare Tree species in the Official Plan, and residential uses are permitted in the proposed location.
- Big Rideau North Shore Road separates the proposed development from the PSW.
- The updated Official Plan contains new provisions relating to water quality protection.
- The requirements of Sections 3.2.5 Waterfront Development, 3.2.7 Preservation of Vegetation, 3.2.11 Subwatershed Plans for the protection of water quality will be met through Site Plan Control.

18



18

Vaughan Official Plan

- Section 5.4.3 Rideau Canal World Heritage Site applies only to properties along Big Rideau Lake. The Rideau Canal is designated a UNESCO World Heritage Site. Existing lots of record will retain, as a minimum, all natural vegetation 15 meters from the shoreline in its natural state and only allow access to the waterfront by way of modest, pedestrian access/stairs with minimal disturbance to the natural features. A recent Ontario Land Tribunal decision prevents construction within the 15m setback.
- Development is proposed well beyond the 15m, 30m and 40m setbacks required on this property.

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Vaughan Zoning By-law

- The property is zoned RLS-129 and a dwelling and additional dwelling unit are permitted uses.

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Vaughan Official Plan & Zoning Test

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

- Yes. Current lot coverage is 0.69% and with the proposed additional dwelling unit is 0.96%, well under the 10% permitted in the Residential Limit Services zone. The proposed second dwelling will still be well under the permitted 12% Floor Space Index.
- Setbacks are met and natural heritage features (water, PSW, Rare Trees) will be protected through a Site Plan Control Agreement.

21



21

Vaughan 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.

22



22

Vaughan "Minor" Test

Is it minor in nature and scope?

- The application can be considered minor in impact as the proposed location greater than 12m from the existing dwelling and proposed separate septic system has no material impact on the property and these clauses are proposed to be removed in the next update to the Zoning By-law.
- The 1m reduction in east side yard required for the second dwelling (not the garage) is also minor as the adjacent property's dwelling is located over 80m to the south.

23



23

Vaughan Site Plan Control Agreement

- A replacement of the current registered Site Plan Control Agreement is recommended to capture the location on the second unit and provide protection to the Rare Tree species, Provincially Significant Wetland and to maintain and enhance vegetation for the protection of the water quality of Big Rideau Lake.

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24

Vaughan 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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Vaughan Recommendation

That the Minor Variance be granted for relief from the requirements of Sections 3.19.1 and 3.19.3 (Second Dwelling Unit and Second Dwelling) of Zoning By-Law 2002-121, as amended, as follows:

- 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 6m to 5m for the second dwelling.

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.

And that a new Site Plan Control Agreement be prepared by the Township for the owner.

26



26

Vaughan 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 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 Norther 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 6m to 5m for the second dwelling.*

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

