



PUBLIC MEETING ZONING BY-LAW AMENDMENT MINUTES

Tuesday, April 8th, 2025

5:30 p.m.

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

ATTENDANCE:

Members Present:

Chair, Reeve Rob Rainer
Deputy Reeve Fred Dobbie
Councillor Wayne Baker
Councillor Greg Hallam
Councillor Korrine Jordan
Councillor Angela Pierman
Councillor Marilyn Thomas

Staff Present:

Noelle Reeve, Planner
Amanda Mabo, Chief Administrative Officer/Clerk
Aaron Watt, Deputy Clerk
Ashley Liznick, Treasurer

Public Present:

Jo Minnie
Penny Nault
Danny Nault
Ian Sherman
Randi Sherman
John Wasylyk
Helen Korzewicz
David Cope
Manuela Cope
Penny Flowers
Thies Schacht
Kevin Cornell
Richard Hepton
Dianne Quinn
Rosemary Tayler
Kevin Cornell

1. CALL TO ORDER

The public meeting was called to order at 5:30 p.m.

2. INTRODUCTION

The Chair provided an overview of the Zoning By-Law application review process to be followed, including:

- the purpose of the meeting
- the process of the meeting
- all persons attending were encouraged to make comments in order to preserve their right to comment should the application(s) be referred to the Ontario Land Tribunal (OLT)
- the flow and timing of documentation and the process that follows this meeting
- any person wanting a copy of the decision regarding the applications on the agenda was advised to email planningassistant@tayvalleytwp.ca

The Chair asked if anyone had any questions regarding the meeting and the process to be followed. Given that there were no questions, the meeting proceeded.

3. APPLICATION

- i) **FILE #ZA24-12: Thies Schacht
3129 Narrows Lock Road
Part Lot 17, Concession 6
Geographic Township of North Burgess**

a) **PLANNER FILE REVIEW & PROPOSED BY-LAW**

The Planner reviewed the PowerPoint Presentation that was attached to the agenda.

The Planner reminded the attendees that zoning is about use of the lands, not the design of the structures.

b) **APPLICANT COMMENTS**

The applicant was present.

c) **PUBLIC COMMENTS**

David Cope, neighbour

- questioned where the 30-meter water setback would be and the location of a path

The Planner explained the 30m would be from the stream along the front of the property and indicated where the buildings are proposed to be built

on maps included in the presentation. The path would likely be the driveway.

Richard Hepton gave an explanation of where the water flows, across and along the road.

Helen Korzewicz , neighbour

- questioned the impact of drilling a well for such a large dwelling
- what if she loses water pressure from the new well

The Planner explained the 6-Hour Pump Test and how it is used to assess the performance of a well and a way of monitoring water level in nearby wells. If the pump test indicates the new well could affect nearby wells, a water storage component of the new well would be required for the applicant's property to hold water in storage. She indicated that the Ministry of Environment has D-5-4 and D-5-5 guidelines that must be followed for individual septic systems and wells. Because the amount of septic waste would be 4,500 l/day no hydrogeological study is required. Both water quality and water quantity must be demonstrated to be adequate according to Ontario Drinking Water Objectives.

The Planner explained that to qualify for a building permit, the septic system must be approved by the Mississippi Rideau Septic System Office (MRSSO) and the well must meet Ontario Regulation 903 requirements of the Ontario Water Resources Act.

Dianne Quinn

- questioned plans for garbage management regarding the five (5) units
- expressed concern regarding keeping residential garbage in small residential units, and the risk of leaving garbage outside to attract wildlife
- expressed concern regarding greenhouse gas emissions, how five (5) units mean at least five (5) driving to and from work

The Planner explained that those are Site Plan Control Agreement issues.

Members discussed:

- well depths
- how the rent will be determined to be within the requirements of affordable housing for next twenty-five (25) years
- the size of the units
- the need for single versus double bedroom units within the Township
- the concern that the units could be turned into motel rental style units rather than long term housing
- that parking was not included in the Site Plan

Thies Schacht explained that according to his research, 840 people in Lanark County were looking for either single- or double-bedroom affordable housing. He explained that the cost of rent is based on square footage and when the unit size goes up the rent goes up.

The neighbours also confirmed that the creek is only there in the Spring.

The Planner explained that the property is not zoned for use as a motel, and lease terms under one (1) year would not qualify as affordable housing. She also clarified that there is no commercial zone for housing in the Zoning By-law, but there may be a portion of the property zoned commercial, for example if there was a store with housing above it.

d) **RECOMMENDATION**

The Planner proposed that the amendments to Zoning By-Law No. 02-121 be approved and Members requested that the Site Plan Control Agreement for this file come to Council for review and approval.

ii) **FILE #ZA24-13 &: Rosemary Tayler
ZA25-02 160, 1, 2, and Vacant Land MacKay Line Road
109, 141, 155 and Vacant Land MacKay Line Road
Part Lot 25&26 Concession 11
Geographic Township of Bathurst**

a) **PLANNER FILE REVIEW & PROPOSED BY-LAW**

The Planner reviewed the PowerPoint Presentation that was attached to the agenda.

b) **APPLICANT COMMENTS**

The applicant was present. The applicant clarified that the southern end of the property is on Fall River and is part of the Algonquin to Adirondack corridor.

c) **PUBLIC COMMENTS**

Jo Minnie, adjacent neighbour, expressed concern regarding:

- impact to her property if this rezoning is approved
- impact to her animals on her property
- impact to the ability to operate a farm on her property
- impact to her ability to use farm equipment and all terrain vehicles (ATV) on her property
- not being able to carry on with future plans of building on the property
- limitations being imposed on her property because of the closeness to a conservation area
- traffic and noise caused by visitors to conservation area

- the impact of easements or restrictions potentially applied to her property as result of the applicant property rezoning
- the effect of increased vehicle and foot traffic on her land and animals
- the safety of her animals and public visitors

The Planner explained that:

- the application is to rezone the property as open space to ensure a dwelling, golf course or park is not built on it
- conservation areas and easements have nothing to do with zoning
- the rezoning will maintain the property as it is without development
- Jo Minnie's property will remain zoned as Rural
- the zoning changes do not change setbacks or the ability to build in the future on Jo Minnie's property
- rezoning as a conservation area and for conservation use are different things
- the property is currently zoned as Rural, not Agricultural
- a Conservation Authority is not purchasing the land,
- much of the Algonquin to Adirondack corridor is owned by private individuals
- if the property were sold or transferred to a Conservation Authority in the future, the land would have to be rezoned again if a Conservation Area with buildings, etc. was proposed

A Member noted that should a Conservation Authority own land, it does not necessarily become publicly accessible.

d) **RECOMMENDATION**

The Planner proposed that the amendments to Zoning By-Law No. 02-121 be approved.

iii) **FILE #ZA24-12: We the Shermans Inc.
750/761 Christie Lake Lane 32D
Part Lot 20-22, Concession 3,
Geographic Township of South Sherbrooke**

a) **PLANNER FILE REVIEW & PROPOSED BY-LAW**

The Planner reviewed the PowerPoint Presentation that was attached to the agenda.

b) **APPLICANT COMMENTS**

The applicant was present.

Ian Sherman read a statement explaining reasons for design choices, and clarifying the intended use of the house – *attached, page 10*,

c) PUBLIC COMMENTS

Received email from Penny Nault – *attached page 11.*

The Planner reminded Members that the decision to be made is for an exception for the building height and west side yard, not design.

The Planner reminded Members that the property is required to have a septic permit and well permit before construction, and that Mississippi Rideau Septic System Office (MRSSO) reviews the septic permit.

Penny Nault expressed concern that:

- the size of the proposed building will block sunlight, leaving her home in shade
- that the original site drawings do not identify previous building additions to the property that may have been made without permit by previous owners
- the design does not fit into the surroundings
- this has been a family home for over 50 years

The Planner suggested that it is not unreasonable to ask for an analysis of her property regarding the effect to sunlight and shadow.

Members requested that an additional staff report come to the next Council meeting.

Received email from Kevin Cornell – *attached page 14.*

Kevin Cornell:

- submitted an email to the Planner prior to the meeting
- cannot see structure from his property
- questioned the Township's 9-meter height limit as too short
- expressed concern over impact to neighbouring properties due to traffic
- expressed concern over impact to neighbouring properties from actions such as snowplowing
- expressed concern over changes of future ownership and property use
- questioned measurements as submitted on the site sketch for the detached deck
- not opposed to development on the lake
- concerned that a tactic of lot consolidation is being used to by-pass Township By-Law intent
- suggested a better design could be submitted that respected the original lot size
- concerned about a lack of clarity surrounding Township building and zoning rules and whether part of the dwelling must remain in place

- if someone is coming in and buying a property with an old cottage, tearing it down and building new, the Township should make it clear that people understand those (building) rules
- was previously told if a cottage was torn down, it was required that a new building had to be on the same footprint

The Planner explained that:

- The TDL decision removed the requirement for part of a dwelling to remain when renovations or a new dwelling is built and the Zoning By-law clearly reflects this decision
- the Zoning By-Law was written in 2002 and has not been amended since then with respect to height of a dwelling
- the height limit was consistent with other municipal Zoning By-Laws and building practices of the time but can be looked at in the update to the Zoning By-law this Summer and Fall

Randi Sherman, adjacent property owner:

- referred to a house on Patterson Road that appears to be 3 or 4 stories
- no other drivers would go by the front of the structure where the porch is proposed as it abuts her property, not the road
- snowplowing would only impact her property
- an engineering firm had been hired to review the property and due to awkward shape of the property the structure could not go further back
- the design of the proposed building was done with neighbours in mind as there are no windows on the wall facing neighbouring homes
- the area of the base of the structure was the size of the footprint there now, that is why the design was to build up and not out
- the properties have been owned by her family since 1989, been on the land for 35 years
- the intention is to have the property for family in the future
- have made significant investments to the property
- there other similar developments on the lake
- behind the structure is a garage, no blockage of view of the lake to other properties

Members discussed:


- aesthetics of the build
- how the build will fit in with the surrounding area
- how the area, and designs, are becoming modernized
- the concern of the structure becoming an 8 bedroom, 8 bathroom AirBnB
- building height and design effect on sunlight to neighbouring property
- concern of visual impact from the lake, and from neighbouring properties
- the need for additional time to review emails received regarding the application

d) **RECOMMENDATION**

The Planner bring a report with a final recommendation, which could include obtaining a rendering regarding sunlight and shadow affect due to height of proposed building to the April Council meeting.

4. ADJOURNMENT

The public meeting adjourned at 7:28 p.m.



Rob Rainer, Reeve



Aaron Watt, Deputy Clerk

APPLICATION

IAN SHERMAN REMARKS

Tay Valley Township - April 8, 2025 Public Meeting Concerning Application for Proposed Zoning By-Law Amendment for 761 & 750 Christie Lake Lane 32D

Good evening. I don't want to take up too much time as I believe that Ms. Reeve and her colleagues have done an excellent job highlighting the considerations associated with our project. However, I did want to take a moment to highlight that we have attempted, as much as possible, to design our project in compliance with all of the Township's zoning requirements and we have made every effort to minimize environmental and visual impact. We do acknowledge that we are asking for an allowance on the maximum height of the building.

Choosing to build taller rather than wider was a well-considered, site-specific and environmentally sensitive design solution. It significantly reduces our overall footprint and avoids excessive excavation. This helps preserve more green space and natural vegetation, while maintaining the integrity of the hillside. By contrast, a wider structure would have required heavy excavation and filling to create a broader base. These are precisely the kinds of adverse environmental impacts that the current design avoids by relying on vertical efficiency.

The compact vertical design was intended to preserve privacy for all neighbours, minimize land disturbance, blend with the natural contours of the lot, and ensure that the line of sight to the lake and the character of the landscape remains intact. The proposed height is softened by a greater setback from Christie Lake and supported by a large vegetative buffer. From the road, existing mature trees offer additional visual screening, and the structure is visually appropriate and consistent with the surrounding area.

Without the additional height, we would be forced to rework the design, dig deeper into the slope and expand the structure outward, causing more environmental disruption and reducing the effectiveness of setbacks and natural screening. Accordingly, we respectfully submit that the Township should approve this design as it meets or exceeds all other zoning standards, preserves the character of the shoreline and results in a more environmentally sensitive and visually appropriate outcome for this unique lot.

In addition, I want to point out that We the Shermans Inc. is NOT a business. It is a numbered company with the sole purpose of holding recreational real estate at Christie Lake. The company is owned by one of my family trusts, specifically the Ian Sherman Family Trust (2020) and the sole beneficiaries of this trust are my wife, Randi Goldstein Sherman and our three sons. The property is held in this manner for purposes of real estate planning, as well as family tax and succession planning.

We the Shermans Inc. owns both the property situated at 761 Christie Lake Lane 32D and at 750 Christie Lake Lane 32D. In the aggregate, these merged properties consist of more than 20 acres of land and almost 100 feet of waterfront, more than sufficient to support this project.

Proposed Zoning By-Law Amendment

750 & 761 Christie Lake Lane 32D

(ZA-25-01)

Ontario Business 'We the Shermans Inc.'

My parents purchased a waterfront property located at 767 Christie Lake Lane 32D in 1973 (52 years ago) with the intention of retiring here. Unfortunately, that did not happen for them. I am now the owner and have lived here year-round for approximately 20 years. This is my family's escape from the city. The house was built in 1922, making it 103 years old. Other than a major renovation in 1939, it remains in tact. The property is dotted with majestic 200+ year old pine and hemlock trees. It fits in nicely with the rural character of Christie Lake.

On March 28, a friend notified me that there was a rezoning notice nailed to a tree on Lane 32. There was no notice posted anywhere along 32D, not even at 750 or 761. I had not received a notice by mail either. Because I live just steps from 761, I emailed the Planning department to enquire as to why. I was told it had been mailed.

The Notice sketch and accompanying details were very confusing to me as I have intimate knowledge of the history for both properties located at 750 and 761 Christie Lake Lane 32D. The immediate red flags included:

1. The sketch erroneously included a sizeable chunk of land that does not belong to 750 or 761, thereby affecting lot measurements. The subsequent staff report did NOT adjust lot or site calculations.
2. The Notice states that 750 and 761 lands are consolidated. At the time of this writing, there is only an **application** to consolidate registered at the Land Registry Office. 750 (PIN 05215-403) and 761 (PIN 05215-0072) are still independently active in the Registry Office.
3. The Notice states that a cottage and garage at 761 will be demolished and replaced with a year-round dwelling. It goes on to say that the existing 'cottage' at 750 will serve as a second dwelling. **The house located at 750 is NOT a cottage. It has been an occupied year-round principal residence in the Briggs family for decades. The Briggs continue to live there.**

Upon receipt of the lengthy staff report a couple of days later, more red flags were raised:

Page 54:

1. The Background states 761 has 29m (95.4 ft) frontage on Christie Lake. The deed and survey for 761 states a frontage of only 25.3 feet. The remaining 70 feet of frontage is a roadway easement on title belonging to 750. **The entire roadway easement is deeded to 741 (Brooks) and to 757 (Long Island) and therefore does not belong to the building lot. In fact, 757 is legally required to pay \$500 annually towards the use and maintenance of the easement to access his dock. The building lot is significantly smaller than the stated 1.1 acres.**

Page 58.

1. Paragraph 3 Additional Residential Units (ARU) talks about affordable accommodation **for rental purposes**. It also states that no **additional** dwelling unit will be used as **a short-term rental**.

Because these two properties are owned by an Ontario business (multiple owners), will either property be used as rental units? Will there be apartment units? The massive building resembles an apartment building. How many bedrooms, bathrooms and kitchens?

2. Paragraph 4, Residential Conversion... subsection (b)

The suitability of this lot with regard to size, shape etc. is questionable given the **small lot size, 25.3 feet of waterfront and the proposed 7,700+ sq.ft. 4 story structure resembling an apartment building.**

Page 60.

1. Paragraph 7, Storm Water Management.

A man-made gravel slope exists in the driveway at 761. At the highest point, there is a retaining wall a couple of feet from the cottage. It is approximately 4 feet high. Gravel has been added periodically over time to maintain this slope. This has resulted in storm water draining onto Lane 32D, down the hill travelling to 767, 769 and 771 Lane 32D causing wash-outs and deep ruts. This storm water also drains from 761 down a portion of my laneway causing wash-outs and deep ruts. Gravel from the driveway at 761 invariably ends up in my laneway and at the bottom of the hill at 771. This has caused us considerable time and money repairing the road and laneway after every rain storm.

This needs to be remedied (regardless of future development status).

Page 61.

1. Paragraph 4, Conforming to the Township Official Plan.

The Tay Valley Township Official Plan States:

2.2.10 RESIDENTIAL CONVERSION FROM SEASONAL TO PRINCIPAL USE

1. Seasonal residences are dwellings which are used on a seasonal or temporary basis by occupants whose principal residence is located elsewhere. Secondary residences are typically recreation-oriented properties. A **principal residence** is a dwelling which functions as **the main place of residence**, where the **occupant** either resides on a permanent basis or spends the bulk of the year.

As both 750 and 761 properties are owned by an Ontario business with multiple owners, how can 761 be a principal residence? Again, 750 has been and continues to be a principal residence for the Briggs.

2. Zoning By-Law

The 'lot' (761) currently zoned RS does NOT include the roadway to the lake. This roadway belongs to and is used by 750 and is currently zoned 'Rural'. The roadway serves as deeded access for 757 Long Island and for 741 Lane 32D (Brooks).

The 'lot' (761) is significantly less than 1.1 acres. It will require a recalculation of the floor space index and will likely not meet the 12% permitted.

The lot coverage will also need recalculating.

I have included several visuals below to guide you in your decision making.

I can't stress enough what impact this massive structure will have on devaluing my property, our use and enjoyment, loss of privacy, loss of natural heritage features and the demonstrated lack of rural character. This structure has a complete loss of curb appeal from all sides. This is not the right location for such a structure.

This is NOT a good fit.

I would be pleased to provide more information and/or discuss this with you.

Kind regards,

Penny Nault

767 Christie Lake Lane 32D

Tay Valley Township
Planning Department
217 Harper Road
Perth, ON
K7H 3C6

April 8, 2025.

RE: Zoning By-law Amendment - Public Meeting
We the Shermans Inc.

Dear Ms. Maboo, Chief Administration Officer/Clerk

We provide the following comments on the proposed zoning by-law amendment:

- Height Limit (currently 9 meters)
Why is the height limit set at 9 meters? Current residential designs feature 2.75-3.0m (8-10 foot) ceiling heights on most medium to high-end houses. Should this not have been revised upwards in the last twenty years.

I recommend increasing the zoning height restriction to 15 meters.

- Side-lot set back (6 meters)
The lot diagram and associated materials indicate a requested setback of 3.8 meters, but it appears the covered porch area is only 1.6 meters from the side lot boundary. The covered porch measurement should be the determining measurement.

The second aspect relates to the access lane on this boundary line. The closeness of the proposed structure to the vehicular lane will lead, over time, to the deflection of the lane and an encroachment into the adjoining property.

When there is an opportunity to ensure a proper setback it must be considered or abided by in this case.

I recommend the full setback of 6 meters be required and the residence and all associated parts be shifted eastward to accommodate this requirement..

- Demolition of existing structure.
It was my understanding when an existing cottage or recreational property is to be revised some aspect of the original structure must remain and the original footprint must be maintained. An amendment would be needed to expand the footprint.

I cannot see any aspect of the original structure in this proposed building, and it is significantly larger than the original structure.

I recommend the township clarify and clearly state the practices for the renovation and replacement of existing recreational residential structures.

- Lot addition.

Was the original cottage also owned by "We the Sherman Inc."?. Does "We the Sherman Inc." also own the adjoining property (westerly).

The original plot for the (formerly Hord property) was .4 hectare (1 acre) or less. The size of this structure appears to not qualify on a plot of that size. The lot addition (Briggs plot) does add significant additional area to the lot, but the configuration and orientation of the resultant plot are not suited to intended uses in the area.

It appears this addition has been engineered to "qualify" this structure for approval despite having two residential structures on the same plot. The plot configuration and the linkage to the remaining space over an access lane used by others should deem this proposal unsuited to the needs of the area. I could see, within the near term, a follow-on submission to sever the property after the structure has been completed.

I recommend the building size be limited to that which the original lot (.4 hectare) could support as specified in the zoning.

- Non-conforming Elements

As it appears there is little value to the remainder of the structures, there should be no concerns with the removal of the non-conforming deck structure. The graphic representation appears to visualize a renewed deck far exceeding the allowable elements in a completely different location.

I recommend removal of the non-conforming elements.

There are many concerning elements to this proposal. Please consider our findings and recommendations.



Kevin Cornell