



COMMITTEE OF ADJUSTMENT AGENDA

Monday, October 27th, 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/Larry Sparks:
“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 – September 29th, 2025 - attached, page 5.**

*Suggested Motion by Larry Sparks/Richard Schooley:
“THAT, the minutes of the Committee of Adjustment meeting held September 29th, 2025, be approved as circulated.”*

5. INTRODUCTION

- The purpose of this meeting is to hear application for Minor Variance:
 - **Weldon**
 - **O’Flaherty**
- 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 #:** **MV25-13 - Weldon – attached, page 13.**
193 Hunter Side Road
Part Lot 19 &20, Concession 11
Geographic Township of Bathurst

- (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 MV25-13 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 193 Hunter Side Road, Part Lot 19 & 20, Concession 11, in the geographic Township of Bathurst, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-916-030-35801;

- *To permit a second dwelling to be constructed that is connected to a separate water supply and separate septic from the principal dwelling;*
- *To permit a second dwelling to be separated 21.5m (67 ft) from the principal dwelling rather than the maximum 12m permitted.”*

- ii) **FILE #:** **MV25-14 – O’Flaherty – attached, page 28.**
988 Brooke Valley Road
Part Lot 22, Concession 4
Geographic Township of South Sherbrooke

- (a) PLANNER FILE REVIEW
- (b) APPLICANT COMMENTS
- (c) ORAL & WRITTEN SUBMISSIONS

(d) DECISION OF COMMITTEE

*Recommended Decision by Peter Siemons/Richard Schooley:
THAT, in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application MV25-03 is approved, to allow a variance from the requirements of Sections 3.19.1 and 3.19.3 (Second Dwelling Unit and Second Dwelling) of Zoning By-Law 2002-121, for the lands legally described as 988 Brooke Valley Road, Part Lot 22 Concession 4, in the geographic Township of South Sherbrooke, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-914-020-80000;*

- 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 17m (56 ft) from the principal dwelling rather than the maximum 12m permitted.*
- To permit the second unit to be 67% of the principal dwelling rather than the permitted 50% of the area of the principal dwelling*

AND THAT, a Site Plan Control Agreement be completed.”

7. NEW/OTHER BUSINESS

None.

8. ADJOURNMENT

MINUTES

COMMITTEE OF ADJUSTMENT MINUTES

Monday, September 29th, 2025

5:00 p.m.

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

ATTENDANCE:

Members Present: Chair, Larry Sparks
Richard Schooley
Peter Siemons

Members Absent: None

Staff Present: Noelle Reeve, Planner
Allison Playfair, Secretary/Treasurer

Applicants/Agents Present: Stephane Wilcox, Owner
Nancy Steed, Owner
Kim Tremblay, Owner
Joe Tremblay, Owner

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 – June 23rd, 2025.**

The minutes of the Committee of Adjustment meeting held on June 23rd, 2025, were approved as circulated.

5. INTRODUCTION

The Chair welcomed the attendees. The Planner then provided an overview of the Minor Variance application review process to be followed, including:

- the mandate and responsibilities of the Committee
- a review of available documentation
- the rules of natural justice, the rights of persons to be heard and to receive related documentation on request and the preservation of persons' rights.
- the flow and timing of documentation and the process that follows this meeting
- any person wanting a copy of the decision regarding this/these application(s) should leave their name and mailing address with the Secretary/Treasurer.

The Planner advised that this Committee of Adjustment is charged with making a decision on the applications tonight during this public meeting. The decision will be based on both the oral and written input received and understandings gained.

Based on the above, the Committee has four decision options:

- Approve – with or without conditions
- Deny – with reasons
- Defer – pending further input
- Return to Township Staff – application deemed not to be minor

The agenda for this meeting included the following application(s) for Minor Variance:

MV25-06 – Matheson, Part Lot 5, Concession 5, geographic Township of North Burgess

MV25-10 - Wilcox, Part Lot 22, Concession 11, geographic Township of Bathurst.

MV25-11 – Tremblay, Part Lot 6, Concession 2, geographic Township of South Sherbrooke

6. APPLICATIONS

7. **FILE #: MV25-06 – Matheson**

a) **PLANNER FILE REVIEW**

Planner reviewed the file and Power Point in the agenda package. The Planner noted that the relief is to permit a vertical addition of a room to replace a cupola at water setback of 16m instead of the 30m required.

The Owner contacted the Rideau Valley Conservation Authority before submitting the application and they had no concerns. Parks Canada also had no concerns.

The Planner advised the Committee that no development will occur within 15m of Big Rideau Lake as the construction is happening at 16m and in the middle of the roof of the cottage.

This is considered minor in nature and the recommendation of the Planner is for it to be approved and a site plan control agreement will be executed.

b) APPLICANT COMMENTS

None.

c) ORAL & WRITTEN SUBMISSIONS

None.

d) DECISION OF COMMITTEE

RESOLUTION #COA-2025-10

MOVED BY: Richard Shooley
SECONDED BY: Peter Siemons

“THAT, in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application MV25-06 is approved, to allow a variance from the requirements of Sections 3.29 (Water Setbacks) of Zoning By-Law 2002-121, for the lands described as 1501 Blue Arrow Drive, Part Lot 5, Concession 5, in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-025-12100:

- To permit a vertical addition of a single room at a water setback of 16m instead of the 30m required.

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

ADOPTED

8. FILE #: MV25-10 – Wilcox

a) PLANNER FILE REVIEW

The Planner reviewed the file and Power Point in the agenda package with the Committee. The application is to seek relief to permit a detached garage at a setback of 3m from the east lot line rather than the 6m required by the Rural zone.

The Planner noted that the private road is in the process of being named to Far Lane. A Limited Services Agreement will be required as this is a year-round dwelling on a private road.

A Site Plan Control Agreement will be executed for this property to maintain vegetation between the existing dwelling and the Mississippi River.

A permit from the Mississippi Valley Conservation Authority will be submitted, if required, for the garage as it may be in the regulated limit of a Provincially Significant Wetland.

This application is considered minor in nature and the recommendation of the Planner is for it to be approved.

The Planner noted that the four (4) lots were zoned Rural when severed decades ago and under today's Zoning By-Law they would be considered a Residential Limited Services (RLS) zone. The Minor Variance for the garage would not have been required if it was in RLS Zone as accessory structures only need to be 1m from the lot line where a Rural zone has 6m requirement. The Township will be correcting zoning for these lots in the Comprehensive Zoning update that is in progress now.

b) APPLICANT COMMENTS

Applicant noted the Mississippi Valley Conservation Authority (MVCA) did a site visit and stated that the owner's may not require a permit but will confirm once their staff are back from vacation.

Planner noted that a permit from MVCA does not affect the Committee decision tonight. It would be part of the building permit process.

c) ORAL & WRITTEN SUBMISSIONS

None.

d) DECISION OF COMMITTEE

RESOLUTION #COA-2025-11

MOVED BY: Peter Siemons

SECONDED BY: Richard Schooley

“THAT, in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application MV25-10 is approved, to allow a variance from the requirements of Section 10.2 (East Lot Line) of Zoning By-Law 2002-121, for the lands described as 658 MacKay Line Road, Part Lot 22, Concession 11, in the geographic Township of Bathurst, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-916-030-37603:

- To permit a detached garage at a setback of 3m from the east lot line rather than the 6m required.

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

THAT, the property be rezoned to Residential Limited Services (RLS), which will occur as part of the Comprehensive Zoning By-Law review underway;

THAT, the owners enter into a Limited Services Agreement;

THAT, if needed a Mississippi Valley Conservation Authority Permit be obtained for the garage;

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

ADOPTED

9. FILE #: MV25-11 – Tremblay

a) PLANNER FILE REVIEW

The Planner reviewed the file and the PowerPoint in the agenda package. The Planner noted that the relief is to permit a cottage to be located at a water setback of 16.8m rather than the 30m required.

The Planner noted it was unclear if a road naming was required. A site visit clarified the access to be used is part 14 on 27R8026 and due to its short length does not require road naming. However, if access changes and the property owners use the entrance farther east, a road naming would be required.

The Rideau Valley Conservation Authority (RVCA) had no objections and the Mississippi Rideau Septic System Office (MRSSO) reviewed the part 10/11 and had no concerns for the septic.

The cottage will be 1m farther from the lake (could not go farther back because of the septic location) and will be slightly larger. The application is considered minor and the Planner recommended that the application be approved.

b) APPLICANT COMMENTS

The applicant clarified with the Committee where they travel over their property and that they have cleared the trees for access and visibility to their property.

c) ORAL & WRITTEN SUBMISSIONS

None.

d) DECISION OF COMMITTEE

RESOLUTION #COA-2025-12

MOVED BY: Peter Siemons

SECONDED BY: Richard Schooley

“THAT, in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application MV25-11 is approved, to allow a variance from the requirements of Section 3.29 (Water Setback) of Zoning By-Law 2002-121, for the lands described as 160 Farren Lake Lane 41, Part Lot 6 Concession 2, in the geographic Township of South Sherbrooke, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-914-015-14200;

- To permit a cottage to be located at a water setback of 16.8m rather than the 30m required.

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

AND THAT, the owners ensure they park any vehicles attending the property on the property, and not on the right of way that provides the legal access (Part 14 on 27R 8026).”

ADOPTED

10. NEW/OTHER BUSINESS

None.

ADJOURNMENT

The meeting adjourned at 5:34 p.m.

.

APPLICATION

Committee of Adjustment

October 27th, 2025

Noelle Reeve, Planner

APPLICATION MV25-13

Weldon

193 Hunter Side Road, Concession 11, Part Lot 19 &20
Geographic Township of Bathurst

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 separate septic from the principal dwelling.
- To permit a second dwelling to be separated 21.5m (67 ft) from the principal dwelling rather than the maximum 12m permitted.

The effect of the variance is to permit a second dwelling to have its own water supply and septic system. The variance would also allow the second dwelling to be located at a distance of 21.5m (67ft) from the principal dwelling, rather than the maximum 12 m permitted.

REVIEW COMMENTS

The property is located at 193 Hunter Side Road with Bolton Creek to the north. The lot is 7.13 ha (17.64 acres) and contains a dwelling and outbuilding.

Construction will be located more than 150m from Bolton Creek. A Site Plan Control Agreement will not be required as the construction is more than 100m from the creek.

Provincial Planning Statement

No concerns. Chapter 2 Building Homes, Sustaining Strong and Competitive Communities, Chapter 4: Wise Use and Management of Resources –4.2 Water and Chapter 5 Protecting Public Health and Safety - are satisfied as the proposed second unit is to be located more than 150m from the water.

While Section 5.2.9 states, "Development shall generally be directed to areas outside of lands that are unsafe due to the presence of hazardous forest types for wildland fire, development may be permitted in lands with hazardous forest types where the risk is mitigated in accordance with Wildland Fire assessment and mitigation standards as identified by the Province".

The Planner has reviewed the province's guidelines and the proposed site appears to be at low risk <https://www.ontario.ca/page/wildland-fire-risk-assessment-and-mitigation-reference-manual#section-9>.

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 and Wildland Fire Hazard High, Aggregates Sand and Gravel in the Official Plan, and residential uses are permitted in the proposed location. The Waterloo University Intact Centre for Climate Change has a useful infographic to guide homeowners on how to create a fire smart home see

https://www.intactcentreclimateadaptation.ca/wp-content/uploads/2025/06/IntactCentre_FireSmartHome.pdf

Zoning By-Law

The property is zoned Rural and a dwelling and additional dwelling unit are permitted uses. Current lot coverage is 3.12% and with the proposed additional dwelling unit is 3.9%, well under the 20% permitted in the Rural 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

Mississippi Valley Conservation Authority – Not circulated to the Conservation Authority as more than 150m from Bolton Creek.

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 Site Plan Control Agreement is not required. The second unit will be located more than 100m from the waterbody for Bolton Creek and the wildland fire risk has been determined to be low due to the mowing of the property where the ARU is proposed.

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 separate septic from the principal dwelling.
- To permit a second dwelling to be separated 21.5m (67 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*.

Weldon 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

Weldon 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

Weldon 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

Weldon 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

193 Hunter Side Road, Part Lot 19 & 20, Concession 11, in the geographic Township of Bathurst



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:

- The effect of the variance is to permit a second dwelling to have its own water supply and septic system. The variance would also allow the second dwelling to be located at a distance of 21.5m (67ft) from the principle dwelling, rather than the maximum 12 m permitted.



Weldon - Proposal

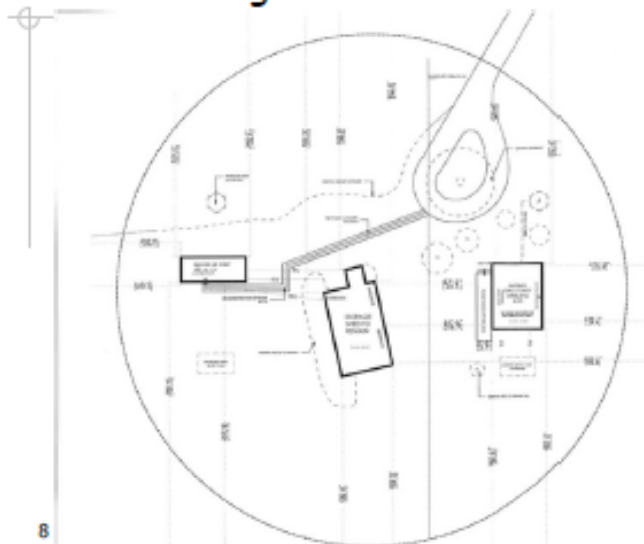
- The property is located at 193 Hunter Side Road with Bolton Creek to the north. The lot is 7.13 ha (17.64 acres) and contains a dwelling and outbuilding.
- Construction will be located more than 150m from Bolton Creek. A Site Plan Control Agreement will not be required as the construction is more than 100m from the creek.

7



7

Weldon Site Drawing



8



8

Weldon Photos



Location of the
second dwelling

9



9

Weldon Photos



10



10

Weldon Comments

Mississippi Valley Conservation Authority (MVCA)

MVCA was not circulated. The proposed location of the second dwelling is more than 150m away from water.

11



11

Weldon Comments

Mississippi Rideau Septic System Office (MRSSO)

- Applicant has applied for a new septic system.

12

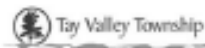


12

Weldon Provincial Policy Statement

- No concerns.
- Chapter 2 Building Homes, Sustaining Strong and Competitive Communities, Chapter 4: Wise Use and Management of Resources – 4.2 Water and Chapter 5 Protecting Public Health and Safety - are satisfied as the proposed second unit is to be located more than 150m from the water.

13



13

Weldon Provincial Policy Statement

- Section 5.2.9 states, "Development shall generally be directed to areas outside of lands that are unsafe due to the presence of hazardous forest types for wildland fire, development may be permitted in lands with hazardous forest types where the risk is mitigated in accordance with Wildland Fire assessment and mitigation standards as identified by the Province".
- The Planner has reviewed the province's guidelines and the proposed site appears to be at low risk(metal roof, mowed lawn, no slope)
<https://www.ontario.ca/page/wildland-fire-risk-assessment-and-mitigation-reference-manual#section-9>

14



14

Weldon 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.

15



15

Weldon Official Plan

- The subject land is designated Rural and Wildland Fire Hazard High, Aggregates Sand and Gravel in the Official Plan, and residential uses are permitted in the proposed location. The Waterloo University Intact Centre for Climate Change has a useful infographic to guide homeowners on how to create a fire smart home see
- https://www.intactcentreclimateadaptation.ca/wp-content/uploads/2025/06/IntactCentre_FireSmartHome.pdf

16



16

Weldon Zoning By-law

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

17



17

Weldon 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 3.12% and with the proposed additional dwelling unit is 3.9%, well under the 20% permitted in the Rural zone. The proposed second dwelling will still result in a Floor Space Index well under the permitted 12%.

18



18

Weldon 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.

19



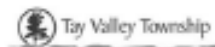
19

Weldon "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 or neighbours and these clauses are proposed to be removed in the next update to the Zoning By-Law.

20



20

Weldon Site Plan Control Agreement

- A Site Plan Control Agreement is not required. The second unit will be located more than 100m from the waterbody for Bolton Creek and the wildland fire risk has been determined to be low due to the mowing and lack of slope on the property where the ARU is proposed.

21



21

Weldon 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.

22



22

Weldon 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 separate septic from the principal dwelling.
- To permit a second dwelling to be separated 21.5m (67 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.

23



23

Weldon 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 MV25-13 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 193 Hunter Side Road, Part Lot 19 & 20, Concession 11, in the geographic Township of Bathurst, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-916-030-35801;

- *To permit a second dwelling to be constructed that is connected to a separate water supply and separate septic from the principal dwelling.*
- *To permit a second dwelling to be separated 21.5m (67 ft) from the principal dwelling rather than the maximum 12m permitted.*

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24

Committee of Adjustment

October 27th, 2025

Noelle Reeve, Planner

APPLICATION MV25-13

O'Flaherty

988 Brooke Valley Road, Concession 4, Part Lot 22
Geographic Township of South Sherbrooke

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 17m (56 ft) from the principal dwelling rather than the maximum 12m permitted.
- To permit the second unit to be 67% of the principal dwelling rather than the permitted 50% of the area of the principal dwelling

The effect of the variance is to permit a second dwelling to have its own water supply and septic system. The variance would also allow the second dwelling to be located at a distance of 17m (56 ft) from the principal dwelling, rather than the maximum 12 m permitted. Also to allow the second dwelling to be 17% (21.35m (229 sq. ft.)) larger than permitted.

REVIEW COMMENTS

The property is located at 988 Brooke Valley Road. The lot is 7.13 ha (17.64 acres) and contains a dwelling and a workshop.

Construction will be located 30m from the stream and a Site Plan Control Agreement will be executed to maintain vegetation.

Provincial Planning Statement

No concerns. Chapter 2 Building Homes, Sustaining Strong and Competitive Communities, Chapter 4: Wise Use and Management of Resources –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 30m from the water and Site Plan Control agreement will be put in place to maintain the vegetation on the property along the creek.

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, Abandoned Mine Buffer, Natural Corridors, Linkages and Streams 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.

Zoning By-Law

The property is zoned Rural and a dwelling and additional dwelling unit are permitted uses. Current lot coverage is 0.50% and with the proposed additional dwelling unit is 0.80%, well under the 20% permitted in the Rural 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 have no material impact on the property and these clauses are proposed to be removed in the next update to the Zoning By-law. The small increase in the requested size can be considered minor as it will not have an impact on neighbours and lot coverage with the additional dwelling unit will be less than 1%.

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

CIRCULATION COMMENTS

Rideau Valley Conservation Authority (RVCA) - Comments were not available before the report was written.

Mississippi Rideau Septic System Office (MRSSO) – Applicant has applied for a part 10/11 change of use permit to see if the current septic is sufficient for both units. If not the building permit will require a new septic system, or augmentation.

Public – None at the time of the report.

SITE PLAN CONTROL AGREEMENT

A Site Plan Control Agreement containing the recommendations of the RVCA to maintain protection of the of the stream.

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 17m (56 ft) from the principal dwelling rather than the maximum 12m permitted.
- To permit the second unit to be 67% of the principal dwelling rather than the permitted 50% of the area of the principal 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 Site Plan Control Agreement will be completed.

O'Flaherty 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'Flaherty 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'Flaherty 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'Flaherty 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

O'Flaherty

988 Brooke Valley Road, Part Lot 22, Concession 4, in the geographic Township of South Sherbrooke



5



5

O'Flaherty – 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 17m (56 ft) from the principal dwelling rather than the maximum 12m permitted.
- To permit the second unit to be 67% of the principal dwelling rather than the permitted 50% of the area of the principal dwelling

The effect of the variance is to permit a second dwelling to have its own water supply and septic system. The variance would also allow the second dwelling to be located at a distance of 17m (56 ft) from the principal dwelling, rather than the maximum 12 m permitted. Also to allow the second dwelling to be 17% (21.35m (229 sq. ft.)) larger than permitted.

6



6

O'Flaherty - Proposal

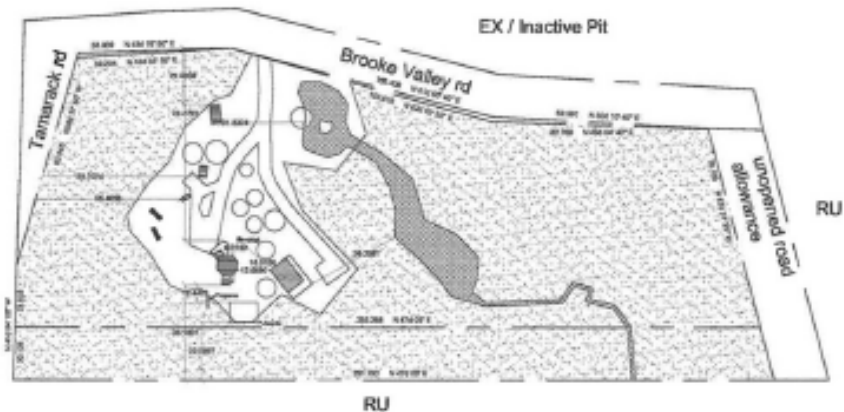
- The property is located at 988 Brooke Valley Road. The lot is 7.13 ha (17.64 acres) and contains a dwelling and a workshop.
- Construction will be located 30m from the stream and a Site Plan Control Agreement will be executed to maintain vegetation.

7



7

O'Flaherty Site Drawing



8



8

O'Flaherty Photos



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9

O'Flaherty Comments

Rideau Valley Conservation Authority (RVCA)

- Comments were not available before the report was written.

10

10

O'Flaherty Comments

Mississippi Rideau Septic System Office (MRSSO)

- Applicant has applied for a part 10/11 change of use permit to see if the current septic is sufficient for both units. If not the building permit will require a new septic system, or augmentation.

11



11

O'Flaherty Provincial Policy Statement

- No concerns.
- Chapter 2 Building Homes, Sustaining Strong and Competitive Communities, Chapter 4: Wise Use and Management of Resources – 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 30m from the water and Site Plan Control agreement will be put in place to maintain the vegetation on the property along the creek.

12



12

O'Flaherty

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.

13



13

O'Flaherty Official Plan

- The subject land is designated Rural, Abandoned Mine Buffer, Natural Corridors, Linkages and Streams 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.

14



14

O'Flaherty Zoning By-law

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

15



15

O'Flaherty 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 0.50% and with the proposed additional dwelling unit is 0.80%, well under the 20% permitted in the Rural zone. The proposed second dwelling will still be well under the permitted 12% Floor Space Index.

16



16

O'Flaherty 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.

17



17

O'Flaherty "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 have no material impact on the property and these clauses are proposed to be removed in the next update to the Zoning By-law. The small increase in the requested size can be considered minor as it will not have an impact on neighbours and lot coverage with the additional dwelling unit will be less than 1%.

18



18

O'Flaherty Site Plan Control Agreement

- A Site Plan Control Agreement containing the recommendations of the RVCA to maintain protection of the of the stream.

19



19

O'Flaherty 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.

20



20

O'Flaherty - 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 17m (56 ft) from the principal dwelling rather than the maximum 12m permitted.
- To permit the second unit to be 67% of the principal dwelling rather than the permitted 50% of the area of the principal 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 Site Plan Control Agreement will be completed.

21



21

O'Flaherty 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 988 Brooke Valley Road, Part Lot 22 Concession 4, in the geographic Township of South Sherbrooke, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-914-020-80000;

- *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 17m (56 ft) from the principal dwelling rather than the maximum 12m permitted.*
- *To permit the second unit to be 67% of the principal dwelling rather than the permitted 50% of the area of the principal dwelling*

AND THAT, a Site Plan Control Agreement be completed."

22



22