



COMMITTEE OF ADJUSTMENT AGENDA

Monday, November 17th, 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 – October 27th, 2025 - *attached, page 4.***

*Suggested Motion by Peter Siemons/Richard Schooley:
“THAT, the minutes of the Committee of Adjustment meeting held October 27th,
2025, be approved as circulated.”*

5. INTRODUCTION

- The purpose of this meeting is to hear application for Minor Variance:
 - **Duschner**
- 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 #:** **MV25-12 - Duschner – attached, page 10.**
808 Oswald Lane
Part Lot 11, Concession 3
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 MV25-12 is approved, to allow a variance from the requirements of Section 3.29 (Water Setback), Section 3.30 (Yard and Water Setback Encroachments) and Section 5.2.2 (Seasonal Residential) of Zoning By-Law 2002-121, for the lands described as 808 Oswald Lane, Part Lot 11 Concession 3, in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-02008200;

- *To permit a water setback for a cottage of 24.4m on its east side, 15.3m on its north side and 18.5m on the south side instead of the required 30m.*
- *To allow the septic to be 15m from Big Rideau Lake rather than the required 30m.*
- *To permit an encroachment of 3m for the deck instead of the 2m permitted.*
- *To reduce the south interior side setback from 6m to 2.6m.*

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

THAT, the right of way is named to comply with the requirements for the Road Naming Policy and it is incorporated into the Road Naming By-Law;

AND THAT, any requirements from the Ministry of Natural Resources be met.”

7. NEW/OTHER BUSINESS

None.

8. ADJOURNMENT

MINUTES

COMMITTEE OF ADJUSTMENT MINUTES

Monday, October 27th, 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: Adrien Gignac, Agent
Bridget O’Flaherty, Owner

Public Present: Jasper O’Flaherty
Rose Dyke

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 – September 29th, 2025.

The minutes of the Committee of Adjustment meeting held on September 29th, 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:

MV25-13 – Weldon, Part Lot 19 &20, Concession 11 geographic Township of Bathurst

MV25-14 – O'Flaherty, Part Lot 22, Concession 4, geographic Township of South Sherbrooke

6. APPLICATIONS

i) FILE #: MV25-13 – Weldon

a) PLANNER FILE REVIEW

The Planner reviewed the file and Power Point in the agenda package. The Planner noted that the relief was to permit a second dwelling to have its own water supply and septic system. The relief is also for the location of a secondary dwelling that is more than 12m from the primary unit.

The application meets the Provincial Planning Statement (PPS). The Planner did note that the Official Plan mapping shows the property in a Wildfire High Hazard Zone. The Planner completed a Wildfire Assessment for the property, and it is in an open area, with no slope and the second dwelling is proposing a steel roof, therefore, was rated a lower risk.

A Site Plan Control Agreement is not required for the application as the construction is greater than 150m from Bolton Creek and the Conservation Authority was also not circulated.

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

b) APPLICANT COMMENTS

In response to a Committee Member's question, the fourth building that is on the site is a sugar shack that is not in use but remains for the historical appeal of the site.

c) ORAL & WRITTEN SUBMISSIONS

None.

d) DECISION OF COMMITTEE

RESOLUTION #COA-2025-13

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 MV25-13 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."

ADOPTED

ii) **FILE #: MV25-14– O’Flaherty**

a) **PLANNER FILE REVIEW**

The Planner reviewed the file and Power Point in the agenda package. The Planner noted that the relief was to permit a second dwelling to have its own water supply and septic system. The relief is also for the location of a secondary dwelling that is more than 12m from the primary unit. The applicant is also seeking relief for the second dwelling to be 17% (21.35m (229 sq. ft.)) larger than permitted

The Planner advised the Committee that the Inactive Pit indicated on the site sketch will be removed from the Township’s Zoning Map after receiving confirmation from the Ministry of Mines that the pit is closed.

A Site Plan Control Agreement will be required for this property as the second dwelling is not more than 100m from the stream. The applicant did apply for a Part 10/11 to the Mississippi Rideau Septic System Office and was refused, therefore, a septic system will require either an extension or the applicant will need to apply for a new septic system.

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

b) **APPLICANT COMMENTS**

The owner of the property noted to the Planner and the Committee Members that “the stream” is dry 90% of the year and feels it is not a stream. The Planner advised that even if it is an intermittent stream, it is still on the Rideau Valley Conservation Authority’s mapping and intermittent streams are included in the Zoning By-Law, therefore, a Site Plan Control Agreement is required.

c) **ORAL & WRITTEN SUBMISSIONS**

None.

d) **DECISION OF COMMITTEE**

RESOLUTION #COA-2025-14

MOVED BY: Peter Siemons

SECONDED BY: Richard Schooley

THAT, in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application MV25-03 is approved, to allow a variance from the requirements of Sections 3.19.1 and 3.19.3 (Second Dwelling Unit and Second Dwelling) of Zoning By-Law 2002-121, for the lands legally described as 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.”

ADOPTED

7. NEW/OTHER BUSINESS

None.

8. ADJOURNMENT

The meeting adjourned at 5:24 p.m.

APPLICATION

Committee of Adjustment

November 17th, 2025

Noelle Reeve, Planner

APPLICATION MV25-12

Petra Duschner and Gabrielle Duschner
808 Oswald Lane, Part Lot 11, Concession 3
Geographic Township of North Burgess

SUMMARY OF PROPOSAL

Purpose and Effect: To seek relief from Section 3.29 (Water Setback), Section 3.30 (Yard and Water Setback Encroachments) and Section 5.2.2 (Seasonal Residential) of Zoning By-Law 2002-121, as amended, as follows:

- To permit a water setback for a cottage of 24.4m on its east side, 15.3m on its north side and 18.5m on the south side instead of the required 30m.
- To allow the septic to be 15m from Big Rideau Lake rather than the permitted 30m.
- To permit an encroachment of 3m for the deck instead of the 2m permitted.
- To reduce the south interior side setback from 6m to 2.6m.

The effect of the variance is to allow an existing cottage to be replaced 10m farther back from Big Rideau Lake at a setback of 24.4m, 18.5m, and 15.3m with a 34% increase in size from 99m² (1,068 sq ft) to 136m² (1,464 sq ft). The variance would also permit a new septic system to be placed 15m from Big Rideau Lake instead of the required 30m. The property has topographical features preventing the 30m setback from being achieved. The south interior side lot line setback is proposed to be reduced to 2.6m to ensure the new cottage meets the 15m water setback on the north side of the cottage required for any development along the Rideau Canal UNESCO World Heritage Site. Finally, while the size of deck permitted at this setback is met, relief is sought for the deck to encroach 3m toward the water rather than the 2m permitted.

REVIEW COMMENTS

The property is located at 808 Oswald Lane. The lot is 1.17ha (2.9 acres) with approximately 52m (170 ft) water frontage and contains a cottage and boathouse.

The applicant has started the process of naming the access to the property. This process is complicated because the road is within Murphys Point Provincial Park and may be owned by the Ministry of Natural Resources. A recommended 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 is met as although there is some slope to the property and some ridges and gullies, they do not meet the criteria of steep slopes.

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, Abandoned Mine Buffer, Linkages and Corridors.

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 by the cottage moving back 10m from its original location and through Site Plan Control.

Section 5.4.3 Rideau Canal World Heritage Site applies 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 Seasonal Residential (RS) and a cottage is a permitted use. Current lot coverage is 6.3% and the resulting lot coverage will be 8% which is under the 10% permitted for the RS zone. The Floor Space Index will increase from 3.8% to 5% well under the 12% permitted. The applicants and their designer worked through various designs with the Planner to achieve a design that would meet the parameters of the required 15m water setback for development on Big Rideau Lake and the amount of deck permitted.

The application can be considered minor in impact as the proposed replacement cottage will improve water quality through its location 10m farther from the lake than the original cottage.

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 comments were not available at the time of the report.

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.

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.

Ministry of Natural Resources (MNR) – MNR comments were not available at the time of the report.

Mississippi Rideau Septic System Office (MRSSO) – MRSSO has visited the site and provided feedback on the location of the septic system. An application will be submitted for a new septic system.

Public – None at the time of the report.

SITE PLAN CONTROL AGREEMENT

A Site Plan Control Agreement will be required that will contain any recommendations of the Rideau Valley Conservation Authority, Parks Canada and Ministry of Natural Resources 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 3.29 (Water Setback), Section 3.30 (Yard and Water Setback Encroachments) and Section 5.2.2 (Seasonal Residential) of Zoning By-Law 2002-121, as amended, as follows:

- To permit a water setback for a cottage of 24.4m on its east side, 15.3m on its north side and 18.5m on the south side instead of the required 30m.
- To allow the septic to be 15m from Big Rideau Lake rather than the permitted 30m.
- To permit an encroachment of 3m for the deck instead of the 2m permitted.
- To reduce the south interior side setback from 6m to 2.6m.

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 it is incorporated into the Road Naming By-Law.

And that any requirements from the Ministry of Natural Resources be met.

Duschner 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

Duschner 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

Duschner 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



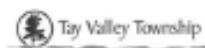
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Duschner Minor Variance

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

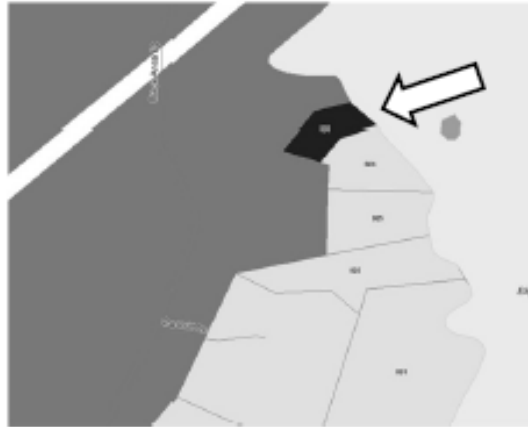
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4

Duschner

808 Oswald, Concession 3, Part Lot 11
Geographic Township of North Burgess

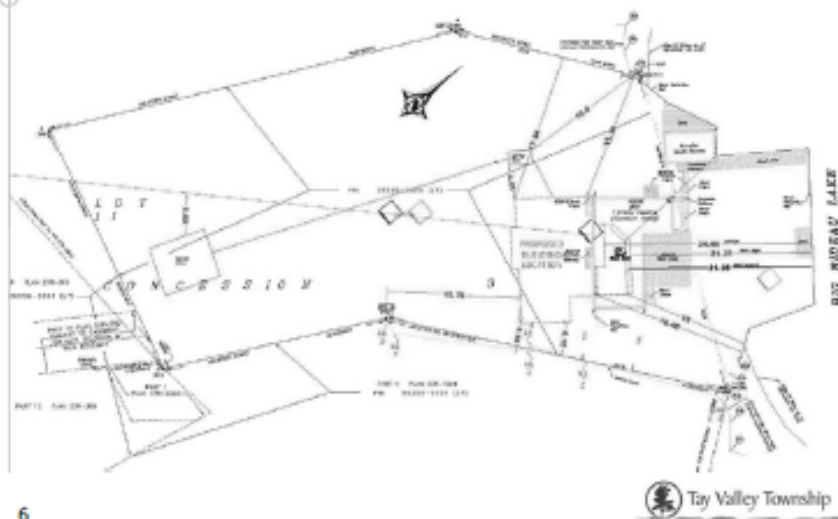


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5

Duschner Site Sketch



6



6

Duschner - Proposal

The Minor Variance application seek relief from Section 3.29 (Water Setback), Section 3.30 (Yard and Water Setback Encroachments) and Section 5.2.2 (Seasonal Residential) of Zoning By-Law 2002-121, as amended, as follows:

- To permit a water setback for a cottage of 24.4m on its east side, 15.3m on its north side and 18.5m on the south side instead of the required 30m.
- To allow the septic to be 15m from Big Rideau Lake rather than the permitted 30m.
- To permit an encroachment of 3m for the deck instead of the 2m permitted.
- To reduce the south interior side setback from 6m to 2.6m.

7



7

Duschner - Proposal

The effect of the variance is to allow an existing cottage to be replaced 10m farther back from Big Rideau Lake at a setback of 24.4m, 18.5m, and 15.3m with a 34% increase in size from 99m² (1,068 sq ft) to 136m² (1,464 sq ft).

The variance would also permit a new septic system to be placed 15m from Big Rideau Lake instead of the required 30m. The property has topographical features preventing the 30m setback from being achieved.

The south interior side lot line setback is proposed to be reduced to 2.6m to ensure the new cottage meets the 15m water setback on the north side of the cottage required for any development along the Rideau Canal UNESCO World Heritage Site.

Finally, while the size of deck permitted at this setback is met, relief is sought for the deck to encroach 3m toward the water rather than the 2m permitted.

8



8

Duschner - Proposal

- The property is located at 808 Oswald Lane. The lot is 1.17ha (2.9 acres) with approximately 52m (170 ft) water frontage and contains a cottage and boathouse.
- The applicant has started the process of naming the access to the property. This process is complicated because the road is within Murphys Point Provincial Park and may be owned by the Ministry of Natural Resources. A recommended condition of the minor variance is the road naming needs to be completed before the building permit can be issued.

9

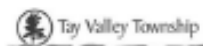


9

Duschner Photos



10



10

Duschner Photos



11



11

Duschner Photos



12



12

Duschner Agency Comments

Rideau Valley Conservation Authority (RVCA) – RVCA comments were not available at the time of the report.

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.

13



13

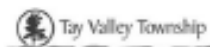
Duschner Agency Comments

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. (A permit was received to replace the wooden shoreline retaining wall.)

14



14

Duschner Agency Comments

Mississippi Rideau Septic System Office (MRSSO)

- MRSSO has visited the site and provided feedback on the location of the septic system. An application will be submitted for a new septic system.
- **Ministry of Natural Resources (MNR)** – Ontario Parks commented that the applicants to confirm the septic location is on their property as it is close to the parks boundary and verify it is on their property survey.

15



15

Duschner Provincial Planning 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 is met as although there is some slope to the property and some ridges and gullies, they do not meet the criteria of steep slopes.

16



16

Duschner

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

Duschner

Official Plan

- The subject land is designated Rural, Abandoned Mine Buffer, Natural Linkages and Corridors.
- 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 by the cottage moving back 10m from its original location and through Site Plan Control.

18



18

Duschner Official Plan

- Section 5.4.3 Rideau Canal World Heritage Site applies 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

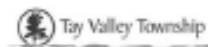


19

Duschner Zoning By-law

- The property is zoned Seasonal Residential (RS) and a cottage is a permitted use
- The applicants and their designer worked through various designs with the Planner to achieve a design that would meet the parameters of the required 15m water setback for development on Big Rideau Lake and the amount of decking.

20



20

Duschner Official Plan & Zoning Test

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

- Current lot coverage is 6.3% and the resulting lot coverage will be 8% which is under the 10% permitted for the RS zone. The Floor Space Index will increase from 3.8% to 5% well under the 12% permitted.

21



21

Duschner 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

Duschner "Minor" Test

Is it minor in nature and scope?

- The application can be considered minor in impact as the proposed replacement cottage will improve water quality through its location 10m farther from the lake than the original cottage.

23



23

Duschner Site Plan Control Agreement

- A Site Plan Control Agreement will be required that will contain any recommendations of the Rideau Valley Conservation Authority, Parks Canada and Ministry of Natural Resources to enhance protection of the water quality and shoreline of Big Rideau Lake.

24



24

Duschner 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.

25



25

Duschner Recommendation

That the Minor Variance be granted for relief from the requirements of Section 3.29 (Water Setback), Section 3.30 (Yard and Water Setback Encroachments) and Section 5.2.2 (Seasonal Residential) of Zoning By-Law 2002-121, as amended, as follows:

- To permit a water setback for a cottage of 24.4m on its east side, 15.3m on its north side and 18.5m on the south side instead of the required 30m.
- To allow the septic to be 15m from Big Rideau Lake rather than the permitted 30m.
- To permit an encroachment of 3m for the deck instead of the 2m permitted.
- To reduce the south interior side setback from 6m to 2.6m.

because the general intent and purpose of the Official Plan and Zoning By-Law are maintained; further, that the variance is desirable and appropriate development of the lands and can be considered minor. As such, the application meets the tests of the *Planning Act*.

26



26

Duschner Recommendation Continued

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 it is incorporated into the Road Naming By-Law.

And that any requirements from the Ministry of Natural Resources be met.

27



27

Duschner - 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 MV25-12 is approved, to allow a variance from the requirements of Section 3.29 (Water Setback), Section 3.30 (Yard and Water Setback Encroachments) and Section 5.2.2 (Seasonal Residential) of Zoning By-Law 2002-121, for the lands described as 808 Oswald Lane, Part Lot 11 Concession 3, in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-02008200;

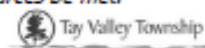
- To permit a water setback for a cottage of 24.4m on its east side, 15.3m on its north side and 18.5m on the south side instead of the required 30m.
- To allow the septic to be 15m from Big Rideau Lake rather than the required 30m.
- To permit an encroachment of 3m for the deck instead of the 2m permitted.
- To reduce the south interior side setback from 6m to 2.6m.

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

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

AND THAT, any requirements from the Ministry of Natural Resources be met.

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