



COMMITTEE OF ADJUSTMENT MINUTES

Monday, November 17th, 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: Petra Duschner, Owner
Gabrielle Duschner, Owner

Public Present: Rob Ferrier
Hanah Malz
Silke Malz

1. CALL TO ORDER

The meeting was called to order at 5:00 p.m.
A quorum was present.

2. AMENDMENTS/APPROVAL OF AGENDA

The Agenda was adopted as presented.

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

None at this time.

4. APPROVAL OF MINUTES

i) **Committee of Adjustment Meeting – October 27th, 2025.**

The minutes of the Committee of Adjustment meeting held on October 27th, 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:

MV25-12 - Duschner, Part Lot 11, Concession 3 geographic Township of North Burgess

6. APPLICATIONS

i) **FILE #: MV25-12 –Duschner**

a) **PLANNER FILE REVIEW**

The Planner reviewed the file and Power Point in the agenda package. The Planner noted that the relief requested is 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. The Planner commented that the lot is like a peninsula, therefore, requiring relief on all sides. Relief is also required to allow the septic to be 15m from Big Rideau Lake rather than the required 30m, and to reduce the south interior side

setback from 6m to 2.6m to allow the minimum water setback for Big Rideau Lake of 15m to be met. Finally, relief is also requested to permit an encroachment of 3m for the deck instead of the 2m permitted.

The cottage will be slightly increasing in size, but lot size allows the increase. The deck meets the size requirement; only relief for the encroachment is sought.

The Planner noted that the right of way to the property does have a fork and therefore a road naming is required and is in process.

Comments from the Rideau Valley Conservation Authority (RVCA) were sent after the report had been posted, the Planning Assistant circulated comments to the Committee members by email. RVCA did not have any concerns and did not identify any hazards.

The applicants confirmed that an application has been submitted to the Mississippi Rideau Septic System Office for a new septic system.

The Planner noted the application met the Provincial Planning Statement and water quality will be protected with a site plan control agreement to maintain vegetation on the property.

The application meets the Township Official Plan requirements.

Parks Canada has no concerns and recommendations will be included in the Site Plan Control Agreement.

The Planner advised the Committee members that the applicants and designer met multiple times with the Township to come up with the proposed layout and cottage and deck size.

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

The Planner responded to a question from a member of the Committee wondering if the Site Plan Control Agreement will address maintenance of vegetation and rehabilitation? Yes and the Planner will advise the owners to reach out the RVCA for support in completing a planting plan for the property.

b) **APPLICANT COMMENTS**

Applicants introduced themselves to the Committee members and gave a brief background about the family property and applauded the Planning Department for their service and availability throughout the application process.

They noted they see it is a legacy property and would like to preserve it for future generations to use.

Maintaining the integrity of the natural heritage of the property is very important to the family.

c) ORAL & WRITTEN SUBMISSIONS

None.

d) DECISION OF COMMITTEE

RESOLUTION #COA-2025-13

MOVED BY: Peter Siemons

SECONDED BY: Richard Shooley

“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 tank 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 and Limited Services 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.”


ADOPTED


7. NEW/OTHER BUSINESS

None.

8. ADJOURNMENT

The meeting adjourned at 5:23 p.m.



Chairperson

Secretary/Treasurer