



## **COMMITTEE OF ADJUSTMENT AGENDA**

Monday, February 23<sup>rd</sup>, 2025 – 5:00 p.m.  
Municipal Office – Council Chambers – 217 Harper Road

Livestream Link: <https://www.tayvalleytwp.ca/livestream/>

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### ***Chair, Larry Sparks***

#### **1. CALL TO ORDER**

#### **2. NOTICE OF LIVESTREAMING**

#### **3. AMENDMENTS/APPROVAL OF AGENDA**

*Suggested Motion by Richard Schooley/Peter Siemons:  
“THAT, the agenda be adopted as presented.”*

#### **4. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST AND GENERAL NATURE THEREOF**

#### **5. APPROVAL OF MINUTES**

i) **Committee of Adjustment Meeting – November 17<sup>th</sup>, 2025 - *attached, page 4.***

*Suggested Motion by Peter Siemons/Richard Schooley:  
“THAT, the minutes of the Committee of Adjustment meeting held November 17<sup>th</sup>, 2025, be approved as circulated.”*

#### **6. INTRODUCTION**

- The purpose of this meeting is to hear application for Minor Variance:
  - **Richter**
- 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](mailto:planningassistant@tayvalleytwp.ca)
- The Secretary/Treasurer must provide notice of the Committee's decision to all those who request a copy.

## 7. APPLICATIONS

i) **FILE #:** **MV26-01 - Richter – *attached, page 10.***  
**220 Greta's Way**  
**Part Lot 2, Concession 3**  
**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 MV26-01 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 220 Greta's Way, Part Lot 2 Concession 3, in the geographic Township of Bathurst, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-916-010-12800;*

- *To permit an 89m<sup>2</sup> addition at the rear of the cottage to be located at a water setback of 18.5m instead of the required 30m.*

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

## 8. NEW/OTHER BUSINESS

None.

## 9. ADJOURNMENT

# MINUTES

## **COMMITTEE OF ADJUSTMENT MINUTES**

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**Monday, November 17<sup>th</sup>, 2025**

**5:00 p.m.**

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

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### **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

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### **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 27<sup>th</sup>, 2025.**

The minutes of the Committee of Adjustment meeting held on October 27<sup>th</sup>, 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.

# APPLICATION

**Committee of Adjustment**  
February 23, 2026

**Noelle Reeve, Planner**

**APPLICATION MV26-01**

Richter  
220 Greta's Way, Concession 3, Part Lot 2  
Geographic Township of Bathurst

## **SUMMARY OF PROPOSAL**

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

- To permit an 89m<sup>2</sup> addition at the rear of the cottage to be located at a water setback of 18.5m rather than the 30m required.

The effect of the variance is to permit an addition at the rear of the cottage at 18.5m instead of the 30m required.

## **REVIEW COMMENTS**

The property is located at 220 Greta's Way. The lot is 3,156m<sup>2</sup> (0.78 acres) with approximately 45.7m (150ft) water frontage and contains a cottage and sheds. The owner is proposing an addition at the rear of the existing cottage that will be 18.5m from Christie Lake.

### **Provincial Planning Statement**

No concerns. Chapter 2 Building Homes, Sustaining Strong and Competitive Communities recognizes residential uses. 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 – is met as there are no hazards.

### **County Sustainable Community Official Plan**

No concerns. Section 3.3.3.1 Rural Area Land Use Policies Objectives are to: ensure development is consistent with rural service levels; to maintain the distinct character of rural, waterfront and settlement areas; and to ensure that development is compatible with natural heritage. A Site Plan Control Agreement will meet these requirements.

### **Official Plan**

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

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

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

### **Zoning By-Law**

The property is zoned Seasonal Residential (RS) and a cottage is a permitted use. Current lot coverage is 2.0% and after the addition to the rear of the cottage lot coverage will increase to 2.9% which is under the 10% lot coverage that is permitted. The current floor space index is 1.3% and after the addition it will be 2.2%, this is well under the permitted 12% Floor Space Index.

The application can be considered minor in impact as the lot coverage is met and addition is to the rear of the cottage so will not impact the water any further.

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

### **CIRCULATION COMMENTS**

**Rideau Valley Conservation Authority (RVCA)** – RVCA has no objections. However, they do caution that floodplain mapping in the subject location is being updated. Under new floodplain mapping, the existing cottage may be within the flood regulated area. For this reason, they advise that floodproofing be considered in the construction of the addition if it is approved.

**Mississippi Rideau Septic System Office (MRSSO)** – The application has been submitted for comment, but the Township did not receive the comments in time for the report. The Township will have comments by the date of the hearing.

**Public** – None at the time of the report.

### **SITE PLAN CONTROL AGREEMENT**

A Site Plan Control Agreement containing the recommendations of the RVCA is proposed to maintain vegetation to protect the water quality and shoreline of Christie Lake.

### **RECOMMENDATION**

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

- To permit an 89m<sup>2</sup> addition to the rear of the cottage at a setback of 18.5m rather than the 30m required.

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.

## Richter 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.

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## Richter Minor Variance

### **Ontario Land Tribunal**

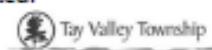
Only the applicant, the Minister or a specified person or public body that has an interest in the matter may appeal the decision to the Ontario Land Tribunal. A "specified person" does not include an individual or a community association.

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.

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## Richter 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



## Richter 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



## Richter

*220 Greta's Way, Part Lot 2, Concession 3  
Geographic Township of Bathurst*



5



### Tay Valley Township

## Richter- Proposal

The Minor Variance application seeks relief from Section 3.29 (Water Setback) of Zoning By-Law 2002-121, as amended, as follows:

- To permit an 89m<sup>2</sup> addition at the rear of the cottage to be located at a water setback of 18.5m rather than the 30m required.

The effect of the variance is to permit an addition at the rear of the cottage at 18.5m instead of the 30m required.

6



### **Tay Valley Township**

## Richter - Proposal

- Located at 220 Greta's Way. The lot is 3,156m<sup>2</sup> (0.78 acres) with approximately 45.7m (150ft) water frontage and contains a cottage and sheds. The owner is proposing an addition at the rear of the existing cottage that will be 18.5m from Christie Lake. A Site Plan Control Agreement will be required.

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## Richter Site Drawing



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## Richter Site Drawing



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## Richter Photos



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Tay Valley Township

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## Richter Photos



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## Richter Comments

### **Rideau Valley Conservation Authority (RVCA)**

- RVCA has no objections.
- However, they do caution that floodplain mapping in the subject location is being updated. Under new floodplain mapping, the existing cottage may be within the flood regulated area. For this reason, they advise that floodproofing be considered in the construction of the addition if it is approved.

12



12

## Richter Comments

### **Mississippi Rideau Septic System Office (MRSSO)**

- The application has been submitted for comment, but the Township did not receive the comments in time for the report. The Township will have comments by the date of the hearing.

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## Richter Provincial Planning Statement

No concerns.

**Chapter 2 Building Homes, Sustaining Strong and Competitive Communities** recognizes residential uses.

**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 –** is met as there are no hazards.

14



14

## Richter

### 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.

15



15

## Richter

### Official Plan

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

16



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## Schmidt Zoning By-law

- The property is zoned Seasonal Residential and a cottage is a permitted use.

17



## Richter 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 2.0% and after the addition to the rear of the cottage lot coverage will increase to 2.9% which is under the 10% lot coverage that is permitted. The current floor space index is 1.3% and after the addition it will be 2.2%, this is well under the permitted 12% Floor Space Index.

18



18

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

19



## Richter "Minor" Test

*Is it minor in nature and scope?*

- The application can be considered minor in impact as the lot coverage is met and the addition is to the rear of the cottage so will not impact the water any further.

20

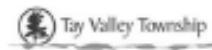


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## Richter Site Plan Control Agreement

- A Site Plan Control Agreement containing the recommendations of the RVCA is proposed to maintain vegetation to protect the water quality and shoreline of Christie Lake.

21

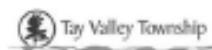


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## Richter Public Comments

- No comments were received at the time of the report.
- Members of the public are welcome to speak to the application at this meeting.

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## Richter Recommendation

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

- To permit an 89m<sup>2</sup> addition to the rear of the cottage at a setback of 18.5m rather than the 30m required.

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.

23



Tay Valley Township

## Richter 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 MV26-01 is approved, to allow a variance from the requirements of Section 3.29 (Water Setbacks) of Zoning By-Law 2002-121, for the lands legally described as 220 Greta's Way, Part Lot 2 Concession 3, in the geographic Township of Bathurst, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-916-010-12800;*

- *To permit an 89m<sup>2</sup> addition at the rear of the cottage to be located at a water setback of 18.5m instead of the 30m required.*

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

24



Tay Valley Township

24