



COMMITTEE OF ADJUSTMENT AGENDA

Monday, October 18, 2021 - 5:00 p.m.
Conference Call

Conference Call (audio)

Dial-In Number 1-855-344-7722 or 613-244-1312
Conference ID: 1554771

GoToMeeting (visual) <https://global.gotomeeting.com/join/345159957>

As the province of Ontario continues to take significant steps to limit the transmission of the COVID-19 virus, the Township continues to protect the health and safety of the public, Council, Committee and Board Members, and employees while at the same time processing *Planning Act* applications. Therefore, the Township is holding an electronic meeting, as per the Procedural By-Law, and in accordance with the *Planning Act*.

There will **NOT** be any ability to attend the meeting in person to help prevent the spread of COVID-19. The public may participate by alternate means. The Township strongly encourages written comments to be submitted prior to the meeting to planningassistant@tayvalleytwp.ca. A conference call line will be available during the meeting to enable the public to participate and make oral representations. There will also be the ability to view the meeting agenda and materials on an electronic device. The details to join the conference call and view the materials are located above.

Teleconference Participation Etiquette

- a meeting via teleconference shall never be treated differently than a meeting in person, whereby all attendees shall abide by proper meeting procedure and etiquette;
- as meeting attendees log onto the teleconference line, you will likely hear others join as well (this will be signified by a beeping noise);
- we ask that all attendees mute their phones; doing so will eliminate any background noise and create a much more seamless process
- if/when you wish to speak during the meeting, you will simply unmute your phone and upon completion of your thought, please re-mute
- The Chair will call the meeting to order at the time indicated on the agenda and at that time we ask that everyone else remain silent;
- roll call will be completed at which time Members will simply respond “present”;

- the Chair will then remind all attendees to place their phones on mute
 - as the Chair moves through the agenda, he will call on the Planner to speak to each Application;
 - for Members, we request that you retain your questions until the end of the report, at which time the Chair will ask if anyone has questions;
 - you will be required to say your name and if more than one Member has a question, the Recording Secretary will tally the names and those will then be asked to speak in the sequence to which they made the request;
 - the same process will be used when the Public are asked for comments
-

Chair, Larry Sparks

1. CALL TO ORDER

Roll Call

2. AMENDMENTS/APPROVAL OF AGENDA

*Suggested Motion by Ron Running/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 – August 23rd, 2021 - *attached, page 6.***

*Suggested Motion by Peter Siemons/Ron Running:
“THAT, the minutes of the Committee of Adjustment meeting held August 23rd, 2021 be approved as circulated.”*

5. INTRODUCTION

- The purpose of this meeting is to hear applications for Minor Variance:
 - **Prince and Szybel**
 - **Cook**
 - **Shannan**
- 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 four key factors on which decisions are based include:
 - 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-Law?
 - Is the application desirable for the appropriate development or use of the site?
 - Is the application minor in nature and scope?
- 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 a person or public body does not make oral or written submissions at a public meeting, or make written submissions to Tay Valley Township before the decision is passed, the person or public body may not be added to the hearing of an appeal before the Ontario Land Tribunal (OLT) unless, in the opinion of the Board, there are reasonable grounds to do so.
- 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. This will also entitle you to be advised of a possible Ontario Land Tribunal hearing. Even if you are the successful party, you should request a copy of the decision since the Committee of Adjustment decision may be appealed to the Ontario Land Tribunal by the applicant or another member of the public.
- The Secretary/Treasurer must provide notice of the Committee's decision to all those who request a copy. Anyone may appeal the decision to the Ontario Land Tribunal (OLT) by filing with the Secretary/Treasurer within 20 days of the notice of decision.

6. APPLICATIONS

- i) **FILE #: MV21-23 – Prince and Sztybel – *attached, page 16.***
 - a) PLANNER FILE REVIEW
 - b) APPLICANT COMMENTS
 - c) ORAL & WRITTEN SUBMISSIONS

d) DECISION OF COMMITTEE

Recommended Decision by Ron Running/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 MV21-23 is approved, to allow a variance from the requirements of Sections 13.19.1 and 3.19.3 (Zone Provisions) of Zoning By-Law 2002-121, for the lands legally described as 20619 Highway 7, E1/2 Lot 3, Concession 6, in the geographic Township of Bathurst, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-916-020-10000:

- To increase the maximum distance separating a second dwelling from a principal dwelling, from 12m to 33.5 m
- To allow a second dwelling to have a separate well and septic system from the principal dwelling.”

ii) **FILE #: MV21-24 – Cook – attached, page 27.**

- a) PLANNER FILE REVIEW
- b) APPLICANT COMMENTS
- c) ORAL & WRITTEN SUBMISSIONS
- d) DECISION OF COMMITTEE

Recommended Decision by Ron Running/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 MV21-24 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 2047 Pike Lake Route 16A, Part Lot 21, Concession 8, in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-015-25800 to reduce the minimum water setback of a proposed 58m² cottage addition, from 30m to 17.5m.”

iii) **FILE #: MV21-25 – Cook – attached, page 39.**

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

d) DECISION OF COMMITTEE

Recommended Decision by Ron Running/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 MV21-25 is approved, to allow a variance from the requirements of Section 10.1.1 (Rural) Section 3.19.1 and 3.19.3 (Second Dwellings) of Zoning By-Law 2002-121, for the lands legally described as 150 Ennis Road, Part Lot 19, Concession 10, in the geographic Township of North Bathurst, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-916-030-26318:*

- To reduce the minimum side lot line setback from 6m to 1.8m*
- To permit a second dwelling to be constructed with a separation distance greater than the 12m permitted*
- To allow a second dwelling to have a separate well and septic system from the principal dwelling.”*

7. NEW/OTHER BUSINESS

None.

8. ADJOURNMENT

MINUTES

COMMITTEE OF ADJUSTMENT MINUTES

Monday, August 23rd, 2021

5:00 p.m.

Conference Call

ATTENDANCE:

Members Present: Chair, Larry Sparks
Ron Running

Members Absent: Peter Siemons

Staff Present: Noelle Reeve, Planner
Garry Welsh, Secretary/Treasurer
Sarah McLeod-Neilson,
Rideau Valley Conservation Authority (RVCA)

Applicant/Agents Present: Melissa Fudge, Applicant/Agent
Brett O'Grady, Owner
Becky O'Grady, Owner
Ted Howe, Applicant/Agent
Sheila Howe, Owner

Public Present: None

1. CALL TO ORDER

The Chair called the meeting to order at 5:01 p.m.
The Chair conducted Roll Call.
A quorum was present.

The Chair provided an overview of the Teleconference Participation Etiquette that was outlined in the Agenda.

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 21st, 2021.**

The minutes of the Committee of Adjustment meeting held on June 21st, 2021 were approved as circulated.

5. INTRODUCTION

The Chair welcomed the attendees and introduced the Committee Members, the Planner and the Secretary/Treasurer and identified the applicants. 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
- all persons attending are encouraged to make comments in order to preserve their right to comment should this application be referred to the Ontario Land Tribunal (OLT).
- 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 Chair 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. The four key factors on which decisions are based include:

- 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?

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:

MV21-18 – HORNER – 174 Posner Lane, Concession 1, Part Lot 2 geographic Township of Sherbrooke;

MV21-19 – LEEFLANG – 2589 Brouse Road, Concession 10, Part Lot 10, geographic Township of Bathurst;

MV21-20 – ANTOSZKIEWICZ – O’Brien Lake Lane 14, Concession 2, Part Lot 12, geographic Township of South Sherbrooke;

MV21-21 – O’GRADY – 286 Winton Lane, Concession 5, Part Lot 2, geographic Township of North Burgess;

MV21-22 – BROOKS – 460 Christie Lake North Shore Road, Concession 3, Part Lot 3, geographic Township of Sherbrooke;

MV21-16 – HOWE – 867 Pike Lake Route 1E, Concession 8, Part Lot 19 geographic Township of Burgess.

6. APPLICATIONS

i) FILE #: MV21-18 – HORNER

a) PLANNER FILE REVIEW

The Planner reviewed the file and PowerPoint in the agenda package.

b) APPLICANT COMMENTS

None.

c) ORAL & WRITTEN SUBMISSIONS

None.

d) DECISION OF COMMITTEE

RESOLUTION #COA-2021-21

MOVED BY: Ron Running
SECONDED BY: Larry Sparks

“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 MV21-18 is approved, to allow a variance from the requirements of Section 5.1.2 (Residential) of Zoning By-Law 2002-121, for the lands legally described as 174 Posner Lane, Plan 27M12 Lot 3, in the geographic Township of South Sherbrooke, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-914-015-05620 to reduce the minimum front yard setback from 10m to 7m.

ii) **FILE #: MV21-19 – LEEFLANG**

a) **PLANNER FILE REVIEW**

The Planner reviewed the file and PowerPoint in the agenda package.

b) **APPLICANT COMMENTS**

None.

c) **ORAL & WRITTEN SUBMISSIONS**

None.

d) **DECISION OF COMMITTEE**

The Committee added the requirement for the owner to enter into a Site Plan Control Agreement, as a condition of approval.

RESOLUTION #COA-2021-22

MOVED BY: Ron Running

SECONDED BY: Larry Sparks

“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 MV21-19 is approved, to allow a variance from the requirements of Section 3.29 (Water Setbacks) and Section 5.3.2 (Seasonal Residential) of Zoning By-Law 2002-121, for the lands legally described as 2589 Brouse Road, Part Lot 10, Concession 10, in the geographic Township of Bathurst, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-916-030-13500

- To permit a reduced water setback of 14.3m for a 15m² addition to an existing cottage filling in an L shape on the south side of the cottage, and
- To reduce the rear yard setback to 6.7m from the required 7.5m and the south side yard setback to 4.3m from 6m, and
- To permit lot coverage of 10.5% instead of 10%.”

AND THAT, a Site Plan Control Agreement, including the conditions from the Mississippi Valley Conservation Authority, be executed.”

iii) **FILE #: MV21-20 – ANTOSZKIEWICZ**

a) **PLANNER FILE REVIEW**

The Planner reviewed the file and PowerPoint in the agenda package. The Planner also noted that the proposed septic will be set back 27 m from the wetland/lake, along the east lot line, rather than the 24m setback that was originally anticipated. The Planner also indicated that the neighbouring house is far to the west and the view is obscured by a rocky rise in the terrain.

b) **APPLICANT COMMENTS**

None.

c) **ORAL & WRITTEN SUBMISSIONS**

A neighbouring resident reported that they were pleased to find that the septic setback will be 27m and that as indicated by the Environmental Impact Study, the cottage will be suitably located.

d) **DECISION OF COMMITTEE**

The Committee added the requirement for the owner to enter into a Site Plan Control Agreement, to incorporate the recommendations of the Rideau Valley Conservation Authority (RVCA), as a condition of approval. The Committee also commended the efforts taken by the applicant and RVCA to establish the appropriate location for the cottage.

RESOLUTION #COA-2021-23

MOVED BY: Peter Siemons

SECONDED BY: Larry Sparks

“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 MV21-20 is approved, to allow a variance from the requirements of Section 3.29 (Water Setbacks) and Section 5.3 (Residential Limited Services) of Zoning By-Law 2002-121, for the lands described as O’Brien Lake Lane 14, Part Lot 12, Concession 2, in the geographic Township of South Sherbrooke, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-914-020-05200

- To reduce the minimum required water setback for a proposed dwelling on a vacant lot of record to 21m from the wetland/lake along the east lot line
- To reduce the minimum water setback for the proposed septic system to 27m from the wetland/lake along the east lot line
- To reduce the west side yard setback to 1m to maximize the distance of the cabin from the lake.”

AND THAT, a Site Plan Control Agreement, including the conditions from the Rideau Valley Conservation Authority, be executed.”

ADOPTED

iv) **FILE #: MV21-21 – O’GRADY**

a) **PLANNER FILE REVIEW**

The Planner reviewed the file and PowerPoint in the agenda package. The Planner stated that they did not ask for an Environmental Impact Study as the property has been a commercial tourism operation for many years. However, the Planner also commented that there is an opportunity for the owners to install eavestroughs to direct water away from the lake and to provide a more vegetated shoreline to slow down the transfer of nutrients to the lake.

b) **APPLICANT COMMENTS**

The owners noted that they are updating the house on the property to make it their home, and that they are committed to protecting the shoreline as directed by the Rideau Valley Conservation Authority (RVCA) recommendations.

The Applicant / Agent confirmed that the house was always used as a dwelling and the cabins on the property will eventually be updated. The Applicant / Agent also noted that the owners are willing to replace the hard patio with a less-impervious surface, and that they have agreed to remove the deck on the west side of the building.

c) **ORAL & WRITTEN SUBMISSIONS**

The RVCA Planner cautioned against cumulative development on this property and recommended encroachment be restricted according to the current by-law. An RVCA permit is required for development within the Provincially Significant Wetland buffer.

The RVCA Planner also noted that water quality conditions are a concern within Adam Lake and that RVCA should protect the natural heritage features rather than support the encroachment on the lake.

d) **DECISION OF COMMITTEE**

The Committee noted that the house will be more useful to the owners but there is an increased concern for cumulative development on the lake. The Committee asked that the owners enter into a Site Plan Control Agreement with mitigation measures, to reduce impacts on the lake.

RESOLUTION #COA-2021-24

MOVED BY: Larry

SECONDED BY: Ron Running

“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 MV21-21 is approved, to allow a variance from the requirements of Section 3.30 (Water Setback Encroachment) of Zoning By-Law 2002-121, for the lands legally described as 286 Winton Lane, Part Lot 2, Concession 5, in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-025-04500 to permit a water setback encroachment of 1m for a proposed deck.”

AND THAT, a Site Plan Control Agreement, including conditions from the Rideau Valley Conservation Authority, be executed.”

ADOPTED

v) **FILE #: MV21-22 – BROOKS**

a) **PLANNER FILE REVIEW**

The Planner reviewed the file and PowerPoint in the agenda package.

b) **APPLICANT COMMENTS**

None.

c) **ORAL & WRITTEN SUBMISSIONS**

None.

d) **DECISION OF COMMITTEE**

RESOLUTION #COA-2021-25

MOVED BY: Ron Running

SECONDED BY: Larry Sparks

“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 MV21-22 is approved, to allow a variance from the requirements of Section 10.11.2 (Rural Zone) of Zoning By-Law 2002-121, for the lands legally described as 460 Christie Lake North Shore Road, Part N/E Lot 3, Concession 3, in the geographic Township of Bathurst, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-916-010-14900 to permit a reduction in the minimum required lot frontage from 60m to 59.2m.”

ADOPTED

vi) **FILE #: MV21-16 – HOWE**

a) **PLANNER FILE REVIEW**

The Planner reviewed the file and PowerPoint in the agenda package.

b) **APPLICANT COMMENTS**

The Applicant/Agent and Owner both noted that they were pleased with the findings of the Slope Stability Assessment and that measures have been taken to ensure compliance. This includes reducing the deck to a landing, installing eavestroughs, and planting native species.

c) **ORAL & WRITTEN SUBMISSIONS**

Since the June 21, 2021, Committee of Adjustment hearing, further written submissions from neighbouring property owners were received with two in support of the application and one against.

d) **DECISION OF COMMITTEE**

The Committee noted that the issue of a structure built without permit is more of a Building concern than Planning and that this is being addressed.

RESOLUTION #COA-2021-26

MOVED BY: Ron Running
SECONDED BY: Larry Sparks

“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 MV21-16 is approved, to allow a variance from the requirements of Section 3.1.10.2(Accessory Uses) of Zoning By-Law 2002-121, for the lands legally described as 867 Pike Lake Route 1E, Part Lot 19, Concession 8, in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-015-17420 to permit a reduction in the minimum required water setback for an accessory use structure, from 30m to 10.6m from Pike Lake and from 30m to 16m from a wetland at the rear.

AND THAT, a Site Plan Control Agreement, including conditions from the Rideau Valley Conservation Authority, be executed.”

ADOPTED

7. NEW/OTHER BUSINESS

None.

8. ADJOURNMENT

The meeting adjourned at 6:12 p.m.

APPLICATIONS

Committee of Adjustment

October 18th, 2021

Noelle Reeve, Planner

APPLICATION MV21-23

Cassandra Prince and David Szybel
20619 Highway 7, Concession 6, E1/2 Lot 3
Geographic Township of Bathurst

SUMMARY OF PROPOSAL

Purpose and Effect: To seek relief from Sections 3.19.1 and 3.19.3 (Zone Provisions) of Zoning By-Law 2002-121, as amended, as follows:

- To permit an existing cat kennel to be converted to a second dwelling, with a separation from the principal dwelling of 33.5m (110 ft), rather than the maximum 12m (40 ft) permitted and serviced by a separate septic and well (rather than shared systems).

The effect of the variance would be to permit an existing cat kennel to be renovated as a second dwelling. The kennel is located at a distance of 33.5m (110 ft) from the principal dwelling, rather than the maximum 12 m (40 ft) permitted. A variance from the shared well and shared septic requirement is also sought.

The request may be considered minor in nature.

REVIEW COMMENTS

The subject property is located at 20619 Highway 7. The 16.8ha (41.5 acre) lot is designated Rural and Organic Soils (in the south of the lot) in the *Official Plan*, and residential uses are permitted. The property is zoned Rural and second dwellings are permitted.

The Zoning By-law relief is required to permit the proposed second dwelling to be located more than 12m from the primary dwelling as is required by Section 3.19.3 and to not have a shared septic system or well as is required by Section 3.19.1. These provisions were introduced by NovaTech Engineers and Council has indicated they would like to withdraw them in the next update to the Zoning By-law when Council can meet in person again for discussion.

The application can be considered minor in impact as there are no anticipated negative impacts on the neighbouring properties as there are no houses located nearby on the properties to the east and west and rear of the subject property. The subject property is treed so the minor variance relief sought will not be visible to neighbours. In addition there is minimal change to the current physical structure of the building proposed for the second dwelling.

The proposal is also desirable for the appropriate development of the lands in question as the use of the property for a second dwelling is in keeping with the Provincial Policy Statement Section 1.4.3 Housing which encourages affordable housing options through residential intensification including through the construction of additional residential units (second and third dwellings) on properties.

CIRCULATION COMMENTS

Rideau Valley Conservation Authority – RVCA stated they had no objection to the requested variance.

Mississippi-Rideau Septic System Office (MRSSO) – The applicant has applied for a Part 10 and 11 septic review.

SITE PLAN CONTROL

The property does not have a Site Plan Control Agreement. Since there is no water nearby the proposed second dwelling, a Site Plan Control Agreement is not required.

RECOMMENDATION

That the Minor Variance be granted for relief from the requirements of Section 3.19.1 and 3.19.2 (Zone Provisions) 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*.

Prince and Sztybel 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.

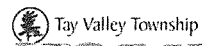
Ontario Land Tribunal

Please be cautioned that if, at a later date, a person or public body choose to appeal the Committee's decision on this matter to the Ontario Land Tribunal, the 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, or if the appeal is not made in good faith, or if it 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 variance was adopted.

If you choose to appeal, you must submit written reasons, the prescribed fee and any other background material requested. This notice is not intended to discourage your objection in any way. It is intended only to inform you of your rights and obligations and to encourage early participation.

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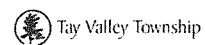
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Prince and Sztybel Minor Variance

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

2



2

Prince and Sztybel 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

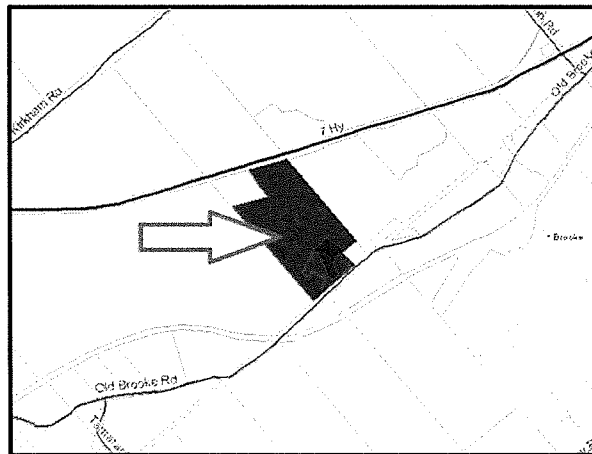
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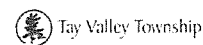
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Prince and Sztybel

206419 Highway 7, Part Lot 3, Concession 6, in the geographic Township of Bathurst



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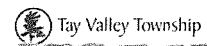
Prince and Sztybel - Proposal

The Minor Variance application seeks relief from Sections 3.19.1 and 3.19.3 (Zone Provisions) of Zoning By-Law 2002-121, as amended, as follows:

- To permit an existing cat kennel to be converted to a second dwelling, with a separation from the principal dwelling of 33.5m (110 ft), rather than the maximum 12m (40 ft) permitted and serviced by a separate septic and well (rather than shared systems).

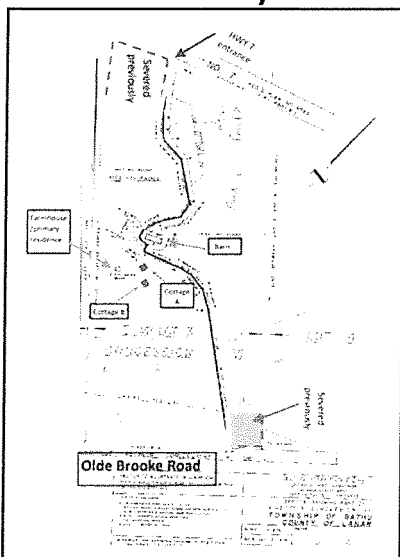
The effect of the variance would be to permit an existing cat kennel to be renovated as a second dwelling. The kennel is located at a distance of 33.5m (110 ft) from the principal dwelling, rather than the maximum 12 m (40 ft) permitted. A variance from the shared well and shared septic requirement is also sought.

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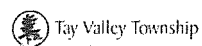


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Prince and Sztybel – Site Sketch

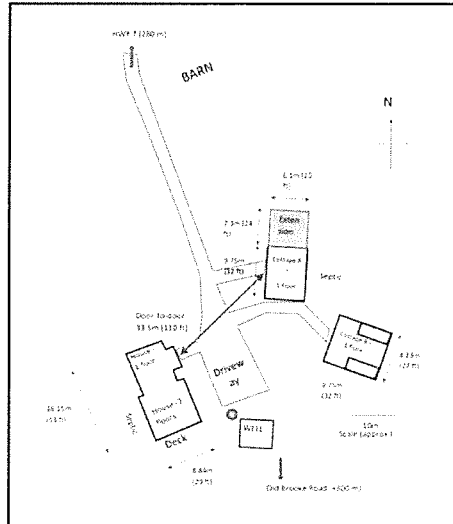


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Prince and Sztybel – Site Sketch



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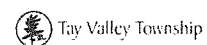
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Prince and Sztybel Comments

Rideau Valley Conservation Authority (RVCA):

- RVCA has no objection to the application.
- The proposed addition exceeds all setback requirements from watercourse and wetlands.
- It is recommended that vegetation on the slope behind cottage A and the proposed addition be maintained to protect the slope's integrity.

8



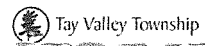
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Prince and Sztybel - Comments

Mississippi Rideau Septic System Office (MRSSO):

- The MRSSO requires a Part 10/11 application, as the floor area for "cottage A" will be increasing by at least 42%.
- There also appears to be additional fixture units and bedrooms, based on the submitted drawings.

9

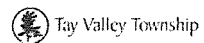


9

Prince and Sztybel Site Plan Control

- The RVCA identified that the wetlands and streams on the property are over 100m away from the proposed dwelling, so a Site Plan Control Agreement is not required.

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Prince and Sztybel Official Plan

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

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Prince and Sztybel Zoning By-law

- The property is zoned rural, and second dwellings are permitted.

12



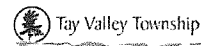
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Prince and Sztybel Official Plan & Zoning Test

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

- The general intent of the Official Plan and Zoning By-law are maintained.

13



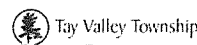
13

Prince and Sztybel Development & Use Test

Is it desirable and appropriate development for the use of the site?

- The proposal is desirable and appropriate development of the lands in question as the use of the property for a second dwelling is in keeping with the Provincial Policy Statement Section 1.4.3 Housing which encourages affordable housing options through residential intensification including through the construction of additional residential units (second and third dwellings) on properties.

14



14

Prince and Sztybel "Minor" Test

Is it minor in nature and scope?

- The application can be considered minor in impact as there are no anticipated negative impacts on the neighbouring properties as there are no houses located nearby on the properties to the east and west and rear of the subject property.
- The subject property is treed so the minor variance relief sought will not be visible to neighbours.
- There is minimal change to the current physical structure of the building proposed for the second dwelling.

15

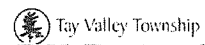


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Prince and Sztybel Public Comments

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

16

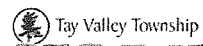


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Prince and Sztybel Recommendation

That the Minor Variance be granted for relief from the requirements of Section 3.19.1 and 3.19.2 (Zone Provisions) 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*.

17



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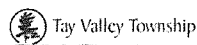
Prince and Sztybel Resolution

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 MV21-23 is approved, to allow a variance from the requirements of Sections 13.19.1 and 3.19.3 (Zone Provisions) of Zoning By-Law 2002-121, for the lands legally described as 20619 Highway 7, E1/2 Lot 3, Concession 6, in the geographic Township of Bathurst, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-916-020-10000

- To increase the maximum distance separating a second dwelling from a principal dwelling, from 12m to 33.5 m*
- To allow a second dwelling to have a separate well and septic system from the principal dwelling."*

18



18

Committee of Adjustment
October 18th, 2021

Noelle Reeve, Planner

APPLICATION MV21-24

Susan Cook
2047 Pike Lake Route 16A
Concession 8, Part Lot 21
geographic Township of North Burgess

SUMMARY OF PROPOSAL

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

- To permit a 58m² (624 sq ft) addition to be set back from the lake at 17.5 m (which is 4.9m farther from Pike Lake than the existing cottage).

The effect of the variance would be to permit the construction of an addition on the east side of the cottage at a setback of 17.5 m (4.9m greater than the existing cottage setback).

REVIEW COMMENTS

The property is situated at 2047 Pike Lake Route 16A. The lot is currently occupied by a cottage and a garage.

The property is designated Rural in the Official Plan and residential uses are permitted. The zoning is Seasonal Residential (RS).

Section 2.24.1.a of the Official Plan requires a minimum setback of 30m from the high-water mark of any water body for new development. However, the Official Plan Section 2.24.2.c does allow for a reduction in setbacks where an existing lot of record or existing development precludes the possibility of meeting the setback.

Relief is sought from Zoning By-law Section 3.29 Water Setback.

The application for the addition can be considered minor in impact as it is proposed farther from the lake than the current dwelling. In addition, a Site Plan Control Agreement will maintain the vegetation to mitigate stormwater runoff impacts to the lake.

The proposal is also desirable and appropriate development of the lands in question as it is a permitted use and is located farther from the lake.

CIRCULATION COMMENTS

Rideau Valley Conservation Authority – Not available at the time of the report. Although verbally Glen MacDonald expressed no objection.

Mississippi-Rideau Septic System Office (MRSSO) – A Part 10 & 11 review of the septic capacity will be required.

Public – None at the time of the report.

SITE PLAN CONTROL

A Site Plan Control Agreement is required at this water setback.

RECOMMENDATION

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

- To permit a reduced water setback of 17.5m for a 58m² addition to an existing cottage located on the east side of the cottage

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*.

Cook 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.

Ontario Land Tribunal

Please be cautioned that if, at a later date, a person or public body choose to appeal the Committee's decision on this matter to the Ontario Land Tribunal, the 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, or if the appeal is not made in good faith, or if it 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 variance was adopted.

If you choose to appeal, you must submit written reasons, the prescribed fee and any other background material requested. This notice is not intended to discourage your objection in any way. It is intended only to inform you of your rights and obligations and to encourage early participation.

1



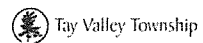
1

Cook 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

2



2

Cook 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

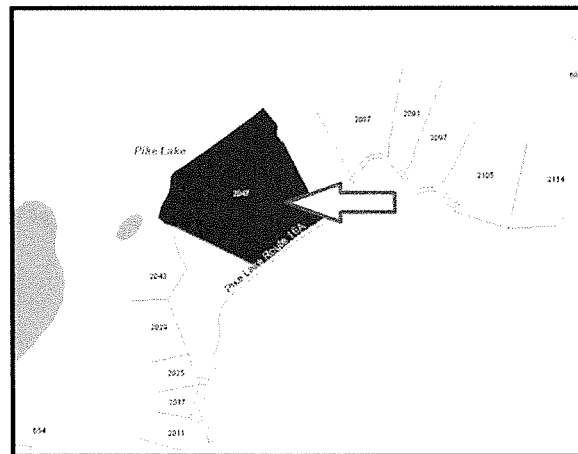
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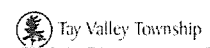
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Cook

*2047 Pike Lake Route 16A, Part Lot 21, Concession 8, in the
geographic Township of North Burgess*



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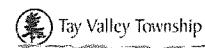
Cook - Proposal

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

- To permit a 58m² (624 sq ft) addition to be set back from the lake at 17.5 m (which is 4.9m farther from Pike Lake than the existing cottage).

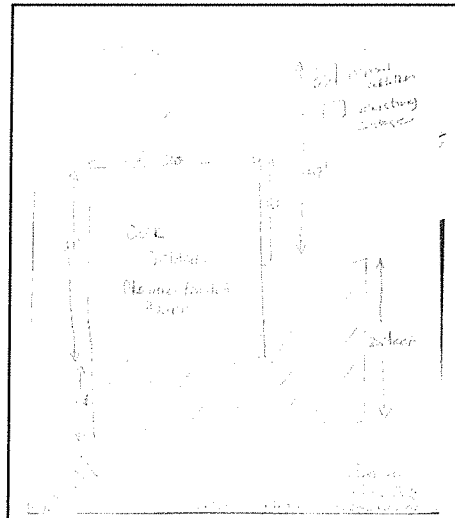
The effect of the variance would be to permit the construction of an addition on the east side of the cottage at a setback of 17.5 m (4.9m greater than the existing cottage setback).

5

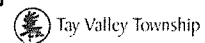


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Cook – Site Sketch

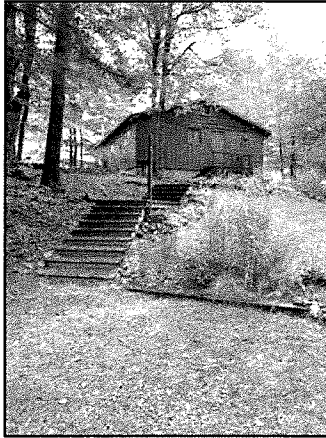


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6

Cook – Photos

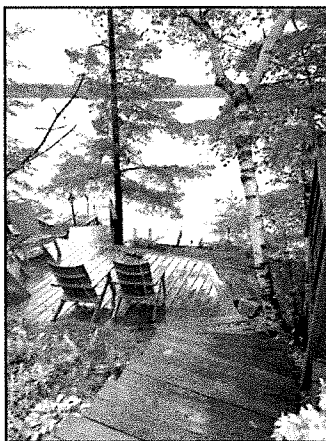


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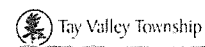


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Cook – Photos

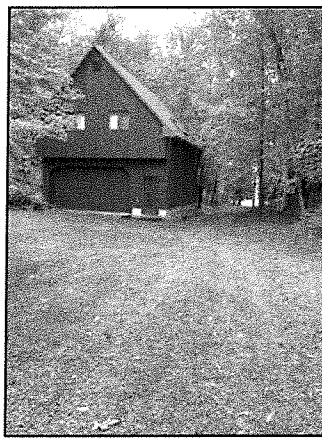
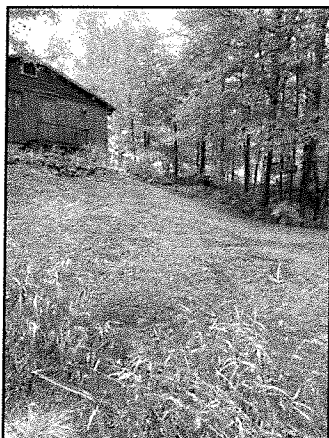


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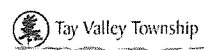


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Cook – Photos



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Cook Comments

Rideau Valley Conservation Authority (RVCA):

- RVCA had not submitted written comments at the time of this report, although, verbally they expressed no objection to the application.

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Cook - Comments

Mississippi Rideau Septic System Office (MRSSO):

- The MRSSO indicated that a Part 10/11 review of the septic capacity will be required.

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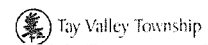


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Cook Site Plan Control

- A Site Plan Control Agreement is required at this water setback.

12

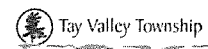


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Cook Official Plan

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

13

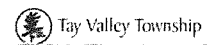


13

Cook Zoning By-law

- The property is zoned Seasonal Residential (RS)

14



14

Cook Official Plan & Zoning Test

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

- The general intent of the Official Plan and Zoning By-law are maintained.

15



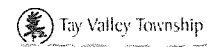
15

Cook Development & Use Test

Is it desirable and appropriate development for the use of the site?

- The proposal is desirable and appropriate development of the lands in question as it is a permitted use and is located farther from the lake.

16



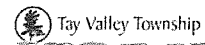
16

Cook "Minor" Test

Is it minor in nature and scope?

- The application can be considered minor in impact as it is proposed farther from the lake than the current dwelling.
- In addition, a Site Plan Control Agreement will maintain the vegetation to mitigate stormwater runoff impacts to the lake.

17

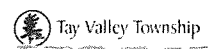


17

Cook 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.

18



18

Cook Recommendation

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

- To permit a reduced water setback of 17.5m for a 58m² addition to an existing cottage located on the east side of the cottage

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*.

19



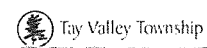
19

Cook 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 MV21-24 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 2047 Pike Lake Route 16A, Part Lot 21, Concession 8, in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-015-25800 to reduce the minimum water setback of a proposed 58m² cottage addition, from 30m to 17.5m."

20



20

Committee of Adjustment

October 18th, 2021

Noelle Reeve, Planner

APPLICATION MV21-25

Shannon Shannan
150 Ennis Road
Concession 10, Part Lot 19
geographic Township of Bathurst

SUMMARY OF PROPOSAL

Purpose and Effect: To seek relief from Sections 10.1.2 (Rural) and 3.19.1 and 3.19.3 (Second Dwelling) of Zoning By-Law 2002-121, as amended, as follows:

- To permit a dwelling to be located 1.8m from the east side lot line rather than the 6m required and to permit a second dwelling to be constructed with a separation distance greater than the 12m (40 ft) permitted and serviced by a separate septic system (rather than a shared system).

The effect of the variance would be to permit a dwelling to be constructed closer to the east lot line than would be permitted by the Zoning By-law and to permit a second dwelling farther than the permitted 12m (40 ft) separation from the principal dwelling. A variance from the shared septic requirement is also sought.

The request may be considered minor in nature.

REVIEW COMMENTS

Purpose and Effect: To seek relief from Sections 10.1.2 (Rural) and 3.19.1 and 3.19.3 (Second Dwelling) of Zoning By-Law 2002-121, as amended, as follows:

- To permit a dwelling to be located 1.8m from the east side lot line rather than the 6m required and to permit a second dwelling to be constructed with a separation distance greater than the 12m (40 ft) permitted and serviced by a separate septic system (rather than a shared system).

The effect of the variance would be to permit a dwelling to be constructed closer to the east lot line than would be permitted by the Zoning By-law and to permit a second dwelling farther than the permitted 12m (40 ft) separation from the principal dwelling. A variance from the shared septic requirement is also sought.

The request may be considered minor in nature.

CIRCULATION COMMENTS

Mississippi Valley Conservation Authority – MVCA stated that under their regulation 9.03, they do not normally permit a dwelling to be constructed within the 120m Provincially

Significant Wetland buffer. However, as there were pre-existing buildings where the dwelling is proposed to be located, they do not object.

Mississippi-Rideau Septic System Office (MRSSO) – The applicant has prepared a septic application for the proposed primary dwelling and second dwelling.

Public – None at the time of the report.

SITE PLAN CONTROL

A Site Plan Control Agreement should address any requirements for a vegetative buffer, or other recommendations along the south lot line which is within the PSW buffer.

RECOMMENDATION

That the Minor Variance be granted for relief from the requirements of Section 10.1.1 (Rural) Section 3.19.1 and 3.19.3 (Second Dwellings) 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*.

Shannan 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.

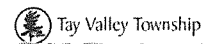
Ontario Land Tribunal

Please be cautioned that if, at a later date, a person or public body choose to appeal the Committee's decision on this matter to the Ontario Land Tribunal, the 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, or if the appeal is not made in good faith, or if it 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 variance was adopted.

If you choose to appeal, you must submit written reasons, the prescribed fee and any other background material requested. This notice is not intended to discourage your objection in any way. It is intended only to inform you of your rights and obligations and to encourage early participation.

1



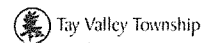
1

Shannan 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

2



2

Shannan 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

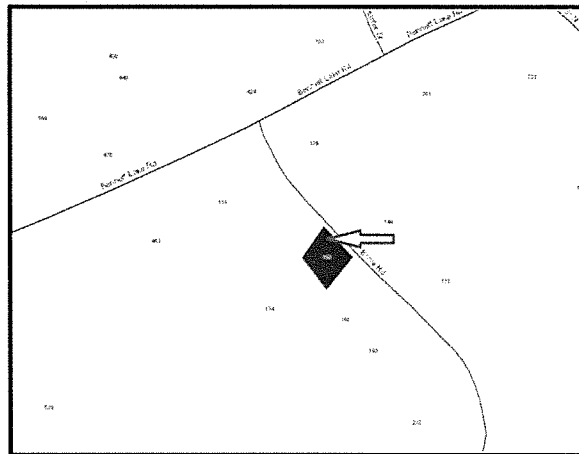
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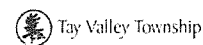
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Shannan

150 Ennis Road, Part Lot 19, Concession 10, in the geographic Township of Bathurst



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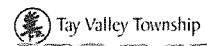
Shannan - Proposal

The Minor Variance application seeks relief from Sections 10.1.2 (Rural) and 3.19.1 and 3.19.3 (Second Dwelling) of Zoning By-Law 2002-121, as amended, as follows:

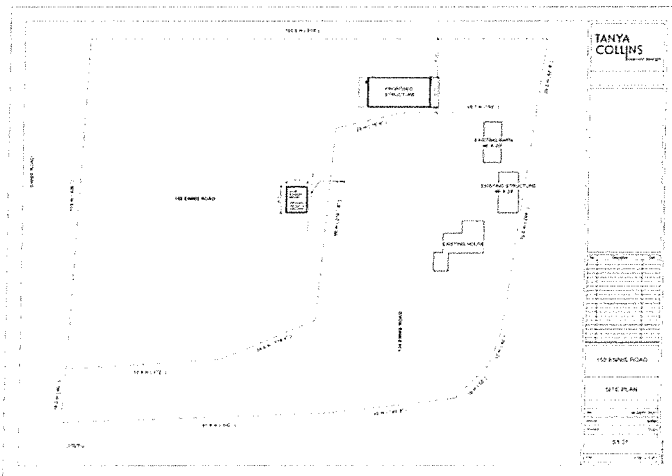
- To permit a dwelling to be located 1.8m from the east side lot line rather than the 6m required and to permit a second dwelling to be constructed with a separation distance greater than the 12m (40 ft) permitted and serviced by a separate septic system (rather than a shared system).

The effect of the variance would be to permit a dwelling to be constructed closer to the east lot line than would be permitted by the Zoning By-law and to permit a second dwelling farther than the permitted 12m (40 ft) separation from the principal dwelling. A variance from the shared septic requirement is also sought.

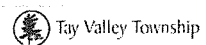
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Shannan – Site Sketch



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Shannan – Aerial Photo

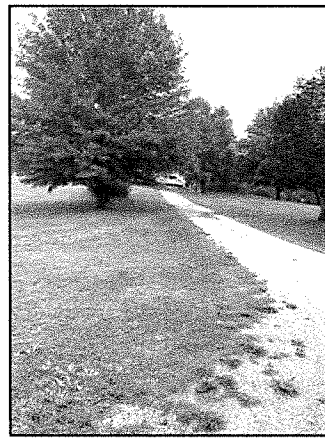


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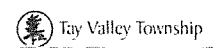


7

Shannan – Photos



8



8

Shannan Comments

Mississippi Valley Conservation Authority (MVCA):

- MVCA stated that under their regulation 9.03, they do not normally permit a dwelling to be constructed within the 120m Provincially Significant Wetland buffer.
- However, as there were pre-existing buildings where the dwelling is proposed to be located, they do not object.

9



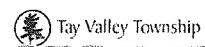
9

Shannan - Comments

Mississippi Rideau Septic System Office (MRSSO):

- The applicant has prepared a septic application for the proposed primary dwelling and second dwelling.

10



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Shannan Site Plan Control

- A Site Plan Control Agreement should address any requirements for a vegetative buffer, or other recommendations along the south lot line which is within the Provincially Significant Wetland (PSW) buffer.

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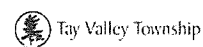


11

Shannan Official Plan

- Rural and Provincially Significant Wetland (PSW) buffer (in the south of the lot) in the Official Plan, and residential uses are permitted.
- Only the dwelling (not the second dwelling) will be within the PSW buffer. The proposed location for the dwelling within the PSW buffer replaces two pre-existing buildings that were removed with a demolition permit earlier this year.
- The proposed dwelling will be located approximately 60m from the PSW buffer and much of the land between the PSW and dwelling has been hayed in the past and there is a driveway between the PSW and the proposed dwelling.

12

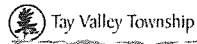


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Shannan Zoning By-law

- The property is zoned Rural. Zoning By-law relief is required to permit the proposed primary dwelling to be located 1.8 m from the east side lot line. The relief is sought to permit a "courtyard" configuration to be established with the dwelling on the adjacent property and the proposed second dwelling, owned by the same family.
- If 150 Ennis Rd was to be sold separately from 134 Ennis Rd, the reduction in the side yard would not negatively affect the dwelling at 134 Ennis as the existing dwelling is located to the north of the side windows of the proposed dwelling.

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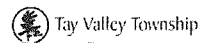


13

Shannan Zoning By-law

- Zoning By-law relief is also required to permit the proposed second dwelling to be located more than 12m from the primary dwelling as is required by Section 3.19.3 and to not have a shared septic system as is required by Section 3.19.1. These provisions were introduced by NovaTech Engineers and Council has indicated they would like to withdraw them in the next update to the Zoning By-law when Council can meet in person again for discussion.

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14

Shannan Official Plan & Zoning Test

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

- The general intent of the Official Plan and Zoning By-law are maintained.

15



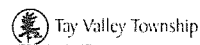
15

Shannan Development & Use Test

Is it desirable and appropriate development for the use of the site?

- The proposal is desirable for the appropriate development of the lands in question as the use of the property for a second dwelling is in keeping with the Provincial Policy Statement Section 1.4.3 Housing which encourages affordable housing options through residential intensification including through the construction of additional residential units (second and third dwellings) on properties on public roads.

16



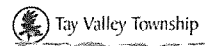
16

Shannan "Minor" Test

Is it minor in nature and scope?

- The application can be considered minor in impact as there are no anticipated negative impacts on the neighbouring properties as there are no houses located adjacent on the properties to the east and west and the land to the south of the subject property is vacant.

17

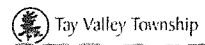


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Shannan Public Comments

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

18



18

Shannan Recommendation

That the Minor Variance be granted for relief from the requirements of Section 10.1.1 (Rural) Section 3.19.1 and 3.19.3 (Second Dwellings) 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.

19



19

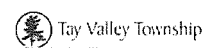
Shannan Resolution

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 MV21-25 is approved, to allow a variance from the requirements of Section 10.1.1 (Rural) Section 3.19.1 and 3.19.3 (Second Dwellings) of Zoning By-Law 2002-121, for the lands legally described as 150 Ennis Road, Part Lot 19, Concession 10, in the geographic Township of North Bathurst, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-916-030-26318

- To reduce the minimum side lot line setback from 6m to 1.8m*
- To permit a second dwelling to be constructed with a separation distance greater than the 12m permitted*
- To allow a second dwelling to have a separate well and septic system from the principal dwelling."*

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