



## **COMMITTEE OF ADJUSTMENT AGENDA**

Monday, March 27<sup>th</sup>, 2023 – 5:00 p.m.  
Municipal Office – Council Chambers – 217 Harper Road

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

Roll Call

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

*Suggested Motion by 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 – February 27<sup>th</sup>, 2023 - attached, page 6.**

*Suggested Motion by Peter Siemons/Richard Schooley:  
“THAT, the minutes of the Committee of Adjustment meeting held February  
27<sup>th</sup>, 2023 be approved as circulated.”*

### **5. INTRODUCTION**

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

## 6. APPLICATIONS

i) **FILE #: MV23-01 – Howe – attached, page 13.**

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

*Recommended Decision by Peter Siemons/Richard Schooley:  
 “THAT, in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application MV23-01 is approved, to allow a variance from the requirements of Section 3.30 (Yard and Water Setbacks) of Zoning By-Law 2002-121, for the lands legally described as 867 Pike Lake Route 1E, Concession 8, Part Lot 19, 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 water setback encroachment of an additional 1.19 m beyond the 1.25m that is permitted, for a portion of a screened in porch.”*

ii) **FILE #: MV23-02 – Charbonneau (100 Marsh Lane) – attached, page 26.**

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

d) DECISION OF COMMITTEE

*Recommended Decision by Peter Siemons/Richard Schooley:  
“THAT, in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application MV23-02 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 100 Marsh Lane, Concession 3, Part Lot 17, in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-020-15806;*

- *To permit a reduced water setback for a small addition for a dining room and laundry room to an existing cottage at a water setback of 17.47m at the closest point to Big Rideau Lake instead of the required 30m;*

**AND THAT, a Development Agreement be executed.”**

iii) **FILE #: MV23-03 – Charbonneau (107 Marsh Lane) – attached, page 40.**

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

*Recommended Decision by Peter Siemons/Richard Schooley:  
“THAT, in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application MV23-03 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 100 Marsh Lane, Concession 3, Part Lot 17, in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-020-15800;*

- *To permit a reduced water setback for an addition and a screened porch to the rear of an existing cottage at a water setback of 25.3m at the closest point to Big Rideau Lake instead of the required 30m;*

**AND THAT, a Development Agreement be executed.”**

**7. NEW/OTHER BUSINESS**

None.

**8. ADJOURNMENT**

# MINUTES

## COMMITTEE OF ADJUSTMENT MINUTES

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Monday, February 27<sup>th</sup>, 2023

5:00 p.m.

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

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### ATTENDANCE:

<b>Members Present:</b>	Chair, Larry Sparks Richard Schooley
<b>Members Absent:</b>	Peter Siemons
<b>Staff Present:</b>	Noelle Reeve, Planner Garry Welsh, Secretary/Treasurer
<b>Applicants/Agents Present:</b>	Chris Clarke (ZanderPlan Inc.), Applicant/Agent Steven Dubreuil, Owner Gretchen Dubreuil, Owner Susan Dubreuil, Owner
<b>Public Present:</b>	Penny Nault, Tay Valley Township Resident Franc van Oort, Tay Valley Township Resident Sylvia van Oort, Tay Valley Township Resident Brooke Briggs, Tay Valley Township Resident Diane Briggs, Tay Valley Township Resident Andrew Williamson, Tay Valley Township Resident Barbara Shepherd, Tay Valley Township Resident Paul Jordan, Tay Valley Township Resident

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### 1. CALL TO ORDER

The Chair called the meeting to order at 5:01 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 – January 30<sup>th</sup>, 2023.

The minutes of the Committee of Adjustment meeting held on January 30<sup>th</sup>, 2023, 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
- 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.

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:

**MV22-27 – Dufour – Long Island, Christie Lake, Concession 3, Part Lot 18, geographic Township of South Sherbrooke**

**MV22-29 – Dubreuil (Steven and Gretchen) – 1212 Black Lake North Shore Road, Concession 6, Part Lot 23, geographic Township of North Burgess**

**MV22-30 – Dubreuil (Susan) – 555 Black Lake Road**, Concession 6, Part Lot 19, geographic Township of North Burgess

## 6. APPLICATIONS

### i) FILE #: MV22-27 - Dufour

#### a) PLANNER FILE REVIEW

The Planner reviewed the file and PowerPoint in the agenda package. The Planner reported that the Mississippi Rideau Septic System Office (MRSSO) reviewed the application and noted that the owner will also need a variance to allow a grey water pit to be located closer than 30m from the lake (at a setback of 18m). This has been added as a recommendation to the Committee. The owner intends to install an incinerating toilet which will not produce black water.

The Planner noted that the applicant must obtain a right-of-way from a neighbouring property on the mainland, for legal access and a parking space. A severance application for the legal access and parking space has been submitted to Lanark County.

#### b) APPLICANT/AGENT COMMENTS

The Applicant/Agent noted that the granting of the Minor Variance is not the final approval for development on the lot. The severance, septic permit, and building permit still need to be approved.

#### c) ORAL & WRITTEN SUBMISSIONS

Neighbouring residents with properties on Christie Lake noted concern that there is a bald eagle nesting site on a tall maple on the high point of the island, which could be disturbed by cottage construction on the island. The Planner replied that the Ministry of Natural Resources and Forestry has advised that if the location of the dwelling would require the tree with the nest to be removed, that the tree must be cut down before nesting season in March. Because the eagle is located in Ontario Ecoregion 5, it is not subject to the protections that would be provided in Ecoregion 6 (the more southern, off-Canadian Shield part of the province).

Residents also questioned why the Minor Variance was proceeding before the severance has been approved. The Planner replied that the Variance could be granted because it was administered by a separate section of the Planning Act from the consent process. The owner still needs to obtain a severed right of way, deeded parking space, civic address, and building permit. The Planner also noted the Township cannot prevent development on a lot of record registered under the province's Land Titles database.



A neighbouring property owner asked if development on this island could set a precedent. The Planner replied that there has already been a precedent set in a neighbouring municipality for development on a small lot as it was recognized as a lot of record. However, lot coverage requirements would still apply.

Written comments, submitted on behalf of neighbouring property owners, expressed concerns over the right-of-way for legal access to the island. The Planner noted that the severance application for the right-of-way was amended February 27, 2023 to ensure that it was entirely within the lands owned by the property owner who is granting the access.

d) DECISION OF COMMITTEE

**RESOLUTION #COA-2023-05**

**MOVED BY:** Richard Schooley

**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 MV22-27 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 Concession 3, Part Lot 18, in the geographic Township of South Sherbrooke, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-914-020-72300:

- To permit a cottage to be constructed on a vacant island, at a water setback of 17m on the south side of the island and 18m on the north side of the island, rather than the 30m required;
- To permit a septic system to be constructed at an 18m setback rather than the 30m required;

**THAT**, a Development Agreement be executed;

**AND THAT**, this decision is contingent on the condition for the deeded parking space in Severance File #B23/021 being completed.”

**ADOPTED**

ii) **FILE #: MV22-29 – Dubreuil (Steven and Gretchen)**

a) **PLANNER FILE REVIEW**

The Planner reviewed the file and PowerPoint in the agenda package. The Planner noted that, at the direction of the Mississippi Rideau Septic System Office (MRSSO), the owners also require a variance to allow the septic tank location to remain at its current setback of 21m from the lake, rather than the 30m minimum setback. The septic bed is located farther back from the lake, across the road.

The Planner noted that the deck encroachment would be identical to the current deck encroachment and that an environmental gain would be achieved as the cottage was proposed to be re-located 1.5m farther from the lake than its current water setback.

The Planner also advised the owners that they are to obtain a permit and consult with the Rideau Valley Conservation Authority to confirm the appropriate location to dispose of excavation rocks, to protect the Provincially Significant Wetland buffer area.

b) **APPLICANT COMMENTS**

The owners confirmed that their proposal is intended to require the least possible expansion of the building, on their lot. The owners also noted that they were not previously aware of the MRSSO comments. The Planner replied that the MRSSO verbal comments were received after the Planner's Report had been completed and that the septic variance could also be included as part of the Committee's decision.

c) **ORAL & WRITTEN SUBMISSIONS**

None.

d) **DECISION OF COMMITTEE**

**RESOLUTION #COA-2023-06**

**MOVED BY:** Richard Schooley  
**SECONDED BY:** Larry Sparks

**“THAT**, in the matter of an application under Section 45(2) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Variance Application MV22-29 is approved, to allow a variance from the requirements of Section 3.29 (Water Setbacks) and Section 3.30 (Yard and Deck Encroachment) of Zoning By-Law 2002-121, for the lands legally described as 1212 Black Lake North Shore Road, Concession 6, Part Lot 23, in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-020-72950:

- To permit a walkout basement to be added to an existing cottage, at a water setback of 15.03m rather than the 30m required;
- To permit a septic system to have a setback of 21m from the lake, rather than the 30m required;
- To permit a deck that is proposed to encroach 5.16m toward the lake rather than the 2m permitted;

**AND THAT**, a Development Agreement be executed.”

**ADOPTED**

iii) **FILE #: MV22-29 – Dubreuil (Susan)**

1. **PLANNER FILE REVIEW**

The Planner reviewed the file and PowerPoint in the agenda package. The Planner noted that the owner has entered into an agreement with the Rideau Valley Conservation Authority for revegetation of the shoreline.

2. **APPLICANT COMMENTS**

The owner noted that they will be replacing the existing holding tank with an Eljen septic system which has a reduced water quality impact.

3. **ORAL & WRITTEN SUBMISSIONS**

Written comments received from neighbours were in support of this application.

4. **DECISION OF COMMITTEE**

**RESOLUTION #COA-2023-07**

**MOVED BY:** Richard Schooley  
**SECONDED BY:** Larry Sparks

“**THAT**, in the matter of an application under Section 45(2) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Variance Application MV22-30 is approved, to allow a variance from the requirements of Section 3.29 (Water Setbacks) and Section 10.1.2 (Zone Provisions) of Zoning By-Law 2002-121, for the lands legally described as 555 Black Lake Road, Concession 6, Part Lot 19, in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-020-54200:

- To permit a walkout basement to be added to an existing cottage, at a water setback of 18.3m rather than the 30m required;
- To recognize the existing 4.27m east side yard setback, rather than the 6m required;

**AND THAT**, a Development Agreement be executed.”

**ADOPTED**

7. **NEW/OTHER BUSINESS**

None.

8. **ADJOURNMENT**

The meeting adjourned at 6:12 p.m.

# APPLICATIONS

**Committee of Adjustment**

March 27, 2023

**Noelle Reeve, Planner**

**APPLICATION MV23-01**

Howe

867 Pike Lake Route 1E, Concession 8, Part Lot 19  
Geographic Township of North Burgess

**SUMMARY OF PROPOSAL**

Purpose and Effect: To seek relief from Section 3.30 (Yard and Water Encroachment) of Zoning By-Law 2002-121, as amended, as follows:

- To permit a water setback encroachment of an additional 1.19 m beyond the 1.25m that is permitted, for a portion of a screened in porch.

The effect of the variance would be to permit a 12.26m<sup>2</sup> (132 sq ft) section of an existing deck to be screened in at a setback of 6.71m from Pike Lake.

**REVIEW COMMENTS**

The property is situated at 867 Pike Lake Route 1E on Pike Lake. The lot currently contains a dwelling, bunkie, and storage shed.

**Provincial Policy Statement** - No concerns. Sections 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, Section 2.1 Natural Heritage, and Section 3.1 Protecting Public Health and Safety – Natural Hazards are satisfied as the proposal is to screen in part of an existing deck so no additional impervious surface is being proposed. No hazards are present. An amendment to the existing Site Plan Control Agreement will be required which will provide protection of the shoreline.

**County Sustainable Community Official Plan** – 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. No concerns.

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

Section 2.24.1.a requires a minimum setback of 30m from the high-water mark of any water body for new development. However, Section 2.24.1(a) permits development at a less than 30m setback when existing development precludes the reasonable possibility of achieving the setback.

Pike Lake water quality is rated as good according to the Rideau Valley Conservation Authority sub-watershed report. Amending the existing Site Plan Control Agreement to protect the shoreline will help maintain the water quality and possibly improve it.

**Zoning By-Law** - The property is zoned Seasonal Residential and a cottage is a permitted use. Section 3.4 of the Zoning By-law does not require rezoning to Residential Limited Services for an existing seasonal dwelling in a Seasonal Residential zone.

Current lot coverage is 7.1% and will not change because a portion of an existing deck is being screened in. This lot coverage is below the 10% maximum. The existing Floor Space Index (FSI) is 5.5% and also will not change as a screened in porch is not considered living space. This FSI is well under the 12% permitted.

The application can be considered minor in impact. The screening in of the deck does not increase the footprint on the lot nor does it intensify the use.

The proposal is also desirable for the appropriate development of the lands in question as a cottage with a deck/screened in porch is a permitted use.

### **CIRCULATION COMMENTS**

**Rideau Valley Conservation Authority (RVCA)** – Comments not available at the time of the report and the application may in fact be screened out because neither steep slopes nor floodplain or Provincially Significant Wetlands are present.

**Mississippi-Rideau Septic System Office (MRSSO)** – MRSSO was not circulated because no new plumbing fixtures, bedrooms, or increase in living space above 15% is included in the application.

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

### **SITE PLAN CONTROL**

The existing Site Plan Control Agreement requires modification to indicate the screened in portion of the deck. If any additional shoreline protection language is required, it will be added.

### **RECOMMENDATION**

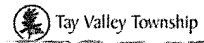
That the Minor Variance be granted for relief from the requirements of Section 3.30 (Yard and Water Setback Encroachment) because the general intent and purpose of the *Official Plan* and *Zoning By-law* are maintained; further, that the variance is desirable for the appropriate development of the lands and can be considered minor. As such, the application meets the tests of the *Planning Act*.

# Howe 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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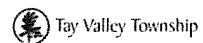
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# Howe Minor Variance

## 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



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## Howe 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

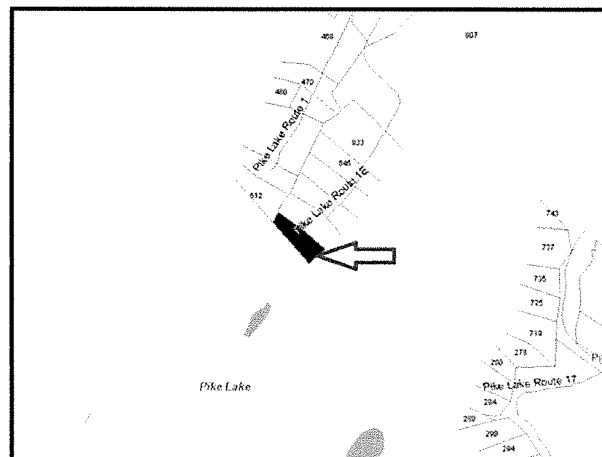
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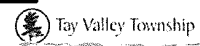
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## Howe

*867 Pike Lake Route 1E, Part Lot 19, Concession 8,  
Geographic Township of North Burgess*



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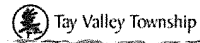
## Howe - Proposal

The Minor Variance application relief from Section 3.30 (Yard and Water Encroachment) of Zoning By-Law 2002-121, as amended, as follows:

- To permit a water setback encroachment of an additional 1.19 m beyond the 1.25m that is permitted, for a portion of a screened in porch.

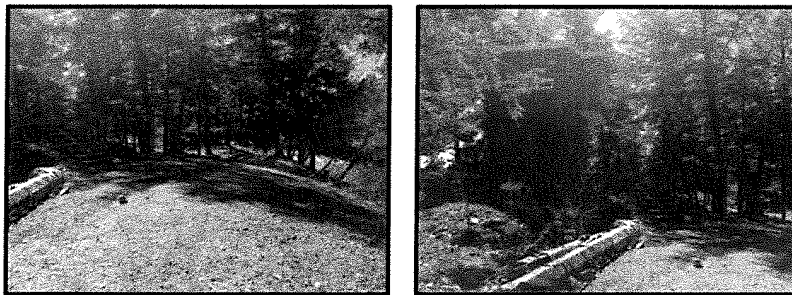
The effect of the variance would be to permit a 12.26m<sup>2</sup> (132 sq ft) section of an existing deck to be screened in at a setback of 6.71m from Pike Lake.

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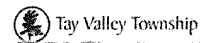


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## Howe – Photos

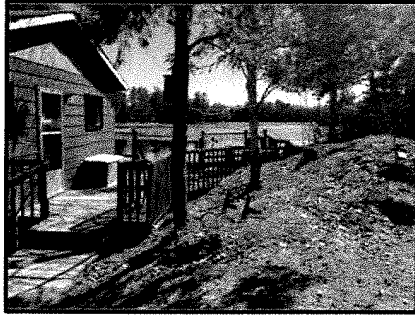


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## Howe – Photos

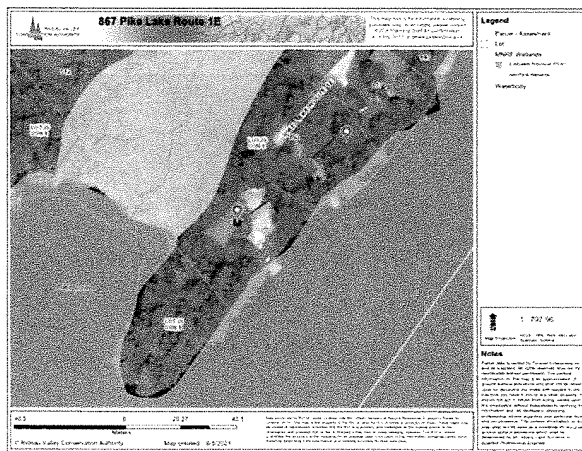


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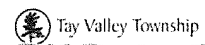


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## Howe – RVCA Mapping



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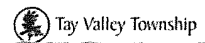
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## Howe Comments

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

- Comments not available at the time of the report and the application may in fact be screened out because neither steep slopes nor floodplain or Provincially Significant Wetlands are present.

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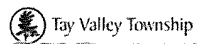
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## Howe Comments

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

- MRSSO was not circulated because no new plumbing fixtures, bedrooms, or increase in living space above 15% is included in the application.

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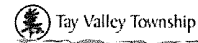


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## Howe Provincial Policy Statement

- No concerns.
- Sections 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, Section 2.1 Natural Heritage, and Section 3.1 Protecting Public Health and Safety – Natural Hazards are satisfied as the proposal is to screen in part of an existing deck so no additional impervious surface is being proposed.
- No hazards are present.
- An amendment to the existing Site Plan Control Agreement will be required which will provide protection of the shoreline.

11

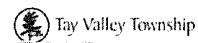


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## Howe County Sustainable Community Official Plan

- 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.

12

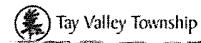


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## Howe Official Plan

- The subject land is designated Rural. Residential uses are permitted.
- Pike Lake water quality is rated as good according to the Rideau Valley Conservation Authority sub-watershed report. Amending the existing Site Plan Control Agreement to protect the shoreline will help maintain the water quality and possibly improve it.

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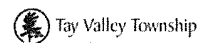


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## Howe Zoning By-law

- Section 3.4 of the Zoning By-law does not require rezoning to Residential Limited Services for an existing seasonal dwelling in a Seasonal Residential zone.
- Current lot coverage is 7.1% and will not change because a portion of an existing deck is being screened in. This lot coverage is below the 10% maximum. The existing Floor Space Index (FSI) is 5.5% and also will not change as a screened in porch is not considered living space. This FSI is well under the 12% permitted.

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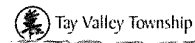
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## Howe Official Plan & Zoning Test

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

- The property is zoned Seasonal Residential and a cottage is a permitted use.
- 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, Section 2.24.1(a) permits development at a less than 30m setback when existing development precludes the reasonable possibility of achieving the setback.

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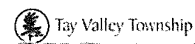
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## Howe Development & Use Test

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

- The proposal is also desirable for the appropriate development of the lands in question as a cottage with a deck/screened in porch is a permitted use.

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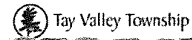
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## Howe "Minor" Test

*Is it minor in nature and scope?*

- The application can be considered minor in impact. The screening in of the deck does not increase the footprint on the lot nor does it intensify the use.

17

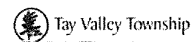


17

## Howe 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

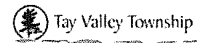


18

## Howe Site Plan Control

- The existing Site Plan Control Agreement requires modification to indicate the screened in portion of the deck. If any additional shoreline protection language is required, it will be added.

19



19

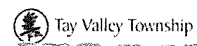
## Howe Recommendation

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

- To permit a water setback encroachment of an additional 1.19 m beyond the 1.25m that is permitted, for a portion of a screened in porch

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.

20



20



## Howe 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 MV23-01 is approved, to allow a variance from the requirements of Section 3.30 (Yard and Water Setbacks) of Zoning By-Law 2002-121, for the lands legally described as 867 Pike Lake Route 1E, Concession 8, Part Lot 19, 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 water setback encroachment of an additional 1.19 m beyond the 1.25m that is permitted, for a portion of a screened in porch."*

**Committee of Adjustment**  
March 27, 2023

**Noelle Reeve, Planner**

**APPLICATION MV23-02**  
Charbonneau  
100 Marsh Lane, Concession 3, Part Lot 17  
Geographic Township of North Burgess

**SUMMARY OF PROPOSAL**

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

- Permit a reduced water setback for an addition at a water setback of 17.47m at the closest point to Big Rideau Lake instead of the required 30m.

The effect of the variance is to permit a 7.4m<sup>2</sup> (80 sq ft) addition to an existing dining room to be located at a reduced setback of 17.47 m at the closest point from Big Rideau Lake, in a cottage located on a peninsula.

**REVIEW COMMENTS**

The property is located at 100 Marsh Lane on Big Rideau Lake. The lot currently contains a cottage, deck, and boathouse. The lot is 4,445m<sup>2</sup> (1 acre) with over 200m water frontage.

**Provincial Policy Statement**

No concerns. Sections 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, Section 2.1 Natural Heritage, and Section 3.1 Protecting Public Health and Safety – Natural Hazards are satisfied as the proposed addition is to be located at the side of the existing cottage only 1m closer to the lake and is a very small area of encroachment. A slope stability analysis by Kollard Engineering indicated that there was no hazard presented by the proposed addition. A Development Agreement will provide protection of the shoreline and can be used to obtain some additional naturalization of the property.

**County Sustainable Community Official Plan**

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. No concerns.

## **Official Plan**

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

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 water setback where an existing lot of record or existing development precludes the possibility of meeting the setback.

Big Rideau Lake is a cold water lake and requires protection of its water quality as it is currently assessed as only Fair according to the Rideau Valley Conservation Authority sub-watershed report. A Development Agreement to protect the shoreline will help maintain the water quality and possibly improve it.

## **Zoning By-Law**

The property is zoned Seasonal Residential (RS) and a cottage is a permitted use. Current lot coverage is 4.9% and with the proposed dining room, laundry and foyer additions will be 5.3%, well under the 10% maximum. The existing Floor Space Index (FSI) is 7% and the proposed additions would only increase the FSI to 7.2%. The water setback is proposed at 17.47m at the closest point instead of the 30m required by the RS zone.

The application can be considered minor in impact as a modest encroachment of 1m into the 30m setback is proposed. It is difficult to avoid encroachment toward the lake as the property is located on a peninsula.

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

## **CIRCULATION COMMENTS**

**Rideau Waterfront Development Review Team (RDWDRT)** – The RDWDRT comments were not available at the time of the report.

**Mississippi-Rideau Septic System Office (MRSSO)** – Not available at the time of the report.

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

## **DEVELOPMENT AGREEMENT**

A Development Agreement would be recommended to provide measures to enhance protection of the water quality of Big Rideau Lake.

## 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 for a small addition for a dining room and laundry room to an existing cottage at a water setback of 17.47m at the closest point to Big Rideau Lake instead of the required 30m

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

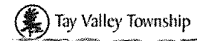
And that a Development Agreement be prepared by the Township for the owners.

## Charbonneau - 100 Marsh Lane Minor Variance

### Public Notice

Pursuant to the Planning Act, Notice of Public Hearing is to be provided a minimum of 10 days for a Minor Variance to the Zoning By-law. Notice was duly given by posting at the nearest public road and delivering to adjacent property owners within 60 metres of the location. Notice was also given to public agencies as required.

1



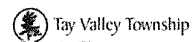
1

## Charbonneau - 100 Marsh Lane 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



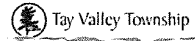
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## Charbonneau - 100 Marsh Lane Minor Variance

### Hearing Process

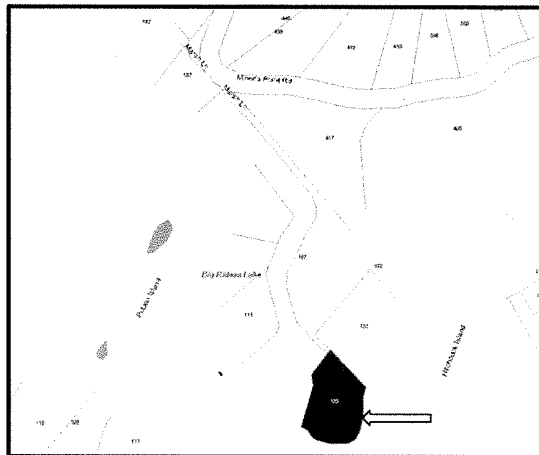
- The Planner will review the application and present her comments plus those of the Conservation Authority, Septic System Office, and any public comments received
- The Applicant may provide additional details or clarification
- Any members of the public may contribute comments or questions
- The Committee members will discuss and decide
- The Notice of Decision will be signed

3

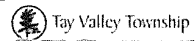


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## Charbonneau - 100 Marsh Lane *100 Marsh Lane, Part Lot 17, Concession 3, Geographic Township of North Burgess*



4



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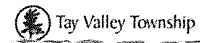
## Charbonneau - 100 Marsh Lane - Proposal

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

- Permit a reduced water setback for an addition at a water setback of 17.47m at the closest point to Big Rideau Lake instead of the required 30m.

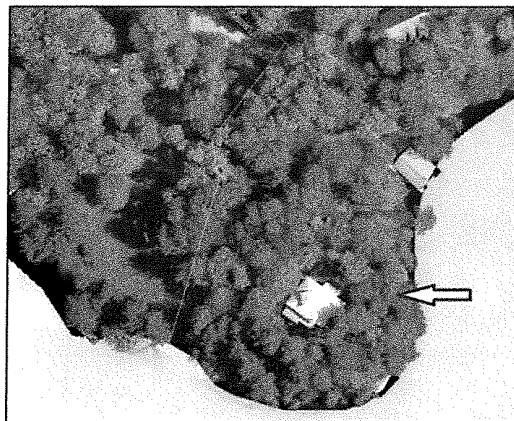
The effect of the variance is to permit a 7.4m<sup>2</sup> (80 sq ft) addition to an existing dining room to be located at a reduced setback of 17.47 m at the closest point from Big Rideau Lake, in a cottage located on a peninsula.

5

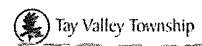


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## Charbonneau - 100 Marsh Lane Aerial Photo (2019)



6



6

# Charbonneau - 100 Marsh Lane Site Drawing

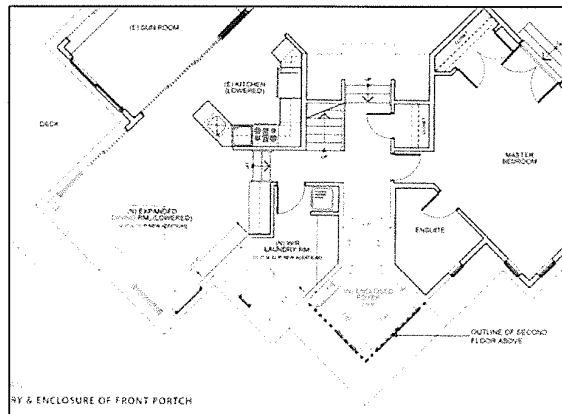


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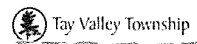


7

# Charbonneau - 100 Marsh Lane Building Drawing – Detail



8



8

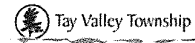


## Charbonneau - 100 Marsh Lane Comments

### **Rideau Waterfront Development Review Team (RDWDRT)**

- The RDWDRT comments were not available at the time of the report.

9



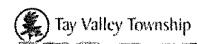
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## Charbonneau - 100 Marsh Lane Comments

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

- MRSSO comments were not available at the time of the report.

10

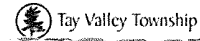


10

## Charbonneau - 100 Marsh Lane Provincial Policy Statement

- No concerns.
- Sections 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, Section 2.1 Natural Heritage, and Section 3.1 Protecting Public Health and Safety – Natural Hazards are satisfied as the proposed addition is to be located at the side of the existing cottage only 1m closer to the lake.
- A slope stability analysis by Kollard Engineering indicated that there was no hazard presented by the proposed addition. A Development Agreement will provide protection of the shoreline and can be used to obtain some additional naturalization of the property.

11

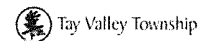


11

## Charbonneau - 100 Marsh Lane 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.

12

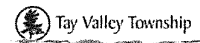


12

## Charbonneau - 100 Marsh Lane Official Plan

- The subject land is designated Rural. Residential uses are permitted.
- Big Rideau Lake is a cold water lake and requires protection of its water quality as it is currently assessed as only Fair according to the Rideau Valley Conservation Authority sub-watershed report.
- A Development Agreement to protect the shoreline will help maintain the water quality and possibly improve it.

13

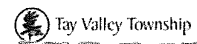


13

## Charbonneau - 100 Marsh Lane Zoning By-law

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

14



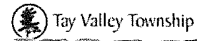
14

## Charbonneau - 100 Marsh Lane Official Plan & Zoning Test

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

- Current lot coverage is 4.9% and with the proposed dining room, laundry and foyer additions will be 5.3%, well under the 10% maximum.
- The existing Floor Space Index (FSI) is 7% and the proposed additions would only increase the FSI to 7.2%. The water setback is proposed at 17.47m at the closest point instead of the 30m required by the RS zone.

15



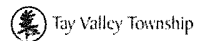
15

## Charbonneau - 100 Marsh Lane Official Plan & Zoning Test

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

- 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 water setback where an existing lot of record or existing development precludes the possibility of meeting the setback.

16



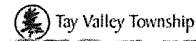
16

## Charbonneau - 100 Marsh Lane Development & Use Test

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

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

17



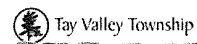
17

## Charbonneau - 100 Marsh Lane "Minor" Test

*Is it minor in nature and scope?*

- The application can be considered minor in impact as a modest encroachment of 1m into the 30m setback is proposed. It is difficult to avoid encroachment toward the lake as the property is located on a peninsula.

18

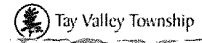


18

## Charbonneau - 100 Marsh Lane 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.

19

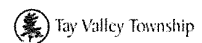


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## Charbonneau - 100 Marsh Lane Development Agreement

- A Development Agreement would be recommended to provide measures to enhance protection of the water quality of Big Rideau Lake.

20



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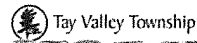
## Charbonneau - 100 Marsh Lane Recommendation

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 for a small addition for a dining room and laundry room to an existing cottage at a water setback of 17.47m at the closest point to Big Rideau Lake instead of the required 30m.

And that, a Development Agreement be executed.

21



21

## Charbonneau - 100 Marsh Lane Resolution

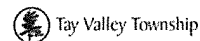
### *Recommended Decision:*

*"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 MV23-02 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 100 Marsh Lane, Concession 3, Part Lot 17, in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-020-15806;*

- *To permit a reduced water setback for a small addition for a dining room and laundry room to an existing cottage at a water setback of 17.47m at the closest point to Big Rideau Lake instead of the required 30m;*

*AND THAT, a Development Agreement be executed."*

22



22

**Committee of Adjustment**  
March 27, 2023

**Noelle Reeve, Planner**

**APPLICATION MV23-03**  
Charbonneau  
107 Marsh Lane, Concession 3, Part Lot 17  
Geographic Township of North Burgess

**SUMMARY OF PROPOSAL**

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

- Permit a reduced water setback for an addition and a screened porch at a water setback of 25.3m at the closest point to Big Rideau Lake instead of the required 30m.

The effect of the variance is to permit a 26.8m<sup>2</sup> (289 sq ft) kitchen addition and 32m<sup>2</sup> (345 sq ft) screened in porch to be located at a reduced setback of 25.3m at the closest point from Big Rideau Lake the rear of a small 44m<sup>2</sup> (468 sq ft) existing cottage.

**REVIEW COMMENTS**

The property is located at 107 Marsh Lane on Big Rideau Lake. The lot currently contains a cottage, garage, deck, boathouse, shed, and a bunkie. The lot is 2.19 ha (5.42 acres) with 107m water frontage.

**Provincial Policy Statement**

No concerns. Sections 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, Section 2.1 Natural Heritage, and Section 3.1 Protecting Public Health and Safety – Natural Hazards are satisfied as the proposed additions are to be located at the rear of the existing cottage 10m farther from the lake than the cottage is located. A Development Agreement will provide protection of the shoreline and can be used to obtain some naturalization of the property.

**County Sustainable Community Official Plan**

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. No concerns.



## **Official Plan**

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

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 water setback where an existing lot of record or existing development precludes the possibility of meeting the setback.

Big Rideau is a cold water lake and requires protection of its water quality as it is currently assessed as only Fair according to the Rideau Valley Conservation Authority sub-watershed report. Aa Development Agreement to protect the shoreline will help maintain the water quality and possibly improve it.

## **Zoning By-Law**

The property is zoned Seasonal Residential (RS) and a cottage is a permitted use. Current lot coverage is 1.1% and with the proposed kitchen and screened porch addition is 1.4%, well under the 10% maximum. Water setback is proposed at 25.3m at the closest point instead of the 30m required by the RS zone.

The application can be considered minor in impact as a modest encroachment into the 30m setback is proposed with all the development located at the rear of the existing cottage. In fact, part of the proposed Screened in porch will meet the 30m setback due to the nature of the shoreline.

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

## **CIRCULATION COMMENTS**

**Rideau Waterfront Development Review Team (RDWDRT)** – The RDWDRT comments were not available at the time of the report.

**Mississippi-Rideau Septic System Office (MRSSO)** – Not available at the time of the report.

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

## **DEVELOPMENT AGREEMENT**

A Development Agreement would be recommended to provide measures to enhance protection of the water Quality of Big Rideau Lake.

## 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 for an addition and a screened porch to the rear of an existing cottage at a water setback of 25.3m at the closest point to Big Rideau Lake instead of the required 30m

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

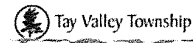
And that a Development Agreement be prepared by the Township for the owners.

## Charbonneau - 107 Marsh Lane Minor Variance

### Public Notice

Pursuant to the Planning Act, Notice of Public Hearing is to be provided a minimum of 10 days for a Minor Variance to the Zoning By-law. Notice was duly given by posting at the nearest public road and delivering to adjacent property owners within 60 metres of the location. Notice was also given to public agencies as required.

1



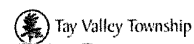
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## Charbonneau - 107 Marsh Lane Minor Variance

### 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



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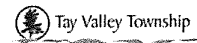
## Charbonneau - 107 Marsh Lane - Proposal

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

- Permit a reduced water setback for an addition and a screened porch at a water setback of 25.3m at the closest point to Big Rideau Lake instead of the required 30m.

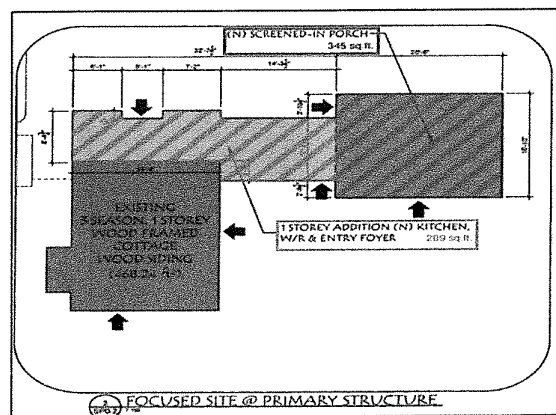
The effect of the variance is to permit a 26.8m<sup>2</sup> (289 sq ft) kitchen addition and 32m<sup>2</sup> (345 sq ft) screened in porch to be located at a reduced setback of 25.3m at the closest point from Big Rideau Lake the rear of a small 44m<sup>2</sup> (468 sq ft) existing cottage.

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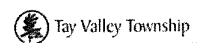


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## Charbonneau - 107 Marsh Lane Building Drawing - Detail

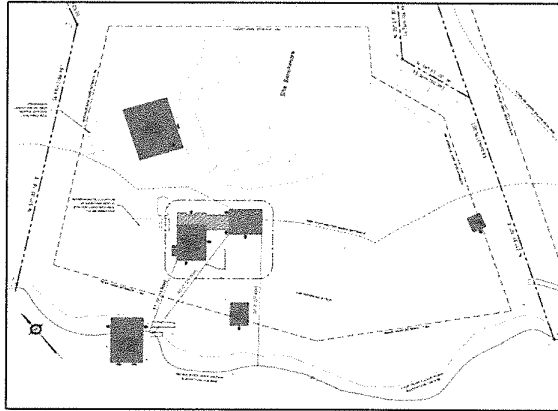


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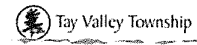


6

## Charbonneau - 107 Marsh Lane Site Drawing

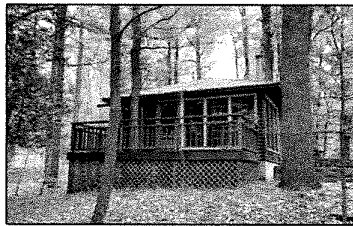
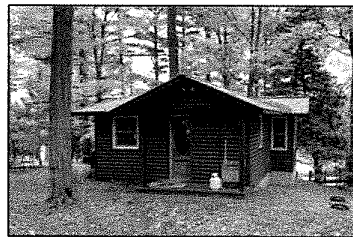
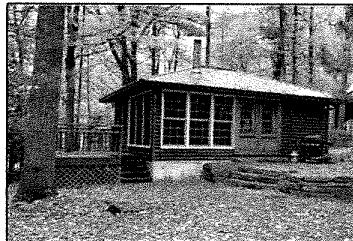


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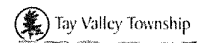


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## Charbonneau - 107 Marsh Lane Photos



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## Charbonneau - 107 Marsh Lane Aerial Photo (2014)



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## Charbonneau - 107 Marsh Lane Comments

### **Rideau Waterfront Development Review Team (RDWDRT)**

- The RDWDRT comments were not available at the time of the report.

10



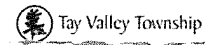
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## Charbonneau - 107 Marsh Lane Comments

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

- MRSSO comments were not available at the time of the report.

11

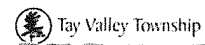


11

## Charbonneau - 107 Marsh Lane Provincial Policy Statement

- No concerns.
- Sections 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, Section 2.1 Natural Heritage, and Section 3.1 Protecting Public Health and Safety – Natural Hazards are satisfied as the proposed additions are to be located at the rear of the existing cottage 10m farther from the lake than the cottage is located.
- A Development Agreement will provide protection of the shoreline and can be used to obtain some naturalization of the property.

12



12



## Charbonneau - 107 Marsh Lane 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.

13

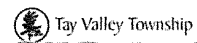


13

## Charbonneau - 107 Marsh Lane Official Plan

- The subject land is designated Rural. Residential uses are permitted.
- Big Rideau Lake is a cold water lake and requires protection of its water quality as it is currently assessed as only Fair according to the Rideau Valley Conservation Authority sub-watershed report.
- A Development Agreement to protect the shoreline will help maintain the water quality and possibly improve it.

14

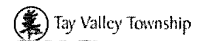


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## Charbonneau - 107 Marsh Lane Zoning By-law

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

15



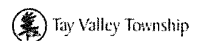
15

## Charbonneau - 107 Marsh Lane Official Plan & Zoning Test

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

- Current lot coverage is 1.1% and with the proposed kitchen and screened porch addition is 1.4%, well under the 10% maximum. Water setback is proposed at 25.3m at the closest point instead of the 30m required by the RS zone.

16



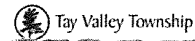
16

## Charbonneau - 107 Marsh Lane Official Plan & Zoning Test

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

- 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 water setback where an existing lot of record or existing development precludes the possibility of meeting the setback.

17



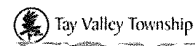
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## Charbonneau - 107 Marsh Lane Development & Use Test

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

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

18



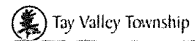
18

## Charbonneau - 107 Marsh Lane "Minor" Test

*Is it minor in nature and scope?*

- The application can be considered minor in impact as a modest encroachment into the 30m setback is proposed with all the development located at the rear of the existing cottage. In fact, part of the proposed Screened in porch will meet the 30m setback due to the nature of the shoreline.

19

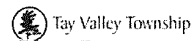


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## Charbonneau - 107 Marsh Lane Public Comments

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

20

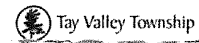


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## Charbonneau - 107 Marsh Lane Development Agreement

- A Development Agreement would be recommended to provide measures to enhance protection of the water quality of Big Rideau Lake.

21



21

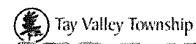
## Charbonneau - 107 Marsh Lane Recommendation

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 for an addition and a screened porch to the rear of an existing cottage at a water setback of 25.3m at the closest point to Big Rideau Lake instead of the required 30m

And that, a Development Agreement be executed.

22



22

## Charbonneau - 107 Marsh Lane 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 MV23-03 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 107 Marsh Lane, Concession 3, Part Lot 17, in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-020-15800;*

- To permit a reduced water setback for an addition and a screened porch to the rear of an existing cottage at a water setback of 25.3m at the closest point to Big Rideau Lake instead of the required 30m;*

*AND THAT, a Development Agreement be executed."*