



COMMITTEE OF ADJUSTMENT AGENDA

Monday, February 27th, 2023 – 5:00 p.m.
Municipal Office – Council Chambers – 217 Harper Road

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 – January 30, 2023 - attached, page 6.**

*Suggested Motion by Richard Schooley:
“THAT, the minutes of the Committee of Adjustment meeting held January 30th,
2023 be approved as circulated.”*

5. INTRODUCTION

- The purpose of this meeting is to hear applications for Minor Variance:
 - **Dufour**
 - **Dubreuil**
 - **Dubreuil**
- 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.
- The Secretary/Treasurer must provide notice of the Committee's decision to all those who request a copy.

6. APPLICATIONS

i) **FILE #: MV22-27 – Dufour – attached, page 13.**

- PLANNER FILE REVIEW
- APPLICANT COMMENTS
- ORAL & WRITTEN SUBMISSIONS
- DECISION OF COMMITTEE

Recommended Decision by Richard Schooley:

“THAT, in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application 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;*

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.”

ii) **FILE #: MV22-29 – Dubreuil (Steven and Gretchen) – attached, page 27.**

- PLANNER FILE REVIEW
- APPLICANT COMMENTS
- ORAL & WRITTEN SUBMISSIONS

d) DECISION OF COMMITTEE

Recommended Decision by Richard Schooley:

“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 also 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.”

iii) **FILE #: MV22-30 – Dubreuil (Susan) – attached, page 27.**

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

Recommended Decision by Richard Schooley:

“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 North 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 also recognize the existing 4.27m east side yard setback, rather than the 6m required;*

AND THAT, a Development Agreement be executed.”

7. NEW/OTHER BUSINESS

None.

8. ADJOURNMENT

MINUTES

COMMITTEE OF ADJUSTMENT MINUTES

Monday, January 30th, 2023

4:30 p.m.

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

ATTENDANCE:

Members Present: Chair, Larry Sparks
Richard Schooley

Members Absent: Peter Siemons

Staff Present: Noelle Reeve, Planner
Garry Welsh, Secretary/Treasurer
Janie Laidlaw, Deputy Clerk (left at 4:55 p.m.)

Applicant/Agents Present: Tracy Zander (ZanderPlan Inc.), Applicant/Agent

Public Present: None

1. CALL TO ORDER

The Secretary/Treasurer called the meeting to order at 4:30 p.m.
A quorum was present.

2. APPOINTMENT OF CHAIR

RESOLUTION #COA-2023-01

MOVED BY: Richard Schooley

SECONDED BY: Larry Sparks

“**THAT** Larry Sparks be appointed as Chair of the Committee of Adjustment”

ADOPTED

3. APPOINTMENT OF SECRETARY/TREASURER

RESOLUTION #COA-2023-02

MOVED BY: Richard Schooley

SECONDED BY: Larry Sparks

“**THAT** Garry Welsh be appointed as Secretary/Treasurer of the Committee of Adjustment.”

ADOPTED

4. AMENDMENTS/APPROVAL OF AGENDA

The Agenda was adopted as presented.

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

None at this time.

6. APPROVAL OF MINUTES

i) **Committee of Adjustment Meeting – October 17th, 2022.**

The minutes of the Committee of Adjustment meeting held on October 17th, 2022, were approved as circulated.

7. COMMITTEE TRAINING

Committee Members have access to video training modules from the Ontario Association of Committees of Adjustment and Consent Authorities (OACA). Those in attendance will provide certificates of completion to the Secretary/Treasurer.

8. COMMITTEE ORIENTATION

The Deputy Clerk overviewed both the Procedural By-Law and the Code of Conduct. Each Member was asked to read the Code of Conduct, sign and return it to the Clerk to have on file.

The Deputy Clerk left at 4:55 p.m.

9. 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. 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:

MV22-26 – Hill – 703 Christie Lake North Shore Road, Concession 3, Part Lot 1, geographic Township of Bathurst

MV22-28 – Fletcher, Murdoch and Girdlestone – 703 Christie Lake North Shore Road, Concession 2, Part Lot 3, geographic Township of Bathurst

10. APPLICATIONS

FILE #: MV22-26 - Hill

a) PLANNER FILE REVIEW

The Planner reviewed the file and PowerPoint in the agenda package. The Planner noted they are able to comment on natural heritage impacts of an application but since the Provincial introduction of Bill 23, comments from a Conservation Authority are limited to slope and flood plain. The Planner also advised that the current private road used by the owner and neighbouring properties should be given its own name, to identify it for emergency services.

b) APPLICANT/AGENT COMMENTS

The applicant/agent asked on behalf of the owner about the process to name the road and what would happen in the event the neighbours do not want to change their addresses. The Planner reviewed the process which includes submitting potential road names, agreed to by a majority of the property owners. The road names are then forwarded to Lanark County, to ensure they are not duplicates of other road names in the region.

c) ORAL & WRITTEN SUBMISSIONS

None.

d) DECISION OF COMMITTEE

The Committee noted that liability for maintaining the road is the responsibility of the property owner, rather than the Township.

RESOLUTION #COA-2023-03

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 MV22-26 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 703 Christie Lake North Shore Road, Concession 3, Part Lot 11, in the geographic Township of Bathurst, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-916-010-12200:

- To permit the construction of an addition to the rear of the existing cottage at a water setback of 16.3m rather than the 30m required;

THAT, the private road be named;

AND THAT, a Development Agreement be executed.”

ADOPTED

FILE #: MV22-28 – Fletcher, Murdoch and Girdlestone

a) **PLANNER FILE REVIEW**

The Planner reviewed the file and PowerPoint in the agenda package. The Planner also noted that the road access for this property and neighbouring lots, is currently along an unnamed road which branches off Crozier Road D.

b) **APPLICANT COMMENTS**

None.

c) **ORAL & WRITTEN SUBMISSIONS**

None.

d) **DECISION OF COMMITTEE**

RESOLUTION #COA-2023-04

MOVED BY: Ron Running

SECONDED BY: Peter Siemons

“**THAT**, in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application MV22-28 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 1504 Crozier Road D, Concession 2, Part Lot 3, in the geographic Township of South Sherbrooke, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-914-015-10400:

- To permit the construction of an addition to the rear of the existing cottage at a water setback of 15m rather than the 30m required,

THAT, legal access be established;

AND THAT, a Development Agreement be executed.”

ADOPTED

11. NEW/OTHER BUSINESS

None.

12. ADJOURNMENT

The meeting adjourned at 5:50 p.m.

APPLICATIONS

Committee of Adjustment
February 27, 2023

Noelle Reeve, Planner

APPLICATION MV22-27

Dufour

Long Island, Concession 3, Part Lot 18
Geographic Township of South Sherbrooke

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 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.

The effect of the variance would be to permit a cottage and deck to be built on a vacant island, at less than the required 30m water setback.

REVIEW COMMENTS

The 7,383 m² (1.82-acre) island is located on Christie Lake and is currently vacant.

Provincial Policy Statement - No concerns. Section 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, is met as the cottage is proposed to be built at a location that optimizes the water setbacks while reducing the visual impact on the lake by being screened from view by existing trees. An incinerating toilet is proposed for the cottage.

Section 2.1 Natural Heritage is also met as the only identified feature was a bald eagle's nest. According to the Ministry of Natural Resources, as long as the tree holding the nest is removed before nesting season in March, the eagle will find another tree in the area to nest in.

Section 3.1 Protecting Public Health and Safety is met as a letter of opinion was provided by a geotechnical engineer identifying mitigation measures for construction away from the steep slope.

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.

Official Plan - The subject land is designated Rural. Section 3.6 Rural permits residential uses.

Section 2.24.1.c Water Setback of the Official Plan requires a minimum setback of 30m from the high-water mark of any water body for new development. However, exemptions are allowed when the configuration of an existing Lot of Record precludes meeting the 30m setback. The cottage is proposed on an island and can only meet the setbacks from two sides of the island.

The incinerating toilet will be located within the cottage and will not produce blackwater.

Section 2.20.4 Steep Slopes and Erosion Lands Hazards concerns regarding appropriate set back from the top of a steep slope are met by the Letter of Opinion provided by Morey Associates Ltd.

Zoning By-Law - The property is zoned Rural. Lot coverage is proposed to be 2.0%, which is well under the maximum of 10%. The Floor Space Index will be 3.0% which is also well below the 12% maximum.

Relief from Section 3.29 (Water Setback) is sought 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 water setback of.

A deeded parking spot is required so that an address can be assigned to a property with water access only (therefore allowing a Building Permit to be issued). The applicant is obtaining a legal right of way and deeded parking spot on Christie Lake Lane 32D through severance application B23-021.

Planning Analysis

The application must meet four tests under Section 45(1) of the Planning Act. Does the application generally conform to the Township Zoning By-law? Does the application generally conform to the Township Official Plan? Is the application desirable for the appropriate development of the lands in question? Is the application minor?

The application can be considered minor as a modest footprint of approximately 109m² (1,000 sq ft) is proposed for the cottage.

The application generally conforms to the Official Plan and Zoning By-law because the proposed cottage location maximizes the water setback from the east and west sides of the island and optimizes the east and west water setbacks while providing screening from the lake via the evergreen trees. Also, a slope stability analysis has provided mitigation measures for that hazard.

The proposal is desirable for the appropriate development of the lands in question as the cottage is a permitted use and there is an opportunity to protect the environment through maintenance of the vegetation on the island through a Development Agreement, if requested by the Committee of Adjustment.

Standard conditions for such an Agreement would include:

- vegetation on this island would be retained and augmented with the exception of a 6m path to the shore.
- sediment control measures shall be implemented throughout the construction process (mainly the placement of a sediment barrier such as staked straw bales between exposed soil and the lake). The sediment barrier should remain in place until all disturbed areas have been stabilized and re-vegetated
- excavated material shall be disposed of well away from the water.
- natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the lake. In order to help achieve this, eaves troughing shall be installed and outlet to a leaching pit or well-vegetated area away from the lake to allow for maximum infiltration.
- all recommendations from the Morey Engineering letter will be met.

CIRCULATION COMMENTS

Rideau Valley Conservation Authority (RVCA) – The RVCA indicated they do not have an objection to the proposal.

A permit will be required from the RVCA for work undertaken within the top of the steep slope.

The applicant should be advised that, pursuant to Ontario Regulation 153/06 – *“Development, Interference with Wetlands and Alterations to Shorelines and Watercourses”*, a permit is required from RVCA prior to alterations to the shoreline.

Mississippi-Rideau Septic System Office (MRSSO) – The MRSSO had not submitted comments at the time of the report.

Public – The Christie Lake Association had raised a question about a bald eagle’s nest thought to be located on the island.

DEVELOPMENT AGREEMENT

A Development Agreement would be recommended to implement water quality protection recommendations.

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 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.

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*.

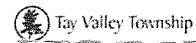
And that, a Development Agreement be executed.

Dufour 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



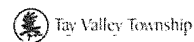
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Dufour Minor Variance

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

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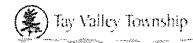
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Dufour Minor Variance

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

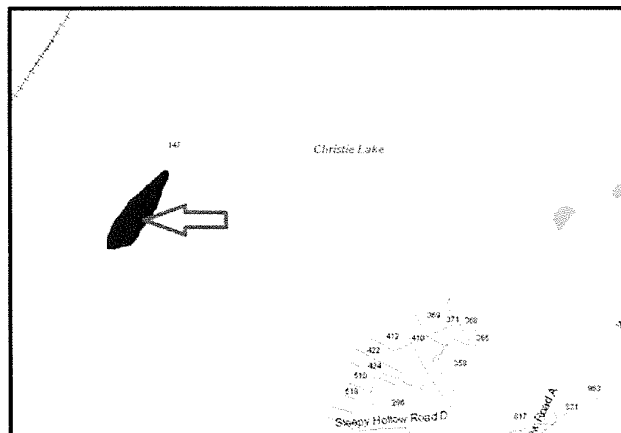
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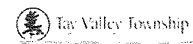
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Dufour

*Long Island, Part Lot 18, Concession 3,
Geographic Township of South Sherbrooke*

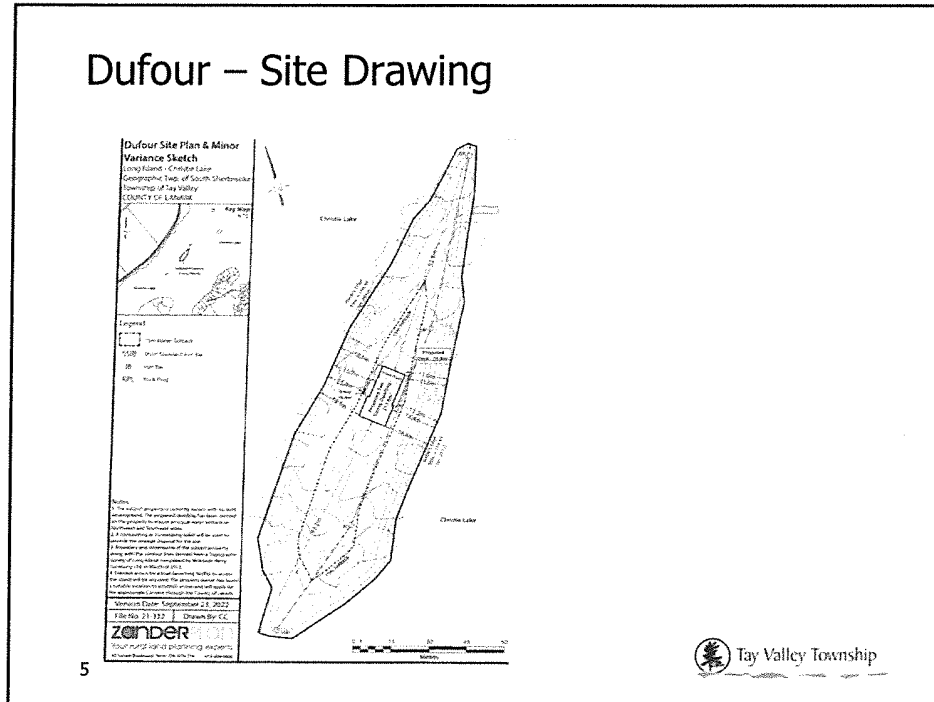


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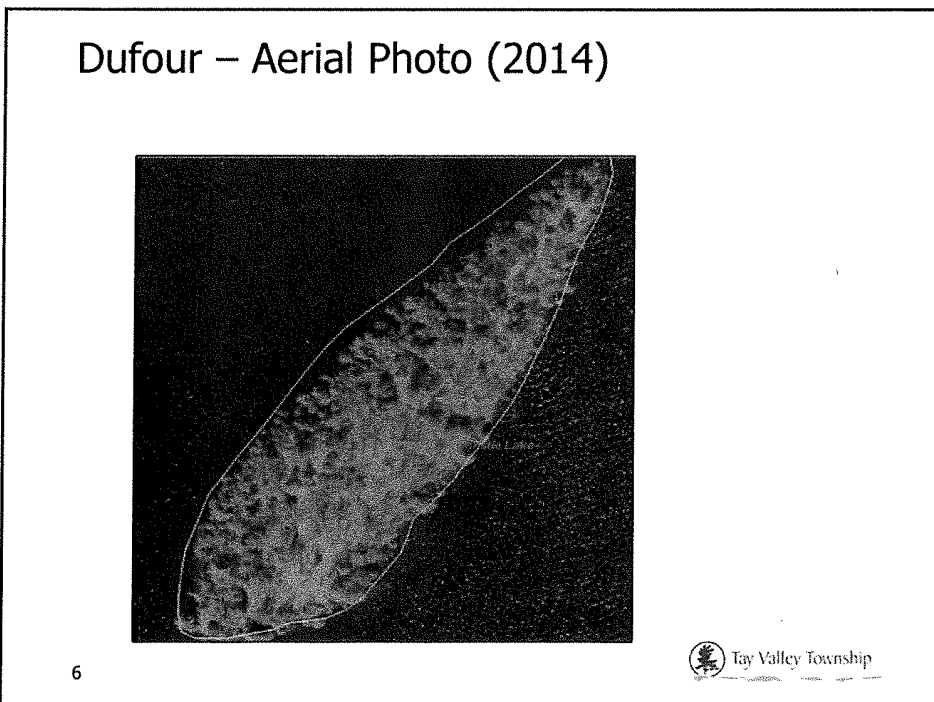


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Dufour – Site Drawing



Dufour – Aerial Photo (2014)



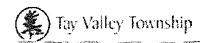
Dufour - Proposal

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

- 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.

The effect of the variance would be to permit a cottage and deck to be built on a vacant island, at less than the required 30m water setback.

7



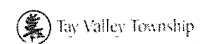
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Dufour Comments

Rideau Valley Conservation Authority (RVCA)

- The RVCA indicated they do not have an objection to the proposal.
- A permit will be required from the RVCA for work undertaken within the top of the steep slope.
- The applicant should be advised that, pursuant to Ontario Regulation 153/06 – “Development, Interference with Wetlands and Alterations to Shorelines and Watercourses”, a permit is required from RVCA prior to alterations to the shoreline.

8



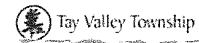
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Dufour Comments

Mississippi-Rideau Septic System Office (MRSSO)

- The MRSSO had not submitted comments at the time of the report. An incinerating toilet is proposed.

9



9

Dufour Provincial Policy Statement

- No concerns.
- Section 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, is met as the cottage is proposed to be built at a location that optimizes the water setbacks while reducing the visual impact on the lake by being screened from view by existing trees. An incinerating toilet is proposed for the cottage.

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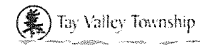


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Dufour Provincial Policy Statement

- Section 2.1 Natural Heritage is also met as the only identified feature was a bald eagle's nest. According to the Ministry of Natural Resources, as long as the tree holding the nest is removed before nesting season in March, the eagle will find another tree in the area to nest in.
- Section 3.1 Protecting Public Health and Safety is met as a letter of opinion was provided by a geotechnical engineer identifying mitigation measures for construction away from the steep slope.

11



11

Dufour 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

Dufour Official Plan

- The subject land is designated Rural.
- Section 3.6 Rural permits residential uses.

13

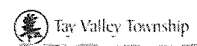


13

Dufour Zoning By-law

- Relief from Section 3.29 (Water Setback) is sought to permit at a water setback of 16.3m.

14



14

Dufour 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.c Water Setback of the Official Plan requires a minimum setback of 30m from the high-water mark of any water body for new development. However, exemptions are allowed when the configuration of an existing Lot of Record precludes meeting the 30m setback. The cottage is proposed on an island and can only meet the setbacks from two sides of the island.

15



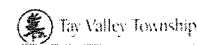
15

Dufour Official Plan & Zoning Test

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

- The incinerating toilet will be located within the cottage and will not produce blackwater.
- Section 2.20.4 Steep Slopes and Erosion Lands Hazards concerns regarding appropriate set back from the top of a steep slope are met by the Letter of Opinion provided by Morey Associates Ltd.

16



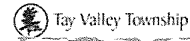
16

Dufour 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 cottage is a permitted use and there is an opportunity to protect the environment through maintenance of the vegetation on the island through a Development Agreement, if requested by the Committee of Adjustment.

17



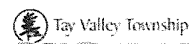
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Dufour Development Agreement

A Development Agreement would be recommended to implement water quality protection recommendations.

- vegetation augmented along the shoreline and leading to the shoreline, except for a 6m path
- sediment control measures such as staked straw bales implemented throughout the construction process, until all disturbed areas have been stabilized and re-vegetated
- excavated material shall be disposed of well away from the water
- run-off to be directed by eaves troughing, with outlet to a leaching pit or well-vegetated area, away from the lake, to allow for maximum infiltration
- Adherence to the Morey Engineering letter of opinion on the steep slope.

18



18

Dufour "Minor" Test

Is it minor in nature and scope?

- The application can be considered minor as a modest footprint of approximately 109m² (1,000 sq ft) is proposed for the cottage.

19

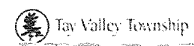


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Dufour Public Comments

- The Christie Lake Association inquired about a possible bald eagle nest on the island.

20



20

Dufour Recommendation

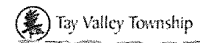
That the Minor Variance be granted for relief from the requirements of Section 3.29 (Water Setbacks) of Zoning By-Law 2002-121, as amended, as follows:

- To permit a 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.

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 executed.

21



21

Dufour Resolution

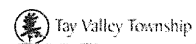
Recommended Decision:

"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 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.*

AND THAT, a Development Agreement be executed."

22



22

Committee of Adjustment
February 27, 2023

Noelle Reeve, Planner

APPLICATION MV22-29

Dubreuil

1212 Black Lake North Shore Road, Concession 6, Part Lot 23
Geographic Township of North Burgess

SUMMARY OF PROPOSAL

Purpose and Effect: To seek relief from Section 3.29 (Water Setbacks) and Section 3.30 (Yard and Deck Encroachment) of Zoning By-Law 2002-121, as amended, as follows:

- 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 also permit a deck that is proposed to encroach 5.16m toward the lake rather than the 2m permitted.

The effect of the variance would be to allow a cottage to be built with a new walkout basement, set 1.53 m farther from water than the existing cottage, and to allow a deck to encroach 3.16 additional meters than the Zoning By-Law permits at this water setback, but farther from the lake, and to maintain its current size.

REVIEW COMMENTS

The 3.8 ha (9.4 acre) property is located on Black Lake and currently contains a cottage, deck, and stairs to the water below the steep hill.

Provincial Policy Statement - No concerns. Section 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, is met as the walkout will be located under the existing cottage, which will be lifted and moved 1.53m farther from the lake. The septic tank will remain 20m from the lake with the bed remaining approximately 40m from the water (across Black Lake North Shore Road).

Section 2.1 Natural Heritage is also met as the Provincially Significant Wetland is located in the north part of the lot (away from the cottage) and while the edge of the 120m regulated area includes the proposed cottage location, the area has already been developed so no new impact is expected.

Section 3.1 Protecting Public Health and Safety is met as a letter of opinion was provided by a geotechnical engineer identifying mitigation measures for construction away from the steep slope.

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.

Official Plan - The subject land is designated Rural. Section 3.6 Rural permits residential uses.

Section 2.24.1.a Waterfront Development of the Official Plan requires a minimum setback of 30m from the high-water mark of any water body for new development. However, exemptions are allowed when there is existing development on a lot and topographical or other considerations preclude meeting the 30m setback. The walkout basement is proposed underneath the existing cottage, to be moved farther from the lake.

The septic tank is proposed to remain at a 20m water setback with the bed across the road at a 40m setback.

Section 2.20.4 Steep Slopes and Erosion Lands Hazards concerns regarding appropriate set back from the top of a steep slope are met by the Letter of Opinion provided by Kollard Associates Engineers.

Section 3.4 Provincially Significant Wetlands (PSWs) prevents draining, filling or development within PSWs. Development will occur over 90m from the PSW. No Environmental Impact Study was required because the existing road separated the proposed cottage area from the PSW and development has already occurred on this small section of the lot.

Zoning By-Law - The property is zoned Seasonal Residential (RS) along the water south of Black Lake North Shore Rd, Environmental Protection on the PSW in the north of the lot, and Rural on the rest of the lot. Lot coverage will not change at 0.27%, which is well under the maximum of 10%. The Floor Space Index will be 0.54% which is also well below the 12% maximum.

Relief from Section 3.29 (Water Setback) is sought to permit a water setback of 15.03m for the cottage over the walkout basement. Relief from Section 3.30 (Yard and Water Encroachments) is sought for an additional encroachment of 3.16m beyond the 2m permitted at this water setback of the cottage.

Planning Analysis

The application must meet two tests under Section 45(2) of the Planning Act. Will the application result in undue adverse impacts on the surrounding properties and neighbourhood? Is the application desirable for the appropriate development of the lands in question?

The application will not result in undue adverse impacts on the surrounding properties and neighbourhood because no increase in footprint will occur, the walkout basement will be below the cottage so not cause the cottage to appear much taller than it currently

appears from the water, and the cottage will be rebuilt 1.53m farther from the lake than its existing location.

The proposal is desirable for the appropriate development of the lands in question as the cottage is a permitted use and there is an opportunity to realize a net environmental gain through maintenance of the vegetation along the shoreline through a Development Agreement, if requested by the Committee of Adjustment.

Standard conditions for such an Agreement would include:

- vegetation along the shoreline and leading to the shoreline be retained and augmented with the exception of a 6m path to the shore
- sediment control measures shall be implemented throughout the construction process (mainly the placement of a sediment barrier such as staked straw bales between exposed soil and the lake). The sediment barrier should remain in place until all disturbed areas have been stabilized and re-vegetated
- excavated material shall be disposed of well away from the water.
- natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the lake. In order to help achieve this, eaves troughing shall be installed and outlet to a leaching pit or well-vegetated area away from the lake to allow for maximum infiltration
- all recommendations from the Kollard Engineering letter will be met.

CIRCULATION COMMENTS

Rideau Valley Conservation Authority (RVCA) – The RVCA indicated they do not have an objection to the proposal.

A permit will be required from the RVCA for work undertaken within the 120 regulated area of the Provincially Significant Wetland.

The applicant should be advised that, pursuant to Ontario Regulation 153/06 – *“Development, Interference with Wetlands and Alterations to Shorelines and Watercourses”*, a permit is required from RVCA prior to alterations to the shoreline.

Mississippi-Rideau Septic System Office (MRSSO) – The MRSSO had not submitted comments at the time of the report. A Part 10/11 application has been submitted.

Public – None at the time of the report.

DEVELOPMENT AGREEMENT

A Development Agreement would be recommended to implement the RVCA recommendations.

RECOMMENDATION

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

- To permit the construction of a walkout basement under the existing cottage at a water setback of 15.03 m rather than the 30m required and
- To permit a deck to encroach 5.16m toward the lake rather than the 2m permitted.

because the variance is desirable for the appropriate development of the lands and will not result in undue adverse impacts on the surrounding properties and neighbourhood. As such, the application meets the tests of the *Planning Act*.

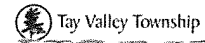
And that, a Development Agreement be executed.

Dubreuil Application

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



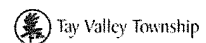
1

Dubreuil Application

Decision Process

- based on both the oral and written input received and understanding gained
- two key factors:
 - ✓ Is it desirable and appropriate development and use of the site?
 - ✓ Is it likely that the application will result in undue adverse impacts on the surrounding properties and neighbourhood?
- 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

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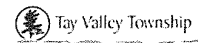
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Dubreuil Application

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

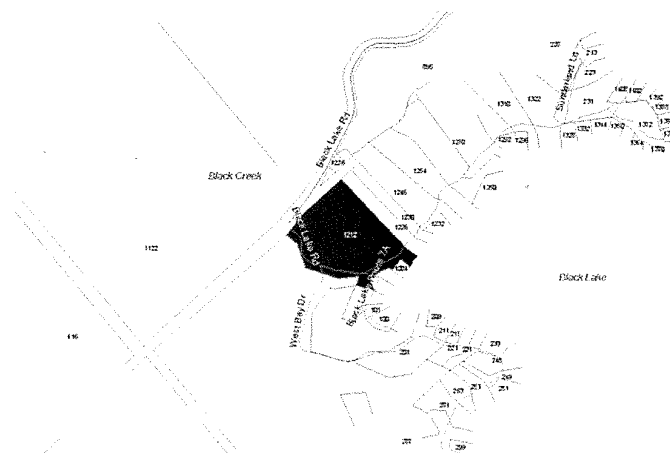
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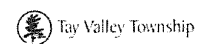
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Dubreuil

*1212 Black Lake North Shore Road,
Part Lot 23, Concession 6, Geographic Township of North Burgess*

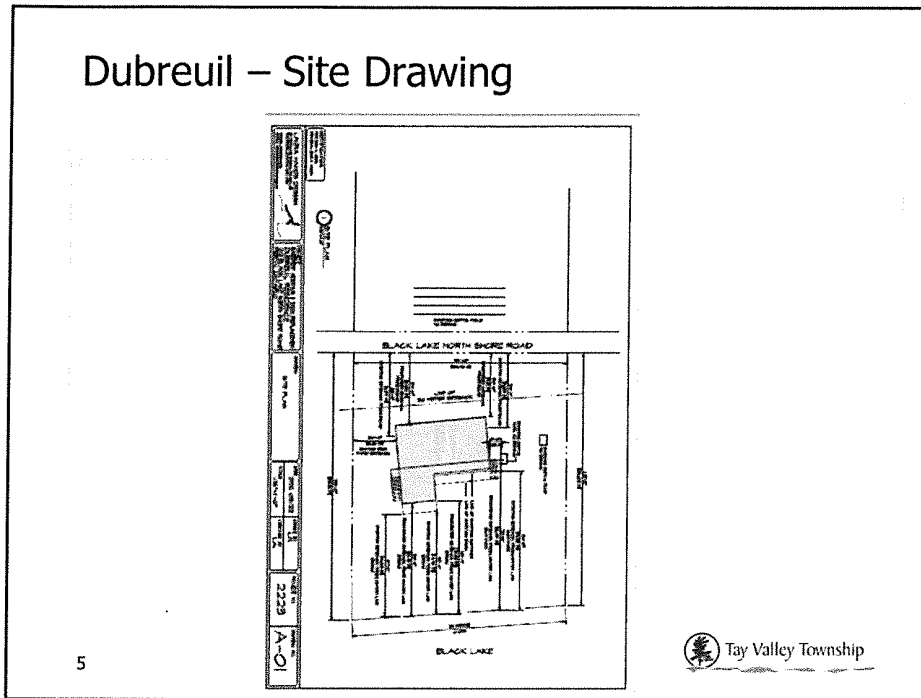


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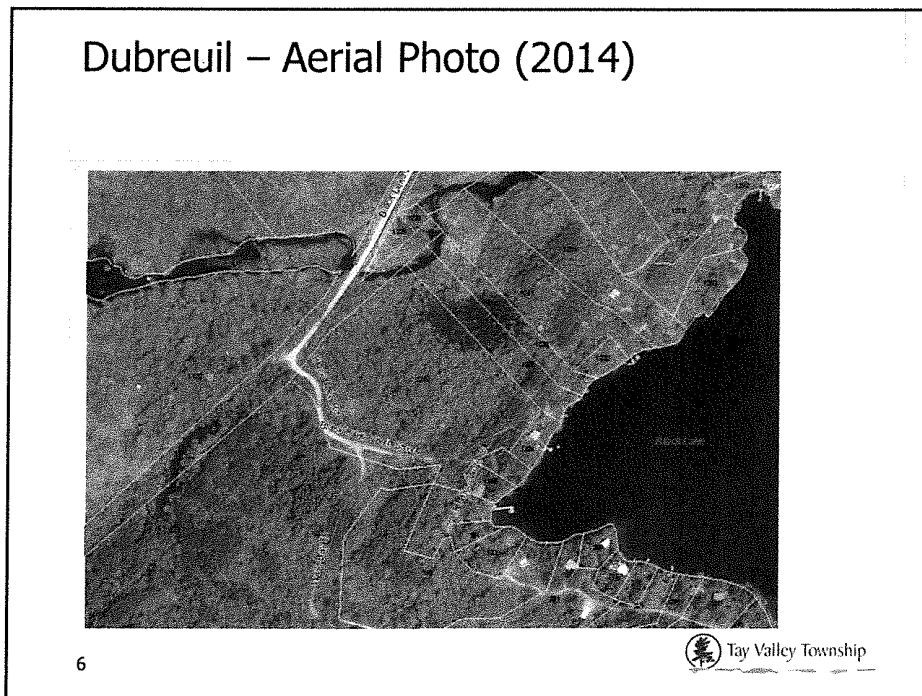
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Dubreuil – Site Drawing



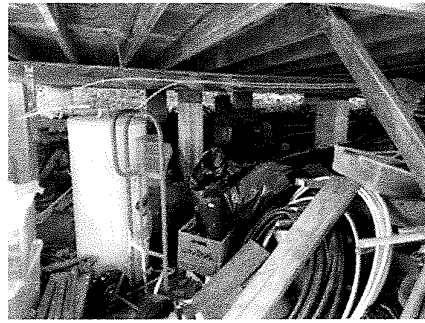
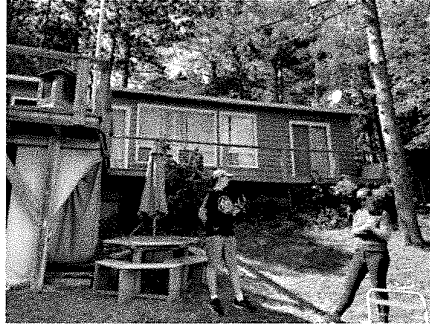
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Dubreuil – Aerial Photo (2014)



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Dubreuil – Photos



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Dubreuil - Photos



8

 Tay Valley Township

8

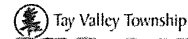
Dubreuil - Proposal

The application seeks relief from Section 3.29 (Water Setbacks) and Section 3.30 (Yard and Deck Encroachment) of Zoning By-Law 2002-121, as amended, as follows:

- 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 also permit a deck that is proposed to encroach 5.16m toward the lake rather than the 2m permitted.

The effect of the variances would be to allow a cottage to be built with a new walkout basement, set 1.53 m farther from water than the existing cottage, and to allow a deck to encroach 3.16 additional meters than the Zoning By-Law permits at this water setback, but farther from the lake, and to maintain its current size.

9



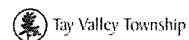
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Dubreuil Comments

Rideau Valley Conservation Authority (RVCA)

- The RVCA indicated they do not have an objection to the proposal.
- A permit will be required from the RVCA for work undertaken within the 120 regulated area of the Provincially Significant Wetland.
- The applicant should be advised that, pursuant to Ontario Regulation 153/06 – *“Development, Interference with Wetlands and Alterations to Shorelines and Watercourses”*, a permit is required from RVCA prior to alterations to the shoreline.

10



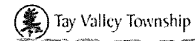
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Dubreuil Comments

Mississippi-Rideau Septic System Office (MRSSO)

- The applicant has submitted an application for a Part 10/11 septic review.

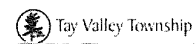
11



11

Dubreuil Provincial Policy Statement

- No concerns.
- Section 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, is met as the walkout will be located under the cottage, 1.5m farther away from the lake.
- Section 2.1 Natural Heritage is also met as the Provincially Significant Wetland is located in the north part of the lot (away from the cottage) and while the edge of the 120m regulated area includes the proposed cottage location, the area has already been developed so no new impact is expected.
- Section 3.1 Protecting Public Health and Safety – a letter of opinion was provided by a geotechnical engineer.

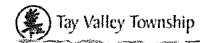


12

Dubreuil 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

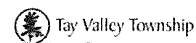


13

Dubreuil Official Plan

- The subject land is designated Rural and Provincially Significant Wetland (PSW).
- Section 3.6 Rural permits residential uses.
- The PSW is not located near the proposed cottage area.

14



14

Dubreuil Zoning By-law

- The property is zoned Rural, Seasonal Residential and Rural.
- Relief from Section 3.29 (Water Setback) is sought to permit at a water setback of 15.03m and to permit a deck that is proposed to encroach 5.16m toward the lake rather than the 2m permitted.
- Lot coverage will not change at 0.27%, which is well under the maximum of 10%. The Floor Space Index will be 0.54% which is also well below the 12% maximum.

15



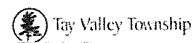
15

Dubreuil First test

Will the application result in undue adverse impacts on the surrounding properties and neighbourhood?

- The application will not result in undue adverse impacts on the surrounding properties and neighbourhood because no increase in footprint will occur, the walkout basement will be below the cottage on a sloped grade so as not cause the cottage to appear much taller than it currently appears from the water, and the cottage will be rebuilt 1.53m farther from the lake than its existing location.

16



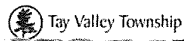
16

Dubreuil Second 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 cottage is a permitted use and there is an opportunity to realize a net environmental gain through maintenance of the vegetation along the shoreline through a Development Agreement, if requested by the Committee of Adjustment.

17



17

Dubreuil Development Agreement

Development Agreement to include standard conditions:

- vegetation augmented along the shoreline and leading to the shoreline, except for a 6m path
- sediment control measures such as staked straw bales implemented throughout the construction process, until all disturbed areas have been stabilized and re-vegetated
- excavated material shall be disposed of well away from the water
- run-off to be directed by eaves troughing, with outlet to a leaching pit or well-vegetated area, away from the lake, to allow for maximum infiltration
- all recommendations from the Kollard Engineering letter will be met.

18

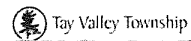


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Dubruel Public Comments

- 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



19

Dubruel Recommendation

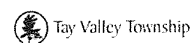
That the Variance be granted for relief from the requirements of Section 3.29 (Water Setbacks) and Section 3.30 (Yard and Deck Encroachments) of Zoning By-Law 2002-121, as amended, as follows:

- To permit the construction of a walkout basement under the existing cottage at a water setback of 15.03 m rather than the 30m required and
- To permit a deck to encroach 5.16m toward the lake rather than the 2m permitted.

because the variance is desirable for the appropriate development of the lands and will not result in undue adverse impacts on the surrounding properties and neighbourhood. As such, the application meets the tests of the Planning Act.

And that, a Development Agreement be executed.

20



20

Dubreuil Resolution

Recommended Decision:

"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 also 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."

Committee of Adjustment
February 27, 2023

Noelle Reeve, Planner

APPLICATION MV22-30

Dubreuil

555 Black Lake Road, Concession 6, Part Lot 19
Geographic Township of North Burgess

SUMMARY OF PROPOSAL

Purpose and Effect: To seek relief from Section 3.29 (Water Setbacks) and Section 10.1.2 (Zone Provisions) of Zoning By-Law 2002-121, as amended, as follows:

- 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 also recognize the existing 4.27m east side yard setback, rather than the 6m required.

The effect of the variance would be to permit a cottage and deck to be rebuilt on the existing footprint of the cottage and deck, with the addition of a walk-out basement, and to recognize an existing undersized east yard setback.

REVIEW COMMENTS

The 1,821m² (0.44 acre) property is located on Black Lake and currently contains a cottage, deck, and steps to the water.

Provincial Policy Statement - No concerns. Section 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, is met as the walkout will be located under the existing cottage located 18.03m from the lake. The septic system is proposed to be moved away from the lake to a setback beyond the 30m required.

Section 2.1 Natural Heritage is also met as there are no natural heritage features on the site.

Section 3.1 Protecting Public Health and Safety is met as the slope was not identified as steep.

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.

Official Plan - The subject land is designated Rural. Section 3.6 Rural permits residential uses.

Section 2.24.1.a) Waterfront Development of the Official Plan requires a minimum setback of 30m from the high-water mark of any water body for new development. However, exemptions are allowed when there is existing development on a lot and topographical or other considerations preclude meeting the 30m setback. The walkout basement is proposed underneath the existing cottage and there is bedrock at the rear of the cottage.

The septic tank is proposed to be moved away from the water to exceed the 30m water setback.

Zoning By-Law - The property is zoned Rural (Ru). Lot coverage will not change at 5.6%, which is under the maximum of 10%. The Floor Space Index at 8.4% is also below the 12% maximum.

Relief from Section 3.29 (Water Setback) is sought to permit a water setback of 18.3m for the cottage over the walkout basement. The deck size and encroachment meet the Zoning requirements at this water setback. Relief from Section 10.1.2 (Zone Provisions) is also sought to recognize the existing 4.27m east side yard setback, rather than the 6m required.

Planning Analysis

The application must meet two tests under Section 45(2) of the Planning Act. Will the application result in undue adverse impacts on the surrounding properties and neighbourhood? Is the application desirable for the appropriate development of the lands in question?

The application will not result in undue adverse impacts on the surrounding properties and neighbourhood because no increase in footprint will occur, the walkout basement will be below the cottage so not cause the cottage to appear much taller than it currently appears from the water, the septic system will be moved farther from the lake (exceeding the 30m required water setback), and the owners have entered into an agreement with Rideau Valley Conservation Authority (RVCA) for revegetation the shore area.

The proposal is also desirable for the appropriate development of the lands in question as the cottage is a permitted use and there is an opportunity to realize a net environmental gain through enhancement of the vegetation along the shoreline through a Development Agreement, if requested by the Committee of Adjustment.

Standard conditions for such an Agreement would include:

- vegetation along the shoreline and leading to the shoreline be retained and augmented with the exception of a 6m path to the shore

- sediment control measures shall be implemented throughout the construction process (mainly the placement of a sediment barrier such as staked straw bales between exposed soil and the lake). The sediment barrier should remain in place until all disturbed areas have been stabilized and re-vegetated
- excavated material shall be disposed of well away from the water.
- natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the lake. In order to help achieve this, eaves troughing shall be installed and outlet to a leaching pit or well-vegetated area away from the lake to allow for maximum infiltration
- all recommendations from the RVCA planting plan to be implemented.

CIRCULATION COMMENTS

Rideau Valley Conservation Authority (RVCA) – The RVCA indicated they do not have an objection to the proposal.

The RVCA do have suggestions for dealing with stormwater runoff to reduce the erosion that was occurring at the rear of the cottage.

The applicant should be advised that, pursuant to Ontario Regulation 153/06 – *“Development, Interference with Wetlands and Alterations to Shorelines and Watercourses”*, a permit is required from RVCA prior to alterations to the shoreline.

Mississippi-Rideau Septic System Office (MRSSO) – The MRSSO had not submitted comments at the time of the report. A septic design.

Public – Neighbouring property owners provided letters of support for the project.

DEVELOPMENT AGREEMENT

A Development Agreement would be recommended to implement the RVCA recommendations.

RECOMMENDATION

That the Variance be granted for relief from the requirements of Section 3.29 (Water Setbacks) and Section 10.1.2 (Zone Provisions) of Zoning By-Law 2002-121, as amended, as follows:

- To permit the construction of a walkout basement under the existing cottage at a water setback of 18.3 m rather than the 30m required and
- To also recognize the existing 4.27m east side yard setback, rather than the 6m required

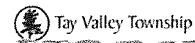
because the variance is desirable for the appropriate development of the lands and will not result in undue adverse impacts on the surrounding properties and neighbourhood. And that, a Development Agreement be executed.

Dubreuil Application

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



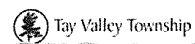
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Dubreuil Application

Decision Process

- based on both the oral and written input received and understanding gained
- two key factors:
 - ✓ Is it desirable and appropriate development and use of the site?
 - ✓ Is it likely that the application will result in undue adverse impacts on the surrounding properties and neighbourhood?
- 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

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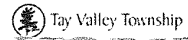
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Dubreuil Application

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

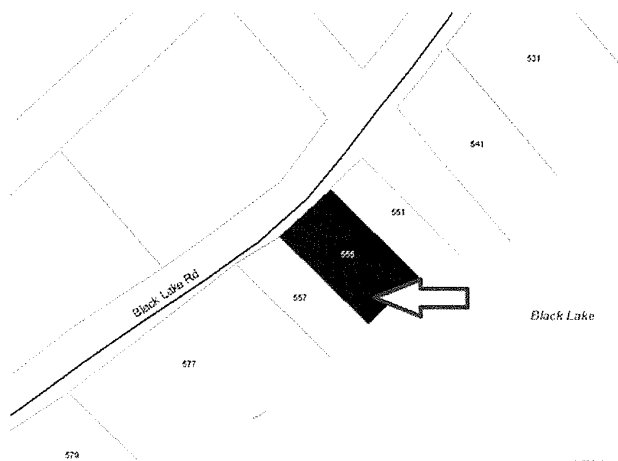
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Dubreuil

*555 Black Lake Road,
Part Lot 19, Concession 6, Geographic Township of North Burgess*

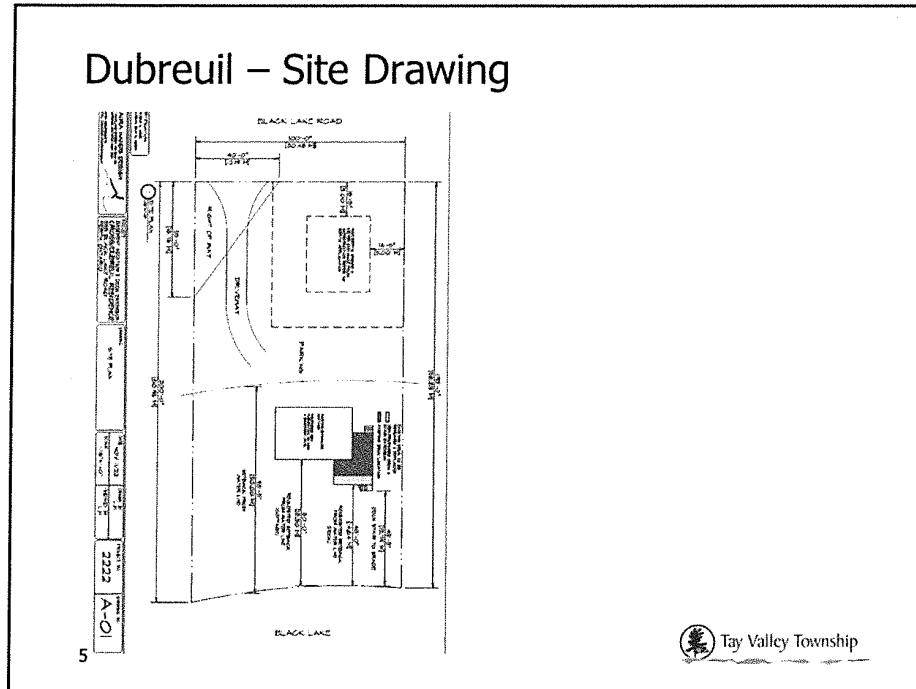


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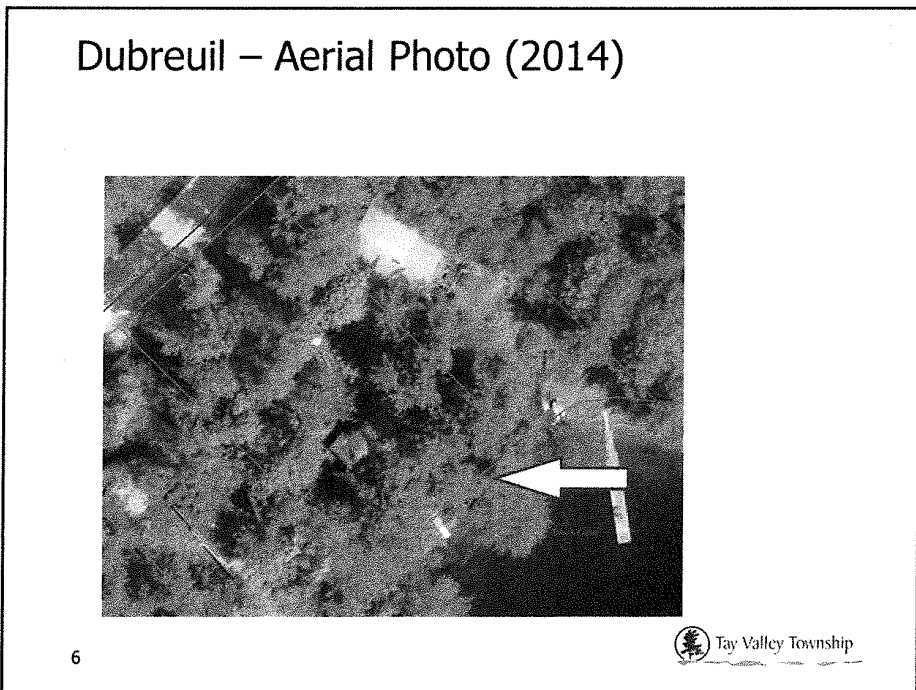
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Dubreuil – Site Drawing



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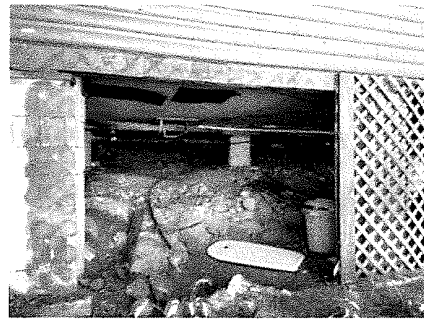
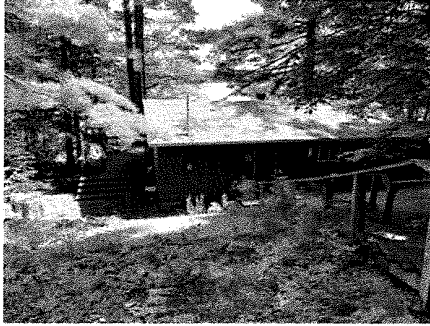
Dubreuil – Aerial Photo (2014)



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Dubreuil – Photos



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Dubreuil - Photos



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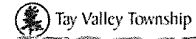
Dubreuil - Proposal

The application seeks relief from Section 3.29 (Water Setbacks) and Section 10.1.2 (Zone Provisions) of Zoning By-Law 2002-121, as amended, as follows:

- 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 also recognize the existing 4.27m east side yard setback, rather than the 6m required.

The effect of the variance would be to permit a cottage and deck to be rebuilt on the existing footprint of the cottage and deck, with the addition of a walk-out basement, and to recognize an existing undersized east yard setback.

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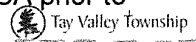
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Dubreuil Comments

Rideau Valley Conservation Authority (RVCA)

- The RVCA indicated they do not have an objection to the proposal.
- The RVCA do have suggestions for dealing with stormwater runoff to reduce the erosion that was occurring at the rear of the cottage.
- The applicant should be advised that, pursuant to Ontario Regulation 153/06 – “*Development, Interference with Wetlands and Alterations to Shorelines and Watercourses*”, a permit is required from RVCA prior to alterations to the shoreline.

10



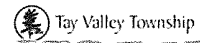
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Dubreuil Comments

Mississippi-Rideau Septic System Office (MRSSO)

- Comments not available at the time of the report.

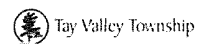
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Dubreuil Provincial Policy Statement

- No concerns.
- Section 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, is met as the walkout will be located under the cottage, no closer to the lake. The septic system will move away from the lake to behind the cottage.
- Section 2.1 Natural Heritage is also met as there are no natural features on site.
- Section 3.1 Protecting Public Health and Safety – is met as the slope was not identified as steep.



12

Dubreuil 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.

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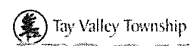


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Dubreuil Official Plan

- The subject land is designated Rural.
- Section 3.6 Rural permits residential uses.

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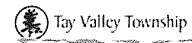


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Dubreuil Zoning By-law

- The property is zoned Rural.
- Relief from Section 3.29 (Water Setback) is sought to permit at a water setback of 18.3m and to recognize the existing 4.27m east side yard setback, rather than the 6m required.
- Lot coverage will not change at 5.6%, which is under the maximum of 10%. The Floor Space Index will be 8.4% which is also below the 12% maximum.

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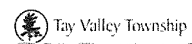
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Dubreuil First test

Will the application result in undue adverse impacts on the surrounding properties and neighbourhood?

- The application will not result in undue adverse impacts on the surrounding properties and neighbourhood because no increase in footprint will occur, the walkout basement will be below the cottage on a sloped grade so as not cause the cottage to appear much taller than it currently appears from the water, the septic system will be moved farther from the lake, and the owners have entered into an agreement with Rideau Valley Conservation Authority (RVCA) for revegetation the shore area.

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Dubreuil Second 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 cottage is a permitted use and there is an opportunity to realize a net environmental gain through maintenance of the vegetation along the shoreline through a Development Agreement, if requested by the Committee of Adjustment.

17



17

Dubreuil Development Agreement

Development Agreement to include standard conditions:

- vegetation augmented along the shoreline and leading to the shoreline, except for a 6m path
- sediment control measures such as staked straw bales implemented throughout the construction process, until all disturbed areas have been stabilized and re-vegetated
- excavated material shall be disposed of well away from the water
- run-off to be directed by eaves troughing, with outlet to a leaching pit or well-vegetated area, away from the lake, to allow for maximum infiltration
- all recommendations from the Morey Engineering letter to be met.

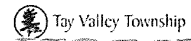


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Dubruel Public Comments

- Neighbouring property owners provided letters of support for the project. Members of the public are welcome to speak to the application at this meeting.

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Dubreuil Recommendation

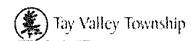
That the Variance be granted for relief from the requirements of Section 3.29 (Water Setbacks) and Section Section 10.1.2 (Zone Provisions) of Zoning By-Law 2002-121, as amended, as follows:

- To permit the construction of a walkout basement under the existing cottage at a water setback of 18.3 m rather than the 30m required and
- To recognize the existing 4.27m east side yard setback, rather than the 6m required.

because the variance is desirable for the appropriate development of the lands and will not result in undue adverse impacts on the surrounding properties and neighbourhood. As such, the application meets the tests of the Planning Act.

And that, a Development Agreement be executed.

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Dubreuil Resolution

Recommended Decision:

"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 North 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 also recognize the existing 4.27m east side yard setback, rather than the 6m required.*

AND THAT, a Development Agreement be executed."