



COMMITTEE OF ADJUSTMENT AGENDA

Monday, March 28, 2022 - 5:00 p.m.
Conference Call

Conference Call (audio)

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

GoToMeeting (visual) <https://meet.goto.com/533253805>

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

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

Teleconference Participation Etiquette

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

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

Chair, Larry Sparks

1. CALL TO ORDER

Roll Call

2. AMENDMENTS/APPROVAL OF AGENDA

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

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

4. APPROVAL OF MINUTES

- i) **Committee of Adjustment Meeting – February 28th, 2022 - attached, page 8.**

*Suggested Motion by Peter Siemons/Ron Running:
“THAT, the minutes of the Committee of Adjustment meeting held November 28th, 2022 be approved as circulated.”*

5. INTRODUCTION

- The purpose of this meeting is to hear an application for Minor Variance:
 - **Stimpson**
 - **Jenkins**
 - **Anthony**
 - **Kirkpatrick and Lyons**

- The Committee is charged with making a decision on the applications on the agenda. The decision will be based on both oral and written input received and understandings gained. The four key factors on which decisions are based include:
 - Is the application generally in keeping with the intent of the Township's Official Plan?
 - Is the application generally in keeping with the intent of the Township's Zoning By-Law?
 - Is the application desirable for the appropriate development or use of the site?
 - Is the application minor in nature and scope?

- The Planner will provide a brief overview of the details of the file. The applicant will then be given an opportunity to explain the need for the variance. Then, any person or public body, in opposition and then in favour, to the application will be heard.

- If a person or public body does not make oral or written submissions at a public meeting, or make written submissions to Tay Valley Township before the decision is passed, the person or public body may not be added to the hearing of an appeal before the Ontario Land Tribunal (OLT) unless, in the opinion of the Board, there are reasonable grounds to do so.

- If you wish to be notified of the decision of the Committee of Adjustment in respect to the below listed application(s), you must submit a written request to the Secretary-Treasurer of the Committee of Adjustment at planningassistant@tayvalleytwp.ca. This will also entitle you to be advised of a possible Ontario Land Tribunal hearing. Even if you are the successful party, you should request a copy of the decision since the Committee of Adjustment decision may be appealed to the Ontario Land Tribunal by the applicant or another member of the public.

- The Secretary/Treasurer must provide notice of the Committee's decision to all those who request a copy. Anyone may appeal the decision to the Ontario Land Tribunal (OLT) by filing with the Secretary/Treasurer within 20 days of the notice of decision.

6. APPLICATION

i) **FILE #: MV22-03 – Stimpson – attached, page 15.**

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

Recommended Decision by Ron Running/Peter Siemons:

“THAT, in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application MV22-03 is **approved**, to allow a variance from the requirements of Section 5.2.2 (Zone Provisions) of Zoning By-Law 2002-121, for the lands legally described as 519 Black Lake Route 11C, Concession 6, Part Lot 17 in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-020-43200 to reduce the minimum lot area required to 1,845m².”

ii) **FILE #: MV22-05– Jenkins – attached, page 26.**

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

Recommended Decision by Ron Running/Peter Siemons:

“THAT, in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application MV22-05 is **approved**, to allow a variance from the requirements of Section 5.2.2 (Zone Provisions) of Zoning By-Law 2002-121, for the lands legally described as 268 Black Lake Route 11, Concession 6, Part Lot 17 in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-020-43300 to reduce the minimum lot area required to 2,742m².”

iii) **FILE #: MV22-06 – Anthony – attached, page 37.**

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

*Recommended Decision by Ron Running/Peter Siemons:
“THAT, in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application MV22-06 is **approved**, to allow a variance from the requirements of Section 3.1.6.2 (Accessory Uses) of Zoning By-Law 2002-121, for the lands legally described as 556 Christie Lake Lane 41A, Concession 2, Part Lot 17 in the geographic Township of South Sherbrooke, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-914-020-13204 to permit the construction of a 7m-high garage.”*

iv) **FILE #: MV22-07 – Kirkpatrick and Lyons – attached, page 48.**

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

*Recommended Decision by Ron Running/Peter Siemons:
“THAT, in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application MV22-07 is **approved**, to allow a variance from the requirements of Sections 3.1.10 and 3.1.6.2 (Accessory Uses) of Zoning By-Law 2002-121, for the lands legally described as 541 Black Lake Road, Concession 6, Part Lot 18, Geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 091191102052000 to permit the construction of a Sleep Cabin 25m² and permit an accessory building to be two storeys tall a 6.7m in height” subject to confirmation of road frontage.”*

7. NEW/OTHER BUSINESS

None.

8. ADJOURNMENT

MINUTES

COMMITTEE OF ADJUSTMENT MINUTES

Monday, February 28th, 2022

5:00 p.m.

Conference Call

ATTENDANCE:

Members Present: Chair, Larry Sparks
Peter Siemons
Ron Running

Members Absent: None

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

Applicant/Agents Present: Jan Peter, Owner
Beth McClenaghan, Owner
Jake Ennis, Owner
Chris Clarke, ZanderPlan Inc., Applicant/Agent
David Mckay, MHBC, Applicant/Agent
Ben Villani, Arch Tay Facility Inc., Owner

Public Present: None

1. CALL TO ORDER

The Chair called the meeting to order at 5:00 p.m.

The Chair conducted Roll Call.

A quorum was present.

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

2. AMENDMENTS/APPROVAL OF AGENDA

The Agenda was adopted as presented.

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

None at this time.

4. APPROVAL OF MINUTES

i) Committee of Adjustment Meeting – November 15th, 2021.

The minutes of the Committee of Adjustment meeting held on November 15th, 2021, were approved as circulated.

5. INTRODUCTION

The Chair welcomed the attendees and introduced the Committee Members, the Planner and the Secretary/Treasurer and identified the applicants. The Planner then provided an overview of the Minor Variance application review process to be followed, including:

- the mandate and responsibilities of the Committee
- a review of available documentation
- the rules of natural justice, the rights of persons to be heard and to receive related documentation on request and the preservation of persons' rights.
- the flow and timing of documentation and the process that follows this meeting
- all persons attending are encouraged to make comments in order to preserve their right to comment should this application be referred to the Ontario Land Tribunal (OLT).
- any person wanting a copy of the decision regarding this/these application(s) should leave their name and mailing address with the Secretary/Treasurer.

The Chair advised that this Committee of Adjustment is charged with making a decision on the applications tonight during this public meeting. The decision will be based on both the oral and written input received and understandings gained. The four key factors on which decisions are based include:

- Is the application generally in keeping with the intent of the Township's Official Plan?
- Is the application generally in keeping with the intent of the Township's Zoning By-laws?
- Is it desirable and appropriate development and use of the site?
- Is it minor in nature and scope?

Based on the above, the Committee has four decision options:

- Approve – with or without conditions
- Deny – with reasons
- Defer – pending further input
- Return to Township Staff – application deemed not to be minor

The agenda for this meeting included the following application(s) for Minor Variance:

MV21-27 – McCLENAGHAN AND PETER – 2044 Sherbrooke Drive B, Plan 26, Concession 2 and 3, Lot 1, geographic Township of South Sherbrooke

MV21-28 – ENNIS – 257 West Bay Drive, Concession 6, Part Lot 23, geographic Township of North Burgess

MV22-01 – WOODS AND DOWDALL, Concession 3, Part Lot 19, geographic Township of South Sherbrooke

MV22-02 – ARCH TAY FACILITY INC., Concession 2, Part Lot 27, geographic Township of Bathurst

6. APPLICATIONS

i) **FILE #: MV21-27 – McCLENAGHAN AND PETER**

a) PLANNER FILE REVIEW

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

b) APPLICANT COMMENTS

None.

c) ORAL & WRITTEN SUBMISSIONS

None.

d) DECISION OF COMMITTEE

RESOLUTION #COA-2022-01

MOVED BY: Peter Siemons
SECONDED BY: Ron Running

“THAT, in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application MV21-27 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 2044 Sherbrooke Drive B, Plan 26, Concession 2 and 3, Lot 1, in the geographic Township of South Sherbrooke, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-914-015-39113 to permit the construction of an

addition to an existing cottage with a water setback of 25m instead of the 30m required by the Zoning By-law.

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

ADOPTED

ii) **FILE #: MV21-28 – Ennis**

a) **PLANNER FILE REVIEW**

The Planner reviewed the file and PowerPoint in the agenda package. The Planner noted that the original proposal was amended to remove the addition of a deck. The Planner also confirmed that the subject property is not part of a subdivision development.

b) **APPLICANT COMMENTS**

The owner noted that they have worked with Tay Valley Township and the Rideau Valley Conservation Authority (RVCA) to amend their proposal so that it could be supported. The owner estimated that the cottage was most likely built in the 1940s. This predates local planning authority requirements for development setbacks.

c) **ORAL & WRITTEN SUBMISSIONS**

The RVCA noted that the screened-in porch is in line with the cottage and the application can now be supported, with the requirement of site plan control to prevent runoff entering the lake.

d) **DECISION OF COMMITTEE**

The Committee supported the proposal with the requirement of a Site Plan Control Agreement.

RESOLUTION #COA-2022-02

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 MV21-28 is approved to allow a variance from the requirements of Section 3.30 (Yard and Water Setback) of Zoning By-Law 2002-121, for the lands legally described as 257 West Bay Drive, Concession 6, Lot 23, in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-020-77800 to permit a 4m encroachment of a 23.4m² (252 sq ft) unenclosed porch (screened in porch) at a water setback of 11.1m

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

ADOPTED

iii) **FILE #: MV22-01 – Woods and Dowdall**

a) **PLANNER FILE REVIEW**

The Planner reviewed the file and PowerPoint in the agenda package. The Planner noted that the Acting CAO/Clerk had determined that the segment of private road accessing the property should be given a separate name from the rest of Patterson Road for clarity for access by Emergency Services. (Other offshoots from Patterson Road will also require clarification and naming.)

b) **APPLICANT COMMENTS**

None.

c) **ORAL & WRITTEN SUBMISSIONS**

None.

d) **DECISION OF COMMITTEE**

The Committee supported the proposal with the requirement of a Site Plan Control Agreement.

RESOLUTION #COA-2022-03

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 MV22-01 is approved, to allow a variance from the requirements of Sections 3.29 (Water Setbacks) and Section 3.30 (Yard and Water Setback Encroachment) of Zoning By-Law 2002-121, for the lands legally described as 140 Patterson Road, Concession 3, Lot 19, in the geographic Township of South Sherbrooke, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-914-020-47200

- To reduce the minimum required water setback for a proposed 30m² (322 sq ft) addition to the east side of the cottage to 23m from the lake and reduce the water setback to 29.4m from the lake for a proposed 9m² (97sq ft) addition to the rear of the cottage.
- To permit an additional encroachment of 1m for a deck and permit the deck to be 34.8 m² rather than the 28m² permitted;

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

AND THAT, the section of private road which provides access to the subject property be renamed by the applicant, as requested by Tay Valley Township.”

ADOPTED

iv) **FILE #: MV22-02 – Arch Tay Facility Inc.**

a) **PLANNER FILE REVIEW**

The Planner reviewed the file and PowerPoint in the agenda package. The Planner noted that due to the scope of this proposal, a report on the proposed Site Plan Control Agreement had previously been circulated to Tay Valley Township Council. The notice of application was circulated to neighbouring properties within the Town of Perth and no comments or concerns have been received to date. The Planner also noted that the proposal for the development has been reviewed by Town of Perth Council and staff, (and reported on by the Perth Courier) as the owners are seeking water and sewer services from the Town of Perth.

The Planner also noted that the proposal is in keeping with the surrounding uses and building heights. Lanark County Public Works was also consulted and confirmed that a traffic impact study was not required.

b) **APPLICANT COMMENTS**

The Applicant noted that decreased setbacks are required because of the shape of the site and constraints such as the pathway easement along the north side. The layout of the long-term care facility is subject to provincial accessibility requirements which requires a slightly wider and taller building design.

The Applicant also noted that Town of Perth Council and residents had been notified of the proposed development and that no comments were received after multiple opportunities for public consultation. The Applicant stated that they felt the application is appropriate and reasonable.

c) **ORAL & WRITTEN SUBMISSIONS**

None.

d) DECISION OF COMMITTEE

RESOLUTION #COA-2022-04

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 MV22-02 is approved, to allow a variance from the requirements of Section 8.1.2 (Institutional) of Zoning By-Law 2002-121, as amended, as follows:, for the lands legally described as 99 Christie Lake Road, Concession 2, Lot 27, in the geographic Township of Bathurst, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-916-015-18900 to permit the applicant to construct a Long-Term Care facility (LTC) with a front setback of 7.268m (23.85 ft), a rear setback of 6.218m (20.4 ft), a west side setback of 4m (13.12 ft), maximum lot coverage of 31%, and a building height of 12m.”

ADOPTED

7. NEW/OTHER BUSINESS

None.

8. ADJOURNMENT

The meeting adjourned at 6:05 p.m.

APPLICATIONS

Committee of Adjustment

March 28th, 2022

Noelle Reeve, Planner

APPLICATION MV22-03

Stimpson

519 Black Lake Route 11C, Concession 6 Part Lot 17,
Geographic Township of North Burgess

SUMMARY OF PROPOSAL

Purpose and Effect: To seek relief from Section 5.2.2 (Zone Provisions) of Zoning By-Law 2002-121, as amended, as follows:

- To permit a reduction from the minimum lot area of 4,050m² to 1,845m²

The effect of the variance would be to satisfy a condition of an addition-to-lot severance (B21-117).

REVIEW COMMENTS

The subject property is located at 519 Black Lake Route 11C. The lot is currently 1,335m² (0.33 acre). Following the lot addition, the consolidated lot will be 1,845 m² (0.46 acre) and has received conditional approval from the Land Division Committee.

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 lot additions increase the size of the undersized lots without negatively affecting the environment.

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.

Official Plan -The subject land is designated Rural in the *Official Plan*, and residential uses are permitted. Sections 5.2.2.1 and 5.2.2.12 of the Official Plan state that no land division shall create a lot which cannot comply with the minimum size and water frontage requirement. However, no change is being made to frontage, the size is increasing, and lot line adjustments and lot additions are permitted.

Zoning By-Law - The property is zoned Seasonal Residential. Lot size for this zone is 4,050m² and frontage required is 60m, which is why a variance is required.

The application can be considered minor in impact. No new lots have been created and no development is being proposed at this time. The lot addition provides permission for a new right of way and space for future septic replacement or a storage building. There are no anticipated negative impacts on the neighbouring properties.

The proposal is also desirable for the appropriate development of the lands in question as the use of the property is not proposed to change and the right of way will be clarified.

CIRCULATION COMMENTS

Rideau Valley Conservation Authority (RVCA) – No objection to the severance proposal.

Mississippi-Rideau Septic System Office (MRSSO) – No objections to the severance as proposed.

Public – None at the severance hearing and none at the time of writing this report.

SITE PLAN CONTROL

Not recommended as no new development is proposed.

RECOMMENDATION

That the Minor Variance be granted for relief from the requirements of Section 5.2.2 (Zone Provisions) because the general intent and purpose of the *Official Plan* and *Zoning By-Law* are maintained; further, that the variance is desirable for the appropriate development of the lands and can be considered minor. As such, the application meets the tests of the *Planning Act*.

Stimpson Minor Variance

Public Notice

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

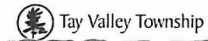
Ontario Land Tribunal

Please be cautioned that if, at a later date, a person or public body choose to appeal the Committee's decision on this matter to the Ontario Land Tribunal, the Tribunal may dismiss all or part of an appeal without holding a hearing if the reasons set out in the appeal do not refer to land use planning grounds offended by the decision, or if the appeal is not made in good faith, or if it is frivolous or vexatious or made only for the purpose of delay.

The Tribunal may also dismiss the appeal if the appellant did not make oral submission at the public meeting or did not make written submission before the variance was adopted.

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

1



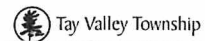
1

Stimpson Minor Variance

Decision Process

- based on both the oral and written input received and understanding gained
- four key factors:
 - ✓ Is the application generally in keeping with the intent of the Township's Official Plan?
 - ✓ Is the application generally in keeping with the intent of the Township's Zoning By-laws?
 - ✓ Is it desirable and appropriate development and use of the site?
 - ✓ Is it minor in nature and scope?
- four decision options:
 - ? Approve – with or without conditions
 - ? Deny – with reasons
 - ? Defer – pending further input
 - ? Return to Township Staff – application deemed not to be minor

2



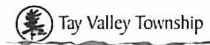
2

Stimpson 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

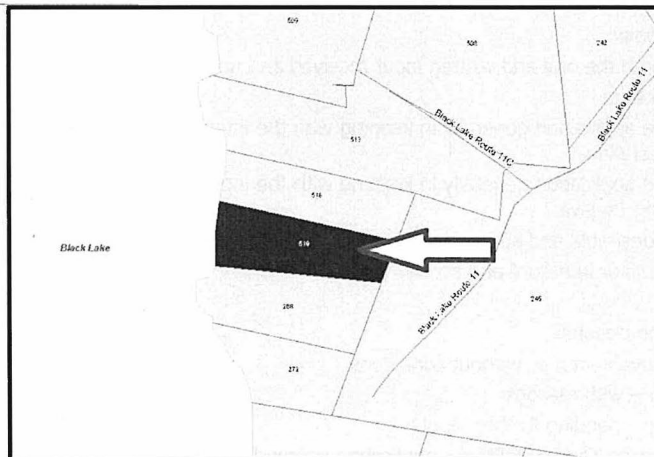
3



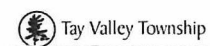
3

Stimpson

519 Black Lake Route 11C, Part Lot 17, Concession 6, in the geographic Township of North Burgess



4



4

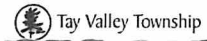
Stimpson - Proposal

The Minor Variance application seeks relief from Section 5.2.2 (Zone Provisions) of Zoning By-Law 2002-121, as amended, as follows:

- To permit a reduction from the minimum lot area of 4,050m² to 1,845m²

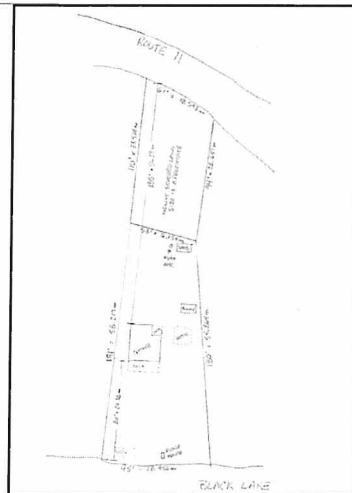
The effect of the variance would be to satisfy a condition of an addition-to-lot severance (B21-117).

5

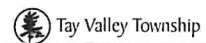


5

Stimpson – Site Sketch

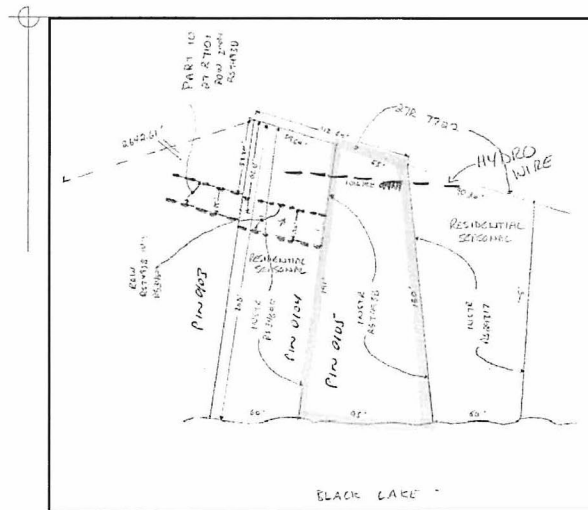


6

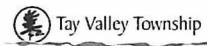


6

Stimpson – Site Sketch



7

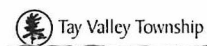


7

Stimpson – Aerial Photo (2014)



8



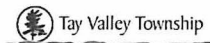
8

Stimpson Comments

Rideau Valley Conservation Authority (RVCA):

- No objection to the severance proposal.

9



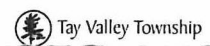
9

Stimpson - Comments

Mississippi Rideau Septic System Office (MRSSO):

- No objections to the severance as proposed.

10

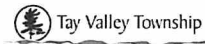


10

Stimpson Official Plan

- The subject land is designated Rural in the Official Plan, and residential uses are permitted. Sections 5.2.2.1 and 5.2.2.12 of the Official Plan state that no land division shall create a lot which cannot comply with the minimum size and water frontage requirement.
- However, no change is being made to frontage, the size is increasing, and lot line adjustments and lot additions are permitted.

11

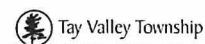


11

Stimpson Zoning By-law

- The property is zoned Seasonal Residential. Lot size for this zone is 4,050m² and frontage required is 60m, which is why a variance is required.
- The lot addition provides permission for a new right of way and space for future septic replacement or a storage building.

12



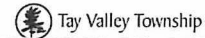
12

Stimpson Official Plan & Zoning Test

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

- Yes. No new lots have been created and no development is being proposed at this time.
- There are no anticipated negative impacts on the neighbouring properties.

13



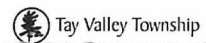
13

Stimpson Development & Use Test

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

- The proposal is desirable and appropriate development of the lands in question as the use of the property is not proposed to change and the right of way will be clarified.

14



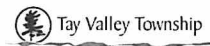
14

Stimpson "Minor" Test

Is it minor in nature and scope?

- The application can be considered minor in impact. No new lots have been created and no development is being proposed at this time.
- The lot addition provides permission for a new right of way and space for future septic replacement or a storage building.
- There are no anticipated negative impacts on the neighbouring properties.

15

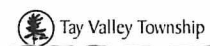


15

Stimpson Public Comments

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

16

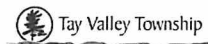


16

Stimpson Recommendation

That the Minor Variance be granted for relief from the requirements of Section 5.2.2 (Zone Provisions) because the general intent and purpose of the Official Plan and Zoning By-law are maintained; further, that the variance is desirable for the appropriate development of the lands and can be considered minor. As such, the application meets the tests of the Planning Act.

17



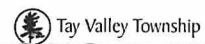
17

Stimpson 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 MV22-03 is approved, to allow a variance from the requirements of Section 5.2.2 (Zone Provisions) of Zoning By-Law 2002-121, for the lands legally described as 519 Black Lake Route 11C, Concession 6, Part Lot 17 in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-020-43200 to reduce the minimum lot area required to 1,845m²."

18



18

Committee of Adjustment

March 28th, 2022

Noelle Reeve, Planner

APPLICATION MV22-05

Jenkins

268 Black Lake Route 11, Concession 6 Part Lot 17,
Geographic Township of North Burgess

SUMMARY OF PROPOSAL

Purpose and Effect: To seek relief from Section 5.2.2 (Zone Provisions) of Zoning By-Law 2002-121, as amended, as follows:

- To permit a reduction from the minimum lot area of 4,050m² to 2,742m²

The effect of the variance would be to satisfy a condition of an addition-to-lot severance (B21-118).

REVIEW COMMENTS

The subject property is located at 268 Black Lake Route 11. The lot is currently 1133m² (0.28 acre). Following the lot addition, the consolidated lot will be 2,742 m² (0.68 acre) and has received conditional approval from the Land Division Committee.

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 lot additions increase the size of the undersized lots without negatively affecting the environment.

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.

Official Plan -The subject land is designated Rural in the *Official Plan*, and residential uses are permitted. Sections 5.2.2.1 and 5.2.2.12 of the Official Plan state that no land division shall create a lot which cannot comply with the minimum size and water frontage requirement. However, no change is being made to frontage, the size is increasing, and lot line adjustments and lot additions are permitted.

Zoning By-Law - The property is zoned Seasonal Residential. Lot size for this zone is 4,050m² and frontage required is 60m, which is why a variance is required.

The application can be considered minor in impact. No new lots have been created and no development is being proposed at this time. The lot addition provides permission for a new right of way and space for future septic replacement or a storage building. There are no anticipated negative impacts on the neighbouring properties.

The proposal is also desirable for the appropriate development of the lands in question as the use of the property is not proposed to change and the right of way will be clarified.

CIRCULATION COMMENTS

Rideau Valley Conservation Authority (RVCA) – No objection to the severance proposal.

Mississippi-Rideau Septic System Office (MRSSO) – No objections to the severance as proposed.

Public – None at the severance hearing and none at the time of writing this report.

SITE PLAN CONTROL

Not recommended as no new development is proposed.

RECOMMENDATION

That the Minor Variance be granted for relief from the requirements of Section 5.2.2 (Zone Provisions) because the general intent and purpose of the *Official Plan* and *Zoning By-law* are maintained; further, that the variance is desirable for the appropriate development of the lands and can be considered minor. As such, the application meets the tests of the *Planning Act*.

Jenkins Minor Variance

Public Notice

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

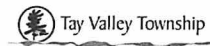
Ontario Land Tribunal

Please be cautioned that if, at a later date, a person or public body choose to appeal the Committee's decision on this matter to the Ontario Land Tribunal, the Tribunal may dismiss all or part of an appeal without holding a hearing if the reasons set out in the appeal do not refer to land use planning grounds offended by the decision, or if the appeal is not made in good faith, or if it is frivolous or vexatious or made only for the purpose of delay.

The Tribunal may also dismiss the appeal if the appellant did not make oral submission at the public meeting or did not make written submission before the variance was adopted.

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

1



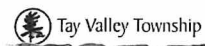
1

Jenkins Minor Variance

Decision Process

- based on both the oral and written input received and understanding gained
- four key factors:
 - ✓ Is the application generally in keeping with the intent of the Township's Official Plan?
 - ✓ Is the application generally in keeping with the intent of the Township's Zoning By-laws?
 - ✓ Is it desirable and appropriate development and use of the site?
 - ✓ Is it minor in nature and scope?
- four decision options:
 - ? Approve – with or without conditions
 - ? Deny – with reasons
 - ? Defer – pending further input
 - ? Return to Township Staff – application deemed not to be minor

2



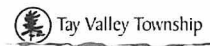
2

Jenkins 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

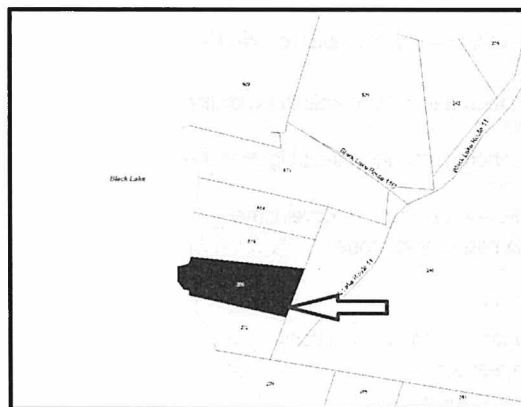
3



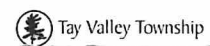
3

Jenkins

268 Black Lake Route 11, Part Lot 17, Concession 6, in the geographic Township of North Burgess



4



4

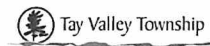
Jenkins - Proposal

The Minor Variance application seeks relief from Section 5.2.2 (Zone Provisions) of Zoning By-Law 2002-121, as amended, as follows:

- To permit a reduction from the minimum lot area of 4,050m² to 2,742m²

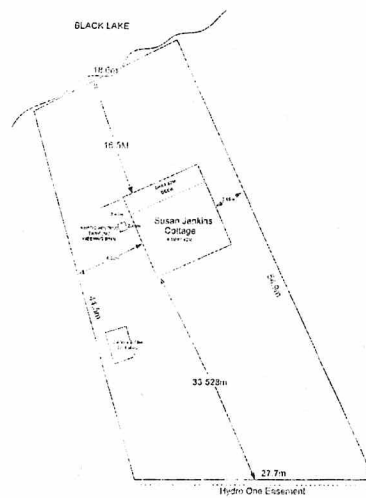
The effect of the variance would be to satisfy a condition of an addition-to-lot severance (B21-118).

5

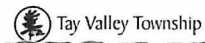


5

Jenkins – Site Sketch

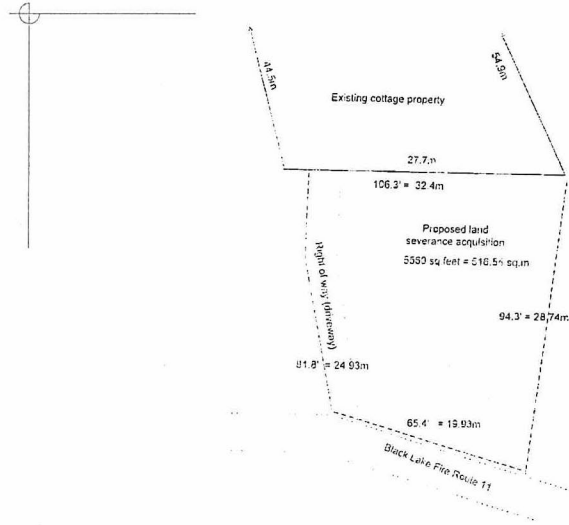


6

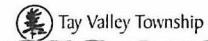


6

Jenkins – Site Sketch



7

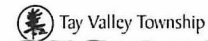


7

Jenkins – Aerial Photo (2014)



8



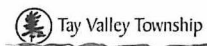
8

Jenkins Comments

Rideau Valley Conservation Authority (RVCA):

- No objection to the severance proposal.

9



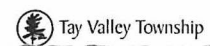
9

Jenkins - Comments

Mississippi Rideau Septic System Office (MRSSO):

- No objections to the severance as proposed.

10

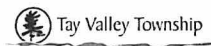


10

Jenkins Official Plan

- The subject land is designated Rural in the Official Plan, and residential uses are permitted. Sections 5.2.2.1 and 5.2.2.12 of the Official Plan state that no land division shall create a lot which cannot comply with the minimum size and water frontage requirement.
- However, no change is being made to frontage, the size is increasing, and lot line adjustments and lot additions are permitted.

11

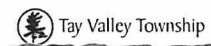


11

Jenkins Zoning By-law

- The property is zoned Seasonal Residential. Lot size for this zone is 4,050m² and frontage required is 60m, which is why a variance is required.
- The lot addition provides permission for a new right of way and space for future septic replacement or a storage building.

12



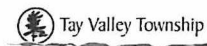
12

Jenkins Official Plan & Zoning Test

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

- Yes. No new lots have been created and no development is being proposed at this time.
- There are no anticipated negative impacts on the neighbouring properties.

13



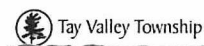
13

Jenkins Development & Use Test

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

- The proposal is desirable and appropriate development of the lands in question as the use of the property is not proposed to change and the right of way will be clarified.

14



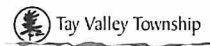
14

Jenkins "Minor" Test

Is it minor in nature and scope?

- The application can be considered minor in impact. No new lots have been created and no development is being proposed at this time.
- The lot addition provides permission for a new right of way and space for future septic replacement or a storage building.
- There are no anticipated negative impacts on the neighbouring properties.

15

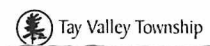


15

Jenkins Public Comments

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

16

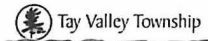


16

Jenkins Recommendation

That the Minor Variance be granted for relief from the requirements of Section 5.2.2 (Zone Provisions) because the general intent and purpose of the Official Plan and Zoning By-law are maintained; further, that the variance is desirable for the appropriate development of the lands and can be considered minor. As such, the application meets the tests of the Planning Act.

17



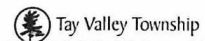
17

Jenkins 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 MV22-05 is approved, to allow a variance from the requirements of Section 5.2.2 (Zone Provisions) of Zoning By-Law 2002-121, for the lands legally described as 268 Black Lake 11, Concession 6, Part Lot 17 in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-020-43300 to reduce the minimum lot area required to 2,742m²."

18



18

Committee of Adjustment

March 28, 2022

Noelle Reeve, Planner

APPLICATION MV22-06

Anthony

556 Christie Lake Lane 41A, Concession 2, Part Lot 17,
Geographic Township of South Sherbrooke

SUMMARY OF PROPOSAL

Purpose and Effect: To seek relief from Section 3.1.6.2 (Accessory Uses) of Zoning By-Law 2002-121, as amended, as follows:

- To permit a new garage to be 7m in height rather than the 5m permitted.

The effect of the variance would be to permit the construction of a 7m-high garage.

REVIEW COMMENTS

The 0.33 ha (0.82 acre) property is situated at 556 Christie Lake Lane 41A. The water setback at 89.5m to Christie Lake exceeds the required 30m setback.

The requirements of the Provincial Policy Statement, County Sustainable Official Plan are all met.

The Township Official Plan designates the property Rural and Waste Site Buffer area. An accessory building to a residential use is a permitted use. An accessory building is not considered a sensitive use for the purposes of separation distance from a waste site buffer.

The property was re-zoned RLS-89 over ten years ago to permit the construction of the cottage within the waste site buffer of the closed Christie Lake Waste Site. The Ministry of Environment agreed with the location because the plume from the waste site flows toward the lake (westward). The cottage is located uphill from the waste site and east of the waste site leaching area.

The only relief sought from the Zoning By-law is for a 2m increase in height of the proposed garage.

CIRCULATION COMMENTS

Rideau Valley Conservation Authority – The RVCA has no objection.

The water quality for Christie Lake is good

The property, like most in Tay Valley, overlies a vulnerable aquifer so care should be taken not to let contaminants fall onto the ground e.g., oil, gas etc.

Mississippi-Rideau Septic System Office (MRSSO) – No objection. The proposed garage will be 6.6m from the existing septic system.

Public – None at the time of the report.

SITE PLAN CONTROL

A Site Plan Control Agreement drawing can be amended.

RECOMMENDATION

That the Minor Variance be granted for relief from the requirements from Section 3.1.6.2 (Accessory Uses) 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*.

Anthony Minor Variance

Public Notice

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

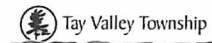
Ontario Land Tribunal

Please be cautioned that if, at a later date, a person or public body choose to appeal the Committee's decision on this matter to the Ontario Land Tribunal, the Tribunal may dismiss all or part of an appeal without holding a hearing if the reasons set out in the appeal do not refer to land use planning grounds offended by the decision, or if the appeal is not made in good faith, or if it is frivolous or vexatious or made only for the purpose of delay.

The Tribunal may also dismiss the appeal if the appellant did not make oral submission at the public meeting or did not make written submission before the variance was adopted.

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

1



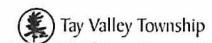
1

Anthony Minor Variance

Decision Process

- based on both the oral and written input received and understanding gained
- four key factors:
 - ✓ Is the application generally in keeping with the intent of the Township's Official Plan?
 - ✓ Is the application generally in keeping with the intent of the Township's Zoning By-laws?
 - ✓ Is it desirable and appropriate development and use of the site?
 - ✓ Is it minor in nature and scope?
- four decision options:
 - ? Approve – with or without conditions
 - ? Deny – with reasons
 - ? Defer – pending further input
 - ? Return to Township Staff – application deemed not to be minor

2



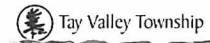
2

Anthony 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

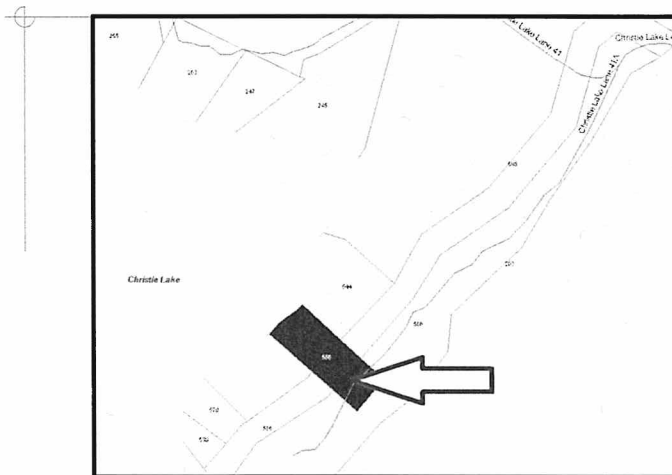
3



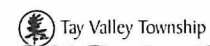
3

Anthony

556 Christie Lake Lane 41A, Part Lot 17, Concession 2, in the geographic Township of South Sherbrooke



4



4

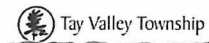
Anthony - Proposal

The Minor Variance application seeks relief from Section 3.1.6.2 (Accessory Uses) of Zoning By-Law 2002-121, as amended, as follows:

- To permit a new garage to be 7m in height rather than the 5m permitted.

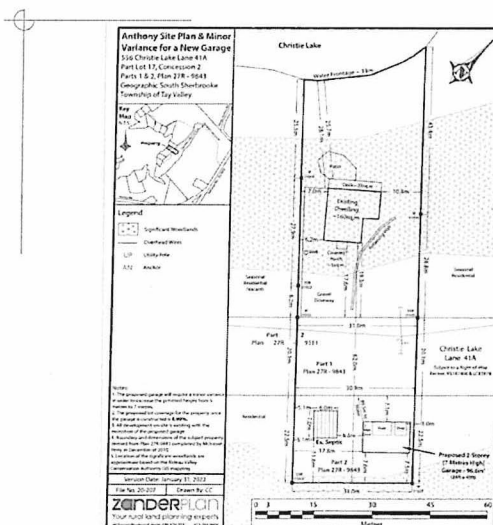
The effect of the variance would be to permit the construction of a 7m-high garage.

5

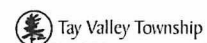


5

Anthony – Site Sketch

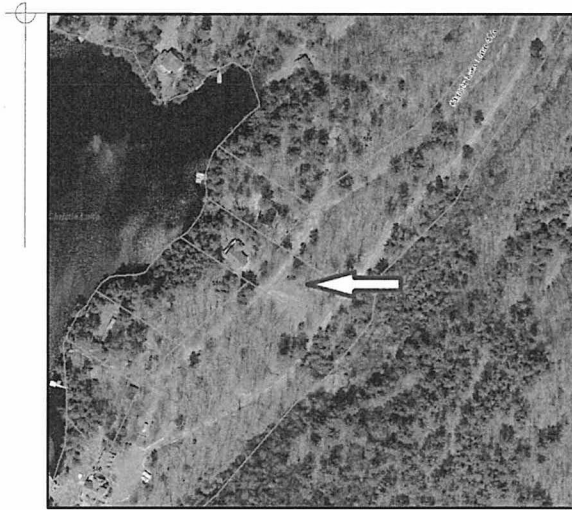


6

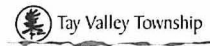


6

Anthony – Aerial Photo (2014)



7

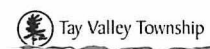


7

Anthony – Photos (2014)



8



8

Anthony Comments

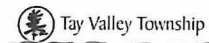
Rideau Valley Conservation Authority (RVCA):

- RVCA has no objection. Standard recommendations provided for Site Plan Control Agreement.

Mississippi Rideau Septic System Office (MRSSO):

- No objections to the severance as proposed.

9

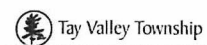


9

Anthony Official Plan

- The Township Official Plan designates the property Rural and Waste Site Buffer area. An accessory building to a residential use is a permitted use. An accessory building is not considered a sensitive use for the purposes of separation distance from a waste site buffer.

10

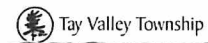


10

Anthony Zoning By-law

- The property was re-zoned RLS-89 over ten years ago to permit the construction of the cottage within the waste site buffer of the closed Christie Lake Waste Site. The Ministry of Environment agreed with the location because the plume from the waste site flows toward the lake (westward). The cottage is located uphill from the waste site and east of the waste site leaching area.

11



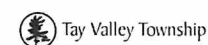
11

Anthony Official Plan & Zoning Test

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

- Yes. The previous rezoning established the primary residential use. The garage is a permitted accessory use.
- There are no anticipated negative impacts on the neighbouring properties.

12



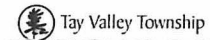
12

Anthony Development & Use Test

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

- The proposal is desirable and appropriate development of the lands in question as the use of the property is not proposed to change.

13



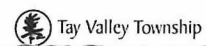
13

Anthony "Minor" Test

Is it minor in nature and scope?

- The application can be considered minor in impact. The increase in height of 2m is minor and there are no anticipated negative impacts on the neighbouring properties.

14

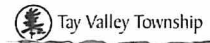


14

Anthony 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.

15

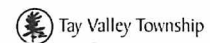


15

Anthony Site Plan Control Agreement

- Site Plan Control Agreement
- Drawing for the existing Site Plan Control Agreement will be amended.

16

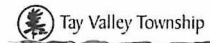


16

Anthony Recommendation

That the Minor Variance be granted for relief from the requirements of Section 3.1.6.2 (Accessory Uses) because the general intent and purpose of the Official Plan and Zoning By-law are maintained; further, that the variance is desirable for the appropriate development of the lands and can be considered minor. As such, the application meets the tests of the Planning Act.

17



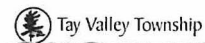
17

Anthony 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 MV22-06 is approved, to allow a variance from the requirements of Section 3.1.6.2 (Accessory Uses) of Zoning By-Law 2002-121, for the lands legally described as 556 Christie Lake Lane 41A, Concession 2, Part Lot 17 in the geographic Township of South Sherbrooke, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-914-020-13204 to permit the construction of a 7m-high garage."

18



18

Committee of Adjustment

March 28th, 2022

Noelle Reeve, Planner

APPLICATION MV22-07

Kirkpatrick and Lyon
541 Black Lake Road, Concession 6, Part Lot 18,
Geographic Township of North Burgess

SUMMARY OF PROPOSAL

Purpose and Effect: To seek relief from Sections 3.1.10 and 3.1.6.2 (Accessory Uses) of Zoning By-Law 2002-121, as amended, as follows:

- To permit a proposed sleep cabin within an accessory (storage) building to be 30m², rather than the 25m² permitted.
- To permit the proposed accessory building to be two storeys tall (6.7m in height), rather than the single storey (5m) permitted.

REVIEW COMMENTS

The subject property is located at 541 Black Lake Road (a Township owned road). The lot size is 2,266m² (0.56 acre). The Bunkie within the accessory storage building is proposed at a water setback of 42.6m. Two existing buildings close to the water are proposed to be removed.

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 there are no natural hazards or significant environmental features on the lot and the use of the property is remaining the same.

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. This section is satisfied as structures closer to the water are being removed and the proposal exceeds the 30m water setback requirement.

Official Plan

The subject land is designated Rural in the *Official Plan*, and residential uses are permitted. Section 2.24.1 requires the protection of lake water quality. This section is satisfied as the proposed accessory building with the Bunkie exceeds the 30m water setback required.

Zoning By-Law

The property is zoned Rural which allows for 20% lot coverage. The proposal will increase lot coverage from 5% to 5.9% so is well under the requirements. The proposed sleep cabin will increase living space from 3.8% to 5.1%, well under the 12% permitted.

The application can be considered minor in impact. As part of the proposal, a wood frame shed and a boathouse are proposed to be removed. The accessory building will be located beyond the 30m water setback required. The slight increase in floor space for the sleep cabin and the sink fixtures can be considered minor. There will not be any kitchen in the sleep cabin so it is not considered a second dwelling. There are no anticipated negative impacts on the neighbouring properties.

The proposal is also desirable for the appropriate development of the lands in question as the use of the property is not proposed to change and existing buildings closer to the water are being removed.

The Township is waiting for confirmation that the lot has road frontage (as a small triangular wedge was identified between the Township owned road and the property with a separate Property Identification Number and the ownership had not been determined at the time of the report).

CIRCULATION COMMENTS

Rideau Valley Conservation Authority – The RVCA has no objection.

The property, like most in Tay Valley, overlies a vulnerable aquifer so care should be taken not to let contaminants fall onto the ground e.g., oil, gas etc.

Mississippi-Rideau Septic System Office (MRSSO) –No objection if a Part 10/11 application is submitted to review the capacity of the existing sewage system to accommodate the additional bedroom that the sleep cabin represents. Also a scaled drawing is required to confirm a minimum clearance distance of 5 m from the proposed sleeping cabin to the existing sewage system. Alteration or replacement of the existing sewage system may be required based on the outcome of the Part 10/11 application.

SITE PLAN CONTROL

Recommended to protect shoreline vegetation as there is no Site Plan Control Agreement on the property currently.

PUBLIC COMMENT

None at the time of writing this report.

RECOMMENDATION

That the Minor Variance be granted for relief from the requirements of Sections 3.1.10 and 3.1.6.2 (Accessory Uses) 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*.

The Committee should defer its decision until the issue of road frontage is confirmed.

Kirkpatrick and Lyons Minor Variance

Public Notice

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

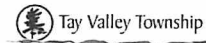
Ontario Land Tribunal

Please be cautioned that if, at a later date, a person or public body choose to appeal the Committee's decision on this matter to the Ontario Land Tribunal, the Tribunal may dismiss all or part of an appeal without holding a hearing if the reasons set out in the appeal do not refer to land use planning grounds offended by the decision, or if the appeal is not made in good faith, or if it is frivolous or vexatious or made only for the purpose of delay.

The Tribunal may also dismiss the appeal if the appellant did not make oral submission at the public meeting or did not make written submission before the variance was adopted.

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

1



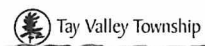
1

Kirkpatrick and Lyons Minor Variance

Decision Process

- based on both the oral and written input received and understanding gained
- four key factors:
 - ✓ Is the application generally in keeping with the intent of the Township's Official Plan?
 - ✓ Is the application generally in keeping with the intent of the Township's Zoning By-laws?
 - ✓ Is it desirable and appropriate development and use of the site?
 - ✓ Is it minor in nature and scope?
- four decision options:
 - ? Approve – with or without conditions
 - ? Deny – with reasons
 - ? Defer – pending further input
 - ? Return to Township Staff – application deemed not to be minor

2



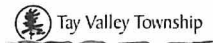
2

Kirkpatrick and Lyons 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

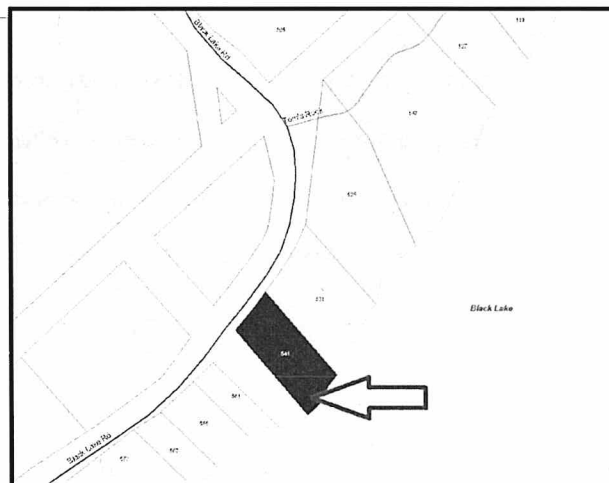
3



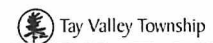
3

Kirkpatrick and Lyons

541 Black Lake Road, Part Lot 18, Concession 6, in the geographic Township of North Burgess



4



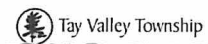
4

Kirkpatrick and Lyons - Proposal

The Minor Variance application seeks relief from Section 3.1.10 and 3.1.6.2 (Accessory Uses) of Zoning By-Law 2002-121, as amended, as follows:

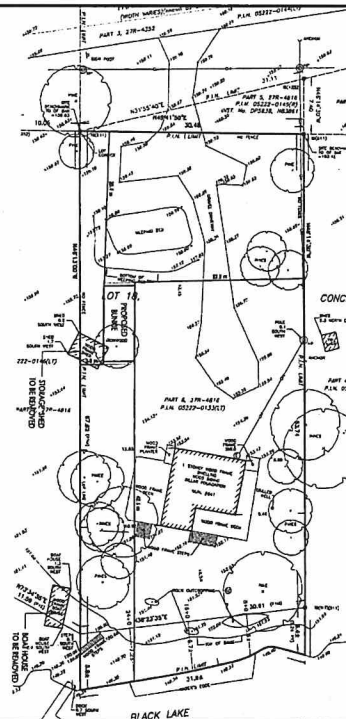
- To permit a proposed sleep cabin within an accessory (storage) building to be 30m², rather than the 25m² permitted.
- To permit the proposed accessory building to be two storeys tall (6.7m in height), rather than the single storey (5m) permitted.

5



5

Kirkpatrick and Lyons – Site Sketch



6

6

Kirkpatrick and Lyons – Photos



7

7

Kirkpatrick and Lyons Comments

Rideau Valley Conservation Authority (RVCA):

- RVCA has no objection and has provided recommendations to be included in a Site Plan Control Agreement.

8

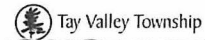
8

Kirkpatrick and Lyons - Comments

Mississippi Rideau Septic System Office (MRSSO):

- No objection if a Part 10/11 application is submitted to review the capacity of the existing sewage system to accommodate the additional bedroom that the sleep cabin represents.
- Also a scaled drawing is required to confirm a minimum clearance distance of 5 m from the proposed sleeping cabin to the existing sewage system. Alteration or replacement of the existing sewage system may be required based on the outcome of the Part 10/11 application.

9

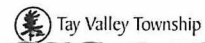


9

Kirkpatrick and Lyons Official Plan

- The subject land is designated Rural in the *Official Plan*, and residential uses are permitted. Section 2.24.1 requires the protection of lake water quality. This section is satisfied as the proposed accessory building with the Bunkie exceeds the 30m water setback required.

10

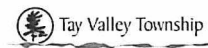


10

Kirkpatrick and Lyons Zoning By-law

- The property is zoned Rural which allows for 20% lot coverage. The proposal will increase lot coverage from 5% to 5.9% so is well under the requirements. The proposed sleep cabin will increase living space from 3.8% to 5.1%, well under the 12% permitted.

11

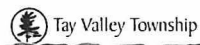


11

Kirkpatrick and Lyons Zoning By-law

- The Township is waiting for confirmation that the lot has road frontage (as a small triangular wedge was identified between the Township owned road and the property with a separate Property Identification Number and the ownership had not been determined at the time of the report).

12



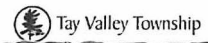
12

Kirkpatrick and Lyons Official Plan & Zoning Test

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

- Yes.
- There are no anticipated negative impacts on the neighbouring properties.

13



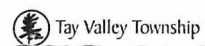
13

Kirkpatrick and Lyons 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 the use of the property is not proposed to change and existing buildings closer to the water are being removed.

14



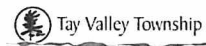
14

Kirkpatrick and Lyons "Minor" Test

Is it minor in nature and scope?

- The application can be considered minor in impact. As part of the proposal, a wood frame shed and a boathouse are proposed to be removed. The accessory building will be located beyond the 30m water setback required. The slight increase in floor space for the sleep cabin and the sink fixtures can be considered minor. There will not be any kitchen in the sleep cabin so it is not considered a second dwelling. There are no anticipated negative impacts on the neighbouring properties.

15

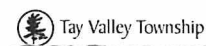


15

Kirkpatrick and Lyons Site Plan Control Agreement

- The Township recommends a Site Plan Control Agreement to protect shoreline vegetation on the property.

16

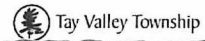


16

Kirkpatrick and Lyons 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.

17



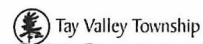
17

Kirkpatrick and Lyons Recommendation

That the Minor Variance be granted for relief from the requirements of Sections 3.1.10 and 3.1.6.2 (Accessory Uses) 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*.

However, the Clerk has asked that the Committee consider deferring its decision until the issue of road frontage is confirmed.

18



18

Kirkpatrick and Lyons 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 MV22-07 is approved, to allow a variance from the requirements of Sections 3.1.10 and 3.1.6.2 (Accessory Uses) of Zoning By-Law 2002-121, for the lands legally described as 541 Black Lake Road, Concession 6, Part Lot 18, Geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 091191102052000 to permit the construction of a Sleep Cabin 25m² and permit an accessory building to be two storeys tall a 6.7m in height".