
Tuesday, May 10th, 2022

5:30 p.m.

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

*5:30 p.m. Public Meeting - Zoning By-Law Amendment
Following: Committee of the Whole Meeting*

Chair, Deputy Reeve Barrie Crampton

1. CALL TO ORDER

2. INTRODUCTION

- The purpose of this public meeting is to hear an application for a Zoning By-Law Amendment for the following application:

Stewart

- The Planner will provide a brief overview of the details of the file and details of the amendment. The public will then be given an opportunity to make comments and ask questions.
- If a person or public body would otherwise have an ability to appeal the decision of the Council of the Corporation of Tay Valley Township to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to Tay Valley Township before the by-law is passed, the person or public body is not entitled to appeal the decision.
- If a person or public body does not make oral submissions at a public meeting or make written submissions to Tay Valley Township before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.
- The Clerk must provide notice of Council's decision to all those who request a copy within 15 days after the day the by-law is passed. Anyone may appeal the decision to the Ontario Land Tribunal by filing with the Clerk within 20 days of the notice of decision.

- An appeal to the Ontario Land Tribunal may be filed with the Clerk of the Township not later than 20 days after the day that the notice of decision was given. The notice of appeal must set out the objection to the by-law and the reasons in support of the objection, accompanied by the required fee.
- If you are interested in receiving a copy of the decision, please contact the Administrative Assistant at adminassistant@tayvalleytwp.ca.

3. APPLICATIONS

- i) **FILE #ZA22-04: Stephen Stewart and Stacey Stewart – *attached, page 4.***
719 Beaver Dam Lane
Part Lot 3, Concession 8
Geographic Township of Bathurst
 - a) PLANNER FILE REVIEW & PROPOSED BY-LAW
 - b) APPLICANT COMMENTS
 - c) PUBLIC COMMENTS
 - d) RECOMMENDATION

4. ADJOURNMENT

APPLICATIONS

PUBLIC MEETING CONCERNING PROPOSED ZONING BY-LAW AMENDMENT

April 12th, 2022

Noelle Reeve, Planner

APPLICATION ZA22-04 STEWART

STAFF RECOMMENDATION

It is recommended:

“**THAT**, an amendment to Zoning By-Law No. 02-121 be approved for the proposed rezoning of the lands at 719 Beaver Dam Lane, Part Lot 3, Concession 8, Geographic Township of North Burgess (Roll #091191101025100) from Seasonal Residential (RS) to Residential Limited Services Special Exception-189 (RLS-189) to permit a water setback of 17.3m from Otty Lake, for a dwelling to be used year-round on a private road that replaces a cottage at the same setback.”

BACKGROUND

The application applies to an approximately 3-ha (9.02-acre) lot with water frontage of 40m (131 ft) on Otty Lake.

The purpose of this application is to change the zoning of the property from Seasonal Residential (RS) to Residential Limited Services Special Exception – 189 (RLS-189) to permit a year-round residence on a private road at a setback of 17.6m (58 ft) from Otty Lake.

The effect of the amendment is to allow a permanent residence to be constructed at the same water setback as the previous cottage, with decks that extended towards the lake being removed and current access relocated to the rear of the property.

DISCUSSION

Provincial Policy Statement (PPS)

Section 1.1.1 Building Strong Healthy Communities - states that “Healthy, livable and safe communities are sustained by: a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term...and c) avoiding development and land use patterns which may cause environmental or public health and safety concerns.” This section can largely be met because encroachment toward the lake is being reduced, revegetation of the existing access will be undertaken, roof runoff will be directed away from the lake, and a new septic system will meet the 30m water setback (which the current system does not). Also, a slope stability study was undertaken to ensure the safety of the proposed construction.

Section 2.2 of the PPS requires planning authorities to protect, improve or restore the quality and quantity of water by using the watershed as the ecologically meaningful scale for

integrated and long-term planning. Improvements are being undertaken that will have a positive impact on the lake (see above).

Section 3.1 Natural Hazards is satisfied by the recommendations of the slope stability study undertaken by Kollard Associates.

Lanark County Sustainable Communities Official Plan

Section 3 Rural Land designation permits a variety of uses including residential uses. Section 5.4.4 of the County of Lanark's Sustainable Communities Official Plan indicates that municipalities have an obligation to consider the impact of development and land use on waterbodies in order to ensure their long-term viability.

Official Plan

The subject property is designated in the Official Plan as Rural. Section 3.6 Rural designation permits residential uses.

Section 2.24.1 Waterfront Development states that "An adequate water setback serves an important function in relation to the protection of natural and cultural heritage characteristics and water quality of the lakes and rivers of the Township. The intent of the water setback is to prevent the disturbance of the shoreline area as a result of the placement of buildings and structures, including sewage systems, or the removal of the soil mantle and natural vegetation. An appropriate water setback can reduce phosphorus and other nutrient loads to the lake and in combination with vegetation, prevent erosion and sedimentation."

Section 2.24.2 states that for existing lots of record or lots with constraints, the water setback may be reduced. While the lot is large, it is constrained by a hydro line, right of way for Beaver Dam Lane and wetlands. The water setback of 30m for the septic system will be met.

Zoning By-Law

The lot is currently zoned Seasonal Residential (RS).

Section 3.29 of the Zoning By-Law requires a 30 m setback from water. Due to lot constraints relief from the Zoning By-law is required. Lot coverage at 0.8% is well below the 10% permitted.

Planner

The applicants are proposing to rezone the lot to Residential Limited Services to allow a permanent dwelling on the footprint of an existing cottage. Both the Rideau Valley Conservation Authority (RVCA) and the Planner held pre-consultation meetings with the owner to determine if a greater setback could be achieved but due to the presence of a hydro line, right of way for Beaver Dam Lane and wetlands, rebuilding on the existing footprint and removing deck encroachment was agreed to be the best proposal.

The proposed redevelopment reduces encroachment on the existing setback and has attempted to direct development away from Otty Lake by concentrating much of the enlarged portion to the rear of the existing footprint and partially outside the 30m setback. The retention of vegetation along the shoreline and throughout the lot is also recognized for providing existing protection for water quality and woodland features. Management of roof runoff is also important on this site. The roofline of the current structure slopes towards Otty Lake with runoff directed downhill. Redirection of downspouts to soak way pits, infiltration trenches or rain gardens should be implemented to further improve water quality and reduce erosion potential. The relocation of the driveway to the rear of the property and revegetation of the existing parking area represents an additional opportunity to improve natural cover within the riparian zone.

Rideau Valley Conservation Authority (RVCA)

The RVCA stated they have no objection to the application.

RVCA noted the water quality of Otty Lake is rated Fair. To protect water quality, maintenance of shoreline vegetation and minimizing runoff to waterbodies is important. This can be achieved by enhancing and protecting shoreline buffers within 30 m of the lake, directing runoff from downspouts away from the lake and minimizing the amount of hardened surface and that shoreline revegetation be considered where appropriate. RVCA also noted, that as is the case with most of Tay Valley Township, the subject property overlies a highly vulnerable aquifer so care should be taken to avoid land uses and practices that could lead to undesirable effects on ground water.

In considering the existing footprint it is noted that much of the enlargement will be located to the rear of the present cottage and outside the 30 m setback. A horizontal encroachment on the lot's east side is slightly offset by a reduced footprint on the west side. In discussion with the applicant, it was indicated the septic tank is proposed to be relocated to the west side of the lot at an improved setback of over 30 m. It is also understood that the access to the lot will be changed with the driveway moved to the rear of the property and the existing parking area remediated.

It was noted an existing unattached deck is present on the property, in discussion with the applicant it is understood there is a desire to retain this structure. This reviewer would encourage the removal of this deck and revegetation of the slope to be considered. This would balance the proposed increased footprint within the 30 m setback and provide additional environmental gains.

Regular Site Plan Control Agreement measures would apply including, "should any work be proposed along the shoreline of Christie Lake, the prior written permission of the RVCA office is required in accordance with Ontario Regulation 174/06 (Development, Interference with Wetlands, Alterations to Shoreline and Watercourses) made under Section 28 of the Conservation Authorities Act".

Mississippi Rideau Septic System Office (MRSSO) – The MRSSO does not object to the proposal. A new septic system located 30m from water will be applied for to replace the current system located approximately 23m from the lake.

Public Comment

Questions relating to the proposal were raised for clarification and have been answered.

CONCLUSION

The Planner recommends that the proposed amendment to rezone the lands at 719 Beaver Dam Lane, Part Lot 3, Concession 8, Geographic Township of North Burgess (Roll #091191101025100) from Seasonal Residential (RS) to Residential Limited Services Special Exception-189 (RLS-189) to permit a water setback of 17.3m from Otty Lake, for a dwelling to be used year-round on a private road that replaces a cottage at the same setback be approved. The amending by-law will come forward once the right of way has been changed.

ATTACHMENTS

- i) Site Sketch
- ii) Zoning By-law

Prepared and Submitted By:

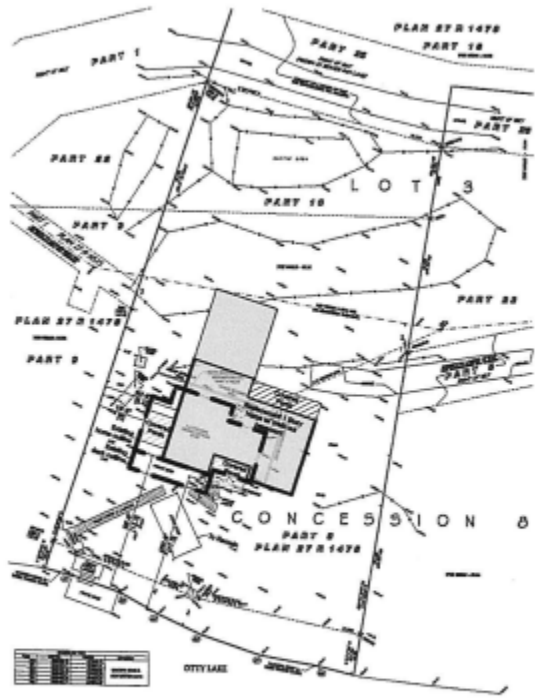
Approved for Submission By:

Original signed

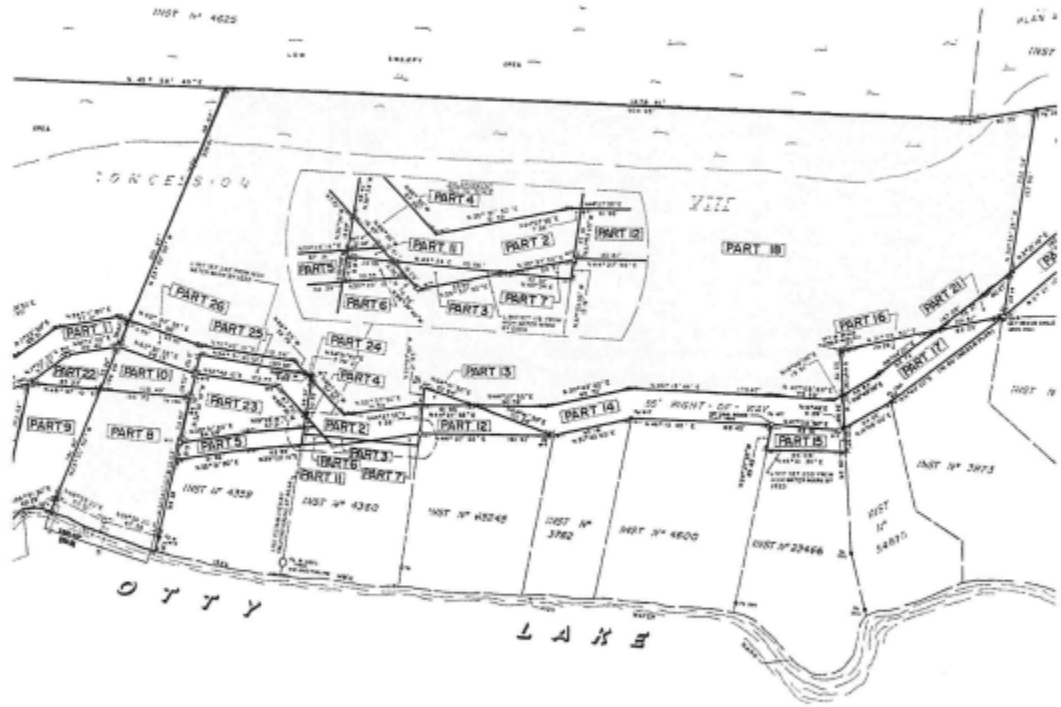
Original signed

**Noelle Reeve,
Planner**

**Amanda Mabo,
Acting Chief Administrative Officer/Clerk**



2 **Detail of Area of Build**
Scale: 1:500



1 **Full Property**
Scale: 1:1500

THE CORPORATION OF TAY VALLEY TOWNSHIP

BY-LAW NO. 2022-0XX

A BY-LAW TO AMEND ZONING BY-LAW NO. 2002-121, AS AMENDED (STEWART – 719 BEAVER DAM LANE) (PT LOT 3, CONCESSION 8, GEOGRAPHIC TOWNSHIP OF NORTH BURGESS)

WHEREAS, the *Planning Act, R.S.O. 1990, Chapter P.13 Section 34 as amended*, provides that the Councils of local municipalities may enact by-laws regulating the use of land and the erection, location and use of buildings and structures within the municipality;

AND WHEREAS, By-Law No. 2002-121, as amended, regulates the use of land and the erection, location and use of buildings and structures within Tay Valley Township;

AND WHEREAS, the Council of the Corporation of Tay Valley Township deems it advisable to amend By-Law No. 2002-121, as amended, as hereinafter set out;

AND WHEREAS, this By-Law implements the polices and intentions of the Official Plan for Tay Valley Township;

NOW THEREFORE BE IT RESOLVED THAT, the Council of the Corporation of Tay Valley Township enacts as follows:

1. GENERAL REGULATIONS

1.1 **THAT**, By-Law No. 2002-121, as amended, is further amended by amending the zoning from Seasonal Residential (RS) to Residential Limited Services Special Exception-189 (RLS-189) on the lands legally described as Part Lot 3, Concession 8, Geographic Township of North Burgess, now in Tay Valley Township, County of Lanark (Roll #0911), in accordance with Schedule "A" attached hereto and forming part of this By-Law.

1.2 **THAT** By-Law No. 2002-121, as amended, is further amended by adding the following new subsection at the end of Section 5.1.4 (Exception Zones):

189. RLS-189 (Part Lot 3, Concession 8, North Burgess)

Notwithstanding the provisions of Section 5.2, on the lands zoned RLS-189 the following provisions shall prevail:

· Water Setback dwelling (minimum) 17.6m

1.3 **THAT**, this By-Law shall come into force and effect with the passing thereof, in accordance with *the Planning Act*, as amended.

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2022-0XX**

2. ULTRA VIRES

Should any sections of this by-law, including any section or part of any schedules attached hereto, be declared by a court of competent jurisdiction to be ultra vires, the remaining sections shall nevertheless remain valid and binding.

3. EFFECTIVE DATE

ENACTED AND PASSED this XX day of XX 2022.

Brian Campbell, Reeve

Amanda Mabo, Clerk

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2022-0XX**

SCHEDULE "A"

Stewart – 719 Beaver Dam Lane
Part Lot 3, Concession 8
Geographic Township of North Burgess
Tay Valley Township



Area(s) Subject to the By-Law

To amend the Zoning provisions
Rural (RU) to
Residential Limited Services
Special Exception -189 (RLS - 189)

Certificate of Authentication

This is Schedule "A" to By-Law 2022-0xx
passed this XX day of XX XXXX.

Reeve

Clerk

Stewart

Zoning By-law Amendment

Public Notice

Pursuant to the Planning Act, Notice of public meeting is to be provided a minimum of 20 days prior for a Zoning By-law Amendment. Notice was duly given by both the posting of the notice in a visible area for the property and by mailing to adjacent property owners within 120 metres of the location. Notice was also given to other public agencies as required.

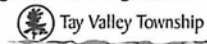
Ontario Land Tribunal

Please be cautioned that if, at a later date, a person or public body choose to appeal Council'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, the appeal is not made in good faith, or is frivolous or vexatious or made only for the purpose of delay.

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

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

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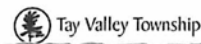
Stewart

719 Beaver Dam Lane

Part Lot 3, Concession 8, Geographic Township of North Burgess

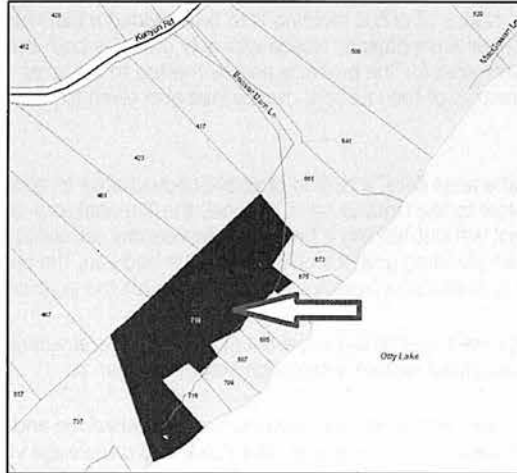
- The application applies to an approximately 3-ha (9.02-acre) lot with water frontage of 40m (131 ft) on Otty Lake.
- The purpose of this application is to change the zoning of the property from Seasonal Residential (RS) to Residential Limited Services Special Exception – 189 (RLS-189) to permit a year-round residence on a private road at a setback of 17.6m (58 ft) from Otty Lake.
- The effect of the amendment is to allow a permanent residence to be constructed at the same water setback as the previous cottage, with decks that extended towards the lake being removed and current access relocated to the rear of the property.

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Stewart Location

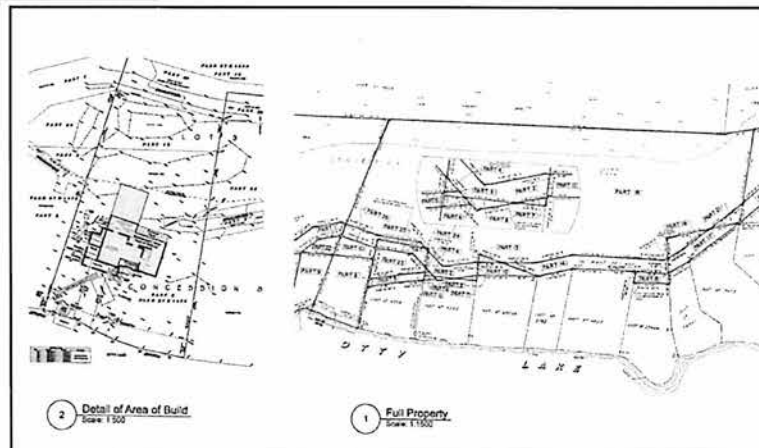


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Stewart Site Sketch



4



4

Stewart
Photos



5



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Stewart
Photos



6

Stewart Photos



7

Stewart Planner's Comments Provincial Policy Statement (PPS)

- Section 1.1.1 Building Strong Healthy Communities - states that "Healthy, livable and safe communities are sustained by: a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term...and c) avoiding development and land use patterns which may cause environmental or public health and safety concerns." This section can largely be met because encroachment toward the lake is being reduced, revegetation of the existing access will be undertaken, roof runoff will be directed away from the lake, and a new septic system will now meet the 30m water setback. Also, a slope stability study was undertaken to ensure the safety of the proposed construction.

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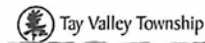
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Stewart Planner's Comments

Provincial Policy Statement (PPS)

- Section 2.2 of the PPS requires planning authorities to protect, improve or restore the quality and quantity of water by using the watershed as the ecologically meaningful scale for integrated and long-term planning. Improvements are being undertaken that will have a positive impact on the lake.
- Section 3.1 Natural Hazards is satisfied by the recommendations of the slope stability study undertaken by Kollard Associates.

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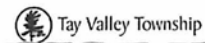


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Stewart County Sustainable Communities Official Plan

- Section 3 Rural Land designation permits a variety of uses including residential uses.
- Section 5.4.4 of the County of Lanark's Sustainable Communities Official Plan indicates that municipalities have an obligation to consider the impact of development and land use on waterbodies in order to ensure their long-term viability.

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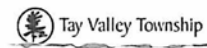


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Stewart Planner's Comments Official Plan

- The subject property is designated in the Official Plan as Rural. Section 3.6 Rural designation permits residential uses.
- Section 2.24.1 Waterfront Development states that "An adequate water setback serves an important function in relation to the protection of natural and cultural heritage characteristics and water quality of the lakes and rivers of the Township. The intent of the water setback is to prevent the disturbance of the shoreline area as a result of the placement of buildings and structures, including sewage systems, or the removal of the soil mantle and natural vegetation. An appropriate water setback can reduce phosphorus and other nutrient loads to the lake and in combination with vegetation, prevent erosion and sedimentation."

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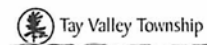


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Stewart Planner's Comments Official Plan

- Section 2.24.2 states that for existing lots of record or lots with constraints, the water setback may be reduced. While the lot is large, it is constrained by a hydro line, right of way for Beaver Dam Lane and wetlands. The water setback of 30m for the septic system will be met.

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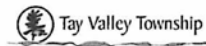


12

Stewart Planner's Comments Zoning

- The lot is currently zoned Seasonal Residential (RS).
- Section 3.29 of the Zoning By-Law requires a 30 m setback from water. Due to lot constraints relief from the Zoning By-law is required. Lot coverage at 0.8% is well below the 10% permitted.

13

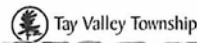


13

Stewart Planner's Comments

- Rezoning to Residential Limited Services will allow a permanent dwelling on the footprint of an existing cottage. Pre-consultation meetings found there are setback constraints due to a hydro line, right of way for Beaver Dam Lane and wetlands. Rebuilding on the existing footprint and removing deck encroachment was agreed to be the best proposal.
- The proposed redevelopment reduces encroachment and directs development away from Otty Lake by concentrating much of the enlarged portion to the rear of the existing footprint. The retention of vegetation along the shoreline and throughout the lot is also recognized for providing existing protection for water quality and woodland features.

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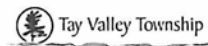


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Stewart Planner's Comments

- Management of roof runoff is also important on this site. The roofline of the current structure slopes towards Otty Lake with runoff directed downhill. Redirection of downspouts to soak way pits, infiltration trenches or rain gardens should be implemented to further improve water quality and reduce erosion potential.
- The relocation of the driveway to the rear of the property and revegetation of the existing parking area represents an additional opportunity to improve natural cover within the riparian zone.

15



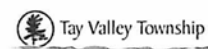
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Stewart Comments

Rideau Valley Conservation Authority (RVCA)

- The RVCA stated they have no objection to the application.
- Water quality of Otty Lake is rated Fair. Maintenance of shoreline vegetation and minimizing runoff to waterbodies can be achieved by enhancing and protecting shoreline buffers within 30m of the lake, directing runoff from downspouts away from the lake, minimizing the amount of hardened surface and shoreline revegetation where appropriate.
- Land uses and practices that could lead to undesirable effects on ground water should also be avoided.

16



16

Stewart Comments

Rideau Valley Conservation Authority (RVCA)

- A horizontal encroachment on the lot's east side is slightly offset by a reduced footprint on the west side. The septic tank is proposed to be relocated to the west side of the lot at an improved setback of over 30 m. The access to the lot may be changed with the driveway moved to the rear of the property and the existing parking area remediated.
- RVCA also encourages removal of an existing unattached deck to allow for revegetation of the slope. This would balance the proposed increased footprint within the 30 m setback and provide additional environmental gains.
- Regular Site Plan Control Agreement measures would apply.

17



17

Stewart Comments Continued

Mississippi-Rideau Septic System Office (MRSSO)

- The MRSSO does not object to the proposal. A new septic system located 30m from water will be applied for to replace the current system located approximately 23m from the lake.

Public Comments

- Questions relating to the proposal were raised for clarification and have been answered.

18



18

Stewart Recommendation

"THAT, Zoning By-Law No. 2002-121 be amended to rezone a portion of the lands at Concession 8, Part Lot 3, 719 Beaver Dam Lane, Geographic Township of North Burgess (Roll #091191101025100) from Seasonal Residential (RS) to Residential Limited Services Special Exception-189 (RLS-189)."

19

