



COMMITTEE OF ADJUSTMENT AGENDA

Monday, August 23, 2021 - 5:00 p.m.
Conference Call

Conference Call (audio)

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

GoToMeeting (visual) <https://global.gotomeeting.com/join/862654741>

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 – June 21st, 2021 - *attached, page 8.***

*Suggested Motion by Peter Siemons/Ron Running:
“THAT, the minutes of the Committee of Adjustment meeting held June 21st, 2021 be approved as circulated.”*

5. INTRODUCTION

- The purpose of this meeting is to hear applications for Minor Variance:
 - **Horner**
 - **Leeflang**
 - **Antoszkiewicz**
 - **O’Grady**
 - **Brooks**
 - **Howe**
- The Committee is charged with making a decision on the applications on the agenda. The decision will be based on both oral and written input received and understandings gained. The four key factors on which decisions are based include:

- Is the application generally in keeping with the intent of the Township's Official Plan?
 - Is the application generally in keeping with the intent of the Township's Zoning By-Law?
 - Is the application desirable for the appropriate development or use of the site?
 - Is the application minor in nature and scope?
- The Planner will provide a brief overview of the details of the file. The applicant will then be given an opportunity to explain the need for the variance. Then, any person or public body, in opposition and then in favour, to the application will be heard.
 - If a person or public body does not make oral or written submissions at a public meeting, or make written submissions to Tay Valley Township before the decision is passed, the person or public body may not be added to the hearing of an appeal before the Ontario Land Tribunal (OLT) unless, in the opinion of the Board, there are reasonable grounds to do so.
 - If you wish to be notified of the decision of the Committee of Adjustment in respect to the below listed application(s), you must submit a written request to the Secretary-Treasurer of the Committee of Adjustment at planningassistant@tayvalleytwp.ca. This will also entitle you to be advised of a possible Ontario Land Tribunal hearing. Even if you are the successful party, you should request a copy of the decision since the Committee of Adjustment decision may be appealed to the Ontario Land Tribunal by the applicant or another member of the public.
 - The Secretary/Treasurer must provide notice of the Committee's decision to all those who request a copy. Anyone may appeal the decision to the Ontario Land Tribunal (OLT) by filing with the Secretary/Treasurer within 20 days of the notice of decision.

6. APPLICATIONS

- i) **FILE #: MV21-18 – Horner – *attached, page 16.***
 - a) PLANNER FILE REVIEW
 - b) APPLICANT COMMENTS
 - c) ORAL & WRITTEN SUBMISSIONS

d) DECISION OF COMMITTEE

Recommended Decision by Ron Running/Peter Siemons:

“THAT, in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application MV21-18 is approved, to allow a variance from the requirements of Section 5.1.2 (Residential) of Zoning By-Law 2002-121, for the lands legally described as 174 Posner Lane, Plan 27M12 Lot 3, in the geographic Township of South Sherbrooke, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-914-015-05620 to reduce the minimum front yard setback from 10m to 7m.”

ii) **FILE #: MV21-19 – Leeflang – attached, page 28.**

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

Recommended Decision by Ron Running/Peter Siemons:

“THAT, in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application MV21-19 is approved, to allow a variance from the requirements of Section 3.29 (Water Setbacks) and Section 5.3.2 (Seasonal Residential) of Zoning By-Law 2002-121, for the lands legally described as 2589 Brouse Road, Part Lot 10, Concession 10, in the geographic Township of Bathurst, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-916-030-13500

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

iii) **FILE #: MV21-20 – Antoszkiewicz – attached, page 41.**

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

d) DECISION OF COMMITTEE

Recommended Decision by Ron Running/Peter Siemons:

“THAT, in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application MV21-20 is approved, to allow a variance from the requirements of Section 3.29 (Water Setbacks) and Section 5.3 (Residential Limited Services) of Zoning By-Law 2002-121, for the lands legally described as O’Brien Lake Lane 14, Part Lot 12, Concession 2, in the geographic Township of South Sherbrooke, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-914-020-05200

- To reduce the minimum required water setback for a proposed dwelling on a vacant lot of record to 21m from the wetland/lake along the east lot line
- To reduce the minimum water setback for the proposed septic system to 24m from the wetland/lake along the east lot line
- To reduce the west side yard setback to 1m to maximize the distance of the cabin from the lake.”

iv) **FILE #: MV21-21 – O’Grady – attached, page 53.**

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

Recommended Decision by Ron Running/Peter Siemons:

“THAT, in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application MV21-21 is approved, to allow a variance from the requirements of Section 3.30 (Water Setback Encroachment) of Zoning By-Law 2002-121, for the lands legally described as 286 Winton Lane, Part Lot 2, Concession 5, in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-025-04500 to permit a water setback encroachment of 1m for a proposed deck.”

v) **FILE #: MV21-22 – Brooks – attached, page 64.**

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

d) DECISION OF COMMITTEE

Recommended Decision by Ron Running/Peter Siemons:

“THAT, in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application MV21-22 is approved, to allow a variance from the requirements of Section 10.11.2 (Rural Zone) of Zoning By-Law 2002-121, for the lands legally described as 460 Christie Lake North Shore Road, Part N/E Lot 3, Concession 3, in the geographic Township of Bathurst, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-916-010-14900 to permit a reduction in the minimum required lot frontage from 60m to 59.2m.”

vi) **FILE #: MV21 – 16 Howe – attached page 74.**

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

Recommended Decision by Ron Running/Peter Siemons:

“THAT, in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application MV21-16 is approved, to allow a variance from the requirements of Section 3.1.10.2(Accessory Uses) of Zoning By-Law 2002-121, for the lands legally described as 867 Pike Lake Route 1E, Part Lot 19, Concession 8, in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-015-17420 to permit a reduction in the minimum required water setback for an accessory use structure, from 30 m to 10.6m from Pike Lake and from 30 m to 16m from a wetland at the rear.”

7. NEW/OTHER BUSINESS

None.

8. ADJOURNMENT

MINUTES

COMMITTEE OF ADJUSTMENT MINUTES

Monday, June 21st, 2021

5:00 p.m.

Conference Call

ATTENDANCE:

Members Present: Chair, Larry Sparks
Peter Siemons

Members Absent: Ron Running

Staff Present: Noelle Reeve, Planner
Garry Welsh, Secretary/Treasurer
Phil Mosher, Rideau Valley Conservation Authority (RVCA)

Applicant/Agents Present: Tamara Woods, Applicant/Agent
Bill Stewart, Applicant/Agent
Ted Howe, Applicant/Agent

Public Present: Sheila Howe, North Burgess Resident

1. CALL TO ORDER

The Chair called the meeting to order at 5:01p.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. APPOINTMENT OF SECRETARY/TREASURER

RESOLUTION #COA-2021-16

MOVED BY: Peter Siemons

SECONDED BY: Larry Sparks

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

ADOPTED

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

None at this time.

5. APPROVAL OF MINUTES

i) Committee of Adjustment Meeting – May 17th, 2021.

The minutes of the Committee of Adjustment meeting held on May 17th, 2021 were approved as circulated.

6. 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:
MV21-17 – WHYTE – 4177 Bolingbroke Road, Concession 5, Part Lot 12 & 13
 geographic Township of Sherbrooke;

MV21-13 – MATTHEWS – 247 Allan’s Mill Road, Concession 10, Part Lot 12
 geographic Township of Burgess;

MV21-14 – FRASER – 364 Farren Lake Lane 5, Concession 2, Part Lot 11
 geographic Township of Sherbrooke;

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

7. APPLICATIONS

i) **FILE #: MV21-17 – WHYTE**

a) **PLANNER FILE REVIEW**

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

b) **APPLICANT COMMENTS**

None.

c) **ORAL & WRITTEN SUBMISSIONS**

None.

d) **DECISION OF COMMITTEE**

RESOLUTION #COA-2021-17

MOVED BY: Peter Siemons

SECONDED BY: Larry Sparks

“**THAT**, in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application MV21-14 is approved, to allow a variance from the requirements of Section 10.1.2 (Rural Zone) of Zoning By-Law 2002-121, for the lands legally described as 4177 Bolingbroke Road, Part Lots 12 & 13, Concession 5, in the geographic Township of South Sherbrooke, now

known as Tay Valley Township in the County of Lanark – Roll Number 0911-914-020-80200 to permit a reduction in the minimum required lot area from 1 hectare to 0.97 ha.”

ADOPTED

ii) **FILE #: MV21-13 – MATTHEWS**

a) **PLANNER FILE REVIEW**

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

b) **APPLICANT COMMENTS**

No comment

c) **ORAL & WRITTEN SUBMISSIONS**

None

d) **DECISION OF COMMITTEE**

RESOLUTION #COA-2021-18

MOVED BY: Peter Siemons

SECONDED BY: Larry Sparks

“**THAT**, in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application MV21-13 is approved, to allow a variance from the requirements of Section 3.29 (Water Setbacks) and Section 3.30 (Yard and Water Setback Encroachments) of Zoning By-Law 2002-121, for the lands legally described as 247 Allan’s Mill Road, Part Lot 12, Concession 10, in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-010-34802 to permit a reduced water setback of 9.5m for a 21m² addition to an existing cottage located on the east side of the cottage, and a deck which meets the required 14m² size but will be located at a setback of 8.5 m.”

ADOPTED

iii) **FILE #: MV21-14 – FRASER**

a) **PLANNER FILE REVIEW**

The Planner reviewed the file and PowerPoint in the agenda package. The Planner also noted that the proposed design is for an open loft, rather than a second-storey bedroom.

b) APPLICANT COMMENTS

None.

c) ORAL & WRITTEN SUBMISSIONS

Phil Mosher, of the Rideau Valley Conservation Authority (RVCA) noted that when an owner demolishes and rebuilds it is an opportunity to improve a situation. The RVCA concerns were not so much the intensification of use but rather the missed opportunity to improve the situation with an option such as an addition, built farther back from the lake.

d) DECISION OF COMMITTEE

RESOLUTION #COA-2021-19

MOVED BY: Peter Siemons

SECONDED BY: Larry Sparks

“THAT, in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application MV21-14 is approved, to allow a variance from the requirements of Section 3.12.6 (Enlargements of Non-complying Uses, Buildings or Structures) of Zoning By-Law 2002-121, for the lands legally described as 364 Farren Lake Lane 5, Part Lot 11, Concession 2, in the geographic Township of South Sherbrooke, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-914-015-09300 to permit a cottage to be rebuilt on its existing footprint, with a vertical enlargement at a setback of 8m from Farren Lake, rather than the 15m permitted.”

ADOPTED

iv) **FILE #: MV21-16 – HOWE**

a) PLANNER FILE REVIEW

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

b) APPLICANT COMMENTS

The Applicant confirmed that plumbing has been removed from the sleep cabin and that the previous external pipe was directed from a composting toilet to a bucket, rather than into the lake. The applicant also noted that they have hired Cambium Inc. to complete a geotechnical slope stability test.

The owner, Sheila Howe also provided comments stating that they were originally not aware that they were required to obtain a building permit for a structure under 108 square feet, which is intended to provide a

sleeping cabin for use by their grandchildren. The owner also noted that they had incorporated sustainable building materials, native species planting as well as rainwater collection into the project.

c) ORAL & WRITTEN SUBMISSIONS

Written concerns were submitted by residents on Pike Lake; John & Helen Murphy, Marty and Mary Anne van Gaal, and Linden Davidson. These individuals raised concerns that the building may have been constructed without a permit, and without proper setbacks and environmental protection measures for the lake.

Linden Davidson also forwarded a letter he had received from a neighbouring resident that supported appropriate development of the property, so long as new construction is completed with proper permits and without negative impact to lake water quality and health.

A letter was submitted by Naomi Fowlie, President of the Pike Lake Community Association, which noted “The organization supports the building approval process that includes required permits prior to and during construction, appropriate documentation for setbacks, septic systems and density of land usage.”

Phil Mosher, of RVCA noted that the structure is a two-storey “bunkie” and that RVCA could have had a conversation with the applicant, if they were consulted prior to building. It was also noted that although there may not be erosion issues, this is difficult to determine without a study.

d) DECISION OF COMMITTEE

RESOLUTION #COA-2021-20

MOVED BY: Peter Siemons
SECONDED BY: Larry Sparks

“**THAT**, Application #MV21-16 – Howe be deferred until further information on the steep slope can be confirmed.”

ADOPTED

8. NEW/OTHER BUSINESS

None.

9. ADJOURNMENT

The meeting adjourned at 5:52 p.m.

APPLICATIONS

Committee of Adjustment

August 23rd, 2021

Noelle Reeve, Planner

APPLICATION MV21-18

Todd Horner

174 Posner Lane

Plan 27M12 Lot 3

geographic Township of South Sherbrooke

SUMMARY OF PROPOSAL

Purpose and Effect: To seek relief from: Section 5.1.2 (Residential) of Zoning By-Law 2002-121, as amended, as follows:

- Reduce the minimum front yard setback from 10m to 7m.

The effect of the variance would be to accommodate construction of a dwelling closer to Posner Road but farther from an unstable section of slope.

REVIEW COMMENTS

The subject property is located at 174 Posner Lane. The vacant lot in the Sherbrooke Bluffs subdivision is 1.42 ha (3.5 acres) in area.

The proposed dwelling would be located at a 7 m setback from the Posner Road. The Zoning By-law requires a 10m setback.

The subject land is designated Rural in the *Official Plan*. The property is zoned Residential Special Exception – 3a (R-3a). The R-3a zone permits a dwelling and requires it to be set back 75m from Bob's Lake (due to steep slopes). This setback is exceeded by the proposal.

The Planner spoke with the Township Public Works Manager about any potential safety concerns with the reduced setback from the road. He stated that in cities there is only 3 feet of sidewalk or less separating traffic from lot lines and buildings and since Posner is a cul-de-sac there would be little traffic and it would not be travelling quickly.

The application can be considered minor in impact. The proposal will not interfere with traffic and is a small decrease in setback to allow for a stable building location.

The proposal is also desirable for the appropriate development of the lands in question as it provides for an appropriate location of the dwelling according to the applicant's engineer.

CIRCULATION COMMENTS

Mississippi Valley Conservation Authority – The application was screened out for comments as environmental issues were addressed in the subdivision plan.

Mississippi-Rideau Septic System Office (MRSSO) – A septic permit has been issued.

SITE PLAN CONTROL

A Site Plan Control Agreement is not required but is an option for the Committee.

RECOMMENDATION

That the Minor Variance be granted for relief from the requirements of Section 5.1.2 (Residential) of Zoning By-Law 2002-121, as amended, to reduce the minimum front yard setback from 10m to 7m 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*.

Horner 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



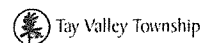
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Horner Minor Variance

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

Horner Minor Variance

Hearing Process

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

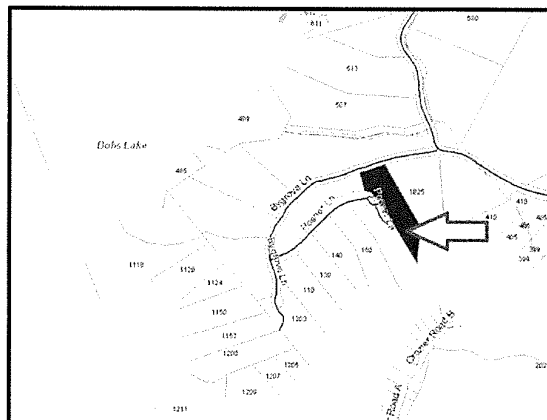
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3

Horner

174 Posner Lane, Plan 27M12 Lot 3, in the geographic Township of South Sherbrooke



4



4

Horner - Proposal

The Minor Variance application seeks relief from Section 5.1.2 (Residential) of Zoning By-Law 2002-121, as amended, as follows:

- To reduce the minimum front yard setback from 10m to 7m.

The effect of the variance would be to accommodate construction of a dwelling closer to Posner Road but farther from an unstable section of slope.

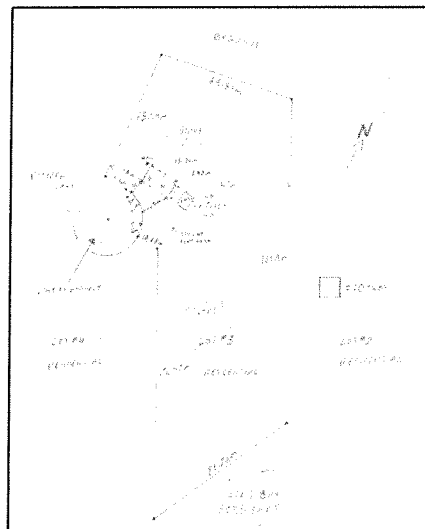
The request may be considered minor in nature.

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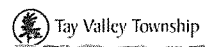


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Horner – Site Sketch



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6

Horner – Subdivision Plan

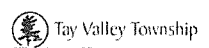
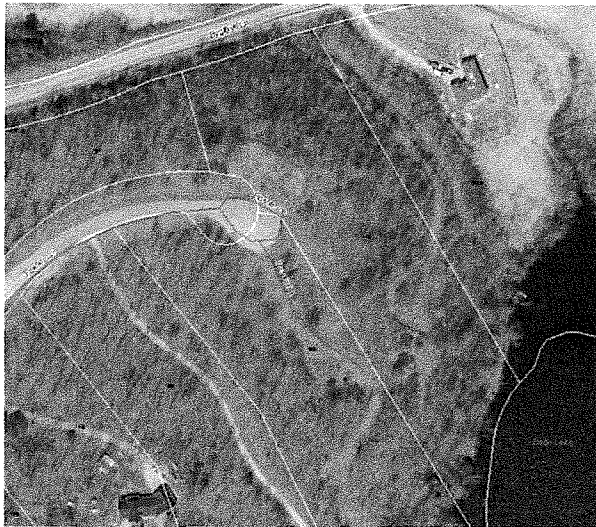


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7

Horner – Photos



8

Horner Comments

Mississippi Valley Conservation Authority (MVCA):

- The application was screened out for comments as environmental issues were addressed in the subdivision plan.

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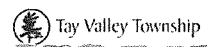


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Horner - Comments **MRSSO:**

- A septic permit has been issued.

10



10

Horner Official Plan

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

11



11

Horner Zoning By-law

- The subject property is located at 174 Posner Lane. The 1.42-ha (3.5 acre) lot is a lot of record.
- Relief is sought from Section 5.1.2 (Residential).
- Zoning By-law relief is sought to accommodate construction of a dwelling closer to Posner Road but farther from an unstable section of slope.

12



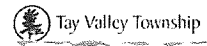
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Horner Official Plan & Zoning Test

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

- The subject land is designated Rural in the Official Plan.
- The property is zoned Residential Special Exception – 3a (R-3a). The R-3a zone permits a dwelling and requires it to be set back 75m from Bob's Lake (due to steep slopes). This setback is exceeded by the proposal.

13



13

Horner Development & Use Test

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

- Township Public Works had no safety concerns with a reduced setback from the road as Posner Lane is a cul-de-sac with little traffic.

14



14

Horner "Minor" Test

Is it minor in nature and scope?

- The application can be considered minor in impact.
- The proposal will not interfere with traffic and is a small decrease in setback to allow for a stable building location.

15

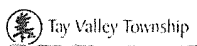


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Horner Site Plan Control

- A Site Plan Control Agreement is not required but is an option for the Committee.

16



16

Horner 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

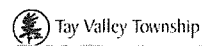


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Horner Recommendation

That the Minor Variance be granted for relief from the requirements of Section 5.1.2 (Residential) of Zoning By-Law 2002-121, as amended, to reduce the minimum front yard setback from 10m to 7m 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.

18



18

Horner Resolution

Recommended Decision:

"THAT, in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application MV21-18 is approved, to allow a variance from the requirements of Section 5.1.2 (Residential) of Zoning By-Law 2002-121, for the lands legally described as 174 Posner Lane, Plan 27M12 Lot 3, in the geographic Township of South Sherbrooke, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-914-015-05620 to reduce the minimum front yard setback from 10m to 7m."

Committee of Adjustment

August 23rd, 2021

Noelle Reeve, Planner

APPLICATION MV21-19

Richard Leeftang and Ruth Leeftang
2589 Brouse Road
Concession 10, Part Lot 10
geographic Township of Bathurst

SUMMARY OF PROPOSAL

Purpose and Effect: To seek relief from Section 3.29 (Water Setbacks) and Section 5.3.2 (Seasonal Residential) of Zoning By-Law 2002-121, as amended, as follows:

- To permit a cottage to be rebuilt at 14.3m from Bennett Lake with a 15m² (161sq ft) addition in size, and
- To reduce the rear yard setback to 6.7m from the required 7.5m and the south side yard setback to 4.3m from 6m, and
- To permit lot coverage of 10.5% instead of 10%.

The effect of the variance would be to permit the reconstruction of the cottage (squaring off an existing L shape) at a setback of 14.3m (no closer than the existing cottage water setback). The rear and side yard setback relief reflects the current location of the cottage.

REVIEW COMMENTS

The property is situated at 2589 Brouse Rd on Bennett Lake. The lot is currently occupied by a cottage and a storage shed at the rear.

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

The property is zoned Seasonal Residential (RS). Relief is sought from Zoning By-law Section 3.29 Water Setback to recognize the existing cottage water setback of 14.3m to allow for reconstruction of the cottage. Relief is sought from the south side and rear yard setbacks to allow the cottage to be rebuilt in its existing location and not to require it to be closer to the water.

The application for the addition can be considered minor in impact as it is proposed no closer to Bennett Lake than the existing cottage. In addition, a Site Plan Control Agreement will maintain the vegetation to mitigate stormwater runoff impacts to the lake.

The proposal is also desirable and appropriate development of the lands in question as it is a permitted use and is located no closer to the lake.

CIRCULATION COMMENTS

Mississippi Valley Conservation Authority (MVCA) – The MVCA has no objection to this application. The MVCA would like to see the following standard language in a Site Plan Control Agreement.

1. There shall be no additional footprint within 30 m of the waterbody, with any additional hardened structures, including porches and decks.
2. With the exception of a maximum clearing of 9m for water access, shoreline vegetation, consisting of native shrubs, shall be planted along the shoreline, to a minimum depth of 3m (measured from the shoreline towards the rear of the lot). This effort will help to mitigate the effects of erosion and surface runoff on the lake.
3. Excavated material shall be disposed of well away from the lake.
4. Regular pick-up of construction debris is also encouraged to prevent construction debris from blowing into the lake.
5. Sediment control measures shall be implemented throughout the construction process (mainly the placement of a sediment barrier such as staked straw bales between exposed soil and the lake). The sediment barrier should remain in place until all disturbed areas have been stabilized and re-vegetated.
6. Natural drainage patterns on the site shall not be substantially altered such that additional runoff is directed towards the lake or onto neighboring properties. In order to achieve this, eaves troughing shall be installed and outlet away from the lake, to a leach pit or well-vegetated area to maximize infiltration.
7. Pursuant to Ontario Regulation 153/06 – “Development, Interference with Wetlands and Alterations to Shorelines and Watercourses”, a permit is required from MVCA for any alteration to the shoreline of the lake.
8. Consultation with Fisheries and Oceans Canada (DFO) <http://www.dfompo.gc.ca/pnw-ppe/index-eng.html> should be sought prior to conducting any work within the lake, in order to assess potential impacts to fish habitat. Authorization from DFO may be required for such work

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

Public – None at the time of the report.

SITE PLAN CONTROL

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

RECOMMENDATION

That the Minor Variance be granted for relief from the requirements of Section 3.29 (Water Setbacks) and Section 5.3.2 (Seasonal Residential) of Zoning By-Law 2002-121, as amended, as follows:

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

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*.

Leeflang 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

Leeflang 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

Leeflang Minor Variance

Hearing Process

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

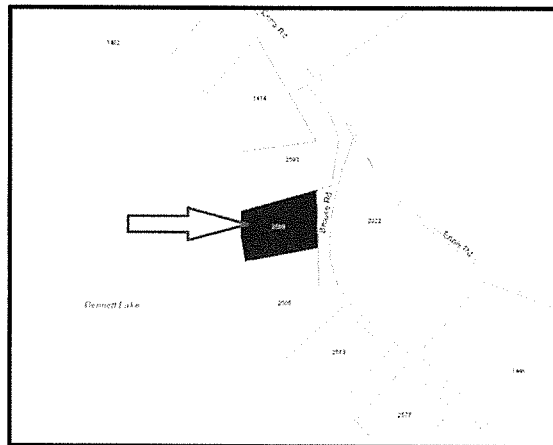
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Leeflang

2589 Brouse Road, Part Lot 10, Concession 10, in the geographic Township of Bathurst



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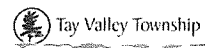
Leeflang - Proposal

The Minor Variance application seeks from Section 3.29 (Water Setbacks) and Section 5.3.2 (Seasonal Residential) of Zoning By-Law 2002-121, as amended, as follows:

- To permit a cottage to be rebuilt at 14.3m from Bennett Lake with a 15m² (161sq ft) addition in size, and
- To reduce the rear yard setback to 6.7m from the required 7.5m and the south side yard setback to 4.3m from 6m, and
- To permit lot coverage of 10.5% instead of 10%.

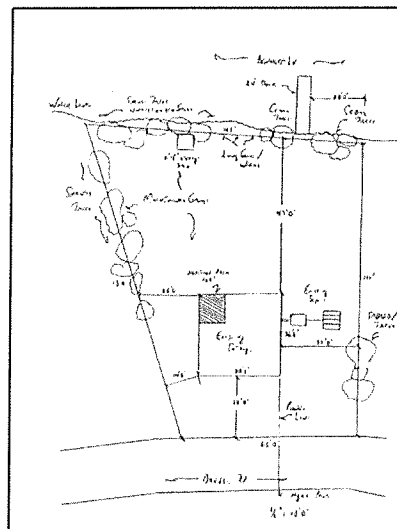
The effect of the variance would be to permit the reconstruction of the cottage (squaring off an existing L shape) at a setback of 14.3m (no closer than the existing cottage water setback). The rear and side yard setback relief reflects the current location of the cottage.

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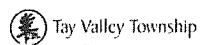


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Leeflang – Site Sketch

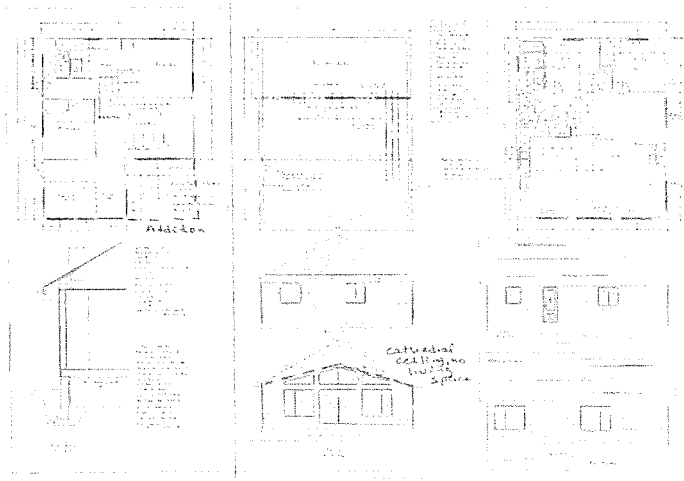


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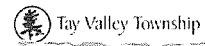


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Leeflang – Building Drawing

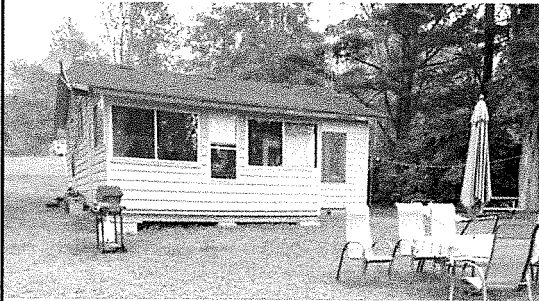


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7

Leeflang – Photos



8

8

Leeflang Comments

Mississippi Valley Conservation Authority (MVCA):

- MVCA has no objection to the application.
- Recommendations for Site Plan Control agreement
 1. No additional footprint within 30m of water, including hardened structures, porches or decks.
 2. Shoreline vegetation planting to a minimum depth of 3 m and a maximum clearing of 9 m for water access.
 3. Excavated material disposed of well away from the lake.
 4. Regular pick-up of construction debris.

9



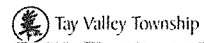
9

Leeflang Comments

Mississippi Valley Conservation Authority (MVCA):

- Recommendations for Site Plan Control agreement (cont.)
 5. Sediment control barriers throughout the construction process.
 6. Eavestroughing shall be installed to direct water away from the lake to a leach pit or well-vegetated area.
 7. Pursuant to Ontario Regulation 153/06 – "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", a permit is required from MVCA for any alteration to the shoreline of the lake.
 8. Consultation with Fisheries and Oceans Canada (DFO) should be sought prior to conducting any work within the lake, in order to assess potential impacts to fish habitat. Authorization from DFO may be required for such work.

10



10

Leeflang Comments

Mississippi Valley Conservation Authority (MVCA):

- MVCA has no objection to the application.
- Recommendations for Site Plan Control agreement
 1. No additional footprint within 30m of water, including hardened structures, porches or decks.
 2. Shoreline vegetation planting to a minimum depth of 3 m and a maximum clearing of 9 m for water access.
 3. Excavated material disposed of well away from the lake.
 4. Regular pick-up of construction debris.

9



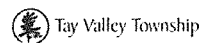
9

Leeflang Comments

Mississippi Valley Conservation Authority (MVCA):

- Recommendations for Site Plan Control agreement (cont.)
 5. Sediment control barriers throughout the construction process.
 6. Eavestroughing shall be installed to direct water away from the lake to a leach pit or well-vegetated area.
 7. Pursuant to Ontario Regulation 153/06 – "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", a permit is required from MVCA for any alteration to the shoreline of the lake.
 8. Consultation with Fisheries and Oceans Canada (DFO) should be sought prior to conducting any work within the lake, in order to assess potential impacts to fish habitat. Authorization from DFO may be required for such work.

10

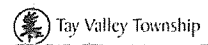


10

Leeflang Zoning By-law

- The subject property is located at 2589 Brouse Road. The 0.10-ha (0.25 acre) lot is a lot of record.
- Relief is sought from Section 3.29 (Water Setback) to recognize the existing cottage water setback of 14.3m to allow for reconstruction of the cottage.
- Zoning By-law relief is sought from the south side and rear yard setbacks to allow the cottage to be rebuilt in its existing location and not to require it to be closer to the water.

13



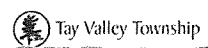
13

Leeflang Official Plan & Zoning Test

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

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

14



14

Leeflang Development & Use Test

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

- The proposal is desirable and appropriate development of the lands in question as it is a permitted use and is located no closer to the lake.

15



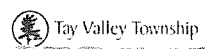
15

Leeflang "Minor" Test

Is it minor in nature and scope?

- The application for the addition can be considered minor in impact as it is proposed no closer to Bennett Lake than the existing cottage.
- In addition, a Site Plan Control Agreement will maintain the vegetation to mitigate stormwater runoff impacts to the lake.

16



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Leeflang 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



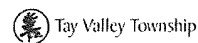
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Leeflang Recommendation

That the Minor Variance be granted for relief from the requirements of Section 3.29 (Water Setbacks) and Section 5.3.2 (Seasonal Residential) of Zoning By-Law 2002-121, as amended, as follows:

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

18



18

Leeflang Resolution

Recommended Decision:

"THAT, in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application MV21-19 is approved, to allow a variance from the requirements of Section 3.29 (Water Setbacks) and Section 5.3.2 (Seasonal Residential) of Zoning By-Law 2002-121, for the lands legally described as 2589 Brouse Road, Part Lot 10, Concession 10, in the geographic Township of Bathurst, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-916-030-13500

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

19



Committee of Adjustment

August 23rd, 2021

Noelle Reeve, Planner

APPLICATION MV21-20

Wojciech Antoszkiewicz
O'Brien Lake Lane 14
Concession 2, Part Lot 12
geographic Township of Bathurst

SUMMARY OF PROPOSAL

Purpose and Effect: To seek relief from Sections 3.29 (Water Setbacks) and Section 5.3 (Residential Limited Services) of Zoning By-Law 2002-121, as amended, as follows:

- Reduce the minimum required water setback for a proposed dwelling on a vacant lot of record to 21m from the wetland/lake along the east lot line
- Reduce the minimum water setback for the proposed septic system to 24m from the wetland/lake along the east lot line
- Reduce the west side yard setback to 1m to maximize the distance of the cabin from the lake.

The effect of the variances would be to permit: construction of a 65m² cabin on a vacant lot of record 1m from the west side yard (instead of the required 6m) to allow the maximum water setback for the proposed dwelling from O'Brien Lake; construction of a dwelling at 21 m from the lake along the east lot line (instead of the required 30m water setback); and the septic system to be located 24m from the lake along the east lot line (instead of the required 30m water setback). The 30 m water setback from O'Brien Lake at the south end of the lot will be met for both the proposed dwelling and proposed septic system.

REVIEW COMMENTS

The property is situated at O'Brien Lake Lane 14 on O'Brien Lake. The lot currently contains a small cabin.

The Township planner and RVCA planner previously met the landowner on site. It was acknowledged that there are constraints to developing this lot (rock outcrops, narrow width of the lot, etc.) and solutions were discussed. An Environmental Impact Study (EIS) was requested due to the proximity to a wetland.

Section 2.24.1.a requires a minimum setback of 30m from the high-water mark of any water body for new development. However, given the subject lot has a waterbody surrounding it on two sides, reduction in the water setback could be accepted from the location of the wetland along the east lot line based on the findings of the EIS.

The application for the dwelling and septic can be considered minor in impact as no encroachment into the 30m setback from O'Brien Lake along the south shoreline will occur and the setbacks from the wetland have been maximized.

In addition, the Site Plan Control Agreement will include the recommendations of the EIS concerning windows of construction to avoid turtles or breeding birds and will require retention of vegetation to mitigate stormwater runoff impacts.

The proposal is also desirable and appropriate development of the lands in question as it is a permitted use and largely meets the water setback requirements.

CIRCULATION COMMENTS

Rideau Valley Conservation Authority – The RVCA does not object to the application in recognition of the multiple constraints on the site. The RVCA recommended standard conditions for the Site Plan Control Agreement as well as:

- 1) An enhanced site plan drawing is required showing the exact location of all structures (cabin, sewage system, other structures) to be constructed along with the location of the access road to the proposed cabin on the subject property within an area of the site where the said structures can be sited without the need for the removal of existing vegetation (tree/shrub/ground cover). If this cannot be achieved, then the next best option is to locate the said structures within an area that does not require the removal of the larger diameter trees noted in the EIS.
- 2) A “no development, no disturbance, no touch” zone around all structures identified on the enhanced site plan, extending to the perimeter of the site. Practically speaking, RVCA File No. 21-TAY-MVA-0081 10 August 2021 Page 4 of 4 this means that no further site alteration (i.e., changes to existing grades and any disturbance to ground, shrub and tree cover) is to occur beyond all identified structures shown on the site plan to the front, rear, and side yard lot lines. This includes any desired extension of the “manicured lawn” noted in the EIS (on p.4) along with any anticipated shoreline disturbance.
- 3) A sediment and erosion control plan is to be prepared by a qualified professional and measures such as sediment/silt control fencing installed prior to the construction phase of development.
- 4) Protective fencing is to be installed around the drip line of all trees to be exposed to construction activity. The author of the EIS (or someone else capable of doing this) should be retained.

Mississippi-Rideau Septic System Office (MRSSO) – A septic application has been submitted to the MRSSO.

Public – None at the time of the report.

SITE PLAN CONTROL

Suggestions for a Site Plan Control Agreement have been provided by the RVCA based on the Environmental Impact Study undertaken.

RECOMMENDATION

That the Minor Variance be granted for relief from the requirements of Section 3.29 (Water Setbacks) and Section 5.3 (Residential Limited Services) of Zoning By-Law 2002-121, as amended, as follows:

- Reduce the minimum required water setback for a proposed dwelling on a vacant lot of record to 21m from the wetland/lake along the east lot line
- Reduce the minimum water setback for the proposed septic system to 24m from the wetland/lake along the east lot line
- Reduce the west side yard setback to 1m to maximize the distance of the cabin from the lake.

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*.

Antoszkiewicz Minor Variance

Public Notice

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

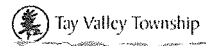
Ontario Land Tribunal

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

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

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

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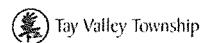
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Antoszkiewicz Minor Variance

Decision Process

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

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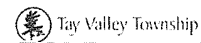
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Antoszkiewicz Minor Variance

Hearing Process

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

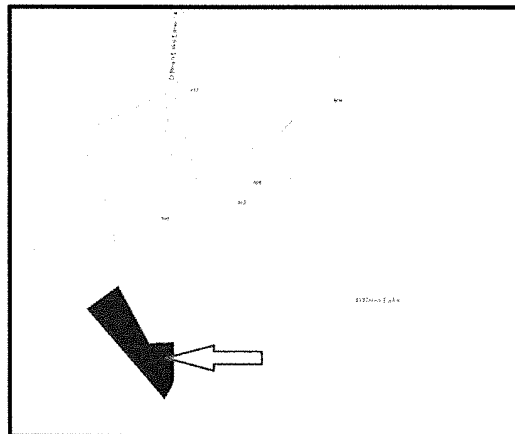
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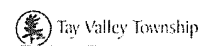
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Antoszkiewicz

O'Brien Lake Lane 14, Part Lot 12, Concession 2, in the geographic Township of South Sherbrooke



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Antoszkiewicz - Proposal

The Minor Variance application seeks relief from Section 3.29 (Water Setbacks) and Section 5.3 (Residential Limited Services) of Zoning By-Law 2002-121, as amended, as follows:

- To reduce the minimum required water setback for a proposed dwelling on a vacant lot of record to 21m from the wetland/lake along the east lot line
- To reduce the minimum water setback for the proposed septic system to 24m from the wetland/lake along the east lot line
- To reduce the west side yard setback to 1m to maximize the distance of the cabin from the lake.

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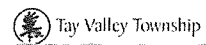
Antoszkiewicz - Proposal

The effect of the variances would be to permit:

- construction of a 65m² cabin on a vacant lot of record 1m from the west side yard (instead of the required 6m) to allow the maximum water setback for the proposed dwelling from O'Brien Lake;
- construction of a dwelling at 21 m from the lake along the east lot line (instead of the required 30m water setback);
- and the septic system to be located 24m from the lake along the east lot line (instead of the required 30m water setback).

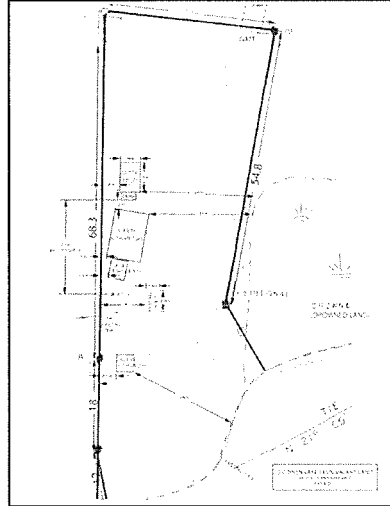
The 30 m water setback from O'Brien Lake at the south end of the lot will be met for both the proposed dwelling and proposed septic system.

6

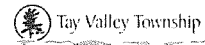


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Antoszkiewicz – Site Sketch



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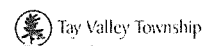
7

Antoszkiewicz Comments

Rideau Valley Conservation Authority (RVCA):

- RVCA has no objection to the application.
- Recommendations for Site Plan Control agreement
 1. An enhanced site plan drawing with exact location of structures and access road to cabin, avoiding removal of existing vegetation.
 2. A "no development, no disturbance, no touch" zone around all structures identified on the enhanced site plan, extending to the perimeter of the site, as outlined in RVCA File No. 21-TAY-MVA-0081. No further site alteration (i.e., changes to existing grades and any disturbance to ground, shrub and tree cover) is to occur beyond all identified structures shown on the site plan to the front, rear, and side yard lot lines.

8



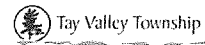
8

Antoszkiewicz Comments

Rideau Valley Conservation Authority (RVCA):

- Recommendations for Site Plan Control agreement
 3. A sediment and erosion control plan is to be prepared by a qualified professional and measures such as sediment/silt control fencing installed prior to the construction phase of development.
 4. Protective fencing is to be installed around the drip line of all trees to be exposed to construction activity.

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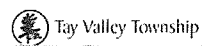


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Antoszkiewicz - Comments **MRSSO:**

- A septic application has been submitted to the MRSSO.

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Antoszkiewicz Official Plan

- The Official Plan designation for the lot is Rural and residential uses are permitted.

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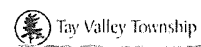


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Antoszkiewicz Zoning By-law

- The subject property is located at O'Brien Lake Lane 14. The 0.25-ha (0.62 acre) lot is a lot of record.
- Relief is sought from Sections 3.29 (Water Setbacks) and Section 5.3 (Residential Limited Services)
 - To reduce the minimum required water setback for a proposed dwelling on a vacant lot of record to 21m from the wetland/lake along the east lot line
 - To reduce the minimum water setback for the proposed septic system to 24m from the wetland/lake along the east lot line
 - To reduce the west side yard setback to 1m to maximize the distance of the cabin from the lake.

12



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Antoszkiewicz Official Plan & Zoning Test

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

- The subject land is designated Rural in the Official Plan.
- Section 2.24.1.a of the Official Plan requires a minimum setback of 30m from the high-water mark of any water body for new development.
- However, given the subject lot has a waterbody surrounding it on two sides, reduction in the water setback could be accepted from the location of the wetland along the east lot line based on the findings of the Environmental Impact Study (EIS).

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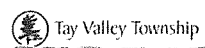
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Antoszkiewicz Development & Use Test

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

- The proposal is desirable and appropriate development of the lands in question as it is a permitted use and largely meets the water setback requirements.

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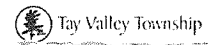
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Antoszkiewicz "Minor" Test

Is it minor in nature and scope?

- The application for the dwelling and septic can be considered minor in impact as no encroachment into the 30m setback from O'Brien Lake along the south shoreline will occur and the setbacks from the wetland have been maximized.

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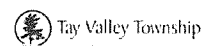


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Antoszkiewicz Public Comments

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

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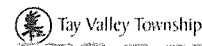
Antoszkiewicz Recommendation

That the minor variance be granted for relief from the requirements of Section 3.29 (Water Setbacks) and Section 5.3 (Residential Limited Services) of Zoning By-Law 2002-121, as amended, as follows:

- Reduce the minimum required water setback for a proposed dwelling on a vacant lot of record to 21m from the wetland/lake along the east lot line
- Reduce the minimum water setback for the proposed septic system to 24m from the wetland/lake along the east lot line
- Reduce the west side yard setback to 1m to maximize the distance of the cabin from the lake.

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*.

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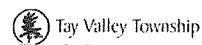
Antoszkiewicz Resolution

Recommended Decision:

"THAT, in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application MV21-20 is approved, to allow a variance from the requirements of Section 3.29 (Water Setbacks) and Section 5.3 (Residential Limited Services) of Zoning By-Law 2002-121, for the lands legally described as O'Brien Lake Lane 14, Part Lot 12, Concession 2, in the geographic Township of South Sherbrooke, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-914-020-05200

- *To reduce the minimum required water setback for a proposed dwelling on a vacant lot of record to 21m from the wetland/lake along the east lot line*
- *To reduce the minimum water setback for the proposed septic system to 24m from the wetland/lake along the east lot line*
- *To reduce the west side yard setback to 1m to maximize the distance of the cabin from the lake."*

18



18

Committee of Adjustment

August 23rd, 2021

Noelle Reeve, Planner

APPLICATION MV21-21

Brett O'Grady and Becky O'Grady
286 Winton Lane
Concession 5, Part Lot 2
geographic Township of North Burgess

SUMMARY OF PROPOSAL

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

- To permit a water setback encroachment of 1m for a proposed deck on a dwelling set back 15.6m from Adam Lake.

The effect of the variance would be to permit a 28m² (300 sq ft) deck to be constructed at a width of 3m rather than the 2m permitted at the water setback of the dwelling.

REVIEW COMMENTS

The property is situated at 286 Winton Lane on Adam Lake and has operated as rental cabin establishment since the 1940s. The lot currently contains a dwelling, workshop and a rental cabin. The adjacent property contains 4 additional rental cabins.

The property is designated Provincially Significant Wetland (PSW) Buffer and Abandoned Mine Buffer in the Official Plan. However, the PSW is more than 81m from the proposed deck and there is a rental cabin located between the dwelling and the PSW so an Environmental Impact Assessment was not required.

A minor variance was granted in 1989 for setback of the rental cabins from water and side yards as part of the severance of a larger property into the two adjacent lots that exist today. That minor variance does not affect the current application.

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

The property is zoned Tourist Commercial and is located on a private road.

The application can be considered minor in impact. The location of the dwelling at 15.6m from the lake permits a deck 28m² in size and 2m in width. The area of the proposed deck is in compliance with the Zoning by-law. The variance is sought for a width of 3m to allow a

table and chairs to fit on the deck. The house was constructed to have a deck off the second floor but one was never built, so the existing exit door on the second floor cannot be used. No new impervious surface would be created as there are already paving stones on the first floor below where the deck is proposed.

The proposal is also desirable for the appropriate development of the lands in question as only a small portion of the proposed deck extends into the water setback encroachment permitted by the Zoning By-law

CIRCULATION COMMENTS

Rideau Valley Conservation Authority (RVCA) – Does not support the application. The addition of a new structure at the rear of the house and proposed enlargement of an existing deck at the front of the house may be considered further cumulative developments with potential negative impacts. In RVCA's view restricting encroachment to that which is provided for in the by-law is required to limit negative impacts and protect water quality in Adam Lake.

A permit is required from RVCA for construction because the area is located within the buffer of a Provincially Significant Wetland.

Mississippi-Rideau Septic System Office (MRSSO) – MRSSO stated no objection to the application.

Public – None at the time of the report.

SITE PLAN CONTROL

A Site Plan Control Agreement should incorporate the recommendations of the RVCA.

RECOMMENDATION

That the Minor Variance be granted for relief from the requirements of Section 3.30 (Water Setback Encroachment) to permit a water setback encroachment of 1m for a proposed deck on a dwelling set back 15.6m from Adam Lake 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.

O'Grady Minor Variance

Public Notice

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

Ontario Land Tribunal

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

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

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

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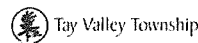
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O'Grady Minor Variance

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

O'Grady Minor Variance

Hearing Process

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

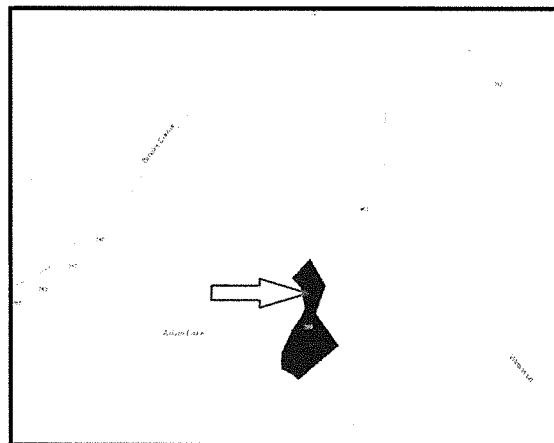
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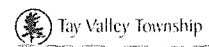
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O'Grady

286 Winton Lane, Part Lot 2, Concession 5, in the geographic Township of North Burgess



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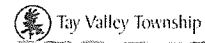
O'Grady - Proposal

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

- To permit a water setback encroachment of 1m for a proposed deck on a dwelling set back 15.6m from Adam Lake.

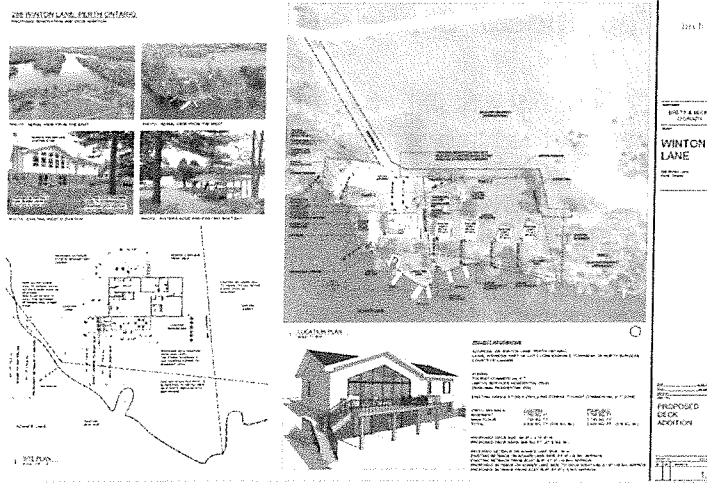
The effect of the variance would be to permit a 28m² (300 sq ft) deck to be constructed at a width of 3m rather than the 2m permitted at the water setback of the dwelling.

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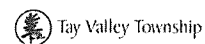


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O'Grady – Site Plan Drawing



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O'Grady Comments

Rideau Valley Conservation Authority (RVCA):

- The addition of a new structure at the rear of the house and proposed enlargement of an existing deck at the front of the house may be considered further cumulative developments with potential negative impacts. In our view restricting encroachment to that which is provided for in the by-law is required to limit negative impacts and protect water quality in Adam Lake.
- A permit is required from RVCA for construction because the area is located within the buffer of a Provincially Significant Wetland.

7



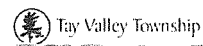
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O'Grady - Comments

Mississippi Rideau Septic System Office (MRSSO):

- MRSSO were not circulated as no new construction is proposed for the Minor Variance. MRSSO will require a Part 10/11 review as an additional bedroom and bathroom are proposed as internal renovations.

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O'Grady Site Plan Control

- A Site Plan Control Agreement should incorporate the recommendations of the Rideau Valley Conservation Authority (RVCA).

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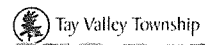


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O'Grady Official Plan

- The property is designated Provincially Significant Wetland (PSW) Buffer and Abandoned Mine Buffer in the Official Plan. However, the PSW is more than 81m from the proposed deck and there is a rental cabin located between the dwelling and the PSW so an Environmental Impact Assessment was not required.

10



10

O'Grady Zoning By-law

- The subject property is located at 286 Winton Lane. The 0.25-ha (0.62 acre) lot is a lot of record.
- The property is zoned Tourist Commercial and is located on a private road.
- Relief is sought from Section 3.30 (Yard and Water Setback Encroachment) to permit a water setback encroachment of 1m for a proposed deck on a dwelling set back 15.6m from Adam Lake.

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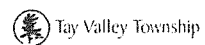
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O'Grady Official Plan & Zoning Test

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

- The property is designated Provincially Significant Wetland (PSW) Buffer and Abandoned Mine Buffer in the Official Plan.
- Official Plan Section 2.24.1.a requires a minimum setback of 30m from the high-water mark of any water body for new development.
- However, Section 2.24.1(a) permits development at a less than 30m setback when existing development precludes the reasonable possibility of achieving the setback.

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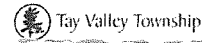
12

O'Grady 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 only a small portion of the proposed deck extends into the water setback encroachment permitted by the Zoning By-law.

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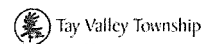
13

O'Grady "Minor" Test

Is it minor in nature and scope?

- The application can be considered minor in impact. The location of the dwelling at 15.6m from the lake permits a deck 28m² in size and 2m in width. The area of the proposed deck is in compliance with the Zoning by-law.
- The variance is sought for a width of 3m to allow a table and chairs to fit on the deck. The house was constructed to have a deck off the second floor but one was never built, so the existing exit door on the second floor cannot be used.
- No new impervious surface would be created as there are already paving stones on the first floor below where the deck is proposed.

14



14

O'Grady 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

O'Grady Recommendation

That the Minor Variance be granted for relief from the requirements of Section 3.30 (Water Setback Encroachment) to permit a water setback encroachment of 1m for a proposed deck on a dwelling set back 15.6m from Adam Lake 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.

16



16

O'Grady Resolution

Recommended Decision:

"THAT, in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application MV21-21 is approved, to allow a variance from the requirements of Section 3.30 (Water Setback Encroachment) of Zoning By-Law 2002-121, for the lands legally described as 286 Winton Lane, Part Lot 2, Concession 5, in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-025-04500 to permit a water setback encroachment of 1m for a proposed deck."

Committee of Adjustment

August 23rd, 2021

Noelle Reeve, Planner

APPLICATION MV21-22

Patrick Brooks and Allison Brooks
460 Christie Lake North Shore Road
Concession 3, Part N/E Lot 3
geographic Township of North Burgess

SUMMARY OF PROPOSAL

Purpose and Effect: To seek relief, as a condition of severance, from Section 10.1.2 (Rural Zone) of Zoning By-Law 2002-121, as amended, as follows:

- Reduction in the minimum required lot frontage from 60m to 59.2m.

The effect of the variance would fulfill Notice of Decision requirements for consent application B20/137. The consent granted permission for a lot with 59.2m frontage in the Rural Zone subject to a minor variance being granted to recognize the undersized lot frontage.

REVIEW COMMENTS

The subject property is located at 460 Christie Lake Rd. The lot has received conditional approval from the Land Division Committee to be severed.

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

The property is zoned Rural. Lot frontage for this zone is 60m which is why a variance is required as the proposed lot is slightly smaller at 59.2m. Normally if the 60m requirement cannot be met then the severance does not proceed. However, in this case there is the ability to meet the 60 m width but because of a previous severance, the proposed lot would have been created with a 0.8m leg extending around the previous lot.

This would not have been good planning as it could lead to neighbour disputes in the future.

The application can be considered minor in impact. The proposed lot will be 1.3% undersized. 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

CIRCULATION COMMENTS

Rideau Valley Conservation Authority – The RVCA was circulated on the application during the consent process and had no objection.

Mississippi-Rideau Septic System Office (MRSSO) – The MRSSO was circulated on the application during the consent process and had no objection.

Public – None at the time of the report.

SITE PLAN CONTROL

A Development Agreement has already been created for this property based on an Environmental Impact Study undertaken for the severance.

RECOMMENDATION

That the Minor Variance be granted for relief from the requirements of Section 10.1.2 (Rural Zone) for a reduction in the minimum required lot frontage from 60m to 59.2m for application B20/137 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*.

Brooks Minor Variance

Public Notice

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

Ontario Land Tribunal

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

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

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

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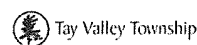
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Brooks Minor Variance

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

Brooks Minor Variance

Hearing Process

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

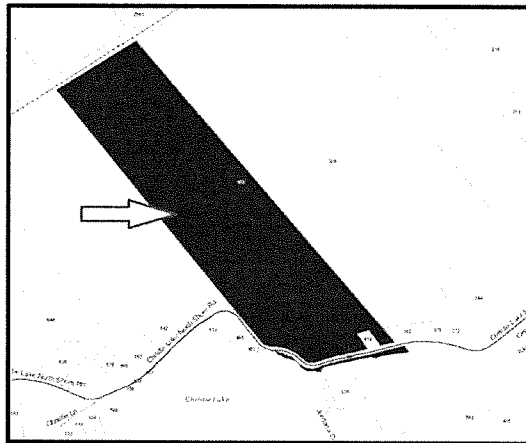
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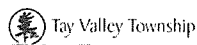
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Brooks

*460 Christie Lake Lane North Shore Road, Part N/E Lot 3,
Concession 3, in the geographic Township of Bathurst*



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4

Brooks - Proposal

The Minor Variance application seeks relief from from Section 10.1.2 (Rural Zone) of Zoning By-Law 2002-121, as amended, as follows:

- Reduction in the minimum required lot frontage from 60m to 59.2m.

The effect of the variance would fulfill Notice of Decision requirements for consent application B20/137. The consent granted permission for a lot with 59.2m frontage in the Rural Zone subject to a minor variance being granted to recognize the undersized lot frontage.

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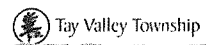
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Brooks Comments

Rideau Valley Conservation Authority (RVCA):

- The RVCA was circulated on the application during the consent process and had no objection.

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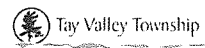
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Brooks - Comments

Mississippi Rideau Septic System Office (MRSSO):

- The MRSSO was circulated on the application during the consent process and had no objection.

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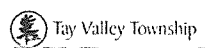


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Brooks Site Plan Control

- A Development Agreement has already been created for this property based on an Environmental Impact Study undertaken for the severance.

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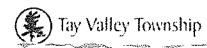
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Brooks - Comments

Mississippi Rideau Septic System Office (MRSSO):

- The MRSSO was circulated on the application during the consent process and had no objection.

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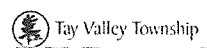


7

Brooks Site Plan Control

- A Development Agreement has already been created for this property based on an Environmental Impact Study undertaken for the severance.

8



8

Brooks Official Plan & Zoning Test

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

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

11



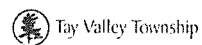
11

Brooks 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.

12



12

Brooks "Minor" Test

Is it minor in nature and scope?

- The application can be considered minor in impact. The proposed lot will be 1.3% undersized.
- There are no anticipated negative impacts on the neighbouring properties.

13

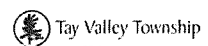


13

Brooks 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.

14

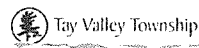


14

Brooks Recommendation

That the Minor Variance be granted for relief from the requirements of Section 10.1.2 (Rural Zone) for a reduction in the minimum required lot frontage from 60m to 59.2m for application B20/137 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.

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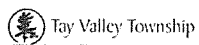
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Brooks Resolution

Recommended Decision:

"THAT, in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application MV21-22 is approved, to allow a variance from the requirements of Section 10.11.2 (Rural Zone) of Zoning By-Law 2002-121, for the lands legally described as 460 Christie Lake North Shore Road, Part N/E Lot 3, Concession 3, in the geographic Township of Bathurst, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-916-010-14900 to permit a reduction in the minimum required lot frontage from 60m to 59.2m."

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Committee of Adjustment

August 23rd, 2021

Noelle Reeve, Planner

APPLICATION MV21-16

Ted Howe

867 Pike Lake Route 1E

Concession 8, Part Lot 19

geographic Township of North Burgess

SUMMARY OF PROPOSAL

Purpose and Effect: To seek relief from Section 3.1.10.2 (Accessory Uses) of Zoning By-Law 2002-121, as amended, as follows:

- To permit an accessory use (sleeping cabin) to be set back 16 m (52.4 ft) from Pike Lake and 15.5m (51 ft) m from a wetland at the rear, rather than the 30m (100 ft) required.

The effect of the variance would be to allow a sleeping cabin to be set back from Pike Lake at a greater distance than the cottage and a lesser distance from the wetland than the cottage and in neither case would the water setback meet the 30m water setback required.

REVIEW COMMENTS

The property is situated at 867 Pike Lake Route 1E. The lot is currently occupied by a cottage (51.8m², 558 sq ft), a storage shed (7.4m², 80 sq ft) and sleeping cabin (bunkie) that is 10m² (108 sq ft footprint) and two storeys high.

The cottage is setback 7.3m (24 ft) from the lake and the shed is set back 8.8m (29 ft).

While the application indicates the bunkie is set back 16m from the lake, that measurement is likely a result of running the tape measure along the slope rather than measuring straight out from the slope. The RVCA Planner and Tay Valley Planner measured the distance as 10.6m (35 ft) from the lake.

Section 3.1.10.2 (Accessory Uses) allows one sleeping cabin one storey in height provided that the maximum area including decks is 25m² (269 sq ft) and no kitchen or washroom. In addition the sleeping cabin must be set back 30m or the setback of the existing dwelling, whichever is greater.

The sleeping cabin is 20m² (216 sq ft) with a 6.5m² (70 sq ft) deck for a total of 26.5m² (285 sq ft). The deck would need to be reduced in size to meet the 25m² requirement. The applicant has removed the plumbing from the washroom that was in the sleeping cabin.

There is no possibility for the sleeping cabin to meet the 30m setback from water as the property has Pike Lake on one side and a wetland behind it.

The Provincial Policy Statement sections that apply to this application address protection of water quality (Section 2.2) and protection from steep slopes (Section 3.1). Maintaining vegetation along the slope and shore can help to protect the lake water quality. However, the RVCA has indicated the slope is greater than 30% so a slope stability analysis is required.

The Official Plan Section 2.24.1.2 does allow construction to occur closer to water than the 30m setback where an existing lot of record precludes the possibility of achieving the setback. In this case the configuration of the narrow lot with water on both sides precludes the water setback being met.

If the applicant had submitted a building permit application before construction, the Planner would have consulted with the RVCA as to which body of water (the lake or wetland) should receive greater protection and the bunkie would have been sited accordingly. The Planner asked the applicant about the feasibility of lifting the sleeping cabin to move it back but that did not seem feasible.

In such a case mitigation would be required, e.g., planting of vegetation to reduce runoff to the bodies of water.

While the sleep cabin is two stories instead of one, there are no neighbours nearby to be affected by the height and the height has not generated complaints to the Township. Having a smaller area in terms of footprint reduces the impact from the construction.

While the sleep cabin can be considered appropriate and desirable in its use and construction, it is premature to say if it is minor until a slope stability study is undertaken.

CIRCULATION COMMENTS

Rideau Valley Conservation Authority – The RVCA objects to the application. RVCA recommends the application be deferred until a geo-technical analysis of the steep slope can be provided to the Committee.

Mississippi-Rideau Septic System Office (MRSSO) – Not circulated as the plumbing has been removed from the building.

Public – None at the time of the report.

SITE PLAN CONTROL

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

RECOMMENDATION

That the Minor Variance be deferred until a slope stability analysis can be provided by a geotechnical engineer.

Howe Minor Variance

Public Notice

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

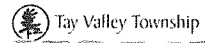
Ontario Land Tribunal

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

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

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

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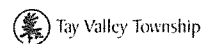
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Howe Minor Variance

Decision Process

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

2



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Howe Minor Variance

Hearing Process

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

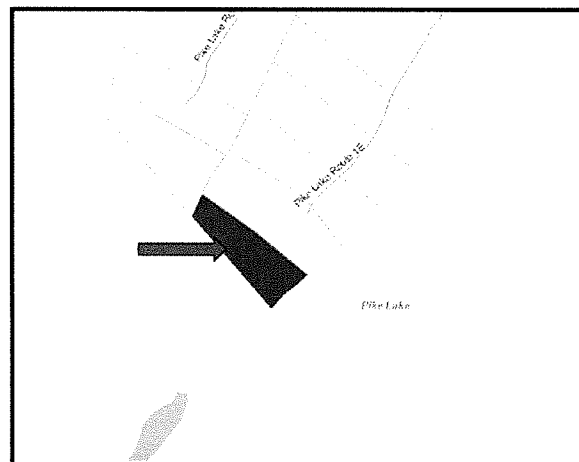
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Howe

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



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Howe - Proposal

The Minor Variance application seeks relief from Section 3.1.10.2 (Accessory Uses) of Zoning By-Law 2002-121, as amended, as follows:

- To permit an accessory use (sleeping cabin) to be set back 10.6 m (52.4 ft) from Pike Lake and 15.5m (51 ft) m from a wetland at the rear, rather than the 30m (100 ft) required.

The effect of the variance would be to allow a sleeping cabin to be set back from Pike Lake at a greater distance than the cottage and a lesser distance from the wetland than the cottage and in neither case would the water setback meet the 30m water setback required.

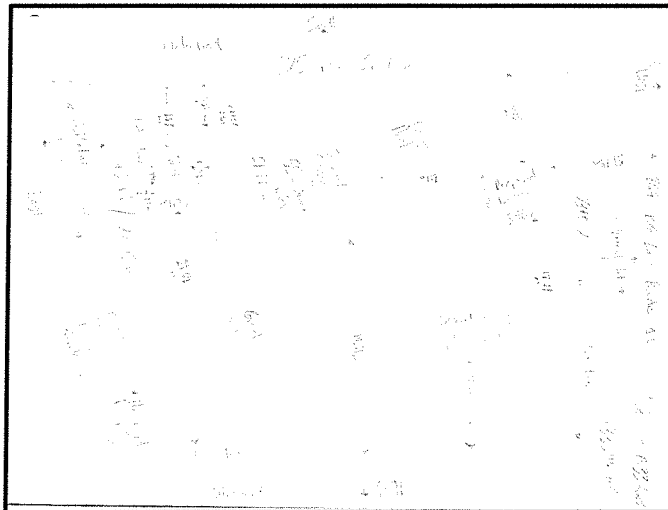
Following an assessment by a slope stability engineer and a discussion with the applicant to reduce the size of the deck to a landing, the request may be considered minor in nature.

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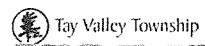


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Howe – Site Sketch



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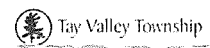


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Howe – Photos

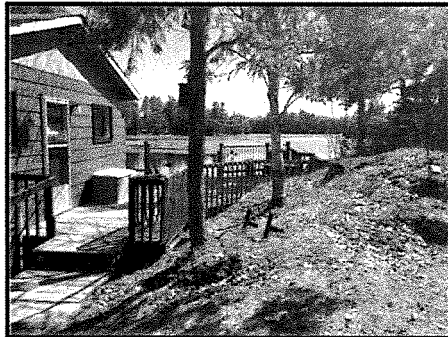


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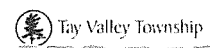


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Howe – Photos



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Howe – RVCA Mapping



9

Tay Valley Township

9

Howe Comments

Rideau Valley Conservation Authority (RVCA):

- The RVCA objects to the application. While RVCA recognizes that it is difficult to meet the 30 m water setback as there is water at the front and rear of the lot, they object to the violation of the height restriction of the Zoning By-law for bunkies and plumbing (since removed) and deck (to be reduced to a landing).
- RVCA accepts the recommendations of the geo-technical analysis of the steep slope provided by Cambium Engineers.

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Tay Valley Township

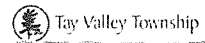
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Howe - Comments

MRSSO:

- MRSSO was not circulated as the plumbing has been removed from the sleep cabin.

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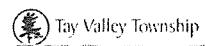


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Howe Official Plan

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

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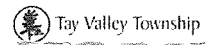


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Howe Zoning By-law

- The subject property is located at 867 Pike Lake Route 1E. The 0.13-ha lot is a lot of record.
- Relief is sought from Section 3.1.10.2 (Accessory Uses).
- Zoning By-law relief is sought to permit an accessory use (sleeping cabin) to be set back 16 m (52.4 ft) from Pike Lake and 15.5m (51 ft) m from a wetland at the rear, rather than the 30m (100 ft) required

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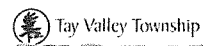
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Howe Official Plan & Zoning Test

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

- Section 2.24.1.2 of the Official Plan does allow construction to occur closer to water than the 30m setback where an existing lot of record precludes the possibility of achieving the setback. In this case the configuration of the narrow lot with water on both sides precludes the water setback being met.

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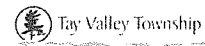
14

Howe Development & Use Test

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

- The sleep cabin can be considered appropriate and desirable in its use and construction. It is allowed to be up to 270 sq ft and only occupies 108 sq ft on the ground as it has two stories.

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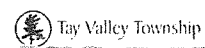
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Howe "Minor" Test

Is it minor in nature and scope?

- Yes the application is minor in impact as a slope stability study determined it would not cause erosion, the applicants have planted native vegetation and intend to plant more, and the deck will be reduced in size to a landing.

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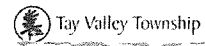


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Howe Public Comments

- Neighbouring property owners and representatives of the Pike Lake Community Association expressed concerns about the construction of the building without a building permit, height of the building setting a precedent, and a lack of environmental protection measures during the construction process.

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Howe Pike Lake Community Association Comments



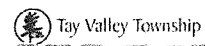
Pike Lake Community Association
www.pikelake.ca

"The Pike Lake Community Association, in its vision statement, "exists to promote and assist in the protection and enhancement of the natural environment". The organization supports the building approval process that includes required permits prior to and during construction, appropriate documentation for setbacks, septic systems and density of land usage."

Naomi Fowlie, President

Pike Lake Community Association

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18

Howe Recommendation

That the Minor Variance be granted for relief from the requirements of Section 3.1.10.2 (Accessory Uses) to permit a reduction in the minimum required water setback for an accessory use structure, from 30m to 10.6m from Pike Lake and from 30m to 15m from a wetland at the rear.

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19

Howe Resolution

Recommended Decision:

"That the Minor Variance be granted for relief from the requirements of Section 3.1.10.2 (Accessory Uses) to permit a reduction in the minimum required water setback for an accessory use structure, from 30m to 10.6m from Pike Lake and from 30m to 16m from a wetland at the rear."

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