



COMMITTEE OF ADJUSTMENT AGENDA

Monday, November 15, 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/521439133>

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 – October 18th, 2021 - *attached, page 6.***

*Suggested Motion by Peter Siemons/Ron Running:
“THAT, the minutes of the Committee of Adjustment meeting held August 23rd, 2021 be approved as circulated.”*

5. INTRODUCTION

- The purpose of this meeting is to hear an application for Minor Variance:
 - **Code**
- The Committee is charged with making a decision on the applications on the agenda. The decision will be based on both oral and written input received and understandings gained. The four key factors on which decisions are based include:
 - Is the application generally in keeping with the intent of the Township’s Official Plan?
 - Is the application generally in keeping with the intent of the Township’s Zoning By-Law?

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

6. APPLICATION

- i) **FILE #: MV21-26 – Code – *attached, page 13.***
 - 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 MV21-26 is approved, to allow a variance from the requirements of Section 5.2.2 (Rear Yard Setback) of Zoning By-Law 2002-121, for the lands legally described 737 Beaver Dam Lane, Part Lot Lot 3, Concession 8 in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-010-25101 to reduce the rear setback of a proposed 49m² footprint, two-storey cottage addition from 7.5 m to 3.8m.”*

7. NEW/OTHER BUSINESS

None.

8. ADJOURNMENT

MINUTES

COMMITTEE OF ADJUSTMENT MINUTES

Monday, October 18th, 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

Applicant/Agents Present: Cassandra Prince, Applicant/Owner
Susan Cook, Applicant/Owner
Nathan Montgomery, Applicant/Agent

Public Present: None

1. CALL TO ORDER

The Chair called the meeting to order at 5:01 p.m.
The Chair conducted Roll Call.
A quorum was present.

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

2. AMENDMENTS/APPROVAL OF AGENDA

The Agenda was adopted as presented.

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

None at this time.

4. APPROVAL OF MINUTES

i) Committee of Adjustment Meeting – August 23rd, 2021.

The minutes of the Committee of Adjustment meeting held on August 23rd, 2021 were approved as circulated.

5. INTRODUCTION

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

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

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

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

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

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

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

MV21-23 – PRINCE and SZTYBEL – 20619 Highway 7, Concession 6, Part Lot 3
geographic Township of Bathurst;

MV21-24 – COOK – 2047 Pike Lake Route 16A, Concession 8, Part Lot 21,
geographic Township of North Burgess;

MV21-25 – SHANNAN – 150 Ennis Road, Concession 10, Part Lot 19, geographic
Township of Bathurst.

6. APPLICATIONS

i) FILE #: MV21-23 – PRINCE and SZTYBEL

a) PLANNER FILE REVIEW

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

b) APPLICANT COMMENTS

The applicant noted that rather than building a new dwelling, they decided to repurpose the existing structure as a more cost-effective and environmentally friendly option. The applicant also expressed thanks for assistance in forwarding their proposal to the Committee.

c) ORAL & WRITTEN SUBMISSIONS

None.

d) DECISION OF COMMITTEE

RESOLUTION #COA-2021-27

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 MV21-23 is approved, to allow a variance from the requirements of Sections 13.19.1 and 3.19.3 (Zone Provisions) of Zoning By-Law 2002-121, for the lands legally described as 20619 Highway 7, E1/2 Lot 3, Concession 6, in the geographic Township of Bathurst, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-916-020-10000:

- To increase the maximum distance separating a second dwelling from a principal dwelling, from 12m to 33.5 m
- To allow a second dwelling to have a separate well and septic system from the principal dwelling.”

ADOPTED

ii) **FILE #: MV21-24 – COOK**

a) **PLANNER FILE REVIEW**

The Planner reviewed the file and PowerPoint in the agenda package and noted that the cottage and garage buildings are situated within a small valley on the property.

b) **APPLICANT COMMENTS**

The applicant commented that their family has owned the property for over 50 years and that they intend to continue to protect the shoreline and the surrounding environment. The applicant also thanked Township Staff and the Committee for their assistance.

c) **ORAL & WRITTEN SUBMISSIONS**

None.

d) **DECISION OF COMMITTEE**

The Committee included the requirement for the owner to enter into a Site Plan Control Agreement, as a condition of approval.

RESOLUTION #COA-2021-28

MOVED BY: Larry Sparks

SECONDED BY: Peter Siemons

“THAT, in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application MV21-24 is approved, to allow a variance from the requirements of Section 3.29 (Water Setbacks) of Zoning By-Law 2002-121, for the lands legally described as 2047 Pike Lake Route 16A, Part Lot 21, Concession 8, in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-015-25800 to reduce the minimum water setback of a proposed 58m² cottage addition, from 30m to 17.5m;

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

ADOPTED

iii) **FILE #: MV21-25 – SHANNAN**

a) **PLANNER FILE REVIEW**

The Planner reviewed the file and PowerPoint in the agenda package and noted that the reduced setbacks are from the west lot line rather than the east. The Planner also reported that the positioning of the existing and proposed buildings is intended to form a courtyard configuration. The applicant also owns the adjacent property and if one of the lots was to be sold, there are no windows that face directly into buildings, across the lot lines.

b) **APPLICANT COMMENTS**

The applicant/agent stated that they had nothing to add but extended thanks to Township Staff and the Committee for their assistance in processing the application in a timely manner.

c) **ORAL & WRITTEN SUBMISSIONS**

None.

d) **DECISION OF COMMITTEE**

The Committee added the requirement for the owner to enter into a Site Plan Control Agreement, as a condition of approval.

RESOLUTION #COA-2021-29

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 MV21-25 is approved, to allow a variance from the requirements of Section 10.1.1 (Rural) Section 3.19.1 and 3.19.3 (Second Dwellings) of Zoning By-Law 2002-121, for the lands legally described as 150 Ennis Road, Part Lot 19, Concession 10, in the geographic Township of North Bathurst, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-916-030-26318:

- To reduce the minimum west side lot line setback from 6m to 1.8m
- To permit a second dwelling to be constructed with a separation distance greater than the 12m permitted
- To allow a second dwelling to have a separate well and septic system from the principal dwelling.

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

ADOPTED

7. NEW/OTHER BUSINESS

None.

8. ADJOURNMENT

The meeting adjourned at 5:34 p.m.

APPLICATIONS

Committee of Adjustment

October 18th, 2021

Noelle Reeve, Planner

APPLICATION MV21-26

Code

737 Beaver Dam Lane, Part Lot 3, Concession 6,
Geographic Township of North Burgess,

SUMMARY OF PROPOSAL

Purpose and Effect: To seek relief from Sections 5.2.2 (Rear Yard setback) of Zoning By-Law 2002-121, as amended, as follows:

To permit the applicant to construct a 49m² (526 sq ft) footprint addition at the rear of the cottage at a rear yard setback of 3.8m..

The effect of the variance would be to permit the construction of an addition at the rear of the cottage that meets the 30m setback from the water and a 3.8m setback from the rear yard (compared to the 7.5m required by the Zoning By-law).

The request may be considered minor in nature.

REVIEW COMMENTS

The property is situated at 737 Beaver Dam Lane on Otty Lake. The lot currently contains a dwelling and a shed.

Section 2.24.1.a requires a minimum setback of 30m from the high-water mark of any water body for new development. This setback is met.

The property is zoned Seasonal Residential and is located on a private road. Section 3.4 of the Zoning By-law does not require rezoning to Residential Limited Services for an existing seasonal dwelling in a Seasonal Residential zone.

The reduction in the rear yard setback can be considered minor as buildings on urban streets can be setback as little as only 1m and deemed safe.

The proposal is also desirable for the appropriate development of the lands in question as the lot coverage and Floor Space Index are met. Neighbours will not be affected by the addition.

The registration of a Site Plan Control Agreement on file would provide for shoreline revegetation, naturalization of the area between the cottage and water, minimal water access, and eavestroughs that drain to the rear of the house, etc. all of which will benefit the lake water quality.

CIRCULATION COMMENTS

Rideau Valley Conservation Authority (RVCA) – RVCA had previously requested a slope stability report. The McIntosh Perry report stated that “no major challenge is expected for Addition A” (at the rear).

The water quality of Otty Lake was noted as good.

RVCA commented that they do not object to the application.

Mississippi-Rideau Septic System Office (MRSSO) – MRSSO stated no objection to the application but will require a Part 10/11 Change of Use/Renovation permit to assess if the septic system has the capacity to handle the addition at the rear.

SITE PLAN CONTROL

The property does not have a Site Plan Control Agreement. Since there is no water nearby the proposed second dwelling, a Site Plan Control Agreement is not required.

RECOMMENDATION

That the Minor Variance be granted for relief from the requirements of Section 5.2.2 (Rear Yard setback) of Zoning By-Law 2002-121, as amended, 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*.

Code 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.

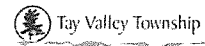
Ontario Land Tribunal

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



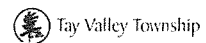
1

Code 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



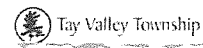
2

Code Minor Variance

Hearing Process

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

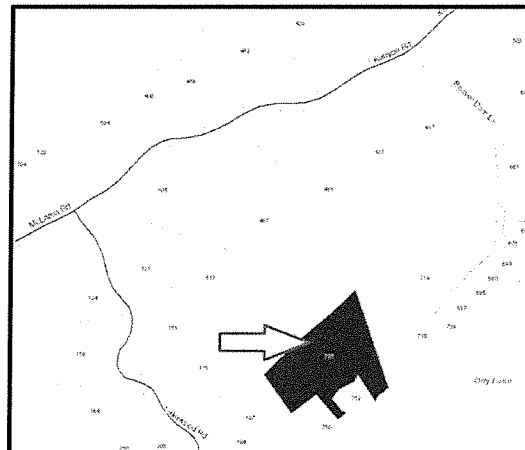
3



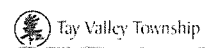
3

Code

737 Beaver Dam Lane, Part Lot 3, Concession 8, in the geographic Township of North Burgess



4



4

Code - Proposal

The Minor Variance application seeks relief from Sections 5.2.2 (Rear Yard setback) of Zoning By-Law 2002-121, as amended, as follows:

- To permit the applicant to construct a 49m² (526 sq ft) footprint, two-storey addition at the rear of the cottage at a rear yard setback of 3.8m.

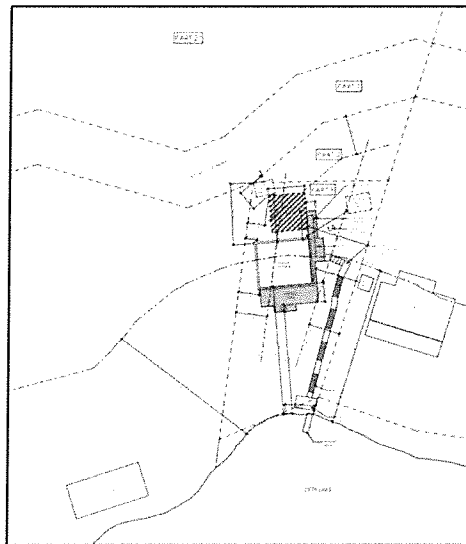
The effect of the variance would be to permit the construction of a two-storey addition at the rear of the cottage that meets the 30m setback from the water and a 3.8m setback from the rear yard (compared to the 7.5m required by the Zoning By-law).

5

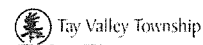


5

Code – Site Sketch



6



6

Code – Building Drawings

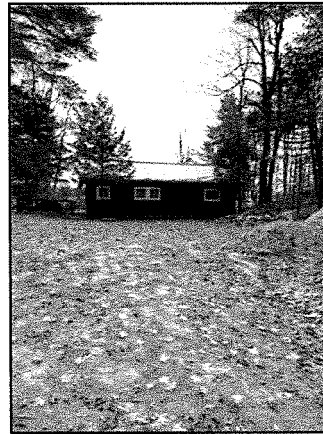
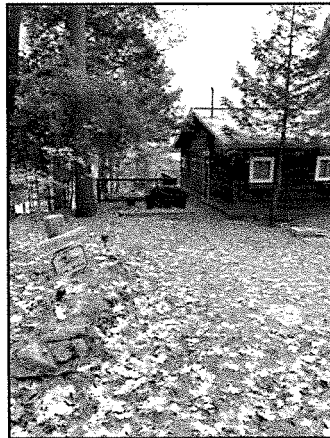


7

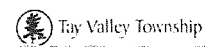


7

Code – Photos



8



8

Code Comments

Rideau Valley Conservation Authority (RVCA):

- RVCA had previously requested a slope stability report. The McIntosh Perry report stated that "no major challenge is expected for Addition A" (at the rear).
- The water quality of Otty Lake was noted as good.
- RVCA commented that they do not object to the application.

9



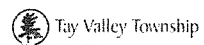
9

Code - Comments

Mississippi Rideau Septic System Office (MRSSO):

- MRSSO stated no objection to the application but will require a Part 10/11 Change of Use/Renovation permit to assess if the septic system has the capacity to handle the addition at the rear.

10



10

Code Site Plan Control

- A Site Plan Control Agreement should incorporate recommendations of the RVCA.
- This would provide for shoreline revegetation, naturalization of the area between the cottage and water, minimal water access, and eavestroughs that drain to the rear of the house, etc. all of which will benefit the lake water quality.

11

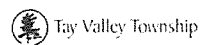


11

Code Official Plan

- The Official Plan designation is Rural, and residential uses are permitted.

12

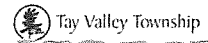


12

Code Zoning By-law

- The property is zoned Seasonal Residential (RS) and is located on a private road.
- Section 2.24.1.a of the Zoning By-law requires a minimum setback of 30m from the high-water mark of any water body for new development. This setback is met.
- Section 3.4 of the Zoning By-law does not require rezoning to Residential Limited Services for an existing seasonal dwelling in a Seasonal Residential zone.

13



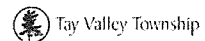
13

Code 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.

14



14

Code Development & Use Test

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

- The proposal is desirable for the appropriate development of the lands in question as the lot coverage and Floor Space Index are met.
- Neighbours will not be affected by the addition.

15



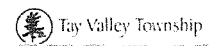
15

Code "Minor" Test

Is it minor in nature and scope?

- The reduction in the rear yard setback can be considered minor as buildings on urban streets can be setback as little as only 1m and deemed safe.

16

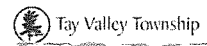


16

Code Public Comments

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

17

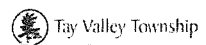


17

Code Recommendation

That the Minor Variance be granted for relief from the requirements of Section 5.2.2 (Rear Yard setback) of Zoning By-Law 2002-121, as amended, 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

Code 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 MV21-26 is approved, to allow a variance from the requirements of Section 5.22 (Rear Yard Setback) of Zoning By-Law 2002-121, for the lands legally described as 737 Beaver Dam Lane, Part Lot 3, Concession 8, in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-010-25101 to reduce the rear setback of a proposed 49m², two-storey cottage addition from 7.5 m to 3.8m."