



## COMMITTEE OF ADJUSTMENT AGENDA

Monday, June 20, 2022 - 5:00 p.m.  
Municipal Office – Council Chambers – 217 Harper Road

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***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 – May 30<sup>th</sup>, 2022 - *attached, page 5.***

*Suggested Motion by Peter Siemons/Ron Running:  
“THAT, the minutes of the Committee of Adjustment meeting held May 30<sup>th</sup>,  
2022 be approved as circulated.”*

**5. INTRODUCTION**

- The purpose of this meeting is to hear applications for Minor Variance:
  - **Kerr**
- 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 [adminassistant@tayvalleytwp.ca](mailto:adminassistant@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 twenty (20) days of the notice of decision.

## 6. APPLICATION

- i) **FILE #: MV22-14 – Kerr – *attached, page 12.***
  - a) PLANNER FILE REVIEW
  - b) APPLICANT COMMENTS
  - c) ORAL & WRITTEN SUBMISSIONS
  - d) DECISION OF COMMITTEE

*Recommended Decision by Ron Running/Peter Siemons:*

***“THAT***, in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application MV22-14 is **approved**, to allow a variance from the requirements of Section 10.1.1 (Permitted Uses) of Zoning By-Law 2002-121, for the lands legally described as 2206 Scotch Line, Concession 1, Part Lot 25, in the geographic Township of Bathurst, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-916-015-

*02999 to permit the construction of an outbuilding prior to the construction of a dwelling;*

***AND THAT***, a lot grading and drainage plan be submitted as part of the building permit application to ensure runoff does not impact the surrounding properties.”

**7. NEW/OTHER BUSINESS**

None.

**8. ADJOURNMENT**

# MINUTES

## COMMITTEE OF ADJUSTMENT MINUTES

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Monday, May 30<sup>th</sup>, 2022

5:00 p.m.

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

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### ATTENDANCE:

**Members Present:** Chair, Larry Sparks  
Peter Siemons

**Members Absent:** Ron Running

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

**Applicant/Agents Present:** Michael Flynn, Owner  
Jessica ter Haar, Owner  
Nathan Jones, Applicant

**Public Present:** None

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### 1. CALL TO ORDER

The Chair called the meeting to order at 5:02 p.m.  
A quorum was present.

### 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 – April 25<sup>th</sup>, 2022.**

The minutes of the Committee of Adjustment meeting held on April 25<sup>th</sup>, 2022, 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:

**MV22-13 – FLYNN – 627 Pike Lake Route 12A**, Concession 8, Part Lot 24, geographic Township of North Burgess

**MV22-15 – ter HAAR – 823 Cohen Way**, Concession 8, Part Lots 14 and 15,  
geographic Township of South Sherbrooke

**MV22-10 – MITCHELL – 289 Christie Lake Lane 21**, Concession 2, Part Lot 21,  
geographic Township of South Sherbrooke

## **6. APPLICATIONS**

### **i) FILE #: MV22-13 – Flynn**

#### **a) PLANNER FILE REVIEW**

The Planner reviewed the file and PowerPoint in the agenda package. The Planner also noted that an overhead electrical wire at the property will have to be relocated, in order to proceed. The Planner also acknowledged that Rideau Valley Conservation Authority had concerns with the stability of the property's slope.

#### **b) APPLICANT COMMENTS**

The applicant confirmed that they will relocate the overhead wire, at their expense. The applicant also agreed to obtain the required geotechnical analysis of the slope.

#### **c) ORAL & WRITTEN SUBMISSIONS**

The representative from Rideau Valley Conservation Authority recommended that a letter of opinion from a geotechnical engineer would be satisfactory, unless it is found that a full assessment is warranted.

#### **d) DECISION OF COMMITTEE**

#### **RESOLUTION #COA-2022-14**

**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 MV22-13 is **approved**, to allow a variance from the requirements of Section 3.29 (Water Setback) and Section 5.2 (Yard setback and lot coverage) of Zoning By-Law 2002-121, for the lands legally described as 627 Pike Lake Route 12A, Concession 8, Part Lot 24 in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-015-37100

- To reduce the minimum required water setback for a proposed cottage addition to 26m (85 ft) from the lake instead of the 30m required.

- To reduce the east side yard setback to 4.6m from the required 6m and to permit lot coverage of 12% rather than the 10% permitted;

**AND THAT**, a Site Plan Control Agreement, including the conditions from a successful steep slope analysis and conditions from the Rideau Valley Conservation Authority, be executed.”

**ADOPTED**

ii) **FILE #: MV22-15 – ter Haar**

a) **PLANNER FILE REVIEW**

The Planner reviewed the file and PowerPoint in the agenda package. The Planner noted that this property is a severable lot, located in a Hamlet. The application will allow the second dwelling to be constructed, prior to the completion of a proposed severance.

b) **APPLICANT COMMENTS**

None.

c) **ORAL & WRITTEN SUBMISSIONS**

None.

d) **DECISION OF COMMITTEE**

**RESOLUTION #COA-2022-15**

**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 MV22-15 is **approved**, to allow a variance from the requirements of Sections 3.19.1 and 3.19.3 (Second Dwelling Zoning provisions) of Zoning By-Law 2002-121, for the lands legally described as 823 Cohen Way, Concession 8, Part Lots 14 and 15, in the geographic Township of South Sherbrooke, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-914-010-26100 to permit the construction of a second dwelling, with a separation from the principal dwelling greater than the maximum 12m (40 ft) permitted and serviced by a separate septic and well (rather than shared systems),

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

**ADOPTED**



iii) **FILE #: MV22-16 – Mitchell**

a) **PLANNER FILE REVIEW**

The Planner reviewed the file and PowerPoint in the agenda package. It was not known if the applicant intends to connect the sleep cabin to electrical service.

b) **APPLICANT COMMENTS**

None.

c) **ORAL & WRITTEN SUBMISSIONS**

There were written questions submitted by a neighbouring property owner, prior to the meeting, which had been answered by the Planner.

d) **DECISION OF COMMITTEE**

The Committee confirmed that a Site Plan Control Agreement will be required.

**RESOLUTION #COA-2022-16**

**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 MV22-16 is **approved**, to allow a variance from the requirements of Section 2 Definitions (Sleep Cabin) of Zoning By-Law 2002-121, for the lands legally described as 289 Christie Lake Lane 21, Concession 2, Part Lot 21, in the geographic Township of South Sherbrooke, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-914-020-35000 to permit a bathroom in the sleep cabin,

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

**ADOPTED**

**7. NEW/OTHER BUSINESS**

None.

**8. ADJOURNMENT**

The meeting adjourned at 5:40 p.m.

# APPLICATIONS

**Committee of Adjustment**

June 20<sup>th</sup>, 2022

**Noelle Reeve, Planner**

**APPLICATION MV22-14**

Kerr

2206 Scotch Line, Concession 1, Part Lot 25,  
Geographic Township of Bathurst

**SUMMARY OF PROPOSAL**

Purpose and Effect: To seek relief from Section (10.1.1) of Zoning By-Law 2002-121, as amended, as follows:

- To permit the construction of an outbuilding prior to the construction of a dwelling.

The effect of the variance would be to permit construction of an outbuilding for storage of vehicles prior to the construction of a dwelling.

**REVIEW COMMENTS**

The property is situated at 2206 Scotch Line which is a vacant 4,087m<sup>2</sup> (1.01 acre) lot.

**Provincial Policy Statement** - Section 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, is met as the proposed outbuilding is a permitted use. It is the timing of construction that requires relief.

Section 2.1 Natural Heritage will be met as the proposed location of the outbuilding is in a largely open field with trees on the west and north boundaries. Section 3.1 Protecting Public Health and Safety – Natural Hazards is satisfied as the Grants Creek floodplain and Provincially Significant Wetland regulated areas are to the north of the property.

**County Sustainable Community Official Plan** - Section 3.3.3.1 Rural Area Land Use Policies Objectives are to: ensure development is consistent with rural service levels; to maintain the distinct character of rural, waterfront and settlement areas; and to ensure that development is compatible with natural heritage. No concerns.

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

**Zoning By-Law** - The property is zoned Rural (RU). Lot coverage for the proposed 651m<sup>2</sup> (7002 sq ft) outbuilding will total 16% which is below the 20% permitted in the Rural zone.

The application can be considered minor in impact as once the house is built, the outbuilding will be permitted as of right. The variance is required because the outbuilding is proposed to be constructed before the dwelling.

The proposal is also desirable and appropriate development of the lands in question as it is a permitted use; it is simply the timing of construction that requires relief.

## **CIRCULATION COMMENTS**

**Rideau Valley Conservation Authority (RVCA)** – Not circulated as there are no waterbodies on the property.

**Mississippi-Rideau Septic System Office (MRSSO)** – Not circulated as no septic system is proposed at this time.

**Public** –The neighbour to the north of the property expressed concern that the subject property could be regraded to provide a base for the outbuilding and then runoff from the subject property could impact her horse paddocks impeding growth of hay and causing the horses to be standing in water at certain times of the year.

Her paddocks already are impacted by improper drainage from the Orchard Crescent subdivision landowners redirecting drainage.

## **RECOMMENDATION**

That the minor variance be granted for relief from the requirements of Section (10.1.1) of Zoning By-Law 2002-121, as amended, as follows:

- To permit the construction of an outbuilding prior to the construction of a dwelling.

because the general intent and purpose of the *Official Plan* and *Zoning By-law* are maintained; further, that the variance is desirable for the appropriate development of the lands and can be considered minor. As such, the application meets the tests of the *Planning Act*.

And that a lot grading and drainage plan be submitted as part of the building permit application to ensure runoff does not impact the surrounding properties.

# Kerr 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.

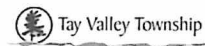
## Ontario Land Tribunal

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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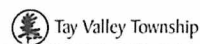
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# Kerr Minor Variance

## 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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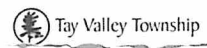
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## Kerr Minor Variance

### 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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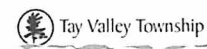
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## Kerr

*2206 Scotch Line, Concession 1, Part Lot 25, geographic Township of Bathurst*



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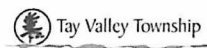
## Kerr - Proposal

The Minor Variance application seeks relief from Section (10.1.1) of Zoning By-Law 2002-121, as amended, as follows:

- To permit the construction of an outbuilding prior to the construction of a dwelling.

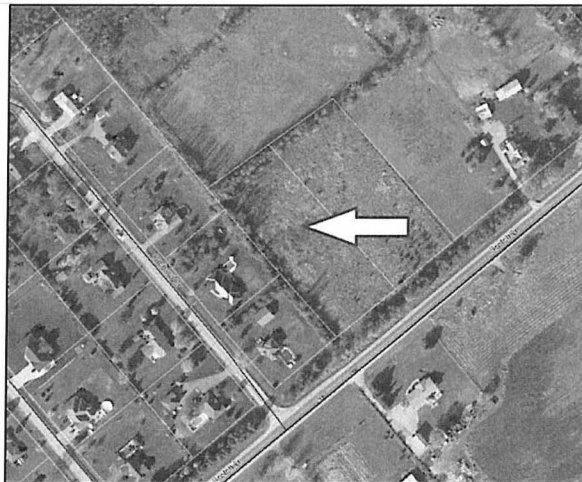
The effect of the variance would be to permit construction of an outbuilding for storage of vehicles prior to the construction of a dwelling.

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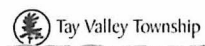


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## Kerr – Aerial Photo



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## Kerr Comments

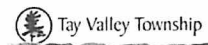
### **Rideau Valley Conservation Authority (RVCA)**

- Not circulated as there are no waterbodies on the property.

### **Mississippi-Rideau Septic System Office (MRSSO)**

- Not circulated as no septic system is proposed at this time.

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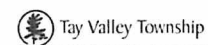


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## Kerr Provincial Policy Statement

- Section 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, is met as the proposed outbuilding is a permitted use. It is the timing of construction that requires relief.
- Section 2.1 Natural Heritage will be met as the proposed location of the outbuilding is in a largely open field with trees on the west and north boundaries. Section 3.1 Protecting Public Health and Safety – Natural Hazards is satisfied as the Grants Creek floodplain and Provincially Significant Wetland regulated areas are to the north of the property.

8



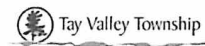
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## Kerr

### County Sustainable Community Official Plan

- No concerns.
- Section 3.3.3.1 Rural Area Land Use Policies  
Objectives are to: ensure development is consistent with rural service levels; to maintain the distinct character of rural, waterfront and settlement areas; and to ensure that development is compatible with natural heritage.

9

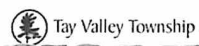


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## Kerr Official Plan

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

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## Kerr Zoning By-law

- The property is zoned Rural (RU).

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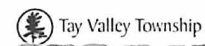
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## Kerr Official Plan & Zoning Test

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

- Lot coverage for the proposed 651m<sup>2</sup> (7,002 sq ft) outbuilding will total 16% which is below the 20% permitted in the Rural zone.

12



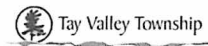
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## Kerr Development & Use Test

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

- The proposal is also desirable and appropriate development of the lands in question as it is a permitted use; it is simply the timing of construction that requires relief.

13



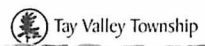
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## Kerr "Minor" Test

*Is it minor in nature and scope?*

- The application can be considered minor in impact as once the house is built, the outbuilding will be permitted as of right. The variance is required because the outbuilding is proposed to be constructed before the dwelling.

14

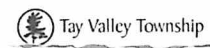


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## Kerr Public Comments

- The neighbour to the north of the property expressed concern that the subject property could be regraded to provide a base for the outbuilding and then runoff could impact their horse paddocks, impeding growth of hay and causing the horses to be standing in water at certain times of the year.
- The neighbour's paddocks are already impacted by improper drainage from the Orchard Crescent subdivision landowners redirecting drainage.

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## Kerr Recommendation

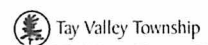
That the minor variance be granted for relief from the requirements of Section (10.1.1) of Zoning By-Law 2002-121, as amended, as follows:

- To permit the construction of an outbuilding prior to the construction of a dwelling.

because the general intent and purpose of the Official Plan and Zoning By-law are maintained; further, that the variance is desirable for the appropriate development of the lands and can be considered minor. As such, the application meets the tests of the Planning Act.

And that a lot grading and drainage plan be submitted as part of the building permit application to ensure runoff does not impact the surrounding properties.

16



16

## Kerr Resolution

*Recommended Decision:*

*"THAT, in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application MV22-14 is approved, to allow a variance from the requirements of Section 10.1.1 (Permitted Uses) of Zoning By-Law 2002-121, for the lands legally described as 2206 Scotch Line, Concession 1, Part Lot 25, in the geographic Township of Bathurst, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-916-015-02999 to permit the construction of an outbuilding prior to the construction of a dwelling;*

*AND THAT, a lot grading and drainage plan be submitted as part of the building permit application to ensure runoff does not impact the surrounding properties."*