



COMMITTEE OF ADJUSTMENT AGENDA

Monday, August 22, 2022 - 5:00 p.m.
Municipal Office – Council Chambers – 217 Harper Road

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 20th, 2022 - *attached, page 7.***

*Suggested Motion by Peter Siemons/Ron Running:
“THAT, the minutes of the Committee of Adjustment meeting held June 20th,
2022 be approved as circulated.”*

5. INTRODUCTION

- The purpose of this meeting is to hear applications for Minor Variance:
 - Lindale
 - Lelievre and Hall
 - Todd
 - Williams
 - Akehurst
- 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. 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 #: MV22-18 – Lindale – *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 MV22-18 is **approved**, to allow a variance from the requirements of Section 3.29 (Water Setback) of Zoning By-Law 2002-121, for the lands legally described as 284 Pike Lake Route 17, Concession 8, Part Lot 19, in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-015-19500 to recognize the minimum required water setback for an existing cottage of 15m from the lake;

AND THAT, a Site Plan Control agreement, including the conditions of the Rideau Valley Conservation (RVCA), be executed. ”

ii) **FILE #: MV22-19 – Lelievre and Hall – attached, page 25.**

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 MV22-19 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 733 Branch Road, Concession 10, Part Lots 6 and 7, in the geographic Township of Bathurst, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-916-030-06401

- To permit construction of a portion of a cottage at 27.4m from the lake,
- To permit the construction of a cottage at 1.2m setback from the east side yard and construction of a garage at a rear yard setback of 2m;

AND THAT, a Site Plan Control agreement, including the conditions of the Mississippi Valley Conservation Authority (MVCA), be executed.”

iii) **FILE #: MV22-20 – Todd – attached, page 38.**

- 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 MV22-20 is **approved**, to allow a variance from the requirements of Section 5.1.2 (Residential Zone) of Zoning By-Law 2002-121, for the lands legally described as Crozier Road, 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 0911-914-015-05990 to permit the construction of an outbuilding prior to the construction of a dwelling.”*

iv) **FILE #: MV22-21 – Williams – attached, page 48.**

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

Recommended Decision by Ron Running/Peter Siemons:

***“THAT**, in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application MV22-21 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 1167 Big Rideau North Shore Road, Concession 2 and 3, Part Lot 24, in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-020-03600*

- *To permit the construction of additions to an existing cottage at 13.4m from the lake on the south side of the cottage for a screened in porch, at 19.1m from the lake on the north side of the cottage for a walkout bedroom, laundry room, and bathroom with an ensuite bathroom above, and at 18m from the lake at the rear of the cottage for a foyer and pantry,*
- *To permit the construction of a 7.7m² (82 sq ft) deck on the north side of the cottage;*

THAT, a Site Plan Control agreement, including the conditions of the RVCA, be executed;

AND THAT, prior to a building permit being issued, the existing Private Road be named.”

v) **FILE #: MV22-22 – Akehurst – attached, page 65.**

- 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 MV22-22 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, as amended, as follows:

- To permit the construction of a cottage at a water setback of 19.5m rather than the 30m required,
- To permit a deck encroachment of 3.4m rather than the 2m permitted and deck area of 46.5m² rather than the 25m² permitted;

THAT, a Site Plan Control agreement, including the conditions of the RVCA, be executed;

AND THAT, prior to a building permit being issued, the existing Private Road be named.”

7. NEW/OTHER BUSINESS

None.

8. ADJOURNMENT

MINUTES

COMMITTEE OF ADJUSTMENT MINUTES

Monday, June 20th, 2022

5:00 p.m.

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

ATTENDANCE:

Members Present: Chair, Larry Sparks
Peter Siemons
Ron Running

Members Absent: None

Staff Present: Noelle Reeve, Planner
Garry Welsh, Secretary/Treasurer

Applicant/Agents Present: Maureen Kerr, Owner

Public Present: Randall Warwick, Tay Valley Township Resident
Kimberly Campbell, Tay Valley Township Resident

1. CALL TO ORDER

The Chair called the meeting to order at 5:00 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 – May 30th, 2022.**

The minutes of the Committee of Adjustment meeting held on May 30th, 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:

MV22-14 – Kerr – 2206 Scotch Line, Concession 1, Part Lot 25, geographic Township of Bathurst

6. APPLICATIONS

i) FILE #: MV22-14 – Kerr

a) PLANNER FILE REVIEW

The Planner reviewed the file and PowerPoint in the agenda package. The Planner also noted that, additional comments were received, seeking assurance that the storage shed would not be built close to the road frontage. A copy of the Applicant's site drawing for their proposal was circulated to the members of the Committee of Adjustment, for reference – *attached, page 5*. The Planner also confirmed that the property is not zoned for commercial use.

b) APPLICANT COMMENTS

The applicant confirmed that the storage shed was intended primarily for personal use rather than commercial storage. The Applicant also noted that they will be reducing the size of the proposed house from the 5,000 sq ft shown on the sketch, but that this size has not been determined.

c) ORAL & WRITTEN SUBMISSIONS

The neighbour to the east of the subject property, Randall Warwick, stated that he was not opposed to the proposed size of the storage building, so long as it is located at the rear of the property and not primarily used for commercial purposes. Mr. Warwick also noted that the proposed size of the storage building would not leave much buildable space on the lot, within maximum allowable lot coverage.

The neighbour to the north of the subject property, Kimberly Campbell, reported concerns that the proposed storage building may cause a change in grade and direct runoff water to her own property.

d) DECISION OF COMMITTEE

The Committee noted that the drainage of runoff towards the rear of the property should be required to remain the same post-construction as it was pre-construction. A lot grading and drainage plan should satisfy this requirement.

The Committee also asked that the application be deferred until such time as the applicant submits a site drawing which accurately shows the proposed building sizes, within the maximum-allowable lot coverage.

RESOLUTION #COA-2022-17

MOVED BY: Ron Running
SECONDED BY: Peter Siemons

“THAT, in the matter of an application under Section 45(1) of the *Planning Act*, R.S.O. 1990, c.P13, as amended, that Minor Variance Application MV22-14 is **deferred**, to allow the applicant to submit a site drawing with accurate dimensions for the proposed buildings.”

ADOPTED

7. NEW/OTHER BUSINESS

None.

8. ADJOURNMENT

The meeting adjourned at 5:31 p.m.

APPLICATIONS

Committee of Adjustment

August 22nd, 2022

Noelle Reeve, Planner

APPLICATION MV22-18

Lindale

284 Pike Lake Route 17, Concession 8, Lot 19,
Geographic Township of North Burgess

SUMMARY OF PROPOSAL

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

- To recognize the minimum required water setback for an existing cottage of 15m from the lake.

The effect of the variance would be to recognize the emergency replacement of a cottage foundation at a setback of 15m from the lake that resulted in a full basement with a proposed sink and toilet.

REVIEW COMMENTS

The property is located on a 931m² (0.23 acre) lot situated at 284 Pike Lake Route 17. The lot currently has a dwelling on it. A building permit was issued in July of 2020 to, “raise the building and install a poured concrete foundation to protect the building from collapse”.

The applicant believed he had permission from the municipality to build a full basement rather than a crawlspace (maximum height 5 ft 10 in) in the current location. When the current Chief Building Official (CBO) went to do a final inspection to close the file, he noticed capped plumbing in the basement.

When the applicant came in to pay for the plumbing fixtures as part of the building permit, the Planner became involved because her understanding was that a crawl space, not a full basement had been approved.

After discussing the situation with the applicant, it became clear that in replacing the foundation, it had been raised to be even in height and this had resulted in a full basement occurring, with the knowledge of the previous CBO.

Provincial Policy Statement - No concerns. Section 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, is met as the basement was replaced within the same footprint as the existing foundation. Section 2.1 Natural Heritage is met as no new footprint was created. Section 3.1 Protecting Public Health and Safety – Natural Hazards is satisfied as the proposed location was not deemed a steep slope.

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 a residential use is permitted. Section 2.24.1.a requires a minimum setback of 30m from the high-water mark of any water body for new development. However, exemptions are permitted due to topographical constraints or existing development. Due to the small lot size, slope behind the cottage, the location of the septic, private road and hydro line, the cottage could not be placed farther back from the water.

Zoning By-Law - The property is zoned Seasonal Residential, and a dwelling is a permitted use. Lot coverage is 10%, which meets the 10% maximum. Floor Space Index (FSI) is 18%, which is 33% over the permitted FSI of 12% permitted.

The application for the 15m setback for the dwelling can be considered minor in impact as the foundation was simply to be replaced but in leveling the cottage, additional height was introduced. A Site Plan Control Agreement requiring retention and augmentation of vegetation to address stormwater runoff impacts will contribute toward mitigating environmental impacts.

The proposal is also desirable and appropriate development of the lands in question as it is a permitted use.

CIRCULATION COMMENTS

Rideau Valley Conservation Authority (RVCA) – RVCA did not object to the application. RVCA noted that the water quality for Pike Lake is Very Good.

Maintenance of well-vegetated shorelines is important in protecting waterbodies. Natural shorelines trap sediments and pollutants, protect from erosion, shade, cool surface waters, and provide valuable habitat for many species.

This lot has been identified as overlying a highly vulnerable aquifer (as does most of Tay Valley Township). These are aquifers that are vulnerable to surface contaminants due to thin or absent soils overlying bedrock that may be fractured. Where these conditions exist, it may be possible for contaminants to enter drinking groundwater supplies. For this reason, care should be taken to avoid land uses and practices that may inadvertently lead to undesirable effects on groundwater.

Standard conditions for the Site Plan Control Agreement would include:

- 1) Eavestroughs draining to the road.
- 2) Vegetation to be maintained along the shore and slope with the exception of a 6m path to the shore.

Mississippi-Rideau Septic System Office (MRSSO) – A part 10/11 septic application was submitted to the MRSSO and passed.

Public – None at the time of the report.

RECOMMENDATION

That the minor variance be granted for relief from the requirements of Section 3.29 (Water Setback) of Zoning By-Law 2002-121, as amended, as follows:

- to recognize the minimum required water setback for an existing cottage of 15m 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*.

And that a Site Plan Control agreement, including the conditions of the RVCA, be executed.

Lindale 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



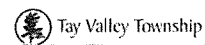
1

Lindale 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

Lindale 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

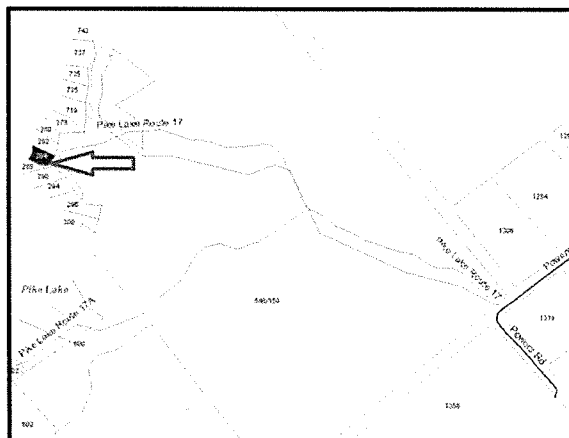
3



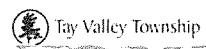
3

Lindale

*284 Pike Lake Route 17, Concession 8, Part Lot 19, geographic
Township of North Burgess*



4



4

Lindale - Proposal

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

- To recognize the minimum required water setback for an existing cottage of 15m from the lake.

The effect of the variance would be to recognize the emergency replacement of a cottage foundation at a setback of 15m from the lake that resulted in a full basement with proposed plumbing.

5



5

Lindale – Aerial Photo



6



6

Lindale – Site Sketch

OFFICE COPY
0613-2010

7



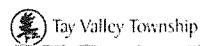
7

Lindale Comments

Rideau Valley Conservation Authority (RVCA)

- RVCA did not object to the application.
- Standard conditions for the Site Plan Control Agreement would include:
 - 1) Eavestroughs draining to the road.
 - 2) Vegetation to be maintained along the shore and slope except for a 6m path to the shore.

8



8

Lindale Comments

Mississippi-Rideau Septic System Office (MRSSO)

- A part 10/11 septic application has been submitted to the MRSSO and was passed.

9

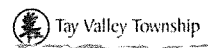


9

Lindale Provincial Policy Statement

- No concerns.
- Section 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, is met as the basement was replaced within the same footprint as the existing foundation.
- Section 2.1 Natural Heritage is met as no new footprint was created.
- Section 3.1 Protecting Public Health and Safety – Natural Hazards is satisfied as the proposed location was not deemed a steep slope.

10



10

Lindale

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.

11



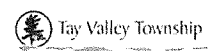
11

Lindale

Official Plan

- The subject land is designated Rural in the Official Plan and a residential use is permitted.
- Section 2.24.1.a requires a minimum setback of 30m from the high-water mark of any water body for new development. However, exemptions are permitted due to topographical constraints or existing development. Due to the small size of the lot, slope behind the cottage, the location of the septic, private road and hydro line, the cottage could not be placed farther back from the water.

12

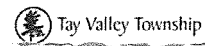


12

Lindale Zoning By-law

- The property is zoned Seasonal Residential, and a dwelling is a permitted use.
- Lot coverage is 10%, which meets the 10% maximum. Floor Space Index (FSI) is 18%, which is 33% over the permitted FSI of 12%.

13



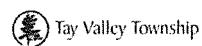
13

Lindale Official Plan & Zoning Test

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

- Lot coverage is 10%, which meets the 10% maximum. Floor Space Index (FSI) is 18%, which is 33% over the permitted FSI of 12% permitted. However, the increase in the basement height was made with the knowledge of the previous Chief Building Official.

14



14

Lindale 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.

15



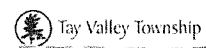
15

Lindale "Minor" Test

Is it minor in nature and scope?

- The application for the 15m setback for the dwelling can be considered minor in impact as the foundation was simply to be replaced but in leveling the cottage, additional height was introduced. A Site Plan Control Agreement requiring retention of vegetation to address stormwater runoff impacts will contribute to mitigating environmental impacts.

16

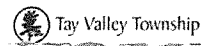


16

Lindale 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

Lindale Recommendation

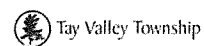
That the minor variance be granted for relief from the requirements of Section 3.29 (Water Setback) of Zoning By-Law 2002-121, as amended, as follows:

- To recognize the minimum required water setback for an existing cottage of 15m 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.

And that a Site Plan Control agreement, including the conditions of the RVCA, be executed.

18



18

Lindale 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 MV22-18 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, 284 Pike Lake Route 17, Concession 8, Part Lot 19, geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-015-1950 to recognize the minimum required water setback for an existing cottage of 15m from the lake;

AND THAT, a Site Plan Control agreement, including the conditions of the RVCA, be executed."

Committee of Adjustment

August 22nd, 2022

Noelle Reeve, Planner

APPLICATION MV22-19

Lelievre and Hall,
733 Branch Road, Concession 10, Part Lots 6 and 7
Geographic Township of Bathurst

SUMMARY OF PROPOSAL

Purpose and Effect: To seek relief from Section 3.29 (Water Setbacks) and Section 5.2.2 (Seasonal Residential) of Zoning By-Law 2002-121, as amended, as follows:

- To permit construction of a portion of a cottage at 27.4m from the lake,
- To permit the construction of a cottage at 1.2m setback from the east side yard and construction of a garage at a rear yard setback of 2m.

The effect of the variances would be to permit a small portion of a cottage to be less than the required 30m water setback and less than the required 6m east side yard setback. The 30 m water setback from Bennett Lake will be exceeded by the garage but the 7.5m required setback from the private road will not be met.

REVIEW COMMENTS

The well vegetated property is located on a 0.6 ha (1.4 acre) lot on Bennett Lake and currently contains a trailer, gazebo and storage structures.

Provincial Policy Statement - No concerns. Section 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, is met as the lot allows for most of the cottage to be located beyond the 30m water setback. Section 2.1 Natural Heritage is also met for this reason. Section 3.1 Protecting Public Health and Safety – Natural Hazards is satisfied because although there are slopes on the property, there are also plateaus and the proposed location of the cottage was not deemed a steep slope by the Conservation Authority.

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 and residential uses are permitted.

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. The majority of the dwelling is proposed to be set back 27.4m and the septic is proposed to be set back 31m.

Zoning By-Law - The property is zoned Seasonal Residential (RS). Lot coverage at 4.2.% is well under the 10% maximum. The Floor Space Index of 2.2% is also well under the 12% maximum.

The Zoning By-Law relief is required to permit a very small portion of the proposed cottage to be located at 27.4 m from the lake, which is less than the required 30m. The proposed cottage also requires relief from the required east side yard setback of 6m to 1.2m.

The application can be considered minor in impact as the proposed cottage is situated to maximize the water setback, given the constraints within the property (slopes, hydro line and shoreline orientation). The encroachment of one corner on the east side yard may also be considered minor as the lot is well treed so there are no anticipated negative impacts on the neighbouring property (which is currently vacant).

The encroachment of the garage into the rear yard setback (2.0 m setback instead of the 7.5m required) can also be considered minor as Branch Road only has 5 lots on it.

The proposal is also desirable and appropriate development of the lands in question as the cottage and garage are permitted uses and there is an opportunity to realize a net environmental gain through the removal or re-location of the existing trailer to a suitable location outside of the 30m setback area.

CIRCULATION COMMENTS

Mississippi Valley Conservation Authority (MVCA) – The MVCA does not have an objection to the proposal. They recommend:

- the existing trailer should be removed or located beyond the 30m water setback
- vegetation along the shoreline be retained to a minimum depth of 15m
- 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
- excavated material shall be disposed of well away from the water.
- natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the lake, or onto adjacent properties. In order to help achieve this, eaves troughing shall be installed and outlet to a leach pit or well-vegetated area away from the lake to allow for maximum infiltration.

The applicant should be advised that, pursuant to Ontario Regulation 153/06 – *“Development, Interference with Wetlands and Alterations to Shorelines and Watercourses”*, a permit is required from MVCA prior to alterations to the shoreline.

Mississippi-Rideau Septic System Office (MRSSO) – The MRSSO has no objections. A septic location has been agreed upon and an Elgen System has been proposed.

Public – None at the time of the report.

SITE PLAN CONTROL

A Site Plan Control Agreement would be recommended to implement the MVCA recommendations.

RECOMMENDATION

That the Minor Variance be granted for relief from the requirements of Sections 3.19.1 and 3.19.3 (Second Dwelling Zoning provisions) of Zoning By-Law 2002-121, as amended, as follows:

- To permit construction of a portion of a cottage at 27.4m from the lake,
- To permit the construction of a cottage at 1.2m setback from the east side yard and construction of a garage at a rear yard setback of 2m.

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

Lelievre and Hall 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.

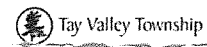
Ontario Land Tribunal

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



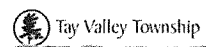
1

Lelievre and Hall 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

Tay Valley Township
Tay Valley Township

Page 29 of 78

Lelievre and Hall - Proposal

The Minor Variance application seeks relief from Section 3.29 (Water Setbacks) and Section 5.2.2 (Seasonal Residential) of Zoning By-Law 2002-121, as amended, as follows:

- To permit construction of a portion of a cottage at 27.4m from the lake,
- To permit the construction of a cottage at 1.2m setback from the east side yard and construction of a garage at a rear yard setback of 2m.

The effect of the variances would be to permit a small portion of a cottage to be less than the required 30m water setback and less than the required 6m east side yard setback. The 30 m water setback from Bennett Lake will be exceeded by the garage but the 7.5m required setback from the private road will not be met.

5

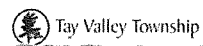


5

Lelievre and Hall – Aerial Photo

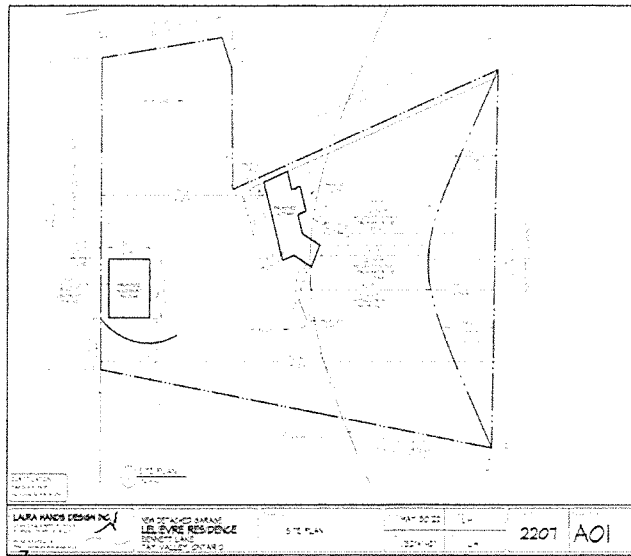


6



6

Lelievre and Hall – Site Plan



7

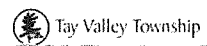
Lelievre and Hall Comments

Mississippi Valley Conservation Authority (MVCA)

The MVCA does not have an objection to the proposal. They recommend the following:

- the existing trailer removed or located beyond the 30m water setback
- vegetation along the shoreline retained to a minimum depth of 15m
- sediment control measures implemented throughout the construction process (such as staked straw bales between exposed soil and the lake), until all disturbed areas have been stabilized and re-vegetated
- excavated material disposed of well away from the water.
- eaves troughing installed and outlet to a leach pit or well-vegetated area away from the lake to allow for maximum infiltration.

8



8

Lelievre and Hall Comments

Mississippi Valley Conservation Authority (MVCA)

- The applicant should be advised that, pursuant to Ontario Regulation 153/06 – “*Development, Interference with Wetlands and Alterations to Shorelines and Watercourses*”, a permit is required from MVCA for prior to alterations to the shoreline.

9



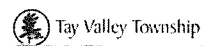
9

Lelievre and Hall Comments

Mississippi-Rideau Septic System Office (MRSSO)

- The MRSSO has no objections. A septic location has been agreed upon and an Elgen System has been proposed.

10



10

Lelievre and Hall Provincial Policy Statement

- No concerns.
- Section 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, is met as the lot allows for most of the cottage to be located beyond the 30m water setback.
- Section 2.1 Natural Heritage is also met for this reason. Section 3.1 Protecting Public Health and Safety – Natural Hazards is satisfied because although there are slopes on the property, there are also plateaus and the proposed location of the cottage was not deemed a steep slope by the Conservation Authority.

11

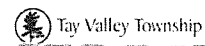


11

Lelievre and Hall 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.

12



12

Lelievre and Hall Official Plan

- The subject land is designated Rural and residential uses are permitted.
- 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. The majority of the dwelling is proposed to be set back 27.4m and the septic is proposed to be set back 31m.

13

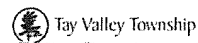


13

Lelievre and Hall Zoning By-law

- The property is zoned Seasonal Residential (RS).

14



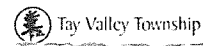
14

Lelievre and Hall Official Plan & Zoning Test

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

- Lot coverage at 4.2.% is well under the 10% maximum. The Floor Space Index of 2.2% is also well under the 12% maximum.
- The Zoning By-law relief is required to permit a very small portion of the proposed cottage to be located at 27.4 m from the lake, which is less than the required 30m. The proposed cottage also requires relief from the required east side yard setback of 6m to 1.2m.

15



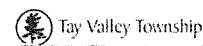
15

Lelievre and Hall 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 the cottage and garage are permitted uses and there is an opportunity to realize a net environmental gain through the removal or re-location of the existing trailer to a suitable location outside of the 30m setback area.

16



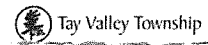
16

Lelievre and Hall "Minor" Test

Is it minor in nature and scope?

- The application can be considered minor in impact as the proposed cottage is situated to maximize the water setback, given the constraints within the property (slopes, hydro line and shoreline orientation).
- The encroachment of one corner of the on the east side yard may also be considered minor as the lot is well treed so there are no anticipated negative impacts on the neighbouring property (which is currently vacant).
- The encroachment of the garage into the rear yard setback (2.0 m setback instead of the 7.5m required) can also be considered minor as Branch Road only has 5 lots on it.

17

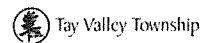


17

Lelievre and Hall 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.

18



18

Lelievre and Hall Recommendation

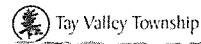
That the minor variance be granted for relief from the requirements of of Sections 3.19.1 and 3.19.3 (Second Dwelling Zoning provisions) of Zoning By-Law 2002-121, as amended, as follows:

- To permit construction of a portion of a cottage at 27.4m from the lake,
- To permit the construction of a cottage at 1.2m setback from the east side yard and construction of a garage at a rear yard setback of 2m.

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

19



19

Lelievre and Hall Resolution

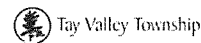
Recommended Decision:

"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 MV22-19 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 733 Branch Road, Concession 10, Part Lots 6 and 7, in the geographic Township of Bathurst, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-916-030-06401

- *To permit construction of a portion of a cottage at 27.4m from the lake,*
- *To permit the construction of a cottage at 1.2m setback from the east side yard and construction of a garage at a rear yard setback of 2m;*

AND THAT, a Site Plan Control agreement, including the conditions of the MVCA, be executed. "

20



20

Committee of Adjustment

August 22nd, 2022

Noelle Reeve, Planner

APPLICATION MV22-20

Todd

488 Crozier Road, PLAN 27M12, Lot 21, Concession 2
Geographic Township of South Sherbrooke

SUMMARY OF PROPOSAL

Purpose and Effect: To seek relief from Section 5.1.2 (Residential Zone) 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 construction equipment and household goods prior to the construction of a dwelling.

REVIEW COMMENTS

The property is situated at 488 Crozier Road which is a vacant 4.47 ha (11.05 acre) lot in the Sherbrooke Bluffs subdivision.

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 on a lot that has been through the subdivision review process. Section 3.1 Protecting Public Health and Safety – None.

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 Residential Exception 1 (R-1) which required lot sizes to be a minimum of 1 ha. Lot coverage for the proposed outbuilding will be below 1% which is below the 20% permitted in the Residential 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 – No comments at the time of the report.

RECOMMENDATION

That the minor variance be granted for relief from the requirements of Section 5.1.2 (Residential Zone) 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*.

Todd 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.

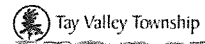
Ontario Land Tribunal

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



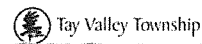
1

Todd 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



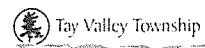
2

Todd 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

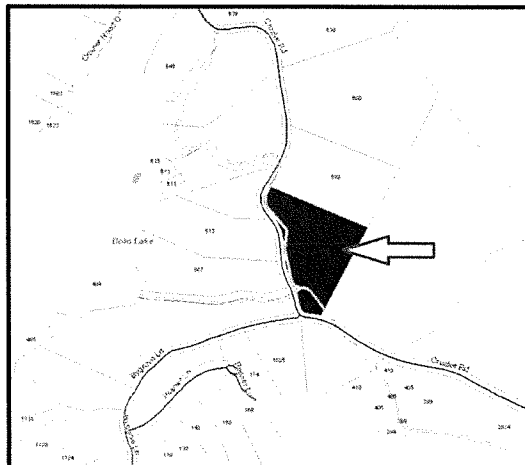
3



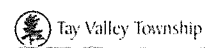
3

Todd

Crozier Road, Concession 2, Part Lot 21, geographic Township of South Sherbrooke



4



4

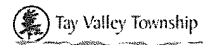
Todd - Proposal

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

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

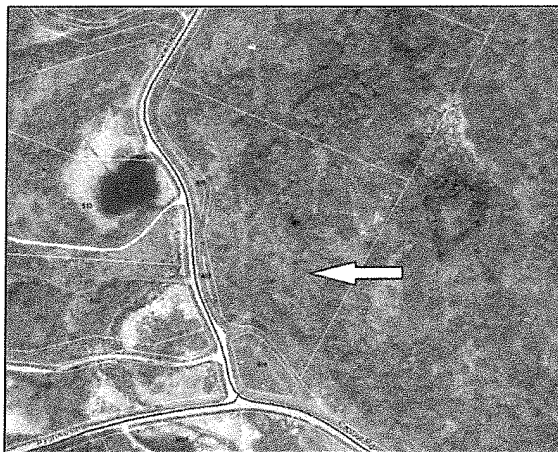
The effect of the variance would be to permit construction of an outbuilding for storage of construction equipment and household goods prior to the construction of a dwelling.

5

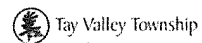


5

Todd – Aerial Photo



6



6

Todd 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.

7

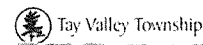


7

Todd 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 on a lot that has been through the subdivision review process.
- Section 3.1 Protecting Public Health and Safety – None.

8



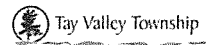
8

Todd

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

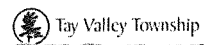


9

Todd Official Plan

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

10



10

Todd Zoning By-law

- The property is zoned Residential Exception 1 (R-1) which required lot sizes to be a minimum of 1 ha.

11



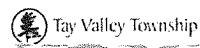
11

Todd 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 outbuilding will be below 1% which is below the 20% permitted in the Residential zone.

12



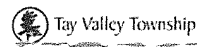
12

Todd 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



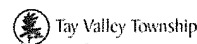
13

Todd "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



14

Todd 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 MV22-20 is approved, to allow a variance from the requirements of Section 5.1.2 (Residential Zone) of Zoning By-Law 2002-121, for the lands legally described as Crozier Road, 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 0911-914-015-05990 to permit the construction of an outbuilding prior to the construction of a dwelling."

Committee of Adjustment

August 22nd, 2022

Noelle Reeve, Planner

APPLICATION MV22-21

Williams

1167 Big Rideau North Shore Road, Concession 2/3, Part Lot 24
Geographic Township of North Burgess

SUMMARY OF PROPOSAL

Purpose and Effect: To seek relief from Section 3.29 (Water Setbacks) and Section 3.30 (Yard and Water Setback Encroachments) of Zoning By-Law 2002-121, as amended, as follows:

- To permit the construction of additions to an existing cottage at 13.4m from the lake on the south side of the cottage for a screened in porch, at 19.1m from the lake on the north side of the cottage for a walkout bedroom, laundry room, and bathroom with an ensuite bathroom above, and at 18m from the lake at the rear of the cottage for a foyer and pantry.
- To permit the construction of a 7.7m² (82 sq ft) deck on the north side of the cottage.

The effect of the variance would be to permit additions to a cottage resulting in a modest increase in living space (42.4m², 456 sq ft) and to permit a new deck on the north side to encroach 2.1m rather than the 1.25m projection permitted, and to allow a screened in porch to replace part of an existing deck at an encroachment of 4.41m rather than the 1.25m allowed.

REVIEW COMMENTS

The well vegetated property is located on a 2.02 ha (4.99 acre) lot on Big Rideau Lake and currently contains cottage structures.

Provincial Policy Statement - No concerns. Section 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, is met as the current cottage is a modest size (93.9 m², 1,010 sq ft) and the additions that are proposed are also modest in size. Section 2.1 Natural Heritage is also met as a site Plan Control Agreement will maintain the large, forested area to the rear of the cottage as well as providing protection to the shoreline vegetation. Section 3.1 Protecting Public Health and Safety – Natural Hazards is satisfied as the applicant submitted a satisfactory Slope Assessment from Malroz Engineering.

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 Provincially Significant Wetlands (PSW) on the north of the property, PSW buffer on the north half of the property, Deer Yard for three-quarters of the property. However, all of these designations are north of the existing cottage. The subject land is also designated Rural and residential uses are permitted.

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, exemptions are allowed when there is existing development on a lot. Because of the angle of the shoreline of Big Rideau Lake, and the current location of the cottage, the 30m setback cannot be achieved.

Zoning By-Law - The property is zoned Seasonal Residential (RS) and Environmental Protection (EP) at the north of the lot. Lot coverage and Floor Space Index at less than 1% are well under their respective 10% and 12% maximums.

Relief from Section 3.29 (Water Setback) is sought to permit a bedroom, laundry room, and bathroom at 19.1m from the lake on the north side of the cottage, and an ensuite bathroom above. Relief is also sought for a foyer and pantry at 18m from the lake at the rear of the cottage.

Relief from Section 3.30 (Yard and Water Setbacks) is sought for a screened in porch to encroach 4.41m rather than the 1.25m allowed (13.4m from the lake on the south side of the cottage). Part of the screened in porch would replace existing deck so the new encroachment would be closer to the 1.25m permitted. Relief is also sought for a new deck on the north side to encroach 2.1m rather than the 1.25m projection permitted (located in front of the proposed master bedroom ensuite on the main floor). This proposed deck would be set back from the water farther than the existing deck.

The application can be considered minor in impact as the proposed additions to the cottage are situated to maximize the water setback. They do not encroach beyond the existing cottage and are in fact set back farther from the lake than the existing cottage with the foyer/pantry addition located at the rear of the existing cottage. Some of the existing decking is being replaced with part of the screened in porch and the small amount of new decking will also have a minor impact. In addition, the lot is well treed so there are no anticipated negative impacts on the neighbouring property.

The proposal is also desirable and appropriate development of the lands in question as the cottage additions are permitted uses and there is an opportunity to realize a net environmental gain through the protection of the forest and shoreline vegetation through a Site Plan Control Agreement.

CIRCULATION COMMENTS

Rideau Valley Conservation Authority (RVCA) – The RVCA does not have an objection to the proposal. They recommend:

- vegetation along the shoreline and leading to the shoreline be retained with the exception of a 6m path to the shore
- 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

- excavated material shall be disposed of well away from the water.
- natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the lake, or onto adjacent properties. In order to help achieve this, eaves troughing shall be installed and outlet to a leach pit or well-vegetated area away from the lake to allow for maximum infiltration.

The applicant should be advised that, pursuant to Ontario Regulation 153/06 – “*Development, Interference with Wetlands and Alterations to Shorelines and Watercourses*”, a permit is required from RVCA for prior to alterations to the shoreline.

Mississippi-Rideau Septic System Office (MRSSO) – The MRSSO has no objections. A new septic permit application has been submitted.

Public – None at the time of the report.

SITE PLAN CONTROL

A Site Plan Control Agreement would be recommended to implement the RVCA recommendations.

RECOMMENDATION

That the Minor Variance be granted for relief from the requirements of Section 3.29 (Water Setbacks)) and Section 3.30 (Yard and Water Setback Encroachments) of Zoning By-Law 2002-121, as amended, as follows:

- To permit the construction of additions to an existing cottage at 13.4m from the lake on the south side of the cottage for a screened in porch, at 19.1m from the lake on the north side of the cottage for a walkout bedroom, laundry room, and bathroom with an ensuite bathroom above, and at 18m from the lake at the rear of the cottage for a foyer and pantry.
- To permit the construction of a 7.7m² (82 sq ft) deck on the north side of the cottage.

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

Williams

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

Williams

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



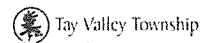
2

Williams 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

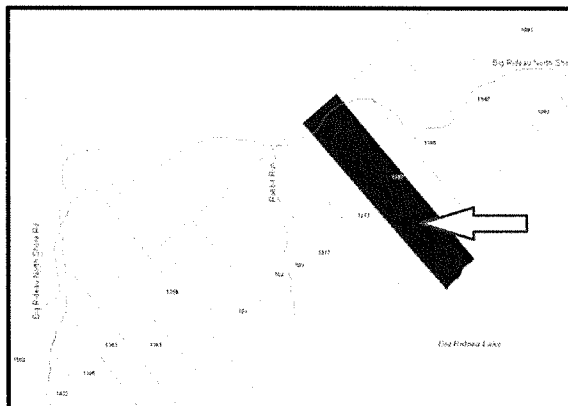
3



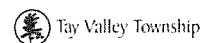
3

Williams

1167 Big Rideau North Shore Road, Concession 2 and 3, Part Lot 24, geographic Township of North Burgess



4



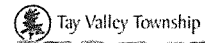
4

Williams - Proposal

The Minor Variance application seeks relief from Section 3.29 (Water Setbacks) and Section 3.30 (Yard and Water Setback Encroachments) of Zoning By-Law 2002-121, as amended, as follows:

- To permit the construction of additions to an existing cottage at 13.4m from the lake on the south side of the cottage for a screened in porch, at 19.1m from the lake on the north side of the cottage for a walkout bedroom, laundry room, and bathroom with an ensuite bathroom above, and at 18m from the lake at the rear of the cottage for a foyer and pantry.
- To permit the construction of a 7.7m² (82 sq ft) deck on the north side of the cottage.

5

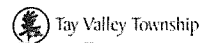


5

Williams - Proposal

The effect of the variance would be to permit additions to a cottage resulting in a modest increase in living space (42.4m², 456 sq ft) and to permit a new deck on the north side to encroach 2.1m rather than the 1.25m projection permitted, and to allow a screened in porch to replace part of an existing deck at an encroachment of 4.41m rather than the 1.25m allowed.

6



6

[illegible]

7

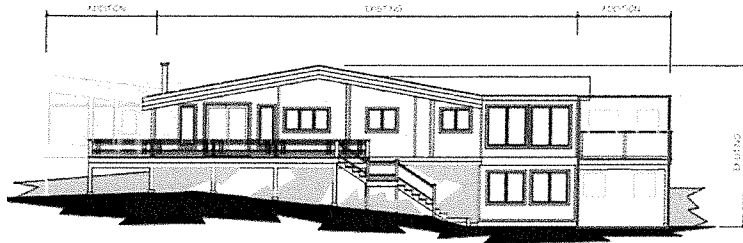
Williams – Site Drawing

Williams – Site Drawing

8

Tay Valley Township

Williams – Building Drawings



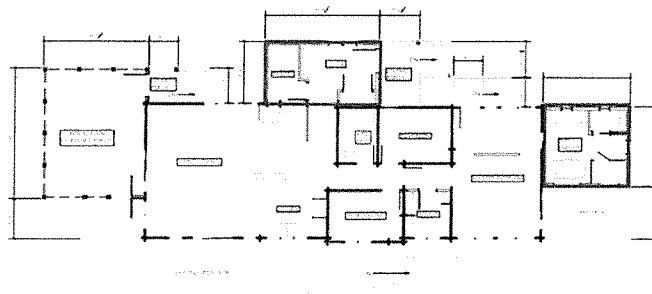
PROPOSED SOUTH EAST ELEVATION

9



9

Williams – Building Drawings



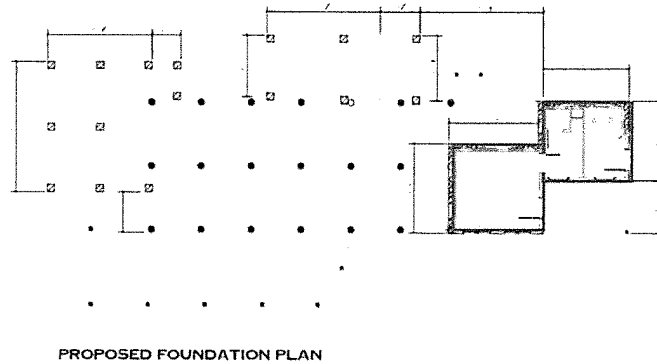
PROPOSED MAIN FLOOR PLAN

10



10

Williams – Building Drawings

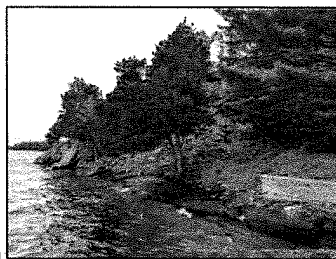
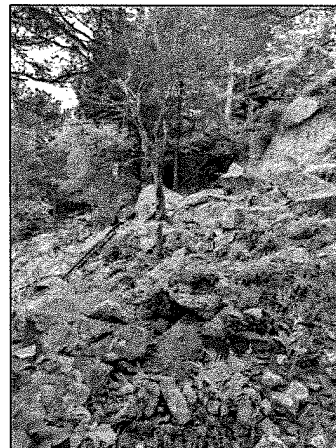


11

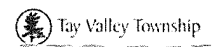


11

Williams – Photos

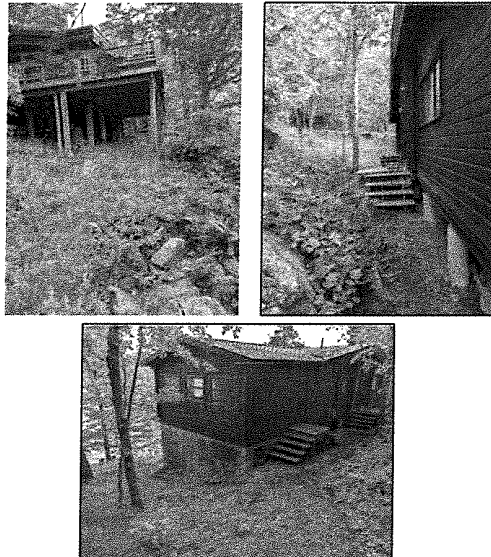


12

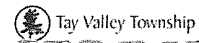


12

Williams – Photos



13



13

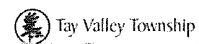
Williams Comments

Rideau Valley Conservation Authority (RVCA)

The RVCA does not have an objection to the proposal. They recommend:

- vegetation along the shoreline and leading to the shoreline be retained with the exception of a 6m path to the shore
- sediment control measures shall be implemented throughout the construction process (such as staked straw bales between exposed soil and the lake, until all disturbed areas have been stabilized and re-vegetated)
- excavated material shall be disposed of well away from the water.

14



14

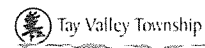
Williams Comments

Rideau Valley Conservation Authority (RVCA)

- natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the lake, or onto adjacent properties. In order to help achieve this, eaves troughing shall be installed and outlet to a leach pit or well-vegetated area away from the lake to allow for maximum infiltration.

The applicant should be advised that, pursuant to Ontario Regulation 153/06 – *“Development, Interference with Wetlands and Alterations to Shorelines and Watercourses”*, a permit is required from RVCA for prior to alterations to the shoreline.

15



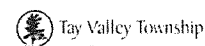
15

Williams Comments

Mississippi-Rideau Septic System Office (MRSSO)

- The MRSSO has no objections. A new septic permit application has been submitted.

16

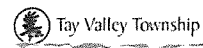


16

Williams Provincial Policy Statement

- No concerns. Section 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, is met as the current cottage is a modest size (93.9 m², 1,010 sq ft) and the additions that are proposed are also modest in size. Section 2.1 Natural Heritage is also met as a site Plan Control Agreement will maintain the large forested area to the rear of the cottage as well as providing protection to the shoreline vegetation. Section 3.1 Protecting Public Health and Safety – Natural Hazards is satisfied as the applicant submitted a satisfactory Slope Assessment from Malroz Engineering.

17

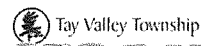


17

Williams 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.

18



18

Williams Official Plan

- The subject land is designated Provincially Significant Wetlands (PSW) on the north of the property, PSW buffer on the north half of the property, Deer Yard for three-quarters of the property. However, all of these designations are north of the existing cottage.
- The subject land is also designated Rural and residential uses are permitted.

19

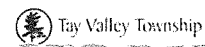


19

Williams Zoning By-law

- The property is zoned Seasonal Residential (RS) and Environmental Protection (EP) at the north of the lot.
- Relief from Section 3.29 (Water Setback) is sought to permit a bedroom, laundry room, and bathroom at 19.1m from the lake on the north side of the cottage, and an ensuite bathroom above. Relief is also sought for a foyer and pantry at 18m from the lake at the rear of the cottage.

20



20

Williams Zoning By-law

- Relief from Section 3.30 (Yard and Water Setbacks) is sought for a screened in porch to encroach 4.41m rather than the 1.25m allowed (13.4m from the lake on the south side of the cottage). Part of the screened in porch would replace existing deck so the new encroachment would be closer to the 1.25m permitted. Relief is also sought for a new deck on the north side to encroach 2.1m rather than the 1.25m projection permitted (located in front of the proposed master bedroom ensuite on the main floor). This proposed deck would be set back from the water farther than the existing deck.

21



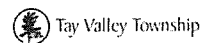
21

Williams 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.a of the Official Plan requires a minimum setback of 30m from the high-water mark of any water body for new development. However, exemptions are allowed when there is existing development on a lot. Because of the angle of the shoreline of Big Rideau Lake, and the current location of the cottage, the 30m setback cannot be achieved.

22



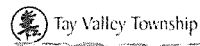
22

Williams 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 the cottage additions are permitted uses and there is an opportunity to realize a net environmental gain through the protection of the forest and shoreline vegetation through a Site Plan Control Agreement.

23



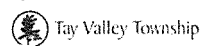
23

Williams "Minor" Test

Is it minor in nature and scope?

- The application can be considered minor in impact as the proposed additions to the cottage are situated to maximize the water setback. They do not encroach beyond the existing cottage and are in fact set back farther from the lake than the existing cottage with the foyer/pantry addition located at the rear of the existing cottage. Some of the existing decking is being replaced with part of the screened in porch and the small amount of new decking will also have a minor impact.
- In addition, the lot is well treed so there are no anticipated negative impacts on the neighbouring property.

24

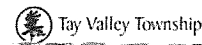


24

Williams 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.

25



25

Williams Recommendation

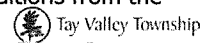
That the minor variance be granted for relief from the requirements of Section 3.29 (Water Setbacks) and Section 3.30 (Yard and Water Setback Encroachments) of Zoning By-Law 2002-121, as amended, as follows:

- To permit the construction of additions to an existing cottage at 13.4m from the lake on the south side of the cottage for a screened in porch, at 19.1m from the lake on the north side of the cottage for a walkout bedroom, laundry room, and bathroom with an ensuite bathroom above, and at 18m from the lake at the rear of the cottage for a foyer and pantry.
- To permit the construction of a 7.7m² (82 sq ft) deck on the north side of the cottage.

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

26



26

Williams 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 MV22-21 is approved, to 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 1167 Big Rideau North Shore Road, Concession 2 and 3, Part Lot 24, in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-020-03600

27



27

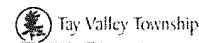
Williams Resolution

Recommended Decision (Continued):

- *To permit the construction of additions to an existing cottage at 13.4m from the lake on the south side of the cottage for a screened in porch, at 19.1m from the lake on the north side of the cottage for a walkout bedroom, laundry room, and bathroom with an ensuite bathroom above, and at 18m from the lake at the rear of the cottage for a foyer and pantry,*
- *To permit the construction of a 7.7m² (82 sq ft) deck on the north side of the cottage;*

AND THAT, a Site Plan Control agreement, including the conditions of the RVCA, be executed. "

28



28

Committee of Adjustment

August 22nd, 2022

Noelle Reeve, Planner

APPLICATION MV22-22

Akehurst

110 Pine Ridge Lane, Concession 6, Part Lot 4
Geographic Township of North Burgess

SUMMARY OF PROPOSAL

Purpose and Effect: To seek relief from Section 3.29 (Water Setbacks) and Section 3.30 (Yard and Water Setback Encroachments) of Zoning By-Law 2002-121, as amended, as follows:

- To permit the construction of a cottage at a water setback of 19.5m rather than the 30m required.
- To permit a deck encroachment of 3.4m rather than the 2m permitted and deck area of 46.5m² rather than the 25m² permitted.

The effect of the variance would be to permit construction of a new cottage at a water setback of 19.48m replacing a cottage that was at a set back of 13.53m from Adam Lake. The variance would also permit construction of a deck at 16.1 m from Adam Lake rather than 17.48m permitted which is almost double the size of the deck permitted at the proposed cottage setback.

REVIEW COMMENTS

The well vegetated property is located on a 3556 m² (0.88 acre) lot on Adam Lake and currently contains a cottage, garage and outbuilding.

Provincial Policy Statement - No concerns. Section 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, is met as the current two storey cottage will be replaced with a two storey cottage farther from the lake. Section 2.1 Natural Heritage is also met as although the whole property is within a Provincially Significant Wetland buffer, the natural areas of the property across Pine Ridge Lane will be protected through a Site Plan Control Agreement. The area proposed for development has already been disturbed. Section 3.1 Protecting Public Health and Safety –None.

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 Provincially Significant Wetlands (PSW) buffer and Rural and residential uses are permitted. No Environmental Impact Statement was required as the area proposed for development has already been disturbed by the rear of the existing cottage, driveway, septic system, and hydro pole.

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, exemptions are allowed when there is existing development on a lot and topographical or other considerations. In order to avoid the more sensitive area of the PSW buffer, the hydro pole and fit in the septic system, the applicant altered their proposal a number of times and met with the Planner and the Rideau Valley Conservation Authority (RVCA) on site to maximize the water setback and protect the PSW.

Adam Lake requires extra protection (as does Farren Lake) due to their sensitivity to phosphorus loading.

Zoning By-Law - The property is zoned Seasonal Residential (RS). Lot coverage is at the maximum of 10% and Floor Space Index at 9% is less than 12% maximum.

Relief from Section 3.29 (Water Setback) is sought to permit a new cottage at a greater water setback of 19.5m to replace an existing cottage at a water setback of 13.5m.

Relief from Section 3.30 (Yard and Water Setbacks) is sought for a deck to encroach 3m rather than the 2m allowed from a cottage at a water setback of greater than 15m (but less than 30m). Relief is also sought for encroachment of the screened in porch of 5m rather than the 2m allowed.

Relief is also sought for the area of the proposed open deck (45m²) and screened porch (30m²) which exceed the 28m² at the cottage water setback of 19.5m. Both the open deck and screened porch are located farther from the lake than the current deck. The screened porch would be considered part of the cottage if it had windows so can be considered a minor variance. However, the amount of open deck requires some further discussion.

The application can be considered minor in impact as the proposed new cottage increases the water setback. The proposed decks are in fact set back farther from the lake than the existing cottage. In addition, the lot contains trees so there are no anticipated negative impacts on the neighbouring property.

The proposal is also desirable and appropriate development of the lands in question as the cottage is a permitted use and there is an opportunity to realize a net environmental gain through moving the cottage back, the new septic system, and the protection of the PSW buffer and shoreline vegetation through a Site Plan Control Agreement.

CIRCULATION COMMENTS

Rideau Valley Conservation Authority (RVCA) – Verbally the RVCA indicated they do not have an objection to the proposal. They recommend the open deck size be reduced. Standard conditions for Site Plan Control include:

- vegetation along the shoreline and leading to the shoreline be retained with the exception of a 6m path to the shore
- 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

- excavated material shall be disposed of well away from the water.
- natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the lake, or into the PSW. In order to help achieve this, eaves troughing shall be installed and outlet to a leach pit or well-vegetated area away from the lake and PSW to allow for maximum infiltration.

The applicant should be advised that, pursuant to Ontario Regulation 153/06 – “*Development, Interference with Wetlands and Alterations to Shorelines and Watercourses*”, a permit is required from RVCA for prior to alterations to the shoreline.

Mississippi-Rideau Septic System Office (MRSSO) – The MRSSO has no objections. A new septic permit application has been submitted farther than the 30m back from the lake so no additional phosphorus leaching septic components are required.

Public – None at the time of the report.

SITE PLAN CONTROL

A Site Plan Control Agreement would be recommended to implement the RVCA recommendations.

RECOMMENDATION

That the Minor Variance be granted for relief from the requirements of Section 3.29 (Water Setbacks) and Section 3.30 (Yard and Water Setback Encroachments) of Zoning By-Law 2002-121, as amended, as follows:

- To permit the construction of a cottage at a water setback of 19.5m rather than the 30m required.
- To permit a deck encroachment of 3.4m rather than the 2m permitted and deck area of 46.5m² rather than the 25m² permitted.

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

Akehurst 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.

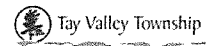
Ontario Land Tribunal

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



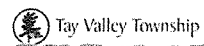
1

Akehurst 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



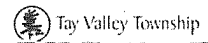
2

Akehurst 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

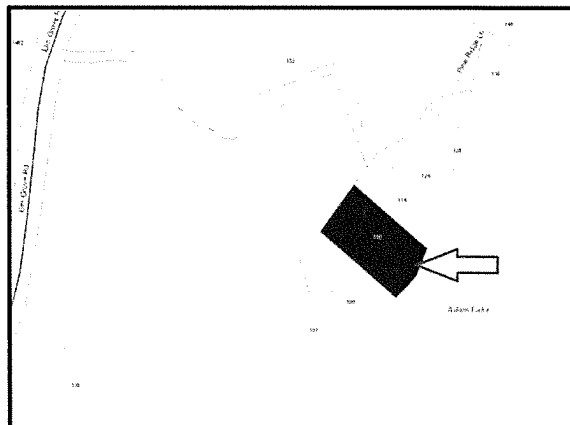
3



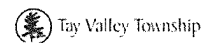
3

Akehurst

*110 Pine Ridge Lane, Concession 6, Part Lot 4, geographic
Township of North Burgess*

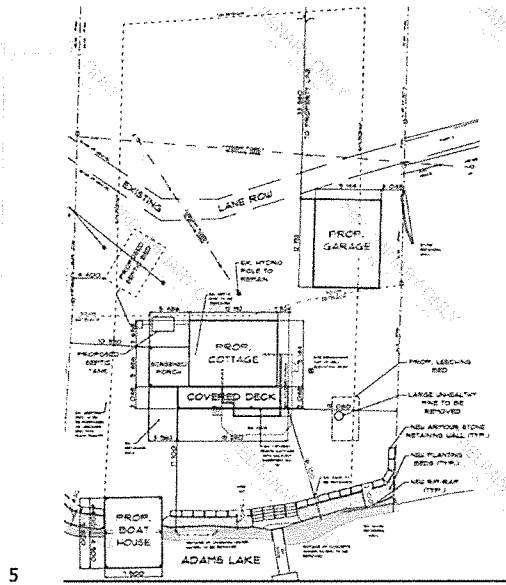


4



4

Akehurst – Site Drawing

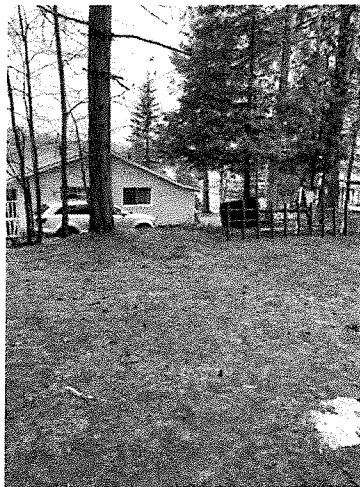


5



5

Akehurst - Photos



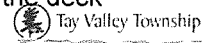
6

Akehurst - Proposal

The Minor Variance application seeks relief from Section 3.29 (Water Setbacks) and Section 3.30 (Yard and Water Setback Encroachments), as amended, as follows:

- To permit the construction of a cottage at a water setback of 19.5m rather than the 30m required.
- To permit a deck encroachment of 3.4m rather than the 2m permitted and deck area of 46.5m² rather than the 25m² permitted. To permit encroachment of the screened-in porch of 5m rather than the 2m allowed.

The effect of the variance would be to permit construction of a new cottage at a water setback of 19.48m replacing a cottage that was at a set back of 13.53m from Adam Lake. The variance would also permit construction of a deck at 16.1 m from Adam Lake rather than 17.48m permitted which is almost double the size of the deck permitted at the proposed cottage setback.



7

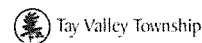
Akehurst Comments

Rideau Valley Conservation Authority (RVCA)

Verbally the RVCA indicated they do not have an objection to the proposal. However, they recommend the open deck size be reduced. Standard conditions for Site Plan Control include:

- vegetation along the shoreline and leading to the shoreline be retained with the exception of a 6m path to the shore
- 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
- excavated material shall be disposed of well away from the water.

8



8

Akehurst Comments

Rideau Valley Conservation Authority (RVCA)

Standard conditions continued:

- natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the lake, or into the PSW. In order to help achieve this, eaves troughing shall be installed and outlet to a leach pit or well-vegetated area away from the lake and PSW to allow for maximum infiltration.

The applicant should be advised that, pursuant to Ontario Regulation 153/06 – *“Development, Interference with Wetlands and Alterations to Shorelines and Watercourses”*, a permit is required from RVCA for prior to alterations to the shoreline.

9



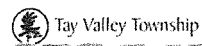
9

Akehurst Comments

Mississippi-Rideau Septic System Office (MRSSO)

- The MRSSO has no objections. A new septic permit application has been submitted farther than the 30m back from the lake so no additional phosphorus leaching septic components are required.

10

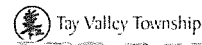


10

Akehurst 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 current two storey cottage will be replaced with a two storey cottage farther from the lake.
- Section 2.1 Natural Heritage will be met as although the whole property is within a Provincially Significant Wetland buffer, the natural areas of the property across Pine Ridge Lane will be protected through a Site Plan Control Agreement. The area proposed for development has already been disturbed.
- Section 3.1 Protecting Public Health and Safety – No hazards.

11

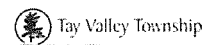


11

Akehurst 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.

12

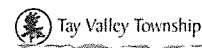


12

Akehurst Official Plan

- The subject land is designated Provincially Significant Wetlands (PSW) buffer and Rural and residential uses are permitted.
- No Environmental Impact Statement was required as the area proposed for development has already been disturbed by the rear of the existing cottage, driveway, septic system, and hydro pole.

13

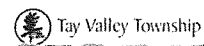


13

Akehurst Zoning By-law

- The property is zoned Seasonal Residential (RS). Lot coverage is at the maximum of 10% and Floor Space Index at 9% is less than 12% maximum.
- Relief from Section 3.29 (Water Setback) is sought to permit a new cottage at a greater water setback of 19.5m to replace an existing cottage at a water setback of 13.5m.
- Relief from Section 3.30 (Yard and Water Setbacks) is sought for a deck to encroach 3m rather than the 2m allowed from a cottage at a water setback of greater than 15m (but less than 30m). Relief is also sought for encroachment of the screened in porch of 5m rather than the 2m allowed.

14

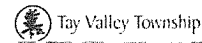


14

Akehurst Zoning By-law

- Relief is also sought for the area of the proposed open deck (45m²) and screened porch (30m²) which exceed the 28m² at the cottage water setback of 19.5m. Both the open deck and screened porch are located farther from the lake than the current deck.
- The screened porch would be considered part of the cottage if it had windows so can be considered a minor variance.
- However, the amount of open deck requires some further discussion.

15



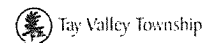
15

Akehurst 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.a of the Official Plan requires a minimum setback of 30m from the high-water mark of any water body for new development. However, exemptions are allowed when there is existing development on a lot and topographical or other considerations. The applicant altered their proposal and met with the Planner and RVCA on site, to maximize the water setback and protect the Provincially Significant Wetland (PSW).
- Adam Lake requires extra protection (as does Farren Lake) due to their sensitivity to phosphorus loading.

16



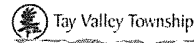
16

Akehurst 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 the cottage is a permitted use and there is an opportunity to realize a net environmental gain through moving the cottage back, the new septic system, and the protection of the PSW buffer and shoreline vegetation through a Site Plan Control Agreement.

17



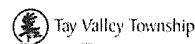
17

Akehurst "Minor" Test

Is it minor in nature and scope?

- The application can be considered minor in impact as the proposed new cottage increases the water setback. The proposed decks are in fact set back farther from the lake than the existing cottage. In addition, the lot contains trees so there are no anticipated negative impacts on the neighbouring property.

18



18

Akehurst 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.

19



19

Akehurst Recommendation

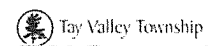
That the minor variance be granted for relief from the requirements of Section 3.29 (Water Setbacks) and Section 3.30 (Yard and Water Setback Encroachments) of Zoning By-Law 2002-121, as amended, as follows:

- To permit the construction of a cottage at a water setback of 19.5m rather than the 30m required.
- To permit a deck encroachment of 3.4m rather than the 2m permitted, encroachment of the screened-in porch of 5m rather than the 2m allowed, and deck area of 46.5m² rather than the 25m² permitted.

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

20



20

Akehurst 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 MV22-22 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 110 Pine Ridge Lane, Concession 6, Part Lot 4, in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-030-03600

- To permit the construction of a cottage at a water setback of 19.5m rather than the 30m required,*
- To permit a deck encroachment of 3.4m rather than the 2m permitted, encroachment of the screened-in porch of 5m rather than the 2m allowed, and deck area of 46.5m² rather than the 25m² permitted;*

AND THAT, a Site Plan Control agreement, including the conditions of the RVCA, be executed."

21

