



## COMMITTEE OF ADJUSTMENT AGENDA

Monday, October 17, 2022 - 5:00 p.m.  
Municipal Office – Council Chambers – 217 Harper Road

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***Chair, Larry Sparks***

**1. CALL TO ORDER**

Roll Call

**2. AMENDMENTS/APPROVAL OF AGENDA**

*Suggested Motion by Ron Running/Peter Siemons:  
“THAT, the agenda be adopted as presented.”*

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

**4. APPROVAL OF MINUTES**

i) **Committee of Adjustment Meeting – September 26, 2022 - *attached, page 6.***

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

**5. INTRODUCTION**

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

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

## 6. APPLICATIONS

- i) **FILE #: MV22-14 – Kerr – *attached, page 11.***
  - a) PLANNER FILE REVIEW
  - b) APPLICANT COMMENTS
  - c) ORAL & WRITTEN SUBMISSIONS

d) DECISION OF COMMITTEE

*Recommended Decision by Ron Running/Peter Siemons:*

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

ii) **FILE #: MV22-24 – Schacht (Slack) – attached, page 22.**

- 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 MV22-24 is approved, to allow a variance from the requirements of Section 5.2.2 (Zone Provisions) of Zoning By-Law 2002-121, for the lands legally described as 210 Black Lake Route 11, Concession 6, Part Lot 17, in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-020-41500 to permit a reduction from the minimum lot area of 4,050m<sup>2</sup> to 1,552m<sup>2</sup>.”***

iii) **FILE #: MV22-25 – Kelford – attached, page 33.**

- 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 MV22-25 is approved, to allow a variance from the requirements of Section 3.29 (Water Setbacks) of Zoning By-Law 2002-121, for the lands legally described as 252 Sleepy Hollow Road, Concession 2, Part Lot 18, in the geographic Township of South Sherbrooke, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-914-020-24500 to permit the construction of a cottage at a water setback of 17.7m rather than the 30m required;*

***THAT**, a Site Plan Control Agreement be entered into;*

***AND THAT**, the second trailer on the property shall be removed. ”*

**7. NEW/OTHER BUSINESS**

None.

**8. ADJOURNMENT**

# MINUTES

## COMMITTEE OF ADJUSTMENT MINUTES

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Monday, September 26<sup>th</sup>, 2022

5:00 p.m.

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

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### ATTENDANCE:

<b>Members Present:</b>	Chair, Larry Sparks Peter Siemons
<b>Members Absent:</b>	Ron Running
<b>Staff Present:</b>	Noelle Reeve, Planner Garry Welsh, Secretary/Treasurer
<b>Applicant/Agents Present:</b>	Candice Joy, Owner
<b>Public Present:</b>	None

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### 1. CALL TO ORDER

The Chair called the meeting to order at 5:01 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 – August 22<sup>nd</sup>, 2022.**

The minutes of the Committee of Adjustment meeting held on August 22<sup>nd</sup>, 2022, were approved as circulated.

## 5. INTRODUCTION

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

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

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

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

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

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

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

**MV22-23 – McKinnon – 703 Black Lake Road, Concession 6, Part Lot 20, geographic Township of North Burgess**

## 6. APPLICATION

i) **FILE #: MV22-23 – McKinnon**

a) **PLANNER FILE REVIEW**

The Planner reviewed the file and PowerPoint in the agenda package. The Planner also noted that the Rideau Valley Conservation Authority (RVCA) should be consulted for advice on repairing erosion on the road and procedures for protecting the lake and Provincially Significant Wetland (PSW), during the renovation process. In addition, a permit is required from the RVCA for work on the property because the lot is located within the regulated area of a Provincially Significant Wetland.

b) **APPLICANT COMMENTS**

The applicant confirmed that they have been consulting with others to seek drainage solutions to prevent further erosion on the road.

c) **ORAL & WRITTEN SUBMISSIONS**

None.

d) **DECISION OF COMMITTEE**

**RESOLUTION #COA-2022-23**

**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 MV22-23 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 703 Black Lake Road, Concession 6, Part Lot 20, in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-020-56800 to permit the construction of a 10.7m<sup>2</sup> (115 sq ft) addition to the rear of the cottage;

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

**AND THAT**, it is recognized that this property falls within the regulated area of the North Shore Big Rideau Lake Provincially Significant Wetland, as such, prior written permission is required from the Rideau Valley Conservation Authority for any development within the 120-metre regulatory setback in accordance with the Development, Interference with Wetlands, Alteration to Shoreline and Watercourses regulation made under Section 28 of the Conservation Authorities Act.”

**ADOPTED**



**7. NEW/OTHER BUSINESS**

None.

**8. ADJOURNMENT**

The meeting adjourned at 5:17 p.m.

# APPLICATIONS

**Committee of Adjustment**

October 17<sup>th</sup>, 2022

**Noelle Reeve, Planner**

**APPLICATION MV22-14**

Kerr

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

**1. SUMMARY OF PROPOSAL**

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

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

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

The application was deferred until a letter of opinion from an engineer could be provided stating whether the gravel base for the proposed outbuilding would impact the drainage patterns on the property.

**2. REVIEW COMMENTS**

The property is situated at 2206 Scotch Line which is a vacant 1 ha (2.47 acre) lot.

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

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

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

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

**Zoning By-Law** - The property is zoned Rural (RU). Lot coverage for the proposed 651m<sup>2</sup> (7002 sq ft) outbuilding will total 6.5% which is well below the 20% permitted in the Rural zone.

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

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

### 3. CIRCULATION COMMENTS

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

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

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

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

The letter of opinion from Marc McIntosh, P.Eng. dated September 9, 2022, addressed the neighbour's concern and stated that "the changes in grade resulting from fill being placed around the proposed outbuilding will not cause any changes to the overall lot drainage pattern".

### 4. RECOMMENDATION

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

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

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

# Kerr Minor Variance

## Public Notice

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

## Ontario Land Tribunal

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

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

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

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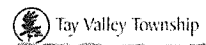
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# Kerr Minor Variance

## Decision Process

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

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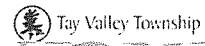
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# Kerr Minor Variance

## Hearing Process

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

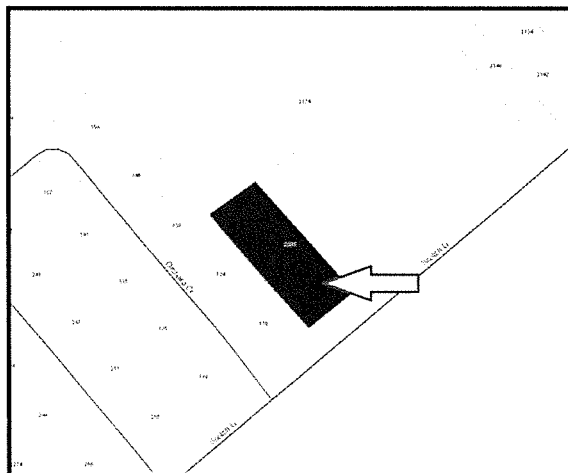
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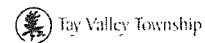
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# Kerr

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



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## Kerr - Proposal

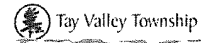
The Minor Variance application seeks relief from Section (10.1.1) of Zoning By-Law 2002-121, as amended, as follows:

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

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

The application was deferred until a letter of opinion from an engineer could be provided stating whether the gravel base for the proposed outbuilding would impact the drainage patterns on the property.

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## Kerr – Aerial Photo



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## Kerr Comments

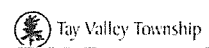
### **Rideau Valley Conservation Authority (RVCA)**

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

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

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

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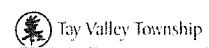


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## Kerr Provincial Policy Statement

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

8



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## Kerr County Sustainable Community Official Plan

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

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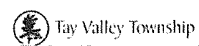


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## Kerr Official Plan

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

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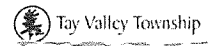


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## Kerr Zoning By-law

- The property is zoned Rural (RU).

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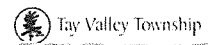
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## Kerr Official Plan & Zoning Test

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

- Lot coverage for the proposed 651m<sup>2</sup> (7,002 sq ft) outbuilding on a 1 ha (2.47 acre) lot will total 6.5% which is well below the 20% permitted in the Rural zone.

12



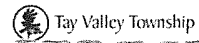
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## Kerr Development & Use Test

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

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

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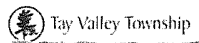
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## Kerr "Minor" Test

*Is it minor in nature and scope?*

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

14



14

## Kerr Public Comments

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

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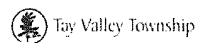


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## Kerr Public Comments

- The letter of opinion from Marc McIntosh, P.Eng. dated September 9, 2022, addressed the neighbour's concern and stated that, "the changes in grade resulting from fill being placed around the proposed outbuilding will not cause any changes to the overall lot drainage pattern".

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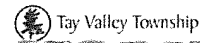
## Kerr Recommendation

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

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

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

17



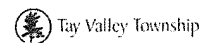
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## Kerr Resolution

*Recommended Decision:*

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

18



18

## Committee of Adjustment

To Committee of Adjustment  
From Noelle Reeve, Planner  
Date October 17, 2022  
**Subject Proposed Minor Variance MV22-24**  
**Owner Schacht (Slack)**  
**Location** 210 Black Lake Route 11, Concession 6 Part Lot 17, Geographic Township of North Burgess

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### 1. SUMMARY OF PROPOSAL

Purpose and Effect: To seek relief from Section 5.2.2 (Zone Provisions) of Zoning By-Law 2002-121, as amended, as follows:

- To permit a reduction from the minimum lot area of 4,050m<sup>2</sup> to 1,552m<sup>2</sup>.

The effect of the variance would be to satisfy a condition of an addition-to-lot severance (B21/157).

### 2. REVIEW COMMENTS

The subject property is located at 210 Black Lake Route 11. The lot is currently 1,052m<sup>2</sup> (0.26 acre). Following the lot addition, the consolidated lot will be 1,552 m<sup>2</sup> (0.38 acre) and has received conditional approval from the Land Division Committee. The purpose of the lot addition was to allow the Slack's to include their existing septic system on lands that they own.

#### Provincial Policy Statement

No concerns. Sections 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, Section 2.1 Natural Heritage, and Section 3.1 Protecting Public Health and Safety – Natural Hazards are satisfied as the lot addition increases the size of the undersized lot without negatively affecting the environment.

#### 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.

#### Official Plan

The subject land is designated Rural in the *Official Plan*, and residential uses are permitted. Sections 5.2.2.1 and 5.2.2.12 of the *Official Plan* state that no land division shall create a lot which cannot comply with the minimum size and water frontage

requirement. However, no change is being made to frontage, the size is increasing, and lot line adjustments and lot additions are permitted.

### **Zoning By-Law**

The property is zoned Seasonal Residential. Lot size for this zone is 4,050m<sup>2</sup> and frontage required is 60m, which is why a variance is required.

The application can be considered minor in impact. No new lots have been created and no development is being proposed at this time. The lot addition provides permission for a new right of way and the inclusion of the existing septic system on the owners' land. There are no anticipated negative impacts on the neighbouring properties.

The proposal is also desirable for the appropriate development of the lands in question as the use of the property is not proposed to change and the right of way will be clarified.

### **3. CIRCULATION COMMENTS**

**Rideau Valley Conservation Authority** – No objection to the severance proposal.

**Mississippi-Rideau Septic System Office (MRSSO)** – No objections to the severance as proposed.

### **4. SITE PLAN CONTROL**

Not recommended as no new development is proposed.

### **5. PUBLIC COMMENT**

None at the severance hearing and none at the time of writing this report.

### **6. RECOMMENDATION**

That the Minor Variance be granted for relief from the requirements of Section 5.2.2 (Zone Provisions) 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*.

# Schacht (Slack)

## Minor Variance

### Public Notice

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

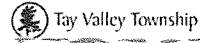
### Ontario Land Tribunal

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

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

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

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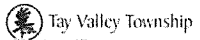
# Schacht (Slack)

## 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



# Schacht (Slack)

## Minor Variance

### Public Notice

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

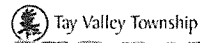
### Ontario Land Tribunal

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

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

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

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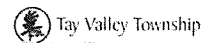
# Schacht (Slack)

## 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

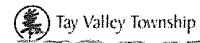
## Schacht (Slack) - Proposal

The Minor Variance application seeks relief from Section 5.2.2 (Zone Provisions) of Zoning By-Law 2002-121, as amended, as follows:

- To permit a reduction from the minimum lot area of 4,050m<sup>2</sup> to 1,552m<sup>2</sup>.

The effect of the variance would be to satisfy a condition of an addition-to-lot severance (B21/157).

5

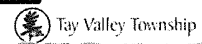


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## Schacht (Slack) – Aerial Photo (2019)



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Schacht (Slack)  
Comments

**Rideau Valley Conservation Authority (MVCA)**

- No objection to the severance proposal.

7



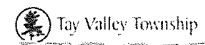
7

Schacht (Slack) - Comments

**Mississippi Rideau Septic System Office (MRSSO):**

- No objections to the severance as proposed.

8



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## Schacht (Slack) Provincial Policy Statement

- No concerns.
- Sections 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, Section 2.1 Natural Heritage, and Section 3.1 Protecting Public Health and Safety – Natural Hazards are satisfied as the lot addition increases the size of the undersized lot without negatively affecting the environment.

9

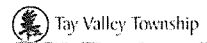


9

## Schacht (Slack) 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.

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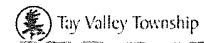


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## Schacht (Slack) Official Plan

- The subject land is designated Rural in the Official Plan, and residential uses are permitted.
- Sections 5.2.2.1 and 5.2.2.12 of the Official Plan state that no land division shall create a lot which cannot comply with the minimum size and water frontage requirement. However, no change is being made to frontage, the size is increasing, and lot line adjustments and lot additions are permitted.

11

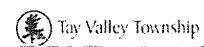


11

## Schacht (Slack) Zoning By-law

- The property is zoned Seasonal Residential. Lot size for this zone is 4,050m<sup>2</sup> and frontage required is 60m, which is why a variance is required.

12



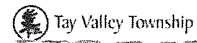
12

## Schacht (Slack) Official Plan & Zoning Test

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

- The lot addition provides permission for a new right of way and the inclusion of the existing septic system on the owners' land. There are no anticipated negative impacts on the neighbouring properties.

13



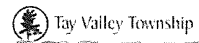
13

## Schacht (Slack) Development & Use Test

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

- The proposal is desirable for the appropriate development of the lands in question as the use of the property is not proposed to change and the right of way will be clarified.

14



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## Schacht (Slack) "Minor" Test

*Is it minor in nature and scope?*

- The application can be considered minor in impact. No new lots have been created and no development is being proposed at this time.

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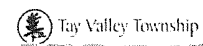


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## Schacht (Slack) Public Comments

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

16



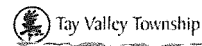
16

## Schacht (Slack) Recommendation

That the Minor Variance be granted for relief from the requirements of Section 5.2.2 (Zone Provisions) of Zoning By-Law 2002-121, as amended, as follows:

- To permit a reduction from the minimum lot area of 4,050m<sup>2</sup> to 1,552m<sup>2</sup> 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.

17



17

## Schacht (Slack) 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 MV22-24 is approved, to allow a variance from the requirements of Section 5.2.2 (Zone Provisions) of Zoning By-Law 2002-121, for the lands legally described as 210 Black Lake Route 11, Concession 6, Part Lot 17, in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-020-41500 to permit a reduction from the minimum lot area of 4,050m<sup>2</sup> to 1,552m<sup>2</sup>"*

18



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## Committee of Adjustment

To Committee of Adjustment  
From Noelle Reeve, Planner  
Date October 17, 2022  
**Subject Proposed Minor Variance MV22-25**  
**Owner Kelford**  
**Location 252 Sleepy Hollow Road, Concession 2 Part Lot 18, Geographic Township of South Sherbrooke**

---

### 1. 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 permit the construction of a cottage at a water setback of 17.7m rather than the 30m required.

The effect of the variance would be to permit construction of a new 107m<sup>2</sup> (1,152 sq ft) cottage at a water setback of 17.7m replacing a 53.5m<sup>2</sup> (576 sq ft) cottage at a setback of 9.8m from Christie Lake.

### 2. REVIEW COMMENTS

The subject property is a 1,942m<sup>2</sup> (0.48 acre) lot on Christie Lake and currently contains a cottage, and two trailers.

#### 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 will be moved farther from the lake. Section 2.1 Natural Heritage is also met as, the natural areas of the property will be protected through a Site Plan Control Agreement. 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 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 and topographical or other considerations.

### **Zoning By-Law**

The property is zoned Seasonal Residential (RS). Lot coverage at 8.4% is less than the maximum of 10% and Floor Space Index at 5.5% 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 17.7m to replace an existing cottage at a water setback of 9.8m. The original cottage will be lifted and placed on the new location, with a full basement underneath.

The application can be considered minor in impact as the proposed new cottage location increases the water setback. In addition, the lot contains trees so there are no anticipated negative impacts on the neighbouring properties.

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, and ensuring protection of the shoreline vegetation through a Site Plan Control Agreement.

### **3. CIRCULATION COMMENTS**

**Rideau Valley Conservation Authority (RVCA)**– Verbal comments received from RVCA, at the time of the report, indicated no objections to the proposal. However, the additional structures on the property require review.

**Mississippi-Rideau Septic System Office (MRSSO)** – No comments have been received at the time of the report. The applicant has indicated that they intend to retain the existing privy.

### **4. SITE PLAN CONTROL**

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

### **5. PUBLIC COMMENT**

None at the time of the report.

## 6. RECOMMENDATION

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

- To permit the construction of a cottage at a water setback of 17.7m rather than the 30m required.

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.

# Kelford 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.

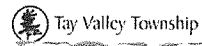
## Ontario Land Tribunal

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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.

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1



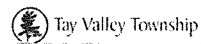
1

# Kelford Minor Variance

## Decision Process

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

2



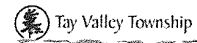
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## Kelford Minor Variance

### Hearing Process

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

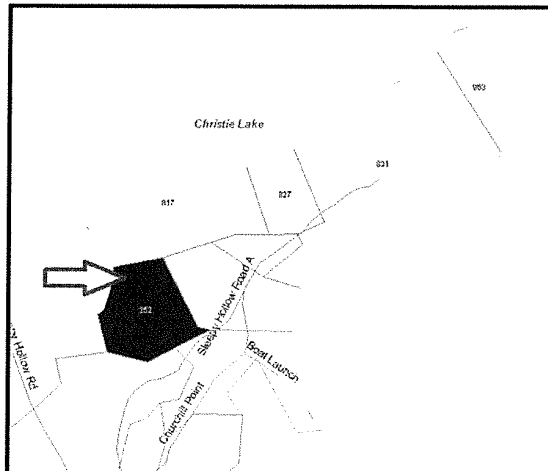
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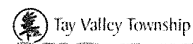
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## Kelford

*252 Sleepy Hollow Road, Concession 2, Part Lot 18, geographic  
Township of South Sherbrooke*

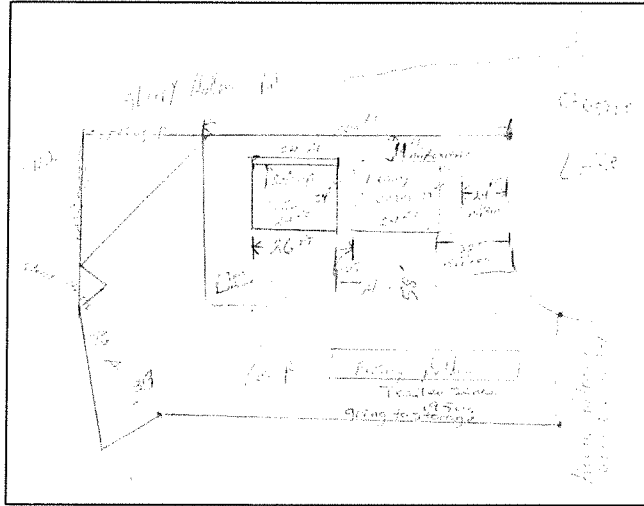


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## Kelford – Site Drawing

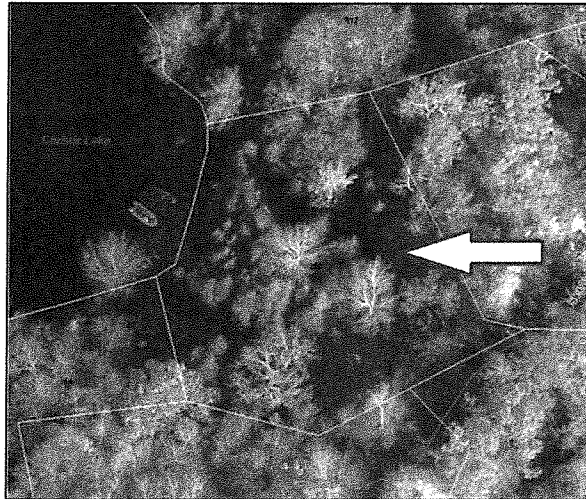


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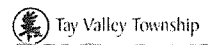


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## Kelford – Aerial Photo (2019)

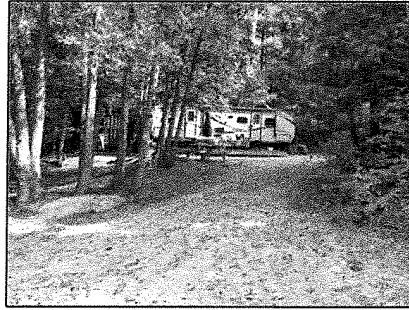
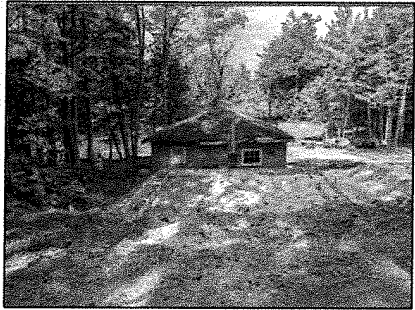


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## Kelford – Photos

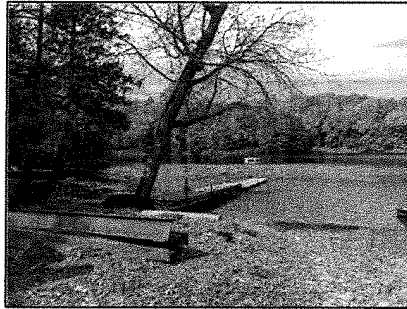


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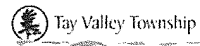


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## Kelford – Photos



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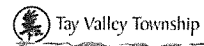
## Kelford - Proposal

The Minor Variance application seeks relief from Section 3.29 (Water Setbacks) as amended, as follows:

- To permit the construction of a cottage at a water setback of 17.7m rather than the 30m required.

The effect of the variance would be to permit construction of a new 107m<sup>2</sup> (1,152 sq ft) cottage at a water setback of 17.7m replacing a 53.5m<sup>2</sup> (576 sq ft) cottage at a set back of 9.8m from Christie Lake.

9



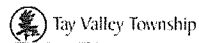
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## Kelford Comments

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

Verbally the RVCA indicated they do not have an objection to the proposal. However, they recommend the trailer on the site be moved farther back from the lake and the second travel trailer be removed.

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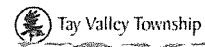


## Kelford Comments

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

- The MRSSO had not submitted comments at the time of the report.
- The owner has indicated that they intend to retain the existing privy.

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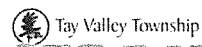


11

## Kelford 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 will be moved farther from the lake.
- Section 2.1 Natural Heritage is also met as, the natural areas of the property will be protected through a Site Plan Control Agreement.
- Section 3.1 Protecting Public Health and Safety – No hazards.

12

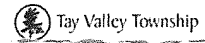


12

## Kelford 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.

13

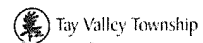


13

## Kelford Official Plan

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

14

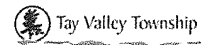


14

## Kelford Zoning By-law

- The property is zoned Seasonal Residential (RS). Lot coverage at 8.4% is less than the maximum of 10% and Floor Space Index at 5.5% 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 17.7m to replace an existing cottage at a water setback of 9.8m. The original cottage will be lifted and placed on the new location, with a full basement underneath.

15



15

## Kelford 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

16



16

## Kelford 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, and ensuring protection of the shoreline vegetation through a Site Plan Control Agreement.

17



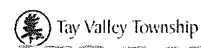
17

## Kelford "Minor" Test

*Is it minor in nature and scope?*

- The application can be considered minor in impact as the proposed new cottage location increases the water setback. In addition, the lot contains trees so there are no anticipated negative impacts on the neighbouring properties.

18

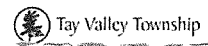


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## Kelford Public Comments

- 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

## Kelford Recommendation

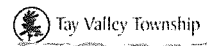
That the minor variance be granted for relief from the requirements of Section 3.29 (Water Setbacks) of Zoning By-Law 2002-121, as amended, as follows:

- To permit the construction of a cottage at a water setback of 17.7m rather than the 30m required.

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



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## Kelford 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) of Zoning By-Law 2002-121, for the lands legally described as 252 Sleepy Hollow Road, Concession 2, Part Lot 18, in the geographic Township of South Sherbrooke, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-914-020-24500*

- To permit the construction of a cottage at a water setback of 19.5m rather than the 30m required,*

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