



## COMMITTEE OF ADJUSTMENT AGENDA

Monday, January 30<sup>th</sup>, 2023 – 4:30 p.m.  
Municipal Office – Council Chambers – 217 Harper Road

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### 1. APPOINTMENT OF CHAIR

*Suggested Motion:*

***“THAT, \_\_\_\_\_ be appointed as Chair of the Committee of Adjustment.”***

### 2. APPOINTMENT OF SECRETARY/TREASURER

*Suggested Motion:*

***“THAT, Garry Welsh, Administrative Assistant be appointed as Secretary/Treasurer.”***

### 3. AMENDMENTS/APPROVAL OF AGENDA

*Suggested Motion:*

***“THAT, the agenda be adopted as presented.”***

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

### 5. APPROVAL OF MINUTES

- i) **Committee of Adjustment Meeting – October 17, 2022 - *attached, page 6.***

*Suggested Motion by Richard Schooley:*

***“THAT, the minutes of the Committee of Adjustment meeting held October 17<sup>th</sup>, 2022 be approved as circulated.”***

### 6. COMMITTEE TRAINING – *to be completed online prior to this meeting.*

- A Planning Overview
- Consents
- Minor Variances
- The Site Visit
- Meeting Protocol
- Conflict of Interest

## 7. COMMITTEE ORIENTATION

- Code of Conduct
- Procedural By-Law

## 8. INTRODUCTION

- The purpose of this meeting is to hear applications for Minor Variance:
  - **Hill**
  - **Fletcher, Murdoch and Girdlestone**
- 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.

## 9. APPLICATIONS

i) **FILE #: MV22-26 – Hill – attached, page 13.**

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

*Recommended Decision by Richard Schooley:*

**“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 MV22-26 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 703 Christie Lake North Shore Road, Concession 3, Part Lot 11, in the geographic Township of Bathurst, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-916-010-12200

- To permit the construction of an addition to the rear of the existing cottage at a water setback of 16.3m rather than the 30m required;

**THAT**, the private road be named;

**AND THAT**, a Development Agreement be executed.”

ii) **FILE #: MV22-28 – Fletcher, Murdoch and Girdlestone – attached, page 27.**

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

*Recommended Decision by Richard Schooley:*

**“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 MV22-28 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 1504 Crozier Road D, Concession 2, Part Lot 3, in the geographic Township of South Sherbrooke, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-914-015-10400

- To permit the construction of an addition to the rear of the existing cottage at a water setback of 15m rather than the 30m required,

*THAT, legal access be established;*

*AND THAT, a Development Agreement be executed.”*

**10. NEW/OTHER BUSINESS**

None.

**11. ADJOURNMENT**

# MINUTES

## COMMITTEE OF ADJUSTMENT MINUTES

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

5:00 p.m.

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

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### ATTENDANCE:

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

**Members Absent:** None

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

**Applicant/Agents Present:** Maureen Kerr, Owner  
Kevin Kelford, Owner

**Public Present:** Kimberly Campbell, Tay Valley Township Resident  
Steve Murphy, on behalf of Tay Valley Township Resident

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### 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 – September 26<sup>th</sup>, 2022.**

The minutes of the Committee of Adjustment meeting held on September 26<sup>th</sup>, 2022, were approved as circulated.

#### **5. INTRODUCTION**

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

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

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

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

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

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

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

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

**MV22-24 – Schacht (Slack) – 210 Black Lake Route 11**, Concession 6, Part Lot 17, geographic Township of North Burgess

**MV22-25 – Kelford – 252 Sleepy Hollow Road**, Part Lot 18, Concession 2, Geographic Township of South Sherbrooke

## 6. APPLICATIONS

### i) FILE #: MV22-14 – Kerr

#### a) PLANNER FILE REVIEW

The Planner reviewed the file and PowerPoint in the agenda package and reiterated that it is the timing of the construction of the garage before the house that is requiring a minor variance, rather than the structure itself. The Planner also circulated the site drawing initially submitted by the applicant, to confirm the size and location of the proposed garage and subsequent house.

The Planner confirmed that Tay Valley Township does not have a set limit on the size of auxiliary buildings in the Rural zone, so long as the total area of all structures does not exceed 20% coverage of the property.

#### b) APPLICANT COMMENTS

The applicant expressed disappointment that they were being asked to obtain a drainage plan from an engineer, at additional expense.

#### c) ORAL & WRITTEN SUBMISSIONS

The neighbour to the north of the subject property, Kimberly Campbell, expressed concern that the engineer's letter provided by the applicant did not include a drainage plan that would address the reduction in water infiltration, once the garage and driveway are constructed.

The neighbour to the east, Randall Warwick was unable to attend the meeting but had asked Steve Murphy to forward concerns on his behalf including that the proposed garage is a commercial size and asked if the property could be sold before the house was built, and then zoned Commercial?

d) DECISION OF COMMITTEE

The Committee noted that the proposed garage size will have an impact socially as it will be highly visible and will also have an environmental impact. The Committee agreed to add a requirement that the proposed house be completed within five years. The Committee also confirmed that a drainage plan should be completed by an engineer, which ensures that water runoff remains within the property.

**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 MV22-14 is approved, to allow a variance from the requirements of Section 10.1.1 (Permitted Uses) of Zoning By-Law 2002-121, for the lands legally described as 2206 Scotch Line, Concession 1, Part Lot 25, in the geographic Township of Bathurst, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-916-015-02999 to permit the construction of an outbuilding prior to the construction of a dwelling;

**AND THAT**, the storage shed be constructed in the location indicated on the site drawing submitted by the applicant;

**AND THAT**, the approval be subject to a drainage plan, stamped by an engineer;

**AND THAT** the proposed house on this property be completed within five years of this approval.”

**ADOPTED**

ii) **FILE #: MV22-24 – Schacht (Slack)**

a) PLANNER FILE REVIEW

The Planner reviewed the file and PowerPoint in the agenda package. The Planner also noted that the applicant would be sure to complete the lot addition application as the parcel to be added contains the septic system for the applicant’s property.

b) APPLICANT COMMENTS

None.

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 MV22-24 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>.”

**ADOPTED**

iii) **FILE #: MV22-25 – Kelford**

a) PLANNER FILE REVIEW

The Planner reviewed the file and PowerPoint in the agenda package. The Planner also noted that the subject property recently merged with an acquired adjacent L-shaped property. The Planner also confirmed that one of the existing two trailers is being removed and that the remaining trailer is unable to be relocated further back from the lake.

b) APPLICANT COMMENTS

The applicant also confirmed that, the remaining trailer has been on the property for many years and would not be able to be relocated.

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 MV22-25 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 including the conditions from the Rideau Valley Conservation Authority be entered into;

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

**ADOPTED**

**7. NEW/OTHER BUSINESS**

None.

**8. ADJOURNMENT**

The meeting adjourned at 5:50 p.m.

# APPLICATIONS

**Committee of Adjustment**

January 30, 2023

**Noelle Reeve, Planner**

**APPLICATION MV22-26**

Hill

703 Christie Lake North Shore Road, Concession 3, Part Lot 1  
Geographic Township of Bathurst

**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 an addition at a water setback of 16.3m rather than the 30m required.

The effect of the variance would be to permit construction of a 46.8m<sup>2</sup> (504 sq ft) addition at a water setback of 16.3m at the rear of the existing cottage.

**REVIEW COMMENTS**

The 14,163 m<sup>2</sup> (3.5 acre) property is located on Christie Lake and currently contains a cottage, deck, workshop and garage.

**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 addition will be located at the rear of the cottage, away from the lake. Section 2.1 Natural Heritage is also met as although Ministry of Natural Resources and Forests mapping shows some rare tree species on the property, they are located farther back on the lot than where the addition is proposed. Section 3.1 Protecting Public Health and Safety –No steep slopes or floodplain issues.

**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.

**Official Plan** - The subject land is designated Rural. Section 3.6 Rural permits residential uses.

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 preclude meeting the 30m setback. The addition is proposed behind the existing cottage.

**Zoning By-Law** - The property is zoned Seasonal Residential (RS). Lot coverage will be 2.2% with the proposed addition, which is well under the maximum of 10%. Floor Space Index will be 1.2% which is also well below the 12% maximum.

Relief from Section 3.29 (Water Setback) is sought to permit at a water setback of 16.3m.

The application can be considered minor in impact as the proposed addition is located at the rear of the existing cottage and is only 38% of the existing cottage area.

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 maintenance of the vegetation along the shoreline through a Development Agreement, if requested by the Committee of Adjustment.

Standard conditions for such an Agreement would include:

- vegetation along the shoreline and leading to the shoreline be retained and augmented 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. In order to help achieve this, eaves troughing shall be installed and outlet to a leaching pit or well-vegetated area away from the lake to allow for maximum infiltration.

In addition, it was noted that the property is accessed via an unnamed private road which two other properties also use for access. Therefore, an additional condition is required – that the private road be named and recognized in the Township road registry for effective access by Emergency Services.

## **CIRCULATION COMMENTS**

**Rideau Valley Conservation Authority (RVCA)** – The RVCA indicated they do not have an objection to the proposal.

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 prior to alterations to the shoreline.

**Mississippi-Rideau Septic System Office (MRSSO)** – The MRSSO had not submitted comments at the time of the report. The applicant is submitting an application for a Part 10/11 septic review.

**Public** – None at the time of the report.

## **DEVELOPMENT AGREEMENT**

A Development 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) of Zoning By-Law 2002-121, as amended, as follows:

- To permit the construction of an addition to the rear of the existing cottage at a water setback of 16.3m 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 Development Agreement be executed.

And that, the private road be named.

# Hill 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.

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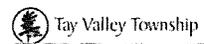
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# Hill Minor Variance

## 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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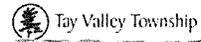
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# Hill Minor Variance

## 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

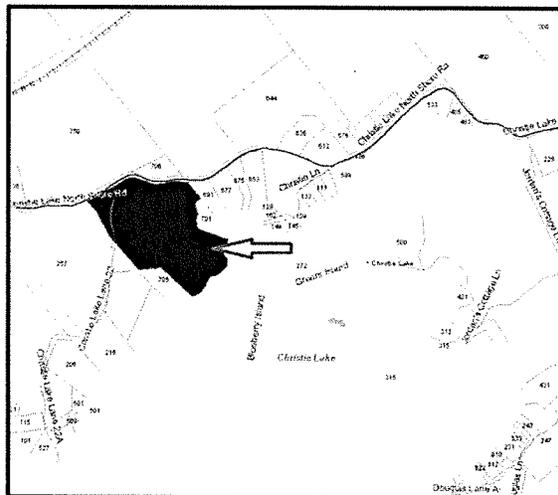
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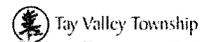
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# Hill

*703 Christie Lake North Shore Road,  
Part Lot 1, Concession 3, Geographic Township of Bathurst*

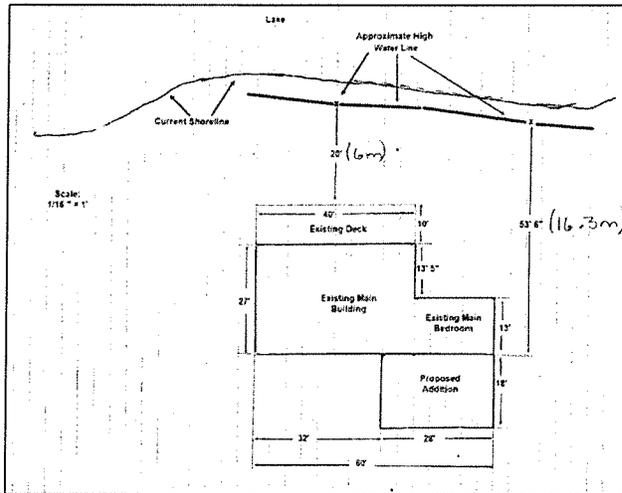


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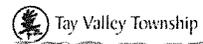


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## Hill – Site Drawing

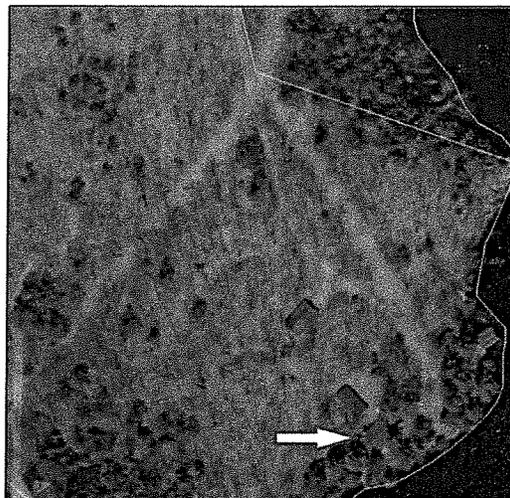


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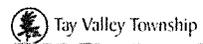


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## Hill – Aerial Photo (2014)

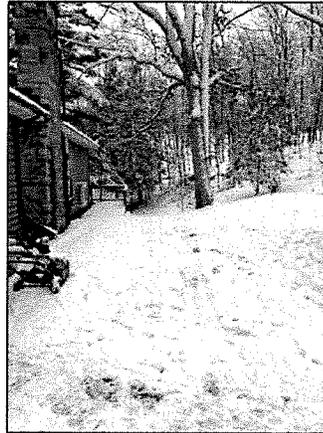
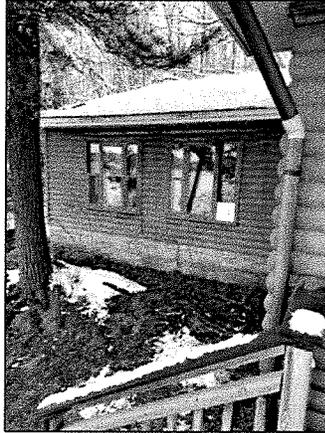


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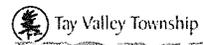


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## Hill – Photos



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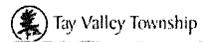
## Hill - Proposal

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

- To permit the construction of an addition at a water setback of 16.3m rather than the 30m required.

The effect of the variance would be to permit construction of a 46.8m<sup>2</sup> (504 sq ft) addition at a water setback of 16.3m at the rear of the existing cottage.

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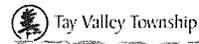
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## Hill Comments

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

- The RVCA indicated they do not have an objection to the proposal.
- 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 prior to alterations to the shoreline.

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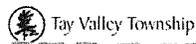
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## Hill Comments

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

- The applicant is submitting an application for a Part 10/11 septic review.

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## Hill 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 addition will be located at the rear of the cottage, away from the lake.
- Section 2.1 Natural Heritage is also met as although Ministry of Natural Resources and Forests mapping shows some rare tree species on the property, they are located farther back on the lot than where the addition is proposed.
- Section 3.1 Protecting Public Health and Safety –No steep slopes or floodplain issues.

11

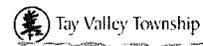


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## Hill County Sustainable Community Official Plan

- 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

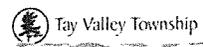


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## Hill Official Plan

- The subject land is designated Rural.
- Section 3.6 Rural permits residential uses.

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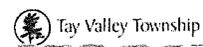


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## Hill Zoning By-law

- Relief from Section 3.29 (Water Setback) is sought to permit at a water setback of 16.3m.

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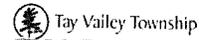
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## Hill Official Plan & Zoning Test

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

- The property is zoned Seasonal Residential (RS). Lot coverage will be 2.2% with the proposed addition, which is well under the maximum of 10%. Floor Space Index will be 1.2% which is also well below the 12% maximum.
- 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 preclude meeting the 30m setback. The addition is proposed behind the existing cottage.

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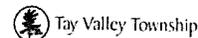
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## Hill Development & Use Test

*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 maintenance of the vegetation along the shoreline through a Development Agreement, if requested by the Committee of Adjustment.

16



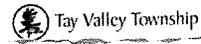
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## Hill Development Agreement

Development Agreement to include standard conditions:

- vegetation augmented along the shoreline and leading to the shoreline, except for a 6m path
- sediment control measures such as staked straw bales implemented throughout the construction process, until all disturbed areas have been stabilized and re-vegetated
- excavated material shall be disposed of well away from the water
- run-off to be directed by eaves troughing, with outlet to a leaching pit or well-vegetated area, away from the lake, to allow for maximum infiltration.

17

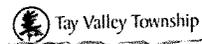


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## Hill Other Conditions

- In addition, it was noted that the property is accessed via an unnamed private road which two other properties also use for access. Therefore, an additional condition is required – that the private road be named and recognized in the Township road registry for effective access by Emergency Services.

18



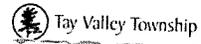
18

## Hill "Minor" Test

*Is it minor in nature and scope?*

- The application can be considered minor in impact as the proposed addition is located at the rear of the existing cottage and is only 38% of the existing cottage area.

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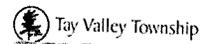


19

## Hill Public Comments

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

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20

## Hill 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:

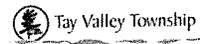
- To permit the construction of an addition to the rear of the existing cottage at a water setback of 16.3m rather than the 30m required.

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 Development Agreement be executed.

And that, the private road be named.

21



21

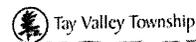
## Hill Resolution

*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 MV22-26 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 703 Christie Lake North Shore Road, Concession 3, Part Lot 11, in the geographic Township of Bathurst, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-916-010-12200*

- *To permit the construction of an addition to the rear of the existing cottage at a water setback of 16.3m rather than the 30m required, AND THAT, a Development Agreement be executed, AND THAT, the private road be named."*

22



22

**Committee of Adjustment**

January 30, 2023

**Noelle Reeve, Planner**

**APPLICATION MV22-28**

Fletcher, Murdoch and Girdlestone  
1504 Crozier Road D, Concession 2, Lot 3  
Geographic Township of South Sherbrooke

**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 small addition (enclosure of an entranceway deck) at a water setback of 15m rather than the 30m required.

The effect of the variance would be to permit construction of a 9.3m<sup>2</sup> (100sq ft) addition at a water setback of 15m at the front (non-water side) of the existing cottage.

**REVIEW COMMENTS**

The 1,781m<sup>2</sup> (0.44-acre) property is located on Bobs Lake and currently contains a cottage, deck and dock.

**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 deck will be replaced with a room at the front (non-water side) of the cottage. Section 2.1 Natural Heritage is also met as there are no natural features proposed to be disturbed as the area proposed for development has already been disturbed by the existing deck. Section 3.1 Protecting Public Health and Safety –No steep slopes or floodplain issues.

**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. Section 3.6 Rural permits residential uses.

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 addition is proposed away from the lake, behind the existing cottage, on an existing deck.

**Zoning By-Law** - The property is zoned Seasonal Residential (RS). Lot coverage of 8.9% is below the maximum of 10% and the Floor Space Index at 8.9% is less than 12% maximum.

Relief from Section 3.29 (Water Setback) is sought to permit at a water setback of 15m.

The application can be considered minor in impact as the proposed addition is located behind the cottage, away from the lake and the addition is only 9.3m<sup>2</sup> (100 sq ft).

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 revegetation along the shoreline through a Development Agreement.

Standard conditions for a Development Agreement include:

- vegetation along the shoreline and leading to the shoreline be retained and augmented 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. 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.

In addition, it was noted that the property is accessed via an unnamed private road which two other properties also use for access. Therefore, an additional condition is required – that access be clarified for effective access by Emergency Services.

## **CIRCULATION COMMENTS**

**Rideau Valley Conservation Authority (RVCA)** – The RVCA indicated they do not have an objection to the proposal on the basis of floodplain or steep slopes.

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 was not circulated as no new plumbing fixtures or bedrooms are proposed and the increase in living space is less than 15% of the current dwelling. Therefore, a Part 10/11 septic review was not required.

**Public** – None at the time of the report.

## **DEVELOPMENT AGREEMENT**

A Development Agreement could be considered.

## **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 an addition to the rear of the existing cottage at a water setback of 15m 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 Development Agreement be executed.

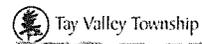
And that, legal access be established.

## Fletcher, Murdoch and Girdlestone 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.

1



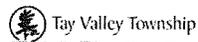
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## Fletcher, Murdoch and Girdlestone Minor Variance

### 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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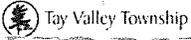
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# Fletcher, Murdoch and Girdlestone Minor Variance

## Hearing Process

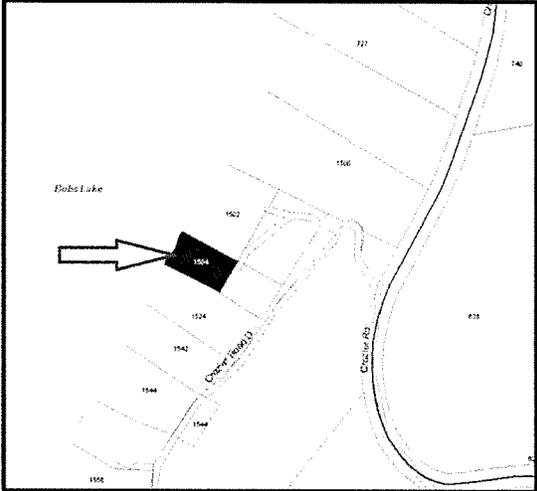
- The Planner will review the application and present her comments plus those of the Conservation Authority, Septic System Office, and any public comments received
- The Applicant may provide additional details or clarification
- Any members of the public may contribute comments or questions
- The Committee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

3

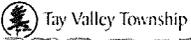


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# Fletcher, Murdoch and Girdlestone 1504 Crozier Road D Part Lot 3, Concession 2, Geographic Township of South Sherbrooke

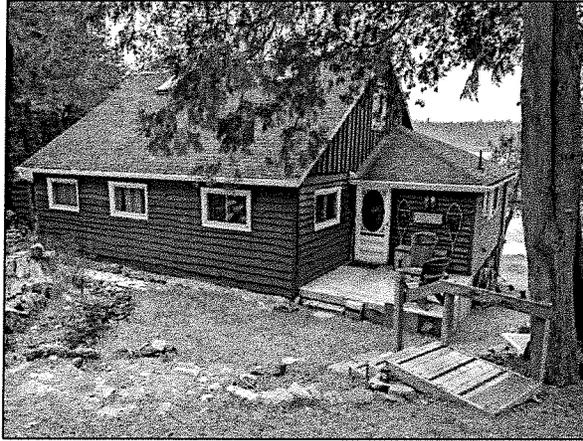


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## Fletcher, Murdoch and Girdlestone – Photos

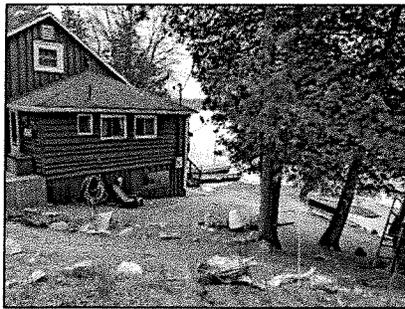


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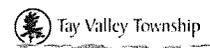


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## Fletcher, Murdoch and Girdlestone – Photos



6



6

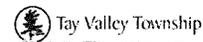
## Fletcher, Murdoch and Girdlestone - Proposal

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

- To permit the construction of a small addition (enclosure of an entranceway deck) at a water setback of 15m rather than the 30m required.

The effect of the variance would be to permit construction of a 9.3m<sup>2</sup> (100sq ft) addition at a water setback of 15m at the front (non-water side) of the existing cottage.

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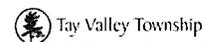
7

## Fletcher, Murdoch and Girdlestone Comments

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

- The RVCA indicated they do not have an objection to the proposal on the basis of floodplain or steep slopes.
- 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 prior to alterations to the shoreline.

8



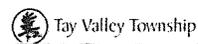
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## Fletcher, Murdoch and Girdlestone Comments

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

- A Part 10/11 septic review has been submitted.

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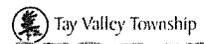


9

## Fletcher, Murdoch and Girdlestone 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 addition will be located at the rear of the cottage, away from the lake.
- Section 2.1 Natural Heritage is also met as there are no features identified on the property.
- Section 3.1 Protecting Public Health and Safety –No steep slopes or floodplain issues.

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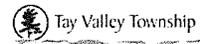


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## Fletcher, Murdoch and Girdlestone County Sustainable Community Official Plan

- 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

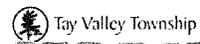


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## Fletcher, Murdoch and Girdlestone Official Plan

- The subject land is designated Rural.
- Section 3.6 Rural permits residential uses.

12

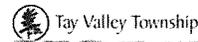


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## Fletcher, Murdoch and Girdlestone Zoning By-law

- Relief from Section 3.29 (Water Setback) is sought to permit at a water setback of 15m.

13



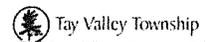
13

## Fletcher, Murdoch and Girdlestone Official Plan & Zoning Test

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

- The property is zoned Seasonal Residential (RS). Lot coverage of 8.9% is below the maximum of 10% and the Floor Space Index at 8.9% is less than 12% maximum.
- 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 addition is proposed away from the lake, behind the existing cottage, on an existing deck.

14



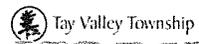
14

## Fletcher, Murdoch and Girdlestone 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 revegetation along the shoreline through a Development Agreement.

15



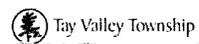
15

## Fletcher, Murdoch and Girdlestone Development Agreement

Development Agreement to include standard conditions:

- vegetation augmented along the shoreline and leading to the shoreline, except for a 6m path
- sediment control measures such as staked straw bales implemented throughout the construction process, until all disturbed areas have been stabilized and re-vegetated
- excavated material shall be disposed of well away from the water
- run-off to be directed by eaves troughing, with outlet to a leaching pit or well-vegetated area, away from the lake, to allow for maximum infiltration.

16

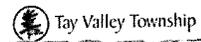


16

## Fletcher, Murdoch and Girdlestone Other Conditions

In addition, it was noted that the property is accessed via an unnamed private road which two other properties also use for access. Therefore, an additional condition is required – that access be clarified for effective access by Emergency Services.

17



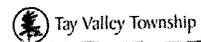
17

## Fletcher, Murdoch and Girdlestone "Minor" Test

*Is it minor in nature and scope?*

- The application can be considered minor in impact as the proposed addition is located behind the cottage, away from the lake and the addition is only 9.3m<sup>2</sup> (100 sq ft).

18

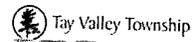


18

## Fletcher, Murdoch and Girdlestone 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

## Fletcher, Murdoch and Girdlestone 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:

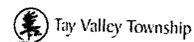
- To permit the construction of an addition to the rear of the existing cottage at a water setback of 15m rather than the 30m required.

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 Development Agreement be executed.

And that, legal access be established.

20



20

## Fletcher, Murdoch and Girdlestone 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 MV22-28 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 1504 Crozier Road D, Concession 2, Part Lot 3, in the geographic Township of South Sherbrooke, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-914-015-10400*

- To permit the construction of an addition to the rear of the existing cottage at a water setback of 15m rather than the 30m required, AND THAT, a Development Agreement be executed."*