



COMMITTEE OF ADJUSTMENT AGENDA

Monday, January 25th, 2021 - 5:00 p.m.
Conference Call

Conference Call (audio)

Dial-In Number 1-855-344-7722 or 613-244-1312
Conference ID: 1554771

GoToMeeting (visual)

<https://global.gotomeeting.com/join/388093485>

As the province of Ontario continues to take significant steps to limit the transmission of the COVID-19 virus, the Township continues to protect the health and safety of the public, Council, Committee and Board Members, and employees while at the same time processing *Planning Act* applications. Therefore, the Township is holding an electronic meeting, as per the Procedural By-Law, and in accordance with the *Planning Act*.

There will **NOT** be any ability to attend the meeting in person to help prevent the spread of COVID-19. The public may participate by alternate means. The Township strongly encourages written comments to be submitted prior to the meeting to planningassistant@tayvalleytwp.ca. A conference call line will be available during the meeting to enable the public to participate and make oral representations. There will also be the ability to view the meeting agenda and materials on an electronic device. The details to join the conference call and view the materials are located above.

Teleconference Participation Etiquette

- a meeting via teleconference shall never be treated differently than a meeting in person, whereby all attendees shall abide by proper meeting procedure and etiquette;
- as meeting attendees log onto the teleconference line, you will likely hear others join as well (this will be signified by a beeping noise);
- we ask that all attendees mute their phones; doing so will eliminate any background noise and create a much more seamless process
- if/when you wish to speak during the meeting, you will simply unmute your phone and upon completion of your thought, please re-mute
- The Chair will call the meeting to order at the time indicated on the agenda and at that time we ask that everyone else remain silent;
- roll call will be completed at which time Members will simply respond “present”;
- the Chair will then remind all attendees to place their phones on mute
- as the Chair moves through the agenda, he will call on the Planner to speak to each Application;
- for Members, we request that you retain your questions until the end of the report, at which time the Chair will ask if anyone has questions;
- you will be required to say your name and if more than one Member has a question, the Recording Secretary will tally the names and those will then be asked to speak in the sequence to which they made the request;
- the same process will be used when the Public are asked for comments

Chair, Larry Sparks

1. CALL TO ORDER

Roll Call

2. AMENDMENTS/APPROVAL OF AGENDA

Suggested Motion by Ron Running/Peter Siemons:

“THAT, the agenda be adopted as presented.”

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

4. APPROVAL OF MINUTES

- i) **Committee of Adjustment Meeting –November 23rd, 2020 - attached, page 6.**

Suggested Motion by Peter Siemons/Ron Running:

“THAT, the minutes of the Committee of Adjustment meeting held November 23rd, 2020 be approved as circulated.”

5. INTRODUCTION

- The purpose of this meeting is to hear applications for Minor Variance:
 - **Wehr**
- 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 Local Planning Appeal Tribunal (LPAT) unless, in the opinion of the Board, there are reasonable grounds to do so.
- If you wish to be notified of the decision of the Committee of Adjustment in respect to the below listed application(s), you must submit a written request to the Secretary-Treasurer of the Committee of Adjustment at planningassistant@tayvalleytwp.ca. This will also entitle you to be advised of a possible Local Planning Appeal 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 Local Planning Appeal 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 Local Planning Appeal Tribunal (LPAT) by filing with the Secretary/Treasurer within 20 days of the notice of decision.

6. APPLICATIONS

i) **FILE #:** **MV20-10 – Wehr – *attached, page 13.***

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

Recommended Decision by Ron Running/Peter Siemons:

“THAT, in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application MV20-10 is approved, to allow a variance from the requirements of Sections 3.29 (Water Setbacks) and Section 5.2 Seasonal Residential (RS) of Zoning By-Law 2002-121 for the lands legally described as 2018 Tully’s Way Route B, Part Lot 8, Concession 5 in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark - Roll Number 0911-911-025-18300 to reduce the minimum required water setback to 27.4m for an addition at the rear of the cottage that will enclose a screened in porch to make it into a room and to reduce the minimum required rear yard setback to 3.35m for a Sleep Cabin (Bunkie);

AND THAT, a Site Plan Control Agreement, including the conditions from the RVCA, be executed.”

7. NEW/OTHER BUSINESS

None.

8. ADJOURNMENT

MINUTES

COMMITTEE OF ADJUSTMENT MINUTES

Monday, November 23rd, 2020
5:00 p.m.
Conference Call

ATTENDANCE:

Members Present:	Chair, Larry Sparks Ron Running Peter Siemons
Members Absent:	None
Staff Present:	Noelle Reeve, Planner Allison Playfair, Secretary/Treasurer
Applicant/Agents Present:	Catherine Code, Applicant
Agencies Present:	Phil Mosher, Rideau Valley Conservation Authority
Public Present:	None

1. CALL TO ORDER

The Chair called the meeting to order at 5:00 p.m.
The Chair conducted roll call.
A quorum was present.

The Chair overviewed the Teleconference Participation Etiquette that was outlined in the Agenda.

2. AMENDMENTS/APPROVAL OF AGENDA

The agenda was adopted as presented.

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

None at this time.

4. APPROVAL OF MINUTES

i) Committee of Adjustment Meeting – October 26th, 2020

The minutes of the Committee of Adjustment meeting held on October 26th, 2020 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 Local Planning Appeal Tribunal (LPAT).
- 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:

MV20-06 – CODE – 737 Beaver Dam Lane, Pt Lot 3, Concession 8, Geographic Township of North Burgess

MV20-09 – BEAN – 424 Featherston Lane, Part Lot 8&9, Concession 2, Geographic Township of South Sherbrooke

6. APPLICATIONS

i) FILE #: MV20-06 - CODE

a) PLANNER FILE REVIEW

The Planner presented the file to the Committee. She noted that Rideau Valley Conservation requested a Slope Stability Report for the property. McIntosh Perry's report stated that "no major challenge is expected for Addition A" (at the rear). For Addition B, extra construction measures will be required to prevent slope failure.

Phil Mosher, Planner for Rideau Valley Conservation Authority explained to the Committee that RVCA did not support the application. RVCA views a screened in porch as an addition to the cottage. The Township Zoning By-Law states that for dwellings set back between 15m-30m from water a 2m projection for a deck or screened in porch with an area of 28m² is permitted. The west side of the deck has an existing projection of 4.9m and the area at 37.5m² is larger than permitted in the Zoning By-Law and therefore the RVCA does not consider the requested relief to be minor in nature.

In response to a question, the Tay Valley Planner advised the Committee that if the proposed sunroom had screens and not windows, the Township would only be considering a minor variance for the 1.2m projection on the existing as the area is half that permitted as of right. The sunroom will not be heated and not livable space for year-round use.

In response to a question, the Tay Valley Planner explained the difference between screens and windows was to allow for a clear distinction that the enclosed space would not become a bedroom or livable space in the future.

In response to a question, the RVCA Planner advised that the conservation authority would still object to the application if the proposed sunroom were only going to be screens and not windows because it represents encroachment toward the water, despite the existing deck.

In response to a question, the Tay Valley Planner confirmed if the application were to be approved a site plan control agreement would be requested and would include conditions from RVCA about a vegetation

plan with significant re-naturalization between the cottage and the water to allow for net environmental gain on the property.

The application is approved with the request of a site plan control agreement and the applicants submit a Part 10/11 for septic capacity review.

b) APPLICANT COMMENTS

None.

c) ORAL & WRITTEN SUBMISSIONS

A resident did email with concerns about the west side yard setback for the rear addition. The Planner clarified that the addition would not be encroaching any further to his property; the encroachment would be less than the existing cottage. He was satisfied with the application and had no objection.

d) DECISION OF COMMITTEE

RESOLUTION #COA-2020-07

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 MV20-06 is approved, to allow a variance from the requirements of Sections 5.2.2 and 3.30 (East Side Yard, West Side Yard and Water Setback Encroachment) of Zoning By-Law 2002-121 for the lands legally described as 737 Beaver Dam Lane. Part Lot 2, Concession 2 in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark - Roll Number 0911-911-010-25101 to reduce the minimum water setback from 30m to 20.7m to accommodate the construction an 18m² sunroom addition to a cottage on Otty Lake with a reduced east side yard setback of 5.8m; and to permit a reduced west side yard setback of 3.2m for an addition at the rear of the cottage, because the general intent and purpose of the Official Plan and Zoning By-Law are maintained; further, that the variance is desirable for the appropriate development of the lands and can be considered minor, as such, the application meets the tests of the Planning Act;

AND THAT, a Site Plan Control Agreement, including conditions from the RVCA, be executed.”

ADOPTED

ii) **FILE #: MV20-09 – Bean**

a) **PLANNER FILE REVIEW**

The Planner noted a landscape designer was onsite to help the applicants to design the rehabilitation of the shoreline. RVCA discussed what was permitted along the shore and where the proposed switch back for wheelchair access to the water would be best.

The Rideau Valley Conservation Authority had no objections with this application as the addition does not encroach past the existing cottage setback; it infills some existing deck to allow a corridor to be widened between the two sides of the cottage.

The application is approved with the condition that a site plan control agreement be approved with conditions from RVCA prior to the building permit.

b) **APPLICANT COMMENTS**

None

c) **ORAL & WRITTEN SUBMISSIONS**

None

d) **DECISION OF COMMITTEE**

RESOLUTION #COA-2020-08

MOVED BY: Peter Siemons
SECONDED BY: Ron Running

“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 MV20-09 is approved, to allow a variance from the requirements of Section 3.29 (Water Setbacks), for the lands legally described as 424 Featherston Lane, Part Lot 8 and 9, Concession 2 in the geographic Township of South Sherbrooke, now known as Tay Valley Township in the County of Lanark - Roll Number 0911-914-015-21000 to reduce the minimum water setback from 30m to 17.1m to accommodate the construction of 14m² addition to the connecting corridor of a cottage on Farren Lake;

AND THAT, a Site Plan Control Agreement, including the conditions from the RVCA, be executed.”

ADOPTED

7. NEW/OTHER BUSINESS

None.

8. ADJOURNMENT

The meeting adjourned at 5:40 p.m.

APPLICATIONS

Committee of Adjustment

To Committee of Adjustment
From Noelle Reeve, Planner
Date January 25, 2021
Subject Proposed Minor Variance MV20-10
Applicant Wehr
Location 2018 Tully's Way Route B, Concession 5, Part Lot 8 in the geographical Township of North Burgess

SUMMARY OF PROPOSAL

Purpose and Effect: To seek relief from Section 3.29 (Water Setbacks) and Section 5.2 Seasonal Residential (RS) of Zoning By-Law 2002-121, as amended, as follows:

- Reduce the minimum required water setback to 27.4m for an addition at the rear of the cottage that will enclose a screened in porch to make it into a room.
- Reduce the minimum required rear yard setback to 3.335m for a sleep cabin (bunkie).

The effect of the variances would be to permit the existing screened-in porch behind the cottage to be enclosed for use as a room within the 30m water setback; and to permit the construction of a 12x12 sleep cabin (bunkie) at the rear of the property that does not meet the 7.5m rear yard setback.

REVIEW COMMENTS

The property is situated at 2018 Tully's Way on Long Lake. The lot currently has a cottage and a shed on it.

The property is zoned Seasonal Residential and is located on a private road. Section 3.4 of the Zoning By-law does not require rezoning to Residential Limited Services as there is an existing cottage.

Section 2.24.1(a) requires a minimum setback of 30m from the high-water mark of any water body for new development. However, Section 2.24.1(c) permits development at a less than 30m setback when existing development precludes the reasonable possibility of achieving the setback.

While the owner intends to build two additions on to the cottage totaling 41m² (441 sq ft) only 10m² (110 sq ft) of the addition represented by conversion of the screened porch to a room (B on the site sketch) requires relief. Therefore, the relief from the water setback to 27.4m can be considered minor in impact as no encroachment beyond the existing cottage will occur and an existing screened in porch is being replaced with living space. The second proposed addition, (C) on the site sketch, meets the 30m water setback.

The relief from the rear yard lot line from the 7.5m requirement to 3.5m can be considered minor as there is no nearby use on the neighbouring property and there is vegetative screening along the rear of the property.

Both proposals are also desirable for the appropriate development of the lands in question as they are permitted uses.

CIRCULATION COMMENTS

Rideau Valley Conservation Authority – No objection to the application. Provided standard clauses for inclusion in a Site Plan Control Agreement should the Committee require one.

Mississippi-Rideau Septic System Office (MRSSO) – The applicant has submitted a Part 10/11 Septic Review application.

Public – None at the time of the report.

SITE PLAN CONTROL

A Site Plan Control Agreement is recommended to ensure the maintenance of the vegetation along the waterfront.

RECOMMENDATION

- That the Minor Variance be granted for relief from the requirements of Section 3.29 (Water Setbacks) to reduce the minimum required water setback to 27.4m for an addition at the rear of the cottage that will enclose a screened in porch to make it into a room; and
- For relief from Section 5.2 Seasonal Residential (RS) to reduce the minimum required rear yard setback to 3.35m for a sleep cabin (bunkie)

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

Wehr 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.

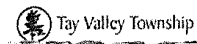
Local Planning Appeal Tribunal

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 Local Planning Appeal Tribunal, the Tribunal may dismiss all or part of an appeal without holding a hearing if the reasons set out in the appeal do not refer to land use planning grounds offended by the decision, or if the appeal is not made in good faith, or if it is frivolous or vexatious or made only for the purpose of delay.

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

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

1



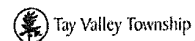
1

Wehr 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

Wehr Minor Variance

Hearing Process

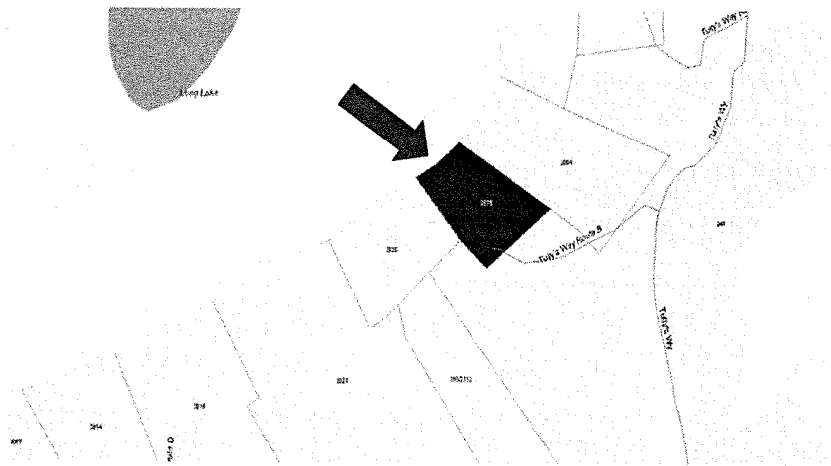
- The Planner will review the application and present her comments plus those of the Conservation Authority, Septic System Office, and any public comments received
- The Applicant may provide additional details or clarification
- Any members of the public may contribute comments or questions
- The Committee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

3

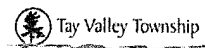


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Wehr Location

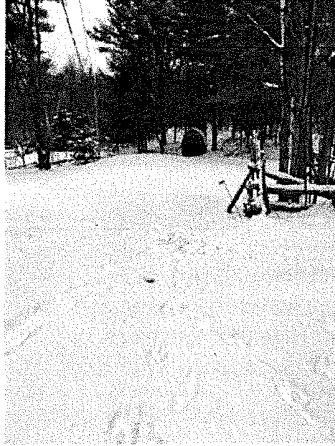


4



4

Wehr
Photos



5



5

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Photos



6



6

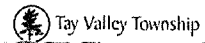
Wehr - Proposal

The Minor Variance application is to seek relief from Section 3.29 Water Setback and Section 5.2 Seasonal Residential of Zoning By-Law 2002-121, as amended, as follows:

- Reduce the minimum required water setback for an addition to 27.4m.
- Reduce the minimum required rear yard for a sleep cabin (bunkie) to 3.35m.

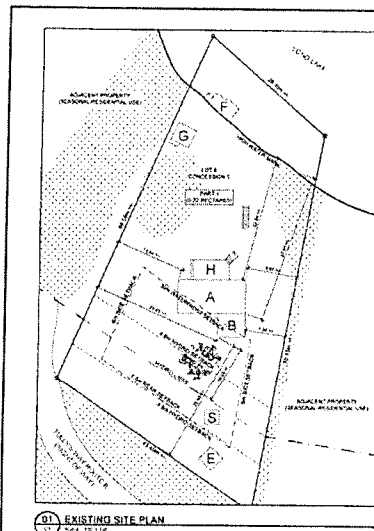
The effect of the variances would be to permit the existing screened-in porch behind the cottage to be enclosed for use as a room within the 30m water setback; and to permit the construction of a 12x12 sleep cabin (bunkie) at the rear of the property that does not meet the 7.5m rear yard setback.

7



7

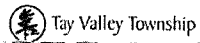
Wehr – Site Sketch – Existing Site Plan



SITE PLAN LEGEND	
A	EXISTING THREE SEASON COTTAGE - TO REMAIN (AREA = 17.14 m ²)
B	EXISTING SCREENED PORCH TO BE CONVERTED INTO ENCLOSED PORCH SPACE (AREA = 15.26 m ²)
C	PROPOSED NEW ADDITION (AREA = 17.14 m ²)
D	PROPOSED NEW PORCH (AREA = 13.26 m ²)
E	EXISTING BUNKIE - TO REMAIN
F	PANTRY IDEAL - TO REMAIN
G	EXISTING OLD BUILDING PAD - TO REMAIN
H	EXISTING DRIVE - TO REMAIN
I	EXISTING DECK/TERRACE - TO REMAIN
J	SHOVED AREA
K	EXISTING TREE TO BE REMOVED

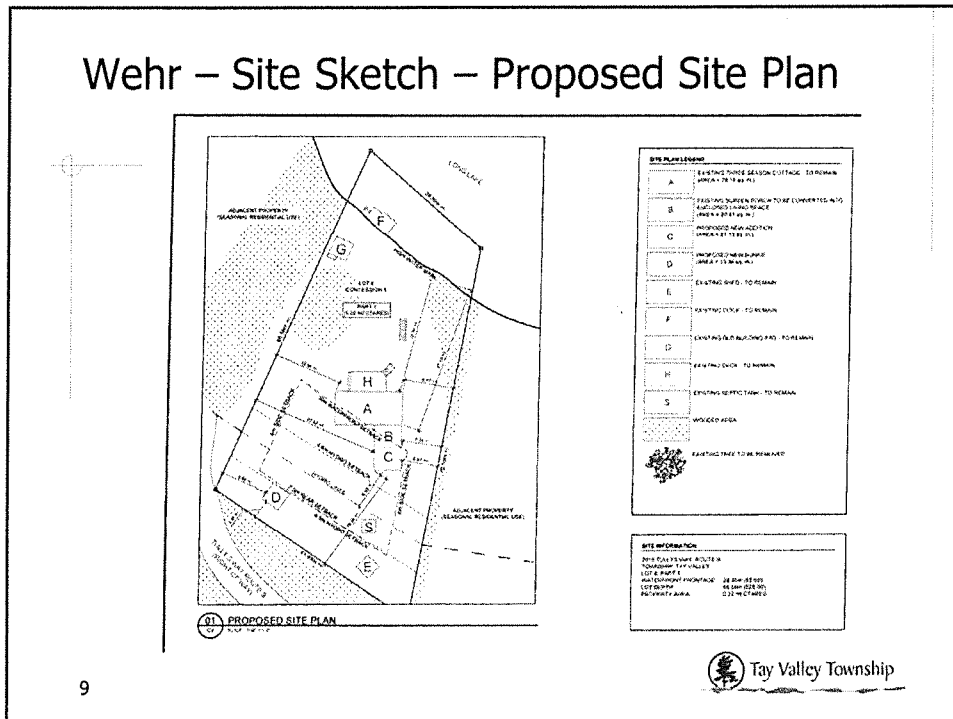
SITE INFORMATION	
2014 TAY VALLEY PROJECT #	
TOWNSHIP/TAY VALLEY	
LOT # (PARCEL #)	24-004-015-01
PREVIOUS ZONING PLAN AREA	RS (R2002-121)
LOT AREA	81,962.00 SQ. FT.
PROPERTY AREA	3,221.00 SQ. FT.

8



8

Wehr – Site Sketch – Proposed Site Plan



9

Wehr Comments

Rideau Valley Conservation Authority (RVCA):

- No objection to the application. RVCA provided standard clauses for inclusion in a Site Plan Control Agreement should the Committee require one.

10

Tay Valley Township

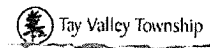
10

Wehr - Comments

MRSSO:

- The applicant has submitted a Part 10/11 Septic Review application.

11

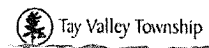


11

Wehr Official Plan

- The Official Plan designation is Rural: allows residential uses.
- The property is situated at 2018 Tully's Way on Long Lake. The lot currently has a cottage and a shed on it.
- Section 2.24.1(a) requires a minimum setback of 30m from the high-water mark of any water body for new development. However, Section 2.24.1(c) permits development at a less than 30m setback when existing development precludes the reasonable possibility of achieving the setback.

12

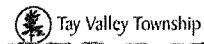


12

Wehr Zoning By-Law

- The property is zoned Seasonal Residential and is located on a private road. Section 3.4 of the Zoning By-law does not require rezoning to Residential Limited Services as there is an existing cottage.
- While the owner intends to build two additions on to the cottage totaling 41m² (441 sq ft) only 10m² (110 sq ft) of the addition represented by conversion of the screened porch to a room (B on the site sketch) requires relief. Therefore, the relief from the water setback to 27.4m can be considered minor in impact as no encroachment beyond the existing cottage will occur and an existing screened in porch is being replaced with living space. The second proposed addition, (C) on the site sketch, meets the 30m water setback.

13



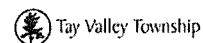
13

Wehr Official Plan & Zoning Test

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

- The proposal is in keeping with the general intent of the municipality's Official Plan as the use of the lot is not proposed to change.

14



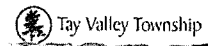
14

Wehr Development & Use Test

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

- The use is not proposed to change
- The use is consistent with other uses along Long Lake.

15



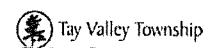
15

Wehr "Minor" Test

Is it minor in nature and scope?

- While the owner intends to build two additions on to the cottage totaling 41m² (441 sq ft) only 10m² (110 sq ft) of the addition represented by conversion of the screened porch to a room (B on the site sketch) requires relief. Therefore, the relief from the water setback to 27.4m can be considered minor in impact as no encroachment beyond the existing cottage will occur and an existing screened in porch is being replaced with living space. The second proposed addition, (C) on the site sketch, meets the 30m water setback.
- The relief from the rear yard lot line from the 7.5m requirement to 3.5m can be considered minor as there is no nearby use on the neighbouring property and there is vegetative screening along the rear of the property.

16



16

Wehr Public Comments

- The Township has not received comments from the Lake Association or any members of the public.
- Members of the public are welcome to speak to the application at this meeting

17



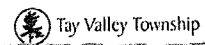
17

Wehr Recommendation

That the Minor Variance be approved.

1. A Site Plan Control Agreement is recommended to ensure the maintenance of the vegetation along the waterfront.

18



18

Wehr 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 MV20-10 is approved, to allow a variance from the requirements of Sections 3.29 (Water Setbacks) and Section 5.2 Seasonal Residential (RS) of Zoning By-Law 2002-121 for the lands legally described as 2018 Tully's Way Route B, Part Lot 8, Concession 5 in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark - Roll Number 0911-911-025-18300 to reduce the minimum required water setback to 27.4m for an addition at the rear of the cottage that will enclose a screened in porch to make it into a room and to reduce the minimum required rear yard setback to 3.35m for a Sleep Cabin (Bunkie);

AND THAT, a Site Plan Control Agreement, including the conditions from the RVCA, be executed."