



COMMITTEE OF ADJUSTMENT AGENDA

Monday, September 26, 2022 - 5:00 p.m.
Municipal Office – Council Chambers – 217 Harper Road

Chair, Larry Sparks

1. CALL TO ORDER

Roll Call

2. AMENDMENTS/APPROVAL OF AGENDA

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

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

4. APPROVAL OF MINUTES

i) **Committee of Adjustment Meeting – August 22, 2022 - *attached, page 5.***

*Suggested Motion by Peter Siemons/Ron Running:
“THAT, the minutes of the Committee of Adjustment meeting held August 22nd,
2022 be approved as circulated.”*

5. INTRODUCTION

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

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

6. APPLICATION

- i) **FILE #: MV22-23 – McKinnon – *attached, page 14.***
 - 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 MV22-23 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 10.7m² (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 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.”

MINUTES

COMMITTEE OF ADJUSTMENT MINUTES

Monday, August 22nd, 2022

5:00 p.m.

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

ATTENDANCE:

Members Present: Chair, Larry Sparks
Peter Siemons
Ron Running

Members Absent: None

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

Applicant/Agents Present: Stewart Lindale, Owner
Cathy Hall, Owner
Claude Lelievre, Owner
Paul Akehurst, Owner
Anthony Wielemaker, Agent

Public Present: Donna Doelman, Tay Valley Township Resident
Kim Morissette, Tay Valley Township Resident

1. CALL TO ORDER

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

2. AMENDMENTS/APPROVAL OF AGENDA

The Agenda was adopted as presented.

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

None at this time.

4. APPROVAL OF MINUTES

i) Committee of Adjustment Meeting – June 20th, 2022.

The minutes of the Committee of Adjustment meeting held on June 20th, 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

MV22-18 – Lindale – 284 Pike Lake Route 17, Concession 8, Part Lot 19, geographic Township of North Burgess

MV22-19 – Lelievre and Hall – 733 Branch Road, Concession 10, Part Lots 6 and 7, geographic Township of Bathurst

MV22-20 – Todd – Crozier Road, Concession 2, Part Lot 21, Geographic Township of South Sherbrooke

MV22-21 – Williams – 1167 Big Rideau North Shore Road, Concession 2 and 3, geographic Township of North Burgess

MV22-22 – Akehurst – 110 Pine Ridge Lane, Concession 6, Part Lot 4, geographic Township of North Burgess

6. APPLICATIONS

FILE #: MV22-18 – Lindale

a) PLANNER FILE REVIEW

The Planner reviewed the file and PowerPoint in the agenda package.

b) APPLICANT COMMENTS

None.

c) ORAL & WRITTEN SUBMISSIONS

None.

d) DECISION OF COMMITTEE

RESOLUTION #COA-2022-18

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 MV22-18 is **approved**, to allow a variance from the requirements of Section 3.29 (Water Setback) of Zoning By-Law 2002-121, for the lands legally described as 284 Pike Lake Route 17, Concession 8, Part Lot 19, in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-015-19500 to recognize the minimum required water setback for an existing cottage of 15m from the lake;*

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

ADOPTED

FILE #: MV22-19 – Lelievre and Hall

a) PLANNER FILE REVIEW

The Planner reviewed the file and PowerPoint in the agenda package. The Planner also noted that the applicants propose to install an Eljen septic system as the space limitations of the site prevent the installation of a standard septic system.

b) APPLICANT COMMENTS

The applicant confirmed that the proposed site of the garage has since been amended to have the closest corner rear setback be 4m, rather than 2m, from the road. This is intended to prevent any erosion of the road from water run-off.

c) ORAL & WRITTEN SUBMISSIONS

None.

d) DECISION OF COMMITTEE

The Committee noted that the proposed development is close to the neighbouring property, to the east. However, the applicants confirmed that they are also currently part-owners of the neighbouring property, along with relatives.

RESOLUTION #COA-2022-19

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 MV22-19 is **approved**, to allow a variance from the requirements of Sections 3.19.1 and 3.19.3 (Second Dwelling Zoning provisions) of Zoning By-Law 2002-121, for the lands legally described as 733 Branch Road, Concession 10, Part Lots 6 and 7, in the geographic Township of Bathurst, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-916-030-06401*

- *To permit construction of a portion of a cottage at 27.4m from the lake,*
- *To permit the construction of a cottage at 1.2m setback from the east side yard and construction of a garage at a rear yard setback of 4m;*

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

ADOPTED

FILE #: MV22-20 – Todd

a) PLANNER FILE REVIEW

The Planner reviewed the file and PowerPoint in the agenda package. The Planner also confirmed that the time limit for construction to be completed is the three-year Building Permit timeframe.

b) APPLICANT COMMENTS

None.

c) ORAL & WRITTEN SUBMISSIONS

None.

d) DECISION OF COMMITTEE

RESOLUTION #COA-2022-20

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 MV22-20 is **approved**, to allow a variance from the requirements of Section 5.1.2 (Residential Zone) of Zoning By-Law 2002-121, for the lands legally described as Crozier Road, Concession 2, Part Lot 21, in the geographic Township of South Sherbrooke, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-914-015-05990 to permit the construction of an outbuilding prior to the construction of a dwelling.”*

ADOPTED

FILE #: MV22-21 – Williams

a) PLANNER FILE REVIEW

The Planner reviewed the file and PowerPoint in the agenda package.

b) APPLICANT COMMENTS

None.

c) ORAL & WRITTEN SUBMISSIONS

None.

d) DECISION OF COMMITTEE

RESOLUTION #COA-2022-21

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 MV22-21 is **approved**, to allow a variance from the requirements of Section 3.29 (Water Setbacks) and Section 3.30 (Yard and Water Setback Encroachments) of Zoning By-Law 2002-121, for the lands legally described as 1167 Big Rideau North Shore Road, Concession 2 and 3, Part Lot 24, in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-020-03600*

- *To permit the construction of additions to an existing cottage at 13.4m from the lake on the south side of the cottage for a screened in porch, at 19.1m from the lake on the north side of the cottage for a walkout*

bedroom, laundry room, and bathroom with an ensuite bathroom above, and at 18m from the lake at the rear of the cottage for a foyer and pantry,

- *To permit the construction of a 7.7m² (82 sq ft) deck on the north side of the cottage;*

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

ADOPTED

FILE #: MV22-22 – Akehurst

a) PLANNER FILE REVIEW

The Planner reviewed the file and PowerPoint in the agenda package. The Planner also noted that, the applicant worked with the Township, Parks Canada, and Rideau Valley Conservation Authority (RVCA), to ensure the Provincially Significant Wetland (PSW) and shoreline will be protected. Recommendations will be included in a Site Plan Control Agreement.

b) APPLICANT COMMENTS

The applicant confirmed that although RVCA recommended the reduction of the proposed deck size, the extra space is intended to accommodate accessible access.

c) ORAL & WRITTEN SUBMISSIONS

The RVCA also noted that their regulatory role will require approval for development within the buffer of the Provincially Significant Wetland, as well as the shoreline.

d) DECISION OF COMMITTEE

RESOLUTION #COA-2022-22

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 MV22-22 is **approved**, to allow a variance from the requirements of Section 3.29 (Water Setbacks) and Section 3.30 (Yard and Water Setback Encroachments) of Zoning By-Law 2002-121, as amended, as follows:

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

- *To permit a deck encroachment of 3.4m rather than the 2m permitted and deck area of 46.5m² rather than the 25m² permitted;*

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

ADOPTED

7. NEW/OTHER BUSINESS

None.

8. ADJOURNMENT

The meeting adjourned at 5:58 p.m.

APPLICATIONS

Committee of Adjustment

September 26, 2022

Noelle Reeve, Planner

APPLICATION MV22-23

Joy and McKinnon

703 Black Lake Road, Concession 6, Part Lot 20

Geographic Township of North Burgess

SUMMARY OF PROPOSAL

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

- To permit the construction of an addition at a water setback of 26.8m rather than the 30m required.

The effect of the variance would be to permit construction of a 10.7m² (115 sq ft) addition at a water setback of 26.8m at the rear of the existing cottage.

REVIEW COMMENTS

The 1,620 m² (0.44 acre) property is located on Black Lake and currently contains a cottage, decks and sheds.

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 bedroom at the rear of the cottage. Section 2.1 Natural Heritage is also met as although the whole property is within a Provincially Significant Wetland buffer, the natural areas of the property will be protected through a Site Plan Control Agreement. The area proposed for development has already been disturbed by the existing deck. 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. Section 5.5.1.6 Provincially Significant Wetlands (PSW) permits development within a PSW buffer if there will be no negative impact.

Official Plan

The subject land is designated Provincially Significant Wetlands (PSW) buffer and Rural. Section 3.6 Rural permits residential uses. Under Section 3.4.3.2 Provincially Significant Wetlands, no Environmental Impact Statement was required as the area proposed for

development has already been disturbed by the deck at the rear of the existing cottage.

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 behind the existing cottage on an existing deck.

Zoning By-Law

The property is zoned Seasonal Residential (RS). Lot coverage at 12.7% exceeds the maximum of 10% and Floor Space Index at 6% is less than 12% maximum. But no new coverage is being added as a deck is being replaced with the room.

Relief from Section 3.29 (Water Setback) is sought to permit at a water setback of 26.8m.

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

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 and the protection of the PSW buffer through a Site Plan Control Agreement.

CIRCULATION COMMENTS

Rideau Valley Conservation Authority (RVCA)

The RVCA indicated they do not have an objection to the proposal. They note that a permit will be required from them for work within the PSW buffer regulated area. Standard conditions for Site Plan Control 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, or into the PSW. In order to help achieve this, eaves troughing shall be installed and outlet to a leach pit or well-vegetated area away from the lake and PSW to allow for maximum infiltration.

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

Mississippi-Rideau Septic System Office (MRSSO)

The MRSSO 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.

SITE PLAN CONTROL

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

RECOMMENDATION

That the Minor Variance be granted for relief from the requirements of Section 3.29 (Water Setbacks) 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 26.8m 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 permit for work in the PSW regulated area be obtained from the RVCA.

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

McKinnon/Joy 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.

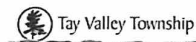
Ontario Land Tribunal

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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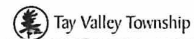
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McKinnon/Joy Minor Variance

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



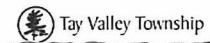
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McKinnon/Joy Minor Variance

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

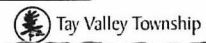


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McKinnon/Joy *703 Black Lake Road, Concession 6 Part Lot 20, geographic Township of North Burgess*



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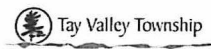
McKinnon/Joy - Proposal

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

- To permit the construction of an addition at a water setback of 26.8m rather than the 30m required.

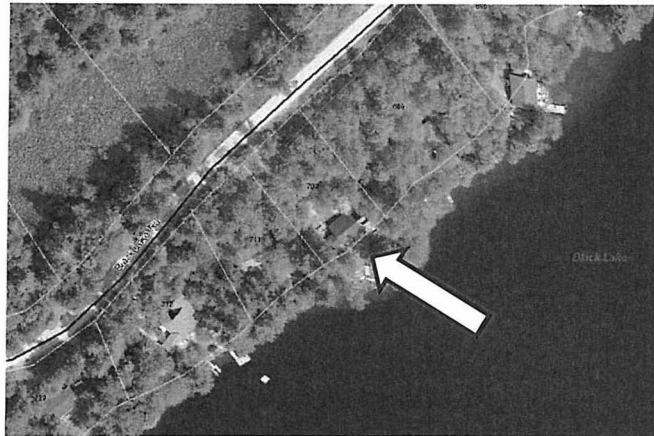
The effect of the variance would be to permit construction of a 10.7m² (115 sq ft) addition at a water setback of 26.8m at the rear of the existing cottage.

5

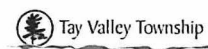


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McKinnon/Joy – Aerial Photo



6




6

McKinnon/Joy – Property Photo

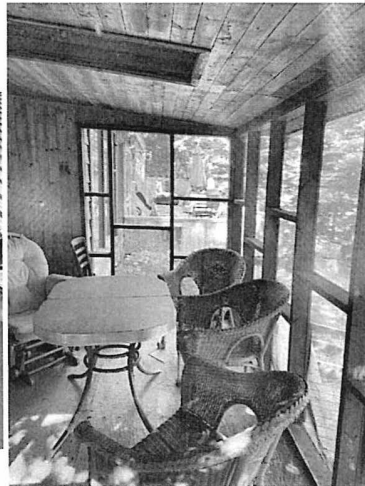
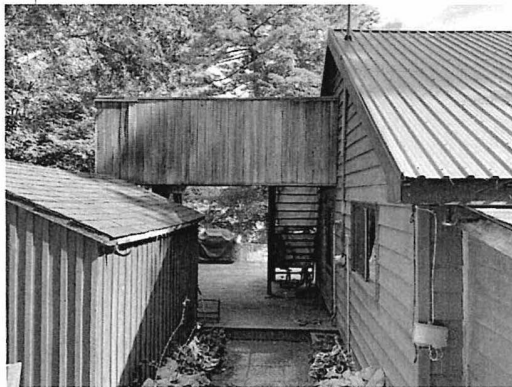


7


 Tay Valley Township

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McKinnon/Joy – Property Photo

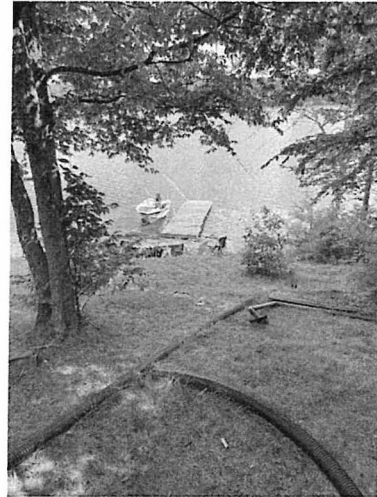


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 Tay Valley Township

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McKinnon/Joy – Property Photo



9

 Tay Valley Township

9


McKinnon/Joy Comments

Rideau Valley Conservation Authority (RVCA)

The RVCA indicated they do not have an objection to the proposal. They note that a permit will be required from them for work within the PSW buffer regulated area. Standard conditions for Site Plan Control 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.

10

 Tay Valley Township

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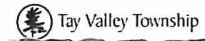
McKinnon/Joy Comments – RVCA Cond't

Rideau Valley Conservation Authority (RVCA)

- natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the lake, or into the PSW. In order to help achieve this, eaves troughing shall be installed and outlet to a leach pit or well-vegetated area away from the lake and PSW to allow for maximum infiltration.
- This property falls within the regulated area of the North Shore Big Rideau Lake PSW as such prior written is required from our office for any development within the 120-metre regulatory setback in accordance with our regulation (Development, Interference with Wetlands, Alteration to Shoreline and Watercourses) made under Section 28 of the Conservation Authorities Act

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.

11



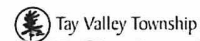
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McKinnon/Joy Comments – Mississippi-Rideau Septic System Office (MRSSO)

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.

12



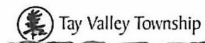
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McKinnon/Joy Provincial Policy Statement

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 bedroom at the rear of the cottage.
- Section 2.1 Natural Heritage is also met as although the whole property is within a Provincially Significant Wetland buffer, the natural areas of the property will be protected through a Site Plan Control Agreement. The area proposed for development has already been disturbed by the existing deck.
- Section 3.1 Protecting Public Health and Safety –None.

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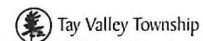


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McKinnon/Joy County Sustainable Community Official Plan

- 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.
- Section 5.5.1.6 Provincially Significant Wetlands (PSW) permits development within a PSW buffer if there will be no negative impact.

14

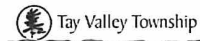


14

McKinnon/Joy Official Plan

- The subject land is designated Provincially Significant Wetlands (PSW) buffer and Rural.
- Section 3.6 Rural permits residential uses.
- Under Section 3.4.3.2 Provincially Significant Wetlands, no Environmental Impact Statement was required as the area proposed for development has already been disturbed by the deck at the rear of the existing cottage.
- 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 behind the existing cottage on an existing deck.

15

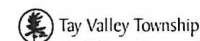


15

McKinnon/Joy Zoning By-law

- The property is zoned Seasonal Residential (RS). Lot coverage at 12.7% exceeds the maximum of 10% while Floor Space Index at 6% is less than 12% maximum. But no new coverage is being added as a deck is being replaced with the room.
- Relief from Section 3.29 (Water Setback) is sought to permit a water setback of 26.8m.

16



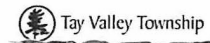
16

McKinnon/Joy Official Plan & Zoning Test

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

Yes. A minor reduction in setback is sought for a small addition at the rear of the cottage away from the lake.

17



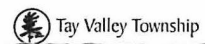
17

McKinnon/Joy Development & Use Test

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

- The proposal is 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 and the protection of the PSW buffer through a Site Plan Control Agreement.

18



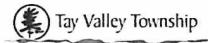
18

McKinnon/Joy "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 quite small (10.7m², 115 sq ft).

19

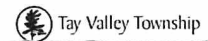


19

McKinnon/Joy 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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McKinnon/Joy 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:

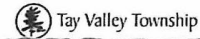
- To permit the construction of a 10.7m² (115 sq ft) addition to the rear of the existing cottage at a water setback of 26.8m rather than the 30m required

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 permit for work in the PSW regulated area be obtained from the RVCA.

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

21



21

McKinnon/Joy Resolution

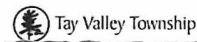
Recommended Decision:

"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 MV22-23 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 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 10.7m² (115 sq ft) addition to the rear of the cottage.

And 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 PSW as such prior written is required from our office for any development within the 120-metre regulatory setback in accordance with our regulation (Development, Interference with Wetlands, Alteration to Shoreline and Watercourses) made under Section 28 of the Conservation Authorities Act"

22



22