



## COMMITTEE OF ADJUSTMENT AGENDA

Monday, February 28, 2022 - 5:00 p.m.  
Conference Call

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### Conference Call (audio)

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

GoToMeeting (visual) <https://meet.goto.com/590698789>

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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](mailto: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.

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### **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
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### **Chair, Larry Sparks**

#### **1. CALL TO ORDER**

Roll Call

#### **2. AMENDMENTS/APPROVAL OF AGENDA**

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

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

#### **4. APPROVAL OF MINUTES**

- i) **Committee of Adjustment Meeting - November 15<sup>th</sup>, 2021 - attached, page 8.**

*Suggested Motion by Peter Siemons/Ron Running:  
“THAT, the minutes of the Committee of Adjustment meeting held November 15<sup>th</sup>, 2021 be approved as circulated.”*

#### **5. INTRODUCTION**

- The purpose of this meeting is to hear an application for Minor Variance:
  - **McClenaghan and Peter**
  - **Ennis**
  - **Woods and Dowdall**
  - **Arch Tay Facility Inc.**

- 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 [planningassistant@tayvalleytwp.ca](mailto:planningassistant@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 20 days of the notice of decision.

## 6. APPLICATION

i) **FILE #: MV21-27 – McCleneghan – 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 MV21-27 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 2044 Sherbrooke Drive B, Plan 26, Concession 2 and 3, Lot 1 in the geographic Township of South Sherbrooke, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-914-015-39113 to reduce the rear setback of a proposed 49m<sup>2</sup> footprint, two-storey cottage addition from 7.5 m to 3.8m.”*

ii) **FILE #: MV21-28 – Ennis – attached, page 25.**

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

*Recommended Decision by Ron Running/Peter Siemons:*

*“**THAT**, in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application MV21-28 is **denied**, as the Zoning By-Law does not permit any encroachment or decks within 6m of the water and therefore the application does not meet the four tests for a Minor Variance.”*

iii) **FILE #: MV22-01 – Woods and Dowdall – attached, page 38.**

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

*Recommended Decision by Ron Running/Peter Siemons:*

**“THAT**, in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, that Minor Variance Application MV22-01 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 140 Patterson Road, Concession 3, Lot 19 in the geographic Township of South Sherbrooke, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-914-020-47200

- To reduce the minimum required water setback for a proposed 30m<sup>2</sup> (322 sq ft) addition to the east side of the cottage to 23m from the lake and reduce the water setback to 29.4m from the lake for a proposed 9m<sup>2</sup> (97sq ft) addition to the rear of the cottage.
- To permit an encroachment of 1m for a deck and permit the deck to be 34.8 m<sup>2</sup> rather than the 28m<sup>2</sup> permitted;

**AND THAT**, the Minor Variance be subject to recognizing the existing private road.”

iv) **FILE #: MV22-02 – Arch Tay Facility Inc. – attached, page 50.**

- 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 MV22-02 is **approved**, to allow a variance from the requirements of Section 8.1.2 (Institutional) of Zoning By-Law 2002-121, for the lands legally described as 99 Christie Lake Road, Concession 2, Lot 27 in the geographic Township of Bathurst, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-916-015-18900 to permit the applicant to construct a Long Term Care facility (LTC) with a

*front setback of 7.268m (23.85 ft), a rear setback of 6.218m (20.4 ft), a west side setback of 4m (13.12 ft), maximum lot coverage of 31%, and a building height of 12m.”*

**7. NEW/OTHER BUSINESS**

None.

**8. ADJOURNMENT**

# MINUTES

## COMMITTEE OF ADJUSTMENT MINUTES

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Monday, November 15<sup>th</sup>, 2021

5:00 p.m.

Conference Call

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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:** Catherine Code, Owner

**Public Present:** None

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### 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 provided an overview of 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 18<sup>th</sup>, 2021.**

The minutes of the Committee of Adjustment meeting held on October 18<sup>th</sup>, 2021 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:

**MV21-26 – CODE – 737 Beaver Dam Lane**, Concession 8, Part Lot 3, geographic Township of North Burgess

## 6. APPLICATIONS

i) **FILE #: MV21-26 – CODE**

a) **PLANNER FILE REVIEW**

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

The Planner noted that building an addition towards the rear of the existing structure is preferable as there are no steep slope considerations and the structure would not be able to support an addition to the side. The Planner also confirmed that the rear setback was from the private road.

b) **APPLICANT COMMENTS**

The owner explained that they revised their proposal from the previous year and redesigned the addition to be at the rear of the building, as they did not wish to disrupt stability of the land.

c) **ORAL & WRITTEN SUBMISSIONS**

None.

d) **DECISION OF COMMITTEE**

**RESOLUTION #COA-2021-30**

**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 MV21-26 is approved, to allow a variance from the requirements of Section 5.2.2 (Rear Yard Setback) of Zoning By-Law 2002-121, for the lands legally described 737 Beaver Dam Lane, Part Lot 3, Concession 8 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 rear setback of a proposed 49m<sup>2</sup> footprint, two-storey cottage addition from 7.5 m to 3.8m;

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

**ADOPTED**

**7. NEW/OTHER BUSINESS**

None.

**8. ADJOURNMENT**

The meeting adjourned at 5:12 p.m.

# APPLICATIONS

**Committee of Adjustment**

February 28<sup>th</sup>, 2022

**Noelle Reeve, Planner**

**APPLICATION MV21-27**

McClenaghan and Peter

2044 Sherbrooke Drive B, Plan 26, Concession 2 and 3, Lot 1

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 a reduced water setback from the 30m required to 25m for a proposed 43.38m<sup>2</sup> (466.9 sq ft) addition in line with the front of the existing cottage.

The effect of the variance would be to permit the construction of an addition to an existing cottage with a water setback of 25m instead of the 30m required by the Zoning By-Law.

**REVIEW COMMENTS**

The property is situated at 2044 Sherbrooke Drive B. The addition is proposed to be set back in line with the front of the cottage at 25m from Bobs Lake.

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, the Official Plan Section 2.24.2.c does allow for a reduction in setbacks where an existing lot of record or existing development precludes the possibility of meeting the setback.

A geotechnical letter of opinion on building safely on the steep slope was required to meet Section 2.20.4.3 Steep Slopes and Erosion Lands. The slope stability assessment was provided by Groundwork Engineering. It concluded that the factor of safety for the subject slope exceeds the minimum 1.5 factor of safety required. With mitigation measures (including construction of the foundation on bedrock, removal of all loose and weathered rock, and use of a silt fence) the study concluded construction could proceed safely.

The proposal is also desirable and appropriate development of the lands in question as it is a permitted use and does not encroach toward the lake from the existing cottage.

**CIRCULATION COMMENTS**

**Rideau Valley Conservation Authority (RVCA)** – The RVCA does not object to the application.

The RVCA noted that the water quality of Bobs Lake ranges from fair to good. Diversion of runoff and enhanced shoreline buffers are important to continue to protect and enhance water quality and reduce future nutrient exceedances and this is particularly important for roadways and dwellings that border the lake.

The RVCA also noted the property, like most in Tay Valley, overlies a vulnerable aquifer so care should be taken not to let contaminants fall onto the ground e.g., oil, gasoline etc.

**Mississippi-Rideau Septic System Office (MRSSO)** – Applicants have submitted a Part 10/11 Renovation review.

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

### **SITE PLAN CONTROL**

A Site Plan Control Agreement is recommended to maintain vegetation along the waterfront and roof runoff to be directed to the rear of the building.

### **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 a reduced water setback for a proposed addition to a cottage, from the required 30m (100 ft) to 25m (82 ft).

# McClenaghan and Peter 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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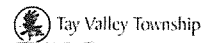
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# McClenaghan and Peter Minor Variance

## 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

# McClenaghan and Peter 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

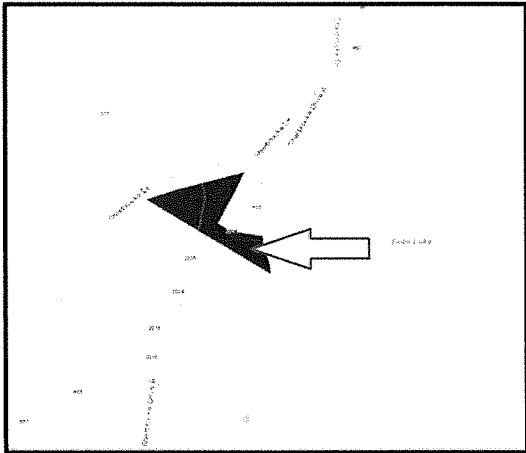
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# McClenaghan and Peter

*2044 Sherbrooke Drive B, Lot 1, Plan 26, Concession 2 and 3, in  
the geographic Township of South Sherbrooke*



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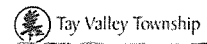
## McClenaghan and Peter - Proposal

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

- To permit a reduced water setback from the 30m required to 25m for a proposed 43.38m<sup>2</sup> (466.9 sq ft) addition in line with the front of the existing cottage.

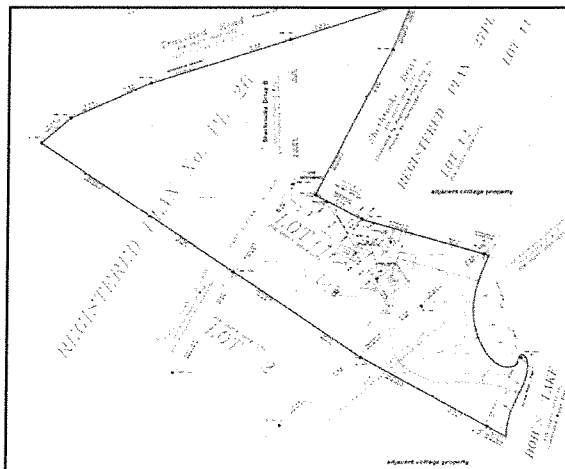
The effect of the variance would be to permit the construction of an addition to an existing cottage with a water setback of 25m instead of the 30m required by the Zoning By-law.

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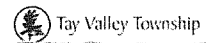


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## McClenaghan and Peter – Site Sketch

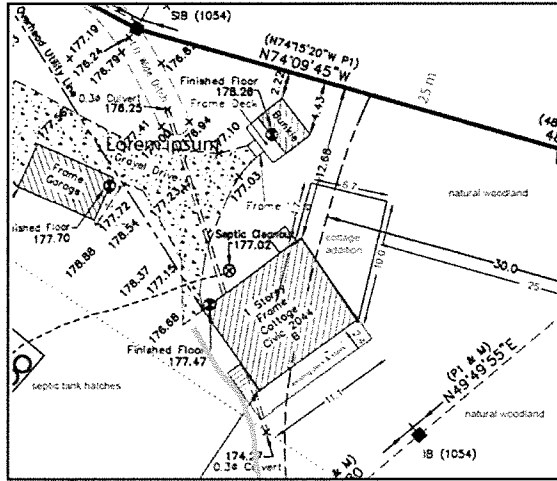


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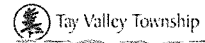


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## McClenaghan and Peter – Site Sketch

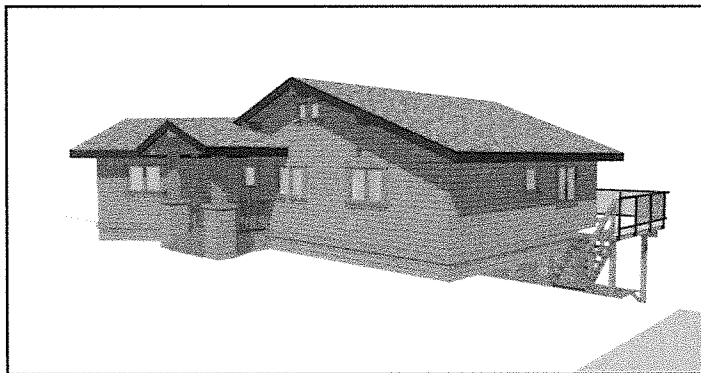


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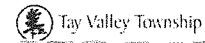


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## McClenaghan and Peter – Building Sketch

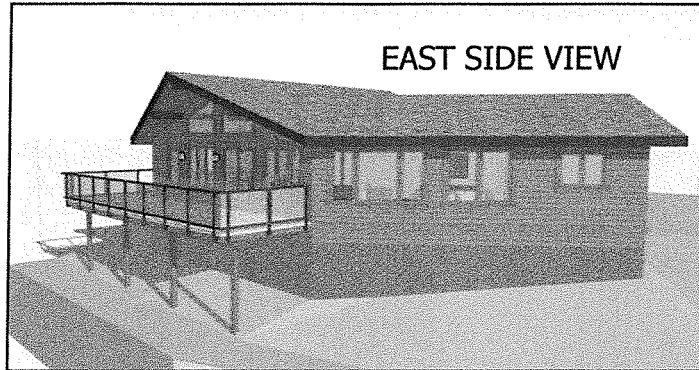


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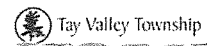


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## McClenaghan and Peter – Building Sketch



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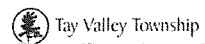
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## McClenaghan and Peter Comments

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

- RVCA has no objection to the application.
- Water quality of Bobs Lake ranges from fair to good.
- Diversion of runoff and enhanced shoreline buffers are important for water quality and reduction of future nutrient exceedances.
- As with most Tay Valley properties, this lot overlies a vulnerable aquifer. Care should be taken to not let contaminants such as oil and gasoline fall onto the ground.

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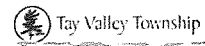


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## McClenaghan and Peter - Comments Mississippi Rideau Septic System Office (MRSSO):

- The MRSSO received an application for a Part 10/11 Renovation review.

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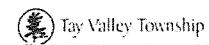


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## McClenaghan and Peter Site Plan Control

- A Site Plan Control Agreement is recommended to maintain vegetation along the waterfront and roof runoff to be directed to the rear of the building.

12



12

## McClenaghan and Peter Official Plan

- 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, the Official Plan Section 2.24.2.c does allow for a reduction in setbacks where an existing lot of record or existing development precludes the possibility of meeting the setback.
- Section 2.20.4 Natural Hazards (slopes) required the applicants to obtain a steep slope geotechnical review.

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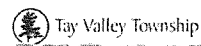


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## McClenaghan and Peter Zoning By-law

- The property is zoned Seasonal Residential (RS), and seasonal residential uses are permitted.

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## McClenaghan and Peter Official Plan & Zoning Test

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

- The general intent of the Official Plan and Zoning By-law are maintained.

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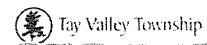
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## McClenaghan and Peter Development & Use Test

*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 it is a permitted use and does not encroach toward the lake from the existing cottage.

16



16

## McClenaghan and Peter "Minor" Test

*Is it minor in nature and scope?*

- The application can be considered minor in impact as there are no anticipated negative impacts on the neighbouring properties. The subject property is treed so the minor variance relief sought will not be visible to neighbours.
- A slope stability assessment conducted by Groundwork Engineering Ltd. concluded that the subject slope exceeds the minimum 1.5 factor of safety.

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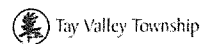


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## McClenaghan and Peter Public Comments

- 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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## McClenaghan and Peter Recommendation

That the Minor Variance be granted for relief from the requirements of Section 3.29 (Water Setbacks) 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*.

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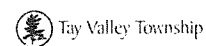
## McClenaghan and Peter Resolution

*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 MV21-27 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 2044 Sherbrooke Drive B, Plan 26, Concession 2 and 3, Lot 1, in the geographic Township of South Sherbrooke, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-914-015-39113*

- To permit the construction of an addition to an existing cottage with a water setback of 25m instead of the 30m required by the Zoning By-law."*

20



20



**Committee of Adjustment**

February 28<sup>th</sup>, 2022

**Noelle Reeve, Planner**

**APPLICATION MV21-8**

Ennis

257 West Bay Drive, Concession 6, Lot 23  
Geographic Township of North Burgess

**SUMMARY OF PROPOSAL**

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

- Permit a 4m encroachment of a 23.4m<sup>2</sup> (252 sq ft) unenclosed porch (screened in porch) when the Zoning By-Law prohibits any encroachment or deck area to be constructed because the cottage is set back less than 6m from the lake.
- Permit a 9m encroachment of a 17.4m<sup>2</sup> (187 sq ft) for a deck when the Zoning By-Law prohibits any encroachment or deck area to be constructed because the cottage is set back less than 6m from the lake.

The effect of the variances would be to permit construction of a 23.4m<sup>2</sup> (252 sq ft) screened in porch to the west side of the cottage and a 17.4m<sup>2</sup> (187 sq ft) deck on the west side of the cottage. However, the Zoning By-Law prohibits any encroachment or porch/deck area to be constructed because the cottage is set back 5.7m from Black Lake. Cottages located less than 6m from a lake are not permitted under the current Zoning By-Law to have decks or porches.

**REVIEW COMMENTS**

The property is situated on Black Lake. The lot currently has a dwelling, decks, three sheds and a dock on it. Lot coverage is currently 3.6% and would increase to 5.9% if the garage and porch and deck were constructed. This is well below the 10% lot coverage permitted.

The Planner held discussions with the applicant's agent following a site visit to the property to discuss amending the application for the deck and screened porch for both location and size.

Under the current Zoning By-Law, no amount of deck is permitted for a cottage that is located less than 6m from a lake. The existing total footprint of the decks constructed in the 1940s, is 28.4m<sup>2</sup> (306 sq ft). This area would only be permitted under the current Zoning By-Law if the cottage was located between 15m and 30 m from the lake.

The application proposes to add 23.4m<sup>2</sup> (252 sq ft) of screened porch and 17.4m<sup>2</sup> (187 sq ft) of deck to the cottage. This would bring the total footprint of the deck/porch to 69.2m<sup>2</sup> (745 sq ft). Under the current Zoning By-Law, this amount of deck/porch would only be permitted on a cottage 30m from the lake.

In addition, the Zoning By-Law prohibits projection into the existing water setback where a cottage is located less than 6m from water. The proposed screened-in porch would project 4.5m west from the cottage within the 30m setback. The proposed deck would project approximately 9m west of the cottage within the 30m setback.

The RVCA subwatershed catchment report for Black Lake indicates the lake has a water quality rating reported as “fair” (out of a range from poor, fair, good, to very good). The report also highlights the sensitive nature of the shoreline area. Based on numerous studies, a 30 m uninterrupted vegetated buffer is recommended along watercourses to provide water quality and habitat.

The proposal is not desirable and appropriate development of the lands in question as it places excessive impervious surface within the 30m setback to Black Lake.

### **CIRCULATION COMMENTS**

**Rideau Valley Conservation Authority (RVCA)** – The RVCA does not support the application for the deck and porch because of the impacts on water quality and habitat that occur when construction occurs within 30m of a waterbody. They do support the garage. If the garage is built, the RVCA recommends standard conditions for the Site Plan Control Agreement:

- 1) Sediment and erosion control is to include measures such as sediment/silt control fencing installed prior to the construction phase of development.
- 2) Eavestroughs draining to the rear.
- 3) Vegetation enhancement along the shore.
- 4) All materials from construction (such as demolished materials or excess soil) will be disposed of 30 metres or more from the normal highwater mark of Black Creek, at a proper disposal site.
- 5) The following statement should be included in the site plan control agreement.  
“Should any work be undertaken along the shoreline of Black Lake, permits would be required by the Rideau Valley Conservation Authority in accordance with Ontario Regulation 174/06 (“Development, Interference with Wetlands and Alteration to Shorelines and Watercourses”).”

**Mississippi Rideau Septic System Office (MRSSO)** - The MRSSO has no objection to the application. The sewage system is approximately 15 m from the proposed deck addition, 9 m from the proposed screened in porch, and 25.5 m from Black Lake. Based on the information provided, the addition of the deck, screened porch, and future construction of the garage will not impact the maintenance and operation of the existing sewage system.

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

## **RECOMMENDATION**

That the minor variance not be granted for relief from the requirements of Section 3.30 (Yard and Water Setback Encroachment) of Zoning By-Law 2002-121, as amended.

# Ennis 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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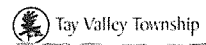
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# Ennis Minor Variance

## 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



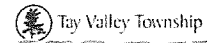
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## Ennis Minor Variance

### Hearing Process

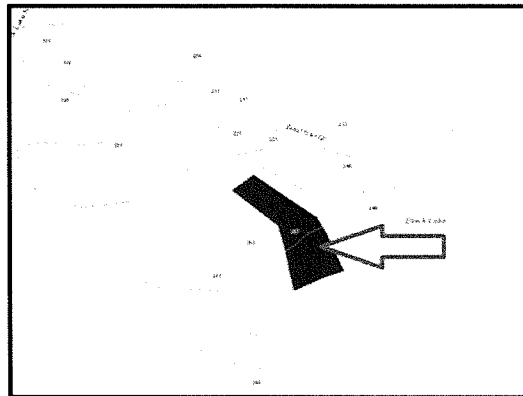
- The Planner will review the application and present her comments plus those of the Conservation Authority, Septic System Office, and any public comments received
- The Applicant may provide additional details or clarification
- Any members of the public may contribute comments or questions
- The Committee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

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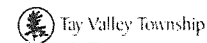


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## Ennis *257 West Bay Drive, Lot 23, Concession 6, in the geographic Township of North Burgess*



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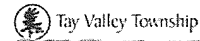
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## Ennis - Proposal

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

- To permit a 4m encroachment of a 23.4m<sup>2</sup> (252 sq ft) unenclosed porch (screened in porch) when the Zoning By-law prohibits any encroachment or deck area to be constructed because the cottage is set back less than 6m from the lake
- To permit a 9m encroachment of a 17.4m<sup>2</sup> (187 sq ft) deck for a deck when the Zoning By-law prohibits any encroachment or deck area to be constructed because the cottage is set back less than 6m from the lake.

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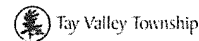
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## Ennis - Proposal

The effect of the variances would be to permit construction of a 23.4m<sup>2</sup> (252 sq ft) screened in porch to the west side of the cottage and a 17.4m<sup>2</sup> (187 sq ft) deck on the west side of the cottage.

However, the Zoning By-law prohibits any encroachment or porch/deck area to be constructed because the cottage is set back 5.7m from Black Lake. Cottages located less than 6m from a lake are not permitted under the current Zoning By-law to have decks or porches.

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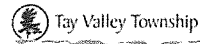


## Ennis Comments

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

- The RVCA does not support the application for the deck and porch because of the impacts on water quality and habitat that occur when construction is within 30m of a waterbody.
- The RVCA does support the construction of the garage with a Site Plan Control Agreement.
- The RVCA subwatershed catchment report for Black Lake indicates the lake has a water quality rating reported as "fair". A 30m uninterrupted vegetated buffer is recommended along watercourses to protect water quality and habitat.

9



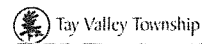
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## Ennis Comments

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

- If the garage is built, the RVCA recommends standard conditions for the Site Plan Control Agreement:
  1. Sediment and erosion controls installed prior to construction
  2. Eavestrough draining to the rear
  3. Vegetation enhancement along the shore
  4. Construction/demolition materials properly disposed of
  5. Permits required for shoreline work

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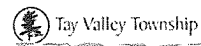


## Ennis - Comments

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

- The MRSSO has no objection to the application. The sewage system is approximately 15 m from the proposed deck addition, 9 m from the proposed screened in porch, and 25.5 m from Black Lake.
- Based on the information provided, the addition of the deck, screened porch, and future construction of the garage will not impact the maintenance and operation of the existing sewage system.

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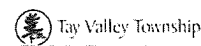


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## Ennis Official Plan

- Section 2.24.1.a of the Official Plan requires a minimum setback of 30m from the high-water mark of any water body for new development.
- The Official plan requirement flows from the Lanark County Sustainable Communities Official Plan (SCOP) requirement to protect water quality.
- The Lanark County SCOP requirement in turn implements the Provincial Policy Statement requirement from Section 2.2 Water which states that "planning authorities shall protect, improve or restore the quality and quantity of water...".
- Protecting water quality for Black Lake is particularly important as its only rated fair.

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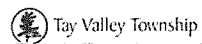


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## Ennis Zoning By-law

- The property is zoned Seasonal Residential (RS), and seasonal residential uses are permitted.
- Under the current Zoning By-law, no amount of deck is permitted for a cottage that is located less than 6m from a lake. The existing total footprint of the decks constructed in the 1940s, is 28.4m<sup>2</sup> (306 sq ft). This area would only be permitted under the current Zoning By-law if the cottage was located between 15m and 30 m from the lake.

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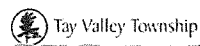
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## Ennis Official Plan & Zoning Test

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

- The Zoning By-law prohibits projection into the existing water setback where a cottage is located less than 6m from water. The proposed screened-in porch would project 4.5m west from the cottage within the 30m setback. The proposed deck would project approximately 9m west of the cottage within the 30m setback.

14



14

## Ennis Development & Use Test

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

- The proposal is not desirable and appropriate development of the lands in question as it places excessive impervious surface within the 30m setback to Black Lake.

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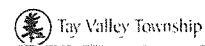
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## Ennis "Minor" Test

*Is it minor in nature and scope?*

- No. The amount of deck currently in place and its projection into the water setback greatly exceeds what would be permitted under the current Zoning Bylaw.
- The current Zoning Bylaw would not permit any amount of deck or any projection because the cottage is less than 6m from the lake.

16

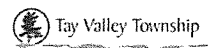


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## Ennis Public Comments

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

17

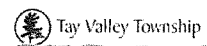


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## Ennis Recommendation

That the minor variance not be granted for relief from the requirements of Section 3.30 (Yard and Water Setback Encroachment) of Zoning By-Law 2002-121, as amended.

18



18

## Ennis 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 MV21-28 is denied, to allow a variance from the requirements of Section 3.30(Yard and Water Setback) of Zoning By-Law 2002-121, for the lands legally described as 257 West Bay Drive, Concession 6, Lot 23, in the geographic Township of North Burgess, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-911-020-77800*

- *To permit a 4m encroachment of a 23.4m<sup>2</sup> (252 sq ft) unenclosed porch (screened in porch).*
- *To permit a 9m encroachment of a 17.4m<sup>2</sup> (187 sq ft) deck.*

**Committee of Adjustment**

February 28th, 2022

**Noelle Reeve, Planner**

**APPLICATION MV22-01**

Woods and Dowdall

140 Patterson Road, Concession 3, Lot 19,  
Geographic Township of South Sherbrooke,

**SUMMARY OF PROPOSAL**

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

- Reduce the minimum required water setback for a proposed 30m<sup>2</sup> (322 sq ft) addition to the east side of the cottage to 23m from the lake and reduce the water setback to 29.4m from the lake for a proposed 9m<sup>2</sup> (97sq ft) addition to the rear of the cottage.
- Permit an encroachment of 1m for a deck and permit the deck to be 34.8 m<sup>2</sup> rather than the 28m<sup>2</sup> permitted.

The effect of the variances would be to permit construction of a 30m<sup>2</sup> (322 sq ft) addition to the east side of the cottage (largely replacing an existing sunroom) at a setback of 23 m from the lake as well as permit a 9m<sup>2</sup> (97 sq ft) addition to the rear of the cottage at a setback of 29.4m from the lake.

Also, a deck is proposed that would encroach 3m toward the lake rather than the 2m allowed at the cottage water setback. The proposed deck is also 7m<sup>2</sup> (75 sq ft) larger than what is permitted at this setback of the cottage.

**REVIEW COMMENTS**

The property is situated at 140 Patterson Road on Christie Lake. The lot currently has a small (74m<sup>2</sup>, 765 sq ft) cottage on it. Additions proposed to the cottage (largely replacing an existing screen porch) would bring the total footprint of the one storey cottage to 113m<sup>2</sup> (1,216 sq ft).

The Township planner and RVCA planner met the landowners on site. It was acknowledged that there are constraints to developing this lot as there is water on three sides and solutions were discussed.

Section 2.24.1.a requires a minimum setback of 30m from the high-water mark of any water body for new development. However, given the subject lot has a waterbody surrounding it on three sides, a reduction in the water setback could be accepted because there would be no encroachment toward the lake. The addition replacing the screened in porch on the east side of the cottage would be in line with the existing cottage and the smaller addition is proposed at the rear of the cottage.

The application for the additions to the dwelling can be considered minor in impact as no additional encroachment into the 30m setback will occur. The application for the 1m deck encroachment and additional deck size can also be considered minor.

In addition, the Site Plan Control Agreement will include the recommendations will require retention of vegetation to mitigate stormwater runoff impacts.

The proposal is also desirable and appropriate development of the lands in question as it is a permitted use and largely meets the water setback requirements.

## **CIRCULATION COMMENTS**

**Rideau Valley Conservation Authority** – Verbally the RVCA did not object to the application. The RVCA recommended standard conditions for the Site Plan Control Agreement:

- 1) Sediment and erosion control is to include measures such as sediment/silt control fencing installed prior to the construction phase of development.
- 2) Eavestroughs draining to the rear.
- 3) Vegetation enhancement along the shore.

**Mississippi-Rideau Septic System Office (MRSSO)** – A septic application will be submitted to the MRSSO.

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

## **RECOMMENDATION**

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

- Reduce the minimum required water setback for a proposed addition the east to 23m from the lake
- Reduce the minimum required water setback for a proposed addition to the rear to 29.4m
- Permit an additional deck encroachment of 1m (resulting in a 3m wide deck)
- Permit a deck size of 35 m<sup>2</sup>

## Woods and Dowdall 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.

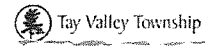
### Ontario Land Tribunal

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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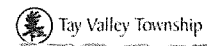
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## Woods and Dowdall Minor Variance

### 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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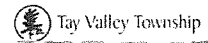


## Woods and Dowdall Minor Variance

### 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

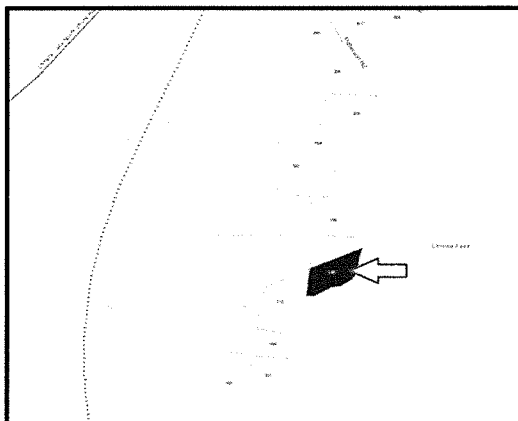
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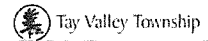
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## Woods and Dowdall

*140 Patterson Road, Lot 19, Concession 3, in the geographic Township of South Sherbrooke*



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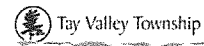
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## Woods and Dowdall - Proposal

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

- Reduce the minimum required water setback for a proposed 30m<sup>2</sup> (322 sq ft) addition to the east side of the cottage to 23m from the lake and reduce the water setback to 29.4m from the lake for a proposed 9m<sup>2</sup> (97sq ft) addition to the rear of the cottage.
- Permit an encroachment of 1m for a deck and permit the deck to be 34.8 m<sup>2</sup> rather than the 28m<sup>2</sup> permitted.

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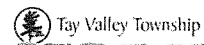
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## Woods and Dowdall - Proposal

The effect of the variances would be to permit construction of a 30m<sup>2</sup> (322 sq ft) addition to the east side of the cottage (largely replacing an existing sunroom) at a setback of 23 m from the lake as well as permit a 9m<sup>2</sup> (97 sq ft) addition to the rear of the cottage at a setback of 29.4m from the lake.

Also, a deck is proposed that would encroach an additional 1m toward the lake beyond the 2m allowed at the cottage water setback. The proposed deck is also 7m<sup>2</sup> (75 sq ft) larger than what is permitted at this setback of the cottage.

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## Woods and Dowdall – Site Sketch



7

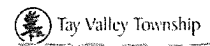


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## Woods and Dowdall – Aerial Photo (2014)

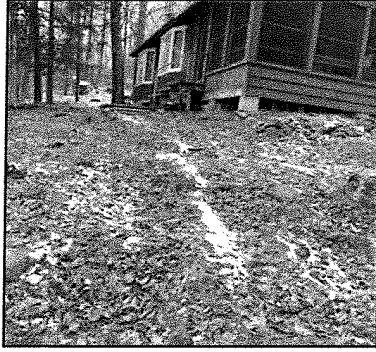


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## Woods and Dowdall – Photos

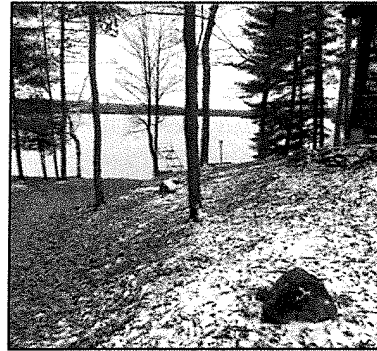


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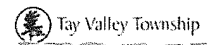


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## Woods and Dowdall – Photos



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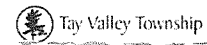
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## Woods and Dowdall Comments

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

- Verbally the RVCA did not object to the application. The RVCA recommended standard conditions for the Site Plan Control Agreement:
  1. Sediment and erosion control is to include measures such as sediment/silt control fencing installed prior to the construction phase of development.
  2. Eavestroughs draining to the rear.
  3. Vegetation enhancement along the shore.

11



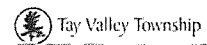
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## Woods and Dowdall - Comments

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

- A septic application will be submitted to the MRSSO.

12



12

## Woods and Dowdall Official Plan

- Section 2.24.1.a requires a minimum setback of 30m from the high-water mark of any water body for new development. However, given the subject lot has a waterbody surrounding it on three sides, a reduction in the water setback could be accepted because there would be no encroachment toward the lake.
- The addition replacing the screened in porch on the east side of the cottage would be in line with the existing cottage and the smaller addition is proposed at the rear of the cottage.

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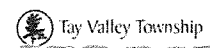


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## Woods and Dowdall Zoning By-law

- The property is zoned Seasonal Residential (RS), and seasonal residential uses are permitted.

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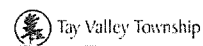
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## Woods and Dowdall Official Plan & Zoning Test

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

- Yes. There is no encroachment toward the lake for the addition. An existing screened in porch is being replaced with a room.
- The encroachment toward the lake of 1m (for a total 3m encroachment) is offset by reducing the existing encroachment toward the lake of the cottage's bay windows. They will be removed, presenting a flat wall to which the deck will be attached.

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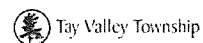
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## Woods and Dowdall Development & Use Test

*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 it is a permitted use and largely meets the water setback requirements.

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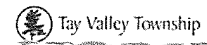
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## Woods and Dowdall "Minor" Test

### *Is it minor in nature and scope?*

- The application for the additions to the dwelling can be considered minor in impact as no additional encroachment into the 30m setback will occur from the addition.
- The application for the 1m deck encroachment and additional deck size can also be considered minor as the existing cottage has a small footprint.

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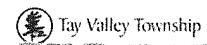


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## Woods and Dowdall Public Comments

- 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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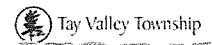


## Woods and Dowdall Recommendation

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

- Reduce the minimum required water setback for a proposed addition to the east to 23m from the lake
- Reduce the minimum required water setback for a proposed addition to the rear to 29.4m
- Permit an additional deck encroachment of 1m (resulting in a 3m wide deck)
- Permit a deck size of 35 m<sup>2</sup>

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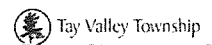
## Woods and Dowdall Resolution

### *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 MV22-01 is approved, to allow a variance from the requirements of Sections 3.29 (Water Setbacks) and Section 3.30 (Yard and Water Setback Encroachment) of Zoning By-Law 2002-121, for the lands legally described as 140 Patterson Road, Concession 3, Lot 19, in the geographic Township of South Sherbrooke, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-914-020-47200*

- *To reduce the minimum required water setback for a proposed 30m<sup>2</sup> (322 sq ft) addition to the east side of the cottage to 23m from the lake and reduce the water setback to 29.4m from the lake for a proposed 9m<sup>2</sup> (97sq ft) addition to the rear of the cottage.*
- *To permit an additional encroachment of 1m for a deck and permit the deck to be 34.8 m<sup>2</sup> rather than the 28m<sup>2</sup> permitted.*

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**Committee of Adjustment**

February 28<sup>th</sup>, 2022

**Noelle Reeve, Planner**

**APPLICATION MV22-02**

Arch Tay Facility Inc.

(99) Christie Lake Road, Part Lot 27, Concession 2,  
Geographic Township of Bathurst

**SUMMARY OF PROPOSAL**

Purpose and Effect: To seek relief from Section 8.1.2 (Institutional) of Zoning By-Law 2002-121, as amended, as follows:

- To permit the applicant to construct a Long Term Care facility (LTC) with a front setback of 7.268m (23.85 ft), a rear setback of 6.218m (20.4 ft), a west side setback of 4m (13.12 ft), maximum lot coverage of 31%, and a building height of 12m.

The effect of the variance would be to permit the construction of a LTC facility with a front setback of 7.268m instead of the 10m required, a rear setback of 6.218m instead of the 7.5m required, an east side setback of 4m (at one point) instead of the required 6m, lot coverage of 31% instead of 20%, and a building height of 12m instead of the maximum of 9m permitted by the Zoning By-law.

**REVIEW COMMENTS**

The property is situated at (99) Christie Lake Road. The lot is currently vacant. The surrounding land uses include a single family dwelling and a 2.5 storey apartment building beside an 8 storey apartment building to the east, a 2.5 storey long-term care facility to the west, the County building complex to the south, vacant land to the north, and a veterinary clinic to the northwest.

The Official Plan designation for the lot is Employment Lands. The zoning for the property is Institutional Special Exception-1 (I-1). The special exception allows for an open market.

Relief is sought from Zoning By-Law Section 8.1.2 Institutional Zone for reductions in lot line setbacks, an additional storey in height, and an increase in lot coverage of 11%.

The application can be considered minor as the proposed reductions will not have an impact on neighbouring uses because the proposal is in keeping with its surrounding uses and their massing. The neighbourhood is currently characterized by commercial, institutional and multi-storey residential uses.

In addition, there are large separation distances from the proposed LTC facility to the neighbouring uses. There is a 10m wide driveway (within a 40m (131 ft) road allowance) separating the house and two multi-storey apartment buildings to the east from the proposed LTC facility. There is a County road with a 33m (60 ft) width between the proposed LTC facility and the vacant lot to the north. There are approximately 190m (623 ft) between the

proposed LTC facility and the County buildings to the south. The west side yard setback is met.

The proposal is also desirable and appropriate development of the lands in question as it is a permitted use under the Official Plan designation for Employment Lands and the proposal will add employees to the location because additional beds are proposed.

The proposal also provides a needed service for the residents of the Town of Perth, Tay Valley Township and Lanark Highlands which have higher than the provincial average of residents over age 65. It is well known in the community that there are waiting lists for beds in the current two LTC facilities serving this area. The additional beds proposed by the application are very much needed.

## **CIRCULATION COMMENTS**

**Rideau Valley Conservation Authority** – Was not circulated as there are no waterbodies on the property.

**Mississippi-Rideau Septic System Office (MRSSO)** – Not circulated as the project will be serviced by infrastructure provided by the Town of Perth.

**Town of Perth** – A recent Committee of the Whole meeting of the Town of Perth deferred a decision on supplying sewer and water capacity to the project while negotiations between Perth's CAO and Tay Valley's CAO are undertaken.

**Canadian Pacific Rail** – comments were not received at the time of the report.

**Ministry of Transportation** – comments were not received at the time of the report.

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

## **SITE PLAN CONTROL**

A Site Plan Control Agreement is required for Institutional projects and has been approved in principle by Tay Valley Township, pending input from the Town of Perth on servicing.

## **RECOMMENDATION**

That the Minor Variance be granted for relief from the requirements of Section 8.1.2 (Institutional) of Zoning By-Law 2002-121, as amended, as follows:

- To permit the applicant to construct a Long Term Care facility with a front setback of 7.268m (23.85 ft), a rear setback of 6.218m (20.4 ft), an east side setback of 4m (13.12 ft), maximum lot coverage of 31%, and a building height of 12m.
- 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*.

# Arch Tay Facility Inc. 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.

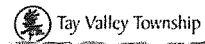
## Ontario Land Tribunal

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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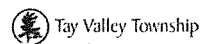
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# Arch Tay Facility Inc. Minor Variance

## 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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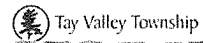
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## Arch Tay Facility Inc. Minor Variance

### 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

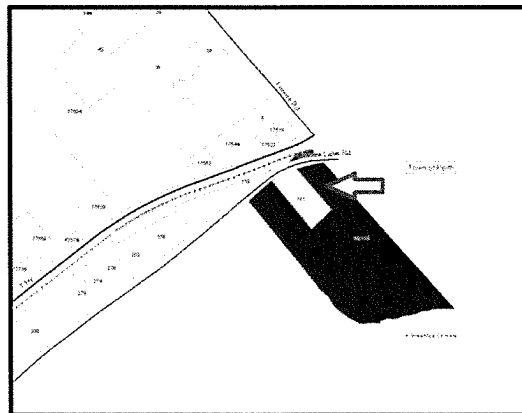
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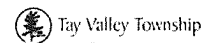
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## Arch Tay Facility Inc.

*99 Christie Lake Road, Part Lot 27, Concession 3, in the geographic Township of Bathurst*



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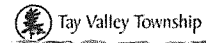
## Arch Tay Facility Inc. - Proposal

The Minor Variance application seeks relief from Section 8.1.2 Institutional (I) Zone of Zoning By-Law 2002-121, as amended, as follows:

- To permit the applicant to construct a Long-Term Care facility (LTC) facility with a front setback of 7.268m (23.85 ft), a rear setback of 6.218m (20.4 ft), a west side setback of 4m (13.12 ft), maximum lot coverage of 31%, and a building height of 12m.

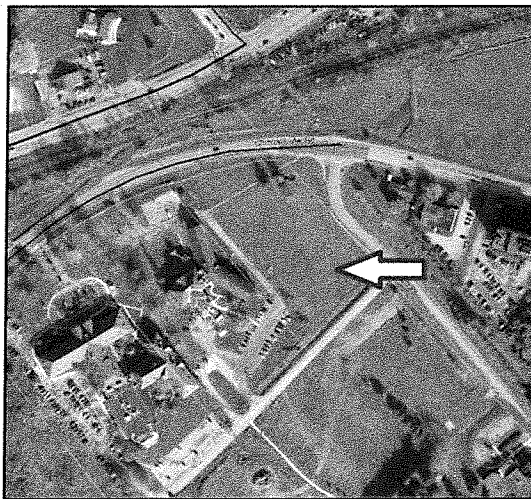
The effect of the variance would be to permit the construction of a LTC facility with a front setback of 7.268m instead of the 10m required, a rear setback of 6.218m instead of the 7.5m required, a west side setback of 4m (at one point) instead of the required 6m, lot coverage of 31% instead of 20%, and a building height of 12m instead of the maximum of 9m permitted by the Zoning By-law.

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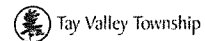


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## Arch Tay Facility Inc. – Aerial Photo

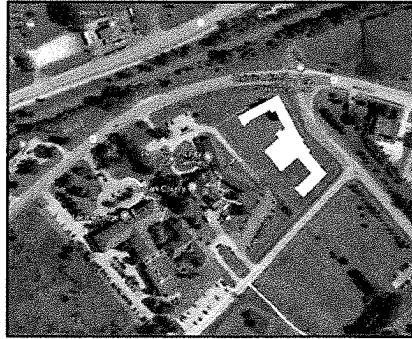
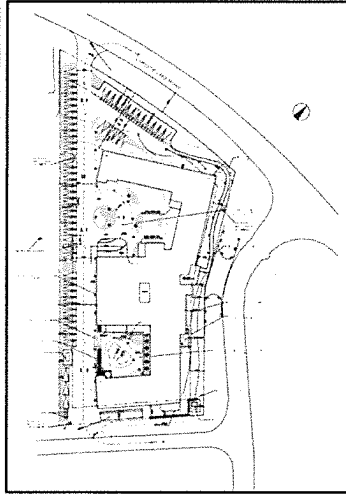


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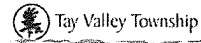


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## Arch Tay Facility Inc. – Site Sketch

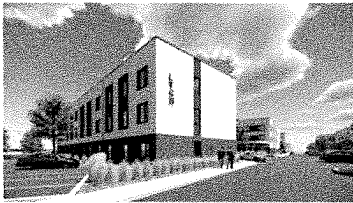


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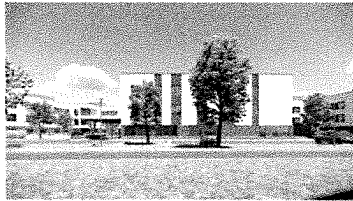
## Arch Tay Facility Inc. – Building Drawings



PERPECTIVE EAST SIDE FACILITY



PERPECTIVE MAIN ENTRANCE

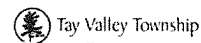


PERPECTIVE EAST SIDE FACILITY



PERPECTIVE EAST SIDE FACILITY

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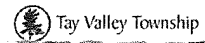
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## Arch Tay Facility Inc. Comments

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

- The RVCA was not circulated as there are no waterbodies on the property.

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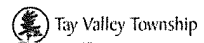
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## Arch Tay Facility Inc. - Comments

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

- The MRSSO was not circulated as the project will be serviced by infrastructure provided by the Town of Perth.

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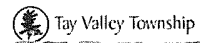


## Arch Tay Facility Inc. - Comments

### Town of Perth:

- A recent Committee of the Whole meeting of the Town of Perth deferred a decision on supplying sewer and water capacity to the project while negotiations between Perth's CAO and Tay Valley's CAO are undertaken.

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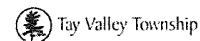


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## Arch Tay Facility Inc. Site Plan Control

- A Site Plan Control Agreement is required for Institutional projects and has been approved in principle by Tay Valley Township, pending input from the Town of Perth on servicing.

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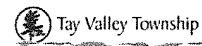


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## Arch Tay Facility Inc. Official Plan

- The Official Plan designation for the lot is Employment Lands.
- The property is situated at (99) Christie Lake Road. The lot is currently vacant.
- The surrounding land uses include a single-family dwelling and a 2.5 storey apartment building beside an 8-storey apartment building to the east, a 2.5 storey long-term care facility to the west, the County building complex to the south, vacant land to the north, and a veterinary clinic to the northwest.

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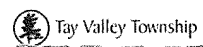


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## Arch Tay Facility Inc. Zoning By-law

- The zoning for the property is Institutional Special Exception-1 (I-1). The special exception allows for an open market.

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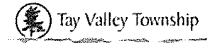
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## Arch Tay Facility Inc. Official Plan & Zoning Test

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

- Relief is sought from Zoning By-law Section 8.1.2 Institutional Zone for small reductions in lot line setbacks, an additional storey in height, and an increase in lot coverage of 11%.
- The surrounding neighbourhood is currently characterized by commercial, institutional and multi-storey residential uses. Therefore, the relief sought is in keeping with the surrounding uses and the massing of the surrounding uses.

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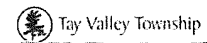
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## Arch Tay Facility Inc. Development & Use Test

*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 it is a permitted use under the Official Plan designation for Employment Lands and the proposal will add employees to the location because additional beds are proposed.

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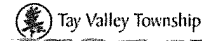


16

## Arch Tay Facility Inc. Development & Use Test

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

- The proposal also provides a needed service for the residents of the Town of Perth, Tay Valley Township and Lanark Highlands which have higher than the provincial average of residents over age 65. It is well known in the community that there are waiting lists for beds in the current two LTC facilities serving this area. The additional beds proposed by the application are very much needed.
- The proposal also fits with in the streetscape of the current neighbouring uses – multistorey multifamily, institutional, and commercial uses.



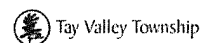
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## Arch Tay Facility Inc. "Minor" Test

*Is it minor in nature and scope?*

- The application can be considered minor as the proposed reductions will not have an impact on neighbouring uses because the proposal is in keeping with its surrounding uses and their massing.

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## Arch Tay Facility Inc. 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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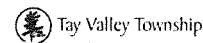
19

## Arch Tay Facility Inc. Recommendation

That the Minor Variance be granted for relief from the requirements of Section 8.1.2 Institutional (I) of Zoning By-Law 2002-121, as amended, as follows:

- To permit the applicant to construct a Long Term Care facility with a front setback of 7.268m (23.85 ft), a rear setback of 6.218m (20.4 ft), an east side setback of 4m (13.12 ft), maximum lot coverage of 31%, and a building height of 12m.
- 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.

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## Arch Tay Facility Inc. 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 MV22-02 is approved, to allow a variance from the requirements of Section 8.1.2 (Institutional) of Zoning By-Law 2002-121, as amended, as follows; for the lands legally described as 99 Christie Lake Road, Concession 2, Lot 27, in the geographic Township of Bathurst, now known as Tay Valley Township in the County of Lanark – Roll Number 0911-916-015-18900*

- To permit the applicant to construct a Long-Term Care facility (LTC) with a front setback of 7.268m (23.85 ft), a rear setback of 6.218m (20.4 ft), a west side setback of 4m (13.12 ft), maximum lot coverage of 31%, and a building height of 12m.*