



Committee of Adjustment

Agenda

Monday, June 26, 2023 at 6:00 p.m.

Council Chambers

IMPORTANT NOTICE: This meeting will be held in person and will be open to the public in the Council Chambers. It will also be recorded and livestreamed electronically on the "Village of Merrickville-Wolford" YouTube channel accessible by clicking [here](#).

Live comments regarding the proposed minor variances may be submitted in person in Council Chambers or virtually as follows:

Online at: <https://us02web.zoom.us/j/85977414201>

Passcode: 304655

By Phone at: 1-647-558-0588

Meeting ID: 859 7741 4201

Passcode: 304655

- 1. Call to Order**
- 2. Disclosure of Pecuniary Interest and Nature Thereof**
- 3. Appointment of Secretary-Treasurer for this meeting**
- 4. Appointment of Chairperson for this meeting**
- 5. New Business**
 - a) File No. A-03-2023: Application for Minor Variance – 53 Boyd's Landing Lane
- 6. Adjournment**



VILLAGE OF MERRICKVILLE-WOLFORD

Notice of Public Hearing

**Application for Minor
Variance File No. A-03-2023
Section 45(1) of the Planning Act, 1990**

IN THE MATTER of an application for minor variance with respect to the following:

Name of Owner(s): Tony & Jessica Vanderveen

Location of Property: 53 Boyd's Landing Lane, Pt Lot 14, Con A, former Wolford Township, Village of Merrickville-Wolford

TAKE NOTICE that an application under the above file number will be heard by the Committee of Adjustment on the date and time shown below:

Date and Time: Monday, June 26, 2023 at 6:00 p.m.

Purpose of Application:

The request for a minor variance is to permit the construction of a small dwelling (cabin) on the subject property with a 1.0 m rear yard setback, while the current "Limited Services Residential (LSR)" zone provisions require 7.5 m rear yard setback. The subject property has frontage on the Rideau River and in efforts to meet the 30 m setback from the River, it is necessary to encroach into the rear yard setback to allow for the orderly development of the property. The development will be supported by a private well and septic system. The proposed septic system will be located to satisfy the 30 m setback. The site is currently vacant but had a trailer and outbuildings located on the site in the past.

Official Plan: Rural

Zoning: Limited Service Residential (LSR)

Additional information relating to the proposed minor variance is available for inspection on the Village website at www.merrickville-wolford.ca or by email request to cao@merrickville-wolford.ca

Any person may make written representation in support of or in opposition to the proposal. Written comments shall be submitted to the Clerk by mail to P.O. Box 340, Merrickville, ON, K0G 1N0, or by email to cao@merrickville-wolford.ca **no later than 12:00 p.m., noon, on June 23, 2023.** Written submissions will be provided to members of the Committee of Adjustment in advance of the meeting, if possible. All written submissions must clearly indicate **“53 Boyd’s Landing Lane, MINOR VARIANCE, A-03-2023”** in the subject line of an email or letter submission. In addition, live comments may be submitted during the public hearing **beginning June 26, 2023 at 6:00 p.m. until meeting end.** The Clerk or Village representative(s) will verbally read out written deputations and live comments during the hearing at the time the application is considered. You are entitled to attend this public hearing virtually or in person.

If you wish to attend you must register in advance by email to cao@merrickville-wolford.ca or mail to P.O. Box 340, Merrickville, ON, K0G 1N0 to be received **no later than 12:00 p.m., noon, on June 23, 2023.** Upon registration, you will receive details on how to join the Public Hearing virtually.

To Observe only, Visit the Village Council’s YouTube Channel:
https://www.youtube.com/channel/UC_OEkw3yIMarGSHGeNecrQg

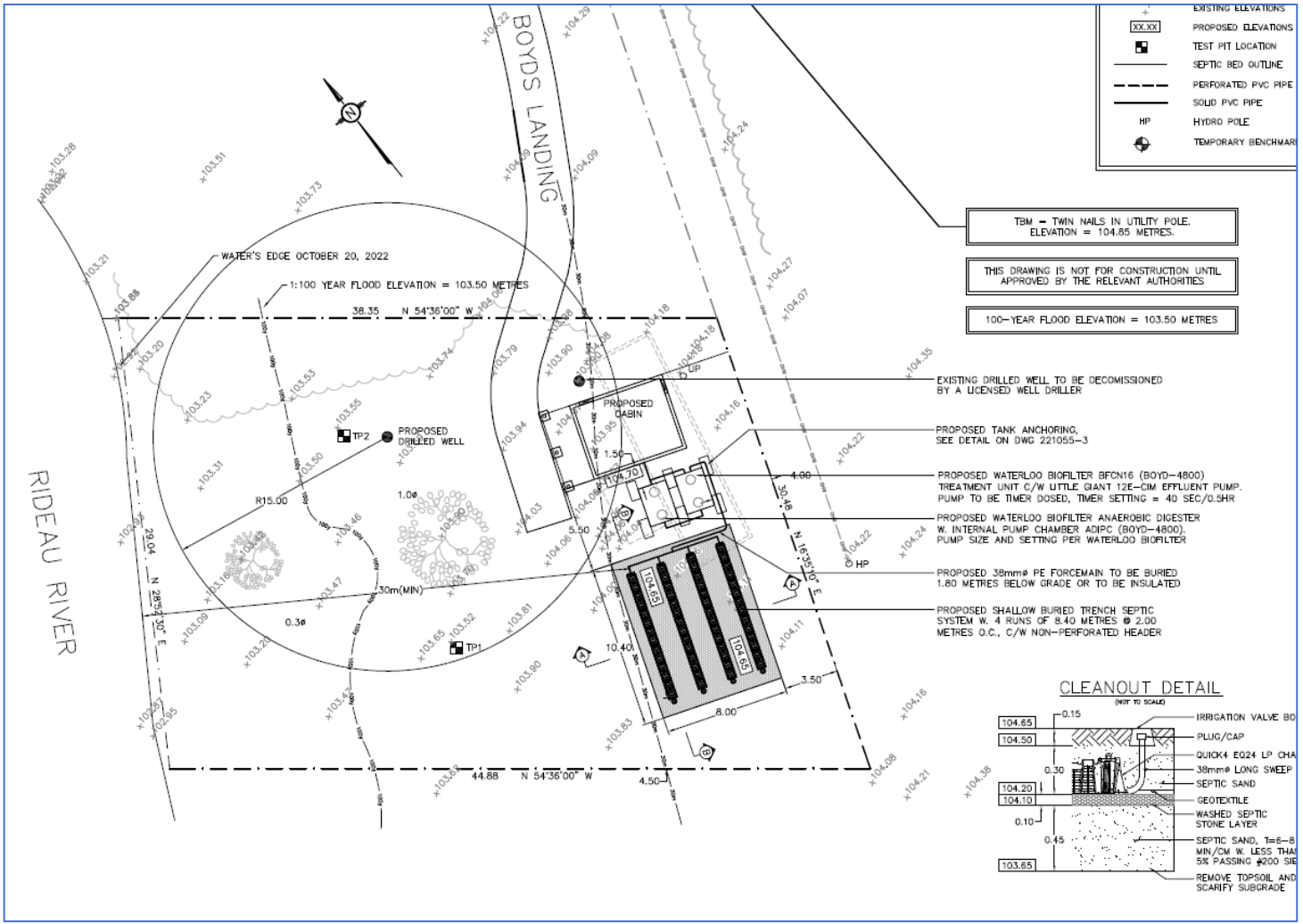
If a specified person or public body that files an appeal of a decision of the Committee of Adjustment in respect of the proposed Minor Variance, does not make written submissions to the Committee of Adjustment before a decision is made, the Ontario Land Tribunal may dismiss the appeal. If you wish to be notified of the decision of the Committee of Adjustment in respect to the proposed Minor Variance, you must make written request to the above address.

Dated this 15th day of June
Doug Robertson, CAO/Clerk

KEY MAP



53 Boyd's Landing Lane, Merrickville-
Wolford
Subject site outlined in blue above



53 Boyd's Landing Lane, Merrickville-Wolford
 Proposed Site Layout

Established 1793
Incorporated
Wolford 1850
Merrickville 1860
Amalgamated 1998



Telephone (613) 269-4791
Facsimile (613) 269-3095

THE CORPORATION OF THE VILLAGE OF MERRICKVILLE-WOLFORD
Application for Minor Variance or Permission

FOR OFFICIAL USE ONLY

Date the Application was Received by the Village:

1. Property Owner's Name: Vanderveen, Tony + Jessica
Address: 53 Bank Landing
Postal Code: R0G 1N0
e-mail: [REDACTED]
Telephone: Home: [REDACTED] Work: [REDACTED]
Cell: [REDACTED] Fax: [REDACTED]

2. Applicant/Agent Name: Vanderveen, Tony + Jessica
Address if different from Owner: _____
Postal Code: _____
e-mail: _____
Telephone: Home: _____ Work: _____
Cell: _____ Fax: _____

3. Name and address of any mortgages, holders of charges or other encumbrances of the subject lands:
TD Canada Trust, 1 Mill St E Cornwall, ON

4. Legal Description of Property: Former Municipality Wolford
Lot(s): 14 Concession: A
Lot(s): _____ Registered Plan: INST35156
Part(s): _____ Reference Plan: _____
Street Address: _____
Roll Number: 0714 71101008 301 Survey Attached: Yes/No

5. Are there any easements or restrictive covenants affecting the subject property? Yes/No

6. If yes, please describe the easement or covenant:
ANSI, Flood plain, well head protection

7. Dimensions of lands affected: Frontage: 100'
Depth: 151'
Area: 0.34 acres
Width of Street: single gravel road

8. Nature and extent of relief applied for: Build the cabin with the rear yard setback, which is 7.5 m according to the by law. There is a very small over at the back of the lot that is further than 30m from the water. There are limited places for both the septic bed and the structure. It would



THE CORPORATION OF THE VILLAGE OF MERRICKVILLE-WOLFORD

9. Why is it not possible to comply with the provisions of the By-Law?
We would rather not encroach on the 30m setback from the water. The rear lot line is forest with no close buildings. We already received the septic permit, and the plan is to also squeeze the septic bed behind the 30m setback.
10. Existing Village of Merrickville-Wolford Official Plan designation of the land:
Rural
11. Existing Village of Merrickville-Wolford Zoning of the land:
Limited service residential (LSR)
12. Existing County Official Plan Designation:

13. Other applications submitted with this application:
Official Plan Amendment Consent Zoning Plan Of Subdivision
14. Have the subject lands every been the subject of an application for an official plan amendment, zoning amendment, minor variance or site plan control?
Yes (please provide details below) No
15. Existing use of subject property and length of time this use has continued on the subject property if known please provide length of time that the existing use has continued:
Vacant land → unknown for how long
16. Description of all buildings and structures on or proposed for the subject lands (specify ground floor area, gross floor area, number of storeys, width, length, height of buildings as well as distance from side, rear and front lot lines):

Existing: No buildings
Proposed: seasonal 16' x 20' cabin (300 square feet) with a loft and 6' deck
Height: 18'
17. Date of construction of all buildings and structures on subject lands: _____
18. Does this application require demolition of an existing building? Yes No
If yes, please specify: _____



THE CORPORATION OF THE VILLAGE OF MERRICKVILLE-WOLFORD

19. Number of Parking Spaces
 Number of Existing: 1 Number of Proposed: 1

20. Type of access to the lands and name of road:

Provincial Highway _____ County Road _____
 Year-Round Municipal Road _____ Seasonal Municipal Road _____
 Unopened Road Allowance _____ Private Right-of-Way Boyd's laundry lane
 Water Access _____ Other, please specify _____

21. Services currently available, or to be available:

	Municipal Water	Communal Water	Private Water	Municipal Sewers	Communal Sewers	Private Septic
Existing	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Proposed	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

22. Are Stormwater Sewers present? Yes No Proposed

23. Are there any of the following uses or features on the subject lands or within 500 metres of the subject property?

Use or Feature	On a Subject Land?	Within 500 m of Subject Land?
An agriculturally designated area		
A livestock facility (ie. Barn) or manure storage facility		
A landfill site (active or closed)		
A sewage treatment plant/lagoon		
An industrial use		
A licensed pit or quarry or an area designated for aggregate extraction		
A mining hazard		
An active railway line		
A flood plain or other natural hazard	<input checked="" type="checkbox"/>	
A natural gas or oil pipeline		
A hydro easement		
A contaminated site		
A well head protection zone	<input checked="" type="checkbox"/>	
A provincially significant wetland		
An area of natural and scientific interest (ANSI)	<input checked="" type="checkbox"/>	
Fish/Wildlife Habitat		
A designated heritage property		



Application for MINOR VARIANCE AMENDMENT

Declarations

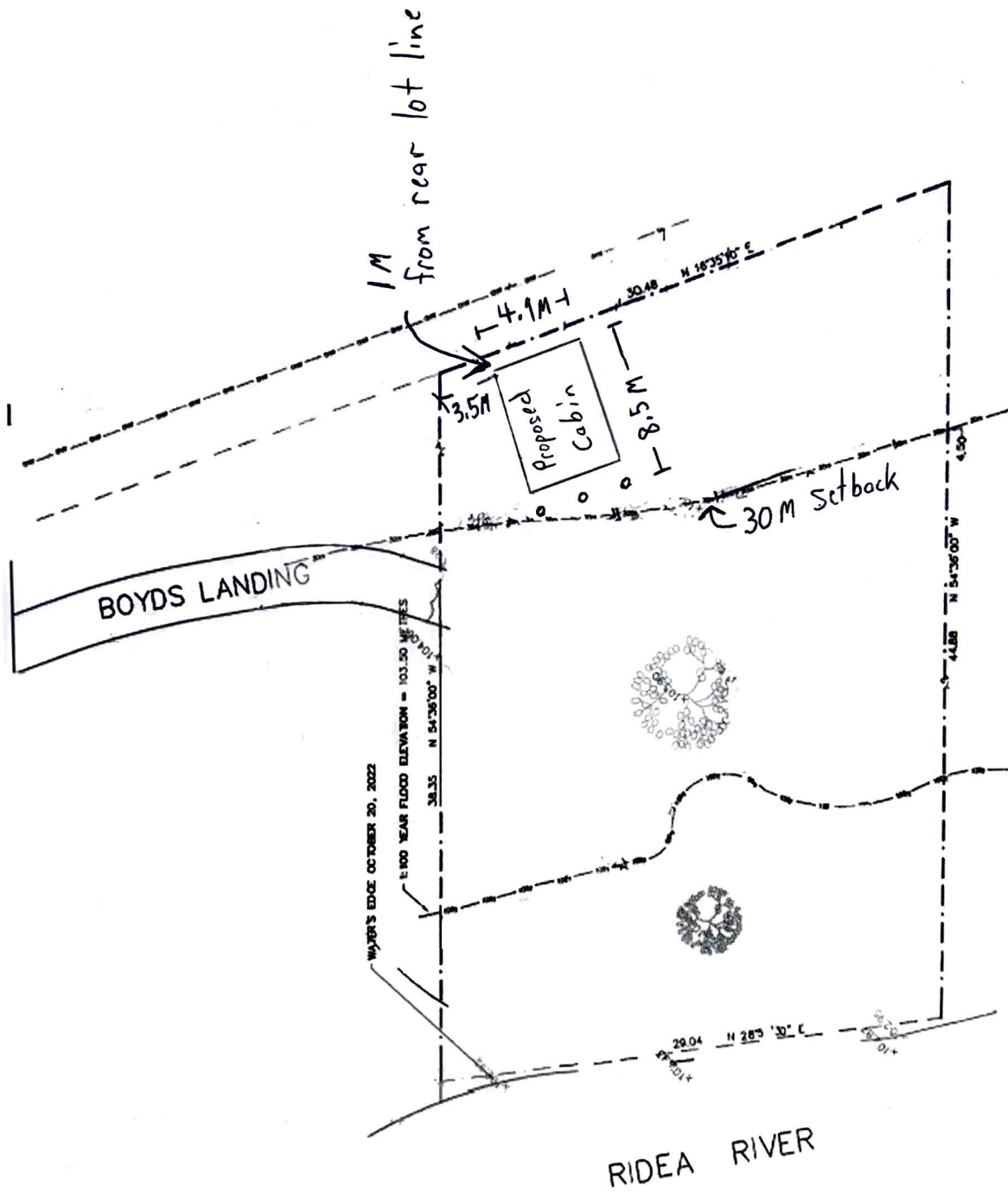
I, Jessica Vandoren being the registered property owner(s) of the property that is the subject of this application for Minor Variance Amendment, do hereby understand and consent to forthwith pay any and all additional costs associated with the processing of this application. Failure to do so will result in cancellation of processing the application and/or all fees may be added to the assessment rolls of the affected property.

Jessica Vandoren
Owner (print name)

[Signature]
Signature

April 11, 2023
Date

Date





June 26, 2023

Village of Merrickville-Wolford
317 Brock Street West
P.O. Box 340
Merrickville, ON K0G 1N0

Attention: Doug Robertson, CAO/Clerk

**Re: Planning Report: Minor Variance A-03-2023 (Vanderveen)
53 Boyds Landing, Pt Lot 14, Concession A, Wolford
Village of Merrickville-Wolford
Our File No. 20-7059A**

Please accept the following Planning Report summarizing the nature and effect of the minor variance application before the Committee of Adjustment for 53 Boyds Landing. The Report also summarizes relevant planning policy and provides a professional planning opinion on the merits of the application.

Purpose and Effect

The request for a minor variance is to permit the construction of a small dwelling (cabin) on the subject property with a 1.0 m rear yard setback, while the current "Limited Services Residential (LSR)" zone provisions require 7.5 m rear yard setback. The subject property has frontage on the Rideau River and in efforts to meet the 30 m setback from the River, it is necessary to encroach into the rear yard setback to allow for the orderly development of the property. The development will be supported by a private well and septic system. The proposed septic system will be located to satisfy the 30 m setback. The site is currently vacant but had a trailer and outbuildings located on the site in the past.

Description of Development

The applicant owns the waterfront subject property which is currently vacant but has had a trailer and outbuildings located on the property in the past. The proposal is to permit the proposed house to encroach on the rear yard setback so that the proposed dwelling can meet the 30 m water setback.

Site and Surrounding Land Use

The subject property is located on the south side of the Rideau River, west of the Village of Merrickville and is typical of the lots along Boyds Landing. The subject property is the last lot on the southern extension of Boyds Landing and has 100 feet (30.5 m) of frontage on Boyds Landing and a depth of 151 feet (64.0 m) extending from



Boyds Landing to the southern shore of the Rideau River, with an area of 14,811 ft² (4514.5 m²). The property is vacant (Map 1).

The surrounding land use consists of similar size properties and structures and can be best described as a mature seasonal dwelling area with a mix of seasonal and year-round low-density waterfront residential development on private services.

Existing Official Plan and Zoning

The subject property is designated “Rural” in the Village of Merrickville-Wolford Official Plan (2006). This designation permits a limited range of residential development. Section 3.10.2 of the Official Plan sets out the policies for consideration of minor variance requests. The policies read:

- “1. Section 45 of the Planning Act concerns applications to the Committee of Adjustment. The Committee may authorize minor variances from the provisions of the Zoning By-law, provided the minor variance(s) is desirable for the appropriate development or use of the land building or structure, and provided the general intent and purpose of the Official Plan and Zoning By-law are maintained.
2. Where a minor variance is sought on a lot which is a waterfront lot, the minor variance generally should not further reduce a deficient waterbody setback. Further, the Committee may require, as a condition of granting the minor variance, that natural shorelines and native vegetation within the waterfront setback be re-established along those portions of the shoreline which are not used for marine facilities or access to the water.”

The Village of Merrickville-Wolford Zoning By-law 23-08 zones the subject property Limited Services Residential (LSR) and Flood Plain (FP). The LSR zone permits single detached dwellings.

Generally, no development is currently or proposed to be within the Floodplain and the house and septic system are intended to meet the 30 m setback as per Official Plan policies.

Comments

No written comments were received at the time of the writing of this report. If comments come in before the Public Meeting they will be read into the record.

Planning Opinion – Four Test for Minor Variance

As expressed in the Village Official Plan, the Ontario Planning Act sets out four tests in the consideration of Minor Variance applications:

1. Does the development proposed maintain the general intent of the Official Plan?



2. Does the development proposed maintain the general intent of the Zoning By-law?
3. Is the variance desirable for the appropriate development or use of the land?
4. Is the variance requested minor?

The following is a review of these four tests against the requested reduction in the minimum lot area.

Test 1: Official Plan

The Village of Merrickville-Wolford clearly supports the residential use of the subject lands. The emphasis to meet the 30 m water setback is clearly stated in the OP. The proposed encroachment will allow the proposed development to comply with the 30 m water setback. Provided the minor variance application can satisfy the four tests, the proposed development is deemed to conform to the Official Plan.

The proposed Minor Variance maintains the general intent and purpose of the Village Official Plan.

Test 2: Zoning By-law

The Village of Merrickville-Wolford Zoning By-law 23-08 identifies the property as being zoned for seasonal dwelling house and a single detached dwellings. The proposal is to meet the 30 m water setback. In order to do so, there is a need to encroach into the rear yard next to the private road. It is worth noting this is the last lot on the southern extension of Boyds Landing.

The intent of the 30 m setback is to encourage the protection of the water resources located throughout the Village. It is generally accepted that the redevelopment of existing non-complying buildings within the 30 m setback can proceed provided the development does not further encroach into the setback.

In the case of this development proposal, there is a need to encroach into the rear yard to achieve the 30 m setback. In general, the proposed development maintains the intent and purpose of the Zoning By-law.

The proposed Minor Variance maintains the general intent and purpose of the Village Zoning By-law.

Test 3: Desirable for the Appropriate Development or Use of the Land

The residential use of the subject property is desirable. The ability to include conditions that promote the protection of the shoreline and the Rideau River, as are typically requested by the RVCA result in a net environmental gain for the property. The development is deemed desirable.

The proposed Minor Variance is desirable for the appropriate development of the subject land.

Test 4: Variance is Minor



The impact of encroaching into the rear yard to allow for the 30 m water setback is seen to be minor.

The proposed Minor Variance is minor in terms of its impact.

For these reasons, it is my opinion that the proposed Minor Variance to permit the establishment of a dwelling on the property with a 30 m water setback and a 1 metre rear yard setback meets the four tests set out in the Planning Act and represents good land use planning.

Sincerely,

Jp2g Consultants Inc.

ENGINEERS ▪ PLANNERS ▪ PROJECT MANAGERS

Respectfully submitted:

A handwritten signature in black ink, appearing to read 'F. Symon', with a long, sweeping horizontal line underneath.

Forbes Symon, MCIP, RPP
Senior Planner

Map 1: Location of Subject Property



Map 2: Development Plan of Subject Property

