

*Committee of Adjustment*

NOTICE OF PUBLIC HEARING  
OF APPLICATION FOR MINOR VARIANCE  
*Revised Planning Act, 1990, c. P.13, s. 45 (5); 1994, c. 23, s. 26(1)*

- (a) Name of committee (A) Municipality of Tweed - Committee of Adjustment
- (b) Name of Applicant (B) RE: AN APPLICATION BY: Brent Williams
- (c) Brief description (C) LOCATION OF PROPERTY - 282-G Cottage Lane  
Part of Lot 1, Concession 1, Township of Elzevir, Municipality of Tweed.
- d) As set out in Application PURPOSE OF APPLICATION

To provide relief from Section 10.3 v) to reduce the rear yard setback from 10 meters to 3 meters to allow for the development of a limited service dwelling.

To provide relief from Section 10.3 d) to reduce the lots on narrow water body water frontage requirement from 100 M to 33.2 M.

TAKE NOTICE that an application under the above file number will be heard by the committee on the date, and at the time and place shown below.

DATE: **Friday, April 29, 2022** TIME **10:00 a.m.**

PLACE AND ADDRESS: Municipality of Tweed Council Chambers  
255 Metcalf Street, Tweed, ON

PUBLIC HEARING - ANY PERSON may attend the Public Meeting and/or make written or verbal representation either in support of or in opposition to the proposed zoning by-law amendment. Please refer to the information sheet attached entitled 'Public Planning Meetings Participation Guidance' for details on how to participate in the Public Meeting due to COVID-19 restrictions. The public may also choose to attend the Public Meeting through Zoom. You must register in advance at the following web address:

<https://us06web.zoom.us/meeting/register/tZEtf-6rpz4jGtXTZIsV3SI9BsWMwaqIHAVt>

FAILURE TO ATTEND HEARING - If you do not attend at the hearing it may proceed in your absence and, except as otherwise provided in the *Planning Act*, you will not be entitled to any further notice in the proceedings.

NOTICE OF DECISION - A copy of the decision of the committee will be sent to the applicant and to each person who appeared in person or by counsel at the hearing and who has filed with the secretary-treasurer a written request for notice of the decision.

Dated this 5th day  
of April, 2022.

Gloria Raybone, Secretary-Treasurer  
Municipality of Tweed Committee of Adjustment  
Postal Bag 729, 255 Metcalf St.  
Tweed, ON K0K 3J0

# SKETCH for BUILDING PERMIT APPLICATION

METRIC SCALE 1 : 200

## NOTES :

COTTAGE LANE

PART OF LOT 1

CONCESSION 1

TOWNSHIP OF ELZEVR

NOW IN THE MUNICIPALITY OF TWEED  
COUNTY OF HASTINGS

DIMENSIONS AND INFORMATION SHOWN  
ARE DERIVED FROM PLANS 21R-1452, 21R-12897,  
FIELD WORK AND MUNICIPAL RESOURCES.

TWEED ZONING BY-LAW No.2012-30 SETBACKS

(i) SIDE YARD SETBACK 3.0m

(ii) FRONT YARD SETBACK 10.0m

FRONT YARD (VARIANCE) 3.0m SETBACK SHOWN.

1:100 YEAR FLOOD LINE ELEVATION - 155.25m AND 15m SETBACK

PER QUINTE CONSERVATION AUTHORITY (OCA).

WETLAND BOUNDARY AND 15.0m SETBACK PER OCA.

DISTANCES SHOWN ON THIS PLAN ARE IN METRES  
AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

THIS SKETCH IS AN ORIGINAL IF EMBOSSED BY THE SURVEYOR'S SEAL.

FEBRUARY 11, 2022

## CAUTION

THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED  
EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK

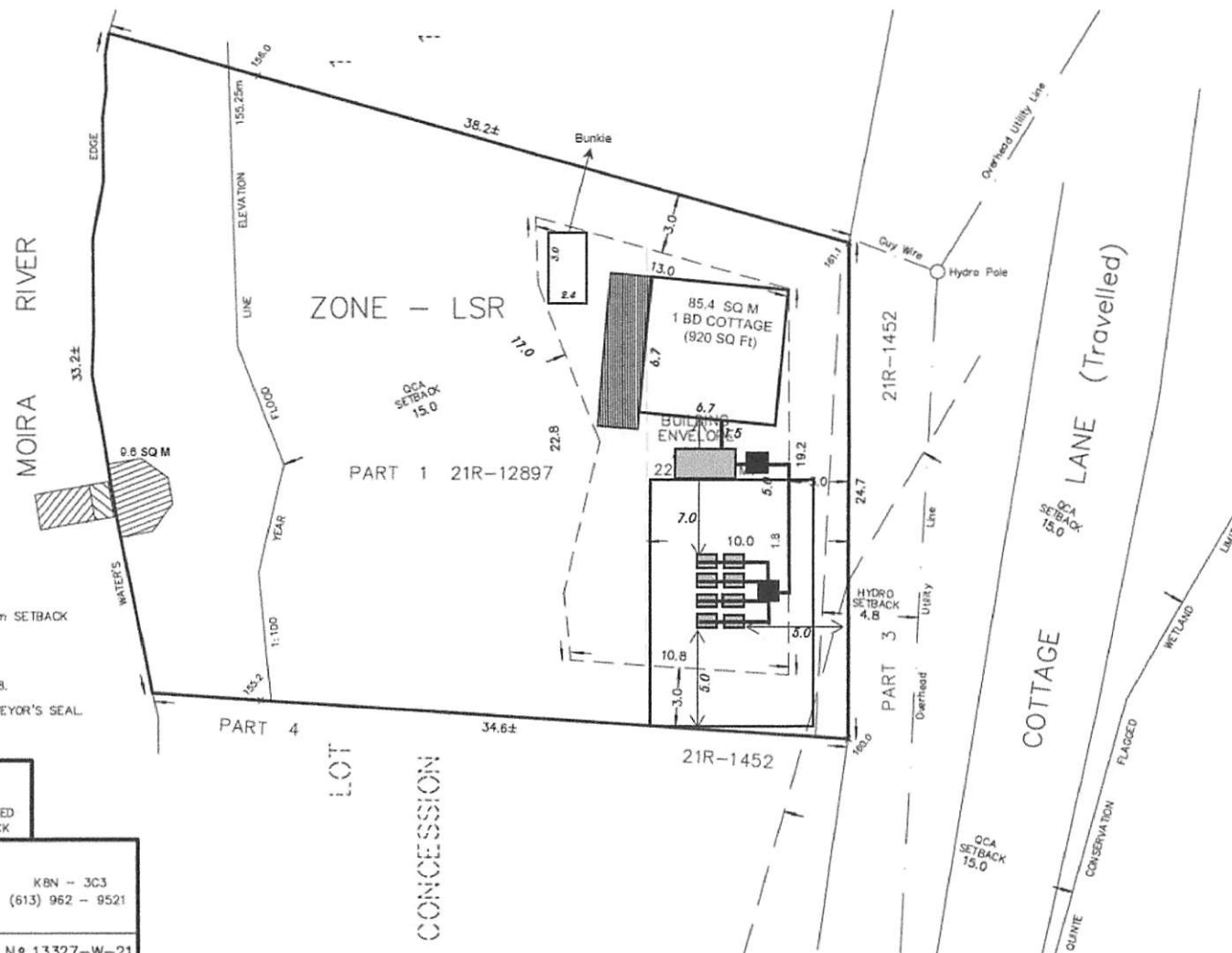
218 CHURCH STREET  
BELLEVILLE, ONTARIO

**WATSON**  
LAND SURVEYORS LTD.

KBN - 3C3  
(613) 962 - 9521

© Copyright WATSON LAND SURVEYORS LTD. 2022

PROJECT N° 13327-W-21





## Public Planning Meetings Participation Guidance

The Municipality of Tweed utilizes a hybrid meeting format for all Public Hearings and Public Planning Meetings. Therefore, participants have the right to decide whether they wish to be physically in attendance at the meeting or to attend virtually through zoom. Due to this hybrid format, the following matters should be known:

- The Council Chambers has limited seating on a first come, first served basis.
- The foyer has additional seating. We will be using a microphone and speaker system to improve volume in the foyer for those in attendance.
- Public can also choose to attend through Zoom. You must register in advance at <https://us06web.zoom.us/meeting/register/tZEtf-6rpz4jGtXTZlsV3SI9BsWMwaqlHAVt>
- Public attending physically will be asked to sign a sign in sheet to document your attendance at the meeting for the record.
- For everyone wishing to speak, you must start with stating your name clearly and spelling it to ensure it is documented properly. If you are attending virtually, you must also provide your address and e-mail for the record. All comments should be provided in writing, in advance when possible, to accompany your verbal submission. This is to ensure clarity and understanding of all comments, concerns and submissions for the record.
- If seating capacity becomes a concern, after each application has been heard and voted upon, we ask that the applicant, representatives and public in attendance for that meeting vacate the chambers and move to the foyer to allow for the next applicant, representative and public attendees to come forward.
- Please note that all meetings are recorded and will be uploaded to the Municipality's YouTube channel after the meeting as the meetings are public. Only those who are in attendance during the live session will be deemed to be part of the official attendance record. Those watching the recording after the event will not be included in the official attendance record.

**cao-treasurer@tweed.ca**

---

**From:** edreid@nexicom.net  
**Sent:** March 21, 2022 11:59 AM  
**To:** cao-treasurer@tweed.ca  
**Cc:** kathyreid@nexicom.net  
**Subject:** File A3/22 COA Submission  
**Attachments:** Vegetative Buffer Removal Pics.pdf; L Nash Quinte email Mar 16 2022.pdf; Violation Report Tweed Sept 17 2021 p1.jpg; Violation Report Tweed Sept 17 2021 map.jpg; Tweed COA letter Mar 21 A3-22.pdf

Good morning Ms. Raybone~

Please find attached our written representation in response to the Notice of Public Hearing respecting Municipality of Tweed COA File A3/22.

I would appreciate confirmation that you have received our submission.

Thank you~

Edward Reid

578 Eighth Line Rd. S. Dummer  
RR1 Norwood ON  
K0L 2V0

March 21, 2022

Sent by email March 21, 2022

Gloria Raybone, Secretary-Treasurer  
Committee of Adjustment  
Municipality of Tweed  
Postal Bag 729, 255 Metcalf Street  
Tweed Ontario  
K0K 3J0

**Re: File A3/22 (Committee of Adjustment, Permit Application/ Minor Variance)**

To All Concerned,

Let us first introduce ourselves. We are Edward and Kathleen Reid, owners of the 2.6 acre camp immediately across the Moira River from the subject property. Our property, and the subject property are both situated within the LSR-6 Limited Services Residential zone. We are aware of the many restrictions on residential development within the LSR zone, and we support the good social and environmental reasons for those LSR by-laws.

Next, let us go straight to our message to the Municipality of Tweed, and its Committee of Adjustment: **the application for minor variance is deeply flawed, for several reasons (which we will explain below), and we urge you to reject the application.**

In seeking relief from Tweed By-law S 10.3 v) the application implies that this (rear yard setback) is the only hurdle "to allow for the development of a limited services dwelling". This, in our opinion is not at all correct and that the application also does not conform to several other sub-sections of LSR zoning bylaw 10.3, as follows:

Lot Size: S 10.3 a i)

A minimum lot size of 1.0 acres is required for residential development (Limited Services Dwelling). The subject property is less than 0.3 acres in size.

Frontage S. 10.3 a ii)

Minimum frontage required is 45.7 m. The subject property has only 24.7 meters on the upland frontage, only 33.2 m of water frontage).

Water Frontage S.10.3a iii)

Minimum water frontage for residential development in the LSR is 45.7 meters. The subject property has only 33.2 m of water frontage). Importantly, see special requirement for Lots on a Narrow Water Body (S.10.3.d) below).

Gross Floor Area S10.3.a vii)

Unless this has been recently amended the minimum floor area for a residential dwelling in the LSR is 58.99 square meters. The proposed development is only 45 sq meters.

Lots on a Narrow Water Body LSR S.10.3.d

Importantly the LSR bylaw states ***“where a lot (with or without road frontage) fronts on a narrow water body as defined in this by-law, the required water frontage shall be 100m (328.1 ft)”***. As you can see in the surveyor’s sketch for the building application the subject property has only 33.2 m (about 109 ft) of water frontage.

If there is any doubt about what constitutes a “narrow waterbody” in the LSR note that the river between our camp property and the subject property is only 20 m wide here, a place where the river is ‘squeezed’ between two steep and rocky shores, just 100 meters or so below where the Black River and Moira River converge. An immense amount of water is squeezed through this gorge-like narrows in spring (and extreme storm events).

But the main point being, the subject lot does not have even 1/3 the required minimum water frontage for development at this location (and for that reason alone the residential application should have been denied by Municipal staff outright).

For all these reasons we ask the Committee of Adjustment to reject the application.

In applying your four key tests in consideration of the application we submit the following conclusions:

***Is the variance minor?***

If the variance was simply limited to the question of rear yard set-back, it might be considered minor. However, as described above, the application is flawed, and there are more and greater issues of bylaw non-conformity that are not addressed in the application.

***Is the development desirable and appropriate use of the land?***

No. There are more than a dozen similar lots along this rugged section of river that are vacant, too small for residential development. If development is allowed on this 0.29 acre waterfront lot, it will set a precedent for the development of the others, and significant degradation of fish and wildlife habitats along this mostly undeveloped section of river.

Here we must point out that S.10.3.c) requires that “a natural vegetative buffer strip 15 meters (49.2 ft) in width shall be maintained adjacent to the shoreline” in the LSR. In September of 2021 (presumably prior to the application) all the shoreline cedars, shrubs, and natural forest understory and mid-canopy trees were here removed from within the required 49.2 ft buffer.

We submitted a violation complaint to the Municipality of Tweed at the time of the tree removal (September 17, 2021) outlining the requirement of S.10.3 c). We never received any response from the Municipality.

We informed the tree-cutting crew about the Tweed requirement for leaving a natural vegetative buffer in this LSR on September 16, 2021 (while they were cutting). They told us that the trees "had been marked by the conservation authority". We learned recently from the Quinte Conservation Authority staff that this was not true, that the conservation had not marked the trees (see March 16 2022 email from Lindsay Nash, Regulations Officer, Quinte Conservation).

The forest along this section of the river is mature, diverse, and provides important habitat to hawks, owls, song-birds (including threatened species). The dense and layered forest holds highly erodible pockets of sandy soil in place on what is otherwise a steep and rocky slope. Importantly, the vegetative buffer as it existed before it was cut from this subject property kept this deep section of river in near constant shade, which is necessary to maintain the temperature-sensitive population of walleye that find habitat along this section of the Moira River.

All to say that approving this application, in our opinion as life-long conservationists, would amount to condoning non-conforming uses & non-enforcement of existing bylaws, and would invite further degradation of fish and threatened species habitat along this beautiful stretch of river. (Attached see pictures of the subject lot "before and after" the illegal cutting of shoreline vegetation.)

***Does the application maintain the general intent and purpose of the zoning by-law?***

No. It is important that the intent of the LSR zone and bylaws is to recognize existing development and land use and generally not promote additional residential demands in an area that is not, and will not be, serviced by municipal or emergency services.

***Does the application maintain the general intent and purpose of the official plan?***

The purpose of the comprehensive zoning bylaw plan includes regulating the use of lands, buildings, structures and uses in accordance with Section 34 and related sections of the Planning Act. New residential development is generally not encouraged within a Limited Service Residential zone.

Thank you for your consideration of all of this.

Yours in Conservation,



Edward J. Reid



Kathleen Reid

Tweed COA  
March 21, 2022  
Page 4

Cc: L. Nash, Quinte Conservation Authority  
P. McCoy, Planning & Regulations Manager, Quinte Conservation Authority  
B. McNevin, CAO, Quinte Conservation Authority

**Attachments:**

Before & After Pictures, Cutting of Vegetative Buffer

September 17<sup>th</sup> 2021 Violation Report filed by E. Reid

Emails: E. Reid to Quinte Conservation Authority, November 2021

L. Nash (Quinte CA) to E. Reid, March 16, 2022

## Vegetative Buffer Removal

### "Before & After"



2020 Before  
Dense naturally  
Layered forest  
buffers and shades  
the River.



---

### "After"

September 17, 2021

Shoreline Cedars removed

Shrubs & Understory

& mid-canopy

Removed. River is  
no longer buffered.



**From:** Lindsay Nash <LNash@quinteconservation.ca>  
**Subject:** RE: Moira Riverbank Tree Removal  
**To:** Ed Reid <edreid@nexicom.net>  
**Cc:** Tim Trustham <TTrustham@quinteconservation.ca>, Paul McCoy <PMcCoy@quinteconservation.ca>  
**Show:** [raw text html](#)  
**Date:** Wednesday, 16/03/2022 1:04 PM

Good afternoon Ed,

This is a municipal by-law. Quinte Conservation cannot enforce a municipal by-law. Quinte Conservation staff are not aware of this by-law and have not marked trees on this property for the purpose of vegetation removal. Please contact the municipality regarding municipal by-laws.

If you are concerned about fish please contact the Ministry of Northern Development, Mines, Natural Resources & Forestry (MNR) and the Department of Fisheries and Oceans (DFO).

As per my last site visit to the property stumps were not being removed along the shoreline. Quinte Conservation regulates development within our regulated area; construction, filling, excavation, site grade and change of use.

Thanks,  
Lindsay  
**Lindsay Nash**  
Regulations Officer  
Quinte Conservation  
[lnash@quinteconservation.ca](mailto:lnash@quinteconservation.ca)

**From:** Ed Reid <[edreid@nexicom.net](mailto:edreid@nexicom.net)>  
**Sent:** November-15-21 12:07 PM  
**To:** Lindsay Nash <[LNash@quinteconservation.ca](mailto:LNash@quinteconservation.ca)>  
**Subject:** Moira Riverbank Tree Removal

Hi Lindsay

Thanks for your time and assistance on the telephone this a.m.

Attached is a map showing the location of the Moira River lot where significant tree cutting took place this September/October. Large pines were left standing, but the understory was removed entirely, including all the cedars at the river edge (on what is a steep rocky slope with thin and very erodible sandy soil).

When I asked the tree removal crew if they were aware of the Tweed Municipal bylaw requiring natural vegetation be maintained along narrow rivers and water bodies, for a distance of 49' back from the river, they told me that the trees for removal had been marked by the Quinte Conservation Authority.

Is this correct?

Yours in Conservation,

**Ed Reid**

## COMING EVENTS

**Friday Sep. 17 - 2021**

Fall Harvest Auction

**Saturday Sep. 18 - 2021**

Fall Harvest Auction

8:00AM - Doug Lessard  
Benefit Golf, BBQ and Silent  
Auction

**Sunday Sep. 19 - 2021**

Fall Harvest Auction

**Monday Sep. 20 - 2021**

Fall Harvest Auction

**Tuesday Sep. 21 - 2021**

Fall Harvest Auction

**Wednesday Sep. 22 - 2021**

Fall Harvest Auction

**Thursday Sep. 23 - 2021**

Fall Harvest Auction

10:00AM - Seniors Days - St  
Mary of Egypt Refuge

5:30PM - Weekly Drumming  
and Wellness Event

[View Full Calendar](#)



## BY-LAW ENFORCEMENT

*Emailed through Tweed Municipality web-form*

*September 17, 2021*

The By-Law Enforcement Officer is responsible for enforcing many of the municipality's by-laws.

Copies of municipal by-laws are available from the municipal office, the municipal website, or by contacting the By-Law Enforcement Officer.

Council generally passes from 30 to 50 by-laws in any given year. Many of these by-laws pertain to specific properties, such as zoning amendment by-laws. Some of the by-laws apply to all properties and residents in the municipality and pertain to such matters as traffic and parking; noise; property standards; animal control; special events; fees and charges; building and construction; and signs.

Municipality of Tweed By-Laws which apply to all residents and property owners in the municipality are available from the municipal office or the [By-Laws page](#) of the municipal website. Further information about municipal by-laws is available by contacting the By-Law Enforcement Officer at the Municipal Office at 613-478-2535 or by [email](#).

[Click here to download a printable form to submit a By-Law / Property Standards Report](#) to bring into the Municipal Office, or fill in the form below to submit information electronically:

You have submitted the following information:

First Name: Ed  
Last Name: Reid  
Address: 578 Eighth Line Rd S Dummer RR1  
Postal Code: K0L 2V0  
Email Address: [edreid@nexcicom.net](mailto:edreid@nexcicom.net)  
Phone: 17056395392

### Location of Concern

Name: unknown (undevelopable lot)  
(Owner/Tenant)  
Address of Concern: Cottage Lane (small river lot no 911 number, just upstream of 282)  
Phone of Concern:  
Email of Concern:


Nature of Complaint: Yesterday there was substantial tree cutting going on a small riverfront lot in the LSR6, along -- a very natural, beautiful section of the river that has erodible sand banks over rock, held together by a 100+ year old natural forest of white pine, white cedar and eastern hemlock. Property owners here are required to leave a "natural vegetative buffer strip" 15m (49.2 ft) adjacent to the shoreline (S 10.3.c) Please advise.

## Tree Cutting Along River



11/15/2021, 11:51:52 AM

 Override 1  Property Information

 Override 1

1:4,498



Hastings County, Province of Ontario | Ontario MNR | Eau Canada, Eau

Hastings County GIS

Information purposes only and may not be suitable for legal, engineering, or surveying purposes. The County of Hastings disclaims all responsibility for errors, omissions or inaccuracies in this publication. Data supplied under license with OGD & MPAC.

**QUINTE CONSERVATION - PLANNING ACT REVIEW**

MAR 15 2022

QC File No. PL0085-2022

MUNICIPALITY OF TWEED

<b>Municipality:</b>	Tweed		
<b>Landowner:</b>	Brent Williams		
<b>Location:</b>	282G Cottage Lane	Part Lot 1, Concession 1	Elzevir
<b>Roll #:</b>	12311320100124200000		
<b>Application Description:</b>	Minor Variance Application File No. A3.22	Reduce the rear-yard setback from 10 metres to 3 metres to allow for the development of a limited-service dwelling.	
<b>Feature:</b>	Moira River and unnamed wetlands		
<b>Comments:</b>	<p><u><b>Planning Act - Natural Hazard policies of the Provincial Policy Statement and Quinte Conservation Planning Act Review policy</b></u></p> <p>Conservation Authorities have Provincially delegated responsibilities to represent Provincial interests regarding natural hazards under section 3.1 of the Provincial Policy Statement (PPS) (2020). Natural hazards include areas subject to flooding, prone to erosion, dynamic beaches, and unstable bedrock. Generally, the policies of the PPS direct development to areas outside of hazard lands.</p> <p>Based on Quinte Conservation's past site inspections of the subject lands, and as per the building envelope site plan sketch provided dated February 11, 2022 by Watson Land Surveyors Ltd. staff are satisfied that the application as presented is consistent with section 3.1 of the PPS as there is sufficient area for development outside hazard lands.</p> <p><u><b>Ontario Regulation #319/09 (Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses)</b></u></p> <p>The subject lands lie within the regulated area of the Moira River, and unnamed wetlands (by virtue of Ontario Regulation #319/09 – Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses). Please note that the owners will need to apply to the Conservation Authority for a permit prior to <u>any</u> development (construction / filling/ excavation/ site grading) on the subject lands.</p> <p>Quinte Conservation is currently in receipt of a permit application (QC file no. REG0585-2021) for proposed development on the subject lands (including the proposed limited-service dwelling).</p> <p><u><b>Quinte Region Source Protection Plan</b></u></p> <p>Quinte Conservation provides Risk Management services as prescribed by the <i>Clean Water Act</i>, 2006 on behalf of member municipalities. Part of this is reviewing building and planning applications to ensure no new significant drinking water threats as outlined in the Quinte Region Source Protection Plan are created.</p> <p>Policies for significant threats in the Quinte Region Source Protection Plan are <u>not applicable</u> as the subject property lies outside of an intake protection zone or wellhead protection area for a municipal drinking water system. <u>As such no Section 59 Clearance Notice is required.</u></p> <p><u><b>Planning Act - Natural Heritage policies of the Provincial Policy Statement</b></u></p>		

	<p>Section 2.1 of the Natural Heritage policies of the Provincial Policy Statement protects features including (but not limited to), Provincially Significant Wetlands, significant woodlands and significant Areas of Natural and Scientific Interest.</p> <p>The subject lands do not lie within a Provincially Significant Wetland, or within an Area of Natural and Scientific Interest. Further, an Environmental Impact Study was not provided with the current planning application, and as per Quinte Conservation's Regulation and Policies we will not be requesting one.</p>
<b>Final Comments:</b>	Quinte Conservation has <u>no objection</u> to the application as presented.

*Sam Carney*

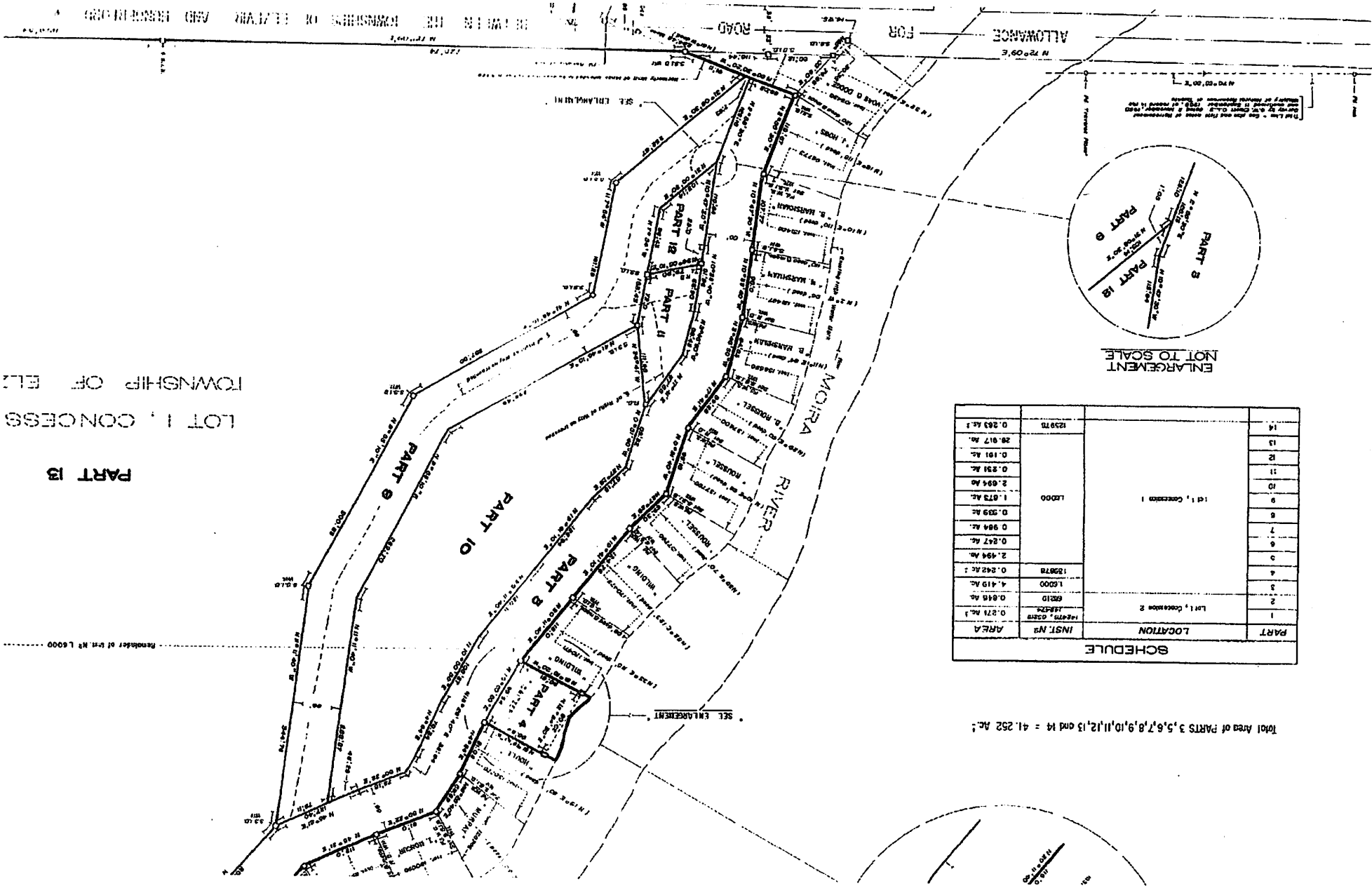
Sam Carney  
Planning Technician

March 16, 2022

Date

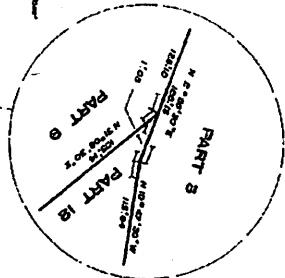
**And:**

Lindsay Nash,  
Regulations Officer



PART	LOCATION	INST. No	AREA
1	Lvt. 1, Concession 2	148479, 02878	0.271 Ac.
2		148479	0.016 Ac.
3	Lvt. 1, Concession 1	15000	4.419 Ac.
4		15000	0.042 Ac.
5	Lvt. 1, Concession 1	15000	2.494 Ac.
6		15000	0.247 Ac.
7		15000	0.984 Ac.
8		15000	0.509 Ac.
9		15000	1.073 Ac.
10		15000	2.094 Ac.
11		15000	0.591 Ac.
12		15000	0.101 Ac.
13		15000	28.917 Ac.
14		15000	0.263 Ac.

Total Area of PARTS 3, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 = 41,252 Ac.



ENLARGEMENT NOT TO SCALE

# SKETCH for BUILDING PERMIT APPLICATION

METRIC SCALE 1 : 200

## NOTES :

COTTAGE LANE

PART OF LOT 1

CONCESSION 1

TOWNSHIP OF ELZEVR

NOW IN THE MUNICIPALITY OF TWEED  
COUNTY OF HASTINGS

DIMENSIONS AND INFORMATION SHOWN  
ARE DERIVED FROM PLANS 21R-1452, 21R-12897,  
FIELD WORK AND MUNICIPAL RESOURCES.  
TWEED ZONING BY-LAW No.2012-30 SETBACKS

(I) SIDE YARD SETBACK 3.0m

(II) FRONT YARD SETBACK 10.0m

FRONT YARD (VARIANCE) 3.0m SETBACK SHOWN.

1:100 YEAR FLOOD LINE ELEVATION - 155.25m AND 15m SETBACK  
PER QUINTE CONSERVATION AUTHORITY (QCA).

WETLAND BOUNDARY AND 15.0m SETBACK PER QCA.

DISTANCES SHOWN ON THIS PLAN ARE IN METRES  
AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

THIS SKETCH IS AN ORIGINAL IF EMBOSSED BY THE SURVEYOR'S SEAL.

FEBRUARY 11, 2022

## CAUTION

THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED  
EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK

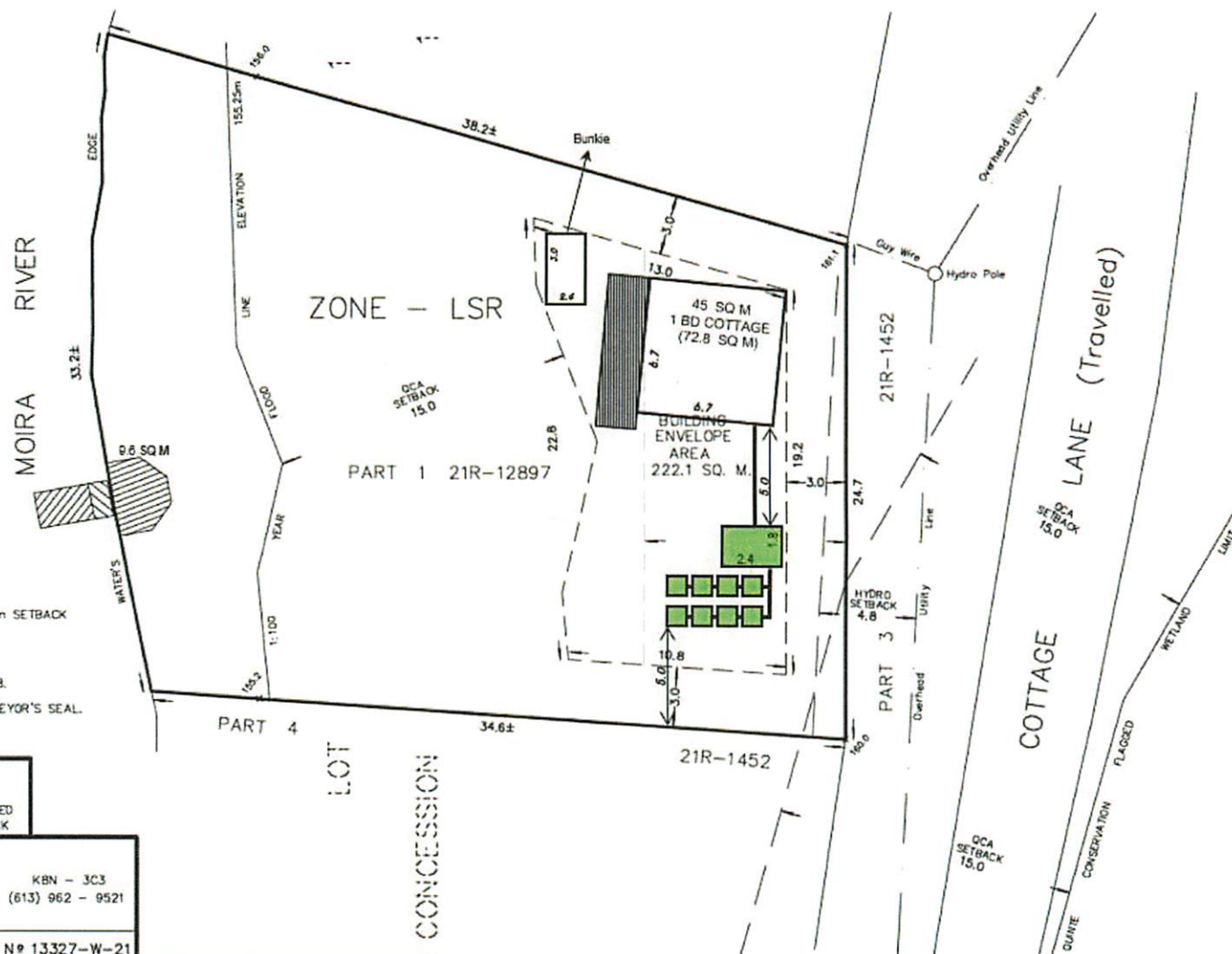
218 CHURCH STREET  
BELLEVILLE, ONTARIO

**WATSON**  
LAND SURVEYORS Ltd.

KBN - 303  
(613) 962 - 9521

© Copyright WATSON LAND SURVEYORS LTD. 2022

PROJECT N° 13327-W-21



+

-

Home

Refresh

123113201001242

X

Q

Show search results for 12311...

Layers

Tools

Legend

Scale

Print

Fullscreen

Property Information

Roll

123113201001242

No.

Legal

CON-1 PT LOT 1 RP 21R12897 PART  
1 BLACK RIVER

Zoom to

\*\*\*