

## **COMMITTEE OF ADJUSTMENT REGULAR MEETING MINUTES**

**Wednesday, August 22, 2018**

The Township of Rideau Lakes Committee of Adjustment held a Regular Meeting on Wednesday, August 22, 2018 at the Municipal Office in Chantry, Ontario.

The following Committee members were in attendance: Chair Ron Pollard, Councillors Arie Hoogenboom, Linda Carr, Cathy Livingston and Cathy Monck. Mayor Ron Holman was absent with prior notice. Brittany Mulhern, Manager of Development Services, Malcolm Norwood, Senior Planner, and Meg McCallum, Development and Emergency Management Coordinator were also in attendance.

### **ADOPTION OF THE AGENDA:**

#### **RESOLUTION #1**

Moved By: Cathy Livingston  
Seconded By: Arie Hoogenboom

That this Committee adopt the Agenda, as submitted.

Carried.

### **DECLARATION OF PECUNIARY INTEREST & GENERAL NATURE THEREOF:**

Chairperson Pollard asked if anyone had a pecuniary interest and the general nature thereof regarding any of the applications and none were heard.

### **ADOPTION OF MINUTES:**

Minutes of the Committee of Adjustment Regular Meeting held August 8, 2018 were distributed to the Committee. Chairperson Pollard asked for any errors or omissions and none were heard.

#### **RESOLUTION #2**

Moved By: Cathy Monck  
Seconded By: Linda Carr

That this Committee approve the Committee of Adjustment Regular Meeting Minutes of August 8, 2018, as submitted.

Carried.

### **NEW BUSINESS:**

#### **MINOR VARIANCE APPLICATIONS:**

##### **A-18-2018 – JEFFREY AND SHARON FINDLAY – WARD OF BASTARD AND SOUTH BURGESS**

Bastard Plan 153 Block D Part Lot 14  
Civic Address: 56 King Street

The applicants were in attendance to discuss the Minor Variance application.

Malcolm Norwood, Senior Planner, verbally reviewed the application to place a 250sqft Chip Wagon and to construct a 95sqft accessory structure (storage shed) at 56 King Street, requiring relief from setback requirements on all sides for the Chip Wagon and on the waterfront and eastern side yards for the accessory structure. The highly constrained lot due to small size and flood plain make temporary use ideal on this site. There are no land use compatibility concerns anticipated, but staff is recommending a condition that the applicant's chip wagon license include a restriction on selling ice cream due to the competition with food establishments policy in the Township's Chip Truck By-Law

The applicants asked for clarification about what is a "low dust" surface as mentioned in condition 6. Staff clarified that this condition comes from the Commercial Guidelines, and that gravel is listed as the example. The applicants noted that they are fine with the restriction on selling ice cream given the new ice cream shop next door, however they would like to have the opportunity in the future if the ice cream shop closes.

Committee members asked whether the 100m buffer was appropriate and whether the chip truck would be granted grandfathered status in the event that other food establishments open within this buffer at a later time. Staff responded that the Chip Truck By-Law has a provision for a 100m buffer from food establishments. The purpose of this condition is to match this provision due to concerns about the ice cream shop that opened next door to the subject property this month. The Chip Truck license is an annual license. There is no grandfathering so the buffer would be assessed each year. Staff advised the Committee that if there are concerns with the current Chip Truck By-Law that Council should review and potentially amend the By-Law, as the Committee only has the ability to authorize minor variances from the Zoning By-Law.

After discussion, the following Resolution was duly moved and seconded.

**RESOLUTION #3**

Moved By: Cathy Livingston

Seconded By: Cathy Monck

That Minor Variance **A-18-2018, by Jeffrey and Sharon Findlay**, of the Ward of Bastard and South Burgess, is approved as submitted for the following reasons provided the attached conditions are complied with:

**REASONS:**

1. No land use compatibility concerns are anticipated from the proposed development
2. The application meets the waterfront development policies in the Official Plan
3. The proposed water setback has been maximized for each of the structures on the subject property

**CONDITIONS:**

1. That this approval is based on the following specifications and that any deviation from these specifications will require subsequent review and approval by the Township:

- a. The dimensions and location of the proposed structure(s) shall be consistent with the information noted in the site plan application (and updated/revised information) and/or minor variance and the approved site plan drawing;
  - b. All setbacks and development parameters shall be consistent with the details noted in the approved site plan and compliant with Zoning By-law 2005-6 where no variance has been granted;
2. That the proposed parking spaces comply with sections 3.15.3 of the Zoning By-law where no variance is granted and all parking spaces shall be demonstrated to be fully on the subject property when applying for a Chip Wagon license under By-Law 2005-49;
  3. That the license for the Chip Wagon shall include a condition which prohibits the sale of ice cream on the property while there is an active ice cream shop within 50m of the subject property; unless a future amendment to the Township's Chip Truck By-Law is made in regards to the Food Establishment Competition Policy;
  4. That the existing buffer of natural vegetation between the subject property and the abutting properties to the east and west be maintained and enhanced;
  5. Existing vegetation within the 30m setback shall be generally maintained and enhanced, except for that disturbed by the proposed development. The applicant shall encourage the development of a shoreline naturalization buffer (no disturbance area) extending 15m back from the high-water mark. A moderate shoreline access path through this area is permitted;
  6. That the parking, access and service areas be of a low dust surface;
  7. That storm water runoff be captured and directed away from the creek to an area of infiltration;
  8. That any lighting used be downcast in nature and as minimal as required to meet safety and functional needs for the site;
  9. That all materials used on the exterior of the structure be of a natural material or a colour reflective of the surrounding environment;
  10. In developing and grading the property the applicants shall have regard for stormwater and snowmelt management best practices and provide consideration for the adjacent structures and development and local drainage patterns. Storm water runoff is to be captured and directed to an area of infiltration away from the creek and any municipal drains;
  11. That sediment and erosion control measures be implemented during all stages of construction. This must include some form of silt fencing between the areas of development and the creek. This fencing must remain in place until all areas that were disrupted are fully stabilized (i.e. no bare soils remain);
  12. All excavated material is to be disposed of away from the creek, and all construction material shall be stored in a location well away from the creek; and
  13. Future development not included in this application will be subject to review and approval by the Township, Conservation Authority and/or Parks Canada and any other governing agency or regulations where applicable.

Carried.

**A-20-2018 – MARK AND TRACY AIRHART - WARD OF SOUTH ELMSLEY**

Rideau Lakes Concession 5 Part Lot 27; Plan 295 Lot 1

Civic Address: 120 R12

The applicants were in attendance to discuss the Minor Variance Application.

Malcolm Norwood, Senior Planner, verbally reviewed the application to demolish a 1067sqft 2-storey non-complying dwelling with 668sqft of attached, uncovered decking, a 408sqft non-complying sleeping cabin, and 2 accessory structures (sheds) which are 56sqft and 140sqft respectively; and to construct a 2358sqft 2-storey dwelling and an 1154sqft 2-storey accessory structure (detached garage). He noted an administrative error to the variance requested under Section 3.1.7.3 – relief of **2m** from the required 3m interior side yard setback to allow for a **1m** interior side yard setback for the proposed 1154sqft 2-storey accessory structure (detached garage) should have been relief of **1m** from the required 3m interior side yard setback to allow for a **2m** interior side yard setback for the proposed 1154sqft 2-storey accessory structure (detached garage). Given the actual variance is less than what was publicly noticed, there was no need to re-notice.

Mr. Norwood noted that trade-offs are key in this application: the removal of non-complying structures helps to justify the consolidation of all development on the property into 2 much larger structures. He noted that conditions 2, 3 and 4 deal with title issues to address confusing/inconsistent land title claims of the back portion of the lot, along with recently added shoreline, that make it impossible for staff to accurately determine the property area.

Mr. Airhart thanked Mr. Norwood for his work and noted that it has been a good experience working with Township Development Services staff. He had requests about two conditions:

- He requested the removal of condition 4, requiring confirmation from an Ontario Land Surveyor, because of concerns about cost and wait time and his opinion that the impact of a survey is not consequential to the application.
- He requested an amendment to condition 6 to have permission to leave one storage shed on the property for the duration of construction, and suggests tying the shed demolition to the occupancy permit.

Staff responded that both of these conditions relate to lot coverage. The proposed construction is at the maximum of 10% lot coverage. Fulfilling condition 4 allows the Township to confirm with certainty that the proposed development does not exceed 10%. With regard to condition 6, leaving the shed while constructing both new buildings would exceed the 10%.

Committee members considered these two requests and after discussion, the following resolution was duly moved and seconded:

**RESOLUTION #4**

Moved By: Cathy Monck

Seconded By: Cathy Livingston

That Minor Variance **A-20-2018, by Mark and Tracy Airhart**, of the Ward of South Elmsley, is approved as amended for the following reasons provided the attached conditions are complied with:

**REASONS:**

1. No land use compatibility concerns are anticipated from the proposed development
2. The application meets the waterfront development policies in the Official Plan
3. The proposal is within all lot coverage and floor space maximums for the subject property

**CONDITIONS:**

1. That this approval is based on the following specifications and that any deviation from these specifications will require subsequent review and approval by the Township:
  - a. The dimensions and location of the proposed structure(s) shall be consistent with the information noted in the site plan application (and updated/revised information) and/or minor variance and the approved site plan drawing;
  - b. All setbacks and development parameters shall be consistent with the details noted in the approved site plan and compliant with Zoning By-law 2005-6 where no variance has been granted;
2. That the applicants submit a revised drawing that removes the right-of-way label on the abutting lands to the west, unless the applicants demonstrate that those lands are in fact an established right-of-way, and should that be the case, an additional Minor Variance from the right-of-way will be required;
3. That confirmation be received from the applicants' lawyer to the satisfaction of the Manager of Development Services that all lands owned by the applicant have been consolidated into one parcel and are not separately conveyable as per the Planning Act prior to the issuance of a building permit for either the proposed dwelling or accessory structure;
4. That the applicants acknowledge that their lot coverage is at the maximum permitted 10% lot coverage within 60m of a waterbody, and that any future development within that area will most likely require a planning approval;
5. That all structures which are proposed to be removed, be removed prior to the issuance of a building permit for the proposed dwelling or accessory structure; alternatively the 140sqft accessory structure may remain, provided it is removed prior to the issuance of an occupancy permit for the proposed dwelling and prior to the issuance of a building permit for the proposed 1154sqft accessory structure;
6. That the applicants acknowledge that a condition of approval is that the accessory structure cannot be used for habitation. Similar wording shall be placed on the required building permit;
7. That the applicants acknowledge that the only plumbing that is to be permitted in the proposed accessory structure is a small wash sink;
8. Existing vegetation within the 30m setback shall be generally maintained and enhanced, except for that disturbed by the proposed development. The applicant shall encourage the

- development of a shoreline naturalization buffer (no disturbance area) extending 15m back from the high water mark. A moderate shoreline access path through this area is permitted;
9. That a buffer of natural vegetation between the area of development of the proposed 1154sqft accessory structure on the subject property and the abutting property to the east be developed, and that the existing buffer of natural vegetation along the western interior side lot line be maintained and enhanced;
  10. That storm water runoff be captured and directed away from the lake to an area of infiltration;
  11. That all outdoor lighting be downward cast, and as minimal as required to meet the required objectives;
  12. That all materials used on the exterior of the structure be of a natural material or a colour reflective of the surrounding environment;
  13. That the applicant maintain all on site drainage patterns;
  14. That sediment and erosion control measures be implemented during all stages of construction. This must include some form of silt fencing between the areas of development and the lake. This fencing must remain in place until all areas that were disrupted are fully stabilized (i.e. no bare soils remain);
  15. All excavated material is to be disposed of away from the lake, and all construction material shall be stored in a location well away from the lake; and
  16. Future development not included in this application will be subject to review and approval by the Township, Conservation Authority and/or Parks Canada and any other governing agency or regulations where applicable.

Carried

**A-21-2018 – JOHN AND SUZANNE SELIGA - WARD OF SOUTH CROSBY**

Concession 9 Part Lot 13 Part Lot 14 Registered Plan 28R4010 Parts 1 and 2  
Civic Address: 299A Deadlock Bay Road

The applicant Suzanne Seliga was in attendance to discuss the Minor Variance Application.

Malcolm Norwood, Senior Planner, verbally reviewed the application to construct an 894.2sqft addition which will merge an existing 1-storey 875sqft non-complying and non-conforming dwelling with a 370sqft non-complying and non-conforming dwelling that will result in a single 1-storey 2139sqft dwelling on the subject property; and to also construct 292.5sqft of attached, uncovered decking.

The applicant thanked staff for their work and had no comments to add regarding the proposal.

After discussion, the following resolution was duly moved and seconded:

**RESOLUTION #5**

Moved By: Linda Carr

Seconded By: Cathy Livingston

That Minor Variance **A-21-2018, by John and Suzanne Seliga**, of the Ward of South Elmsley, is approved as submitted for the following reasons provided the attached conditions are complied with:

**REASONS:**

1. The proposal creates a conforming development by combining the two dwellings on the property;
2. The application meets the waterfront development policies in the Official Plan
3. The proposal does not significantly change the size, scope, and form of the existing non-complying dwelling on the property

**CONDITIONS:**

1. That this approval is based on the following specifications and that any deviation from these specifications will require subsequent review and approval by the Township:
  - a. The dimensions and location of the proposed structure(s) shall be consistent with the information noted in the site plan application (and updated information) and/or minor variance and the approved site plan drawing;
  - b. All setbacks and development parameters shall be consistent with the details noted in the approved site plan and compliant with Zoning By-law 2005-6 where no variance has been granted;
2. That all development not included in this application which was built without proper approvals, including but not limited to the noted roof expansion, be removed with the proper approvals prior to the issuance of final occupancy for the proposed 894.2sqft addition and 294sqft of attached, uncovered decking;
3. Existing vegetation within the 30m setback shall be maintained and enhanced, except for that disturbed by the proposed development. The applicant shall encourage the development of a shoreline naturalization buffer (no disturbance area) extending 15m back from the high water mark;
4. That storm water runoff be captured and directed away from the lake to an area of infiltration;
5. That all outdoor lighting be downward cast, and as minimal as required to meet the required objectives;
6. That all materials used on the exterior of the structure be of a natural material or a colour reflective of the surrounding environment;
7. That the applicant maintain all on site drainage patterns;
8. That sediment and erosion control measures be implemented during all stages of construction. This must include some form of silt fencing between the areas of development and the lake. This fencing must remain in place until all areas that were disrupted are fully stabilized (i.e. no bare soils remain);
9. All excavated material is to be disposed of away from the lake, and all construction material shall be stored in a location well away from the lake; and

10. Future development not included in this application will be subject to review and approval by the Township, Conservation Authority and/or Parks Canada and any other governing agency or regulations where applicable.

Carried.

**ADJOURNMENT:**

The Chair declared the Committee of Adjustment Meeting adjourned at 3:45 p.m.

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Ron Pollard  
Chairperson

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Brittany Mulhern  
Secretary