

COMMITTEE OF ADJUSTMENT REGULAR MEETING MINUTES

Wednesday, August 8, 2018

The Township of Rideau Lakes Committee of Adjustment held a Regular Meeting on Wednesday, August 8, 2018 at the Municipal Office in Chantry, Ontario.

The following Committee members were in attendance: Chair Ron Pollard, Mayor Ron Holman, Councillors Arie Hoogenboom, Linda Carr, Cathy Livingston and Cathy Monck. 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 Monck

Seconded By: Linda Carr

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 July 25, 2018 were distributed to the Committee. Chairperson Pollard asked for any errors or omissions and none were heard.

RESOLUTION #2

Moved By: Cathy Livingston

Seconded By: Arie Hoogenboom

That this Committee approve the Committee of Adjustment Regular Meeting Minutes of July 25, 2018, as submitted.

Carried.

NEW BUSINESS:

MINOR VARIANCE APPLICATIONS:

A-16-2018 – JOSEPH AND SUSAN BEAL – WARD OF SOUTH CROSBY

Concession 8 Part Lot 18 Plan 213 Part Lot 9 Registered Plan 28R8505 Parts 1, 2, 3 & 4,
Civic Address: 151 Indian Lake Road

The applicants were not in attendance to discuss the Minor Variance application.

Malcolm Norwood, Senior Planner, verbally reviewed the application to construct a 285sqft 1-storey side addition (screened in porch) to an existing 1-storey 1184sqft non-complying dwelling which is in the midst of being rebuilt at its exact same size, volume and height as stipulated in a previous Site Plan Application SP-23-2017. The dwelling is nearing completion of construction and the applicants are requesting to make small amendments now that construction is underway to add a small screened in porch. Mr. Norwood explained that the applicant's lot is unique due to an unopened road allowance that traverses the centre of the subject property, ostensibly splitting it into two parcels. The applicants have confirmed their willingness to put a restriction on title to tie the two lots together, but staff are unclear as to the permanency of the restriction. Staff are awaiting confirmation from the applicant's surveyor verifying the lot area within 60m of Indian Lake. The Cataraqui Region Conservation Authority has also requested more time to review the application.

The Committee thanked Mr. Norwood for his presentation and asked whether the Township would consider relinquishing the road allowance. Staff confirmed that generally the Township policy is not to relinquish road allowances leading to water.

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

RESOLUTION #3

Moved By: Linda Carr

Seconded By: Arie Hoogenboom

That Minor Variance **A-16-2018, by Joseph and Susan Beal**, of the Ward of South Crosby is deferred for the following reasons:

REASONS:

1. To provide more time to investigate a restriction on title to merge the two parcels and the official status of Melgus Drive as it relates to Plan #213, to coordinate with the applicant's surveyor to verify the lot area within 60m of Indian Lake (not including the Right of Way), and to consult further with the Conservation Authority.

Carried.

A-17-2018 – DAVID AND NANCY WISEHAUPT - WARD OF SOUTH CROSBY

Concession 7 Part Lot 19 Registered Plan 28R616; Part 1 Island 242 &

Concession 7 Part Lot 19 Registered Plan 28R67 Part, Civic Address: 293A Isthmus Road

The owners' agent Adam McGill was in attendance to discuss the Minor Variance Application.

Malcolm Norwood, Senior Planner, verbally reviewed the application to construct a 360sqft side addition to an existing 1-storey 1392sqft non-complying dwelling. The proposed addition is setback 2ft from the front of the existing dwelling to ensure the water setback is not worsened from the proposal. With this proposal, in addition to the two previous side additions, staff is recommending

that any further development on this property should be vertical as opposed to increasing lot coverage. The Rideau Waterway Development Review Team has no objections to the proposal.

The agent noted that his clients have no further development plans. The Committee had no questions and thanked Mr. Norwood for his presentation.

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

RESOLUTION #4

Moved By: Linda Carr

Seconded By: Cathy Livingston

That Minor Variance **A-17-2018, by David and Nancy Wisehaupt**, of the Ward of South Crosby, is approved as submitted for the following reasons provided the attached conditions are complied with:

REASONS:

1. The addition does not significantly change the size, form, or scope of the existing non-complying dwelling
2. The proposal meets the intent and purpose of the Waterfront Development Policies in the Township's Official Plan
3. The water setback for the proposed addition has been maximized considering the existing pattern of development on the lot

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 the applicant agrees that no further footprint expansions of the existing dwelling shall be permitted, and future additions shall be either through upper-storeys to the existing dwelling or by the inclusion of a basement with the appropriate approvals;
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. A moderate shoreline access path through this area is permitted;
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.

A-21-2017 – JAIRUS ROGER MAUS - WARD OF BASTARD AND SOUTH BURGESS

Concession 1, Part Lot 10, RP 28410535 Parts 1 TO 3, Rideau Lake, Civic Address: 2934 R29

The applicant Jairus Roger Maus and his son John Maus were in attendance to discuss the Minor Variance Application.

Malcolm Norwood, Senior Planner, verbally reviewed the application to demolish a 1050sqft non-conforming & non-complying second dwelling, in order to develop a 1550sqft dwelling, which will increase the height of the previous dwelling by 6ft to include a basement. This application was deferred at the November 22, 2017 CoA meeting. The applicant had requested staff to bring the application forward again at the exact same location but with the proposed basement height reduced to 2.05m, still resulting in a 6ft increase in overall height to the dwelling. Staff recommended that the Minor Variance application be denied. The Rideau Waterfront Development Review Team (RWDRT) also objected to the application.

Staff and the RWDRT believe that potential water setbacks have not been maximized. The applicant noted steep slopes, a driveway, trees, bell line and grading as physical constraints preventing relocation further back of the proposed dwelling. Staff disagreed with the applicant's findings and noted that the physical constraints did not preclude the reasonable possibility of achieving the required setback.

Committee members discussed the current septic system and whether the applicant could rebuild "as is – where is". Staff responded that the applicant could demolish the existing building and reconstruct to the same floor space, size, volume and height, which would still be non-complying but permitted as of right.

Committee members noted that they were less concerned with the increase in volume than with the reduced water set back, and noted the strong wording in the objection from the RWDRT. Committee members noted that grading issues can be addressed through construction site preparation.

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

RESOLUTION #5

Moved By: Cathy Livingston

Seconded By: Linda Carr

That Minor Variance **A-21-2017, by Jairus Roger Maus**, of the Ward of Bastard & South Burgess, including the request to expand a non-conforming use, is approved as amended for the following reasons provided the attached conditions are complied with:

AMENDMENT:

The water setback for the proposed 1550sqft dwelling shall be maximized to the satisfaction of the Manager of Development Services.

REASONS:

1. The proposed dwelling meets the expansion of a non-conforming use policies in the Official Plan
2. The water setback for the proposed dwelling has been maximized considering the existing pattern of development and the natural constraints on the lot
3. No land use compatibility concerns are anticipated from the proposed development

CONDITIONS:

1. That a revised site plan drawing be submitted demonstrating a complying or maximized water setback for the proposed 1550sqft dwelling on the subject property to the satisfaction of the Manager of Development Services;
2. That all features of habitation be removed from the existing 96sqft accessory structure (shed) prior to the issuance of a building permit for the proposed dwelling;
3. That the existing 1050sqft dwelling be demolished with the proper approvals prior to the issuance of final occupancy for the proposed dwelling;
4. 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;
5. 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. A moderate shoreline access path through this area is permitted;
6. That storm water runoff be captured and directed away from the lake to an area of infiltration;
7. That all outdoor lighting be downward cast, and as minimal as required to meet the required objectives;

8. That all materials used on the exterior of the structure be of a natural material or a colour reflective of the surrounding environment;
9. That the applicant maintain all on site drainage patterns;
10. 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);
11. 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
12. 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 2:52 p.m.

Ron Pollard
Chairperson

Brittany Mulhern
Secretary