

COMMITTEE OF ADJUSTMENT REGULAR MEETING MINUTES

Wednesday, February 28, 2018

The Township of Rideau Lakes Committee of Adjustment held a Regular Meeting on Wednesday, February 28, 2018 at the Municipal Office in Chantry, Ontario.

The following Committee members were in attendance: Councillors Ron Pollard, Arie Hoogenboom, Cathy Livingston, Cathy Monck, and Linda Carr. Mayor Ron Holman was absent. Malcolm Norwood, Associate Planner was also in attendance.

The following resolution was duly moved and seconded:

ADOPTION OF THE AGENDA:

RESOLUTION #1

Moved By: Linda Carr
Seconded By: Cathy Monck

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 January 24, 2018 were distributed to the Committee. Chairperson Pollard asked for any errors or omissions and none were heard.

The following resolution was duly moved and seconded:

RESOLUTION #2

Moved By: Cathy Monck
Seconded By: Cathy Livingston

That this Committee approve the Committee of Adjustment Regular Meeting Minutes of January 24, 2018, as submitted.

Carried:

NEW BUSINESS:

A-3-2018 – SUSAN ALLAN – WARD OF SOUTH ELMSLEY

Concession 4, Part Lot 25 and Part Lot 26, RP 28R4078, Parts 25 to 27

Civic Address: 39 B3

Malcolm Norwood, Associate Planner, reviewed the application to demolish an existing 594sqft non-complying one-storey dwelling and 331.94sqft decking and construct an 1855sqft two-storey dwelling with a 331.94sqft decking.

The Chief Building Official stated that the existing septic system may not be able to accommodate the proposed dwelling.

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

RESOLUTION #3

Moved By: Cathy Livingston
Seconded By: Cathy Monck

That Minor Variance A-3-2018, by Susan Allan, of the Ward of South Elmsley, is deferred to allow for:

1. To obtain more information regarding the existing septic and identify whether it needs to be expanded to accommodate the proposed plan of development.

Carried:

A-4-2018 – ROBERT WALTERS & MARGARET WALTERS – WARD OF SOUTH ELMSLEY
Concession 4, Part Lot 24, RP 28R665, Part 1, RP 28R14457, Parts 2 to 5, Bass Lake
Civic Address: 8 B11A

Owners Robert Walters and Margaret Walters attended this meeting to discuss the Minor Variance Application.

Malcolm Norwood, Associate Planner, reviewed the application to construct a two-storey 278sqft addition to the existing two-storey non-complying dwelling and construct a two-storey 1434sqft garage.

The RVCA had no objections.

The Chair asked the owners if they had any comments. Owner Robert Walters requested that condition 5 be amended to allow the existing 160sqft non-complying accessory structure (shed) to remain on the property until prior to the issuance of an occupancy permit to allow tools and materials to be securely stored during the proposed development.

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

RESOLUTION #4

Moved By: Arie Hoogenboom
Seconded By: Cathy Monck

That Minor Variance A-4-2018, by Robert Walters and Margaret Walters, of the Ward of South Elmsley, is approved as amended for the following reasons provided the attached conditions are complied with:

AMENDMENT:

1. Condition 5: to change prior to the issuance of a building permit to the issuance of an occupancy permit.

REASONS:

1. The water setback has been maximized given the pattern of development on the lot;
2. The proposed development does not significantly change the form, scope or intensity of the existing non-complying dwelling;
3. The application is consistent with the Waterfront Development Policies of the Official Plan.

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. 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;
3. The applicant shall enroll in the Rideau Valley Conservation Authority's Shoreline Naturalization Program to re-vegetate the shoreline area to the satisfaction of the RVCA and the Township. Completion of the plantings for the Shoreline Naturalization Program shall be completed prior to the issuance of a final occupancy permit for the proposed 2-storey 279sqft addition and 2-storey 1434sqft accessory structure (garage);
4. 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;
5. That the 160sqft accessory structure (shed) and be removed from the subject property prior to the issuance of **an occupancy permit** for either of the proposed 2-storey 279sqft addition and 2-storey 1434sqft accessory structure (garage);
6. That a demolition permit be applied for prior to, or concurrently with, a building permit for either of the proposed 2-storey 279sqft addition and 2-storey 1434sqft accessory structure (garage);
7. That storm water runoff be captured and directed away from the lake to an area of infiltration;
8. That all outdoor lighting be downward cast, and as minimal as required to meet the required objectives;
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. That the applicant maintain all on site drainage patterns;
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 lake. 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 lake, and all construction material shall be stored in a location well away from the lake; 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-5-2018 – PATRICIA BLUNDON – WARD OF NORTH CROSBY

Concession 2, Part Lot 8

Civic Address: 1401 North Shore Road, Unit 16

Owner Corey Blundon and Agent Jason Cheesman attended this meeting to discuss the Minor Variance Application.

Malcolm Norwood, Associate Planner, reviewed the application to construct a 60sqft side addition to the existing 864sqft non-complying dwelling and to construct 544sqft of attached, uncovered waterfront decking. Mr. Norwood stated the construction of the addition and deck were started without building permits or planning approvals.

Mr. Norwood stated that staff have no concerns with the addition but do not support the approval of the deck.

The RVCA supported the proposed addition and objected to the deck.

The Committee discussed the uncovered deck and decided that the deck would not have been permitted if the owner applied for proper approvals prior to construction.

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

RESOLUTION #5

Moved By: Cathy Monck

Seconded By: Arie Hoogenboom

That Minor Variance A-5-2018, by Patricia Blundon (Agent: Jason Cheesman), of the Ward of North Crosby is approved in part for the following reasons provided the attached conditions are complied with:

VARIANCE DENIED:

- Section 3.27 – Relief of 2.88m from the maximum permitted 2m deck encroachment to allow for the proposed 544sqft uncovered attached waterfront deck to project from the main building 4.88m into the water setback.

VARIANCE APPROVED:

- Section 3.26.2 – Relief of 9.5m from the required 30m water setback to allow for a 20.5m water setback for the proposed 60sqft addition to the 864sqft non-complying single dwelling.
- Section 5.2.2 – Relief of 2.32m from the required 7.5m rear yard setback to allow for a 5.18m rear yard setback for the proposed 60sqft addition to the 864sqft non-complying single dwelling.

REASONS:

1. The proposed development does not significantly change the form, scope or intensity of the existing non-complying dwelling;
2. The overall lot coverage maximum is being adhered to;
3. The application is consistent with the Waterfront Development Policies of the Official Plan.

CONDITIONS:

1. That a revised site plan drawing is submitted illustrating a complying deck proposal;
2. That a demolition permit is obtained for the reconfigured existing fireplace chimney that was built without prior approval prior or concurrently with a permit to construct the 15.5sqft fireplace chimney;
3. That a septic permit be applied for concurrently with any future building permit application for either the 60sqft addition, 15.5sqft fireplace chimney, or any attached, uncovered decking on the subject property;
4. That verification in writing from the subject property's owner's lawyer that the property has not merged on title with any other property, and is separately conveyable as per the Planning Act, prior to the issuance of any building permits for any of the works described in this application;
5. 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;
6. That all proposed development is to be a minimum of 10m from any slopes of 30% or greater. Alternatively, a geotechnical study demonstrating slope stability of the proposed building site is required prior to the issuance of a building permit as per Section 2.19.3.2 of the Official Plan;
 7. 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;
 8. That storm water runoff be captured and directed away from the lake to an area of infiltration;
 9. That all outdoor lighting be downward cast, and as minimal as required to meet the required objectives;
 10. That all materials used on the exterior of the structure be of a natural material or a colour reflective of the surrounding environment;
 11. That the applicant maintain all on site drainage patterns;
 12. 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);
 13. 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
 14. 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 2:00 p.m.

Ron Pollard
Chairperson

Malcolm Norwood
Secretary