

**COMMITTEE OF ADJUSTMENT REGULAR MEETING MINUTES
Wednesday, March 28, 2018**

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

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

The following resolution was duly moved and seconded:

ADOPTION OF THE AGENDA:

RESOLUTION #1

Moved By: Arie Hoogenboom

Seconded By: Cathy Livingston

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 March 14, 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 Livingston

Seconded By: Ron Holman

That this Committee approve the Committee of Adjustment Regular Meeting Minutes of March 14, 2018, as submitted.

Carried:

Mayor Holman left the meeting at 1:10.

NEW BUSINESS:

A-6-2018 – JEFFREY CHOMYN & JANE CHOMYN – WARD OF SOUTH ELMSLEY

Concession 2, Part Lot 25, RP 28R1686, Part 1, Part 12, Otter Lake SS

Civic Address: 62 O12

Malcolm Norwood, Associate Planner, reviewed the application to construct a 360sqft and 32sqft additions to the existing 566.7sqft non-complying dwelling, and 64sqft attached portico.

The RVCA had no objections.

The Chief Building Official stated that the proposed location of the portico may be too close to the existing septic system bed. The CBO recommended that the applicants uncover the septic system to determine its exact location in order to verify the distance would be in compliance with the Ontario Building Code.

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

RESOLUTION #3

Moved By: Arie Hoogenboom

Seconded By: Linda Carr

That Minor Variance A-6-2018, by Jeffrey Chomyn and Jane Chomyn, of the Ward of South Elmsley is approved as submitted for the following reasons provided the attached conditions are complied with:

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. That the applicant acknowledges that no kitchen facilities shall be permitted in the proposed 161.3sqft sleeping cabin, and similar wording shall be placed on the future building permit;
3. That the applicant acknowledges that the proposed 962sqft accessory structure (garage) cannot be used for habitation, and similar wording shall be placed on the future building permit;
4. That the applicant uncovers the existing septic tank and bed and documents the exact distance between the proposed additions to the non-complying dwelling and the septic tank/field and documents these setbacks in the form of a design report to the satisfaction of the Chief Building Official;
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:

A-7-2018 – OPINICON INC. (Agent: LINEBOX STUDIO) – WARD OF SOUTH CROSBY

Concession 8, Part Lot 16 & Part Lot 17

Civic Address: 1697 Chaffeys Lock Road

Malcolm Norwood, Associate Planner, reviewed the application to construct 2 way traffic laneways under 6m in width. The laneways relate to Phase 2 of the Opinicon development plan.

Mr. Norwood stated that the laneways would be 3.5m wide, or 4.3m in width when including the shoulders, and that there are sections of the existing laneways are under 4.3m in width. He continued to state that the proposed laneways would have little traffic as it would service a small number of buildings.

The Fire Chief had no objections provided the applicants post adequate signage and update their fire safety/emergency management plan. The applicants must also provide pull off areas to allow for the safe passing of vehicles in both directions of the laneways.

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

RESOLUTION #4

Moved By: Linda Carr

Seconded By: Cathy Livingston

That Minor Variance A-7-2018, by Opinicon Inc. (Agent: Linebox Studio), of the Ward of South Crosby is approved as submitted for the following reasons provided the attached conditions are complied with:

REASONS:

1. The proposed development meets the intent of the Zoning By-law by being able to maintain adequate drivable space for emergency vehicles to travel safely along the subject lane;
2. The proposed development is considered to be minor in nature;
3. A supportive EIS was submitted demonstrating with mitigation measures, no negative impacts that would result from the proposed development.

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 of the proposed structures shall be consistent with the information noted in the site plan application and the approved updated site plan drawing;
 - b. All setbacks shall be consistent with the setbacks noted in the approved updated site plan and compliant with Zoning By-law 2005-6;
2. That a revised Site Plan drawing be submitted to the Township that implement the Township's Fire Chief's recommendations which include, but are not limited to the additional pull offs on both sides of the laneway, lighting, and the proposed snow storage areas to the satisfaction of the Township;

3. That the applicants agree to update their fire safety plan/emergency management plan to accommodate for procedures for fire apparatus movement, and regular staff training shall take place to complement the fire safety plan;
4. That all conditions identified in SP-48-2016, SP-41-2017, and A-18-2017 continue to be adhered to, notwithstanding the specific conditions related to Section 3.15.5 of the Township's Zoning By-law;
5. 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).
6. 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:

BUSINESS ARISING FROM MINUTES:

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

Owner Susan Allan attended this meeting to discuss the Minor Variance Application.

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 application was previously deferred at the February 28th meeting to allow for more information about the existing septic system to be reviewed.

Mr. Norwood stated that the applicants have amended their application to address the previous septic system concerns. He continued to state that staff now have no concerns with the proposed dwelling but still do not support the approval of the deck.

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

The Chair invited the applicants to discuss the application. The owners provided a history of the decking and its importance of its shape and size for their needs. The owners stated that the existing decking is placed upon a large rock and that its shape outlines it.

The Committee discussed when an item can and cannot be considered to be grandfathered.

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

RESOLUTION #5

Moved By: Arie Hoogenboom

Seconded By: Linda Carr

That Minor Variance A-3-2018, by Susan Allan, of the Ward of South Elmsley, is approved in part for the following reasons provided the attached conditions are complied with:

VARIANCE DEFERRED:

Proposed 331.94sqft of attached, uncovered decking:

- Section 3.27 – Relief of 1.76m from the maximum permitted 2m deck encroachment to allow for the 331.94sqft uncovered attached waterfront deck to project from the main building 3.76m into the water setback.

VARIANCE APPROVED:

Proposed 2-storey 1862.5sqft dwelling:

- Section 3.26.2 – Relief of 19.33m from the required 30m water setback to allow for a 10.67m water setback for the proposed 2-storey 1862.5sqft dwelling.

Proposed relocation of 120sqft sleeping cabin

- Section 3.1.6.2 – Relief of 20m from the required 30m water setback to allow for a 10m water setback for the proposed relocation of the existing 120sqft sleeping cabin.
- Section 5.2.2 – Relief of 4.78m from the required 6m interior side yard setback to allow for a 1.22m interior side yard setback for the proposed relocation of the existing 120sqft sleeping cabin.

Proposed relocation of 40sqft accessory structure (garden shed)

- Section 3.26.2 - Relief of 24.4m from the required 30m water setback to allow for a 5.6m water setback for the proposed relocation of the existing 40sqft accessory structure (garden shed).
- Section 3.1.7.3 – Relief of 1.09m from the required 2m interior side yard setback to allow for a 0.91m interior side yard setback for the proposed relocation of the existing 40sqft accessory structure (garden shed)

REASONS:

1. A supportive EIS was submitted demonstrating with mitigation measures, no negative impacts that would result from the proposed development;
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 this approval is based on the following specifications and that any deviation from these specifications will require subsequent review and approval by the Township:
3. 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;
4. 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. That a change in use permit be applied to convert the existing sleeping cabin on the subject property to an accessory structure (storage shed) prior to issuance of a final occupancy permit for the proposed dwelling;
6. That the 2 accessory structures that are proposed to be relocated (sleeping cabin/shed and shed) be relocated prior to the issuance of a final occupancy permit for the proposed dwelling;
7. That all recommendations contained within the submitted EIS titled, "Environmental Impact Statement for Ms. Susan Allan re: Building Permit Cottage Renovation Bass Lake, pt. Lot 26, Conc. IV,

South Elmsley” that was prepared by Pinegrove Biotechnical and dated October 10, 2017 be adhered to, except for the Species at Risk Assessment as recommended by the RVCA;

8. That the existing buffer of natural vegetation between the subject property and the abutting property to the east be maintained and enhanced;
9. 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;
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:

ADJOURNMENT

The Chair declared the Committee of Adjustment Meeting adjourned at 2:33 p.m.

Ron Pollard
Chairperson

Malcolm Norwood
Secretary