

COMMITTEE OF ADJUSTMENT REGULAR MEETING MINUTES

Wednesday, October 24, 2018

The Township of Rideau Lakes Committee of Adjustment held a Regular Meeting on Wednesday, October 24, 2018 at the Municipal Office in Chantry, Ontario.

The following Committee members were in attendance: Mayor Ron Holman, Chair Ron Pollard, Councillors Linda Carr, Arie Hoogenboom, 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: Ron Holman

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 October 10, 2018 were distributed to the Committee. Chairperson Pollard asked for any errors or omissions and none were heard.

RESOLUTION #2

Moved By: Linda Carr

Seconded By: Arie Hoogenboom

That this Committee approve the Committee of Adjustment Regular Meeting Minutes of October 10, 2018, as submitted.

Carried.

NEW BUSINESS:

MINOR VARIANCE APPLICATIONS:

A-29-2018 – DONALD AND HELENE FRANCIS – WARD OF BASTARD AND SOUTH BURGESS

Plan 24 Lot 7 to Lot 10 Briton Bay

Civic Address: 1285 R12B

Donald Francis was in attendance to discuss the Minor Variance application.

Malcolm Norwood, Senior Planner, verbally reviewed the application to develop a 162sqft rear addition on to an existing 1529sqft dwelling and convert an existing 46m2 dwelling into an oversized sleeping cabin and noted that this required relief from the required 30m water setback for the addition along with relief from the maximum permitted floor area for a sleeping cabin. Mr. Norwood noted that the property is non-conforming due to the existence of two dwellings on the lot and explained that the variance for the sleeping cabin brings the property into conformity with the Zoning By-Law. He noted further that the proposed rear addition is located at the rear of the existing dwelling, maximizing the water setback. He commented that the proposal meets the Waterfront Development policies in the Official plan and meets all other setbacks and lot intensity provisions. The Rideau Waterway Design Review Team submitted comments circulated to the Committee indicating no concerns.

Mr. Francis thanked Mr. Norwood for his presentation and his assistance. The Chair asked for comments from members of the public in attendance and there were none.

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

RESOLUTION #3

Moved By: Cathy Livingston
Seconded By: Arie Hoogenboom

That Minor Variance **A-29-2018, by Donald and Helene Francis, 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. The development within the 30m water setback does not significantly change the form, scope or intensity of the existing non-complying dwelling;
2. The water setbacks for the development have been maximized given the pattern of development;
3. The proposal represents a net gain considering the conversion of a non-conforming dwelling into a sleeping cabin.

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 owners acknowledge through this approval that all non-conforming rights to the existing dwelling that is to be converted to a sleeping cabin are extinguished;

3. That all kitchen and/or food preparation facilities be removed from the sleeping cabin prior to issuance of a building permit for the proposed addition and that the applicants acknowledge that the sleeping cabin shall not contain any kitchen or food preparation facilities hereafter;
4. 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;
5. That storm water runoff be captured and directed away from the lake to an area of infiltration;
6. That all outdoor lighting be downward cast, and as minimal as required to meet the required objectives;
7. That all materials used on the exterior of the structure be of a natural material or a colour reflective of the surrounding environment;
8. That the applicant maintain all on site drainage patterns;
9. 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);
10. 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
11. 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-30-2018 – ALAN WEISS AND LOUISE WEISS - WARD OF BASTARD AND SOUTH BURGESS

Burgess Concession 2 Part Lot 8 Briton Bay
Civic Address: 275 McEwen Lane

The applicant's agent Nickolas Semanyk was in attendance to discuss the Minor Variance Application.

Malcolm Norwood, Senior Planner, verbally reviewed the application to construct a 375sqft side addition on to an existing 722sqft non-complying dwelling, requiring relief from the required 30m water setback. Mr. Norwood noted that the owners had previously received permission in 2013 to develop a 396sqft sleeping cabin which required relief from the maximum sleeping cabin size and minimum water setback. Mr. Norwood commented that the proposed addition brings the existing dwelling into compliance with minimum dwelling size. He noted that the addition could be placed directly in the rear, raised above the existing cottage, but that that produced several undesirable outcomes related to accessibility and environmental concerns of blasting rock directly behind the dwelling. The RWDRT had provided comments, circulated to the Committee, indicating no objections to the proposal. Mr. Norwood noted that the application meets the Waterfront Development policies in the Official Plan and the intent of the Zoning By-Law.

Mr. Semanyk thanked Mr. Norwood for his presentation. He advised that his clients use the cottage seasonally, and while it is sufficient space for the two parents, they want to add additional accessible space for their son to visit. Chair Pollard asked for comments from the public but there were none.

Committee members discussed the minimum dwelling size required by the Zoning By-Law, noting the desire to allow smaller homes in the future. Staff indicated that this issue will be reviewed in the upcoming Official Plan review and that the Economic Development Committee has already flagged the desire to consider tiny homes.

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

RESOLUTION #4

Moved By: Cathy Livingston
Seconded By: Arie Hoogenboom

That Minor Variance **A-30-2018, by Alan and Louise Weiss**, of the Ward of Bastard and South Burgess, is approved for the following reasons provided the attached conditions are complied with.

REASONS:

1. The proposed development does not significantly change the form, scope or intensity of the existing non-complying dwelling.
2. The water setbacks for the development have been maximized given the pattern of development;
3. The proposal meets the intent of the Waterfront Development Policies in 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 all conditions implemented through Combined Minor Variance and Site Plan Application A-12-2013 & SP-22-2013 remain in force and in effect;
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-32-2018 – STEVE CATER & CHARMAINE CROCKETT – WARD OF BASTARD AND SOUTH BURGESS

Burgess Concession 1 Part Lot 9 Registered Plan 28R1477 Part 8 Registered Plan 28R4153 Part 7
Civic Address: 2879 R28

Steve Cater and Charmaine Crockett were in attendance to discuss the Minor Variance application.

Malcolm Norwood, Senior Planner, verbally reviewed the application to reconstruct an attached, uncovered 432sqft deck and convert an existing 384sqft crawl space into a full height basement, all on to an existing 1864sqft dwelling, requiring relief from the interior side yard setback for the deck and for the basement and increases in height and volume of the existing dwelling. Mr. Norwood noted that the applicant originally applied for the proposed works under Site Plan Control application SP-25-2018 which received delegated approval on August 7, 2018. Subsequent comments from a neighbour were received as well as updated information in regards to survey stakes at the interior side lot line which demonstrated that the side yard setbacks on the original application were incorrect. The applicant revised his site plan drawing indicating that the existing dwelling is non-compliant with the 6m interior side lot line setback in the RW zone and the existing attached, uncovered decking is non-compliant with the permitted encroachments into an interior side lot line. Therefore, the applicant was required to apply for minor variances to request permission to increase the floor area and height of the existing non-complying dwelling and the size of the existing non-complying attached uncovered decking. Mr. Norwood commented that the existing dwelling and deck are non-complying and that the proposal indicated no changes to the footprint. The application met the intent of the Zoning By-Law and Official Plan and all lot intensity requirements. The RWDRT had provided written comments, distributed to the Committee, indicating no concerns.

Mr. Cater noted that the main reason for the project was to add headroom for the basement. Chair Pollard asked for comments from the public but there were none. After discussion, the following Resolution was duly moved and seconded.

RESOLUTION #5

Moved By: Cathy Livingston
Seconded By: Linda Carr

That Minor Variance **A-32-2018, by Steve Cater and Charmaine Crockett**, 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. The proposed side yard variances go no closer to the side lot line than the existing structure;
2. The reduced side yard will not impede functionality of the site, and is not expected to have a negative visual aesthetic impact given the existing condition and surrounding land use;
3. The plan of development is compatible with surrounding land uses.

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 development 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 conditions implemented through SP-25-2018 remain in force and in effect, and;
3. That the existing buffer of natural vegetation between the proposed side addition and the southern interior side lot line be maintained and enhanced.

Carried.

ADJOURNMENT:

The Chair declared the Committee of Adjustment Meeting adjourned at 1:45 p.m.

Ron Pollard
Chairperson

Brittany Mulhern
Secretary