

PLANNING ADVISORY COMMITTEE REGULAR MEETING MINUTES

Wednesday, October 24, 2018

The Township of Rideau Lakes Planning Advisory Committee 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:

RECOMMENDATION #1

Moved By: Cathy Livingston

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 declaration of pecuniary interest and the general nature thereof regarding any of the applications and none were heard.

ADOPTION OF MINUTES:

Minutes of the Planning Advisory Committee Public and Regular Meeting held October 10, 2018 were distributed to the Committee. Chairperson Pollard asked for any errors, omissions or questions and none were noted.

RECOMMENDATION #2

Moved By: Cathy Monck

Seconded By: Arie Hoogenboom

That this Committee approve the Planning Advisory Committee Regular and Public Meeting Minutes of the October 10, 2018 as submitted.

Carried.

NEW BUSINESS:

SP-40-2018 – ALAN 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 Site Plan Application.

Malcolm Norwood, Senior Planner, verbally reviewed the application to construct a 375sqft side addition on to an existing 722sqft non-complying dwelling. 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 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.

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

RECOMMENDATION #3

Moved By: Cathy Livingston
Seconded By: Arie Hoogenboom

That the Planning Advisory Committee recommends to the Council of the Corporation of the Township of Rideau Lakes that **SP-40-2018 – Alan and Louise Weiss**, of the Ward of Bastard and South Burgess, be approved subject to the subsequent conditions:

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

NEW BUSINESS:

RC-2-2018 – NANCY FERGUSON – WARD OF BASTARD AND SOUTH BURGESS

Part Lot 25 Concession 1 South Burgess Part 1 Registered Plan 28R7526 and
Part 1 Registered Plan 28R12033

Nancy and Ron Ferguson were in attendance along with their solicitor Andrew Howard.

Brittany Mulhern, Manager of Development Services, noted that the full staff review was included in the report contained in the agenda package, however Mr. Howard would be able to elaborate on the request. Showing a map of the subject road allowance on screen, she commented that staff have no concerns with this request given its location, size, and lack of potential to create a separately conveyable lot when combined with the subject property. Mr. Howard provided historical context, commenting that in 1979 Bracken Surveyors had done a declaration of possession on the road allowance, not recognizing that there is no adverse possession from crown land. In 1993, a survey was done and the owners thought that a By-Law was passed formally conveying the road allowance. In 2003, a search was done but no By-Law was found. Regardless, Mr. Howard noted that his client has been paying taxes on the road allowance since taking possession of the abutting property. Nancy Ferguson noted that the size of the road allowance is less than shown on the map given shoreline erosion. She commented that while there is waterfront access from her property, the family's main access and docks are placed on the waterfront of the road allowance since they assumed they owned it. The family is selling the property and wants clear title to the land to finalize the sale.

Committee members commented that while it is very rare for road closure requests at the waterfront to receive support, each request must be judged on its merits and this one makes sense given its size and the water access from Murphy Bay Road.

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

RECOMMENDATION #4

Moved By: Ron Holman

Seconded By: Cathy Livingston

That the Planning Advisory Committee recommends to the Council of the Corporation of the Township of Rideau Lakes that the request for the road allowance closure **RC-2-2018 – Nancy Ferguson**, of the Ward of Bastard and South Burgess, be approved in principle and proceed in accordance with the Township’s policies and procedures based on the following:

1. That all costs related to the road closure, including the Township’s legal and administrative costs, shall be borne by the applicant; and
2. That the value of the lands from the road closure be provided to the Township.

BUSINESS ARISING:

OPEN & ENCLOSED STORAGE ON NON-COMMERCIAL / NON-INDUSTRIAL PROPERTIES

Brittany Mulhern, Manager of Development Services, noted that this report was prepared in regards to direction provided at the October 10 PAC meeting. After completing the review of the Zoning By-Law, staff’s interpretation is that there is sufficient direction to support only permitting open and enclosed storage of boats and trailers for commercial gain on properties zoned appropriately with established Marina, Tourist Campground or storage related uses. She advised that if the Committee supports staff’s interpretation, then as there is no change in zoning or policy, enforcement on complaints could occur at any time.

Committee members commented that given the timing of this discussion, most people have already arranged for boat storage for the winter. Acting on this interpretation now would mean moving boats in winter, which is undesirable. Committee members commented that fire safety and structural concerns need to be addressed, as would typically happen during commercial site plan review associated with commercial and industrial use properties, but that, given the prevalence of boats and trailers in Rideau Lakes Township, this interpretation might come as an unwelcome surprise to many, including those who repurpose agricultural buildings for boat storage.

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

RECOMMENDATION #5

Moved By: Ron Holman

Seconded By: Arie Hoogenboom

That the Planning Advisory Committee recommends to the Council of the Corporation of the Township of Rideau Lakes that staff are to seek a legal opinion on the open and enclosed storage interpretation of the Zoning By-Law. Further that staff are also to canvas similar municipalities in regards to this situation.

Carried.

MANAGER’S REPORTS:

Brittany Mulhern, Manager of Development Services, advised that since preparation of the written report, an appeal was filed to the Local Planning Appeal Tribunal regarding ZBA-6-2018 – MAPLES. Staff is preparing records to send to the Tribunal.

RECOMMENDATION #6

Moved By: Linda Carr
Seconded By: Cathy Livingston

That the Planning Advisory Committee acknowledges the written and verbal Manager’s reports of Brittany Mulhern, Manager, Development Services, regarding matters provided for information purposes.

Carried.

ADJOURNMENT:

The Chairperson declared the Planning Advisory Committee Meeting adjourned at 2:20 p.m. until the next Regular Meeting.

Ron Pollard
Chairperson

Brittany Mulhern
Secretary