

**THE CORPORATION OF THE TOWNSHIP OF SOUTH ALGONQUIN
COMMITTEE OF ADJUSTMENT**

PUBLIC MEETING VIA ZOOM – June 15, 2021 –9:00 a.m.

There was a public meeting of the Committee of Adjustment via ZOOM to hear minor variance application No. MV.2021-01 on Tuesday, June 15, 2021. Present were Committee Members: Committee Chair Councillor Shalla, Councillor Bongo, Councillor Collins, Councillor Florent, Councillor Harper and Mayor Dumas.

Staff: Bryan Martin, CAO/Clerk Treasurer
Tracy Cannon, Secretary/Treasurer of the Committee of Adjustment
Michael Anderson, CBO/By-Law Enforcement Officer

Guests: Mitchell & Janice Marks, Applicant
Mike Mikolajczak, neighbouring property owner

Councillor Shalla called the public meeting to order at 9:26 a.m.

1. **ADDITIONS/AMENDMENTS TO THE AGENDA**: None

2. **ADOPTION OF THE AGENDA**

Moved by: B. Bongo

Seconded by: J. Florent

To adopt the agenda as prepared for the Committee of Adjustment meeting of Tuesday, June 15, 2021 as circulated.

-Carried-

3. **DECLARATION OF PECUNIARY INTEREST**: None

4. **ADOPTION OF MINUTES**

Moved by: J. Florent

Seconded by: D. Harper

To adopt the minutes of March 17, 2021 Committee of Adjustment meeting as circulated.

-Carried-

5. **PUBLIC HEARING**

5.1 **CONSIDER MINOR VARIANCE APPLICATION – M.V. 2021-01**

The meeting of the Committee of Adjustment to consider one application for a Minor Variance under Section 45 of the Planning Act regarding Part of Lot 1, Plan M-323, locally known as 167B Moonlight Bay Road.

T.Cannon, Secretary Treasurer provided a description of the subject property; the addition and the deck to the existing dwelling was constructed following destruction of a tornado, which has an interior side setback of 1.84 metres (6 feet), from the west lot line where 5 metres (16 feet) is required in a Shoreline Residential (SR) Zone.

REQUIREMENTS FOR NOTICE

T. Cannon reported, as required by the Planning Act all property owners within 60 metres and appropriate agencies were mailed the Notice for the Public Meeting on June 1, 2021. The notice signs were posted on the subject property by Mr. Anderson, CBO/By-Law Enforcement Officer on June 1, 2021.

COMMENTS FROM THE PLANNER:

All comments from the Planners are outlined in the Planner Report. No additional comments were received.

SITE INSPECTION REPORT & COMMITTEE DISCUSSION OF APPLICATION:

Councillor Florent visited the site, no other members attended the site and referred to the report for information.

APPLICANT COMMENT ON APPLICATION: Applicants, Mr. & Mrs. Marks did not have any comments at this time.

PUBLIC/AGENCY COMMENTS ON APPLICATION:

No agency comments.

Mike Mikolajczak, a neighbouring property owner expressed objections to the application; expansion affects privacy and enjoyment of his property, especially that there is a lot of room on the other side of the dwelling. All that can be seen from Mr. Mikolajczak property is the extension as it is 6 feet 1.80 metres away from the property line. Mr. Mikolajczak also inquired if building permits were obtained and consultation with neighbours was conducted prior to construction.

T. Cannon advised the committee that an objection letter was received from the owners of 141C Moonlight Bay Road (circulated in the agenda package) and an email from Adam Mikolajczak requesting the decision results.

FINAL QUESTIONS OR COMMENTS

Discussion continued between members of the public, applicant and committee that included; Mrs. Janice Marks, applicant provided an explanation of the location of the structure in relation to Mr. Mikolajczak's property. The existing tree line was not affected by the construction of the addition and deck. Mr. & Mrs. Marks acknowledge the contractor hired by the insurance company did not follow proper procedures and they are in the process of complying with everything, but feels the construction does not impede in any requirement of the Planning Act.

Staff circulated pictures that showed the distance of the structure to the neighbouring lot line.

M. Anderson, CBO/By-Law Enforcement Office stated he visited the site and feels that it is safe, however a building permit was never obtained prior to the construction.

Mrs. Marks responded, they believed the contractor applied for the building permit. No further work has commenced since the Stop Work Order was issued by M. Anderson, CBO/By-Law Enforcement Officer. Staff emphasized that a building permit will be required and it will be subject to penalties for building without a building permit for the repairs of the existing cottage and the addition and deck.

Councillor Florent visited the site and observed there is still adequate space between the two properties for the applicants' to work on their cottage without interference to Mr. Mikolajczak's property and the existing tree line could be thickened if necessary.

T. Cannon, Secretary Treasurer reminded the committee that even though the addition and deck was constructed prior to a building permit being obtained. The committee must view the application as any other minor variance application and the four tests for minor variance must be considered when making the decision.

SUGGESTED DECISION AND CONDITIONS OF THE MINOR VARIANCE

T. Cannon, Secretary Treasurer read the recommended decision to approve the application with conditions;

- 1) The development is in accordance with the site plan submitted with the application.
- 2) Payment of all municipal legal and planning fees associated with the processing of the application.

DECISION

Moved by: J. Florent

Seconded by: B. Bongo

In making the decision upon the application, the committee has considered whether or not the variance requested was minor in nature and desirable for the appropriate development and that the general intent of and purpose of the Zoning By-Law and the Official plan will be maintained.

THEREFORE the Committee of Adjustment grant the minor variances subject to all planning fees associated with the processing of the application and that the development be in accordance with the drawings submitted with the application.

VOTE:

- Councillor Bongo: Against
- Councillor Collins: For
- Councillor Florent: For
- Councillor Harper: Exited meeting prior to decision.
- Councillor Shalla: For

-Carried-

6. OTHER:

Local Planning Appeal Tribunal (LPAT) has been renamed to Ontario Land Tribunal as of June 1, 2021. Bryan Martin, CAO/Clerk Treasurer provided clarification on the process for appeal to the Ontario Land Tribunal.

7. NEXT MEETING

Next meeting will be scheduled as required.

ADJOURNMENT

Moved by: J. Florent

Seconded by: B. Bongo

The Committee adjourned the Committee of Adjustment meeting at 10:19 a.m.

-Carried-

Committee Chair, Richard Shalla

Secretary/Treasurer, Tracy Cannon