



*7 Third Avenue
Whitney, Ontario K0J 2M0*

**COMMITTEE OF ADJUSTMENT MEETING &
PUBLIC HEARING**

AGENDA

December 17, 2025 9:00 a.m.

IN PERSON & ZOOM MEETING

Live Streamed to YouTube Channel: South Algonquin Council

Open Meeting/Call to order-9:00 a.m.

Roll Call

Land Acknowledgement

We acknowledge that we are gathered on the unceded Traditional Territory of the Algonquin Anishinaabeg people, specifically the Matouweskarini (people of the Madawaska River). We further acknowledge that the Algonquin People have been stewards of this land since time immemorial and we strive to treat the land along with the flora and fauna it supports, the people, their customs and traditions, with honour and respect. Today, this area is home to people of all walks of life, and we acknowledge the shared opportunities and responsibilities to live, work and survive within this beautiful territory. Chi-miigwetch, All my relations

1. Additions / Amendments to the Agenda
2. Adoption of the Agenda
3. Disclosure of Pecuniary Interest or a General Nature Thereof
4. Adoption of Minutes
That the Minutes of the November 19, 2025 Committee of Adjustment Meeting be approved as submitted.
5. Public Hearing
- 5.1 Consider Minor Variance Application MV.2025-005
Staff Report: Janine Cik, B.A. and Anthony Hommik, MCIP, RPP
Legal Description: SABINE PLAN M343 LOT 7 INCL;RP36R6595 PART 1 PCL 26632;NIP
Civic Address: 41B Ups and Downs Lane
6. Other
7. Next meeting will be scheduled when required.

Adjournment

NOTE: Submissions received from the public, either orally or in writing, may become part of the public record.

There may be limited capacity in the Council Chambers.

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

PUBLIC MEETING IN-PERSON & ZOOM – November 19, 2025 –9:00 a.m.

There was an in-person and Zoom public meeting of the Committee of Adjustment to hear a Minor Variance Application No. MV.2025-007. Present were Committee Members: Committee Chair Councillor Kuiack, Mayor LaValley, Councillor Florent, Councillor Pigeon, Councillor Rodnick, Councillor Siydock
Regrets: Councillor Collins

Staff: Tracy Cannon, Deputy CAO/Deputy Clerk – Planner, Secretary Treasurer of the Committee of Adjustment
Michael Anderson, CBO/BLEO

Applicant: MV.2025-007 – Vanessa & Cary Warren

Councillor Kuiack called the public meeting to order at 9:00 a.m.

ROLL CALL: All present

LAND ACKNOWLEDGEMENT

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1. ADDITIONS/AMENDMENTS TO THE AGENDA: None

2. ADOPTION OF THE AGENDA

Moved by: Councillor Florent

Seconded by: Councillor Pigeon

To adopt the agenda for the Committee of Adjustment meeting of Wednesday, November 19, 2025.

-Carried-

3. DECLARATION OF PECUNIARY INTEREST OR GENERAL NATURE THEREOF: None

4. ADOPTION OF MINUTES

Moved by: Councillor Siydock

Seconded by: Mayor LaValley

To adopt the minutes of October 15, 2025 Committee of Adjustment meeting as circulated and amended.

-Carried-

5. PUBLIC HEARING

Chair, Councillor Kuiack opened the Public Hearing portion of the meeting and turned it over to T. Cannon, Secretary Treasurer of the Committee of Adjustment.

5.1 CONSIDER MINOR VARIANCE APPLICATION – MV. 2025-007

The application for the Minor Variance is for lands locally known as 61 Hayward Lane, Geographic Township of Sabine on Hay Lake.

The subject property is zoned Shoreline Residential (SR) under Zoning By-law No. 2017-527. The Shoreline Residential zone permits a guest cabin on lands within the SR zone. However, guest cabins are limited one-storey and a maximum height of 4.5 metres. Therefore, variances are required to Section 4.1.9 (d) to allow for a maximum height of a 4.63 metres and to Section 4.1.9 (f) to allow for a two-storey guest cabin.

REQUIREMENTS FOR NOTICE

T. Cannon reported the notices were distributed on November 5, 2025 and posted on the property on the same day.

COMMENTS FROM THE PLANNER:

Comments from Janine Cik & Kathryn Curry, Planner Jp2g Consultant Inc were provided in the circulated planner's report.

In addition to the written report, and regarding recommended Condition 2—which requires a solicitor's letter confirming that the subject property and the Shoreline Road Allowance have merged on title—T. Cannon recommended that the condition be removed, as she is working with the owner to address the matter. The planner has indicated that they have no concerns with removing this condition.

RECOMMENDATION AND CONDITIONS OF THE MINOR VARIANCE

- Per the planner's report the application for minor variance has been evaluated against the four tests of Section 45(1) of the Planning Act and it is concluded that the application meets the four tests and should be approved, subject to the payment of all municipal legal and planning fees associated with the processing of the application.

COMMENTS FROM COMMITTEE/AGENCIES/PUBLIC:

- Councillor Florent – Requested clarification regarding when the structure was constructed and whether it was built without a building permit or did it have to do as a result of the passing of the Official Plan.
- T. Cannon – Advised that the structure was constructed without the benefit of a building permit. M. Anderson further noted that the building had been moved from another location and that the owners had been led to believe by the manufacturer that a building permit was not required.
- V. Warren – Explained that she has lots of experience with the planning department at home. She had conducted online research of the township information prior to purchasing the structure but could not find relevant information. She then reviewed the Ontario Building Code provisions related to the second story and found that her structure wasn't a second story under the Ontario Building Code. She added they are building a garage through the building permit process and were not attempting to hide anything. She noted the second-storey discrepancy but noted that the height variance amounted to 5 inches due to the ground slope once the building was placed and felt that the process was highly overzealous for such a variance based on her experience and that the matter should've been managed with some reason. She confirmed the building was built in July.
- M. Anderson – Acknowledged that certain provisions in the Zoning By-Law can be vague, including those related to floor area. He read the definition of "floor" aloud for the group, noting that a loft is considered a second floor.
- V. Warren – Agreed with M. Anderson, noting that they had previously discussed this interpretation and initially did not see it the same way.
- M. Anderson – Confirmed that because the structure is a bunkie intended for human habitation, a building permit is required regardless of where it was constructed. He added that this requirement is what led staff to identify the height issue. In staff's and the planner's opinion, the structure constitutes a two-storey building. He emphasized that staff have attempted to make this process as easy as possible to allow the application to proceed.
- V. Warren- Responded to M. Anderson that she appreciated it.

COMMENTS FROM THE COMMITTEE: None

DECISION AND CONDITIONS OF THE MINOR VARIANCE APPLICATION

Moved by: Councillor Kuiack

Seconded by: Councillor Pigeon

That Committee of Adjustment approve the recommendations and conditions outlined in the Planner's Report prepared by Kathryn Curry and Janine Cik of Jp2g Consultants

AND in making the decision upon the application, the committee has considered whether or not the variance requested was minor 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 variance application No. MV2025-007 subject to the following conditions;

- 1) Payment of all municipal legal and planning fees associated with the processing of the application.

-CARRIED-

6. Other – No other business.

7. Meeting will be scheduled as required.

ADJOURNMENT

Moved by: Councillor Florent

Seconded by: Councillor Siydock

The Committee adjourned the Committee of Adjustment meeting at 9:13 a.m.

-Carried-

Committee Chair, Councillor Kuiack

Secretary/Treasurer, Tracy Cannon

PLANNING REPORT



Meeting Date: December 17, 2025
Agency: Township of South Algonquin
Staff Contact: Tracy Cannon, Deputy CAO/Deputy Clerk-Planner
Agenda Title: MV. 2025-005 – Ursulak
Agenda Action: Approve Subject to Conditions

Recommendation

That Committee of Adjustment for the Township of South Algonquin approve the requested Minor Variance application to permit a two-storey detached garage on the lands municipally known as 41B Ups and Downs Lane, subject to the conditions identified in this report.

Background

The Township has received a Minor Variance application from the owner of the property municipally known as 41B Ups and Downs Lane. The subject property has frontage on McKenzie Lake is currently improved with an 84 square metre dwelling. The application would permit the construction of a new two-storey detached garage to the north of the existing dwelling, approximately 2 metres from the western interior side lot line at the closest point. The proposed garage would have a footprint of 95.3 square metres, a height of 7.74 metres, and a water setback of 43.7 metres from the shoreline of McKenzie Lake. Access to the second floor of the garage, which is proposed as storage space, would be via internal stairs. The applicant's site plan showing the location of the existing dwelling, well, septic system and the proposed garage has been attached to this report as Appendix 1. It should be noted that the applicant has revised the site plan since pre-consultation to slightly increase setbacks from the southwest corner of the garage, which is shown in red on the site plan attached to this report.

South Algonquin Official Plan 2025

The Township of South Algonquin Official Plan (2025) designates the subject property Waterfront. Section 5 of the Official Plan contains the policies applicable to lands designated "Waterfront Areas". The Official Plan recognizes that the "Township's Waterfront lands have played, and will continue to play, an important role in the municipality's physical development." Section 5.2 permits single-detached dwellings located on individual lots along the shoreline.

Section 5.4.4 states that "Development shall be setback a minimum of 30 metres (98 feet) from the high-water mark."

Section 12.4.1 of the Official Plan permits accessory uses which are normally incidental and essential to a permitted use in a land use classification.

South Algonquin Zoning By-law No. 2017-527

The subject property is zoned Shoreline Residential (SR) under Zoning By-law No. 2017-527. The Shoreline Residential (SR) zone limits the height of any accessory structure to 4.5 metres (4.1.4) and requires a minimum interior side yard setback of 5 metres for accessory structures. Further, section 4.1.11 permits only one guest cabin or one, one and one-half storey detached garage per lot.

As Zoning By-law No. 2017-527 limits the maximum height of any accessory building to 4.5 metres, a variance to Section 4.1.4 is required to permit the detached garage to be 7.74 metres in height. A variance to the minimum interior side yard setback from 5 metres to 2 metres is also required. Lastly, since the Zoning By-law only permits a garage to be one and one-half storeys in height, a variance to 4.1.11 is required to permit the detached garage to be two storeys in height.

Variances Requested

1. Section 4.1.4

The maximum height of an accessory building or structure shall be 7 metres, except in the SR, LSR and R2 zones where the maximum accessory building height shall be 4.5 metres, or as otherwise permitted in this By-law.

Varied to:

The maximum building height for a two-storey detached garage on the subject lot shall be **7.74 metres**.

2. Section 4.1.6(a)

An accessory building or structure shall not be closer than 1.2 metres to the interior side lot line in an R1 and R2 Zone or 5 metres in an LSR and SR Zone.

Varied to:

The minimum interior side yard setback for a two-storey detached garage on the subject lot shall be **2 metres**.

3. Section 4.1.11

Only one guest cabin or one, one and one-half storey detached garage shall be permitted per lot.

Varied to:

One **two-storey** detached garage shall be permitted on the subject lot.

Planning Analysis

Section 45(1) of the *Planning Act* provides the Committee of Adjustment with the power to grant minor variances, provided four tests are met. How the application meets the tests is described below:

Is the application in keeping with the general intent and purpose of the Official Plan?

As noted above, the application seeks to construct a new detached garage on the subject lot. The Official Plan identifies McKenzie Lake as a lake trout lake, "not at capacity". The detached

garage will be located approximately 43.7 metres from the shoreline of Aylen Lake, exceeding the required minimum 30 metre water setback established in the Official Plan. Section 12.4.1 of the Official Plan states that *“wherever a use is permitted in a land use classification, it is intended that uses, buildings or structures normally incidental, accessory and essential to that use shall also be permitted.”* The proposed garage is considered to be incidental, accessory and essential to the existing dwelling on the subject lands. The Official Plan directs specific requirements related to accessory buildings to the Zoning By-law. Therefore, the application is in keeping with the general intent and purpose of the Official Plan.

Is the application in keeping with the general intent and purpose of the Zoning By-law?

The design of the roof line and second floor of the proposed garage is such that it cannot be considered one- and one-half storeys, nor meet the maximum accessory building height of 4.5 metres. Further, due to the existing driveway to the east and septic bed to the south, the proposed garage cannot meet the required 5 metre interior side yard setback. However, all other requirements of the Zoning By-law would be met, including the minimum water setback to McKenzie Lake and the maximum accessory lot coverage of 5%. Therefore, the application is in keeping with the general intent and purpose of the Zoning By-law.

Is the application minor in nature?

When determining whether an application is minor, the consideration must relate to the potential impacts of the variances requested. The proposed increased height of the garage is not anticipated to result in any adverse visual or environmental impacts, as the structure would be located to the rear of the dwelling and would not be visible from the shoreline of McKenzie Lake. Based on aerial photography, there would appear to be a moderate degree of vegetation within the western interior side yard which is anticipated to provide a visual buffer to the western-adjacent property. Therefore, the permission to configure the second floor such that the detached garage would not be considered one and one-half storeys is minor in nature.

Is the application desirable for the appropriate development or use of the land, building or structure?

The proposed garage would enhance the functionality of the property for continuing the existing permitted residential use. Further, the proposed garage would be located a considerable distance from the shoreline (i.e. 43.7 metres) and is not expected to have an impact on the quality of the lake. The application is therefore considered desirable for the appropriate development of the land.

Public and Agency Comments

Notice of application MV.2025-005 was circulated to neighbouring property owners and commenting agencies in accordance with the statutory requirements of the Planning Act on December 2, 2025.

While no comments have been received since the public notices were circulated, two written letters were received in advance of the formal application submission. Both letters indicate support for the proposed application for minor variance. Any additional public or agency comments received will be provided to the Committee prior to or during the public hearing.

Conclusion and Recommendation

The application for minor variance has been evaluated against the four tests of Section 45(1) of the *Planning Act* and it is concluded that the application meets said tests and should be approved, subject to the following two conditions:

- 1) That the approved development be constructed substantially in accordance with the plans prepared by Onsite Design and Drafting, dated October 31, 2025, attached hereto as Appendix 1.
- 2) Payment of all municipal legal and planning fees associated with the processing of the application.

Respectfully,

Jp2g Consultants Inc.
Engineers • Planners • Project Managers

Prepared By:



Janine Cik, B.A. (Hons)
Junior Planner

Reviewed By:



Anthony Hommik, MCIP, RPP
Manager- Planning Services | Senior Planner

Appendix 1 – Proposed Two-Storey Garage (Applicant's Submitted Drawings)







