

THE CORPORATION OF THE TOWNSHIP OF NORTH GLENGARRY

Committee of Adjustment

Monday December 12, 2011 at 6:00 p.m. - Council Chambers
102 Derby Street West, Alexandria, Ontario, K0C 1A0

Draft Agenda

The Council of the Township of North Glengarry would like to advise the public that this meeting is or may be recorded by either the press or any other individuals, but not by the Township.

1. **DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF**
2. **ACCEPT THE AGENDA** (Additions/Deletions) ® (Carma)
3. **RATIFY MINUTES** ® (Gary)
[a\) Committee of Adjustment Meeting of November 7, 2011](#)
4. **MINOR VARIANCES**
[a\) Jacques Levesque - Lot 20n Concession 2 - 19630 County Rd 43](#) ® (Jim)
5. **OLD BUSINESS**
6. **NEW BUSINESS**
7. **NOTICE OF MOTION**
8. **ADJOURNMENT** ® (Gary)

THE CORPORATION OF THE TOWNSHIP OF NORTH GLENGARRY

COMMITTEE OF ADJUSTMENT

**Monday November 7, 2011
Council Chambers
"Centre Sandfield Centre"
102 Derby Street West, Alexandria**

A meeting of the Committee of Adjustment was held in the Council Chambers on Monday November 7, 2011 at 6:30 p.m.

PRESENT: Deputy Mayor - Chris McDonell
Councillor at Large - Gary Shepherd
Councillor (Lochiel Ward) - Eric MacSweyn
Councillor (Alexandria Ward) - Jamie MacDonald
Councillor (Maxville Ward) - Carma Williams
Councillor (Kenyon Ward) - Jim Picken

ALSO PRESENT: CAO/Clerk- Daniel Gagnon
CBO/By-law Enforcement/Planning Manager – Gerry Murphy

1. MEETING CALLED TO ORDER

The chair of the Committee called the meeting to order at 6:30 pm.

2. ACCEPT THE AGENDA

Resolution No. 1

Moved by: Carma Williams

Seconded by: Eric MacSweyn

That the Committee of Adjustment accepts the agenda of the Monday November 7, 2011 meeting as presented.

Carried

3. RATIFY MINUTES

Resolution No. 2

Moved by: Gary Shepherd

Seconded by: Eric MacSweyn

That the Committee of Adjustment hereby ratify the minutes of the October 11, 2011 meeting as presented.

Carried

4. MINOR VARIANCE:

Owner: Jean Noel Laviolette

Location: 15 Main St, Maxville

The meeting was turned over to the Planning Manager who reported as follows;

The Committee of Adjustment meeting was held in accordance with the requirements Section 45 of the Planning Act. The Municipality has received an application for a Minor Variance. The Notice of the meeting was circulated to all property owners within a designated radius of the subject property, as well as all agencies listed in the Planning Act requiring such notice.

To date we have received no written comments pertaining to this application. The Committee of Adjustment meeting shall proceed as follows:

- 1) I will introduce the Minor Variance
- 2) The meeting will be open for the Committee to discuss the application
- 3) The meeting will then be opened to the floor for comments, discussion or submission of documents. Any person addressing the Committee will be asked to identify them prior to addressing their concerns, comments or questions
- 4) The Clerk shall ask if there are any further comments 3 times and that if any person has documentation that they present it to the Clerk at that time.
- 5) The Committee may continue the discussion and make a recommendation to approve or disapprove the application or to defer any decision to a later time
- 6) This will conclude the Committee of Adjustment Meeting.

Any person not satisfied with any decision made by the Committee may appeal such decision to the Ontario Municipal Board in accordance with the provisions of the Planning Act. Any person requesting a copy of the decision should leave their name and address with the Clerk at this time:

The Planning Manager then introduced the Minor Variance:

Re: Request for Minor Variance
Applicant: Jean Noel Laviolette
15 Main St, Maxville

Proposed Variance : To ask for relief for the allowable amount of parking spaces for a residential apartment construction.

Evaluation: The property of Mr. Laviolette in Maxville being the Home hardware store was undergoing construction to renovated an upstairs area into an apartment dwelling unit. This office was informed of the work and issued the property owner a notice requiring him to obtain the required building permit for the construction. The property owner submitted an application for a construction (as attached) however upon reviewing the application for compliance with the Township Zoning by law it was apparent that the building was deficient in parking spaces based on the requirement of 1 parking space for every 20 meters square of commercial floor area and 1.5 parking spaces for each dwelling unit in the building.

The building is in the area of 5000 ft sq (460 m²) * 20 = 23 parking spaces required for commercial areas + the 2 existing apartments @1.5 each for a total of 3 23+3 = 26 total parking spaces required + 2 new spaces for the proposed third apartment. Total requirement being 28. A review of the GIS print out indicates that there is room for 11 parking spaces on the south side of this lot. The remaining portion of the lot would be required for access ways, entrances, truck delivery and fire routes.

Although there was no site plan included in the application for construction the attached print out of the GIS clearly indicates that the lot does not have the 28 spaces. This being the case the Chief Building official is not permitted to issue a building permit for construction that does not comply with applicable law. The Zoning by law is applicable law as stipulated in the Ontario Building Code Act. The property owner was advised that a minor variance would need to be obtained before any construction permit could be issued. The applicant applied for a minor

variance of September 26, 2011 and the matter is being presented to the planning committee tonight for consideration.

Recommendation :

That the committee of adjustment approve the variance as submitted provided the applicant clearly mark the fire route on the side and rear of the building as areas where no parking may take place in order to ensure any fire department vehicles can access the lot unhindered.

Resolution No. 3

Moved by: Carma Williams

Seconded by: Eric MacSweyn

That the Committee of Adjustment agrees with the recommendation from the Planning Manager as presented.

Carried

5. OLD/NEW BUSINESS

None

6. NEW BUSINESS

7. NOTICE OF MOTION

**Next Regular Committee of Adjustment Meeting
Call of the Chair**

8. ADJOURNMENT

Resolution No. 4

Moved by: Gary Shepherd

Seconded by: Eric MacSweyn

There being no further business to discuss, the meeting was adjourned at 6:40 p.m.

Carried

CAO/Clerk – Daniel Gagnon

Chris McDonell – Deputy Mayor

TOWNSHIP OF NORTH GLENGARRY

STAFF REPORT

Date: Monday December 12 , 2011

To: Committee Members

From: _____
Gerry Murphy - CBO/Planning Manager

Approved by: _____
Daniel Gagnon, CAO/Clerk

Re: Request for Minor Variance Hearing
Applicant: Symelec Technologies Inc.

Property: 19360 County Rd 43 - Lot Concession 2

Proposed Variance : To permit the development of a vacant rural lot with zero frontage on a public Rd, such development to include all uses permitted in a rural zoned properties.

Discussion:

The property in question consists of 92 acres of land with a mixed Zoning of WET LANDS and RURAL. The property has water frontage on Loch Garry and backs up to an unopened road allowance. The property has Zero frontage on a public road. The Township Zoning by-law 39-2000 requires a minimum of 45 meters of road frontage. The reasoning is obvious as access to fire and ambulance services can be impeded by private road access not being kept up to standards.

In this particular case there is a private road owned in part by the applicant that services 4 single family dwelling , all constructed without public road access ,fronting on Loch Gary. The 4 dwellings are occupied year round and utilize the existing private road on a daily basis. The road is serviced and maintained through a mutual agreement between property owners. There has been no reports of the road being unusable and fire and ambulance services would and have, be able to access any of the 4 dwellings year round.

The applicant wishes to construct a garage, shed and then a single family dwelling on his, land locked, parcel using this private road as his access to highway 43 similar to all the other 4 dwelling units . Again the private road is owned by the applicant up to the unopened road allowance (see map) After the unopened road allowance this private road is owned by a Mr. McCormick where at that point it opens on to the County Road.

Recommendation:

The recommendation from the Planning Department is that this Minor Variance be granted due to the fact the private road is well maintained and open year round. However in order to ensure the Municipality avoids any future legal action or implications, that a condition be imposed stating as follows:

- 1) That the applicant and the owner of that section of the private road not owned by the applicant provide the township with a copy of a registered right of way over the property accessing Highway 43, permitting the applicant full unimpeded access to his property via the private road system prior to issuance of a Building permit for a single family dwelling on this lot.
- 2) That prior to the issuance of any Building permit the applicant provide the Township of North Glengarry a survey indicating the location of any proposed building on the lot so as to ensure no construction takes place on the portion zoned Wet Lands.

