

THE CORPORATION OF THE TOWNSHIP OF NORTH GLENGARRY

Committee of Adjustment

Monday January 23, 2012 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 December 12, 2011](#)
4. **MINOR VARIANCES**
a) [Victor Danyluk - 19799 County Rd 24, Dunvegan](#) ® (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 December 12, 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 December 12, 2011 at 6:00 p.m.

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

ALSO PRESENT: CAO/Clerk- Daniel Gagnon

ABSENT: CBO/By-law Enforcement/Planning Manager – Gerry Murphy

1. *MEETING CALLED TO ORDER*

The chair of the Committee called the meeting to order at 6:00 pm.

2. *ACCEPT THE AGENDA*

Resolution No. 1

Moved by: Carma Williams

Seconded by: Gary Shepherd

That the Committee of Adjustment accepts the agenda of the Monday December 12, 2011 meeting as presented.

Carried

3. *RATIFY MINUTES*

Resolution No. 2

Moved by: Gary Shepherd

Seconded by: Carma Williams

That the Committee of Adjustment hereby ratify the minutes of the November 7, 2011 meeting as presented.

Carried

4. **MINOR VARIANCE:**

Owner: Symelec Technologies

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: Symelec Technologies
19360 County Rd 43

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.

Resolution No. 3

Moved by: Jim Picken

Seconded by: Jamie MacDonald

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: Carma Williams

There being no further business to discuss, the meeting was adjourned at 6:09 p.m.

Carried

CAO/Clerk – Daniel Gagnon

Chris McDonell – Mayor

TOWNSHIP OF NORTH GLENGARRY

STAFF REPORT

Date: Monday January 23, 2012
To: Committee Members
From: _____
Gerry Murphy - CBO/Planning Manager

Re: Request for Minor Variance Hearing
Applicant: Victor Danyluk

Property: Part of Lot 11 Concession 9 RP15R-5422 Part 1 - Dunvegan

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

Discussion:

The property in question consists of 6 acres of land with a Zoning of Agricultural. 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.

The applicant wishes to construct a single family dwelling on his, land locked.

Recommendation:

The recommendation from the Planning Department is that this Minor Variance be granted for the following reasons with the suggested conditions.

1) The private Road serving the property already provides access to an existing dwelling adjacent to the property in question.

Suggested conditions:

1) That the applicant provide the municipality with a copy of a Registered Rite of Way over the existing property to the West granting an interrupted access to the lands owned by Mr. Danyluk