

THE CORPORATION OF THE TOWNSHIP OF NORTH GLENGARRY

Committee of Adjustment Hearing

Monday May 12th, 2014 at 6:30 p.m. – Council Chambers
102 Derby Street West, Alexandria, ON, K0C 1A0

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 CONFLICT INTEREST

2. ACCEPT THE AGENDA (Additions/Deletions) ® (*Eric*)

3. RATIFY MINUTES ® (*Kevin*)

[- Committee of Adjustment Meeting Monday, January 13th, 2014](#)

4. MINOR VARIANCE

[a\) Neil McIntosh MV-01-2014](#) ® (*Carma*)

5. OLD BUSINESS

6. NEW BUSINESS

7. NOTICE OF MOTION

8. ADJOURNMENT ® (*Jacques*)

THE CORPORATION OF THE TOWNSHIP OF NORTH GLENGARRY

THE COMMITTEE OF ADJUSTMENT MEETING

Monday January 13th, 2014
Council Chambers
Centre Sandfield Centre
102 Derby Street West, Alexandria, ON

A Committee of Adjustment Meeting was held in the Council Chamber on Monday January 13th, 2014 at 6:30 p.m.

PRESENT: Mayor – Chris McDonell

Councillor (Maxville Ward) – Carma Williams

Councillor (Lochiel Ward) – Eric MacSweyn

Councillor (Kenyon Ward) – Jim Picken

Councillor (Alexandria Ward) – Jacques Massie

Councillor (At Large) – Kevin van den Oetelaar

CAO/Clerk – Daniel Gagnon

CBO/By-Law Enforcement/Planning Manager – Gerry Murphy

REGRETS: Deputy Mayor – Jamie MacDonald

1. COMMITTEE OF ADJUSTMENT MEETING CALLED TO ORDER

The chair of the Committee called the Meeting to order at 6:30 p.m.

2. ACCEPT THE AGENDA

Resolution No. 1

Moved by: Jim Picken

Seconded by: Jacques Massie

That the Council of the Township of North Glengarry accepts the Committee of Adjustment meeting agenda of January 13th, 2014.

Carried

3. ACCEPT THE MINUTES

Resolution No. 2

Moved by: Kevin van den Oetelaar

Seconded by: Eric MacSweyn

That the Council of the Township of North Glengarry accepts the minutes of the Committee of Adjustment meeting of January 6th, 2014.

Carried

The Meeting was then turned over to the Planning Manager – Gerry Murphy

4. MINOR VARIANCES

a) No. MV-01-2013

Owner: Lafrance & Decoeur Inc.

Location: 20326 Lochiel St. W Alexandria

The Clerk asked for comments from the public.

Ms. Laurie Wood (identified herself as the neighbour to the west) expressed concern that the survey posts on the west side of the property appeared to be some 2 ft onto her property and that the posts were relocated in November 2013.

The CAO/Clerk provided a verbal update summarizing the Public Works Dept. comments on the snow piling and removal on the eastern edge of the property, adjacent to West Boundary Road. Namely that the PWs crews could pile snow adequately even with the smaller setback but that the trees would inhibit this and likely should be removed and that the snow bank could cause damage to the building and that the Township should be held harmless as a result and adequate drainage considered by the property owner before building to mitigate these concerns.

The CBO noted that in a case like this a building location certificate would certainly be required to ensure that the building is appropriately and accurately located on the property before the footings are installed.

Ms. Wood reiterated her concern over the west side of the property lot line and survey posts.

The committee members discussed the concept of adding a condition to the approval that a formal legal survey of the lot be undertaken to confirm the lot lines.

The Clerk asked a 2nd and 3rd time for comments and no other comments were received.

Resolution No. 3

Moved by: Eric MacSweyn

Seconded by: Kevin van den Oetelaar

That the Committee of Adjustment approve Minor Variance application MV-01-2013 as submitted with the following conditions:

- 1) The trees along west boundary road are large Manitoba Maples and are located on the lot line. The property owner will have to remove the trees in order to construct the garage and dwelling that close to the lot line and the cost of removal of the trees will be significant. The Committee may wish to impose a condition that the Municipality will

not be held responsible for the cost of removal and reinstatement of the ground surface if and when the trees are removed.

- 2) The Committee may wish to include a condition that the applicant enter into a legal agreement registered on title, with any associated costs of registration to be borne by the applicant, indemnifying the Township from any damages incurred as a result of the reduced set back.
- 3) Legal survey received by the township.

Carried

b) No. MV-08-2013

Owner: Dorena Crites

Location: 17996 Dyer Rd. Maxville

The clerk asked 3 times for comments from the public in the chambers, none was forthcoming.

Resolution No. 4

Moved by: Carma Williams

Seconded by: Eric MacSweyn

That the Committee of Adjustment approve minor variance application MV-08-2013, as submitted, due to the fact the request is minor in nature, it complies with the intent of the Official plan and is not a live stock facility where Minimum distance separations would need to be considered.

Carried

c) No. MV-09-2013

Owner: David & Cristina Thompson

Location: 3700 Loch Garry Rd. Apple Hill

The clerk asked for comments from the public in the chambers.

Two residents identified themselves as Elaine Shields and Serge Doré and inquired what type of recreation would be planned for the building that would be daytime only and not require plumbing.

The CBO / Planning Manager read aloud sections of the application that related to the use of the property. He also noted that the applicants were in the audience as well.

The Chair recognized the applicant (Mr. Thompson) who noted that they have 6 children and plan to use the facility as a recreational retreat.

Mr. Doré asked if hunting was a planned use. The applicant confirmed that hunting would take place at certain times of the year.

Mr. Doré noted he was concerned over safety and the numbers of hunters at a given time. The applicant noted it was for personal and family use not a commercial, guided hunting operation.

The Clerk asked a 2nd and 3rd time for further comments from the public in the chambers and none was received.

Resolution No. 5

Moved by: Kevin van den Oetelaar

Seconded by: Eric MacSweyn

That the Committee of Adjustment approve variance application MV-09-2013 as:

- 1) The Variance is minor in nature.
- 2) The use of the structure is limited to day time recreation activities.
- 3) The use of the structure complies with the intent of the Official Plan Rural designation.
- 4) The structure will be located outside the wet lands, the flood plain designations and associated set back requirements.

Carried

5. OLD BUSINESS

6. NEW BUSINESS

7. NOTICE OF MOTION

8. ADJOURNMENT

Resolution No. 6

Moved by: Jacques Massie

Seconded by: Jim Picken

There being no further business to discuss, the meeting was adjourned at 7:04p.m.

Carried

Daniel Gagnon – CAO/Clerk

Mayor – Chris McDonell

TOWNSHIP OF NORTH GLENGARRY

STAFF REPORT

PUBLIC MEETING

Date: May 12th, 2014

To: Mayor and Council Members

From: _____
Gerry Murphy Planning Manager

Daniel Gagnon CAO

Re: *Minor Variance MV-01-2014*

Owner: Neil McIntosh

Location: CON 19 IL PART LOT 6 Former Kenyon Township (18272 Kenyon Concession Road 8, Maxville)

Nature of relief applied for: To seek relief from the minimum distance set back (MDS) for a proposed tie stall barn of 72 by 255 ft (18360 sq ft) where the required set back to the nearest neighbors dwelling is 601 to the proposed 560 foot setback.

Zoning designation: Agricultural

Official Plan designation: Agricultural

Abutting properties to the North, South, East and West zoning: Agricultural

Discussion: Mr. McIntosh operates a dairy farm on 82 acres of land holding on the south side of concession 19 IL. He wishes to construct a tie stall barn for his intensive livestock operation. The proposed location of the new barn and the layout of the lot will result in a deficiency in the set back distance the barn requires to be from the neighbor dwelling unit. All other setbacks can be achieved but the 601 foot setback to the neighbor to the east is deficient by 41 feet. The building permit for the new barn cannot be granted pending the approval of the minor variance.

Recommendation: The dairy operation is an existing legally zoned enterprise situated in a predominately agricultural setting with neighboring farms and rural dwellings. The variance of 41 feet is minor in nature and will have no adverse effect on abutting lands. As such, it is the

recommendation of the planning department that the Committee of Adjustment approve Minor variance application MV-01-2014 with the following condition:

- 1) That the applicant provide the Municipality with a building location certificate prior to pouring the footing of the proposed barn.