



Committee of Adjustment -Meeting Minutes-

Wednesday, October 11th, 2023

Members Present: Dan O'Hara, Chair
 Angie Desmarais, Committee Member
 Dave Elliot, Committee Member
 Eric Beauregard, Committee Member
 Gary Bruno, Committee Member

Staff Present: Chris Roome, Acting Secretary-Treasurer

1. Call Meeting to Order

The Chair called the meeting to order at approximately 6:00 PM.

2. Reading of Meeting Protocol

The Chair read the meeting protocol.

3. Disclosures of Interest

Nil.

4. Requests for Deferrals or Withdrawals of Applications

Nil.

5. New Business

The Chair motioned for Chris Roome to be accepted as the Acting Secretary-Treasurer for the respective Committee of Adjustment meeting.

Motion: *Dave Elliot*
Carried: 5 – 0

Seconded: *Angie Desmarais*

- a. Application: A17-23-PC
Action: Minor Variance
Agent: Doug Reed
Applicant(s): Amy Young
Location: 3921 Second Concession Rd

The Secretary- Treasurer read the correspondence received for the application.

The Chair asked the present applicant if they wished to add any further information to the application, to which, the applicant did not have any additional comments.

The Planner concluded that the minor variance application A17-23-PC be **granted** for the following reasons:

1. The application is minor in nature as the increase in height from 6m to 8m will not negatively impact the subject parcel or neighbouring properties. The proposed structure is located at permissible distance from the lot lines and the increase in height will not produce visibility concerns.

2. It is appropriate for the development of the site as the application is being requested to accommodate a permitted use on the subject property.

3. It is desirable and in compliance with the general intent and purpose of the Zoning By-Law as the proposal meets the majority of the zoning requirements and will be accessory in nature to the primary dwelling as the structure will be used for storage of a large motor vehicle and is located in a suitable location.

4. It is desirable and in compliance with the general intent and purpose of the Official Plan as the Official Plan permits accessory structures within the Agricultural designation.

Motion: *Dave Elliot*
Carried: 5 – 0

Seconded: *Angie Desmarais*

- b. Application: A18-23-PC
Action: Minor Variance
Applicant(s): James Sterling and Margaret Penny-Sterling
Location: 3638 Firelane 12

The Secretary- Treasurer read the correspondence received for the application.

The Chair asked the present applicant if they wished to add any further information to the application, to which, the applicant did not have any additional comments.

The Chair conveyed concern regarding a shed located within the lot extending past the boundaries of 3638 Firelane 12 unto the roadway as it is city-owned land.

The Chair informed the applicant that, in order to maintain possession of the shed, they must file an encroachment agreement with the City.

Committee Member Elliot expressed confusion regarding the ownership of the roadway—as the Firelane is stated to be private land—and the rationale of attaching such a decision as a condition for the Committee of Adjustment.

The Planner states that the Committee of Adjustment is able to neither approve nor deny such conditions; an encroachment agreement with the City would be required for the shed as it is over the property line.

Committee Member Bruno suggested that City records could be referred to for further evidence regarding the ownership of the land, to which the Planner agreed that the matter requires attention.

Committee Member Desmarais concurred that conditions should not be attached if the circumstances are not made apparent and that the conditions should be applied only in the event that the City ownership is proven.

The Planner mentions that considering the shed appears to be built upon City owned land, more information could be provided to potentially privatize the land.

Council Member Elliot expresses confusion regarding the encroachment agreement, stating that it would not make sense to instate an encroachment agreement with the City if the land is proven to be private ownership.

The Chair answers that the wording of the condition must be particular, in the sense that an encroachment agreement will be needed unless proven otherwise.

The Planner concluded that the minor variance application A18-23-PC be **granted** for the following reasons:

1. The application is minor in nature as the reduction from the existing 8.2m setback to the proposed 7.7m setback constitutes a minor change to the building footprint and as the requested relief maintains an adequate amount of spacing from the street and still maintains the parking requirement for the dwelling.

2. It is appropriate for the development of the site as the addition does not propose a further encroachment of the setback and still permits the required amount of parking on the subject property. The proposed covered porch does not pose an impediment to the function of the site.

3. It is desirable and in compliance with the general intent and purpose of the Zoning By-Law as the proposal meets the majority of the zoning requirements and the subject lands will still maintain the required amount of parking as the driveway is located on the east side of the property and the front yard setback is acceptable as the building location is currently existing.

4. It is desirable and in compliance with the general intent and purpose of the Official Plan as the Official Plan permits detached dwellings within the Rural designation.

Motion: *Angie Desmarais*
Carried: 5 – 0

Seconded: *Dave Elliot*

Subject to the following conditions:

1. That the applicant either relocates the existing front yard shed to a location that meets the applicable zoning requirements or enters into an encroachment agreement to the satisfaction of City Staff, if the road allowance is determined to be owned by the municipality.

2. In the event that any trees are proposed to be removed, a Tree Protection Plan must be prepared to the satisfaction of the Regional Staff.

6. Other Business

Nil.

7. Approval of Minutes

That the minutes from the Committee of Adjustment meeting held on Wednesday, October 11th, 2023, be approved.

Motion: *Dave Elliot*
Carried: 5 – 0

Seconded: *Angie Desmarais*

8. Adjournment

There being no further business, the meeting was adjourned at approximately 6:36 PM.

Dan O'Hara, Chair

Chris Roome, Acting Secretary-Treasurer