TOWNSHIP OF PUSLINCH

COMMITTEE OF ADJUSTMENT

MINUTES

Date: Tuesday, February 8th, 2011
Time: 9:30 a.m.

The Second Regular 2011 Committee of Adjustment Meeting was held on the above noted date and called to order at 9:30 a.m. in the Municipal Office, Aberfoyle.

ATTENDANCE: All members of the Committee as well as the Secretary were present.

OTHERS IN ATTENDANCE:
1. Monique Cichocki
2. John Rezuik
3. Melissa Smith
4. Clare Brown
5. Margaret Johnstone

ADOPTION OF THE MINUTES:

Motion #1: MOVED by Joyce Sharpe and SECONDED by Matthew Bulmer;
THAT: The Minutes of the First Regular 2011 Committee of Adjustment meeting dated January 13, 2011 be and are hereby adopted as corrected.
CARRIED.

BUSINESS ARISING OUT OF THE MINUTES:

1. Discussion took place last month regarding having a specific date set aside for possible Committee of Adjustment meetings. The Committee agreed to block off the second Tuesday of each month in the morning for possible meetings. If no applications were made, then the Secretary can advise the Committee and cancel the meeting.

DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF:

Nil.

BUSINESS:

1. A2/2011: James MUSTARD & Monique CICHOCKI
47 Swastika Trail
Lot 17, Plan 395

Purpose: Relief from provisions of Zoning By-law #19/85 as follows:

1. Resort Residential (RR) Zone, Section 7(3)(d). The zoning by-law requires a minimum interior side yard width of 3 metres on one side and 2 metres on the other. Applicant is requesting relief to recognize the .38 metre deficiency on the west side yard at the deck location. The east side yard has the required 2 metres. Total relief being requested is 2.62 metres side yard.
2. Resort Residential (RR) Zone, Section 7(3)(g). The zoning by-law allows 30% maximum lot coverage for all buildings (house, accessory buildings, decks). Applicant is requesting relief to recognize that the property has 39.3% total lot coverage. Total relief being requested is 9.3% total lot coverage.
3. General Provisions, Section 3(1)(d). Permission to acknowledge that the two accessory buildings shown on the survey by ACI Survey Consultants dated 2010-12-22 (attached) has legal non-conforming status. Permission requesting the legal non-

conforming status of these two buildings as it would appear they were built prior to the 1985 by-law.

The Secretary provided the following correspondence to the Committee with regard to this application:

i) County of Wellington letter dated January 31, 2011 wherein Sarah Wilhelm provides her comments regarding this minor variance application.
ii) Grand River Conservation Authority Plan Review Report wherein Liz Yerex advises that GRCA has no objection to the proposed relief requested.
iii) Zackary Ditner's e-mail dated February 1, 2011 wherein as a neighbour he provides his concerns regarding this application. Although, he does not object to the proposed relief, he raises some issues he would like to have rectified.

Ms. Cichocki attended the meeting and advised the Committee that the need for a minor variance came to light while putting an addition onto her deck. The Building Inspector was in the area and advised them to stop work on the project until they applied for a building permit. They do so and subsequently, the need for the minor variance came to light. The addition to the deck was removed bringing the property back to the way it was when she purchased it. She is in the process of trying to sell the property and would like these issues cleared up.

Comments and/or questions from the Committee were as follows:

- The current deck was in place when Ms. Cichocki purchased the property. Title insurance was purchased at that time but her lawyer never raised any non-compliance issues.
- We understand her predicament regarding the sale of the property and her wish to clear up all the legal non-conforming issues.
- If the small shed is less than 100 sq.ft., no building permit would have been required. If this small shed is less than that it could possibly be removed from the request for legal non-conforming status. The deck is considered lot coverage.
- As we do not know exactly the size of the small shed, let's leave the application as is for now.
- Committee members did not appear to have an issue with either shed.
- Questions arise from the fence that is not on this property. The fence was there was Ms. Cichocki purchased the property.
- Is the applicant willing to have it removed? Ms. Cichocki has no issue with removing the fence. The right-of-way belongs to Paul Wyszynski.
- Margaret Johnstone noted that the pathway is mostly on her property not on Ms. Cichocki's property. She was planning on putting in a hedge once Ms. Cichocki sold her property. She would like to see the post & wire fence and the small shed removed. The deck was built within the last 5 years.
- Melissa Smith would also like to see the fence removed. The shed actually belonged to her and the previous owner place it in its current spot.
- With the additional information we have received, the Committee would suggest that the small shed and the fence be removed.
- Could the rail fence also be removed? Can we put a time line on removing the shed? Yes we can.
- Mr. Brown suggested that the neighbours would be happy to have the fence and by acting now, it would be a perfect opportunity to clear up the encroachment.
- The Committee agreed to amend the minor variance as originally requested subject to Ms. Cichocki agreeing to remove the small shed and the fence (of her own volition).

Motion #2: MOVED by Joyce Sharpe and SECONDED by Matthew Bulmer;
THAT: The Committee of Adjustment after considering the criteria when deciding a Minor Variance Application does hereby give Application #A2/11(MUSTARD/CICHOCKI), relief from provisions of Zoning By-law #19/85 as follows:

1. Resort Residential (RR) Zone, Section 7(3)(d), the zoning by-law requires a minimum interior side yard width of 3 metres on one side and 2 metres on the other. Applicant is requesting relief to recognize the .38 metre

deficiency on the east side yard at the deck location. The west side yard has the required 2 metres. Total relief being requested is 2.62 metres side yard.

2. Resort Residential (RR) Zone, Section 7(3)(g), the zoning by-law allows 30% maximum lot coverage for all buildings (house, accessory buildings, decks). Applicant is requesting relief to recognize that the property has 37.3% total lot coverage. Total relief being requested is 7.3% total lot coverage.
3. General Provision, Section 3(1)(d). Permission to acknowledge that the one accessory building shown on the survey by ACI Survey Consultants dated 2010-12-22 (attached) has legal non-conforming status. Permission requesting the legal non-conforming status of this one building as it would appear it was built prior to the 1985 by-law with the following condition:
   i) The applicant is given 60 days to remove the small shed and provide the Secretary with proof of its removal.

CARRIED.

OTHER BUSINESS:

1. The question was asked if we required applicants to post a sign on the property advising the neighbours that an application has been made. We have never required signage in the past. Maybe we could consider small signs like the County requires for Land Division Committee. Secretary to contact other municipalities for their policies.

UNFINISHED BUSINESS:

1. A1/2011 – HARPER – No Appeals were received. The decision of the committee is now final and binding.

NEW BUSINESS:

1. Chairman McKay advised that she will be out of the country and unavailable for meetings for the month of May.

ADJOURNMENT:

Motion #3: MOVED by Matthew Bulmer and SECONDED by Joyce Sharpe;
THAT : The Committee of Adjustment does hereby adjourn at 10.33 a.m.
CARRIED.

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Chairman

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Secretary