



Township of McKellar

701 Hwy #124, P.O. Box 69, McKellar, Ontario POG 1C0

Phone: (705) 389-2842

Fax: (705) 389-1244

Committee of Adjustment - Public Meeting Agenda June 6, 2023 – 6:00 p.m.

1. Call to Order – Res. No. 23-19

- Introductions are made: Members of the Committee and Staff

2. Disclosure of Pecuniary Interest and General Nature Thereof

3. Meeting Protocol

- The Chairperson takes a roll call of guests and visitors who are in attendance.
- The Chairperson asks that all comments be addressed through the Chairperson and that the person making comments should state his/her name before speaking.

4. Appointments

5. Minutes

- May 16, 2023 Meeting – **Res. No. 23-20**

6. Discussion:

6.1 Brisbin, Brian – Application No. A/06/2023 - Proposed addition to an existing sleeping cabin will exceed the permitted maximum gross floor area.

- The Chairperson will ask the Secretary/Treasurer if any letters or related correspondence have been received and, if so, the nature thereof.
- The Applicant will make their presentation and comments, if in attendance
- Questions or comments from Committee of Adjustment members and the public

7. Decision of Committee of Adjustment

7.1 Brisbin Decision – Res. No. 23-21

8. Adjournment - Res. No. 23-22



CORPORATION OF THE TOWNSHIP OF MCKELLAR

Committee of Adjustment Minutes

May 16, 2023

David Moore called the meeting to order at 6:01 p.m.

INTRODUCTIONS

Chair, David Moore took Roll Call.

Present: Chair, David Moore, Morley Haskim, Mike Kekkonen, Reg Moore, Nick Ryeland, Debbie Zulak.

Staff: Secretary/Treasurer, Karlee Britton

DECLARATIONS OF PECUNIARY AND/OR PERSONAL INTEREST AND GENERAL NATURE THEREOF

There were no conflicts of interest declared.

Moved by: Morley Haskim

Seconded by: Mike Kekkonen

23-15 That the Committee of Adjustment meeting agenda is accepted as presented.

Carried

Moved by: Debbie Zulak

Seconded by: Mike Kekkonen

23-16 That the Committee of Adjustment Minutes from the April 18, 2023 meeting are accepted, as circulated.

Carried

6.1 Discussion – Szepaniak, Brian Application No. A/05/2023

Chair, David Moore asked if any letters or related correspondence were received. Secretary-Treasurer, Karlee Britton replied none were received.

Chair, David Moore asked if there were any questions or comments from members and the public. The applicant, Brian Szepaniak and his agent, Chris Kasulke thanked the committee for reviewing their application.



CORPORATION OF THE TOWNSHIP OF MCKELLAR

Committee of Adjustment Minutes

May 16, 2023

Moved by: Reg Moore

Seconded by: Nick Ryeland

- 23-17** **That** the Committee of Adjustment does hereby grant the Minor Variance Application A/05/2023 – Szeponiak to permit relief of one sleeping cabin to have an increased maximum gross floor area as defined in Section 3.39 of By-Law 95-12, as amended, that is increased from 35 square meters in Section 3.39 of By-Law 95-12, as amended to 50 square metres. 15 square meters relief of the maximum permitted gross floor area. All other applicable Sections of By-Law 95-12, as amended, are to be complied with.

Carried

Moved by: Nick Ryeland

Seconded by: Reg Moore

- 23-18** **That** the Committee of Adjustment does now adjourn.

Carried

The meeting adjourned at 6:10 p.m.

David Moore, Chair

Karlee Britton, Secretary/Treasurer



Township of McKellar

701 Hwy #124, P.O. Box 69, McKellar, Ontario P0G 1C0

Phone: (705) 389-2842

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APPLICATION NO: A-06-2023

APPLICATION FOR MINOR VARIANCE OR FOR PERMISSION

The undersigned hereby applies to the Committee of Adjustment for the Township of McKellar under Section 45 of the *Planning Act* R.S.O. 1990, c.P.13, as amended, for relief, as described in this application, from the Township's Comprehensive Zoning By-law. **FAILURE TO PROVIDE ALL OF THE INFORMATION REQUIRED BY THIS APPLICATION MAY CAUSE DELAYS OR DISQUALIFY THE APPLICATION UNTIL FURTHER OR MORE ACCURATE INFORMATION IS OBTAINED.**

Date Received: <u>MAY 08 2023</u>	OFFICE USE ONLY
Date Accepted: <u>MAY 08 2023</u>	Complete Application: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Application No. <u>6</u>
Date Stamp: <u>MAY 08 2023</u>	Application Fee + Deposit Received <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

A. APPLICANT/AGENT INFORMATION

1. Name of Owner: Brian Brisbin in Trust
2. Address: Street and Number Lona Lane #2
City McKellar Province/State Ont Postal/Zip Code p2a o4p
Home Phone No. 416 274 2343 Business Phone No. _____
Email brian@bbb.ca
3. Name of Agent (if any): _____
4. Address: _____

Note: Unless otherwise requested, all communications will be sent to the agent, if any.

5. Names and Addresses of any mortgagors, holders of charges or other encumbrances:

B. PURPOSE AND TYPE OF APPLICATION

6. ☒ Minor Variance from Comprehensive Zoning By-law ☐ Permission to extend a legal non-conforming use

From what section of the Zoning By-law is relief being sought?

Section 3.39

7. Nature and Extent of Relief Applied for:

Bunky addition 6 x 17"

8. Why is it not possible to comply with the provisions of the Zoning By-Law?

over area

C. DESCRIPTION OF PROPERTY

9. Legal description of subject land (registered plan number and lot number or other legal description and, where applicable, street and street number):

Part Lot 24 Concession 8 lot 1 registered Plan 42M-550

10. Dimensions of land affected:

Frontage (metres): 150M

Depth (metres): 100M

Area (hectares): 1.89

Width of Street: 20M

11. Access to subject land is by:

☐ Provincial Highway

☒ year-round municipal road

☐ seasonal municipal road

☐ other public road

☐ private right of way

☐ water access

12. If access to the subject land is by private road, or if "other public road" or "private right of way" was indicated in Section 11, indicate who owns the land or road, who is responsible for its maintenance and whether it is maintained seasonally or all year:

N/A

13. If access to the subject land is by water only, describe the parking and docking facilities used or to be used and the approximate distance of these facilities from the subject land and the nearest public road:

N/A

D. LAND USE AND ZONING

14. Date of Acquisition of Subject Lands:

2011

15. Date of Construction of all Buildings and Structures on Subject Land:

1953

16. Existing Uses of the Subject Lands:

residential

17. Length of time the existing uses of the subject property have continued:

70 years

18. Existing Uses of Abutting Lands:

residential

19. Services (Check appropriate box):

Water: ☐ Dug Well ☐ Drilled Well ☒ Lake ☐ Other _____
Sewage Disposal: ☒ Septic ☐ Privy ☐ Other holding tank

20. Storm Drainage is provided by (Check appropriate box):

☐ sewers ☐ open ditches ☒ swales ☐ other (please specify) _____

21. Present Official Plan provisions applying to the land:

22. Present Zoning By-law provisions applying to the land:

23. Are there any easements or rights-of-way affecting the subject lands?

24. X Yes No

cottage lane easement (Lona Lane)

E. BUILDINGS AND STRUCTURES (on or proposed for the subject land)

EXISTING – List all existing buildings and structures					DISTANCE FROM LOT LINES (metres)			
Building/ Structure Type	Date of Construction	# of Storeys / Height	Ground Floor Area (m2)	Total Floor Area (m2)	Front	Rear	Side	Side
cottage	1989	2	1800 sq.ft	3200 sq.ft	20m	20m	20m	20m

PROPOSED – List all buildings and structures					DISTANCE FROM LOT LINES (metres)			
Building/ Structure Type	Date of Construction	# of Storeys / Height	Ground Floor Area (m2)	Total Floor Area (m2)	Front	Rear	Side	Side
			(Addition)	Total				
bunk	1953	1	69 sq.ft.	618 sq.ft 57.4 m ²	20M	20m	17m	20m

F. HISTORY

24. Has the owner previously applied for relief in respect of the subject property?

☐ Yes ☒ No If YES, please provide Application Number, if known: _____

25. Is the subject land currently the subject of an application for a consent or approval of a plan of subdivision?

☐ Yes ☒ No ☐ Unknown If YES and if KNOWN, specify the appropriate file number and status of the application:

26. Has the subject land ever been the subject of a minor variance application?

☐ Yes ☒ No ☐ Unknown

G. PLANS

27. Every application shall be accompanied by a sketch [SAMPLE on page 9] (based on a boundary survey plan of the subject land) drawn to an appropriate scale, properly dimensioned and showing thereon:

- ☒ The boundaries and dimensions of the subject land
- ☒ The location, size and type of all existing and proposed buildings and structures on the subject land, indicating the distance of the buildings and structures from the front, rear and side lot lines
- ☒ The approximate location of all natural and artificial features on the subject land and on land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application. Examples include buildings, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks
- ☒ The current uses on land that is adjacent to the subject land
- ☒ The location, width and name of any roads within or abutting the subject land indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way
- ☐ If access to the subject land is by water only, the location of the parking and docking facilities to be used
- ☒ The location and nature of any easement affecting the subject land

H. AFFIDAVIT OR SWORN DECLARATION

The content of the application and appendices shall be validated by the Applicant (or authorized agent) in the form of the following Affidavit/Sworn Declaration before a Commissioner or other person empowered to take Affidavits.

Dated at the City of Toronto this 2nd day of May, 2023.
I, Brian Brisbin, of the City of Toronto
in the Province of Ontario solemnly declare that all
the statements contained in this application are true and I make this solemn declaration conscientiously
believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of
the Canada Evidence Act. Brian Brisbin

Signature of Applicant or Authorized Agent

Declared before me at the City of Toronto in the Province
of Ontario this 2nd day of May, 2023

Signature of Commissioner of Oaths: [Signature]

LSO# 47871C

I. CONSENT OF THE OWNER TO THE USE AND DISCLOSURE OF PERSONAL INFORMATION


Complete the consent of the owner concerning personal information set out below.

I, BRANDY BRISBIN, am the owner of the land that is the subject of this application and for the purposes of the *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c.M.56, I authorize and consent to the use by or the disclosure to any person or public body of any personal information that is collected under the authority of the *Planning Act* R.S.O. 1990, c.P.13, as amended, for the purpose of processing this application. The applicant acknowledges that the Township considers the application forms and all supporting materials, including studies and drawings, filed with this application to be public information and to form part of the public record. With the filing of an application, the applicant consents to the Township photocopying and releasing the application and any supporting material either for its own use in processing the application or at the request of a third party, without further notification to or permission from the applicant. The applicant also hereby states that it has authority to bind its consultants to the terms of this acknowledgement. Questions about this collection of personal information should be directed to the Township Clerk.

Date

May 2 / 27

Signature of Owner



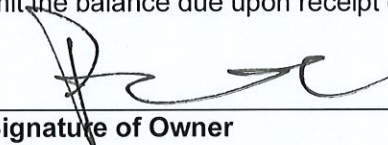
J. CONSENT OF THE OWNER TO THE PAYMENT OF REQUIRED FEES AND POTENTIAL FEES

I, BRANDY BRISBIN, acknowledge and agree that applicants must submit the required fee of \$750.00, as well as a Security Deposit of \$500.00 when filing the application. Further, I agree that any costs beyond regular processing costs relating to this application, including but not limited to engineering studies, legal opinions, planning consultant fees, and Ontario Land Tribunal hearing costs, will be the responsibility of the applicant and will submit the balance due upon receipt of an invoice for same.

Date

May 2 / 23

Signature of Owner



K. AUTHORIZATIONS

If the applicant is not the owner of the land that is the subject of this application, the written consent of the owner, authorizing the applicant to make the application, must be included with this form or the authorizations set out below must be completed. Please note: If the Owner is an incorporated company, authorization of the appropriate signing officer(s) is required in accordance with the company's by-laws.

Authorization of Owner for Agent to Make the Application

I, _____, am the owner of the land that is the subject of this application for a Minor Variance and I authorize _____ to make this application on my behalf.

Date

Signature of Owner

If the applicant is not the owner of the land that is the subject of this application, complete the authorization of the owner concerning personal information set out below.

Authorization of the Owner for Agent to Provide Personal Information

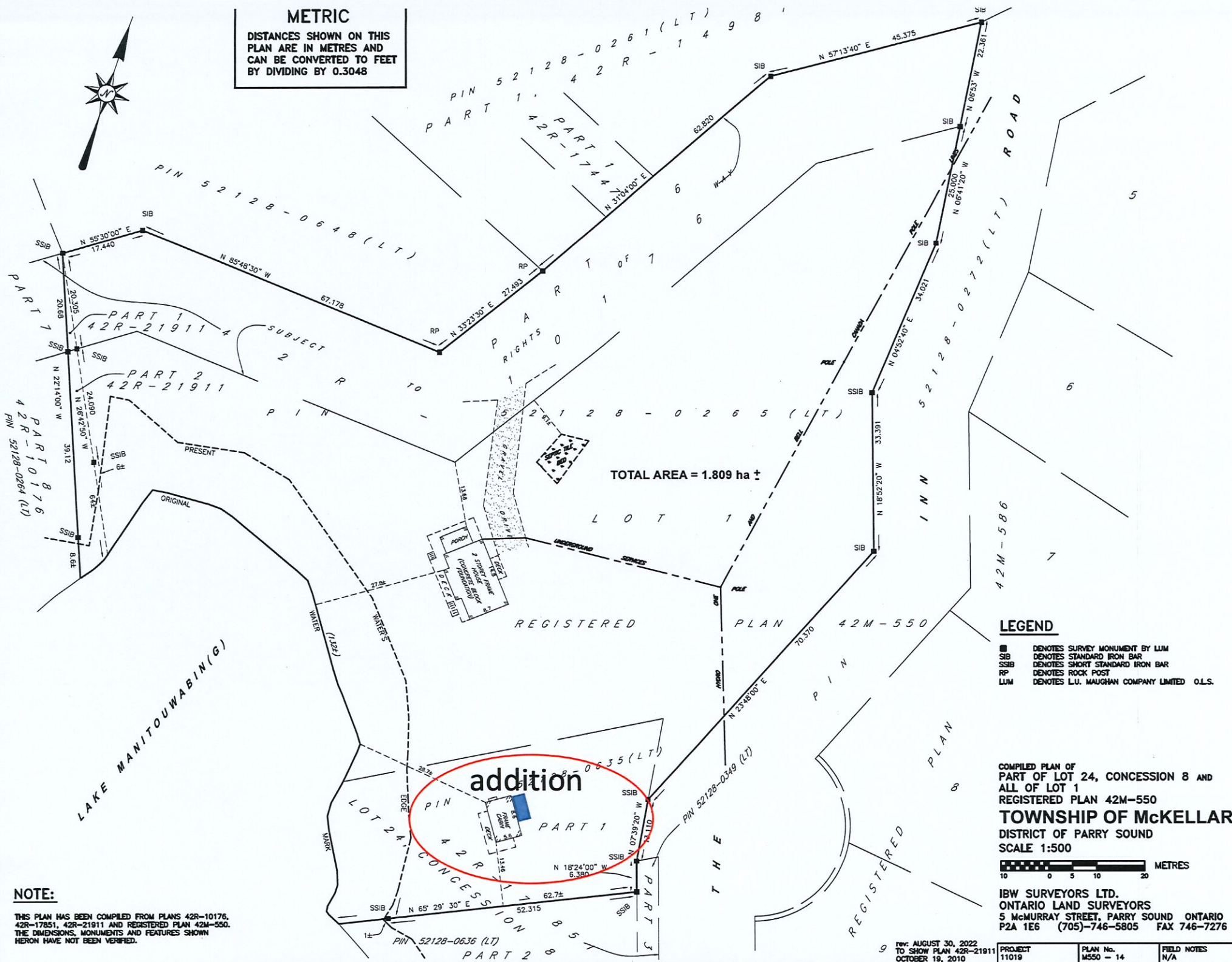
I, _____, am the owner of the land that is the subject of this application for a Minor Variance and for the purposes of the *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c.M.56, I authorize _____, as my agent for this application, to provide any of my personal information that will be included in this application or collected during the processing of the application. The applicant acknowledges that the Township considers the application forms and all supporting materials, including studies and drawings, filed with this application to be public information and to form part of the public record. With the filing of an application, the applicant consents to the Township photocopying and releasing the application and any supporting material either for its own use in processing the application or at the request of a third party, without further notification to or permission from the applicant. The applicant also hereby states that it has authority to bind its consultants to the terms of this acknowledgement.

Date

Signature of Owner

METRIC

DISTANCES SHOWN ON THIS
PLAN ARE IN METRES AND
CAN BE CONVERTED TO FEET
BY DIVIDING BY 0.3048

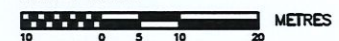


TOTAL AREA = 1.809 ha ±

LEGEND

- DENOTES SURVEY MONUMENT BY LUM
- SIB DENOTES STANDARD IRON BAR
- SSIB DENOTES SHORT STANDARD IRON BAR
- RP DENOTES ROCK POST
- LUM DENOTES L.V. MAUGHAN COMPANY LIMITED O.L.S.

COMPILED PLAN OF
PART OF LOT 24, CONCESSION 8 AND
ALL OF LOT 1
REGISTERED PLAN 42M-550
TOWNSHIP OF MCKELLAR
DISTRICT OF PARRY SOUND
SCALE 1:500

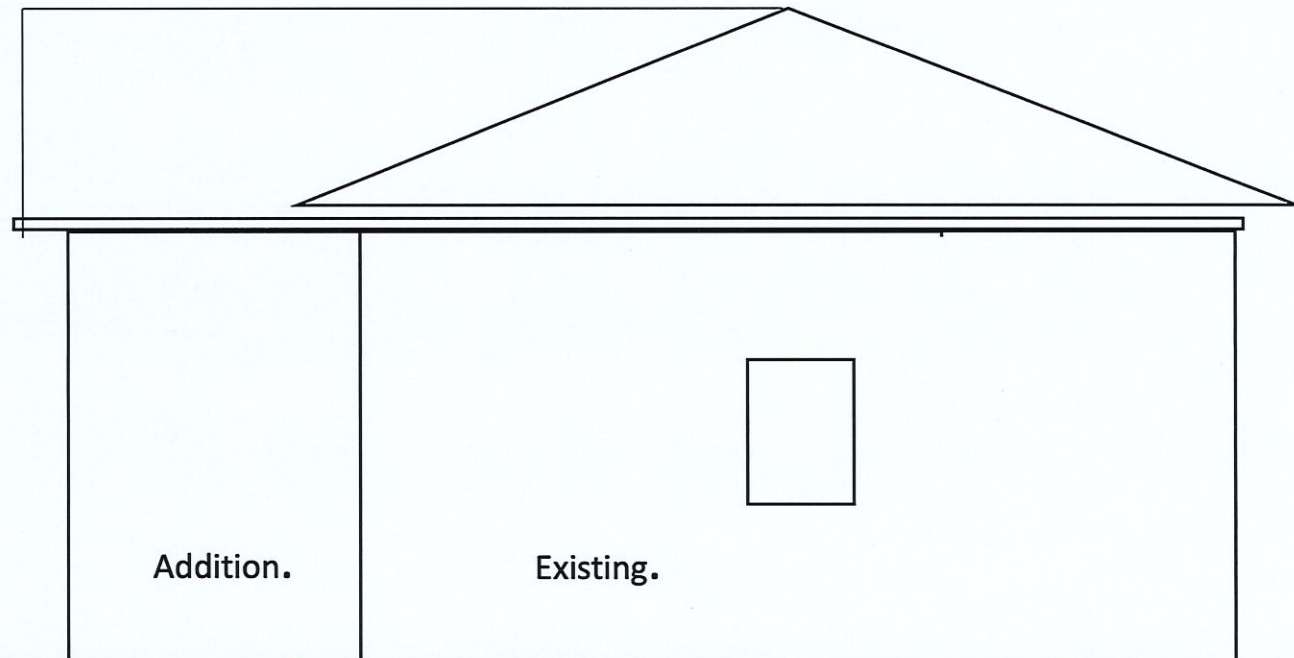
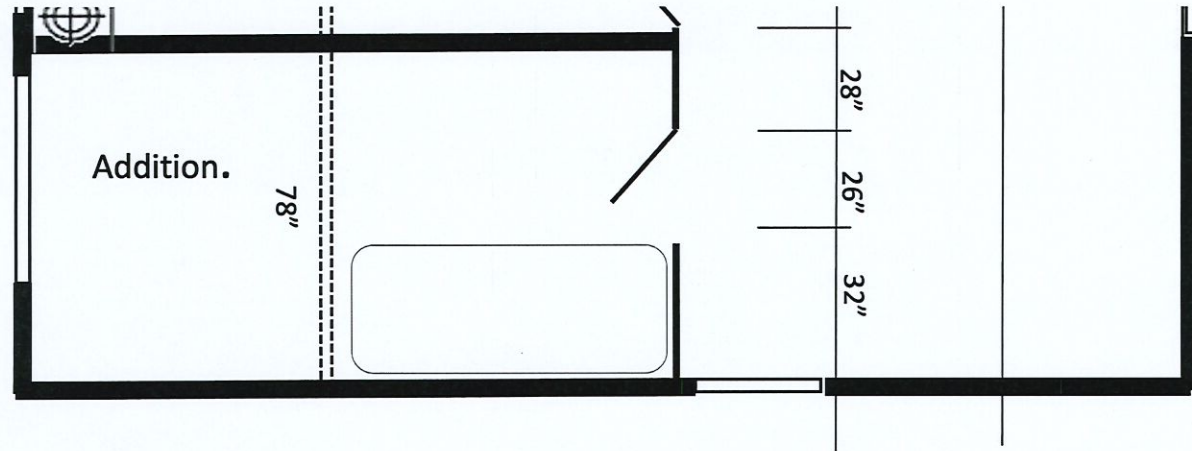


IBW SURVEYORS LTD.
ONTARIO LAND SURVEYORS
5 McMURRAY STREET, PARRY SOUND ONTARIO
P2A 1E6 (705)-746-5805 FAX 746-7276

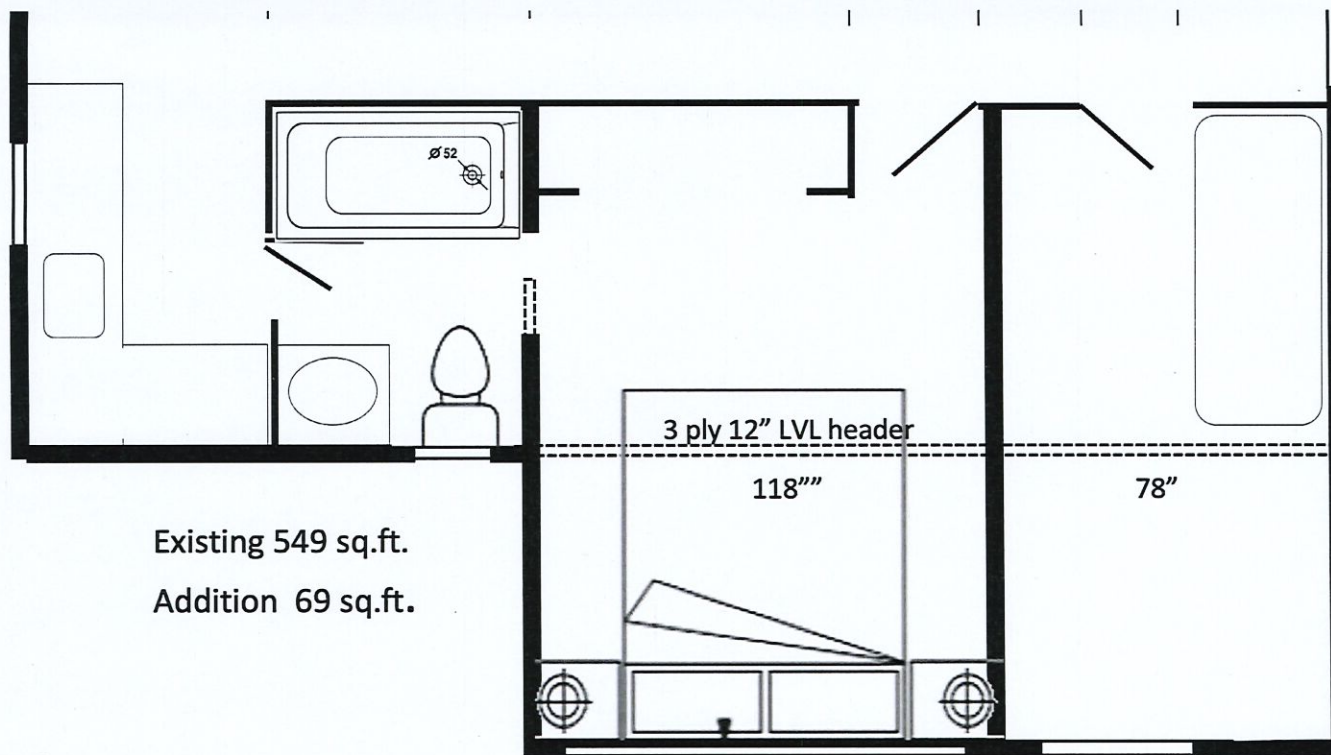
NOTE:

THIS PLAN HAS BEEN COMPILED FROM PLANS 42R-10176,
42R-17851, 42R-21911 AND REGISTERED PLAN 42M-550.
THE DIMENSIONS, MONUMENTS AND FEATURES SHOWN
HEREON HAVE NOT BEEN VERIFIED.

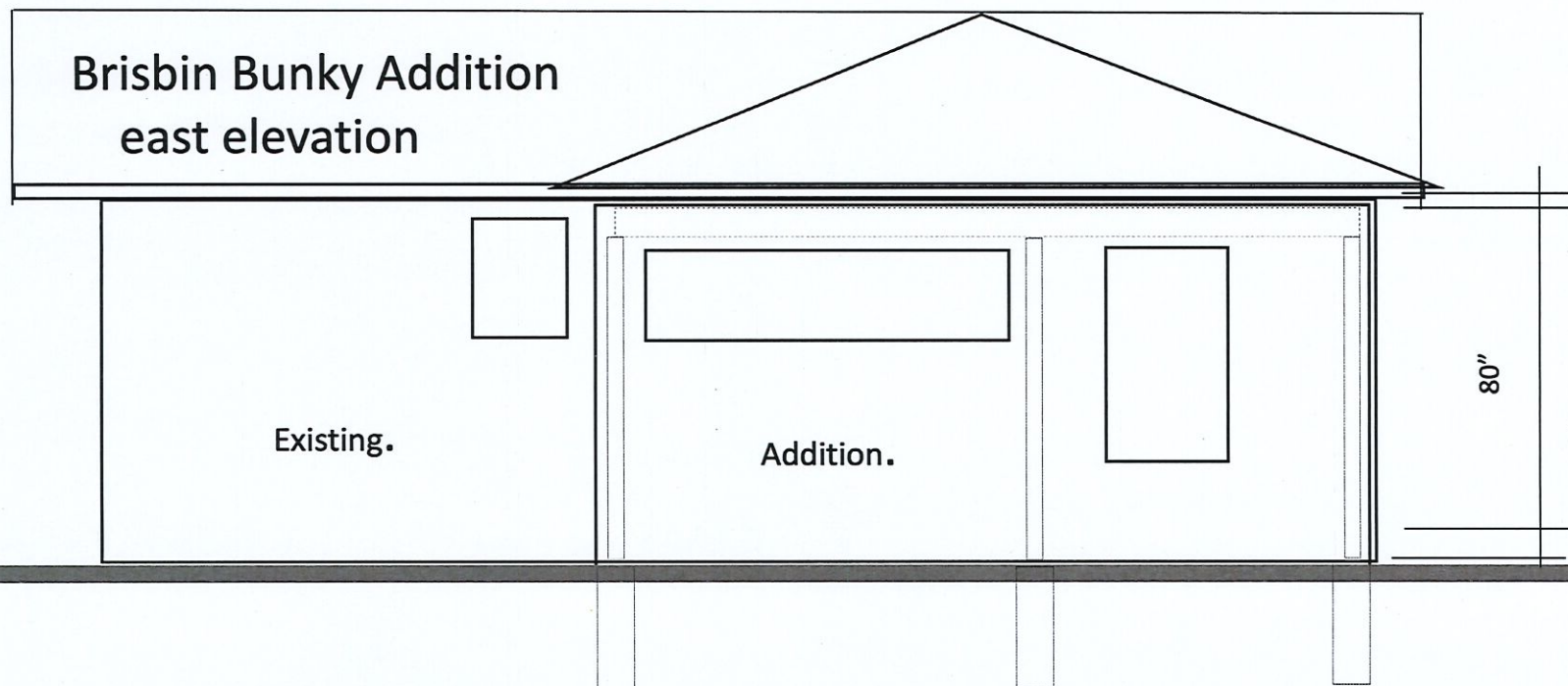
rev: AUGUST 30, 2022 TO SHOW PLAN 42R-21911 OCTOBER 19, 2010	PROJECT 11019	PLAN No. M550 - 14	FIELD NOTES N/A
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Brisbin Bunky Addition
north elevation



Existing 549 sq.ft.
Addition 69 sq.ft.

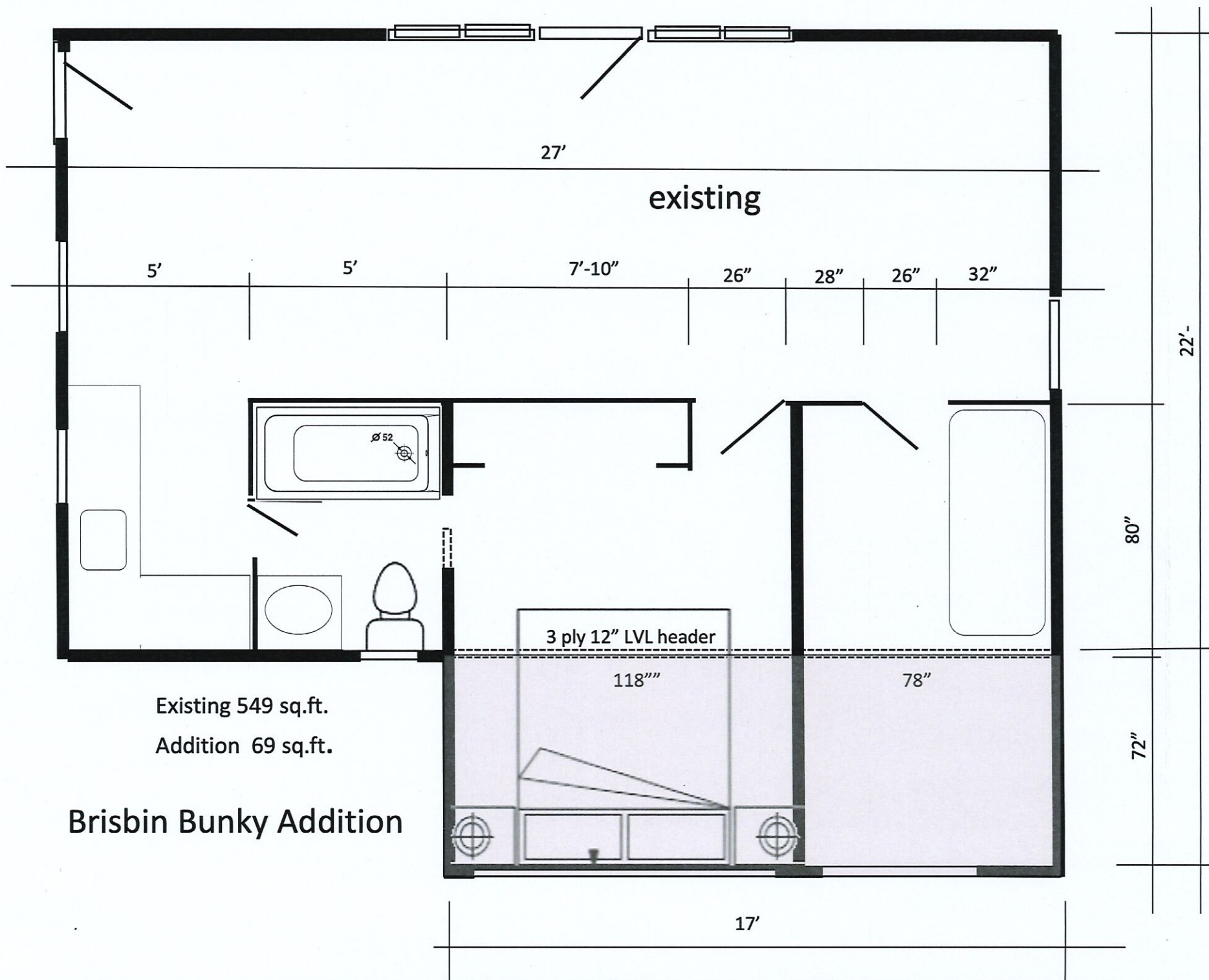


Brisbin Bunky Addition
east elevation

Existing.

Addition.

80"



COMMITTEE OF ADJUSTMENT

for the

TOWNSHIP OF McKELLAR

701 Highway 124

P.O. Box 69

McKellar, Ontario

P0G 1C0

DECISION

Dated at the Township of McKellar in the District of Parry Sound, this 5th day of March, 2007.

IN THE MATTER OF:

Owner: Brian Brisbin & Geddy Weinrib

Application: A/01/07

Property: Part of Lot 24, Concession 8, 97 The Inn Road

Transaction:

The applicant is seeking relief from Section 3.39 of the Township's Comprehensive Zoning By-law No. 95-12 which requires that the maximum gross floor area of a sleeping cabin does not exceed 35 square metres. The purpose of the proposed variance is to permit a 48 square metre sleeping cabin on the subject property. The effect of the proposed variance would be to permit the applicant to convert the existing dwelling into a sleeping cabin. The property is the subject of Consent Application B25/2006(McK) which is an application to divide the subject property in half and join the newly created parcels to the abutting lands, thereby eliminating one lot and creating two larger lots by way of lot additions. The existing building at 97 The Inn Road will be converted to a sleeping cabin and joined to Lot 1, Plan 42M-550.

The undersigned Committee members do hereby grant consent to this application, being of the opinion that:

- (X) The requested variance is a minor variance.
- (X) The requested variance is not undesirable for the appropriate development or use of land, building or structure.
- (X) The general intent and purpose of the Official Plan and Zoning By-law is maintained.

Approval of this application is subject to the following conditions:

- (1) All required permits being applied for.
- (2) This minor variance does not take effect until the Chief Building Official has verified in writing that the subject building has been converted to a sleeping cabin.
- (3) This minor variance conditional on Application for Consent, file No. B25/2006 (MCK) being completed and the consent finalized.

Concurring Members:

J. Black
Ray McHugh
Debbie Zolok

Gerald Bell
Dan Moore

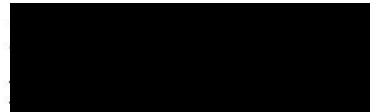
COMMITTEE OF ADJUSTMENT

for the

TOWNSHIP OF McKELLAR
701 Highway 124
P.O. Box 69
McKellar, Ontario
P0G 1C0
(705) 389-2842

March 27, 2007

BRISBIN BRIAN
WEINRIB GEDDY



Dear Mssrs. Brisbin and Weinrib:

Re: Minor Variance Application A/01/07

Pursuant to Section 45 of the Planning Act, R.S.O. 1990 as amended, please be advised that no notice of appeal was received regarding the above application. The decision of the Committee of Adjustment rendered on March 5, 2007 is now final and binding. A copy of the Committee's decision was mailed to you on March 6, 2007.

Please contact this office if you have any questions or concerns.

Yours truly

A handwritten signature in black ink, appearing to read 'S. Boggs', written over a horizontal line.

Shawn Boggs, AMCT
Secretary Treasurer



Township of McKellar

701 Hwy #124, P.O. Box 69, McKellar, Ontario POG 1C0

Phone: (705) 389-2842

Fax: (705) 389-1244

August 16, 2007

Attention: Shawn Boggs

**Re: Part Lot 24, Con. 8, # 97 The Inn Road,
Township of McKellar, Roll No. 49-28-000-002-01500-0000,**

On August 15, 2007 an inspection was called for and completed on the sleeping cabin at the above location.

At the time of the inspection it was found that the attached deck as constructed complied with the latest edition of the Ontario Building Code Compendium. All cooking facilities have been removed from the building so it now complies with the definition for a Sleeping Cabin in Section 2.146 of By-Law No. 95-12 as amended and the maximum gross floor area is 48 square metres as permitted in minor variance application A/01/07.

Yours truly,

Reg Moore, CBCO
Chief Building Official
By-Law Enforcement Officer