



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 May 16, 2023 – 6:00 p.m.

1. Call to Order – Res. No. 23-15

- 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

- April 18, 2023 Meeting – **Res. No. 23-16**

6. Discussion:

6.1 Szepaniak, Brian – Application No. A/05/2023 - Proposed 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 Szepaniak Decision – Res. No. 23-17

8. Adjournment - Res. No. 23-18



CORPORATION OF THE TOWNSHIP OF MCKELLAR

Committee of Adjustment Minutes

April 18, 2023

David Moore called the meeting to order at 5:36 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: Mike Kekkonen

Seconded by: Morley Haskim

23-10 **That** the Committee of Adjustment meeting agenda is accepted as presented.

Carried

Moved by: Mike Kekkonen

Seconded by: Morley Haskim

23-11 **That** the Committee of Adjustment Minutes from the March 7, 2023 meeting are accepted, as circulated.

Carried

6.1 Discussion – McKeag, Garret Application No. A/03/2023

Chair, David Moore asked if there were any questions or comments from members and the public. Melissa Eugene spoke not for or against the application and asked at what time does the minor variance come in effect.

Moved by: Reg Moore

Seconded by: Nick Ryeland

23-12 **That** the Committee of Adjustment does hereby grant the Minor Variance Application A/03/2023 – McKeag to permit relief of one addition to the existing building (commercial) to have a reduced exterior side yard setback as regulated in Subsection 8.06 and Schedule B of By-Law 95-12, as amended. The relief permitted is from 7.5 meters in Schedule B of By-Law 95-12, as amended to 5.0 metres (2.5 meters relief) of



CORPORATION OF THE TOWNSHIP OF MCKELLAR

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the minimum permitted exterior side yard setback. All other applicable Sections of By-Law 95-12, as amended, are to be complied with.

Carried

6.2 Discussion – Reed, Thomas Application No. A/04/2023

Chair, David Moore asked if there were any questions or comments from the members and the public. Member Reg Moore spoke not for or against the application. He noted the application was completed incorrectly in Sections B6 and B10. He also noted the application is to permit relief of an accessory building and does not permit relief for a single-family dwelling as stated as a future use in the application.

Moved by: Reg Moore

Seconded by: Morley Haskim

23-13 **That** the Committee of Adjustment does hereby grant the Minor Variance Application A/04/2023 – Reed to permit relief of one accessory garage (private) to have a height as defined in Section 2.77 of By-Law 95-12, as amended, that is 1.4 metres higher than the permitted height of 5.0 metres in Schedule B of By-Law 95-12, as amended. All other applicable Sections of By-Law 95-12, as amended, are to be complied with.

Carried

Moved by: Nick Ryeland

Seconded by: Morley Haskim

23-14 **That** the Committee of Adjustment does now adjourn.

Carried

The meeting adjourned at 6:08 p.m.

David Moore, Chair

Karlee Britton, Secretary/Treasurer



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APPLICATION NO: A-05-2023

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 01 2023</u>	OFFICE USE ONLY
Date Accepted: <u>MAY 01 2023</u>	Complete Application: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Application No. <u>5</u>
Date Stamp: <u>MAY 01 2023</u>	Application Fee + Deposit Received <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

A. APPLICANT/AGENT INFORMATION

- Name of Owner: BRIAN JOSEPH SZEPAKIAK
- Address: Street and Number 158 CENTRE ROAD
City MCKELLAR Province/State ON Postal/Zip Code P2A 0B4
Home Phone No. 519-747-2327 Business Phone No. N/A
Email kasulkec@gmail.com
- Name of Agent (if any): CHRIS KASULKE
- Address: 109-275 ELMO COURT
WATERLOO, ON N2K 2M8 kasulkec@gmail.com
Note: Unless otherwise requested, all communications will be sent to the agent, if any.
- Names and Addresses of any mortgagors, holders of charges or other encumbrances:
CIBC MORTGAGES, P.O. BOX 115, COMMERCE COURT, POSTAL STATION,
TORONTO, ON M5L 1E5

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?

ZONING BY-LAW 95-12, SECTION 3.39

7. Nature and Extent of Relief Applied for:

15 m² RELIEF FROM ZONING BY-LAW FOR SLEEPING CABIN

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

PROPOSED SLEEPING CABIN WILL EXCEED ALLOWABLE GROUND FLOOR 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):

158 CENTRE ROAD

CON 11, PT LOT 22+23, RP42R13751 PART 1+2

10. Dimensions of land affected:

WATERFRONT

Frontage (metres): 665 ft. on MIDDLE RIVER Depth (metres): N/A

Area (hectares): 0.7001062 HA (1.73 acres) Width of Street: N/A

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:

SEPTEMBER 14, 2018

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

EARLY 1990's

16. Existing Uses of the Subject Lands:

RESIDENTIAL

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

EARLY 1990's TO PRESENT

18. Existing Uses of Abutting Lands:

RESIDENTIAL WITH SPECIAL PROVISION (O. SLAYIA) BY-LAW 2022-52

19. Services (Check appropriate box):

Water:

☒ Dug Well

☐ Drilled Well

☐ Lake

☐ Other _____

Sewage Disposal:

☒ Septic

☐ Privy

☐ Other _____

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:

N/A

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

N/A

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

☐ Yes ☒ No

If Yes, indicate and describe the purpose of the easement or rights-of-way:

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
HOUSE	1993	1 / < 5m	120 m ²	120 m ²	23 m	46 m	73 m	42 m
GARAGE	EARLY 1990's	1 / < 5m	34 m ²	34 m ²	58 m	46 m	73 m	8 m

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
SLEEPING CABIN	SUMMER 2023	1 / 5m	50 m ²	50 m ²	54 m	11 m	8 m	46 m

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 Township of McKellar this 1st day of May, 2023.
I, Brian Szepaniak, of the Township of McKellar
in the District of Parry Sound 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 Szepaniak

Signature of Applicant or Authorized Agent

Declared before me at the Township of McKellar in the District
of Parry Sound this 1st day of May, 2023.

Signature of Commissioner of Oaths: Karlee Britton

KARLEE HELAINA BRITTON,
a Commissioner, etc., Province of Ontario,
for the Corporation of the Township of McKellar.
Expires September 6, 2025.

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, BRIAN JOSEPH SZEPAKIAK, 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.

May 01/23
Date

Brian Joseph Szepaniak
Signature of Owner

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

I, BRIAN JOSEPH SZEPAKIAK, 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.

May 01/23
Date

Brian Joseph Szepaniak
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, BRIAN JOSEPH SZEPAK, am the owner of the land that is the subject of this application for a Minor Variance and I authorize CHRIS KASULKE to make this application on my behalf.

Date

May 01/23

Signature of Owner

Brian Szepak

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, BRIAN JOSEPH SZEPAK, 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 CHRIS KASULKE 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.

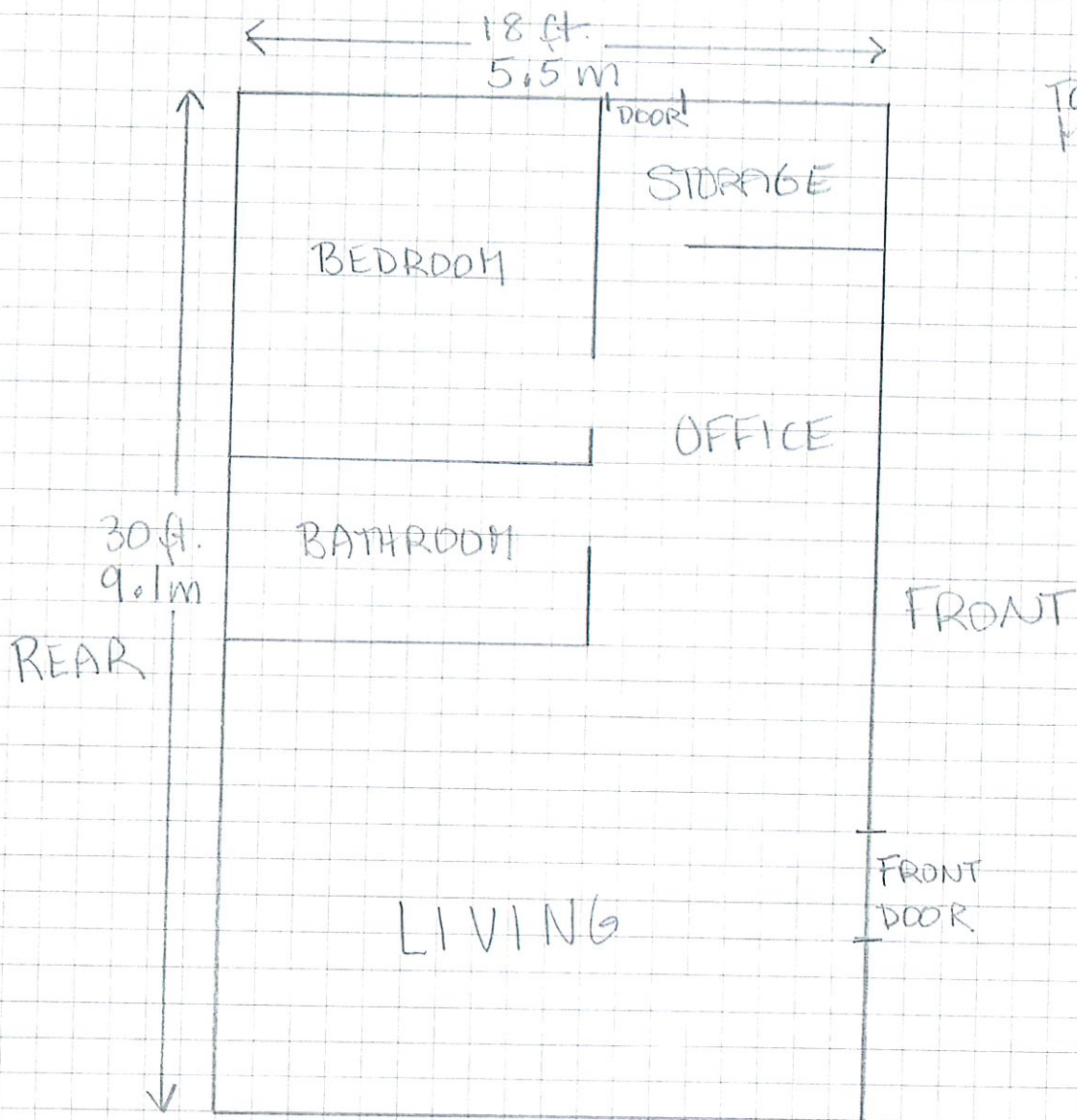
Date

May 01/23

Signature of Owner

Brian Szepak

PROPOSED SLEEPING CABIN



TOTAL SQUARE
METERS = 50 m²