

Meeting Date: October 7, 2019
Department: Building and Planning
Prepared By: Matthew Stephenson, Director, Building/Waste Services
Reviewed By: Greg McClinchey, Chief Administrative Officer
SUBJECT: Refund of Planning Fees

RECOMMENDATION: That the request from Calvin and Francis Higgins for a refund of the \$700.00 minor variance application fee be denied.

BACKGROUND

The minor variance application, which is subject to the request for a fee refund, was for a request to permit a deck closer to an interior lot line than what the Zoning Bylaw permits.

For Council's information, the applicant originally applied for a building permit on May 23, 2018, for the deck; however, the plans examiner identified a deficiency with the proposal as it did not meet the required side yard setback. This information was communicated to the applicant. The applicant did not pursue a remedy to this deficiency. As the permit application was still on file, a second call was made to the applicant on January 7, 2019, with no response to that call. A building inspector visited the property to determine whether to cancel the outstanding application. At that time, the building inspector noticed that the applicant had built the deck without an approved permit, and issued an order to comply dated February 22, 2019, on the property.

The applicants were contacted, and advised that they were now in a non-compliance situation and they had two choices:

1. Remove the deck
2. Apply for a minor variance and if successful apply for building permit

The applicants applied for a minor variance and the matter was heard by the Committee of Adjustment. The planning report recommended denial of the variance. After considering the matter, the Committee denied the request.

The applicants removed the deck to comply with zoning and building permit compliance was achieved.

The applicants then submitted a request for a refund of fees.

SUMMARY

Based on the above analysis, staff recommend the following:

THAT: That the request from Francis and Calvin Higgins dated August 26, 2019 for a refund of the \$700.00 minor variance fee be denied.

FINANCIAL IMPLICATIONS

If Council denies the refund request, there are no financial implications.

ATTACHMENTS

None.