

**CORPORATION OF THE
TOWNSHIP OF SOUTH ALGONQUIN**

AGENDA

**COMMITTEE OF ADJUSTMENT MEETING
& PUBLIC HEARING FOR CONSENT**

**November 1, 2018 6:30 p.m.
Municipal Office
7 Third Avenue
Whitney, Ontario**

Open Meeting/Call to order-6:30 p.m.

1. Additions / Amendments to the Agenda
2. Adoption of the Agenda
3. Adoption of the Committee of Adjustment Minutes of October 4, 2018
4. Disclosure of Pecuniary Interest
5. Public Hearing
- 4.1 **Consider Consent Application–SEV.2018-04 (three new lots)**
Staff Report: Jamie Robinson, MCIP, RPP & Patrick Townes, BA, BEd.
Legal: CON 4 PT LOT 12 REM PCL; 18360 NIP in the geographic Township of Airy. Locally known as 21 Hilltop Crescent.
6. Other
7. Next Meeting

Adjournment

THE CORPORATION OF THE TOWNSHIP OF SOUTH ALGONQUIN

COMMITTEE OF ADJUSTMENT

PUBLIC MEETING – October 4th, 2018 –6:30 p.m.

There was a public meeting of the Committee of Adjustment to hear Consent for a Severance Application No. SEV.2018-02 and SEV.2018-03 – Luckasavitch at the Municipal Council Chambers on Thursday, October 4, 2018. Present were Committee Members: Committee Chair-Councillor Richard Shalla, Councillor Sandra Collins, Councillor Bill Rodnick and Councillor Dave Harper.

Regrets: Councillor Joe Florent

Staff: Tracy Cannon, Secretary/Treasurer

Councillor Shalla called the public meeting to order at 6:30 p.m.

1. **ADDITIONS/AMENDMENTS TO THE AGENDA:** None

2. **ADOPTION OF THE AGENDA**

Moved by: Dave Harper

Seconded by: J. Florent

To adopt the agenda as prepared for the Committee of Adjustment meeting of Thursday, October 4, 2018 as circulated.

3. **DECLARATION OF PECUNIARY INTEREST:** None noted

4. **PURPOSE OF PUBLIC MEETING**

CONSIDER CONSENT APPLICATION – SEV. 2018-02 AND SEV. 2018-03 LUCKASAVITCH

Councillor Shalla stated that the meeting was to consider two consent applications for consent under Section 53 of the Planning Act as described below;

- Application number SEV.2018-02 proposes to sever two lots that were previously merged on title and cannot be conveyed separately due to Section 50 (3) of the Planning Act. The effect of this application will sever 7207 Highway 127, legally described as CON 2 PT LOT 14 PT REM PCL; 6289 NIP from the retained lands legally described as CON 2 PT LOT 13 PT PCL 6289; NIP.
- Application number SEV.2018-03 proposes to sever a lot area of 12.1 hectares (30 acres) with 270 metres of lot frontage on Highway 127. The proposed Retained Lands will have a lot frontage of 759 metres on Highway 127 and a lot area of 24.3 hectares (60 acres) on lands legally described as CON 3 LOT 14 PCL 12583 NIP.

REQUIREMENTS FOR NOTICE

T. Cannon reported, as required by the Planning Act all property owners within 60 metres of applications SEV.2018-02 and SEV.2018-03 were mailed the notices of the Public Meeting on September 7, 2018. A copy of the notices and the laminated signs were provided to the applicant. The laminated signs were posted by the applicant on September 8, 2018.

APPLICATION

T. Cannon presented a map of the subject lands SEV.2018-02 and stated the Severed Lands has an existing dwelling, septic, well and accessory buildings/structures. The Retained lands has dilapidated structures/buildings.

T. Cannon also stated that access for the two subject properties outlined in SEV.2018-02 plus the Severed lands in Application SEV.2018-03 will have access from the existing entrance of 7207 Highway 127. This access currently goes over the township road allowance. The retained lands on SEV.2018-03 will directly have access from Highway 127. Once entrances are approved new civic address numbers will need to be assigned. Staff will assign the civic address number, order the signs and erect the signs on the subject properties. The property owners will be invoiced for the signage. It was also suggested that either an agreement or a letter be forwarded to the applicant outlining the usage of the township road allowance for the three properties.

COMMENTS FROM THE PLANNER:

T. Cannon informed the Committee that all comments from the Planner are outlined in the Planner Report, no additional comments were received from the Planner.

SITE INSPECTION REPORT & COMMITTEE DISCUSSION OF APPLICATION

Councillor Shalla stated that he drove by the subject properties and saw the erected laminated signs.

APPLICANT COMMENT ON APPLICATION

The applicant did not have any comments.

PUBLIC COMMENT ON APPLICATION

T. Cannon provide comments that were received prior to the meeting– During the pre-consultation process the Ministry of Transportation provided comments for SEV.2018-02 and SEV.2018-03. MTO does not have objections to the proposed consent application, subject to the following:

- 1) Approval from the municipality for the use of the road allowance.
- 2) A new entrance permit be issued to the property owner where the existing access is located. If the entrance is in front of the road allowance, the permit will have to be issued to the municipality.
- 3) A new entrance permit being issued to the new owner of the proposed severed lots upon completion of the consent.

FINAL QUESTIONS OR COMMENTS

Applicant or Agent: None

Members of the Public: None

Committee Members: None

SUGGESTED DECISION AND CONDITIONS OF SEVERANCE

T. Cannon, Secretary Treasurer read the suggested decision to approve the application with the conditions as outlined in the Planner’s Report, with the exception of Condition No. 5; Cash-in-lieu of parkland payment in accordance with Section 51.1 of the Planning Act, if deemed appropriate by Council.

DECISION

Chair, Councillor Shalla requested a motion to **approve** the application and conditions as read by the Secretary/Treasurer.

Moved by: D. Harper

Seconded by: S. Collins

-Carried-

The decision was circulated and signed by all present members of the Committee of Adjustment.

The Committee moved forward to approve Application SEV.2018-03

APPLICATION

T. Cannon presented a map of the lands for SEV.2018-03.

FINAL QUESTIONS OR COMMENTS

Applicant or Agent: None
Members of the Public: None
Committee Members: None

SUGGESTED DECISION AND CONDITIONS OF SEVERANCE

T. Cannon, Secretary Treasurer read the suggested decision to approve the application with the conditions as outlined in the Planner’s Report, with the exception of Condition No. 5; Cash-in-lieu of parkland payment in accordance with Section 51.1 of the Planning Act, if deemed appropriate by Council.

DECISION

Chair, Councillor Shalla requested a motion to **approve** the application and conditions as read by the Secretary/Treasurer.

Moved by: D. Harper
-Carried-

Seconded by: B. Rodnick

The decision was circulated and signed by all present members of the Committee of Adjustment.

5. **OTHER:** None

6. **NEXT MEETING**

T. Cannon will confirm with Councillor Florent if he is able to attend the Committee of Adjustment meeting of November 1, 2018 at 6:30 p.m. Councillor Rodnick confirmed that he will not be in attendance.

ADJOURNMENT

Moved by: S. Collins

Seconded by: B. Rodnick

The Committee adjourned the Committee of Adjustment meeting at 7:00 p.m.
-Carried-

Committee Chair, Richard Shalla

Secretary/Treasurer, Tracy Cannon



**NOTICE OF A CONSENT APPLICATION AND
NOTICE OF PUBLIC HEARING**

File No. SEV. 2018-04

October 15, 2018

TAKE NOTICE

The Township of South Algonquin is in receipt of applications for Consents to create a total of three new lots on the subject lands located at 21 Hilltop Crescent, as shown on the attached key map. A Public Hearing will be held under Section 53 of the *Planning Act of Ontario, R.S.O. 1990, c.P.13*, as amended.

PURPOSE AND EFFECT OF THE PROPOSED APPLICATION

The subject lands are located to the south of Hilltop Crescent and Highway 60. The purpose of the application is to create a total of three new lots and one retained lot. A description of the proposed lots is included in the below table:

Proposed Lot	Lot Area	Lot Frontage	Proposed Use
Retained Lot	19.1 hectares	61 metres	Detached dwelling (existing)
Severed Lot No. 1	2.08 hectares	61 metres	Accessory building (existing) and a proposed detached dwelling (conditional building permit issued)
Severed Lot No. 2	1.82 hectares	65 metres	Mobile home (existing)
Severed Lot No. 3	1.0 hectare	45 metres	Maintenance garage (existing)

DATE AND LOCATION OF PUBLIC HEARING

Date: November 1, 2018

Time: 6:30 p.m.

Location: Township of Algonquin Municipal Office 7 Third Avenue, Whitney, Ontario

NOTES REGARDING YOUR RIGHTS

Should you desire to express your approval or objection to the application, you may do so at the Public Hearing. If it is inconvenient for you to attend the Hearing, a signed written submission shall be accepted by the Committee of Adjustment Secretary Treasurer prior to or during the hearing and such written submission shall be available for inspection by any interested party.

If a person or public body that files an appeal of a decision of the Township of South Algonquin in respect of the proposed Consent does not make written submissions to the Township of South Algonquin before it gives or refuses to give a provisional consent, the Local Planning Appeal Tribunal may dismiss the appeal.

If you wish to be notified of the decision of the Township of South Algonquin in respect of the proposed Consent, you must make a written request to the Township of South Algonquin, 7 Third Avenue, P.O. Box 217, Whitney, Ontario, K0J 2M0.

FOR MORE INFORMATION

Additional information is available for inspection at the municipal office during regular office hours, Monday to Friday from 8:30 am to 4:00 pm by contacting Tracy Cannon, Committee of Adjustment Secretary Treasurer at 613-637-2650 or by e-mail at operations@southalgonquin.ca quoting File Number SEV. 2018-04.

SUBJECT LANDS

Legend:

- █ Retained Lands (Residential)
- █ Severed Lot No. 1 (Residential)
- █ Severed Lot No. 2 (Residential)
- █ Severed Lands Lot No. 3 (Industrial)



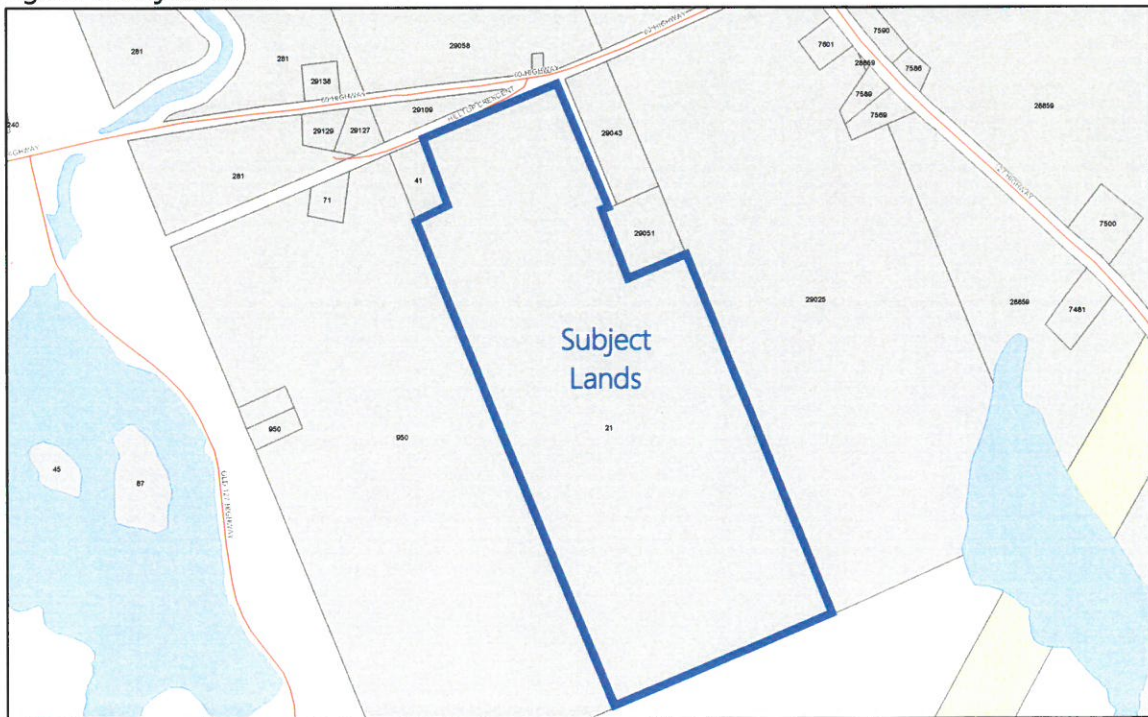
TOWNSHIP OF SOUTH ALGONQUIN			
Report Prepared For:	Holly Hayes, CAO/ Clerk Treasurer	Applicant Name:	Doreen Rogers
Report Prepared By:	Jamie Robinson, MCIP, RPP & Patrick Townes, BA, BEd	Agent Name:	Robert B. Howe
Location:	21 Hilltop Crescent	Application Type:	Consent
Application Number:	SEV. 2018-04	Report Date:	October 25, 2018

A. PROPOSAL/BACKGROUND

An application for Consent has been submitted by Robert B. Howe on behalf of Ms. Doreen Rogers for the property legally described as CON 4 PT LOT 12 REM PCL; 18360 NIP, Township of South Algonquin (Geographic Ward of Airy).

The property is locally known as 21 Hilltop Crescent, and is herein referred to as the "subject lands". The subject lands are generally located east of the Hamlet of Whitney and to the south of Highway 60. The subject lands have a lot area of 24 hectares and lot frontage of 232 metres on Hilltop Crescent. A portion of the subject lands also has lot frontage on Highway 60. The subject lands are shown on Figure 1.

Figure 1: Subject Lands

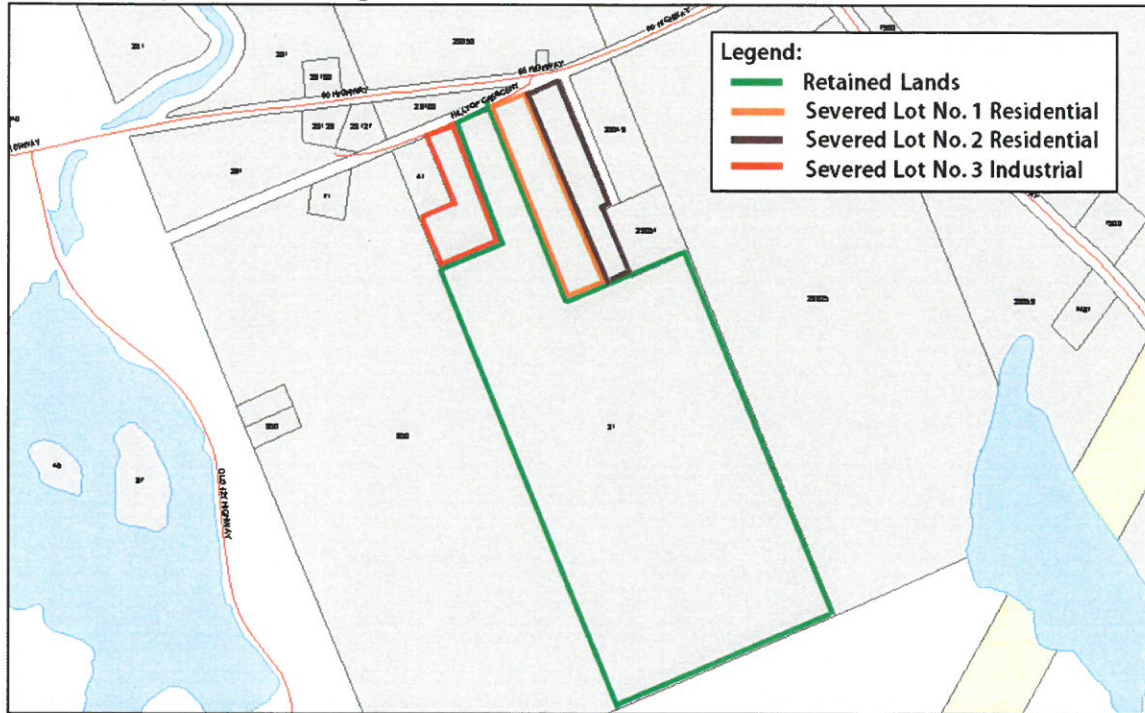


used to service large trucks. The existing development is located on the northern portion of the subject lands adjacent to Hilltop Crescent.

The surrounding land uses include rural residential development, forested lands and a telecommunication tower.

The Consent application proposes to sever three new lots from the subject lands, for a total of four lots. The proposed lot configuration is shown in Figure 2.

Figure 2: Proposed Lot Configuration



A summary of the proposed lots is provided in Table 1:

Table 1: Summary of Proposed Uses

Lot	Lot Area	Lot Frontage	Proposed Use
Retained Lot	19.1 hectares	61 metres	Detached dwelling (existing)
Severed Lot No. 1	2.08 hectares	61 metres	Accessory building (existing) and a proposed detached dwelling (conditional building permit issued)
Severed Lot No. 2	1.82 hectares	65 metres	Mobile home (existing)
Severed Lot No. 3	1.0 hectare	45 metres	Maintenance garage (existing)

An excerpt of the sketch submitted with the application is included in Figure 3.

B. REGULATORY REVIEW & ANALYSIS

B1. Provincial Policy Statement

The Provincial Policy Statement (PPS) is a document that guides development in the Province. The subject lands are considered Rural Lands in the context of the PPS. On Rural Lands, permitted uses include limited residential development, home industries and other rural land uses. The proposal includes the creation of three new lots and one retained lot to be used for residential and industrial purposes.

Severed Lot No. 1 currently has a conditional building permit for the development of a detached dwelling, however the remaining lots are currently developed. The PPS permits limited residential development and other land uses on Rural Lands. The existing maintenance garage is considered as an industrial use and would be permitted as another land use.

The PPS also includes policies in Section 2.0 regarding the Wise Use and Management of Resources. There are no natural heritage features on the subject lands.

The proposed Consent application is consistent with the PPS.

B2. Township of South Algonquin Official Plan

The subject lands are designated Rural on Schedule A of the Official Plan. Section 1.6 of the Official Plan includes objectives for the land use designations contained in the Official Plan. An objective of the Official Plan is to accommodate growth in the Rural area, and to permit lot severances within the Rural designation.

It is the intent of the Official Plan to ensure that incompatible uses are not created through development approvals. New development will generally be permitted on the condition that Council is satisfied that the land use compatibility policies within Section 2.5 of the Official Plan are met. In general, the subject lands are already developed and the proposed Consent will result in separate lots and separate ownership for the existing buildings and structures.

The existing maintenance garage is fully operational and is located adjacent to residential uses. The proposed detached dwelling on Severed Lot No. 1 is further separated from the maintenance garage than the existing detached dwelling on the Retained Lot. The proposed lots are adequate in size to accommodate the existing and proposed uses, and the development can be appropriately serviced. Hilltop Crescent has historically been used for truck access to the proposed Severed Lot No. 3.

Section 4 of the Official Plan includes policies for the Rural designation. The permitted uses of the Rural designation are included in Section 4.2.1 of the Official Plan. Included in the list of permitted uses is low-density year round dwellings and small-scale and large-scale industrial

uses. Section 4.7.3 of the Official Plan states that industrial uses shall have frontage on a maintained municipal roadway, and require setbacks and buffers from sensitive land uses, such as residences. In this instance, the maintenance garage is existing and the new residential development proposed on Severed Lot No. 1 will be further separated from the operation than the existing detached dwelling on the Retained Lot.

Section 11 of the Official Plan includes policies regarding Land Division. Land division by Consent will continue to be the primary form of development in the Township, and shall generally be permitted provided it conforms to the policies listed in Section 11.1.1. These policies are summarized in Table 1.

Table 1: Consent Policies

Official Plan Section	Official Plan Policy	Policy Response
11.1.1 a)	Land division by consent will continue to be the primary form of development in the Township. This form of development shall generally be permitted to continue provided that it: a) does not result in unnecessary expansion of the present level of municipal services;	No expansion to municipal services is required as a result of the proposed Consent.
11.1.1 b)	b) does not restrict the operation of expansion of aggregate extraction, forestry, or agricultural activities; and,	The proposed Consent does not restrict the operation or expansion of aggregate extraction, forestry or agricultural activities. Severed Lot No. 3 will be used for industrial uses and the remaining lots are to be used for residential uses.
11.1.1 c)	c) does not result in negative impacts on natural heritages features, such as fish habitat and significant wildlife habitat, in accordance with the policies of Section 10 of this Plan.	There are no natural heritage features presents on the subject lands. No negative impacts are anticipated on natural heritage features.
11.1.2	If the property subject to a consent application is located partially or completely within a Natural Feature area discussed in Section 10, specific measures may be required to protect the natural feature(s) on, or in the vicinity of, the site.	There are no natural heritage features presents on the subject lands. No negative impacts are anticipated on natural heritage features.

Official Plan Section	Official Plan Policy	Policy Response
11.1.3	Given the limited size of the Township's road network and the limited availability of private (i.e. patent or non-crown) lands on which development may take place, a continuous row of limited residential development will be permitted on municipal roads provided that such development conforms to the policies of this Plan.	Three residential lots are proposed on a municipal road.
11.1.4	<p>A limited number of new residential lots may be permitted in Rural areas that abut Waterfront Area. However, these lots shall:</p> <ul style="list-style-type: none"> • be developed in a manner that reflects the community character of existing shoreline development; • be developed in area within close proximity to locations where public access to waterfront lands is provided; and, • require larger frontages than Waterfront lots. 	This policy is not applicable to the consent application.
11.1.5	The creation of new lots must take place with the understanding that new residential uses must coexist with existing activities, particularly those already under way at the time of this Plan's adoption.	<p>The proposed residential lots are to the east of an existing maintenance garage. The Retained Lot contains a detached dwelling and is located directly adjacent to the existing maintenance garage.</p> <p>The proposed detached dwelling on Severed Lot No. 1 is further setback from the maintenance garage than the existing detached dwelling on the Retained Lot.</p> <p>Severed Lot No. 2 contains an existing mobile home.</p> <p>The existing uses have existed on the subject lands historically, and will continue following the</p>

Official Plan Section	Official Plan Policy	Policy Response
		proposed Consent, in addition to a new detached dwelling which is further setback from the maintenance garage than an existing detached dwelling.
11.1.6	In accordance with provincial planning policies, the minimum size of all new lots shall be one hectare. Small lot sizes may be allowed in the event that a hydrogeological study conducted by a certified professional demonstrates that a small lot size will not prevent the proper servicing of the site by private on-site water and sewage disposal systems.	The proposed Retained and Severed Lots are of adequate size.
11.1.7	New lots must have frontage on a public road that is maintained year-round.	The Retained and Severed Lots have lot frontage on a maintained year-round road, being Hilltop Crescent and Highway 60. It is recommended that each of the proposed lots contain an independent driveway access.
11.1.8	Water access lots shall only be permitted where there is confirmed mainland parking to service the lots.	This policy is not applicable to the consent application.
11.1.9	Where new lots are created adjacent to a provincial highway, the Township may require noise impact studies and/or greater setbacks to mitigate noise impacts.	Due to the existing development on the subject lands, it is our opinion that no noise studies or increased setbacks from the adjacent highway are required.
11.1.10	In all cases, entrances to new lots shall not create a traffic hazard.	There are no anticipated traffic hazards as a result of the Consent application. Comments have not been provided to date from the Ministry of Transportation.

The proposed Consent application conforms to the relevant sections of the Official Plan.

B3. Township of South Algonquin Zoning By-law

The subject lands are located within the Industrial (M1) Zone in the Zoning By-law. The permitted uses of the M1 Zone include a motor vehicle repair garage, which is consistent with the use of the existing maintenance garage. The existing residential uses on the subject lands would be considered as legal non-complying buildings and structures in the context of the Zoning By-law.

Severed Lot No. 3 contains the existing maintenance garage and is proposed to remain under the M1 Zone. The minimum zone requirements for the M1 Zone are included in Section 7.3 (Table 7.2) of the Zoning By-law. A zoning compliance review for the proposed lots has been completed, and is summarized in Table 2.

Table 2: Zoning Compliance Review

Zone Requirement	M1 Zone Standard	Proposed Standard (Severed Lot No. 3)
Minimum Lot Area	1 hectare	1 hectare
Minimum Lot Frontage	40 metres	45 meters

Following the proposed Consent, Severed Lot No. 3 will comply to the minimum standards of the M1 Zone.

A review of the permitted uses of the M1 Zone has been undertaken and there may be some uses that may not be compatible with the neighbouring residential development that is proposed through this amendment. It is recommended that a condition of provisional consent be to Zone Severed Lot No. 3 to permit only those uses that would be compatible with the nearby residential uses.

Following the proposed Consent, the remaining lots to be used for residential purposes are required to be rezoned to the Rural (RU) Zone. The rezoning would recognize the existing residential uses on the subject lands. The minimum zone requirements for the RU Zone are included in Section 8.3 (Table 8.2) of the Zoning By-law. A zoning compliance review for the proposed lots has been completed, and is summarized in Table 3.

Table 3: Zoning Compliance Review

Zone Requirement	RU Zone Standard	Proposed Standard (Retained Lot)	Proposed Standard (Severed Lot No. 1)	Proposed Standard (Severed Lot No. 2)
Minimum Lot Area	1 hectare (Residential)	19.1 hectares	2.08 hectares	1.82 hectares
Minimum Lot Frontage	100 metres	61 meters	61 metres	65 metres

A Zoning By-law Amendment will be required as a condition of provisional Consent to ensure all the proposed lots comply to the minimum requirements of the Zoning By-law. The proposed lots to be used for residential purposes will require a rezoning from the M1 Zone to the RU Zone, as well as site specific amendments to recognize a reduced lot frontage.

C. COMMENTS

The Municipality's Works Department will require an Entrance Permit application to be submitted and approved for each lot on Hilltop Crescent. A drawing showing the proposed entrances, location, grade and drainage information must be included. Additionally any entrance located within the Ministry of Transportation's permitted area will require their approval.

Tracy Cannon, Committee of Adjustment Secretary Treasurer has been notified by the Ministry of Transportation that they will be providing comments pertaining to the subject consent application prior to the November 1st Public Hearing. The comments will be circulated to the Committee of Adjustment and the applicant/agent as soon as they are provided to staff.

D. RECOMMENDATION

Subject to bringing the proposed lots into compliance with the Zoning By-law by completing a Zoning By-law Amendment, the proposed Consent application is consistent with the Provincial Policy Statement and conforms to the consent policies of the Township of South Algonquin Official Plan. The application would result in three new residential lots and one industrial lot.

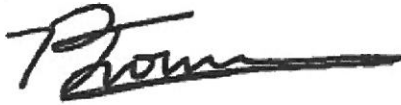
Additional conditions may be recommended, pending the submission and review of comments provided by the Ministry of Transportation.

On the basis of this review, it is recommended that the Committee provide provisional approval for the Consent application with the following conditions:

1. That the applicant provides the Township with:
 - a. The original executed transfer (deed), a duplicate, and one photocopy;
 - b. A copy of the Reference Plan that is substantially in compliance with the application or confirmation of the historic property descriptions be deposited/confirmed by the Land Registry office; and,
 - c. A schedule describing the severed parcel and naming the grantor and grantee attached to the transfer for approval purposes.
2. Payment of all municipal legal and planning fees associated with the processing of the application.

3. Cash-in-lieu of parkland payment in accordance with Section 51.1 of the Planning Act, if deemed appropriate by Committee.
4. That entrance permits be applied for and approved for each of the proposed lots by the Municipality.
5. That Severed Lot 1 be rezoned to restrict the industrial uses to those that are compatible with the neighbouring residential uses; and that the Retained Lot and Severed Lots 2 and 3 be rezoned to recognize the residential uses and to ensure that the lots comply to the implementing Zoning By-law.

Respectfully submitted,
MHBC PLANNING



Patrick Townes, BA, BEd
MCIP, RPP
Associate



Jamie Robinson, BES,
Partner