



COMMITTEE OF ADJUSTMENT MEETING
PUBLIC HEARING FOR CONSENT

AGENDA

June 15, 2021 9:00 a.m.

ZOOM MEETING

YouTube Channel: Township of South Algonquin

Open Meeting/Call to order-9:00 a.m.

1. Additions / Amendments to the Agenda
2. Adoption of the Agenda
3. Disclosure of Pecuniary Interest
4. Adoption of Minutes
That the Minutes of the March 17, 2021 Committee of Adjustment Meeting be approved as submitted.
5. Public Hearing
- 5.1 **Consider Minor Variance Application (severance)-MV.2021-01**
Staff Report: Jamie Robinson, MCIP, RPP & Patrick Townes, BA, BEd
Legal: DICKENS PLAN M323 PT LOT 1;RP 36R9310 PARTS 1 & 4 REM;PCL
20075 NIP PCL 28384 NIP
Address: 167B Moonlight Bay Road
6. Other
7. Next Meeting

Adjournment

NOTE: Submissions received from the public, either orally or in writing, may become part of the public record.

**THE CORPORATION OF THE TOWNSHIP OF SOUTH ALGONQUIN
COMMITTEE OF ADJUSTMENT**

PUBLIC MEETING VIA ZOOM – March 17, 2021 –9:00 a.m.

There was a public meeting of the Committee of Adjustment via ZOOM to hear two consent applications No. SEV.2020-03 and No. SEV.2020-04 on Wednesday, March 17, 2021. Present were Committee Members: Committee Chair Councillor Shalla, Councillor Bongo, Councillor Collins, Councillor Florent, Councillor Harper and Mayor Dumas.

Staff: Holly Hayes, CAO/Clerk Treasurer
Tracy Cannon, Secretary/Treasurer of the Committee of Adjustment

Councillor Shalla called the public meeting to order at 9:02 a.m.

1. ADDITIONS/AMENDMENTS TO THE AGENDA:

3.1 Mayor Dumas-Media Release; resignation of Holly Hayes, CAO/Clerk Treasurer

2. ADOPTION OF THE AGENDA

Moved by: J. Florent

Seconded by: D. Harper

To adopt the agenda as prepared for the Committee of Adjustment meeting of Wednesday, March 17, 2021 as circulated and amended.

-Carried-

3. DECLARATION OF PECUNIARY INTEREST: None

3.1 Mayor Dumas read the Media Release for the resignation of Holly Hayes, CAO/Clerk Treasurer

4. ADOPTION OF MINUTES

Moved by: S. Collins

Seconded by: J. Florent

To adopt the minutes of November 25, 2020 Committee of Adjustment meeting as circulated.

-Carried-

5. PUBLIC HEARING

5.1 CONSIDER CONSENT APPLICATION – SEV. 2020-03

The meeting is to consider consent application for lands locally known as 79A Church Hill St., 79B Church Hill St. & 45 Church Hill St. The application was deferred from the meeting of November 25, 2020 so more information could be gathered pertaining to an existing easement.

The application proposes to legally separate the existing development and create one new lot. The Retained lot is to have a lot area of approximately 1.8 hectares (4.4 acres), and contain one existing dwelling, a cottage, well and a septic system. The severed lot is to have a lot area of approximately 0.6 hectares (1.4 acres), and contain one existing dwelling, a well and a septic system. Both lots have adequate road frontage. The existing easement will not be affected by this severance. Exact dimensions will be confirmed after survey is completed.

REQUIREMENTS FOR NOTICE

T. Cannon reported, as required by the Planning Act all property owners within 60 metres and appropriate agencies were mailed the Notice for the Public Meeting on February 25, 2021. The notice sign was provided to the applicant and posted on the subject property. Staff confirmed the Notice signs were posted.

COMMENTS FROM THE PLANNER:

All comments from the Planners are outlined in the Planner Report. No additional comments were received.

SITE INSPECTION REPORT & COMMITTEE DISCUSSION OF APPLICATION: None

APPLICANT COMMENT ON APPLICATION: Applicant or Agent was not in attendance for the meeting, Tracy did speak to the applicant prior to the meeting. Tracy advised there may be additional conditions added, such as confirmation the septic systems are legal and in good working order.

PUBLIC/AGENCY COMMENT ON APPLICATION: Email received from the Ministry of Transportation in support of the application, granted no new access shall be off Highway 60.

FINAL QUESTIONS OR COMMENTS

Applicant or Agent: **None**

Members of the Public: **None**

Committee Members: **None**

SUGGESTED DECISION AND CONDITIONS OF CONSENT APPLICATION

T. Cannon, Secretary Treasurer read the suggested decision to approve the application with conditions listed in the Planners Report.

The Chief Building Official has requested an additional condition; the applicant provide information that the septic systems are legal and in good working order. Consensus was not to add this condition.

VOTE:

The Committee of Adjustment accepts the application and the conditions as read by the Secretary-Treasurer.

Councillor Shalla: For

Councillor Collins: For

Councillor Harper: For

Councillor Bongo: For

Councillor Florent: For

-Carried-

5.2 CONSIDER CONSENT APPLICATION – SEV. 2020-04

This portion of meeting is to consider a Consent Application SEV.2020-04 for a severance under Section 53 of the Planning Act for lands locally known as 266 Paplinskie Road.

Following the consent, the proposed Retained Lot will be vacant and will have a lot area of approximately 59 hectares (146 acres) and frontage on both Highway 60 and Paplinskie Road. The Severed Lot will have approximately 4 hectares (10 acres) and a lot frontage of 184 metres on Paplinskie Road and will contain the existing development.

REQUIREMENTS FOR NOTICE

T. Cannon reported, as required by the Planning Act all property owners within 60 metres were mailed the Notice of the Public Meeting on February 25, 2021. The Notice signs were posted on the subject land by staff.

COMMENTS FROM THE PLANNER:

T. Cannon informed the Committee all comments from the Planner are outlined in the Planner's Report. No additional comments were received from the Planner.

SITE INSPECTION REPORT & COMMITTEE DISCUSSION OF APPLICATION

All members of the Committee were familiar with the property. Councillor Florent stated there is an existing entrance off Highway 60.

PUBLIC COMMENT ON APPLICATION

Email received from the Ministry of Transportation in support of the application, no new access will be granted off Highway 60.

T. Cannon recommended the committee keep these comments from MTO in mind for future development. It seems less entrances are being granted off provincial highways and this may hinder future development in the township.

T. Cannon also noted that a portion of the Paplinskie Road is owned by the applicant and one of the conditions outlined in the Planner's Report is to transfer the piece to the township.

APPLICANT COMMENT ON APPLICATION: Applicant or Agent were not present for the meeting.

FINAL QUESTIONS OR COMMENTS:

Applicant: None

Members of the Public: None

Committee Members: Discussion on portion of Paplinskie Road that is owned by the applicant.

Township has jurisdiction through the Municipal Act for roads that are on private property, however this is an opportunity for the township to gain ownership of the road. This will also provide an opportunity for the applicant to create an additional conveyable parcel.

SUGGESTED DECISION AND CONDITIONS OF SEVERANCE

The recommended condition by the Chief Building Official to add a condition for the applicant to provide information that the septic system is legal and in good working order on the Severed lands will not be included.

T. Cannon, Secretary Treasurer read the suggested decision to approve the application with conditions listed in the Planners Report.

VOTE:

The Committee of Adjustment accepts the application and the conditions as read by the Secretary-Treasurer.

- Councillor Shalla: For
- Councillor Collins: For
- Councillor Harper: For
- Councillor Bongo: For
- Councillor Florent: For
- Carried-

6. **OTHER:** None

7. **NEXT MEETING**

Next meeting will be scheduled as required

ADJOURNMENT

Moved by: J. Florent

Seconded by: D. Harper

The Committee adjourned the Committee of Adjustment meeting at 9:42 a.m.

-Carried-

Committee Chair, Richard Shalla

Secretary/Treasurer, Tracy Cannon



**NOTICE OF A MINOR VARIANCE APPLICATION AND
NOTICE OF PUBLIC HEARING
FILE NO. MV. 2021-01**

June 1, 2021

TAKE NOTICE that the Corporation of the Township of South Algonquin has received an application under Section 45 of the *Planning Act, R.S.O. 1990, as amended*, for a minor variance for the subject lands locally known as 167B Moonlight Bay Road. The subject lands are located within the geographic Township of Dickens and are owned by Mitchell Marks.

PLEASE NOTE that the Corporation of the Township of South Algonquin will be holding a virtual public hearing under Section 45 of the *Planning Act, R.S.O. 1990, as amended*, to inform the public of a proposed minor variance.

DATE AND LOCATION OF PUBLIC HEARING

The virtual Public Hearing of May 18th was postponed due to technical difficulties. The Public Hearing has been rescheduled for:

Date: **Tuesday, June 15, 2021**

Time: 9:00 a.m.

Location: Virtual Meeting via Zoom and livestreamed to the Township of South Algonquin Youtube Channel

PURPOSE AND EFFECT OF THE PROPOSED APPLICATION

The purpose of the minor variance application is to permit an addition to a detached dwelling within the minimum interior side setback. The subject property is within Shoreline Residential (SR) Zone of the Zoning By-law.

A variance is required to Section 5.4, table 5.2 of the Zoning By-Law to permit a minimum interior side setback of 1.84 metres from the required 5 metres.

ADDITIONAL INFORMATION AND KEY MAP

A key map showing the subject lands is included in this notice.

Should you wish to provide comments in favour or in objection to the application, you may do so in writing or verbally to the Committee of Adjustment Secretary Treasurer, no later than 4:00 p.m. on Monday, June 14, 2021. Written submissions are public and shall be available for inspection by any interested party.

If you wish to participate in the virtual Public Hearing, please contact the Committee of Adjustment Secretary Treasurer for instructions no later than 4:00 p.m. on Monday, June 14, 2021.

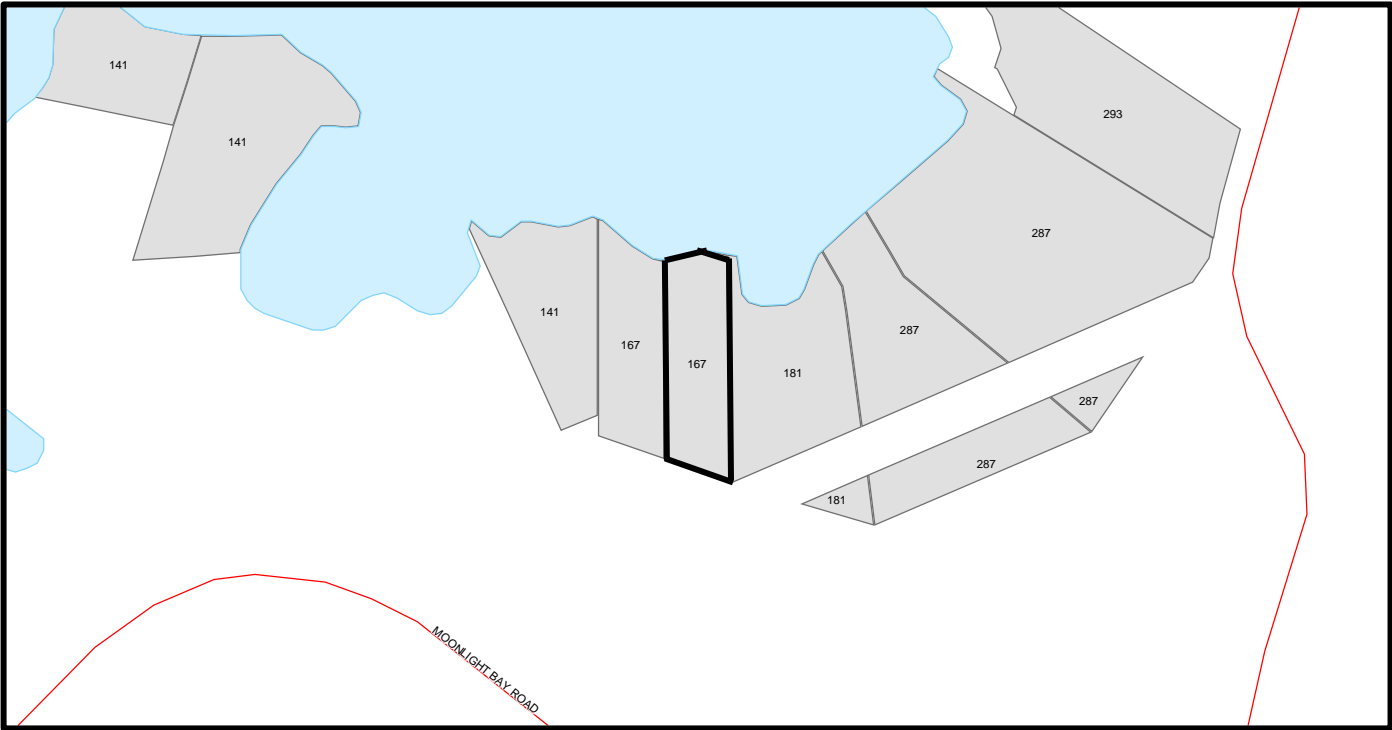
If you wish to be notified of the decision of the Township of South Algonquin in respect of the proposed minor variance, you must make a written request to the Committee of Adjustment Secretary Treasurer.

For additional information on the proposed application, please contact the Committee of Adjustment Secretary Treasurer. When requesting additional information, please quote File Number MV. 2021-01.

Tracy Cannon, Committee of Adjustment Secretary Treasurer
Township of South Algonquin
7 Third Avenue, P.O. Box 217
Whitney, Ontario, K0J 2M0
Phone: 613-637-2650 ext. 203
Toll Free: 1-888-307-3187
Fax: 613-637-5368
Email: operations@southalgonquin.ca

KEY MAP OF SUBJECT LANDS

167B Moonlight Bay Road



TOWNSHIP OF SOUTH ALGONQUIN			
Report Prepared For:	Holly Hayes, CAO/ Clerk Treasurer and Tracy Cannon, Building & Planning Administrator	Applicant Name:	Mitchell Marks
Report Prepared By:	Jamie Robinson, MCIP, RPP & Patrick Townes, BA, BEd	Agent Name:	N/A
Location:	167B Moonlight Bay Road	Application Type:	Minor Variance
Application Number:	MV. 2021-01	Report Date:	April 7, 2021

A. PROPOSAL/BACKGROUND

An application for minor variance has been submitted by Mitchell Marks, the owner of the property known municipally as 167B Moonlight Bay Road in the Township of South Algonquin. The subject property is legally described as Part of Lot 1, Plan M-323 and Part of the Shore Road Allowance in Front of Lot 11, Concession 7 and Part of the Road Allowance in Front of Lot 1, Plan M-323, Geographic Township of Dickens, Township of South Algonquin, District of Nipissing.

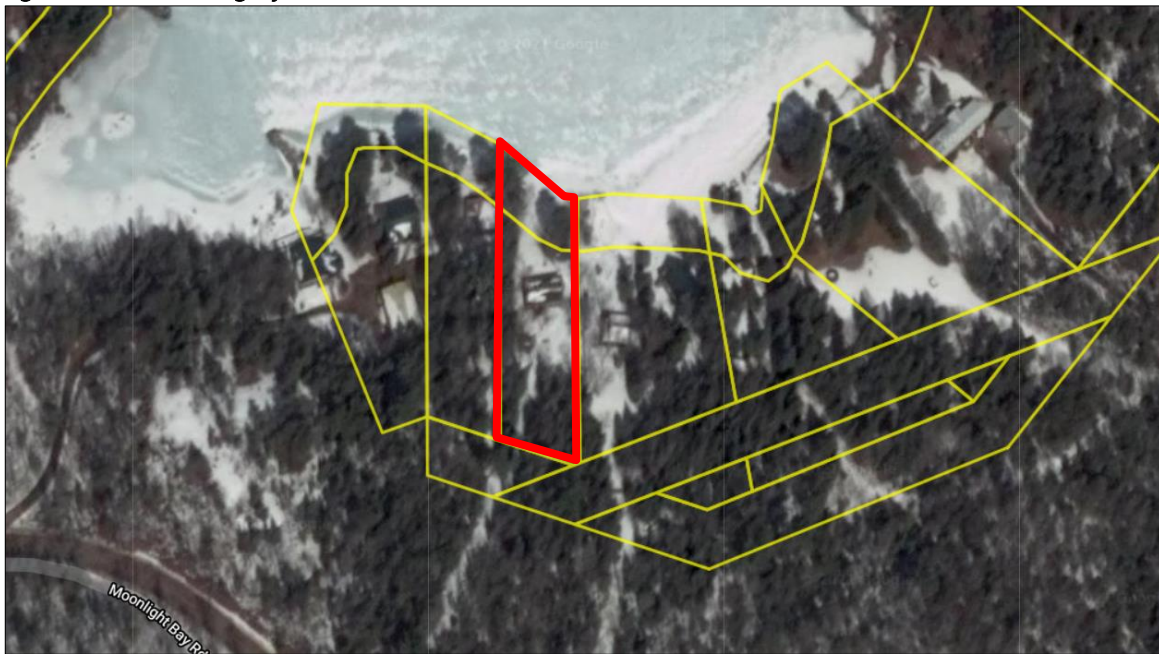
The subject property has a lot area of approximately 0.26 hectares (0.64 acres) and a frontage of 28.9 metres (94.8 feet) on Moonlight Bay Road and lot frontage of 30 metres on Aylen Lake. The location of the subject property is shown in black on Figure.

Figure 1: Subject Property



The subject property currently contains an existing cottage, frame shed, privy, dock, and decking (attached to the cottage). An aerial image of the subject property and surrounding area is included in Figure 2.

Figure 2: Aerial Imagery



The subject property is currently accessed from Moonlight Bay Road, which is identified as a municipal road.

The subject property is designated Waterfront by the Township of South Algonquin Official Plan and located within the Shoreline Residential (SR) Zone by the Township's Zoning By-law.

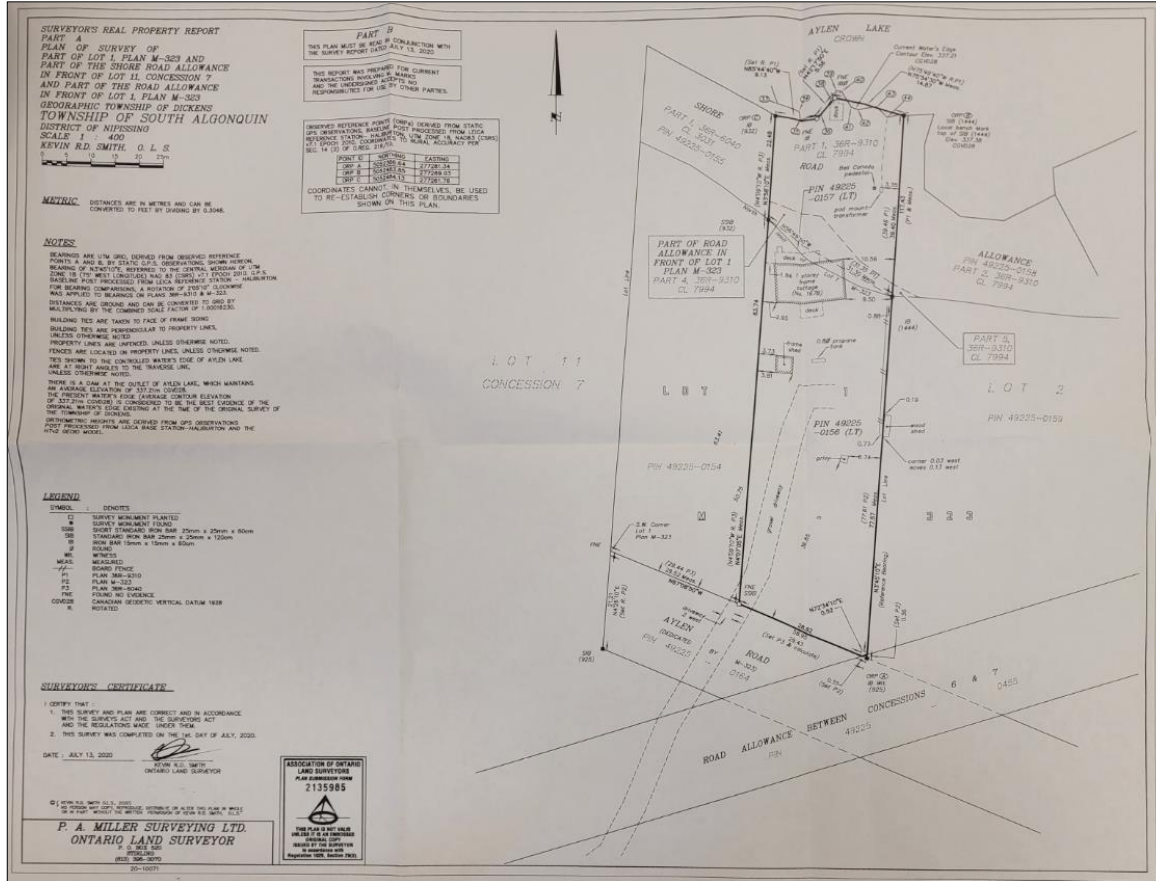
Surrounding land uses and features include: existing shoreline residential development, Crown Lands, and, Aylen Lake. The existing development is serviced by a private septic system and lake-based water supply.

The purpose of the minor variance application is to recognize a deficient interior side setback due to the location of a recently constructed addition and attached deck. The existing cottage and attached deck is currently located within the minimum interior side setback which does not comply to the relevant zoning provisions in the Zoning By-law. The addition to the cottage was reconstructed following destruction of the original cottage by tornado.

The cottage has a ground floor area of 127.4 square metres (1,372 square feet). According to the application form provided by the applicant, the cottage and deck has an interior side setback of 1.84 metres (6 feet), from the west lot line. A minimum interior side setback of 1.8 metres is proposed for the cottage and the deck.

The survey included with the application is shown on Figure 3.

Figure 3: Survey Included With Application



A variance is required to Section 5.4, Table 5.2 of the Zoning By-Law to permit a minimum interior side yard of 1.8 metres, where a minimum of 5 metres is required.

B. REGULATORY REVIEW & ANALYSIS

B1. Provincial Policy Statement

The Provincial Policy Statement (PPS) is a document that guides development in the Province. In the context of the PPS, the subject property would be considered Rural Lands. On Rural Lands, permitted uses include resource-based recreational uses (including recreational dwellings). The PPS notes that development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted. The existing cottage is a permitted use on Rural Lands. The cottage is currently serviced by a lake-based water supply and private septic system. The proposed application is consistent with the policy framework provided in the PPS.

B2. Planning Act – Four Tests

In considering this application, the Committee needs to be satisfied that the proposal is in-keeping with the “Four Tests” of a minor variance as is set out in Section 45 of the *Planning Act*.

Based on the information provided in the application package, a review of the four tests was conducted and is summarized as follows:

1. Is the Variance In-Keeping with the Intent of the Official Plan?

The subject property is located in the Waterfront designation of the Township of South Algonquin Official Plan. Section 5 of the Township OP outlines that this designation is intended to include lands which are physically and functionally related to the shoreline. The uses that are permitted within the Waterfront designation are listed in Section 5.2.1 of the Official Plan, and include single-detached dwellings (cottages) on individual lots. It is the intent of the Waterfront designation to encourage development that is compatible with existing activities, both human-driven and natural.

Single-detached dwellings (cottages) on individual lots are a permitted use within this designation. The reduction in the minimum interior side setback is not anticipated to result in any land use compatibility issues with the adjacent property to the west. The intent of the minimum interior side setback is implement a minimum setback from adjacent lots and adjacent development. The reduction still would allow the owner to service or repair the cottage from their own property and the interior side yard setback is greater on the east side of the subject property for access to the shoreline. The dwelling on the adjacent property to the west is located closer to the shoreline than the cottage of the subject property, thus there is separation between the two dwellings notwithstanding the reduced minimum interior side setback.

The proposed reduction to the minimum interior side setback is in keeping with the intent of the Official Plan.

2. Is the Variance In-Keeping with the Intent of the Zoning By-law?

The subject property is located within Shoreline Residential (SR) Zone in the Township’s Comprehensive Zoning By-law. A cottage is a permitted uses in the SR Zone. Table 5.2 in the Zoning By-law establishes the zone requirements for the SR Zone. Section 5.4, Table 5.2 requires an interior side setback of 5 metres within the SR Zone. Table 1 compares relevant zone provisions and existing conditions.

Table 1: Zoning Compliance

Zone Requirement	SR Zone Standard	Existing
Minimum Lot Area	1.0 hectare	0.26 hectares (existing)
Minimum Lot Frontage	60 metres	28.9 m (existing)
Maximum Lot Coverage	10% for the lands within 60 metres of the high water mark	~5%
Required Yards		
Front	20 m	32 m
Exterior Side	10 m	n/a
Rear	10 m	66.14 m

Zone Requirement	SR Zone Standard	Existing
Interior Side	5 m	1.84 m and 9.5 m
Building Height	10 m	4.88 m

The intent of the interior side yard setback is to ensure an appropriate setback of dwellings from the interior lot line to enable building maintenance and to ensure the appropriate separation of buildings on neighbouring lots to ensure the character of the area is maintained.

The reduction still would allow the owner to service or repair the cottage from their own property and the interior side yard setback is greater on the east side of the subject property for access to the shoreline. The dwelling on the adjacent property to the west is located closer to the shoreline than the cottage of the subject property, thus there is separation between the two dwellings notwithstanding the reduced minimum interior side setback.

The proposed reduction to the minimum interior side setback is in keeping with the intent of the Zoning By-law.

3. Will the Variance provide for the Desirable Development of the Land?

The subject property is zoned for residential use and is located in an area which supports other residential uses. The variance does not negatively impact development on the neighbouring lot or negatively impact the character of the area. The variance facilitates desirable development.

4. Is the Variance Minor?

We have not had an opportunity to conduct a site visit, however, based on our review, it is our opinion that the proposed variances would be considered minor in nature.

RECOMMENDATION

The proposed variance to Section 5.4, Table 5.2 of the Zoning By-Law to permit a minimum interior side yard of 1.8 metres for the existing cottage and deck, where a minimum of 5 metres is required, has been reviewed within the context of applicable Official Plan policies, Zoning By-law regulations and the PPS. In addition, the Four Tests for a minor variance under the *Planning Act* have been considered.

On the basis of this review, it is recommended that Committee of Adjustment grant the minor variance for the following reasons:

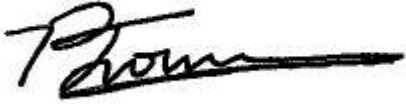
1. The intent and purpose of the Official Plan is maintained;
2. The intent and purpose of the Zoning By-law is maintained
3. The variance is desirable for the appropriate development of the lands; and,
4. The variance is minor in nature.

A condition to the decision should be imposed to identify that the minor variance is approved in accordance with the site plan that was submitted the application. We trust that the

information provided in this Report will assist Committee in making a decision with respect to the subject application.

Respectfully submitted,

MHBC PLANNING



Patrick Townes, BA, BEd
MCIP, RPP
Associate



Jamie Robinson, BES,
Partner

The Township of South Algonquin

7 Third Ave P.O.Box 217

Whitney, Ontario

K0J-2M0

operations@southalgonquin.ca

Attention: Tracey Cannon Committee of Adjustments Secretary Treasurer

Hi Tracey

Regarding MV.2021-01

We are the owners of [141C Moonlight Bay Rd](#), Aylen lake, Ontario.

Please accept this document as our **objection** under section 45 of the planning Act.R.S.O 1990 for a minor variance.

It is our opinion a minor variance should have been applied for prior to any building permit application and certainly not after construction of the cottage addition which did not have a building permit. The addition significantly encroaches on the required minimum setback and we feel this is not a minor variance and object to this request.

Respectively

Richard Westwell

Debbie Morin

Wayne Westwell