



COMMITTEE OF ADJUSTMENT MEETING
PUBLIC HEARING FOR CONSENT

AGENDA

September 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 June 15, 2021 Committee of Adjustment Meeting be approved as submitted.
5. Public Hearing
- 5.1 **Consider Consent Application (severance & easement)-SEV.2021-01**
Staff Report: Jamie Robinson, MCIP, RPP & Patrick Townes, BA, BEd
Legal: SABINE PLAN 36M292 LOT 5; RP36R10471 PART 1
Address: 20-22 Douglas Lane
- 5.2 **Consider Consent Application (severance)-SEV.2021-02**
Staff Report: Forbes Symon, MCIP, RPP
Legal: LYELL CON 4 PT LOT 13 & 14; REM PCL 5452 NIP INCL RP;36R5801
PART 11
Address: 3684 Highway 523
6. Draft Committee of Adjustment Procedural By-Law
7. Other
8. 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 – June 15, 2021 –9:00 a.m.

There was a public meeting of the Committee of Adjustment via ZOOM to hear minor variance application No. MV.2021-01 on Tuesday, June 15, 2021. Present were Committee Members: Committee Chair Councillor Shalla, Councillor Bongo, Councillor Collins, Councillor Florent, Councillor Harper and Mayor Dumas.

Staff: Bryan Martin, CAO/Clerk Treasurer
Tracy Cannon, Secretary/Treasurer of the Committee of Adjustment
Michael Anderson, CBO/By-Law Enforcement Officer

Guests: Mitchell & Janice Marks, Applicant
Mike Mikolajczak, neighbouring property owner

Councillor Shalla called the public meeting to order at 9:26 a.m.

1. ADDITIONS/AMENDMENTS TO THE AGENDA: None

2. ADOPTION OF THE AGENDA

Moved by: B. Bongo

Seconded by: J. Florent

To adopt the agenda as prepared for the Committee of Adjustment meeting of Tuesday, June 15, 2021 as circulated.

-Carried-

3. DECLARATION OF PECUNIARY INTEREST: None

4. ADOPTION OF MINUTES

Moved by: J. Florent

Seconded by: D. Harper

To adopt the minutes of March 17, 2021 Committee of Adjustment meeting as circulated.

-Carried-

5. PUBLIC HEARING

5.1 CONSIDER MINOR VARIANCE APPLICATION – M.V. 2021-01

The meeting of the Committee of Adjustment to consider one application for a Minor Variance under Section 45 of the Planning Act regarding Part of Lot 1, Plan M-323, locally known as 167B Moonlight Bay Road.

T.Cannon, Secretary Treasurer provided a description of the subject property; the addition and the deck to the existing dwelling was constructed following destruction of a tornado, which has an interior side setback of 1.84 metres (6 feet), from the west lot line where 5 metres (16 feet) is required in a Shoreline Residential (SR) Zone.

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 June 1, 2021. The notice signs were posted on the subject property by Mr. Anderson, CBO/By-Law Enforcement Officer on June 1, 2021.

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:

Councillor Florent visited the site, no other members attended the site and referred to the report for information.

APPLICANT COMMENT ON APPLICATION: Applicants, Mr. & Mrs. Marks did not have any comments at this time.

PUBLIC/AGENCY COMMENTS ON APPLICATION:

No agency comments.

Mike Mikolajczak, a neighbouring property owner expressed objections to the application; expansion affects privacy and enjoyment of his property, especially that there is a lot of room on the other side of the dwelling. All that can be seen from Mr. Mikolajczak property is the extension as it is 6 feet 1.80 metres away from the property line. Mr. Mikolajczak also inquired if building permits were obtained and consultation with neighbours was conducted prior to construction.

T. Cannon advised the committee that an objection letter was received from the owners of 141C Moonlight Bay Road (circulated in the agenda package) and an email from Adam Mikolajczak requesting the decision results.

FINAL QUESTIONS OR COMMENTS

Discussion continued between members of the public, applicant and committee that included; Mrs. Janice Marks, applicant provided an explanation of the location of the structure in relation to Mr. Mikolajczak's property. The existing tree line was not affected by the construction of the addition and deck. Mr. & Mrs. Marks acknowledge the contractor hired by the insurance company did not follow proper procedures and they are in the process of complying with everything, but feels the construction does not impede in any requirement of the Planning Act.

Staff circulated pictures that showed the distance of the structure to the neighbouring lot line.

M. Anderson, CBO/By-Law Enforcement Office stated he visited the site and feels that it is safe, however a building permit was never obtained prior to the construction.

Mrs. Marks responded, they believed the contractor applied for the building permit. No further work has commenced since the Stop Work Order was issued by M. Anderson, CBO/By-Law Enforcement Officer. Staff emphasized that a building permit will be required and it will be subject to penalties for building without a building permit for the repairs of the existing cottage and the addition and deck.

Councillor Florent visited the site and observed there is still adequate space between the two properties for the applicants' to work on their cottage without interference to Mr. Mikolajczak's property and the existing tree line could be thickened if necessary.

T. Cannon, Secretary Treasurer reminded the committee that even though the addition and deck was constructed prior to a building permit being obtained. The committee must view the application as any other minor variance application and the four tests for minor variance must be considered when making the decision.

SUGGESTED DECISION AND CONDITIONS OF THE MINOR VARIANCE

T. Cannon, Secretary Treasurer read the recommended decision to approve the application with conditions;

- 1) The development is in accordance with the site plan submitted with the application.
- 2) Payment of all municipal legal and planning fees associated with the processing of the application.

DECISION

Moved by: J. Florent

Seconded by: B. Bongo

In making the decision upon the application, the committee has considered whether or not the variance requested was minor in nature and desirable for the appropriate development and that the general intent of and purpose of the Zoning By-Law and the Official plan will be maintained.

THEREFORE the Committee of Adjustment grant the minor variances subject to all planning fees associated with the processing of the application and that the development be in accordance with the drawings submitted with the application.

VOTE:

- Councillor Bongo: Against
- Councillor Collins: For
- Councillor Florent: For
- Councillor Harper: Exited meeting prior to decision.
- Councillor Shalla: For

-Carried-

6. OTHER:

Local Planning Appeal Tribunal (LPAT) has been renamed to Ontario Land Tribunal as of June 1, 2021. Bryan Martin, CAO/Clerk Treasurer provided clarification on the process for appeal to the Ontario Land Tribunal.

7. NEXT MEETING

Next meeting will be scheduled as required.

ADJOURNMENT

Moved by: J. Florent

Seconded by: B. Bongo

The Committee adjourned the Committee of Adjustment meeting at 10:19 a.m.

-Carried-

Committee Chair, Richard Shalla

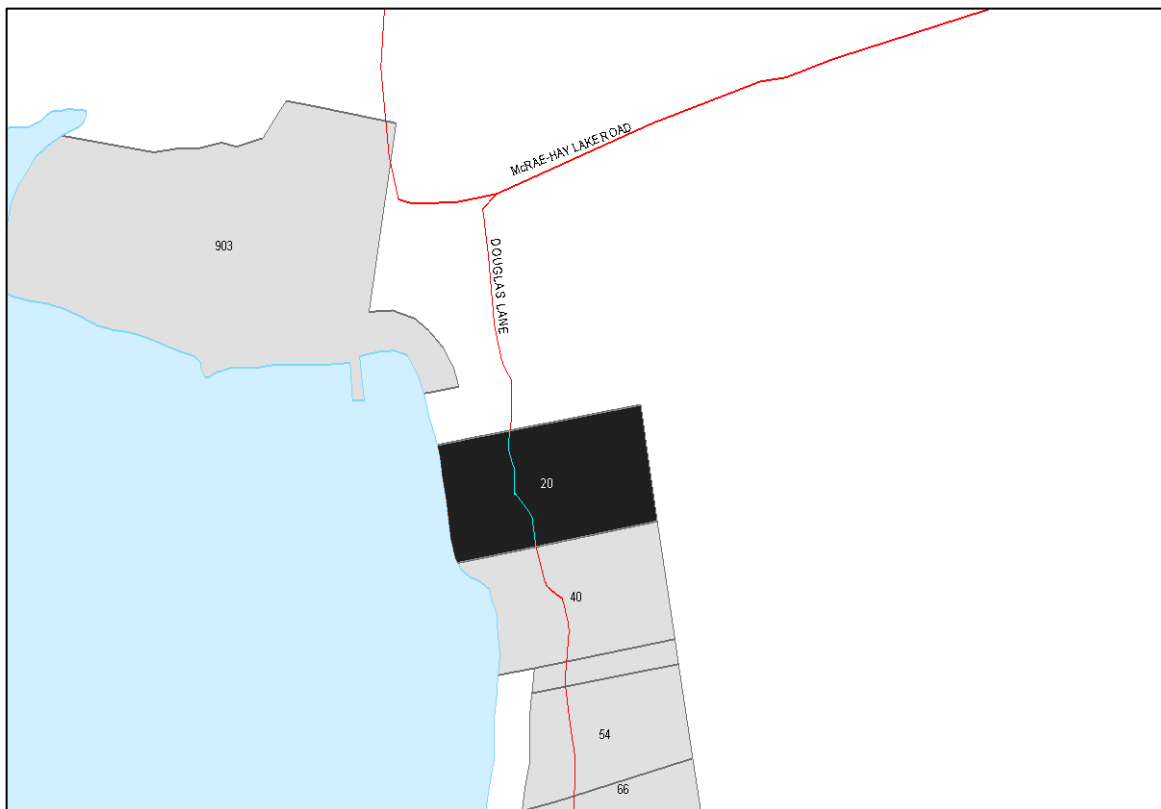
Secretary/Treasurer, Tracy Cannon

TOWNSHIP OF SOUTH ALGONQUIN			
Report Prepared For:	Tracy Cannon, Planning & Building Administrator	Applicant Name:	Keith Hall and Brian Ellerker
Report Prepared By:	Jamie Robinson, MCIP, RPP and Patrick Townes, BA, BEd	Agent Name:	Bradley Law Professional Corporation
Location:	20-22 Douglas Lane	Application Type:	Consent and Easement
Application Number:	SEV.2021.01	Report Date:	July 27, 2021

A. PROPOSAL/BACKGROUND

An application for Consent and Easement has been submitted for the subject lands located on Lot 5, M-292, municipally known as 20-22 Douglas Lane, within the Township of South Algonquin. The subject lands are shown on Figure 1 and have lot frontage on Hay Lake. Douglas Lane is a private road that services the subject lands, as well as other lots to the south.

Figure 1: Subject Lands



The proposal is to create a new lot to separate existing development on the subject lands into individual ownership. The proposed Retained Lands contain a dwelling, accessory shed, private

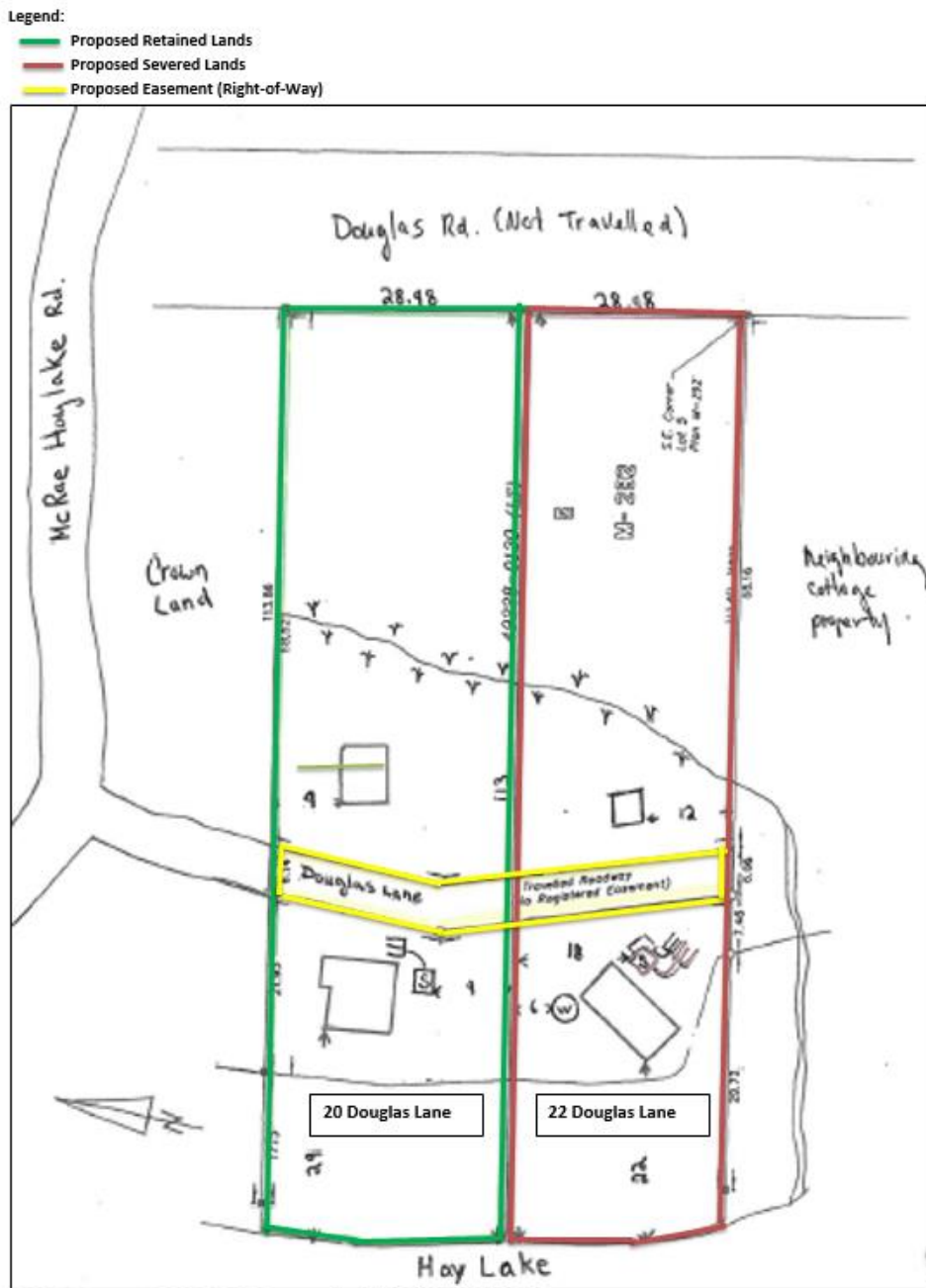
septic system, and a communal well. The proposed Severed Lands contain a dwelling, accessory garage, private septic system, and a well.

The proposed lots to be created are referenced as the following for the purposes of this Report:

- 20 Douglas Lane or the "Retained Lands"
- 22 Douglas Lane, or the "Severed Lands"

In addition to creating the proposed lots, the application also proposes a 6.1 metre wide easement over the Retained Lands, in favour of the Severed Lands to provide legal access. The Retained Lands, Severed Lands and easement are shown on Figure 2.

Figure 2: Subject Lands and Proposed Easement



Following the proposed Consent, the Retained Lands will have a lot area of 0.33 hectares (0.82 acres) and a lot frontage of 29 metres on Hay Lake. The Severed Lands will have a lot area of 0.33 hectares (0.82 acres) and a lot frontage of 29 metres on Hay Lake. An excerpt of the drawing submitted with the application is included in Figure 2. All measurements that have been provided are approximate and should be confirmed through a formal survey.

The proposed lots are currently accessed via Douglas Lane which is identified as a Private Road. The lots are designated as Waterfront in the Official Plan and are located within the Shoreline Residential (SR) Zone. Surrounding land uses and features primarily include Shoreline Residential uses, Crown Lands, and Hay Lake.

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 lands would be considered Rural Lands. On Rural Lands, permitted uses include resource-based recreational uses (including recreational dwellings). The proposal to create a new lot within this area is consistent with the policy framework provided in the PPS, as the new lot is considered as a resource-based recreational use.

B2. Township of South Algonquin Official Plan

The subject lands are located within the Waterfront Area designation in the Official Plan. Within the Waterfront designation, single-detached dwellings are included as permitted uses.

Section 5.4 of the Official Plan includes policies for residential development in Waterfront Areas. Section 5.4.1 of the Official Plan states that new waterfront residential developments should generally have a minimum frontage of 60 metres and a minimum lot area of 1 hectare. The intent of this policy is to ensure that new lots and new development can be adequately serviced with a private well and septic and to ensure there is a consistent character in the Waterfront Area. The Retained and Severed Lots have proposed lot areas of 0.33 hectares and proposed lot frontages of 29 metres. Both of the proposed lots contain existing development, and it our opinion that the intent of the policies in the Official Plan that relate to minimum lot sizes are achieved on the basis that the lots are currently developed, and therefore can support individual services. In addition, the character of the area and density of development is established by the presence of the existing dwellings.

Section 9.7 of the Official Plan includes policies regarding Private Roads. Section 9.7.2 of the Official Plan states that the creation of new lots on a Private Road is prohibited. However, Section 9.11.1 of the Official Plan states that all new development shall have access from an open public road, with the exception of new lots created by Consent where the lots front on a recreational waterbody with an appropriate private right-of-way. The proposed lots are located on Douglas Lane, which is an existing Private Road (right-of-way); and therefore, there would be no unnecessary expansion of municipal services required. The proposal includes the provision of a legal easement over the Retained Lands in favour of the Severed Lands for access purposes. The

easement is also to include access permissions for the remaining lots to the south on Douglas Lane.

Section 11 of the Official Plan includes policies regarding Land Division. The Consent policies within Section 11.1 of the Official Plan have been reviewed in regards to the proposed lots, and the comments are summarized in Table 1.

Table 1: Consent Policies

OP Section	OP 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 lots.
11.1.1 b)	b) does not restrict the operation or expansion of aggregate extraction, forestry, or agricultural activities;	The proposed lots do not restrict the operation or expansion of aggregate extraction, forestry or agricultural activities.
11.1.1 c)	c) does not result in negative impacts on natural heritage 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 identified on or adjacent to the proposed lots.
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.	The proposed lots are not located within a Natural Feature area and therefore measures to protect a natural feature are not required. No alterations to the shoreline area of the lot is proposed as part of the consent or easement applications.
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.	Not applicable. The proposed lots are accessed by an existing Private Road.
11.1.4	A limited number of new residential lots may be permitted in Rural areas that abut Waterfront Areas. However, these lots shall:	Not applicable. The proposed lots are located within the Waterfront Area designation. Section 11.2 of the Official Plan includes additional policies for Consents

OP Section	OP Policy	Policy Response
	<ul style="list-style-type: none"> • be developed in a manner that reflects the community character of existing shoreline development; • be developed in areas within close proximity to locations where public access to waterfront lands is provided; and • require larger frontages than Waterfront lots. 	within the Waterfront Area designation.
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 this Plan's adoption.	The proposed lots are both currently developed and used for shoreline residential purposes.
11.1.6	In accordance with provincial planning policies, the minimum size of all new lots shall be one hectare. Smaller lot sizes may be allowed in the event that a hydrogeological study conducted by a certified professional demonstrates that a smaller lot size will not prevent the proper servicing of the site by private on-site water and sewage disposal systems.	The proposed lots are both currently developed and based on the existing development, the proposed lot sizes are sufficient for private servicing.
11.1.7	New lots must have frontage on a public road that is maintained year-round.	The proposed lots are located on a Private Road. Section 11.2.1 of the Official Plan includes additional policies regarding new seasonal residential lots.
11.1.8	Water access lots shall only be permitted where there is confirmed mainland parking to service the lots.	The proposed lots are not water access lots. They are accessed via Douglas Lane, which is identified as a Private Road.
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.	Not applicable. The proposed lots are not located adjacent to a Provincial Highway.
11.1.10	In all cases, entrances to new lots shall not create a traffic hazard.	Entrance permits may be required from the Municipality.

Section 11 of the Official Plan includes policies regarding Land Division. Section 11.1.6 of the Official Plan states that the minimum size of all new lots shall be one hectare. However, smaller lot sizes may be allowed in the event that it is demonstrated that a smaller lot size will not prevent the proper servicing of the site by private on-site water and sewage disposal systems. Both of the proposed lots contain existing development, and it our opinion that the intent of the policies in the Official Plan that relate to minimum lot sizes are achieved on the basis that the lots are currently developed, and therefore can support individual services.

Section 11.2.1 in the Official Plan states that new residential Waterfront lots shall front on a road maintained throughout the year by the Township. Notwithstanding any other provision in the Plan, only a seasonal residential lot may be permitted on an existing Private Road with a registered right-of-way. The two proposed lots are located on Douglas Lane, which is identified as a Private Road. The Official Plan includes a policy basis to permit lots on a Private Road where legal access is achieved. The development on both the proposed lots are existing, and the current non-conforming situation (two dwellings on one property) is proposed to be corrected by way of this application. The use of the property will continue as it currently exists.

The proposed lots conform to the Official Plan.

B3. Township of South Algonquin Zoning By-law

The subject lands are located within the Shoreline Residential (SR) Zone in the Zoning By-law. The minimum zone requirements for the SR Zone are included in Section 5.4 (Table 5.2) of the Zoning By-law. A zoning compliance review for the proposed lots has been completed and is summarized in Table 2. The information included below is inclusive of the information provided in the application and measurements taken from online mapping.

Table 2: Zoning Compliance Review

Zone Requirement	SR Zone Standard	Proposed Standard (Retained Lands)	Proposed Standard (Severed Lands)
Minimum Lot Area	1 hectare	0.33 hectares	0.33 hectares
Minimum Lot Frontage	60 metres	29 metres	29 metres

The lot areas and lot frontages of the proposed lots do not comply with the minimum lot area and lot frontage for the SR Zone in the Zoning By-law. As a result, a Zoning By-law Amendment is required to be included as a condition of provisional Consent to bring the two proposed lots into compliance with the implementing Zoning By-law. The proposed Zoning By-law Amendment will recognize the reduced lot areas and lot frontages.

C. RECOMMENDATION

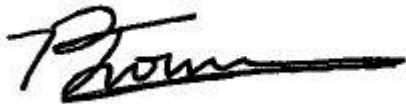
The application for Consent and Easement to create and provide legal access to the proposed lots is consistent with the PPS and conforms to the consent policies of the Township of South Algonquin Official Plan. Although the proposed lots do not meet the minimum requirement for lot area and lot frontage, each of the proposed lots are developed and individually serviced. The proposed Consent application also proposes to correct an existing non-conforming situation on the subject lands, where there are two single detached dwellings on one single property.

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


- 1) That the applicant provide the Township with:
 - a. The original executed transfer (deed), a duplicate original and one photocopy;

- b. A copy of the Reference Plan to be deposited in the Land Registry office that is substantially in compliance with the application sketch; 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) That the proposed lots (Retained Lands and Severed Lands) each be subject to a Zoning By-law Amendment application to deal with appropriate items, which do not comply with the Township's Zoning By-law.
 - 4) That entrance permits are obtained from the Municipality (if required).
 - 5) That an easement be registered on title to provide legal access over the Retained Lands to the Severed Lands; and also to provide legal access over the Retained Lands and Severed Lands to provide legal access to the existing lots to the south on Douglas Lane.
 - 6) That confirmation be provided to the Township that both the Retained Lands and the Severed Lands each contain their own individual private well and septic systems.

Respectively submitted,
MHBC PLANNING



Patrick Townes, BA, BEd.
MCIP, RPP
Associate



Jamie Robinson, BES,
Partner

PLANNING REPORT



Meeting Date: September 15, 2021
Agency: Township of South Algonquin
Staff Contact: Tracy Cannon, Planning & Building Administrator
Agenda Title: SEV. 2021-02 – Jessup, 3684 Highway 523
Agenda Action: Approve Consent with Conditions

Recommendation

That Committee of Adjustment for the Township of South Algonquin approve consent application SEV. 2021-02 (Jessup) for lands located at 3684 Highway 523, Part of Lots 13 and 14, Concession 4, Lyell, with the conditions identified in this report.

Background

The Township has received a consent application from Neil Jessup, agent on behalf of Melvin and Jean Jessup, owners of lands described as Part of Lots 13 and 14, Concession 4, Lyell, 3684 Highway 523.

The proposal is to sever approximately 5.3 ha (13.1 acres) from their 50 ha (122.49 acre) holding. It is worth noting that the applicant's holding is in two separate parcels divided by Highway 523. The easterly parcel from which the severed lot is being requested is 23.08 ha (57 acres) (Figure 1: Severed & Retained Parcels).

Both the severed and retained parcels have frontage on Highway 523. The easterly retained parcel is occupied by a house and outbuildings and is serviced by private well and septic system. The westerly retained parcel is vacant. The proposed severed lot is vacant and intended as a residential building lot to be serviced by private well and septic system.

The easterly retained parcel is characterized as a mix of open field and mixed bush lands. The severed lot is mixed bush.

South Algonquin Official Plan

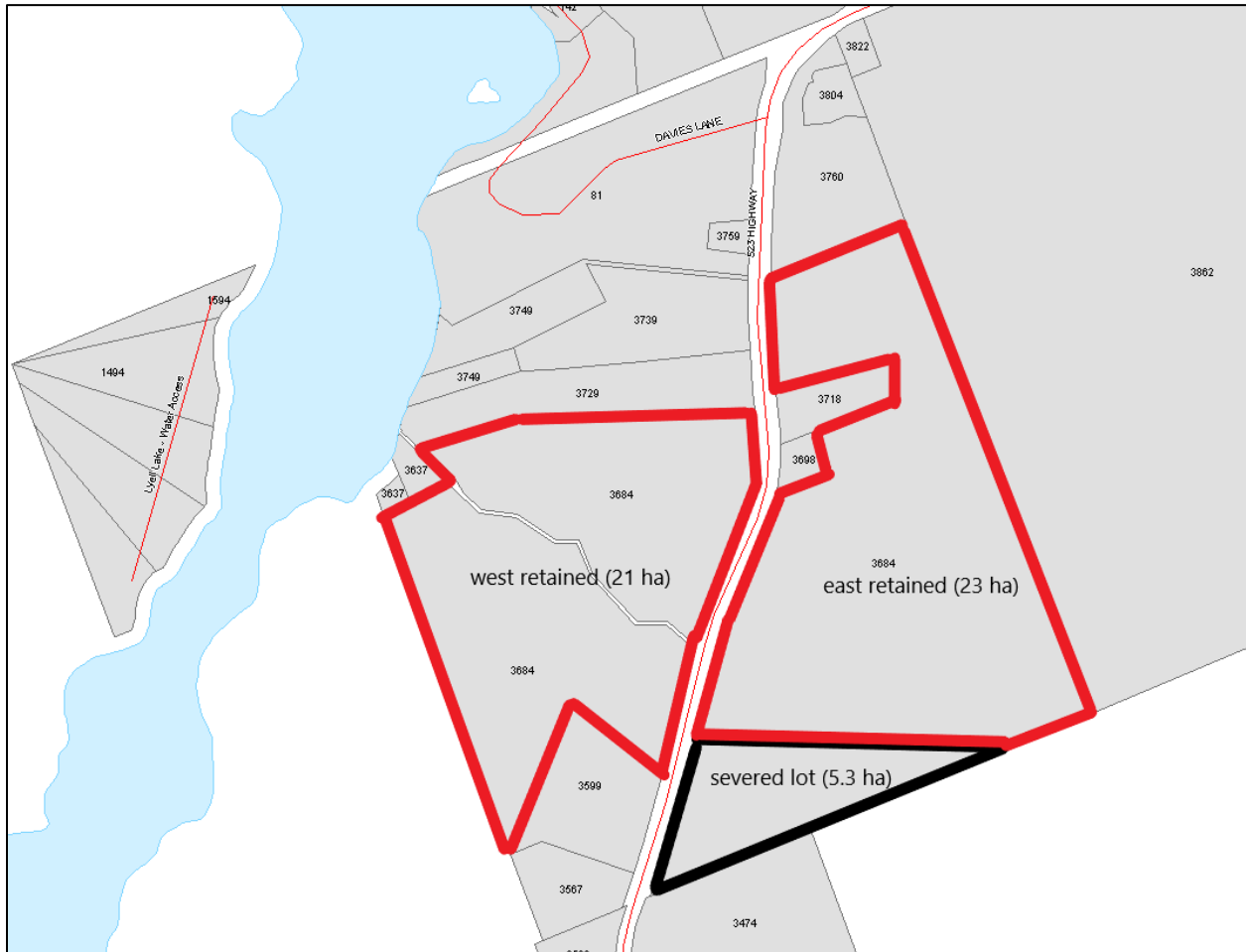
The Official Plan for South Algonquin designates the subject property as "Rural". There does not appear to be any natural resource overlays affecting the subject property.

Section 4.1 of the Official Plan contains the policies related to lands designated "Rural". The policies recognize the need to accommodate both residential and non-residential development in the rural area. The policies clearly permit low density year-round residential development. The policy indicate that development that will have an adverse impact on the rural character of the Township will not be permitted.

Section 4.9 sets out the policies specific to rural residential development. The policies encourage new residential development to be located in the vicinity of other residential uses, discouraging

scattered or isolated development. Section 4.9.2 states that new residential development should not preclude the use of natural resources, have no negative impact on significant natural, cultural or archeological resources, can demonstrate reasonable access to community facilities, have frontage on a public road and not be located on hazard lands.

Figure 1: Severed & Retained Parcels



Section 9 sets out the Transportation policies for the Township. Section 9.5 contains the policies specific to provincial highways. The policies indicated that direct access onto provincial highways, including Highway 523, require approval from MTO. The policies also suggest that the frontage of new lots on provincial highways be twice the normal frontage required for a rural lot.

Section 11.1 of the Official Plan sets out the specific consent policies that must be considered when creating a new lot. The policies recognize consents as the primary form of lot creation in the Township. New lots are permitted provided they do not cause unnecessary expansion of municipal services, do not restrict aggregate, forestry or agricultural operations, have no negative impact on natural heritage features, are a minimum of 1 ha in size, and have frontage on a public road. The policies do indicate that where the lot has frontage on a provincial highway that Council may request a noise impact study.

South Algonquin Zoning By-law 2017-527

The Zoning By-law for the Township of South Algonquin zones the subject property “Rural (RU)”. As such, Section 8.3 sets the minimum lot size for a residential lot in the RU zone as 1 ha (2.47 acres) with a minimum lot frontage of 100 m (328 feet).

Provincial Policy Statement

The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning that provides for appropriate development, while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. As per Section 3(5) (a) of the Planning Act, R.S.O. 1990, all planning decisions must be consistent with the PPS. A review of applicable policies must be undertaken, and the application evaluated under the “consistent with” test.

The subject property is located in a Rural area within the meaning of the PPS. Section 1.1.5 of the PPS sets forth policies for Rural Lands in Municipalities.

1.1.5.2 On rural lands located in municipalities, permitted uses are:

c) residential development, including lot creation, that is locally appropriate;

1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

Other relevant policies of the PPS include:

1. the provision of adequate infrastructure to support the proposed consent;
2. avoiding or mitigating potential land use conflicts with adjacent or nearby land uses;
3. protection of natural and cultural heritage features on, or adjacent to, the property; and
4. avoiding or mitigating known natural or human-made hazards on, or adjacent to, the property.

Planning Analysis

The low-density residential development proposed for the newly created lot appears to conform to the policies of the South Algonquin Official Plan and the direction and intent of the PPS (2020) and will be consistent with the requirements of the RU zone provisions. It would appear that the proposed new lot:

- would have limited impact on the rural character of the area
- is located in the vicinity of a number of existing residential properties and is not isolated development
- does not appear to impact any natural heritage resources or have a negative impact on significant natural, cultural or know archeological resources or involves hazard lands;
- will have reasonable access to community facilities and has frontage on a public highway;

- will have 218 m of frontage on Highway 523, which is more than twice the minimum 100 m frontage for a lot in the RU zone.
- Will not result in the unnecessary expansion of municipal services and will be greater than the minimum lot size of 1 ha.

The determination of the need for a noise impact study is deferred to comments from MTO. It is understood that the applicant has had some preconsultation with MTO and is in the process of securing an entrance permit.

Conclusion and Recommendation

The proposal to create a 5.3 ha lot from Part of Lots 13/14, Con 4, Former Lyell Township, appears to be consistent with the PPS (2020), conforms to the policies of the South Algonquin Official Plan and meets the requirements of the Township's Zoning By-law RU zone provisions.


Based on the above planning analysis, it is recommended that the Committee of Adjustment for the Township of South Algonquin provide conditional approval for the Consent application with the following conditions:

- 1) That the applicant provide the Township with:
 - a. The original executed transfer (deed), a duplicate original and one photocopy;
 - b. A copy of the Reference Plan to be deposited in the Land Registry office that is substantially in compliance with the application sketch; 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) That entrance permits are obtained from the MTO.
- 4) If applicable, that the applicant meet all financial requirements of the Township, including payment of the balance of any outstanding taxes, including penalties and interest be paid.

All of which is respectfully submitted.

Jp2g Consultants Inc.

ENGINEERS ▪ PLANNERS ▪ PROJECT MANAGERS



Forbes Symon, MCIP, RPP
Senior Planner | Planning Services

**THE CORPORATION OF
THE TOWNSHIP OF SOUTH ALGONQUIN
BY-LAW 21-**

**BEING A BY-LAW TO PROVIDE RULES GOVERNING THE CALLING,
PLACE AND PROCEEDINGS OF MEETINGS OF THE CORPORATION OF
THE TOWNSHIP OF SOUTH ALGONQUIN'S COMMITTEE OF
ADJUSTMENT**

WHEREAS Subsection 238 (2) of the Municipal Act, 2001, S.O. 2001, Chapter P. 25, as amended, requires every municipality and local board to adopt a Procedure By-law for governing the calling, place and proceedings of meetings;

AND WHEREAS Section 239 (1) and Section 239 (5) of the Municipal Act requires all meetings to be open to the public and states that a meeting shall not be closed to the public during the taking of a vote;

AND WHEREAS the Committee of Adjustment has been established pursuant to the Planning Act, R.S.O. 1990, Chapter P. 13 as amended;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF SOUTH ALGONQUIN ENACTS AS FOLLOWS:

PART I – DEFINITIONS

In this By-law,

- a) "Chair" means a member of the Committee appointed by Resolution of Council as the Chairperson of the Committee or their designate (Deputy Chair);
- b) "Committee" means the Committee of Adjustment;
- c) "Committee of Adjustment Meeting" or "Meeting" means a meeting of the Committee held for the purpose of considering an application or applications filed pursuant to the Planning Act, R.S.O. 1990, Chapter P. 13, as amended;
- d) "Deputy Chair" means a member of the Committee as appointed as per the Township Procedural By-Law;
- e) "Secretary-Treasurer" means an employee of the Township of South Algonquin appointed by By-law;
- f) "Deputy Secretary-Treasurer" means an employee of the Township of South Algonquin appointed by the said Committee;
- g) "Member" means a Member of the Committee of Adjustment, appointed by Council by By-law;
- h) "Pecuniary Interest" means a direct or indirect interest within the meaning of the Municipal Conflict of Interest Act, Chapter M. 50 as amended, and;
- i) "Quorum" means a minimum of three (3) members of the Committee present at a Committee of Adjustment Meeting;
- j) "Recorded Vote" means the recording of the name and vote of every Committee member present on an application at the hearing;
- k) "Rules of Procedure" means the rules and regulations provided in this By-law or in the absence of a rule or regulation, the Township of South Algonquin's Procedural By-law shall prevail;

PART II – APPLICATION

The procedures contained in this By-law and the Township's Procedural By-law shall be observed in all proceedings of the Committee of Adjustment and shall be the procedures for the order and dispatch of business conducted by the Committee of Adjustment.

PART III – CALLING OF COMMITTEE OF ADJUSTMENT MEETINGS

All meetings of the Committee of Adjustment shall be called by the Secretary-Treasurer and notice of any hearing shall be given by mail and the posting of a notice sign, or in a manner that the Committee of Adjustment deems appropriate in accordance with the Planning Act, R.S.O. Chapter P.13, as amended, and in accordance with the applicable regulations.

Meeting dates shall also be posted on the Township of South Algonquin's notice of meetings.

PART IV - HEARINGS

- a) The location of all hearings of the Committee of Adjustment will take place at the Township of South Algonquin in Council Chambers located at 7 Third Avenue, Whitney, ON ~~or will be held virtually. Details on the location and time will~~ ~~This will also~~ be identified on the Notice of Public Hearing sent out for each application by the Secretary-Treasurer;
- b) All hearings shall be open to the public and no person shall be excluded from a hearing except for those involved in improper conduct; and,
- c) The minutes shall record the place, date and time of hearings, names of present members and staff, the adoption of minutes of previous meetings, and all proceedings of the hearing without note or comment.

PART V - QUORUM

- a) More than 50% of the members shall be present to constitute a quorum.
- b) Subject to a), the inability of a member to act due to a declared conflict of interest does not impair the powers of the Committee of the remaining members.
- c) As soon as there is a quorum after the time appointed for the start of the meeting, the Chair of the Committee of Adjustment shall call the meeting to order.
- d) If no quorum is present thirty (30) minutes after the time appointed for the meeting to commence, the Secretary-Treasurer shall record the names of the members present and the meeting will stand adjourned until the next appointed time.
- e) If, during the course of a Committee of Adjustment meeting, a quorum is lost, then the Chair may declare that the meeting stand adjourned, not ended, to reconvene at such time and place as the Chair shall then determine, or cancel the balance of the meeting if, in their opinion, it is not essential to deal with the balance of the agenda before the next ordinary meeting.

PART VI – COMMITTEE OF ADJUSTMENT MEETING PROCEDURES

The Chair, or Deputy Chair, of the Committee of Adjustment shall:

- a) Preside at every hearing;
- b) Open the meeting by taking the Chair;
- c) Call the meeting to order;
- d) Call for declaration of Conflict of Interest or Pecuniary Interest pursuant to PART X;

- e) Call each application in the order in which it appears on the agenda or at the Committee's discretion;
- f) Announce the business in the order in which it is to be acted upon;
- g) Receive and submit, in the proper manner, all motions prepared by the Secretary-Treasurer and moved / seconded by other members;
- h) Put to vote all questions which are regularly moved or seconded or necessarily arise in the course of the proceedings and to announce the result;
- i) Decline to put to a vote motions which infringe upon the rules of procedures;
- j) Restrain the members and non-members when engaged in debate within the rules of order in order to ensure an appropriate environment conducive to communication and Committee business;
- k) Designate the order in which members are recognized to speak when two or more members wish to be recognized at the same time;
- l) Enforce, on all occasions, the observance of order and decorum among the members and those in the gallery;
- m) Ensure that the hearing proceeds in an orderly and efficient manner;
- n) Authenticate by their signature on all resolutions when necessary; and,
- o) Adjourn the hearing when the business is concluded.

Conduct of Members:

No member shall:

- a) Speak disrespectfully or use offensive words in discussions with or directed to any member, non-member or staff;
- b) Speak on any subject other than the subject in debate;
- c) Disobey the Rules of the Committee or a decision of the Chair or of the Committee on questions of order or practice or upon the interpretation of the Rules of the Committee. In case a member persists in any such disobedience after having been called to order by the Chair, the Chair may forthwith put the question, no amendment, adjournment or debate being allowed, 'That such member is ordered to leave their seat for the duration of the meeting of the Committee', but if the member apologizes they may, by vote of the Committee, be permitted to retake their seat.

Staff Report

- a) Planning Staff or designate shall make a presentation to the Committee regarding the application and outline all pertinent information.
- b) The Committee may ask questions of clarification of staff at this time.

Correspondence

The Secretary-Treasurer will summarize correspondence received for the application and provide members with meeting material digitally or hard copy at least two (2) days in advance of the meeting and hard copies will be provided the day of the meeting if the documents were sent digitally.

Introduction of Applications

- a) After the correspondence is summarized, the Chair will ask the applicant, the authorized agent or the applicant's representative to introduce themselves and, if they so choose, present any additional information aside from the Staff Report.
- b) The Committee may ask questions of the applicant, authorized agent or applicant's representative at this time, during or after their presentation.

Public Input

- a) Public input shall be sought following the applicant's presentation. The Committee may limit the length of a public submission if there are multiple submissions from the public to ensure that all members of the public can be heard. Any other public input after the applicant's reply shall be at the discretion of the Chair and Committee.
- b) The Chair shall advise the gallery; those who submitted letters and who wish to provide additional or new information can do so.
- c) Following the introduction of each application, the Chair shall invite anyone else having an interest in the application to come forward, identify themselves, express their interests and ask questions or allow other Committee members to ask questions of the interested person.

Applicant's Reply

Following the public input stage, the Committee shall give the applicant, authorized agent or representative the opportunity to respond to any comment received from commenting agencies or interested parties and to provide a summary of the substance of the application. The Chair and Committee members may ask additional questions at this time.

Consent Applications

Following the Applicant's reply on applications for Consent, the Committee shall consider the issues raised by the applicant, agent and any respondent and the evidence heard by the Committee. The Chair shall:

- a) Ask whether the members wish to conduct further discussions on the merits of the application;
- b) Permit discussions on the motion;
- c) Call for a vote by the Committee on the motion;
- d) Announce the decision of the Committee; and,
- e) May summarize any dissenting decisions orally.

With respect to applications for consent, the Chair or any member may request to delete from, add to or revise the proposed draft conditions.

Minor Variance Applications

Following the Applicant's reply on applications for Minor Variance, the Committee shall consider the issues raised by the applicant, agent and any respondent and the evidence heard by the Committee. The Chair shall:

- a) Ask whether the members wish to conduct further discussions on the merits of the application;
- b) Permit discussions on the motion;
- c) Call for a vote by the Committee on the motion;
- d) Announce the decision of the Committee; and,

- e) May summarize any dissenting decisions orally.

PART VII - VOTING

Consents

Each member of the Committee, when requested by the Chair on a seconded motion, shall indicate by show of hands, or by any other agreed upon form of acknowledgement, their position on the motion. The majority decision of the Committee on this motion shall constitute the decision of the Committee.

Minor Variances

Each member of the Committee, when requested by the Chair on a seconded motion, shall indicate by show of hands, or by any other agreed upon form of acknowledgement, their position on the motion. The majority decision of the Committee on this motion shall constitute the decision of the Committee.

Recorded Vote

If a member present at a vote requests immediately before the taking of the vote that the vote be recorded, each member present, except a member who is disqualified from voting by any Act, shall announce their vote openly and the Secretary-Treasurer shall record each vote.

PART VII – POWERS OF THE CHAIR AT THE MEETING

Committee of Adjustment meetings shall be chaired by a member of the Committee, as determined by the Committee. The Chair is entitled to all rights of a Committee member, including voting.

PART IX – DECISIONS OF THE COMMITTEE OF ADJUSTMENT

- a) No decision of the Committee on an application is valid unless it is concurred on by the majority of the members of the Committee that heard the application, and the decision of the Committee, whether granting or refusing an application, shall be in writing and shall set out the reasons for the decision, and shall be signed by the members who concur with the decision.
- b) A copy of the Committee's written decision will be prepared and issued in accordance with the provisions of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, and applicable regulations.
- c) A copy of the Committee's written decisions shall be sent to each person who made a written request to be notified of the decision or conditions appeared in person or by counsel to express their interest in the application. In addition, any other person expressing an interest in an application shall leave their name and address with the Secretary-Treasurer at the hearing, or may submit a written request, should they wish to receive a copy of the written decision of the Committee and any further correspondence with respect to the application pursuant to the provisions of the Planning Act, R.S.O. 1990, Chapter P.13, as amended.

PART X – CONFLICT OF INTEREST

In accordance with the Municipal Conflict of Interest Act, R.S.O. 1990, Chapter M.50, as amended, any member of the Committee required to do so by the provisions of the Act, shall disclose any direct or indirect pecuniary interest for themselves or a family member and shall state the general nature of such interest; and it shall be recorded by the Secretary-Treasurer accordingly. The member shall leave their seat for the duration of the subject application.

PART XI – REQUESTS FOR DEFERRAL OR WITHDRAWAL

A request for deferral or withdrawal of an application on the scheduled meeting date by the applicant or authorized agent must be made at the hearing, either by the applicant, agent or staff (on their behalf).

PART XII – COMPOSITION

- a) The Committee shall be comprised of up to seven(7) Township of South Algonquin Council members.
- b) All members shall be appointed by Council of the Township of South Algonquin by means of an Appointment By-law.
- c) All Committee members shall be entitled one vote per application.
- d) Non-voting representatives of the Township of South Algonquin present at each meeting may include the CAO/Clerk -Treasurer, Secretary-Treasurer or designate and any planning staff.

PART XII – ROLES AND RESPONSIBILITIES

The Committee shall strive:

- a) To make sound, effective and timely decisions based upon objective data and open debate of issues;
- b) To conduct its activities in an orderly, professional and businesslike manner;
- c) To be honest and respectful of each other in their communications with the public, media and staff;
- d) To have utmost regard to and refrain from disclosing all confidential and privileged information;
- e) To respect each other’s time and honour commitments;
- f) To embrace / encourage constructive disagreement and discussion while avoiding discouraging destructive conflict; and,
- g) To make reasonable attempts to build consensus on issues and failing that will respect the majority vote of the Committee.

This By-law shall come into force and effect on the day it was passed on Council.

READ A FIRST AND SECOND TIME on June 1st, 2017

Jane A. E. Dumas – Mayor

Holly Hayes, CAO/Clerk-Treasurer

READ A THIRD TIME, PASSED AND ENACTED on June 1st, 2017

Jane A. E. Dumas – Mayor

Holly Hayes, CAO/Clerk-Treasurer