



**COMMITTEE OF ADJUSTMENT MEETING &
PUBLIC HEARINGS
AGENDA**

November 23, 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 September 15, 2021 Committee of Adjustment Meeting be approved as submitted.
- 5. Public Hearing
- 5.1 **Consider Consent Application (severance)-SEV.2021-03**
Staff Report: Forbes Symon, MCIP, RPP
Legal: SABINE CON 8 PT LOT 20 RP;36R11345 PT PART 1
Address: To be assigned
- 5.2 **Consider Consent Application (severance)-SEV.2021-04**
Staff Report: Forbes Symon, MCIP, RPP
Legal: LOT 7 CON 6
Address: 145 Algonquin Street & 161 Algonquin Street
- 5.3 **Consider Minor Variance Application (Permission) – MV.2021-03**
Staff Report: Forbes Symon, MCIP, RPP
Legal: CON 5 PT LOT 5 PCL 16285; 23878 NIP RP 36R11409 PART1
Address: 256 Hay Creek Rd
- 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 – September 15, 2021 –9:00 a.m.

There was a public meeting of the Committee of Adjustment via ZOOM to hear two consent applications No. SEV.2021-01 and No. SEV.2021-02 on Wednesday, September 15, 2021. Present were Committee Members: Committee Chair Councillor Shalla, Councillor Bongo, Councillor Collins, Councillor Florent, Councillor Harper.

Staff: Bryan Martin, CAO/Clerk Treasurer
Tracy Cannon, Secretary/Treasurer of the Committee of Adjustment

Guests: Nancy & Keith Hall, property owner - SEV.2021-01
Neil & Carol Ann Jessup, applicant - SEV.2021-02
Alan Boudens, member of the public- SEV.2021-02

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

1. ADDITIONS/AMENDMENTS TO THE AGENDA: None

2. ADOPTION OF THE AGENDA

Moved by: D. Harper

Seconded by: J. Florent

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

-Carried-

3. DECLARATION OF PECUNIARY INTEREST: None

4. ADOPTION OF MINUTES

Moved by: S. Collins

Seconded by: J. Florent

To adopt the minutes of June 15, 2021 Committee of Adjustment meeting as circulated.

-Carried-

5. PUBLIC HEARING

5.1 CONSIDER CONSENT APPLICATION – SEV. 2021-01

The meeting is to consider consent application for a severance and easement for lands locally known as 20-22 Douglas Lane. The application proposes to legally divide the existing development. The Retained Lands will have a lot area of approximately 0.33 hectares (0.82 acres) and a lot frontage of 29 metres on Hay Lake, contain a dwelling, accessory shed, private septic system, and a communal well. 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 and contain dwelling, accessory garage, private septic system, and a well.

There is a 6.1 metre wide easement over the Retained Lands, in favour of the Severed Lands;

Included in the recommended conditions is to also include legal access over the Retained Lands and Severed Lands to provide legal access to the existing lots to the south on Douglas Lane.

REQUIREMENTS FOR NOTICE

T. Cannon reported, as required by Section 53 of the Planning Act all property owners within 60 metres and appropriate agencies were mailed the Notice for the Public Meeting on August 26th, 2021. The notice signs were posted on the subject property on August 24th.

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:

Most committee members were familiar with the property; no concerns regarding the application. Councillor Collins inquired how the consent could be approved as it does not front a township maintained road. T. Cannon stated that each application is different and considered separately. The Official Plan provides provisions for recreational dwellings on waterbodies that do not have frontage on township maintained roads.

APPLICANT COMMENT ON APPLICATION: Mr. & Mrs. Hall; no comments at this time.

PUBLIC/AGENCY COMMENT ON APPLICATION: No public comments.

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 Planner Report. It is recommended to include a standard condition that didn't get included in the Planner Report;

If applicable, that the applicant meet all financial requirements of the Township, including the payment of the balance of any outstanding taxes, including penalties and interest be paid.

Mrs. Hall inquired about the timeline required to complete the conditions, more specifically the drilling of the well. T. Cannon stated per the Planning Act, all conditions are to be fulfilled within one year.

DECISION

Moved by: J. Florent

Seconded by: D. Harper

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

-Carried-

5.2 CONSIDER CONSENT APPLICATION – SEV. 2021-02

Consideration of a Consent Application SEV.2021-02 for a severance under Section 53 of the Planning Act for lands locally known as 3684 Highway 523.

The proposal is to sever approximately 5.3 ha (13.1 acres) with approximately 218 metres of frontage on Highway 523. There is currently a secondary entrance with a civic address of 3606 Highway 523. The retained lands are divided by Highway 523; easterly retained parcel from which the severed lot is being requested is 23.08 ha (57 acres) and will contain the existing dwelling and accessory structures and the remaining parcel on the west side of Hwy 523 is approximately 21 hectares and is currently vacant.

The severed lands are currently vacant and are proposed to contain a dwelling, and accessory structure with its own private septic system and well.

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 August 27th, 2021. The Notice signs were posted on the property on August 24th.

COMMENTS FROM THE PLANNER:

T. Cannon informed the Committee 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 Florent is very familiar with the property and also spoke to the owners of the property. Councillor Shalla visited the site and observed the posted notice signs.

PUBLIC COMMENT ON APPLICATION

No agency comments received.

T. Cannon did receive a comment from an adjacent property owner on September 8th in support of the application.

Mr. Bouden, owner of 3698 Highway 523 requested to attend the public meeting; initial concern was the zoning of the property and futures uses, however understands that any changes to the current zoning would require Planning Act procedures. Another reason for requesting to attend the public meeting is interest of the process for consent.

APPLICANT COMMENT ON APPLICATION:

No comments from the Neil & Carol Ann Jessup.

FINAL QUESTIONS OR COMMENTS:

Applicant: 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 conditions listed in the Planner Report.

DECISION

Moved by: S. Collins

Seconded by: D. Harper

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

-Carried-

6. Review of Draft Committee of Adjustment Procedural By-Law

Revised to include virtual meetings. Final by-law will be presented at the October 6th council meeting.

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 9:27 a.m.

-Carried-

Committee Chair, Richard Shalla

Secretary/Treasurer, Tracy Cannon

PLANNING REPORT



Meeting Date:	November 23, 2021
Agency:	Township of South Algonquin
Staff Contact:	Tracy Cannon, Planning & Building Administrator
Agenda Title:	SEV. 2021-03 – Gorman, Part Lot 20, Concession 8, Sabine Ward
Agenda Action:	Approve Consent with Conditions

Recommendation

That Committee of Adjustment for the Township of South Algonquin approve consent application SEV. 2021-03 (Gorman) for lands located within Part of Lot 20, Concession 8, Sabine Ward, with the conditions identified in this report.

Background

The Township has received a consent application from Kimberly Gorman, owner of lands described as Part of Lot 20, Concession 8, Sabine Ward.

The proposal is to sever two (2) residential lots from the subject property, resulting in:

1. Severed Lot 1 - approximately 2.83 ha (7.0 acres) lot area and 100 m (328 ft) frontage
2. Severed Lot 2 - approximately 2.43 ha (6.0 acres) lot area and 100 m (328 ft) frontage
3. Retained Lot – approximately 2.83 ha (7.0 acres) lot area and 188 m (616 ft) frontage

Both of the severed parcels and the retained parcel have frontage on Highway 127. All three parcels of land are currently vacant and proposed to be developed as residential building lots, serviced by private wells and septic systems.

Both of the severed lots and retained lot are heavily wooded with a hilly topography.

South Algonquin Official Plan

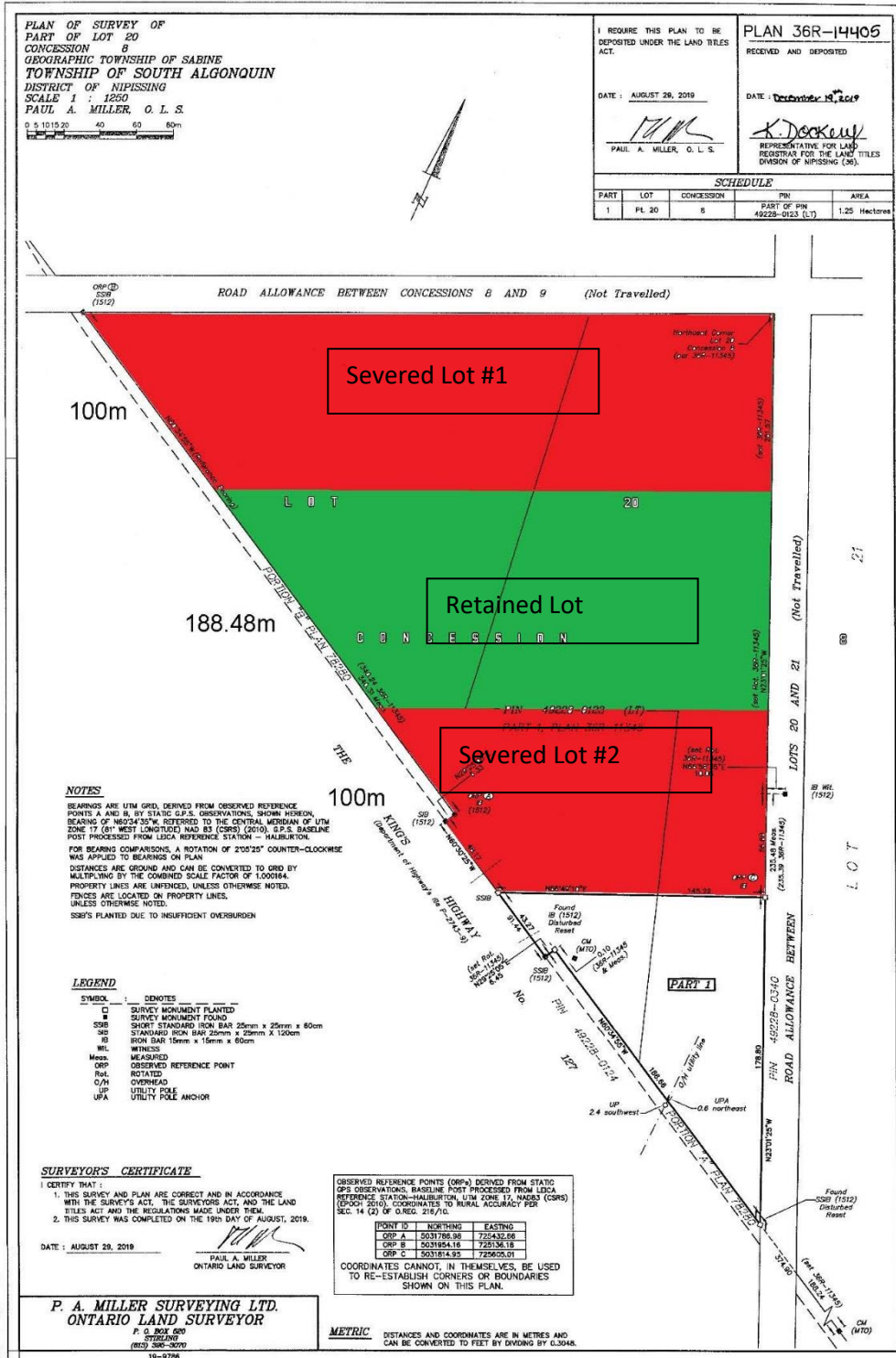
The Official Plan for South Algonquin designates the subject property as “Rural”. There does not appear to be any natural resource overlays affecting the subject property.

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 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, requires 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 proposed two severed lots and one retained lot to be developed as residential building lots appear 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 Township's RU zone provisions. It would appear that the proposed new lots:

- will have limited impact on the rural character of the area
- are located in the vicinity of a number of existing residential properties and is not isolated development
- do 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 at least 100 m of frontage on Highway 127, and satisfy the frontage and lot area requirements of the RU zone.
- Will not result in the unnecessary expansion of municipal services.

The applicant has consulted with MTO who provided comments dated August 19, 2021. The MTO has indicated that the proposed lots meet the frontage requirements of MTO and that they have no concerns with the severance. Three individual entrances have been approved MTO and will be a condition of the consent. MTO did not indicate a need for a noise impact study.

Conclusion and Recommendation

The proposal to create two new residential building lots with areas ranging from 2.43 ha to 2.83 ha and frontages of 100 m to 188 m from Part of Lot 20, Con 8, Sabine Ward, 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 and that the access be documented on the draft deeds to each lot and that the draft deeds be submitted to MTO for review, prior to depositing them at the registry office.

- 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

A handwritten signature in black ink, appearing to read 'F. Symon', with a long horizontal flourish extending to the right.

Forbes Symon, MCIP, RPP
Senior Planner | Planning Services

PLANNING REPORT



Meeting Date:	November 23, 2021
Agency:	Township of South Algonquin
Staff Contact:	Tracy Cannon, Planning & Building Administrator
Agenda Title:	SEV. 2021-04 – Boldt, 145 & 161 Algonquin Street
Agenda Action:	Approve Consent with Conditions

Recommendation

That Committee of Adjustment for the Township of South Algonquin approve consent application SEV. 2021-04 (Boldt) for lands located at 145 & 161 Algonquin Street, Part of Lot 7, Concession 6, Airy, Hamlet of Whitney, with the conditions identified in this report.

Background

The Township has received a consent application from Andrew Boldt, agent on behalf of the Estate of Ann Boldt, owner of 145 & 161 Algonquin Street, Hamlet of Whitney.

The proposed consent application will result in:

1. Severed Lot – approximately 0.3 ha (0.7 acre) in size with 79 m (259 ft) of frontage on Algonquin Street – occupied by house and sheds
2. Retained Lot - approximately 0.28 ha (0.69 acres) in size with 55 m (180 ft) of frontage on Algonquin Street – occupied by dwelling and garage

The two existing dwellings have separate street addresses and appear they were to be separated many years ago but were never legally separated on title. The applicant now wishes to establish the two houses on separate and distinct parcels of land.

Both the severed and retained parcels have frontage on both Highway 60 and Algonquin Street. Access to the proposed lots is gained via Algonquin Street.

The subject property is located within the Hamlet of Whitney and is surrounded by residential and mixed uses consistent with a hamlet setting.

South Algonquin Official Plan

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

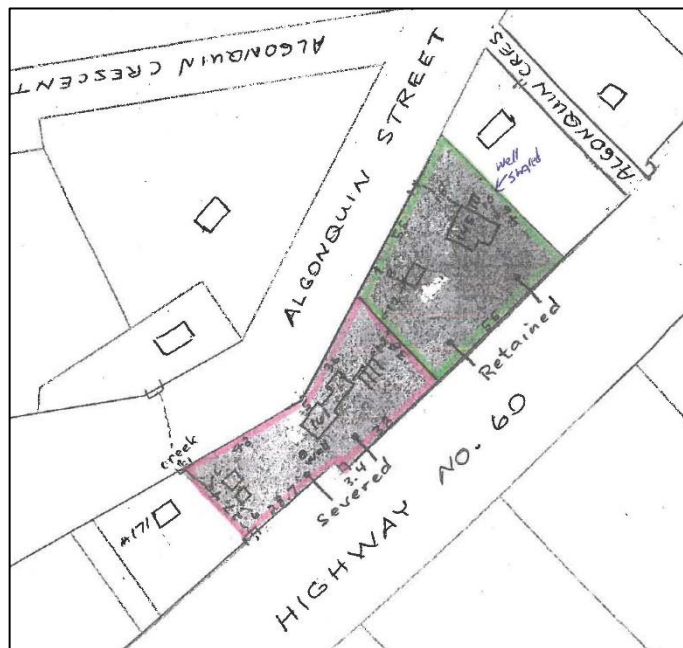
Section 3.1 of the Official Plan contains the policies related to lands designated “Hamlet”. The policies recognize the mixed-use nature of hamlets and permits low and medium density residential development.

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 of Section 11.1.6 permits smaller lot sizes subject to a hydrogeological study conducted by a certified professional that demonstrates that a smaller lot size will not prevent the proper servicing of the site by private on-site water and sewage disposal systems.

Figure 1: Severed & Retained Parcels



South Algonquin Zoning By-law 2017-527

The Zoning By-law for the Township of South Algonquin zones the subject property “Settlement Area Residential (R1)”. As such, Section 5.4 sets the minimum lot size for a residential lot in the R1 zone as 1 ha (2.47 acres) with a minimum lot frontage of 60 m (197 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 Settlement Area within the meaning of the PPS. Section 1.1.3 of the PPS sets forth policies for Settlement Area Lands in Municipalities.

1.1.3.1 Settlement areas shall be the focus of growth and development.

1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which: (b) are appropriate for, and efficiently use, the infrastructure and public services facilities which are planned and available.

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 severance of the subject property is intended to legally divide the existing two residential dwellings on separate and distinct lots. Each lot contains a dwelling and septic system. The severed lands has a private well and the retained lands share a well with an adjacent property not related to the consent. It is understood that a new well should be constructed to service the retained lot. The only issue associated with the establishment of the two residential lots is that neither the severed or retained lots meet the minimum lot size of 1 ha and minimum. The retained lot will also not meet the minimum lot frontage requirement of the R1 zoning of the property.

The matter of the minimum lot size was discussed with Township staff. It was determined that even though the severance is to recognize a long-standing existing situation and that the Official Plan requirement for a hydrogeological assessment should be respected given the fact that there is only one well and that a second well is required. It has been concluded that a hydrogeological assessment to support the proposed severance application is justified given only one well exists and a second well is required.

The minimum lot size notwithstanding, the proposed severance appears to maintain the intent and purpose of the South Algonquin Official Plan and the intent of the PPS (2020). There will be a need for a condition of consent to have the subject property rezoned to recognize the reduced lot area for both parcels and the reduced lot frontage for the retained parcel.

It would appear that the proposed new lot:

- would recognize an existing situation and does not result in any new development.
- is located in a Hamlet which is the preferred location for compact 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 not result in the unnecessary expansion of municipal services.

Conclusion and Recommendation

The proposal to establish two residential lots, each with an existing dwelling and outbuildings at 145 and 161 Algonquin St, Hamlet of Whitney, appears to be consistent with the PPS (2020), and maintains the intent and purpose of the policies of the South Algonquin Official Plan. There is a need to rezone the subject lands in order to recognize the reduced lot area and frontages associated with the proposed lots.

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 a new private well be established on the retained lands or a formal agreement with the abutting property with the shared well or a hydrogeological assessment on the retained lands for the establishment of a new well.
- 4) That an amendment to the Zoning By-law be obtained, recognizing the reduced lot area and frontages associated with the severed and retained parcels.
- 5) 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

A handwritten signature in black ink, appearing to read 'F. Symon', with a long horizontal flourish extending to the right.

Forbes Symon, MCIP, RPP
Senior Planner | Planning Services

PLANNING REPORT



Meeting Date:	November 23, 2021
Agency:	Township of South Algonquin
Staff Contact:	Tracy Cannon, Planning & Building Administrator
Agenda Title:	MV. 2021-03 – MacNab, 256 Hay Creek Road
Agenda Action:	Approve Permission to Enlarge with Conditions

Recommendation

That Committee of Adjustment for the Township of South Algonquin approve the Permission to Enlarge application MV. 2021-03 (MacNab) for lands located at 256 Hay Creek Road, Part of Lot 5, Concession 5, Airy, Hamlet of Whitney, with the conditions identified in this report.

Background

The Township has received a Permission to Enlarge (MV) application from Graham and Leah MacNab, owner of 256 Hay Creek Road, Hamlet of Whitney. The subject property has approximately 93.6 m of frontage on Galeairy Lake and an area of 5025 m² (1.24 ac). The property is occupied by a single detached dwelling and an existing in-water boathouse.

The proposed development consists of the following:

1. Removal of the existing 26.13 m² (281 ft²) in-water boat house, with a height of 2.4 m (7.9 ft);
2. Construct a new 44.63 m² (480 ft²) boat house not in the water, with a height of 4 m (13.1 ft).

The subject property is located in the “Crown Land (CL)” zone. It has been determined by staff that the CL zoning was incorrectly placed on the property. A more appropriate zone for the property would be the “Settlement Area Shoreline Residential (R2)”. The CL zoning does not recognize a boat house as a permitted use, resulting in the existing boat house having legal non-conforming status. As a result, any change, alteration or replacement of the existing in-water boat house requires approval of the Committee of Adjustment for an expansion of a legal non-conforming use.

The subject property abuts a shore road allowance, on which the existing and proposed boat house is to be located. The shore road allowance has been purchased.

South Algonquin Official Plan

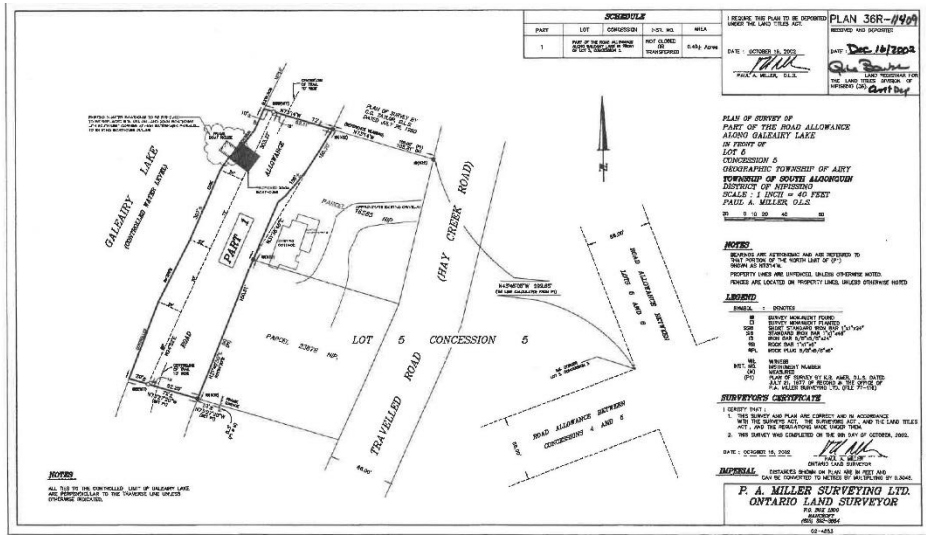
The Official Plan for South Algonquin designates the subject property as “Hamlet”. The property fronts on Galeairy Lake, which is an at capacity lake trout lake.

Section 2.24 of the Official Plan contains the policies related to legal non-conforming uses and the right to continue such uses. There are also policies that permit the limited expansion of legal non-conforming uses provided the intent of the Official Plan is maintained.

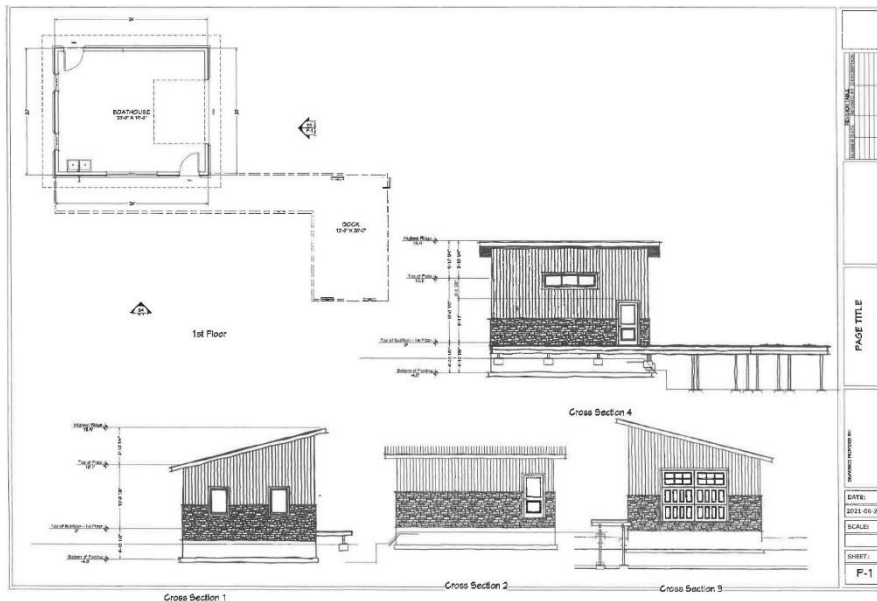
Section 3.3.4, Hamlet, of the Official Plan establishes that the Waterfront policies of the Plan apply to Hamlet properties fronting on water.

Section 5.3.4, Waterfront, of the Official Plan suggests no development that would put a waterbody over capacity would be permitted. Section 5.3.10 also suggests that development along the shoreline should be concentrated and represent no more than 30% of the shoreline.

Figure 1: Proposed Site Plan for Redevelopment



MACNAB SITE PLAN 2
SCALE: 0.0294 = 1"=0'



South Algonquin Zoning By-law 2017-527

The Zoning By-law for the Township of South Algonquin zones the subject property “Crown Land (CL)”. In discussions with Township staff, it has been concluded that the subject property was not placed in the appropriate zone. The lands should be placed within the R2 zone. The

CL zone does not permit the existing residential development or boat house and therefore the replacement of the boat house requires permission from the Committee of Adjustment for an Enlargement of a Legal Non-conforming structure.

Section 4.1 of the Zoning By-law contains the policies related to accessory structures. Section 4.1.9 is specific to waterfront accessory structures and states that *“waterfront accessory structures shall only be permitted where no shore road allowance exists, or where the shore road allowance has been purchased by the abutting landowner.”*

Section 4.9.1.1 contains the policies related to “In-Water Boathouses and Boatports”. The policies permit a maximum of one in-water boathouse or boatport per property. The policies have specific requirements associated with the width, length and height of the structure and that *“no portion of any in-water boathouse or part thereof shall be used for human habitation including sleeping, cooking, or living area, and shall not contain a sauna and/or washroom.”* The By-law prohibits flat, gambrel or mansard roof on in-water boathouse or boatport.

For a property with a frontage of 93.6 m, a boathouse should have a maximum height of 3.7 m, a maximum width of 12.2 m and a maximum length of 10 m. Boathouses should also have a minimum side yard setback of 10 m. In assessing the proposed new boathouse structure, it has been concluded that the roof is a ½ gable roof and does not represent a flat roof.

Planning Analysis

Section 45(2)(a)(i) provides the Committee of Adjustment with the authority to consider applications for the enlargement or extension of legal non-conforming buildings or structures, provided that the enlargement to extension is within the boundaries of the property owned by the applicant.

It has been determined that the proposed development is consistent with the direction found in Section 5.3.4 of the Official Plan for waterfront development, specifically the concentration of development within 30% of the shoreline. The proposed development will be located within a 15 m existing disturbed area of the shoreline, representing approximately 16% of the shoreline.

In terms of compliance with Section 4.1.9.1 of the Zoning By-law related to boathouses, the proposed development satisfies the width, length and side yard setback for boathouses. The proposal is for a boathouse with a height of 4 m, greater than the maximum height of 3.7 m. In support of this increased height, the applicant has indicated that it is required to accommodate their boat. It would appear that this modest increase in height will not cause any visual impact that does not already exist.

The removal and reconstruction of the existing boathouse will see the existing structure relocated from being “in-water” to being at the “water’s edge” which is generally seen as a net environmental gain over the current situation.

Conclusion and Recommendation

It is the professional planning opinion of this report that the proposal to remove and reconstruct a boat house on the lands described as 256 Hay Creek Road within the Hamlet of Whitney, conforms to the Township of South Algonquin Official Plan and is consistent with the direction set out in the Township’s Zoning By-law. The development has the appearance of a net environmental gain over the current situation with the removal of the boathouse from being in-

water. It is concluded that the development proposal has merit and represents good land use planning.

Based on the above planning analysis, it is recommended that the Committee of Adjustment for the Township of South Algonquin APPROVE the Permission to Enlarge application with the following conditions:

- 1) That the approved development is for Drawing P-1, submitted with the application and dated 22-06-2021, including a maximum height of 4 m.
- 2) That the boathouse is not used for human habitation including sleeping, cooking, or living area, and shall not contain a sauna and/or washroom.
- 3) Payment of all municipal legal and planning fees associated with the processing of the application.

As an aside, it is recommended that the subject property be placed in the appropriate residential zone during a future zoning by-law housekeeping amendment exercise.

All of which is respectfully submitted.

Jp2g Consultants Inc.

ENGINEERS ▪ PLANNERS ▪ PROJECT MANAGERS

A handwritten signature in black ink, appearing to read 'F. Symon', with a long horizontal flourish extending to the right.

Forbes Symon, MCIP, RPP
Senior Planner | Planning Services