



COMMITTEE OF ADJUSTMENT MEETING &
PUBLIC HEARINGS

AGENDA

February 17, 2022 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 November 23, 2021 Committee of Adjustment Meeting be approved as submitted.
5. Public Hearing
- 5.1 **Consider Consent Application (Lot Addition & Easement)-C.2022-01**
Staff Report: Forbes Symon, MCIP, RPP
Legal Description: Lots 28 – 29, Con 7 and Lots 28-31, Con 8
- 5.2 **Consider Consent Application (Easement)-C.2022-02**
Staff Report: Forbes Symon, MCIP, RPP
Legal Description: Lot 27, Con 7, Lyell
6. Planning & Building Administrator Report – Planning Act Amendments
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 – November 23, 2021 –9:00 a.m.

There was a public meeting of the Committee of Adjustment via ZOOM to hear two Consent Applications No. SEV.2021-03 and No. SEV.2021-04 and Minor Variance Application (Permission) M.V. 2021-03. 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: Kimberly Gorman, applicant- SEV.2021-03
Andrew Boldt, applicant - SEV.2021-04
Laura Stone, Planner at Community Planning and Consulting Inc and Applicant Agent - MV.2021-02

Councillor Shalla called the public meeting to order at 9:00 a.m.

1. ADDITIONS/AMENDMENTS TO THE AGENDA: None

2. ADOPTION OF THE AGENDA

Moved by: Councillor Harper

Seconded by: Councillor Florent

To adopt the agenda as prepared for the Committee of Adjustment meeting of Tuesday, November 23, 2021 as circulated.

-Carried-

3. DECLARATION OF PECUNIARY INTEREST: None

4. ADOPTION OF MINUTES

Moved by: Councillor Florent

Seconded by: Councillor Harper

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

-Carried-

5. PUBLIC HEARING

5.1 CONSIDER CONSENT APPLICATION – SEV. 2021-03

This portion of the meeting is to consider consent application for a severance for lands legally described as Part of Lot 20, Concession 8, Sabine Ward. The application proposes to create two new residential lots from the subject property which results in 2 severed and 1 retained. The retained lot will have approximately 2.83 ha and approximately 188 m frontage on Highway 127.

Severed Lot 1 will have approximately 2.83 ha and approximately 100 m frontage on Highway 127
Severed Lot 2 will have approximately 2.43 ha and approximately 100 m frontage on Highway 127.
All three parcels of land are currently vacant and are heavily wooded with a hilly topography.

The property owner pre-consulted with The Ministry of Transportation, and MTO has confirmed that each lot will have its own individual entrance.

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 October 29th, 2021. The notice signs were posted on the subject property on October 26th.

PUBLIC/AGENCY COMMENT ON APPLICATION: None

COMMENTS FROM THE PLANNER:

All comments from the Planners are outlined in the Planner Report.

SITE INSPECTION REPORT & COMMITTEE DISCUSSION OF APPLICATION:

Councillor Florent visited the site; no concern with the entrances or the proposed application. Councillor Shalla visited the site; spoke to the adjacent property owner; no concerns. Councillor Shalla requested confirmation on access.

APPLICANT COMMENT ON APPLICATION: Ms. Gorman, Applicant confirmed The Ministry of Transportation has pre-approved that all three lots will have individual entrances.

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 recommended decision to provide provisional approval for the Consent application and the recommended conditions. T. Cannon further recommended to add 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.

DECISION

Moved by: Councillor Florent

Seconded by: Councillor Harper

That the Committee of Adjustment accepts Application SEV.2021-03 and the conditions as read by the Secretary-Treasurer.

-Carried-

5.2 CONSIDER CONSENT APPLICATION – SEV. 2021-04

This hearing is to consider consent application for a severance for lands locally known as 145 & 161 Algonquin Street. The application proposes to legally divide the existing development. 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 Severed lands will have approximately 0.3 ha with 79 m of frontage on Algonquin Street – occupied by house and sheds.

The Retained lands will have approximately 0.28 ha with 55 m of frontage on Algonquin Street – occupied by dwelling and garage.

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 Oct. 29th. The notice signs were provided to the applicant on Oct. 29th and posted on the property.

COMMENTS FROM THE PLANNER:

All comments from the Planner are outlined in the Planner Report.

PUBLIC/AGENCY COMMENT ON THE APPLICATION

No public comments were received.

The Ministry of Transportation provided comments; they have no concerns with severance, however no new access will be granted to either the severed or retained lot from Highway 60 and all access is to be maintained from Algonquin St. Also, should there be any changes and or buildings proposed, MTO will need to be notified prior to the commencement of any work.

APPLICANT COMMENT ON APPLICATION:

Andrew Boldt, applicant thanked the committee and expressed he hoped it went smoothly as the family has been working on it for a long time.

SITE INSPECTION REPORT & COMMITTEE DISCUSSION OF APPLICATION

Councillor Shalla; familiar with the property and feels it will be a good feeling for all parties if it was resolved.

Councillor Florent; inquired about the mutual use of the well for the retained lands and an adjacent property. T. Cannon stated that after further consultation, it was determined that a condition regarding the well wasn't necessary for this application.

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 recommended decision to provide provisional approval for the Consent application and the recommended conditions.

DECISION

Moved by: Councillor Collins

Seconded by: Councillor Florent

That the Committee of Adjustment accepts application SEV.2021-04 and the conditions as read by the Secretary-Treasurer.

-Carried-

5.3 CONSIDER MINOR VARIANCE APPLICATION (PERMISSION) – MV. 2021-03

Ms. Stone introduced herself to the committee. She has been working closely with the municipality for a rebuild on a boathouse.

T. Cannon stated this portion of the meeting is to consider Minor Variance Application (Permission) for lands locally known as 256 Hay Creek Road along Galeairy Lake. The subject property has approximately 93.6 m of frontage on Galeairy Lake and an area of 1.24 ac. The property is occupied by a single detached dwelling and an existing in-water boathouse. The property owner owns the abutting shore road allowance.

During the application review, it was determined the property is zoned “Crownland” (CL) which was incorrectly placed on the property during the implementation of the zoning by-law. A more appropriate zone for the property would be the “Settlement Area Shoreline Residential (R2)”. The property can be corrected during a future municipal update to the zoning by-law.

The existing boathouse has a legal non-conforming status. Which results in any change, alteration or replacement of the existing in-water boat house requires approval for an expansion of a legal non-conforming use.

The application is requesting permission under 45(2) of the Planning Act to replace the existing in-water boathouse with a 44.63 m² land boathouse that will be approximately 18.5m² larger than the existing in-water boathouse.

The proposed development has the appearance of a net environmental gain over the current situation with the removal of the in-water.

REQUIREMENT FOR NOTICE

The requirement to hold this meeting is that there must be at least 10 days’ notice as prescribed by Section 45 (5) of the Planning Act. The notices were mailed to property owners within the required 60 metres of the subject property on November 1st and the notice sign was posted on the property by the applicant’s agent on November 1st.

PUBLIC/AGENCY COMMENT ON THE APPLICATION: None

SITE INSPECTION REPORT & COMMITTEE DISCUSSION OF APPLICATION

Councillor Florent; visited the site and observed it was a nice well-kept property. No concerns with the application.

Councillor Shalla; very familiar with the property and felt the proposal will enhance the area and has no concerns with the application.

COMMENTS FROM THE PLANNER

All comments from the Planners are outlined in the Planner Report.

APPLICANT COMMENT ON APPLICATION:

Ms. Stone, Planner had no comments at this time.

FINAL QUESTIONS OR COMMENTS:

Applicant: None

Members of the Public: None

Committee Members: None

SUGGESTED DECISION ON THE MINOR VARIANCE APPLICATION

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

DECISION

Moved by: Councillor Bongo

Seconded by: Councillor Florent

In making the decision upon the application, the committee has considered whether or not the application meets the requirements of subsection 45(2) of the Planning Act.

THEREFORE the Committee of Adjustment grant the Permission to Enlarge subject to the conditions as read by the Secretary Treasurer.

-Carried-

M. Anderson, CBO confirmed the property owner will be required to obtain a Demolition Permit for the removal of the existing boathouse and a Building Permit for the new boathouse.

6 **NEXT MEETING**

Next meeting will be scheduled as required.

ADJOURNMENT

Moved by: Councillor Florent

Seconded by: Councillor 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: February 17, 2022
Agency: Township of South Algonquin
Staff Contact: Tracy Cannon, Planning & Building Administrator
Agenda Title: C.2022-01 – 2867159 Ontario Ltd, Wolf Lake Lane
Agenda Action: Approve Consent with Conditions

Recommendation

That Committee of Adjustment for the Township of South Algonquin approve consent application C.2022-01(2867159 Ont. Ltd.) for lands described as Part Lots 28 – 29, Con 7 and Part Lots 28-31, Con 8, Lyell, with the conditions identified in this report.

Background

The Township has received a consent application from Courtenay Cleverdon, representing 2867159 Ont. Ltd, owner of lands described as Part Lots 28 – 29, Con 7 and Part Lots 28-31, Con 8, Lyell.

The proposal is to sever approximately 40.47 ha (100 acres) from their 226 ha (559 acre) holding and add the severed lands to an abutting 66.7 ha (165 ac) abutting parcel of land. The applicant also wishes to establish a formal right of way over the severed parcel, extending Wolf Lake Lane (existing Crown Road) to continue to provide access to the retained lands under separate application (i.e. C.2022-02) (Figure 1: Severed & Retained Parcels).

The severed and retained lands are accessed by a private road extension of the Wolf Lake Lane Crown Road. The lands to be added to gain access via the Wolf Lake Lane Crown Road. All lands are intended for recreation purposes and are currently vacant rural lands.

South Algonquin Official Plan

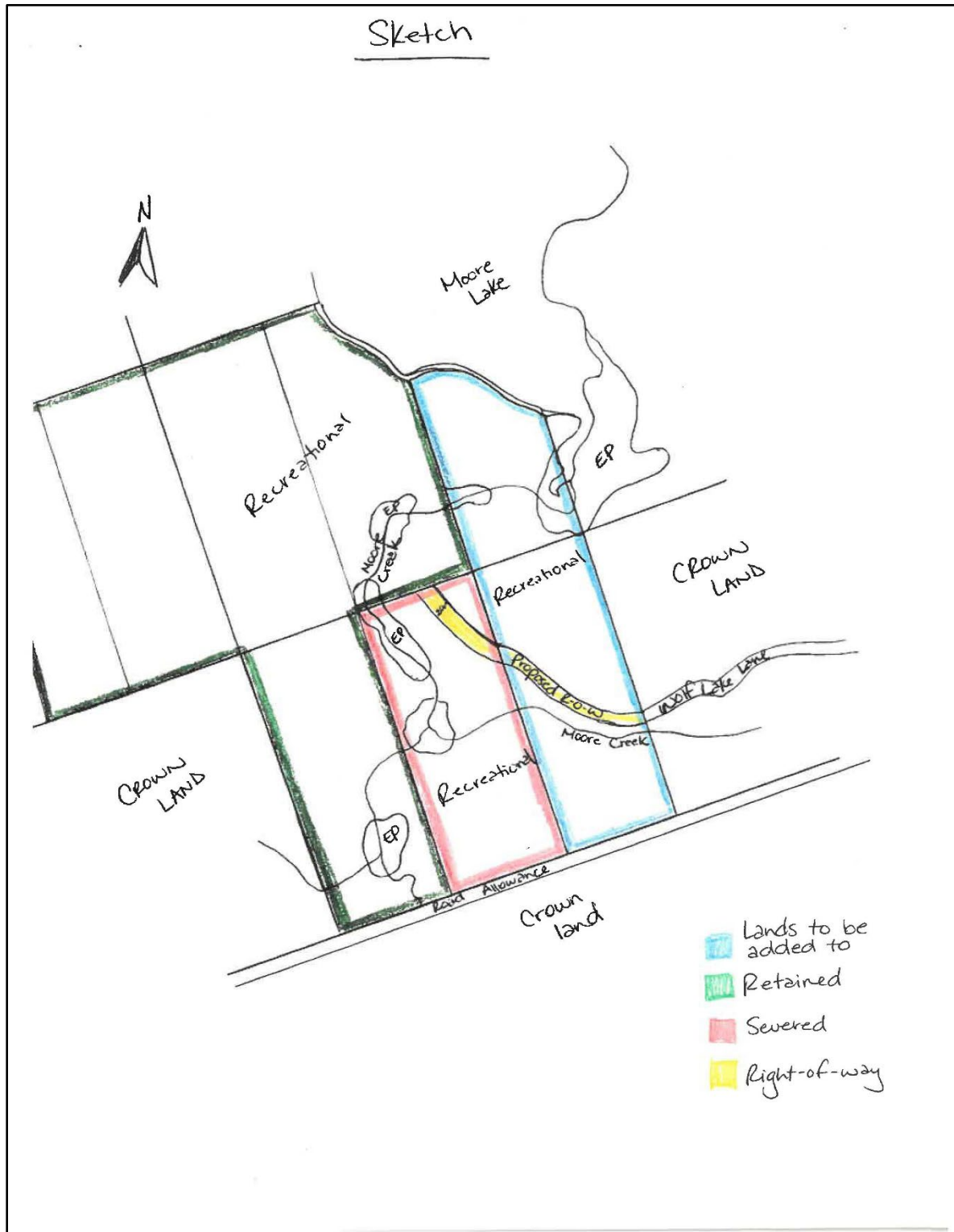
The Official Plan for South Algonquin designates the subject property as “Rural”. There does not appear to be any natural resource overlays affecting the subject property.

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 recreation, hunt camps and low density residential development, as well. 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 9.7.2 contains the policies specific to private roads. The policies state that there will be no new lots created with frontage on private roads. Only existing lots of record may be developed on private roads. New development requires that there be legal, registered access to the land.

Section 11.1 of the Official Plan sets out the specific consent policies that must be considered by the Committee. There are no policies related to the establishment of right of ways or lot additions.

South Algonquin Zoning By-law 2017-527

The Zoning By-law for the Township of South Algonquin zones the subject property “Rural (RU)” and “Environmental Protection (EP)”. 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). The lot addition will exceed the minimum requirements of the RU zone.

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

There is no new development proposed as a result of this application. There is an addition to an existing lot of record and the establishment of a legal right of way over the severed lands in

favour of the retained lands (under separate application). No natural resource or heritage resources issues were identified through the review of this application.

Conclusion and Recommendation

The proposal to create a 40 ha lot addition to an existing lot of record, described as Part Lots 28 – 29, Con 7 and Part Lots 28-31, Con 8, Lyell, 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) 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

PLANNING REPORT



Meeting Date: February 17, 2022
Agency: Township of South Algonquin
Staff Contact: Tracy Cannon, Planning & Building Administrator
Agenda Title: C. 2022-02 – Balesdent/Yule, Wolf Lake Lane
Agenda Action: Approve Consent with Conditions

Recommendation

That Committee of Adjustment for the Township of South Algonquin approve consent application C. 2022-02(Balesdent/Yule.) for lands described as Lot 27, Con 7, Lyell, with the conditions identified in this report.

Background

The Township has received a consent application from Balesdent/Yule, owner of lands described as Lot 27, Con 7, Lyell.

The proposal is to create a 20 m (66 foot) right of way over the subject property, extending Wolf Lake Lane (existing Crown Road) to continue to provide legal, registered access to the retained lands under consent application C.2022-01) (Figure 1: Severed & Retained Parcels).

The severed and retained lands are accessed by Wolf Lake Lane Crown Road. All lands are intended for recreation purposes and are currently vacant rural lands.

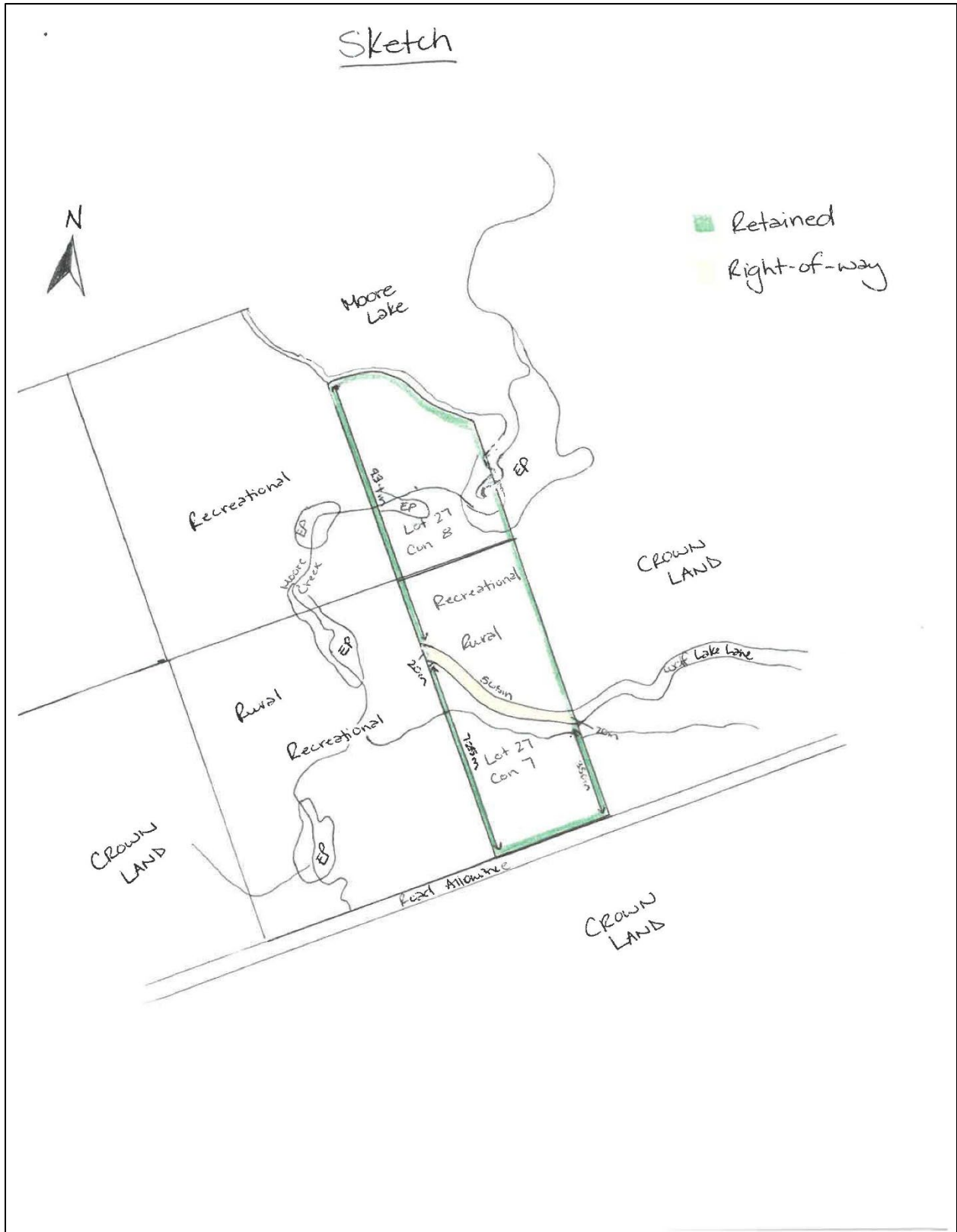
South Algonquin Official Plan

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 recreation, hunt camps and low density residential development, as well. 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 9.7.2 contains the policies specific to private roads. The policies state that there will be no new lots created with frontage on private roads. Only existing lots of record may be developed on private roads. New development requires that there be legal, registered access to the land.

Section 11.1 of the Official Plan sets out the specific consent policies that must be considered by the Committee. There are no policies related to the establishment of right of ways or lot additions.

South Algonquin Zoning By-law 2017-527

The Zoning By-law for the Township of South Algonquin zones the subject property “Rural (RU)” and “Environmental Protection (EP)”. 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). The consent application has no impact on the size of the existing lots of record.

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

There is no new development proposed as a result of this application. The establishment of a legal right of way over the lands in favour of the retained lands (under separate application). No

natural resource or heritage resources issues were identified through the review of this application.

Conclusion and Recommendation

The proposal to create a 20 m right of way over an existing lot of record, described as Lot 27, Con 7 and Con 8, Lyell, 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) 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



STAFF REPORT

Meeting Date: February 17, 2022

Agency: Township of South Algonquin

Staff Contact: Tracy Cannon

Agenda Title: Planning Act Amendments

Agenda Action: Information

There have been several amendments to the Planning Act, most relevant to South Algonquin are as follows.

DELEGATION OF ADDITIONAL DECISIONS

Section 39.2 was added to provide Council discretionary authority to delegate additional decisions to a committee of council or an individual who is an officer, employee or agent of the municipality. The delegated authority would authorize minor amendments to Zoning By-Laws, Temporary Use By-Laws, and/or lifting Holding Provision By-Laws.

Prior to Council delegating authority, official plan policies need to be developed to outline types of minor zoning by-law amendments that council wishes to delegate and define “minor”.

These amendments do not change any current notice or public meeting requirements or limit appeal rights. It also does not change the requirements under the Planning Act that planning decisions must be consistent with the Provincial Policy Statement.

Currently the Municipal Act does not authorize Council with delegation authority for the passing of zoning by-laws under the Planning Act. Therefore Paragraph 5 of subsection 23.3 (1) of the Municipal Act, 2001 is also amended by adding “except as provided under section 39.2 of that Act”.

Recommendation:

Since the Official Plan would need to be amended, it is recommended Council maintain current planning procedures. This could be further discussed during an Official Plan review.

WHO CAN APPLY FOR CONSENT?

There are times when a purchaser of land wants to apply for consent. Section 53(1) previously permitted only an owner or a mortgagee or their agent to apply for a consent.

Amendments now allow a purchaser to apply for a consent provided the purchaser has entered into an agreement of purchase and sale and who is authorized in the agreement of purchase to make the application.

TIME FOR SATISFYING CONDITIONS

Previously conditions had to be satisfied within one year from the date of the Notice of Decision for Consent. Section 53(41) has been amendment to extend that one year condition period to two years.

This two-year window allows more time for applicants to satisfy conditions.

Provisional consent issued after November 2, 2021, have two years to satisfy conditions.

The Committee of Adjustment gave provisional consent for two applications on November 23rd. Applicants have been notified of this extension.

AMENDING APPLICATIONS

Consent application may be amended by the applicant at any time before council gives or refuses to give consent.

MERGING OF LANDS

In circumstances where there are two abutting properties, one property has two owners as joint tenants (owner A&B), and the abutting property has only one owner (owner A). If owner A passes away, leaving only owner B on both properties, the properties will no longer merge on title.

CONSENT CERTIFICATES FOR RETAINED LANDS

Previously consent certificate were only issued for the severed lands. Now, an applicant may request a consent certificate for the retained lands as well.

CERTIFICATE OF CANCELLATION

An owner of land that was previously conveyed by consent may apply for a Cancellation Certificate. This would be commonly used in situations where an owner has two properties that were conveyed by consent and now, they want to develop the property as one lot.