



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

**April 20, 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 February 17, 2022 Committee of Adjustment Meeting be approved as submitted.**
- 5. Public Hearing
- 5.1 **Consider Consent Application (Severance)-C.2022-03**  
Staff Report: Anthony Hommik, MCIP, RPP  
Legal Description: MURCHISON CON 2 LOT 21 LOT;22 PT LOTS 23 24 PCL  
12971; NIP  
Civic Address: 25934 & 26016 Highway 60
- 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 – February 17, 2022 –9:00 a.m.**

There was a public meeting of the Committee of Adjustment via ZOOM to hear two Consent Applications No. C.2022-01 and No. C.2022-02. 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 - Courtney Cleverdon, applicant C.2022-01  
Kevin Balesdent & Gord Yule, applicants - C.2022-02  
Adrian Taylor, Lawyer – Bradley Law Profession Corporation, agent for all applicants.  
Mayor Jane Dumas

Councillor Shalla called the public meeting to order at 9:03 a.m.

1. **ADDITIONS/AMENDMENTS TO THE AGENDA:** None
2. **ADOPTION OF THE AGENDA**  
**Moved by: Councillor Florent** **Seconded by: Councillor Harper**  
 To adopt the agenda as prepared for the Committee of Adjustment meeting of Thursday, February 17, 2022 as circulated.  
**-Carried-**
3. **DECLARATION OF PECUNIARY INTEREST:** None
4. **ADOPTION OF MINUTES**  
**Moved by: Councillor Bongo** **Seconded by: Councillor Collins**  
 To adopt the minutes of November 23, 2021 Committee of Adjustment meeting as circulated.  
**-Carried-**
5. **PUBLIC HEARING**  
 T. Cannon provided an overview of the two applications being presented and how they are linked together.
- 5.1 **CONSIDER CONSENT APPLICATION – (Lot Addition & Easement)-C.2022-01**

This portion of the meeting is to consider a Consent for a Lot-Addition and Easement under Section 53 of the Planning Act for lands described as Part Lots 28 – 29, Con 7 and Part Lots 28-31, Con 8, Lyell Ward.

Application # C.2022-01 requests municipal consent to sever approximately 40.47 ha (100 acres) from the 226 ha (559 acre) holding and add the severed lands to an abutting 66.7 ha (165 ac) parcel of land, legally described as Concession 7, Lot 27 PCL 7300. The applicant also wishes to establish a formal right-of-way over the severed parcel to benefit the retained lands.

## **REQUIREMENTS FOR NOTICE**

T. Cannon reported, no notice signs were erected due to the road to the subject property not being accessible in the winter. The notices were mailed to property owners within the required 60 metres of the subject property on January 28<sup>th</sup>.

## **COMMENTS FROM THE PLANNER:**

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

## **SITE INSPECTION REPORT & COMMITTEE DISCUSSION OF APPLICATION:**

Councillor Florent: Familiar with the area.

Councillor Bongo; Emailed T. Cannon prior to the meeting pertaining to status of Wolf Lake Lane- owner will be responsible to maintain the laneway. The lands are land locked and any future development would be like a hunting camp.

T. Cannon confirmed that no new lands are being development and that all requirements of the Ontario Building Code and the Zoning By-Law would need to be complied with for any future development.

Councillor Shalla: Familiar with the area.

## **PUBLIC/AGENCY COMMENT ON APPLICATION:**

A written response was received from an adjacent property owner who had no objections to the application. No agencies that were circulated notices expressed any concerns.

## **APPLICANT COMMENT ON APPLICATION:**

Mr. Cleverdon; Plan for property is just for recreation, no plans to develop it.

## **FINAL QUESTIONS OR COMMENTS**

Committee Members: Councillor Shalla: Inquired about the access over the wetland.

Applicant or Agent: Mr. Cleverdon confirmed there is an existing bridge and access over the lands.

Members of the Public: 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.

## **DECISION**

**Moved by: Councillor Florent**

**Seconded by: Councillor Shalla**

That the Committee of Adjustment accepts Application C.2022-01 and the conditions as read by the Secretary-Treasurer.

**-Carried-**

## **5.2 CONSIDER CONSENT APPLICATION- (Easement)-C.2022-02**

This hearing is to consider consent application for an easement under Section 53 of the Planning Act for lands described as Lot 27, Con 7, Lyell Ward.

Application number C.2022-02 requests approval 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 the previous consent application (C.2022-01).

## **REQUIREMENTS FOR NOTICE**

T. Cannon reported, no notice signs were erected due to the road to the subject property not being accessible in the winter. The notices were mailed to property owners within the required 60 metres of the subject property on January 28<sup>th</sup>.

## **COMMENTS FROM THE PLANNER:**

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

## **SITE INSPECTION REPORT & COMMITTEE DISCUSSION OF APPLICATION**

Councillor Florent: About 10 km from this property to Highway 523, essentially a logging road and access over the road is weather dependent. He also indicated that parts of Wolf Lake Lane are also used as an ATV/Snowmobile trail and road is not maintained by the township.

T. Cannon: Maintenance will be the responsibility of the users and property owners.

## **PUBLIC/AGENCY COMMENT ON THE APPLICATION**

No comments from the public were received. No agencies that were circulated notices expressed any concerns.

## **APPLICANT COMMENT ON APPLICATION:**

Mr. Balesdent: Inquired if Mr. Cleverdon ever sold the property and if there was a conflict between the new owners and him, what happens with the easement?

Ms. Taylor: The right-of-way is the neighbouring property's right to use the lane and that right will exist with the property for future owners. The right-of-way doesn't give the neighbouring property the right to use other areas of the property, just the right-of-way.

Further discussion on the possible need for a Private Roads Agreement.

Both applicants felt they will take care of it together with no issues.

Ms. Taylor: Confirmed that perspective road owners have an obligation to keep the right of way clear.

Mayor Dumas: Feels a solid agreement between the two owners should be considered and emphasized that Wolf Lake Lane is not private and cannot be blocked from public use.

T. Cannon: Questioned the committee if they felt a Private Roads Agreement would be necessary. Further explained if in the future the two parties or subsequent parties cannot get along, the township does not want to be liable for granting these two applications.

Ms. Taylor: Confirmed a Private Road Agreement could be established between the two applicants and the township and registered on both properties.

Councillor Shalla: Easements are standard across the township and many established prior to amalgamation. Easements are between the private property owners and doesn't have anything to do with township.

Councillor Collins: Need to think about the easements that go with the property and not the people, it will go with the property.

Councillor Bongo: We have seen people approach the township to request assistance in situations like this where we do not have the jurisdiction and its important for people to know this. He also encouraged the two parties to think about the possibility of a private agreement.

Bryan Martin: Common where private road agreements are established. They do take away issues down the road. They are a tool to assist current owners or any future owners.

Councillor Florent: Feels an easement is an easement.

Councillor Bongo: Sees the value of a Private Roads Agreement.

Ms. Taylor: More important to deal with Wolf Lake Lane, that the township will not maintain up to the private lands. The Lands Registry may not allow the two landowners to register an agreement on title. The two owners may make their own agreement independently between the two, and would be binding for any future owners, but not registered on title. Easements have their own obligations that already exists such as

the easement needs to be free and clear and cannot block. Does not feel that a formal agreement is necessary between the property owners themselves.

Councillor Harper: Doesn't feel the township should be concerned or involved. Wolf Lake Lane is on crown and once the easement starts over the private property there is no liability with the township.

Bryan Martin: Since Wolf Lake Lane is on crownland the township has no jurisdiction.

Councillor Shalla: Feels the township should not get involved at all and are here to vote on the easement.

Consensus was not to include that the two applicants enter into a Private Road Agreement.

#### **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 recommended conditions.

#### **DECISION**

**Moved by: Councillor Florent**

**Seconded by: Councillor Collins**

That the Committee of Adjustment accepts application C.2022-02 and the conditions as read by the Secretary-Treasurer.

**-Carried-**

#### **6. PLANNING & BUILDING ADMINISTRATOR REPORT**

Review the circulated report.

#### **7. OTHER:** None

#### **8 NEXT MEETING**

T. Cannon stated a Committee of Adjustment meeting will most likely be scheduled for next month.

#### **ADJOURNMENT**

**Moved by: Councillor Florent**

**Seconded by: Councillor Harper**

The Committee adjourned the Committee of Adjustment meeting at 9:51 a.m.

**-Carried-**

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Committee Chair, Richard Shalla

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Secretary/Treasurer, Tracy Cannon

## PLANNING REPORT



<b>Meeting Date:</b>	April 12, 2022
<b>Agency:</b>	Township of South Algonquin
<b>Staff Contact:</b>	Tracy Cannon, Planning & Building Administrator
<b>Agenda Title:</b>	C. 2022-03 – Tessier, Lots 21 to 24, Concession 2, Murchison Ward
<b>Agenda Action:</b>	Approve Consent with Conditions

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### **Recommendation**

That Committee of Adjustment for the Township of South Algonquin approve consent application C. 2022-03 for lands located within Lots 21 to 24, Concession 2, Murchison Ward, with the conditions recommended in this report.

### **Background**

The Township has received a consent application from Bradley Law Professional Corporation, agent on behalf of the owner of lands described as Lots 21 to 24, Concession 8, Murchison Ward.

The proposal, as shown on Appendix 1, is to sever one lot from the subject property, resulting in:

1. Severed Lot – approximately 73 ha (180 acres) lot area and 316 m (1,037 ft) frontage
2. Retained Lot – approximately 88 ha (217 acres) lot area and 526 m (1,826 ft) frontage

It should be noted that there is a discrepancy between the lot areas provided by the applicant and the data available to the Township through MPAC. The lot areas will be confirmed by a survey that will be required as a condition of consent approval.

Both the severed lot and the retained lot have frontage on Highway 60, which is a provincial highway. The severed lot is currently improved with a dwelling that is proposed to be demolished. There is an existing dwelling on the retained lands that is proposed to remain. Currently, there are two entrances off Highway 60, known as 26016 and 25934 Highway 60. The intent is that the retained lands will utilize 26016 Highway 60 and the severed lands will utilize 25934 Highway 60.

Both the severed and retained lots are heavily wooded with a topography made up of rolling hills.

### **Provincial Policy Statement, 2020**

The Provincial Policy Statement, 2020 (PPS) 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. All planning decisions must be consistent with the PPS.

The subject property is considered *rural lands* by the PPS definition. Section 1.1.5 of the PPS sets out the policies for rural lands in municipalities. Policy 1.1.5.2 states that on rural lands located in municipalities, permitted uses are: c) residential development, including lot creation, that is locally appropriate. Policy 1.1.5.4 states that development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted. Policy 1.1.5.5 states that development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure.

### **South Algonquin Official Plan**

The Official Plan for South Algonquin designates the subject property as “Rural”. A small portion of the retained lands that abut Cops Lake and that surround what appears to be a dug pond are designated “Waterfront”.

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 indicates 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.

Section 5.1 provides the policies for Waterfront Areas. The Waterfront Areas designation is typically intended to guide the development that is primarily focused around the lakes in the municipality in the form of waterfront cottages and permanent residences and is not a significant concern for this application. Development is permitted in Waterfront Areas provided it complies with certain criteria.

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 No. 2017-527**

The subject property is zoned “Rural (RU)” and “Crown Land (CL)” under South Algonquin Zoning By-law No. 2017-527. The portion of the proposed severed lot that is zoned CL is illustrated on Appendix 2. It appears that the CL zoning is the result of a mapping error and if the consent is approved, a technical amendment to the zoning by-law should be initiated to correct this error. 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 only permitted use in the CL zone is a park use.

### **Planning Analysis**

According to the applicant’s submission, the existing dwelling on the proposed severed lot would be demolished, rendering the lot vacant. The existing dwelling on the retained lands would be maintained. No other development is proposed at this time. Both the proposed severed and retained lands conform to the policies of the PPS and the South Algonquin Official Plan and would comply with the Township’s RU zone provisions. As noted above, a technical amendment to the Township’s Zoning By-law should be undertaken to correct the mapping error that currently has a portion of the proposed severed lot zoned as CL. 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 any new development on the severed lot would not constitute isolated development;
- do not appear to impact any natural heritage resources or have a negative impact on significant natural, cultural or known archeological resources or involves hazard lands;
- will have frontage on a public highway;
- will satisfy the frontage and lot area requirements of the RU zone; and
- will not result in the unnecessary expansion of municipal services.

The proposed severed and retained lots currently share an access driveway at 26016 Highway 60. As noted above, there is another existing access to Highway 60 at 25934 that is intended to be used for the proposed severed lot. While reviewing the application, it was determined that the driveway for the existing dwelling on the proposed retained lot appears to travel across two separate PINs (49226-0099 and 49226-0101). In fact, the subject site is currently made up of three distinct PINs. If these PINs are separately conveyable, an issue could arise in the future if the intervening PINs is conveyed, and the existing dwelling no longer has access to the driveway as no right-of-way appears to be registered. In order to approve this application, a condition requiring confirmation that these PINs have merged on title and are not separately conveyable should be included.

At the time of writing, comments have not been received from the MTO. Any new entrance permit(s) will require MTO approval and this is reflected in the recommended conditions of approval.



## **Conclusion and Recommendation**

The proposal to create one new residential lot with an area of 73 ha and a frontage of 316 m is consistent with the PPS, conforms to the policies of the South Algonquin Official Plan and meets the requirements of the Township's Zoning By-law RU 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. Confirmation in the form of a solicitor's legal opinion that PINs 49226-0098, 49226-0099 and 49226-0101 are not separately conveyable.
  - b. The original executed transfer (deed), a duplicate original and one photocopy;
  - c. A copy of the Reference Plan to be deposited in the Land Registry office that is substantially in compliance with the application sketch; and
  - d. A schedule describing the severed lot 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.

Respectfully,

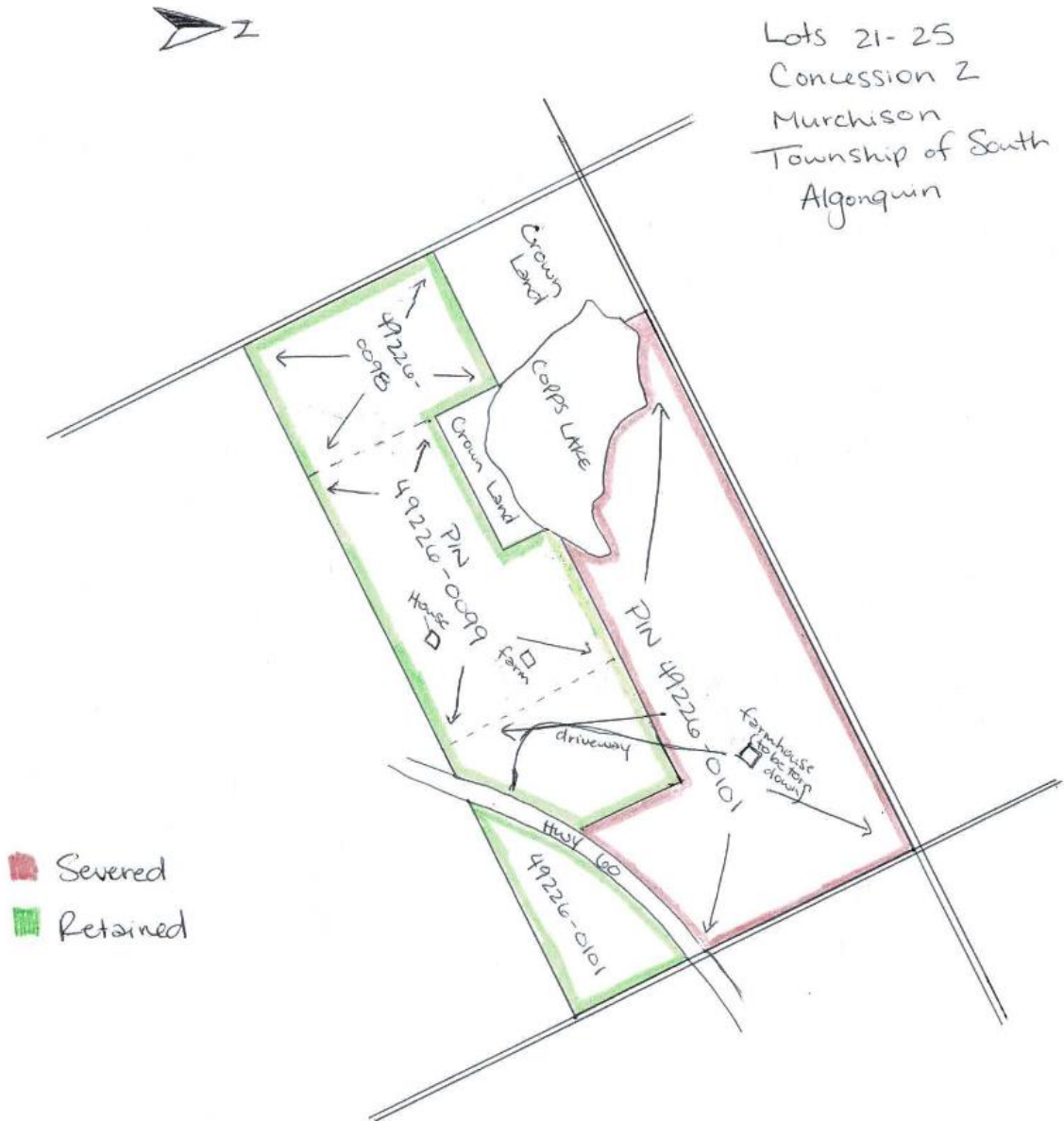
**Jp2g Consultants Inc.**  
**Engineers • Planners • Project Managers**

**Prepared By:**



Anthony Hommik, MCIP, RPP  
Senior Planner | Planning Services

Appendix 1 – Proposed Severed and Retained Lands (Applicant's Submitted Drawing)



Appendix 2 – Zoning By-law No. 2017-527 (Map 23)

