

**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 28th.

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 28th.

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-

Committee Chair, Richard Shalla

Secretary/Treasurer, Tracy Cannon