



COMMITTEE OF ADJUSTMENT MEETING &
PUBLIC HEARINGS

AGENDA

June 22, 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 April 20, 2022 Committee of Adjustment Meeting be approved as submitted.
5. Public Hearing
- 5.1 **Consider Consent Application (Severance)-C.2022-04**
Staff Report: Anthony Hommik, MCIP, RPP
Legal Description: CON 7 PT LOT 25 RP;36R3142 PART 1 PCL 23873 NIP
Civic Address: 91 Proven Line
6. Other

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 – April 20, 2022 –9:00 a.m.

There was a public meeting of the Committee of Adjustment via ZOOM to hear Consent Application No. C.2022-03. 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 – Mark Tessier & Sabina Tessier, applicant C.2022-03
Adrian Taylor, Solicitor – Bradley Law Profession Corporation, agent

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: Councillor Harper

Seconded by: Councillor Florent

To adopt the agenda as prepared for the Committee of Adjustment meeting of Wednesday, April 20, 2022 as circulated.

-Carried-

3. DECLARATION OF PECUNIARY INTEREST: None

4. ADOPTION OF MINUTES

Moved by: Councillor Collins

Seconded by: Councillor Florent

To adopt the minutes of February 17, 2022 Committee of Adjustment meeting as circulated.

-Carried-

5. PUBLIC HEARING

5.1 CONSIDER CONSENT APPLICATION – (Severance)-C.2022-03

This portion of the meeting is to consider a Consent for a severance under Section 53 of the Planning Act for lands described as Lots 21 to 24, Concession 2, Murchison Ward, locally known as 25934 & 26016 Highway 60.

Application # C.2022-03 requests municipal consent to create one new lot, resulting in the retained lands having a lot area of approximately 88 hectares and 526 metres of frontage on Highway 60 and contains a dwelling. The severed lands will have a lot area of approximately 73 hectares and 316 metres of frontage on Highway 60 and contains a dwelling that is proposed to be demolished.

The intent is that the retained lands will utilize 26016 Highway 60 and the severed lands will utilize 25934 Highway 60.

There is a discrepancy between the lot areas provided by the applicant and the data available to the Township through MPAC. The error in the mapping resulted in the property being zoned “Rural

(RU)” and “Crown Land (CL)” in Zoning By-law. A technical amendment to the zoning by-law will need to be initiated to correct the error.

The map included with the original application and provided on the notices did not include adjacent lands that have merged on title with what will be the retained lands. The maps were updated and provided in the Planner’s report. The lot area of the severed lands did not change as a result of the added lands.

Exact lot areas will be confirmed by a survey that will be required as a condition of consent approval.

REQUIREMENTS FOR NOTICE

T. Cannon reported, the notice signs were posted on the subject property on April 5th and mailed to property owners within the required 60 metres of the subject property on April 4th.

PUBLIC/AGENCY COMMENT ON APPLICATION:

No public/agencies that were circulated notices expressed any concerns.

COMMENTS FROM THE PLANNER:

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

SITE INSPECTION REPORT & COMMITTEE & APPLICANT DISCUSSION OF APPLICATION:

Councillor Florent: Provided some history of the property; Pertaining to the Planning Analysis outlined in the Planner’s Report that the proposed new lots 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; In the past access to Copps Lake has been restricted by landowners which can be accessed through Crownland and by the Concession to the north of the property. At one time the road connecting Pastwa Lake & McKenzie Lake area to the Egan Estate settlement and train station which predates both Madawaska and Whitney went through this property. It is now private property and now that road is closed to the public.

Councillor Florent: Will there be a survey required for the entire property or just the transferred property?

A. Taylor: Recommends just the severed property be surveyed. Properties can no longer be described without a survey, so a survey will need to be done for the severed lands.

Councillor Florent: Neighbours have expressed concerns to him as Councillor of the placement of some of the gates that may or may not be on the property and a survey would clear that up.

Councillor Shalla: Notice signs were erected.

Councillor Florent: Inquired the reasoning why there is still a stop sign and a paved section at one of the entrances?

T. Cannon; The explanation for the entrance could be answered from MTO through an entrance permit condition.

A.Taylor: Have no knowledge of the stop sign so can’t comment on the existence of the paved driveway and the stop sign but can certainly be resolved through a condition if needed.

M. Tessier: His understanding is that the entrance that has the stop sign, and paved portion is part of the old highway, unsure of the driveway to the Egan Estate. Right of access that comes in the back end of Copps Lake hasn’t been blocked. There is a chain on an adjacent property blocking access to that private property. According to the deed, land and maps the gates are on the property. Some people may think differently and that may be due to past agreements.

Councillor Florent: Drove through that road in the 60s to the Egan Estate by the Pigeon farm. There is no sign of the road anymore.

FINAL QUESTIONS OR COMMENTS: 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 Bongo

Seconded by: Councillor Shalla

That the Committee of Adjustment accepts Application C.2022-03 and the conditions as read by the Secretary-Treasurer.

Councillor Collins: Inquired about the need for Condition #3 if they already have civic addresses; “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.” Further discussion with the committee and the applicant’s agent on the need for the condition. It was determined that Condition #3 will remain part of provisional consent.

The decision was carried.

6. OTHER: None

8 NEXT MEETING

T. Cannon stated a Committee of Adjustment meeting will be scheduled for June. Information on the application will be circulated at a later date.

ADJOURNMENT

Moved by: Councillor Bongo

Seconded by: Councillor Collins

The Committee adjourned the Committee of Adjustment meeting at 9:30 a.m.

-Carried-

Committee Chair, Richard Shalla

Secretary/Treasurer, Tracy Cannon

PLANNING REPORT



Meeting Date: June 22, 2022
Agency: Township of South Algonquin
Staff Contact: Tracy Cannon, Planning & Building Administrator
Agenda Title: C. 2022-04 – Perk, Part Lot 25, Concession 7, Sabine Ward
Agenda Action: Refuse

Recommendation

That Committee of Adjustment for the Township of South Algonquin refuse consent application C. 2022-04 for lands located within Part Lot 25, Concession 7, Sabine Ward for the reasons identified in this report. If the Committee of Adjustment is inclined to approve the application, it is recommended that the following condition be attached to the Notice of Decision:

1. That a warning clause be included in all agreements of purchase and sale or offers to lease for the two new lots advising potential purchasers or renters of the proximity to the barn located at 1513 McKenzie Lake Road.

Background

The Township has received a consent application from the owner of the lands described as Part Lot 25, Concession 7, Sabine Ward.

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

1. Severed Lot # 1 – approximately 1.43 ha (3.5 acres) lot area and 100.10 m (328.4 ft) frontage on Proven Line and 172.7 m (566.6 feet) frontage on McKenzie Lake Road
2. Severed Lot #2 – approximately 1.54 ha (3.8 acres) lot area and 100.10 m (328.4 ft) frontage on Proven Line
3. Retained Lot – approximately 1.26 ha (3.1 acres) lot area and 162.6 m (533.5 ft) frontage on Proven Line

Both of the proposed severed lots are currently vacant and residential uses are proposed. The retained lot currently contains a mobile home, a septic system and a well. There is a clearing around the mobile home on the proposed retained lot, whereas the two proposed new lots are heavily wooded.

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. Policy 1.1.5.8 states that new land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the minimum distance separation formulae (MDS).

South Algonquin Official Plan

The Township of South Algonquin Official Plan designates the subject property as “Rural”. 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 4.4 speaks to the protection of agricultural land and policy 4.4.1 states that “due to the scarcity of workable farmland in the Township, development shall not be located in areas that would adversely affect existing agricultural operations. When considering development proposals in the vicinity of agricultural uses, the Minimum Distance Separation Formulae in the Provincial Policy Statement will be used.”

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 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.

South Algonquin Zoning By-law No. 2017-527

The subject property is zoned “Rural (RU)” under South Algonquin Zoning By-law No. 2017-527. Section 8.3 sets the minimum lot size for a residential lot in the RU zone at 1 ha (2.47 acres) with a minimum lot frontage of 100 m (328 feet).

Planning Analysis

Both of the proposed lots would comply with the Township’s RU zone provisions. The proposed lots would also achieve a number of the policy objectives in the PPS and the Official Plan as they:

- 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; and
- will not result in the unnecessary expansion of municipal services.

The PPS and the Official Plan require the application of the MDS formulae to the creation of new lots. The intent of the MDS document is to prevent land use conflicts and minimize nuisance complaints from odour. In order to calculate the minimum setback required, an MDS Farm Data Sheet must be submitted. The Farm Data Sheet must include both the current amount of livestock housed and the maximum housing capacity of a barn. The applicant provided a Farm Data Sheet for the barn on the property municipally known as 1513 McKenzie Lake Road, which is located southwest of the subject site. The new lots could be supported based on the current number of animals being kept in the subject barn, however the MDS document requires the consideration of the maximum capacity of a barn. The owners of 1513 McKenzie Lake Road have advised that a small portion of the barn is currently used for livestock and the rest is used for storage. However, if the entirety of the barn were to be used to house livestock, the estimated required separation distance would be approximately 234 metres, as shown on Appendix 2 (the purple arc). The MDS document would permit the creation of the new lots if there was at least 0.5 hectares (1.2 acres) of buildable lot area outside the separation distance on each lot, but this is not achievable on the subject site.

Conclusion and Recommendation

The proposal to create two new lots from the lands known as Part Lot 25, Concession 7, Sabine Ward would comply with the requirements of the zoning by-law, but would not be consistent with the PPS and would not comply with the Official Plan as it relates to the application of the MDS formulae. As such, it is recommended that the application be refused. However, If the Committee of Adjustment is inclined to approve the application, it is recommended that the following condition be attached to the Notice of Decision:

1. That a warning clause be included in all agreements of purchase and sale or offers to lease for the new lots advising potential purchasers or renters of the proximity to the barn located at 1513 McKenzie Lake Road.

Respectfully,

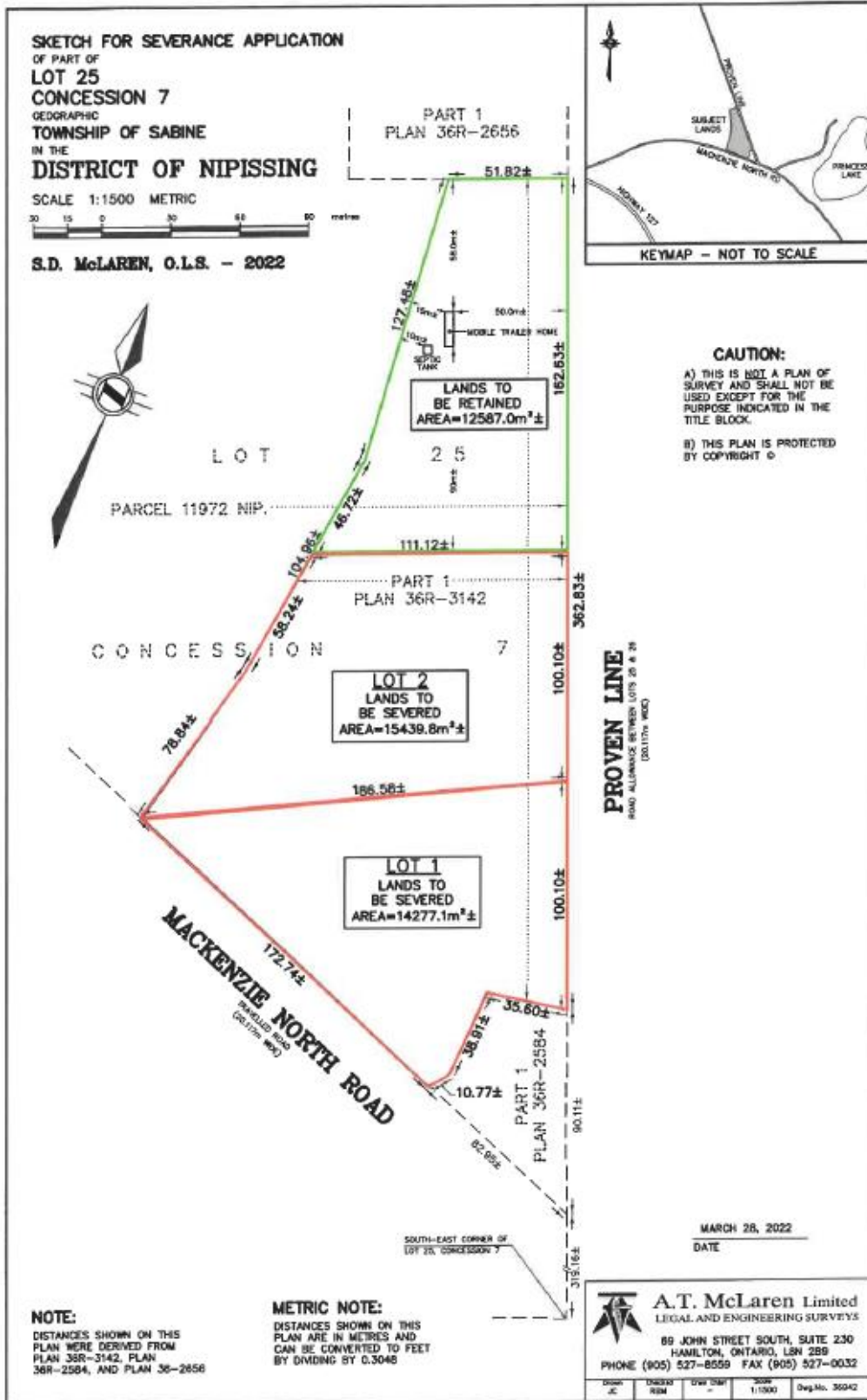
Jp2g Consultants Inc.
Engineers • Planners • Project Managers

Prepared By:



Anthony Hommik, MCIP, RPP
Senior Planner | Planning Services

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



Appendix 2 – MDS Separation Distance (Prepared by Jp2g Consultants Inc.)

