



*7 Third Avenue
Whitney, Ontario*

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

September 21, 2022 9:00 a.m.

**IN PERSON & ZOOM MEETING
Live Streamed to YouTube Channel: South Algonquin Council**

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 June 22, 2022 Committee of Adjustment Meeting be approved as submitted.
5. Public Hearing
 - 5.1 **Consider Minor Variance M.V.2021-02**
Staff Report: Anthony Hommik, MCIP, RPP
Legal Description: DICKENS PLAN M318 LOT 6 PCL;19350 NIP
Municipal Address: 468 Moonlight Bay Road
 - 5.2 **Consider Consent Application (Severance)-C.2022-05**
Staff Report: Anthony Hommik, MCIP, RPP
Legal Description: SABINE W HASTINGS RD LOT 23;PCL 24216 NIP
Civic Address: 814 North McKenzie Lake Road
 - 5.3 **Consider Consent Application (Severance)-C.2022-06**
Staff Report: Anthony Hommik, MCIP, RPP
Legal Description: DICKENS PLAN M334 LOT 18 PT;OF PART 2 RP 36R6300 PCL;21307
Civic Address: 2884 AYLEN LAKE
6. Other

Adjournment

NOTE: Submissions received from the public, either orally or in writing, may become part of the public record.

There may be limited capacity in the Council Chambers.

**THE CORPORATION OF THE TOWNSHIP OF SOUTH ALGONQUIN
COMMITTEE OF ADJUSTMENT**

PUBLIC MEETING VIA ZOOM – June 22, 2022 –9:00 a.m.

There was a public meeting of the Committee of Adjustment via ZOOM to hear Consent Application No. C.2022-04. 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 – Fred Perk, Applicant C.2022-04
Anthony Hommik, Planner Jp2g Consultants Inc

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, June 22, 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 April 20, 2022 Committee of Adjustment meeting as circulated.

-Carried-

5. PUBLIC HEARING

5.1 CONSIDER CONSENT APPLICATION – (Severance)-C.2022-04

This portion of the meeting is to consider a Consent for a severance under Section 53 of the Planning Act for lands described as CON 7 PT LOT 25 RP;36R3142 PART 1 PCL 23873 NIP Sabine Ward, locally known as 91 Proven Line.

The application requests municipal consent to create two new lots, resulting in:

1. Severed Lot # 1 – approximately 1.43 ha of lot area and 100.10 m frontage on Proven Line and 172.7 m frontage on McKenzie Lake Road
2. Severed Lot #2 – approximately 1.54 ha of lot area and 100.10 m frontage on Proven Line
3. Retained Lot – approximately 1.26 ha of lot area and 162.6 m frontage on Proven Line

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.

REQUIREMENTS FOR NOTICE

T. Cannon reported, the notice signs were provided to the property owner on May 25th and mailed to property owners within the required 60 metres of the subject property on May 26th.

PUBLIC/AGENCY COMMENT ON APPLICATION:

T. Cannon received two comments from adjacent property owners that had no objections to the application.

COMMENTS FROM THE PLANNER:

Anthony Hommik, Planner provided a summary of the circulated planning report. The proposed lots would comply with the Comprehensive Zoning By-Law No. 2017-527 and would also achieve a number of the policy objectives in the Provincial Policy Statement 2020 (PPS) and the Official Plan.

The PPS and the Official Plan requires Minimum Distance Separation (MDS) evaluations when applicable. The MDS document is intended to prevent land use conflicts and minimize nuisance complaints pertaining to odour.

A MDS checklist was submitted with the application that indicated that 1513 McKenzie Lake Road does contain livestock; three or four cows and about a dozen chickens.

MDS requires a calculation based on a formula on the current livestock and on any future livestock the barn can potentially accommodate. When the MDS calculation was done on the current livestock there was no issues. However, the barn could potentially accommodate fourteen cows which recommends that no new development occur. Therefore, it is recommended the application be refused.

COMMENTS FROM THE APPLICANT:

Mr. Perk had no comments.

COMMITTEE & APPLICANT DISCUSSION OF APPLICATION:

Councillor Florent: Visited the property on a rainy day where if there was any odours it would have been prominent that day, and none was detected. The purple lines are located on the drawing at the extreme boundaries of where it includes these properties especially if the new homes were built on Proven Line. Recommends the Committee proceed with the severance.

Councillor Collins: In agreeance with Councillor Florent that the lands are on the extreme edge of the boundary. The potential for the odour is there and inquired if something could be added to the decision of consent that at no time the property owners of these properties can't complain about odours.

T. Cannon: A development agreement could be included as a condition that informs any potential buyers that the properties are within the MDS radius.

Councillor Bongo: The current population of cows isn't the issue, the issue is if the amount of cows went up to the maximum capacity. Inquired if there was a way to cap the number of cows so that the current amount of population is maintained.

T. Cannon: Don't believe that capping the amount of cows on a rural farm is a possibility.

Councillor Collins: Be very wrong to cap an existing farm.

Councillor Harper: Have travelled that area for fifty years and have never noticed any type of odour and feels the Committee should go ahead with the application.

Councillor Florent: The existence of these small family farms is on the decline and the chances of volume of cattle being increased is slim.

Councillor Shalla: Provided history of when he spent time on the subject farm when his family owned the property, and he is aware of the barn and the location. The restrictions to deal with the odour is understandable but was never a problem. Believes that in the future if there is a proposal to construct a barn that a warning be sent out that the radius of the barn may be within other properties.

Agrees the severance should proceed.

Councillor Collins: Not prepared to let the severance go through unless there is something on deeded title that future owners are aware of the potential odour.

Councillor Shalla: Agrees with Councillor Collins that claws be included to cover the township.

T. Cannon: Questioned Councillor Collins whether she believed the retained should be included in the agreement as a small portion is in the radius and the property is already developed.

Councillor Collins: Felt the retained should be included.

A.Hommik: Condition can be added to the retained lands as well. To Councillor Shalla's comment-any new barns or any expansion of existing barns would also be required to go through the MDS formulas.

Councillor Florent: Disagrees the retained lands be required to be included in agreement. The retained lands already exist, its already within the boundary. Maybe if it was sold. It would be putting a condition on property that already exists.

T. Cannon: The retained lands can't be added after today.

A. Hommik: Confirmed there is no mechanism to add a requirement to the retained lands after today.

Councillor Shalla: Agreed with Councillor Florent; Should not be putting any claws on the retained lot now or later. We are dealing with two other lots and that is what should be discussed.

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.

- 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 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 township for the two severed lots.
- 4) That the owner enter into a development agreement pertaining to the radius of the barn. The development agreement shall be registered on title.
- 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.

T. Cannon requested any comments from Mr. Perk: None

Discussion resumed on Condition #4. It was determined that Condition #4 would apply only to the severed lands to include a warning clause to any potential buyers that the lands are within the MDS radius and that it will be registered on title. A. Hommik and T. Cannon will work on the exact wording for the condition.n

DECISION

Moved by: Councillor Florent

Seconded by: Councillor Shalla

That the Committee of Adjustment accepts Application C.2022-04 and the conditions as read by the Secretary-Treasurer.

-CARRIED-

6. OTHER: None

ADJOURNMENT

Moved by: Councillor Bongo

Seconded by: Councillor Harper

The Committee adjourned the Committee of Adjustment meeting at 9:44 a.m.

-Carried-

Committee Chair, Richard Shalla

Secretary/Treasurer, Tracy Cannon

DRAFT

PLANNING REPORT



Meeting Date:	September 21, 2022
Agency:	Township of South Algonquin
Staff Contact:	Tracy Cannon, Planning & Building Administrator
Agenda Title:	MV. 2021-02 – Richards, 468 Moonlight Bay Road
Agenda Action:	Approve Enlargement with Conditions

Recommendation

That Committee of Adjustment for the Township of South Algonquin approve the requested enlargement of a legal non-conforming structure on the lands located at 468 Moonlight Bay Road (Dickens Plan M318 Lot 6 PCL 19350) with the conditions identified in this report.

Background

The Township has received a Permission to Enlarge (Minor Variance) application from the owner of the property municipally known as 468 Moonlight Bay Road (Dickens Plan M318 Lot 6 PCL 19350). The subject property has frontage on Ayleen Lake and is currently improved with two single-storey frame cottages and a woodshed. The northern cottage and the majority of the southern cottage are located on the shore road allowance that was recently purchased by the owner. The southern cottage is proposed to be enlarged with a sunroom/screened in porch with a floor area of approximately 23.4 square metres (252 square feet). The applicant's submitted drawing showing the location of the existing structures and the proposed addition has been attached as Appendix 1 to this report.

The subject property is zoned Shoreline Residential (SR). The Shoreline Residential zone permits the existing cottage that is proposed to be enlarged, however, the existing cottage does not meet the required 20-metre setback from Ayleen Lake. The existing cottage is considered legal non-conforming and, as a result, any change, alteration or replacement of the existing cottage requires approval of the Committee of Adjustment for an expansion of a legal non-conforming use.

South Algonquin Official Plan

The Township of South Algonquin Official Plan designates the subject property "Waterfront". Section 5 of the Official Plan contains the policies applicable to lands designated "Waterfront Areas". The Official Plan recognizes that the "Township's Waterfront lands have played, and will continue to play, an important role in the municipality's physical development." Section 5.2 permits single-detached dwellings located on individual lots along the shoreline.

Section 2.24 of the Official Plan contains the policies related to legal non-conforming uses and the ability 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 10.7.7 of the Official Plan identifies a 30-metre area of influence for all water bodies and requires that “no negative impacts on the natural feature or its ecological function must be demonstrated through required studies before approvals are granted.” Relatedly, Section 10.9.2 states that “where development is proposed within 120 metres of fish habitat, the proponent will be required to prepare a report to the satisfaction of Council, in consultation with a qualified biologist, outlining the measures that need to be undertaken to ensure that there is no negative impact on fish habitat as the result of the development.” New development may be permitted provided it:

- Does not harmfully alter, disrupt or destroy the fish habitat area; and
- There will be no net loss or net gain or productive capacity of the fish habitat area.

A field assessment, dated June 9, 2022, was conducted by Ravenwood Environmental and was submitted as part of this application.

South Algonquin Zoning By-law No. 2017-527

The subject property is zoned Shoreline Residential (SR) under Zoning By-law No. 2017-527. The Shoreline Residential zone permits the existing cottage that is proposed to be enlarged, however, the existing cottage does not meet the required 20-metre setback from Aylen Lake.

Section 4.15 a) states that “where a building or structure is located on a lot having less than the minimum frontage and/or lot area, and/or having less than the minimum setback, front yard and/or side yard and/or rear yard required by this Bylaw, the said building or structure may be enlarged, reconstructed, replaced, repaired and/or renovated provided that the enlargement, replacement, reconstruction or renovation and/or repair does not reduce the front yard, and/or side yard, and/or rear yard or increase the amount of floor area or volume or height in a required yard.”

While the setback for the proposed addition would be greater than that of the existing cottage, a variance is required to Section 4.15 a) i) as this application seeks to permit an increased floor area for the existing cottage.

Planning Analysis

Section 45(2)(a)(i) of the *Planning Act* 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.

Given the fact that the proposed enlargement is located in close proximity to Aylen Lake, which is a managed lake trout lake, an Environmental Impact Study (EIS) was required in order to consider the application. As noted above, an EIS, dated June 9, 2022, was prepared by Ravenwood Environmental. The EIS drew the following conclusions:

1. *The property is largely disturbed in the area of the proposed construction due to historic human cultivation on site (lawn, garden, trails).*
2. *Most of the undisturbed habitat on site is located to the south, north and east of the property, and all will remained (sic) in its natural state post-construction.*

3. *The proposed project has been surveyed by P.A. Miller Surveying Ltd. and designed by professionals to incorporate best available technologies and best management practices to minimize disturbance to the site.*
4. *The proposed building envelope is entirely located within a historically disturbed section of maintained lawn on site.*
5. *The construction area occurs upslope of a well vegetated section of land, and upslope of the shoreline of Aylen Lake.*
6. *There is no additional clearing required for the proposed addition. No further disturbance will occur within the vegetated area located down-slope of the construction area.*
7. *An approved Sedimentation Barrier will be installed downslope of the construction area during all active phases which may result in movement or disturbance of substrate material, to ensure there is no erosion or resulting sedimentation of Aylen Lake as result of activities on site. This barrier will utilize Best Management Practices for construction materials, and will be installed properly, and inspected and maintained as required.*
8. *The Sedimentation Barrier will remain in place until all disturbed substrate has been stabilized using approved methods (geotextile, hydroseeding, etc.).*
9. *No adverse impacts on the adjacent natural features, including Aylen Lake, are anticipated, provided the mitigation measures noted above are undertaken.*

As noted above, Section 2.24 of the Official Plan permits the limited expansion of existing legal non-conforming uses provided that the objectives and development policies of the plan are met. The proposed expansion is modestly-sized and would constitute a limited expansion. Furthermore, the existing cottage is located approximately 9.8 metres (32.1 feet) from the shoreline, while the new addition will be located no closer than 14.25 metres (46.7 feet) from the shoreline.

Conclusion and Recommendation

It is concluded that the proposed enlargement of the southern cottage on the property municipally known as 468 Moonlight Bay Road 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 addition would be located at a greater distance from the shoreline than the existing structure. The results of the EIS conclude that no adverse impacts on the adjacent natural features, including Aylen Lake, are anticipated and the area where the addition will be constructed is highly disturbed, with no further disturbance to occur within the vegetated area down-slope of the construction area.

Based on the above planning analysis and the findings of the EIS prepared by Ravenwood Environmental, it is recommended that the Committee of Adjustment approve the Permission to Enlarge application with the following conditions:

- 1) That the approved development is constructed substantially in accordance with the sketch submitted by the applicant, attached hereto as Appendix 1.
- 2) That an approved Sedimentation Barrier be installed downslope of the construction area during all active phases which may result in movement or disturbance of substrate material, to ensure there is no erosion or resulting sedimentation of Aylen Lake as result of activities on site. This barrier is to utilize Best Management Practices for construction materials, and be installed properly, and inspected and maintained as required.

- 3) That the Sedimentation Barrier remain in place until all disturbed substrate has been stabilized using approved methods (geotextile, hydroseeding, etc.).
- 4) Payment of all municipal legal and planning fees associated with the processing of the application.

Respectfully,

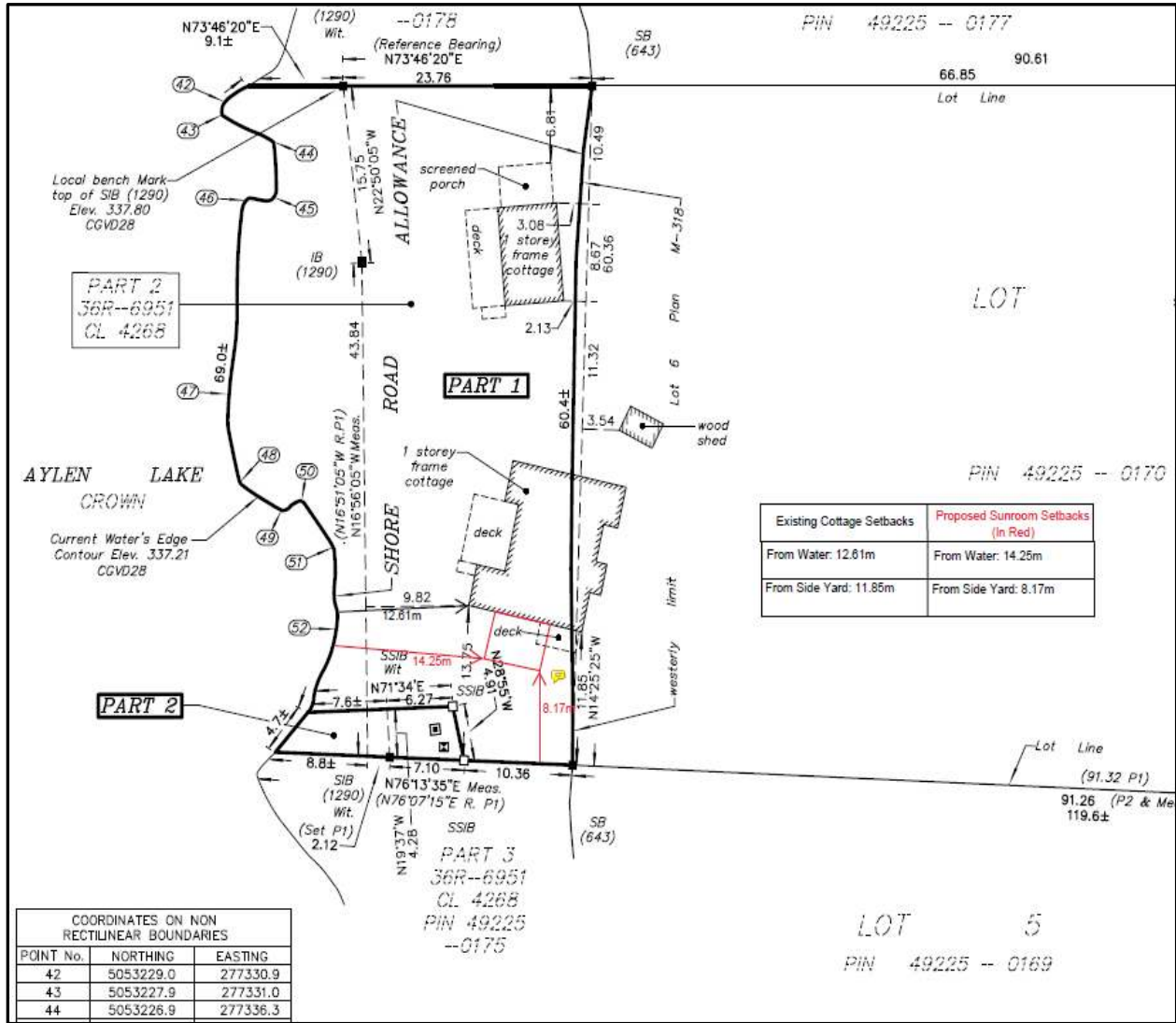
Jp2g Consultants Inc.
Engineers • Planners • Project Managers

Prepared By:

A handwritten signature in black ink, appearing to read 'A Hommik', written in a cursive style.

Anthony Hommik, MCIP, RPP
Senior Planner | Planning Services

Appendix 1 – Proposed Enlargement (Applicant's Submitted Drawing)



PLANNING REPORT



Meeting Date:	September 21, 2022
Agency:	Township of South Algonquin
Staff Contact:	Tracy Cannon, Planning & Building Administrator
Agenda Title:	C. 2022-05 – Wade, 814 North McKenzie Lake Road, Sabine Ward
Agenda Action:	Approve with Conditions

Recommendation

That the Committee of Adjustment approve consent application No. C.2022-05 for the lands described as W HASTINGS RD LOT 23; PCL 24216 NIP (municipally known as 814 North McKenzie Lake Road), with the conditions recommended in this report.

Background

The Township has received a consent application from the owner of the lands described as W HASTINGS RD LOT 23; PCL 24216 NIP (municipally known as 814 North McKenzie Lake Road) in Sabine Ward.

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

1. Severed Lot – approximately 1.0 hectare (2.47 acres) lot area and approximately 100 metres (328 feet) frontage on North McKenzie Lake Road
2. Retained Lot – approximately 19.2 hectares (47.5 acres) lot area and approximately 107 metres (351 feet) of frontage on North McKenzie Lake Road

The lot to be severed is currently vacant and proposed to be used for residential purposes. The retained lot currently contains an existing cabin and an accessory structure (shed). There are a few small clearings on the subject property but it is otherwise mostly wooded.

Provincial Policy Statement, 2020

The Provincial Policy Statement, 2020 (PPS) provides policy direction on matters of provincial interest related to land use planning to provide 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 Township of South Algonquin Official Plan designates the subject property “Rural”. Section 4.1 of the Official Plan contains the policies applicable 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 11.1 of the Official Plan sets out the consent policies that must be considered in the creation of 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 hectare 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. The Rural zone requires a minimum residential lot size of 1 hectare (2.47 acres) and a minimum lot frontage of 100 m (328 feet).

Planning Analysis

The proposed lot would conform to the applicable policies of the Township of South Algonquin Official Plan and it would comply with Zoning By-law No. 2017-527. The proposed lot would also be consistent with the PPS as it:

- will have limited impact on the rural character of the area;
- is located in the vicinity of a number of existing residential properties and any new development on the severed lot would not constitute isolated development;
- does 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.

Conclusion and Recommendation

The proposal to create one new (1 hectare) lot by way of severance from the lands municipally known as 814 North McKenzie Lake Road is consistent with the PPS, conforms to the relevant Official Plan policies and complies with Zoning By-law No. 2017-527. Based on the above analysis, it is recommended that the Committee of Adjustment approve the application subject to 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 lot and naming the grantor and grantee attached to the transfer for approval purposes.
2. That an entrance permit be obtained from the township for the severed lot.
3. Payment of all municipal legal and planning fees associated with the processing of the application.
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,

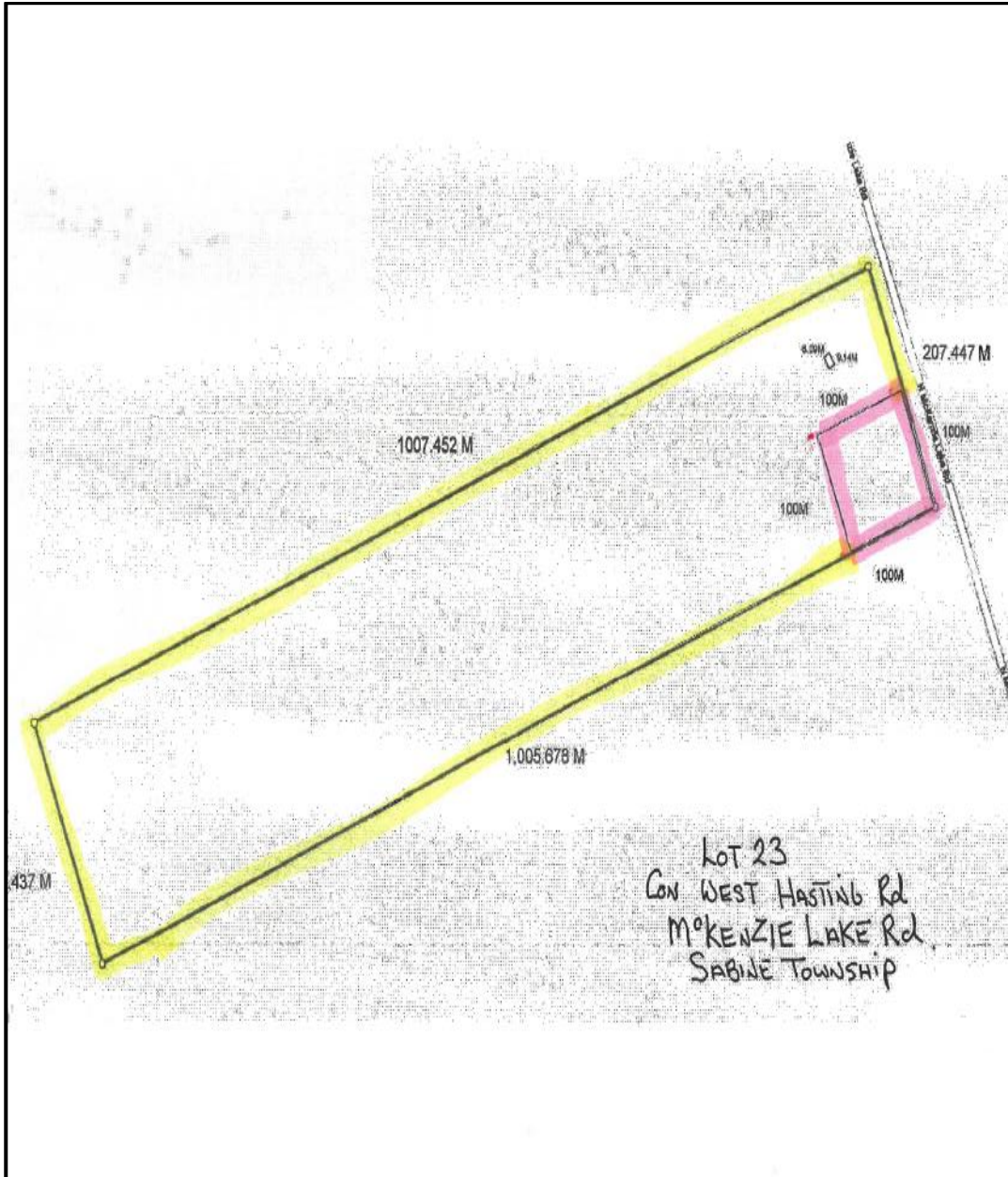
Jp2g Consultants Inc.
Engineers • Planners • Project Managers

Prepared By:



Anthony Hommik, MCIP, RPP
Senior Planner | Planning Services

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



PLANNING REPORT



Meeting Date:	September 21, 2022
Agency:	Township of South Algonquin
Staff Contact:	Tracy Cannon, Planning & Building Administrator
Agenda Title:	C.2022-06 – Chellew/Carroll, 2874 and 2884 Aylen Lake, Dickens Ward
Agenda Action:	Approve with Conditions

Recommendation

That the Committee of Adjustment approve consent application No. C.2022-06 for the lands described as the Shore Road Allowance in front of Lots 18-19, Plan M334 (municipally known as 2874 and 2884 Aylen Lake) with the conditions recommended in this report.

Background

The Township has received a consent application (lot addition) from the owner of the lands described as the Shore Road Allowance in front of Lots 18-19, Plan M334 (municipally known as 2874 and 2884 Aylen Lake) in Dickens Ward.

The proposal, as shown on Appendix 1, is to add the portion of the shore road allowance in front of Lot 18, Plan M334 (2884 Aylen Lake) to the said lot, such that Lot 18 and the portion of the shore road allowance in question can be conveyed together. The shore road allowance in front of Lots 18 and 19 was purchased by the owners of Lots 18 and 19 but has merged on title into one parcel. Lots 18 and 19, being lots in a registered plan of subdivision remain individually conveyable lots.

Lot 18 is currently improved with a sleep cabin and a shed. A 'panabode' (log cabin) is situated on the portion of the shore road allowance that is proposed to be added to Lot 18. The lot has approximately 113 metres (370 feet) of water frontage on Aylen Lake and an area of approximately 0.27 hectares (0.67 acres). The area of the shore road allowance proposed to be added to Lot 18 is approximately 0.13 hectares (0.32 acres). Together, the overall property would have an area of approximately 0.4 hectares (1.0 acre).

Provincial Policy Statement, 2020

The Provincial Policy Statement, 2020 (PPS) provides policy direction on matters of provincial interest related to land use planning to provide 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 Township of South Algonquin Official Plan designates the subject property “Waterfront”. Section 5 of the Official Plan contains the policies applicable to lands designated “Waterfront Areas”. The Official Plan recognizes that the “Township’s Waterfront lands have played, and will continue to play, an important role in the municipality’s physical development.” Section 5.2 permits single-detached dwellings located on individual lots along the shoreline.

Section 5.4 sets out the policies specific to residential development on lands designated Waterfront. The Official Plan generally requires a minimum lot area of one hectare (2.47 acres).

South Algonquin Zoning By-law No. 2017-527

The subject property is zoned “Limited Service Shoreline Residential (LSR)” under South Algonquin Zoning By-law No. 2017-527. The LSR zone permits cottages and detached dwellings.

Planning Analysis

The purpose of this application is to add a portion of shore road allowance to an existing lot of record to enlarge the existing lot. No new development is proposed.

The lot proposed to be added to, Lot 18, is an existing lot of record in a registered plan of subdivision. As a lot in a registered plan of subdivision, Lot 18 is individually conveyable, however, the shore road allowance cannot be added to the lot without lifting Part Lot Control under Section 50(5) of the *Planning Act*. Under Section 50(5), all lands within plans of subdivision are subject to Part Lot Control. Municipalities have the authority to ‘lift’ part lot control by way of by-law. The Part Lot Control by-law, should it be passed by Council, has the effect of deeming Part Lot Control to not apply to the subdivision lands in question and allows individual parcels of land that are held in the same ownership (i.e., same name(s) on title) to merge. As noted in the recommendations below, a request to lift Part Lot Control will be required as a condition of consent. The Part Lot Control by-law will also allow the portion of the shore road allowance in front of Lot 19 (also an existing lot of record in the same registered plan of subdivision) to be added to that lot. In order to process the request to lift Part Lot Control, a registered plan of survey, describing the parts to be added to the respective lots is required to be submitted.

Adding the shore road allowance to Lots 18 and 19, respectively, by way of a by-law to lift Part Lot Control, will ensure that the shore road allowance is no longer individually conveyable. At present, the shore road allowance could be transferred independently of Lots 18 and 19.

It is concluded that the lot addition is consistent with the PPS, conforms to the applicable policies contained in the Official Plan and complies with the Zoning By-law, by virtue of the fact that the lot being added to is an existing lot of record.

Conclusion and Recommendation

The proposal to add the portion of the shore road allowance in front of Lot 18, Plan M334 (municipally known as 2884 Ayles Lake) is consistent with the PPS, conforms to the relevant Official Plan policies and complies with Zoning By-law No. 2017-527. Based on the above analysis, it is recommended that the Committee of Adjustment approve the application subject to the following conditions:

1. The applicant submit a request to the Township to lift Part Lot Control to effect the merging of the shore road allowance in front of Lots 18 and 19, Plan M334 with the respective lots.
2. 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 lot and naming the grantor and grantee attached to the transfer for approval purposes.
3. Payment of all municipal legal and planning fees associated with the processing of the application.
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

