

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

PUBLIC MEETING IN-PERSON & ZOOM – February 15, 2023 –9:00 a.m.

There was an in-person and Zoom public meeting of the Committee of Adjustment to hear Consent Applications No. C.2022-07 and Minor Variance Application No. M.V. 2023-01. Present were Committee Members: Committee Chair Councillor Kuiack, Mayor LaValley, Councillor Collins, Councillor Florent, Councillor Pigeon, Councillor Rodnick, Councillor Siydock.

Staff: Tracy Cannon, Secretary Treasurer, Committee of Adjustment
Michael Anderson, Chief Building Office/By-Law Enforcement Officer

Applicants/Agents: Debbie Avery – C.2022-07
Neil & Linda Malcolm - M.V.2023-01

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

LAND ACKNOWLEDGEMENT

We acknowledge that we are gathered on the unceded Traditional Territory of the Algonquin Anishinaabeg people, specifically the Matouweskarini (people of the Madawaska River). We further acknowledge that the Algonquin People have been stewards of this land since time immemorial and we strive to treat the land along with the flora and fauna it supports, the people, their customs and traditions, with honour and respect. Today, this area is home to people of all walks of life, and we acknowledge the shared opportunities and responsibilities to live, work and survive within this beautiful territory. Chi-miigwetch, All my relations

1. **ADDITIONS/AMENDMENTS TO THE AGENDA:** None

2. **ADOPTION OF THE AGENDA**

Moved by: Councillor Florent

Seconded by: Councillor Siydock

To adopt the agenda as prepared for the Committee of Adjustment meeting of Wednesday, February 15, 2023 as circulated.

-Carried-

3. **DECLARATION OF PECUNIARY INTEREST:** None

4. **ADOPTION OF MINUTES**

Moved by: Councillor Florent

Seconded by: Councillor Collins

To adopt the minutes of Wednesday, September 21, 2022 Committee of Adjustment meeting as circulated.

-Carried-

5. **PUBLIC HEARING**

Chair, Councillor Kuiack opened the Public Hearing portion of the meeting and turned it over to T. Cannon, Secretary Treasurer of the Committee of Adjustment.

5.1 CONSIDER CONSENT APPLICATION – C. 2022-07

This portion of the Committee of Adjustment meeting is to consider a Consent under Section 53 of the Planning Act for lands described as AIRY CON 5 PT PART LOT 7;PCL 19108, locally known as 40 Kenny Road. Debbie Avery, owner of the benefitting lands was in attendance via Zoom.

Application # C.2022-07 requests municipal consent for a lot addition to sever a portion of the existing property (40 Kenny Road) and add these lands to the property municipally known as 19 Avery Lane. According to Township records, the lot area of the existing property at 40 Kenny Road is approximately 2.3 hectares (5.65 acres) and the property at 19 Avery Lane is 1.02 hectares (2.53 acres). The area of the land proposed to be added to 19 Avery Lane, according to the applicant's submission, is approximately 0.45 hectares (1.11 acres). With the addition, the new lot area of 19 Avery Lane would be approximately 1.47 hectares (3.63 acres) while the area of 40 Kenny Road would be approximately 1.82 hectares (4.5 acres).

A survey prepared by an Ontario Land Surveyor would identify the exact lot area.

Existing on Severed lands is fuel tanks, storage shed.

Existing on the lands Being Added to (19 Avery Lane) is a dwelling, garage, shed.

Existing on Retained lands (40 Kenny Road) is a dwelling, mobile home, icehouse, shed.

REQUIREMENTS FOR NOTICE

The requirement to hold this meeting is there must be at least 14 days' notice as prescribed by Section 53 (5) of the Planning Act. Notice signs were posted on the property on January 16th and mailed to property owners within the required 60 metres of the subject property on January 30th.

COMMENTS FROM THE PLANNER:

Comments from Anthony Hommik, Planner Jp2g Consultant Inc were provided in the circulated planner's report.

PUBLIC/AGENCY COMMENT ON APPLICATION: None

COMMENTS FROM THE COMMITTEE/APPLICANT:

Mayor LaValley: Felt the proposal was straight forward-no concerns.

Debbie Avery: No comment

MOTION:

Moved by: Mayor LaValley

Seconded by: Councillor Florent

That Committee of Adjustment approve the recommendation outlined in the Planner's Report prepared by Anthony Hommik, Senior Planner of Jp2g Consultants; and that Consent Application No.2022-07 be 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. 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.

Discussion/Comment on Conditions: None

-CARRIED-

5.2 CONSIDER MINOR VARIANCE APPLICATION – M.V. 2023-01

This portion of the meeting is to consider one application for a Minor Variance under Section 45 of the Planning Act for lands described as PLAN M382 LOT 23 PT;SHORE RD ALLOW AND RP;36R12466 PART 4, geographic township of Lyell and locally known as 123B Woodland Lane.

Owners Linda & Neil Malcolm were in attendance via Zoom.

The subject property has frontage on Lyell Lake also known as Cross Lake. Lyell Lake is what it will be referred as for the purpose of this meeting.

The property is zoned Shoreline Resident (SR) in the Comprehensive Zoning By-Law.

The application proposes to construct a two-storey detached garage with habitable space on the second floor. The property is currently improved with an existing dwelling and storage shed.

The proposed detached garage would be located between the existing dwelling and Woodland Lane at a distance of approximately 34 metres from the shoreline of Lyell Lake.

Section 4.1.10 of the Zoning By-Law states the use of any accessory building or structure for a habitable room is not permitted except in the case of a guest cabin or a one- and one-half storey detached garage. Occupancy of any accessory structures shall not be permitted until an occupancy permit has been issued by the Township.

A variance is required to permit a two-storey detached garage.

Section 4.1.11 Only one guest cabin or one-, one- and one-half storey detached garage shall be permitted per lot.

A variance is required to permit a two-storey detached garage.

Lyell Lake is identified in the Official Plan as a lake trout lake, “not at capacity”.

T. Cannon read how the application meets the four tests to grant a minor variance per Section 45(1) of the Planning Act.

COMMENTS FROM THE COMMITTEE:

Councillor Florent: Directed to Michael Anderson, CBO-Questioned if the existing septic system could accommodate washroom facilities if in the future the owners or future owners want to install a washroom, realizing washroom facilities are not proposed. Councillor Florent also expressed concerns that the property was not accessible in the winter months for the site visit.

M. Anderson: Septic would need to be looked at to ensure if the design can accept additional daily sewage flow.

Neil & Linda Malcolm: No plan for water or washroom facilities. Need additional sleeping quarters only.

Councillor Collins: Inquired if an outdoor privy would be possible.

M. Anderson: Recommended to look at the existing system, as it is probably adequate size.

Councillor Florent: Prepared to vote in favour of the application if there was a condition that the septic is adequate.

Neil & Linda Malcolm: Will provide information on the septic system.

Mayor LaValley: To confirm that the proposed development is not going to be used as an Airbnb?

Neil & Linda Malcolm: Confirmed will not be used as an Airbnb. Personal use only.

REQUIREMENTS FOR NOTICE

T. Cannon reported, the notice sign was posted adjacent to Lyell Lake Landing Road as the property is not accessible in the winter months on January 30th and mailed to property owners within the required 60 metres of the subject property on January 31st.

PUBLIC/AGENCY COMMENT ON APPLICATION:

T. Cannon received one comment from the owners of 141A Woodland Lane. They were not disputing the project, however wanted to ensure the dimensions for the side yard setback was from the actual property line and not the hydro line. After research it was determined there was a discrepancy between the site plan submitted and RPlan 36R-12466. The site plan has been revised to reflect this adjustment. With this adjustment the proposed structure is over 12 metres from the property line where the minimum side yard setback is 5 metres. The owners of 141A Woodland Lane have been provided a copy of the site plan and the RPlan to show where the dimensions were taken from. No further comments have been received.

COMMENTS FROM THE PLANNER:

Comments from Anthony Hommik, Planner Jp2g Consultant Inc were provided in the circulated planner’s report. Additional comments were received in respect to the setbacks revisions and recommended the condition in the planning report be revised to read. “That the approved development be constructed substantially in accordance with the plans prepared by Colin Darling Architectural Design, dated December 19, 2022, with the exception of the Site Plan Sketch (SP-1) that is dated February 12, 2023, attached hereto as Appendix 1”

DECISION AND CONDITIONS OF THE MINOR VARIANCE APPLICATION

Moved by: Councillor Kuiack

Seconded by: Councillor Collins

In making the decision upon the application, the committee has considered whether or not the variance requested was minor and desirable for the appropriate development and that the general intent of and purpose of the zoning by-law and the official plan will be maintained.

THEREFORE, the Committee of Adjustment approve the request for Minor Variance Application No. M.V.2023-01 subject to the recommended conditions.

- 1) That the approved development be constructed substantially in accordance with the plans prepared by Colin Darling Architectural Design, dated December 19, 2022, with the exception of the Site Plan Sketch (SP-1) that is dated February 12, 2023, attached hereto as Appendix 1
- 2) Payment of all municipal legal and planning fees associated with the processing of the application.
- 3) That the applicant provides verification of the septic size and location and that the septic meets Ontario Building Code standards.

Discussion/Comment on Conditions: None

-Carried-

5.3 CONSENT APPLICATION (LOT ADDITION) C.2022-06

Discussion on the written report provided by T. Cannon regarding the recommendation to revise Condition #1 for a Deeming By-Law instead of a Part Lot Control Lift By-Law as originally included in Condition#1. The Committee of Adjustment approved the recommendation to revise the condition.

Councillor Rodnick exited meeting.

6 OTHER: None

7 Next Committee of Adjustment meeting tentatively scheduled for Wednesday, March 15, 2023

ADJOURNMENT

Moved by: Councillor Pigeon

Seconded by: Councillor Florent

The Committee adjourned the Committee of Adjustment meeting at 9:43 a.m.

-Carried-

Committee Chair, Councillor Kuiack

Secretary/Treasurer, Tracy Cannon