

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

PUBLIC MEETING VIA ZOOM – September 21, 2022 –9:00 a.m.

There was a public meeting of the Committee of Adjustment via ZOOM and in-person to hear Minor Variance Application No. M.V. 2021-02 and Consent Applications No. C.2022-05 and C.2022-06. 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 – Holly Richards, Applicant M.V.2021-02
Adrian Taylor, Bradley Law Corporation, Solicitor & Agent; C.2022-06

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 Bongo

To adopt the agenda as prepared for the Committee of Adjustment meeting of Wednesday, September 21, 2022 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 June 22, 2022 Committee of Adjustment meeting as circulated.

-Carried-

5. **PUBLIC HEARING**

Chair, Councillor Shalla turned the meeting over to T. Cannon, Planning & Building Administrator.

5.1 CONSIDER MINOR VARIANCE APPLICATION – M.V. 2021-02

This portion of the meeting is to consider one application for a Minor Variance under Section 45 of the Planning Act Part for lands locally known as 468 Moonlight Bay Road.

The subject property has frontage on Aylen 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 252 square feet.

The subject property is zoned Shoreline Residential (SR). The Shoreline Residential zone permits the existing cottage, however, the existing cottage does not meet the required 20-metre setback from Aylen Lake therefore is considered a legal non-conforming use. Any change, alteration or replacement of the existing cottage requires approval for an expansion of a legal non-conforming use.

Due to the proposed enlargement being located in close proximity to Aylen Lake that is a managed lake trout lake, an Environmental Impact Study (EIS) was required in order to consider the application. Ravenwood Environment provided a report dated June 9, 2022.

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.

REQUIREMENTS FOR NOTICE

T. Cannon reported, the notice signs were provided to the property owner on August 26th and mailed to property owners within the required 60 metres of the subject property on August 29th.

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:

T. Cannon received one comments in support of the development from Richard & Cathy Shillington, an adjacent property owner.

COMMENTS FROM THE COMMITTEE:

Councillor Florent: No concerns with the proposed construction as it is going to be further away from the lake than part of the cottage. Doesn't appear that there will be any change to the shoreline.

Councillor Bongo: Thanked the applicant and echoed Councillor Florent's comment.

COMMENTS FROM THE APPLICANT:

Holly Richards: Has reviewed the EIS Report with her parents and they have no issues with the conclusions of the report and are willing to put up a heavy-duty sedimentation barrier along the shoreline to protect it.

RECOMMENDATION AND CONDITIONS OF THE MINOR VARIANCE APPLICATION

Based on the planning analysis provided in the planner's report 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 below conditions;

- 1) That the approved development is constructed substantially in accordance with the sketch submitted by the applicant.

- 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.

DECISION

Moved by: Councillor Florent

Seconded by: Councillor Bongo

In making the decision upon the application, the committee has considered whether or not the application meets the requirements of subsection 45(2) of the Planning Act.

THEREFORE, the Committee of Adjustment grant the Permission to Enlarge subject to the conditions read by the Secretary Treasurer.

-CARRIED-

T.Cannon thanked Holly Richards for attendance and advised that she will follow up regarding the Notice of Decision.

5.2 CONSIDER CONSENT APPLICATION – C. 2022-05

This portion of the Committee of Adjustment meeting is to consider a Consent under Section 53 of the Planning Act for lands locally known as 814 North McKenzie Lake Road. The applicant was not in attendance for the hearing.

Application # C.2022-05 requests municipal consent to create one new lot, resulting in:

Severed Lot – approximately 1.0 hectare (2.47 acres) lot area and approximately 100 metres frontage on North McKenzie Lake Road.

Retained Lot – approximately 19.2 hectares (47.5 acres) lot area and approximately 107 metres of frontage on North McKenzie Lake Road.

The lot to be severed is currently vacant and is proposed to be used for residential purposes. The retained lot currently contains an existing cabin and an accessory structure.

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 September 4th and mailed to property owners within the required 60 metres of the subject property on August 29th.

COMMENTS FROM THE PLANNER:

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

PUBLIC/AGENCY COMMENT ON APPLICATION:

MNRF Algonquin Land team responded to the notice they have no comments on the application due to the lands not being within a settlement area of the Algonquin Land claim. No other comments from the public were received.

COMMENTS FROM THE COMMITTEE:

Discussion regarding the road the property fronts on, which is North McKenzie Lake Road and the reference to Old Hastings Road. Councillor Shalla provided clarification on the term.

Councillor Collins inquired why the application had to come in front of the committee when all the criteria have been met? T. Cannon responded that all severance application requires the approval of the Committee of Adjustment other than lands that are considered “Natural Severances”.

RECOMMENDATION AND CONDITIONS FOR CONSENT APPLICATION DECISION

The application is consistent with the PPS and conforms to the Official Plan and complies with the Zoning By-Law, it is recommended the Committee of Adjustment approve the Consent 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.

DECISION

Moved by: Councillor Shalla

Seconded by: Councillor Collins

That the Committee of Adjustment accepts Application C.2022-05 and the conditions as read by the Secretary-Treasurer.

-Carried-

5.3 CONSIDER CONSENT APPLICATION – C. 2022-06

This portion of the Committee of Adjustment meeting is to consider a Consent for Lot-Addition under Section 53 of the Planning Act for lands described as Lots 18-19, Plan M334 Dickens Ward, locally known as 2874 and 2884 Aylen Lake. Adrian Taylor, Bradley Law Corporation, Solicitor & Agent was present to act on behalf of the owner.

The shore road allowance in front of Lots 18 and 19 were purchased by the owners of the lots but have merged on title into one parcel.

To correct the title error Application # C.2022-06 requests municipal consent for a lot-addition to add the portion of the shore road allowance in front of Lot 18, Plan M334 (2884 Aylen Lake) to those lands so that the shore road allowance and Lot 18 can be conveyed together.

Lot 18 is currently improved with a sleep cabin and a shed. There is another cabin situated on the portion of the shore road allowance that is proposed to be added to Lot 18. The lot has approximately 113 metres of water frontage on Aylen Lake and an area of approximately 0.27 hectares. The area of the shore road allowance proposed to be added to Lot 18 is approximately 0.13 hectares. Together, the overall property would have an area of approximately 0.4 hectares.

Due to Lots 18 and 19 being on a registered plan of subdivision they remain individual lots but the shore road allowance cannot be added to Lot 18 and 19 without a Part Lot Control by-law. This by-law will allow the shore road allowance to be added to the lots and allow for the lands to maintain their plan of subdivision status. This will be added as a condition for both Lots 18 and 19.

Adding the shore road allowance to Lots 18 and 19, will ensure that the shore road allowance will no longer be individually conveyable. At present, the shore road allowance could be transferred independently of Lots 18 and 19.

Prior to proceeding further. T. Cannon inquired if anyone had any questions or comments. Discussion between the committee and Ms. Taylor regarding the previously sold Shore Road Allowance.

REQUIREMENT 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 August 30th and mailed to property owners within the required 60 metres of the subject property on August 29th.

COMMENTS FROM THE PLANNER

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

COMMENTS FROM THE PUBLIC

MNRF Algonquin Land team responded to the notice and since the lands are to “correct” a title error and it does not access to or use a settlement parcel they have no comments. No other comments from the public were received.

No one had any further comments.

RECOMMENDATION AND CONDITIONS FOR CONSENT APPLICATION DECISION

The application is consistent with the PPS and conforms to the Official Plan and complies with the Zoning By-Law, therefore it is recommended the Committee of Adjustment approve the Consent 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. As per conditions 2. b., the applicant shall provide the Township with a copy of the Reference Plan to be deposited in the Land Registry Office that is substantially in compliance with the application sketch.
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.

DECISION

Moved by: Councillor Florent

Seconded by: Councillor Harper

That the Committee of Adjustment accepts Application C.2022-06 and the conditions as read by the Secretary-Treasurer.

-Carried-

6. **OTHER:** None

ADJOURNMENT

Moved by: Councillor Bongo

Seconded by: Councillor Collins

The Committee adjourned the Committee of Adjustment meeting at 9:34 a.m.

-Carried-

Committee Chair, Richard Shalla

Secretary/Treasurer, Tracy Cannon