

**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 Consultant 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 planner report. The proposed lots would comply with the Comprehensive Zoning By-Law 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 odor.

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 the future holding potential of the barn. When calculated the current livestock at the barn had not issues. However, the barn could potentially accommodate fourteen cows. When calculated by the MDS formula it was recommended that no new development take place to mitigate against odor complaints. Therefore, the recommendation is to refuse the application.

COMMENTS FROM THE APPLICANT:

Mr. Perk had no comments.

COMMITTEE & APPLICANT DISCUSSION OF APPLICATION:

Councillor Florent: Visited the property and it was on a rainy dreary day where if there were any odors they would have been prominent that day, did not detect any odor. Where the purple lines are drawn on the drawing at the extreme boundaries of where it includes these properties especially if the new homes were built in 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 and the potential for the odor is there. Questioned if something could be added to the decision of consent that at no time these properties cannot complain about the odor.

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: With the current population of cows isn't the issue, the issue is if the 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: Believe that to be very wrong to cap an existing farm.

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

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

Councillor Shalla: Provided history of the farm of when he spent time on the farm when his family owned it and is aware of the barn and the location. The restrictions to deal with the odor 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 this severance should proceed.

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

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

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

Councillor Collins: Felt the retained should be included.

A.Hommik: Condition can be added to the retained lands as well. Any new barn or any expansion of existing barn would be required to go through the MDS formulas as well.

Councillor Florent: Disagrees that a disclaimer go on the retained lands. The retained lands already exist, its already within the boundary. Maybe if it was sold, but in the current owner's name. 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 it to the retained lands after today.

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

T.Cannon: Feels that the committee is prepared to approve this consent and the only decision is whether to include the clause in the retained.

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 for each severed lot to identify a buildable area. The development agreement shall be registered on title to both lots.
- 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 and the development agreement would give a warning clause to any potential buyers that they 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.

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