



7 Third Avenue
Whitney, Ontario

**COMMITTEE OF ADJUSTMENT MEETING &
PUBLIC HEARINGS**

AGENDA

January 17, 2024 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.

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
2. Adoption of the Agenda
3. Disclosure of Pecuniary Interest
4. Adoption of Minutes
That the Minutes of the September 20, 2023 Committee of Adjustment Meeting be approved as submitted.
5. Public Hearing
- 5.1 Consider Consent Application (Severance) -C.2023-03
Staff Report: Anthony Hommik, MCIP, RPP
Legal Description: CON 2 PT LOT 13 PT PCL 6289, Airy
Civic Address: 7207B Highway 127
- 5.2 Consider Consent Application (Lot Addition) -C.2023-04
Staff Report: Anthony Hommik, MCIP, RPP
Legal Description: CON 7 PT LOT 12;RPNR843 PART 2 RP36R10853;PART 3 PCL 16556, Dickens
Civic Address: 50 Whites Road
6. Other
7. Next meeting will be scheduled when required.

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 IN-PERSON & ZOOM – September 20, 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.2023-02. 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
Bryan Martin, CAO/Clerk Treasurer

Applicants/Agents: Charles & Kelly Purchase, Applicant

Councillor Kuiack called the public meeting to order at 9:01 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: Councilor Florent

Seconded by: Mayor LaValley

To adopt the agenda as prepared for the Committee of Adjustment meeting of Wednesday, September 20, 2023 as circulated.

-Carried-

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

4. **ADOPTION OF MINUTES**

Moved by: Councillor Siydock

Seconded by: Mayor LaValley

To adopt the minutes of June 20, 2023 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. 2023-02

This portion of the meeting is to consider one application for a Consent under Section 53 of the Planning Act for lands locally known as 1724 Major Lake Road.

The consent application is to sever two lots from the subject property that would result in:

1. Severed Lot 1 being approximately 2.0-hectares and have approximately 120 metres frontage on Major Lake Road

2. Severed Lot 2 is proposed to have approximately 1.0-hectare and approximately 137 metres (449 feet) frontage on Major Lake Road.

The Retained Lot is proposed to be approximately 3.1 hectares and approximately 194 metres (636 feet) of frontage on Major Lake Road.

The two lots to be severed are currently vacant and proposed to be used for residential purposes. The retained lot currently contains an existing cabin that is proposed to remain.

Following circulation to members of the committee, Councillor Florent found a discrepancy that the legal description in the notices stated that the property was in Concession 5, whereas the property is really in Concession 6. A condition was proposed to be added to provisional consent that Mr. and Mrs. Purchase have their lawyer correct the legal description to reflect the correct concession. T. Cannon thanked Councillor Florent for being so thorough when reviewing applications.

REQUIREMENTS FOR NOTICE

T. Cannon reported, the required notices were mailed on August 31, 2023 and the notice sign was posted on the property on as the property on September 1, 2023.

COMMENTS FROM THE PLANNER:

Comments from Anthony Hommik, Planner Jp2g Consultant Inc were provided in the circulated planner's report. A. Hommik was consulted pertaining to the condition to correct the legal description and concurred it should be added.

COMMENTS FROM THE COMMITTEE:

Councillor Florent: Felt the structure on the retained was more than a "cabin" as it had a full basement.

Mr. Purchase: Explained there was not a full basement.

Councillor Florent: Driveway was already partially constructed one of the severed lots.

Mr. Purchase: Apologized for starting the entrance early.

Discussion amongst the committee and the applicant regarding the error with the legal description.

PUBLIC/AGENCY COMMENT ON APPLICATION: None

DECISION AND CONDITIONS OF THE CONSENT APPLICATION

Moved by: Councillor Collins

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.C.2023-02 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. The applicant shall obtain entrance permits from the Township for the two new lots.
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.

5. The applicant have the legal description corrected for the subject property to reflect its location within Concession 6.

Discussion/Comment on Conditions: None

-CARRIED-

6. **NEXT MEETING:** To be scheduled when required.

ADJOURNMENT

Moved by: Councillor Siydock

Seconded by: Councillor Pigeon

The Committee adjourned the Committee of Adjustment meeting at 9:16 a.m.

-Carried-

Committee Chair, Councillor Kuiack

Secretary/Treasurer, Tracy Cannon

PLANNING REPORT



Meeting Date: January 17, 2024
Agency: Township of South Algonquin
Staff Contact: Tracy Cannon, Planning & Building Administrator
Agenda Title: C. 2023-03 – Tutt, 7207B Highway 127, Airy Ward
Agenda Action: Approve with Conditions

Recommendation

That the Committee of Adjustment approve consent application No. C.2023-03 for the lands described as Part of Lot 13, Concession 2, PT PCL 6289, Airy (municipally known as 7207B Highway 127), with the conditions recommended in this report.

Background

The Township has received a consent application from the owner of the lands described as Part of Lot 13, Concession 2, PT PCL 6289 (municipally known as 7207B Highway 127) in Airy Ward.

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

1. Severed Lot – approximately 12-hectare (30-acre) lot area and approximately 350 metres (1,148 feet) of frontage on Highway 127; and
2. Retained Lot – approximately 25-hectare (63-acre) lot area and approximately 103 metres (338 feet) of frontage on Highway 127

The lot to be severed is currently vacant and proposed to be used for residential purposes. The retained lot currently contains an existing dwelling, accessory structures, a septic system and a well that are proposed to remain. The subject property is mostly wooded, with a clearing around the existing dwelling. There is a wetland located at the south end of the subject property. The existing dwelling is currently accessed via an easement along the north end of the property.

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). The proposed severed lot would comply with the Rural zone standards.

Ministry of Transportation (MTO)

As the subject lands front on Highway 127, feedback was sought from the MTO prior to moving forward with the consent application. In an email to Township staff, MTO indicated that they are supportive of the proposed severance, and they will grant a residential access connection to Highway 127. MTO has indicated that the future purchaser of the severed lot will need to obtain an entrance permit and building and land use permit from the MTO prior to developing the lot.

Planning Analysis

The proposed lot would conform to the applicable policies of the Township of South Algonquin Official Plan and would also be consistent with the PPS as the lots:

- will have limited impact on the rural character of the area;

- 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.

With respect to the zoning by-law, the proposed lot complies with the minimum frontage and area requirements.

Conclusion and Recommendation

The proposal to create one new lot by way of severance from the lands municipally known as 7207B Highway 127 is consistent with the PPS, conforms to the relevant Official Plan policies and complies with Zoning By-law No. 2017-527. Favourable comments have also been received from the MTO. 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. 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.

Respectfully,

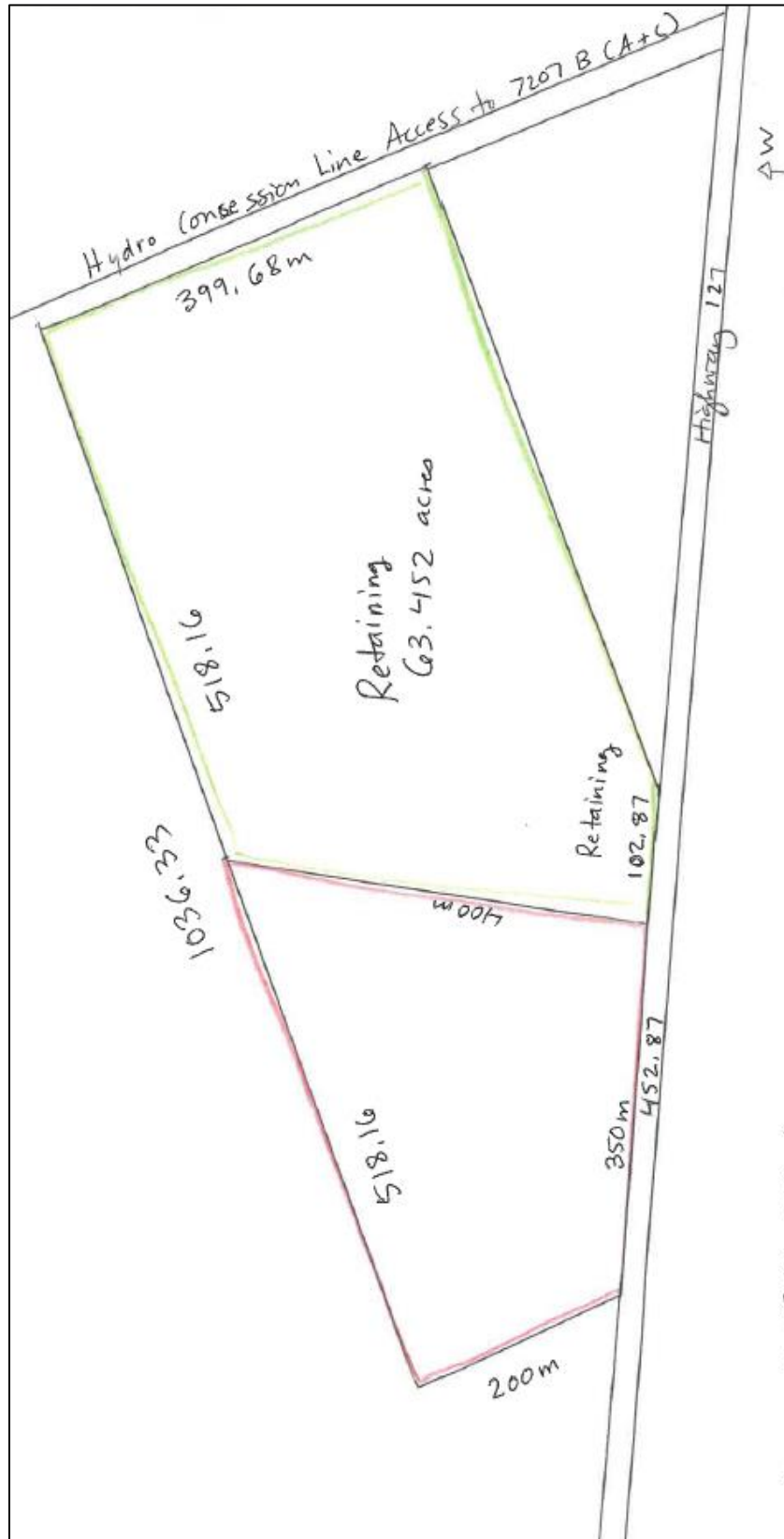
Jp2g Consultants Inc.
Engineers • Planners • Project Managers

Prepared By:



Anthony Hommik, MCIP, RPP
Manager – Planning Services | Senior Planner

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



PLANNING REPORT



Meeting Date: January 17, 2024
Agency: Township of South Algonquin
Staff Contact: Tracy Cannon, Planning & Building Administrator
Agenda Title: C. 2023-04 – Kaminski, 50 Whites Road, Dickens Ward
Agenda Action: Approve with Conditions

Recommendation

That the Committee of Adjustment approve consent application No. C.2023-04 for the lands described as DICKENS CON 7 PT LOT 12; RPNR843 PART 2 RP36R10853; PART 3 PCL 16556 NIP (municipally known as 50 Whites Road), with the conditions recommended in this report.

Background

The Township has received a consent application from the owner of the lands described as DICKENS CON 7 PT LOT 12; RPNR843 PART 2 RP36R10853; PART 3 PCL 16556 NIP (municipally known as 50 Whites Road) in Dickens Ward.

The proposal, as shown on Appendix 1, is to sever approximately 0.24 hectares of land from the subject property and add this area to the adjacent property (municipally known as 36 Whites Road). The results of the lot addition are described as follows:

1. Retained Lot (50 Whites Road) – approximately 1.14-hectare (2.8-acre) lot area and approximately 75metres (246 feet) of frontage on Whites Road; and
2. Enlarged Lot (36 Whites Road) – approximately 0.63-hectare (1.6-acre) lot area and approximately 33 metres (108 feet) of frontage on Whites Road

Both the lot to be severed and the lot to be added to are currently improved with a dwelling, a well and a septic system. The lot to be severed also contains a shed while the lot to be added to also includes a bunkie. Both lots front on Aylen Lake.

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 “Shoreline Residential (SR)” under South Algonquin Zoning By-law No. 2017-527. The SR zone permits cottages and detached dwellings.

Planning Analysis

As noted, the purpose of this application is to enlarge the lot municipally known as 36 Whites Road. The existing lot at 36 Whites Road is deficient with respect to the minimum lot size generally required by the Official Plan and the minimum lot size required in the SR zone. The lot addition results in a lot that is closer to the desired minimum of one hectare (0.63 hectares proposed vs. 0.39 hectares currently), which represents an improvement on the existing condition. The lot from which the addition is being taken will continue to meet the minimum lot frontage and area.

Conclusion and Recommendation

The proposal to sever a portion of land from the property municipally known as 50 Whites Road for the purposes of adding it to the lands known as 36 Whites 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. 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.

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
Manager – Planning Services | Senior Planner

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

