



*7 Third Avenue
Whitney, Ontario*

**COMMITTEE OF ADJUSTMENT MEETING &
PUBLIC HEARINGS**

AGENDA

September 18, 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 or a General Nature Thereof
4. Adoption of Minutes
That the Minutes of the May 15, 2024 Committee of Adjustment Meeting be approved as submitted.
5. Public Hearing
- 5.1 Consider Consent Application C.2024-01 (Severance)
Staff Report: Anthony Hommik, MCIP, RPP
Legal Description: MURCHISON CON 6 PT LOT 21 RP;36R11621 PARTS 1 TO 3 5 AND;6 PCL 29406
Civic Address: 1745 Major Lake Rd
- 5.2 Consider Consent Application C.2024-02 (Easement)
Staff Report: Anthony Hommik, MCIP, RPP
Legal Description: MURCHISON CON 6 PT LOT 21 RP;36R11621 PARTS 1 TO 3 5 AND;6 PCL 29406
Civic Address: 1745 Major Lake Rd
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 – May 15, 2024 –9:00 a.m.

There was an in-person and Zoom public meeting of the Committee of Adjustment to hear Minor Variance Application No. M.V.2024-02. 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: File No.M.V.2024-02-Applicant/Owner Brendan O’Connor-Zoom

Councillor Kuiack called the public meeting to order at 9:03 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 Siydock

Seconded by: Councillor Collins

To adopt the agenda as prepared for the Committee of Adjustment meeting of Wednesday, May 15, 2024 as circulated.

-Carried-

3. **DECLARATION OF PECUNIARY INTEREST OR GENERAL NATURE THEREOF:**

Councillor Pigeon; potential client

4. **ADOPTION OF MINUTES**

Moved by: Councillor Florent

Seconded by: Mayor LaValley

To adopt the minutes of April 17, 2024 Committee of Adjustment meeting as circulated and amended.

-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 MINOR VARIANCE APPLICATION – M.V. 2024-02

T. Cannon provided the background and propose of the application for a Minor Variance under Section 45 of the Planning Act for lands locally known as 174 Dennison Bay Lane. During the application period it was discovered that the shore road allowance was not reflected in the legal description, this has now been corrected.

The purpose of the application is to request Permission to Enlarge an existing legal non-conforming structure. The addition that would be approximately 66.4 square metres in ground floor area, together with a 31.5 square metre attached waterfront deck.

The subject lands have approximately 45.72 metres of frontage on Ayles Lake and an area of approximately 0.81 hectares. The property is currently occupied by a cottage, three bunkies, and a storage shed. It is believed the accessory structures were constructed prior to the Zoning By-Law being implemented. Therefore, are considered legal non-conforming uses. The lands are serviced via a private well and a private septic system.

The existing cottage is set back from the lake by approximately 8.6 metres at the closest point. The proposed addition would be located towards the rear of the existing cottage, at a distance of approximately 15.5 metres at the closest point. The proposed waterfront deck will be setback 8.6 metres from the lake.

The subject property is zoned Shoreline Residential (SR). The SR zone permits the existing cottage that is proposed to be enlarged, however, the existing cottage does not meet the required 20-metre setback from Ayles Lake and 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.

An Environmental Impact Study (EIS) was required in order to consider the application. An EIS, dated April 15th, was prepared by Ravenwood Environmental. The EIS concluded that the proposed development is not anticipated to negatively impact the adjacent natural heritage features or surrounding land uses, subject to proper implementation of the mitigation measures listed in the report. A development agreement was also recommended that will ensure proper implementation of the listed mitigation measures.

REQUIREMENTS FOR NOTICE

T. Cannon reported, the required notices were mailed on April 29, 2024 and the notice sign was posted on the subject property on April 29, 2024.

COMMENTS FROM THE PLANNER:

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

COMMENTS FROM AGENCIES: None

COMMENTS FROM THE COMMITTEE/APPLICANT:

- Councillor Florent – Impressed with the details in the Environmental Impact Study Report.
- Mayor LaValley – Inquired if the existing bunkies are used as short-term rental accommodations or private.
- Brendan O'Connor – Bunkies are private, used for the large family, no short-term rental accommodations on the property.
- Councillor Kuiack – Inquired if the existing bunkies have septic or water to them.
- Brendan O'Connor – No water or septic to bunkies. The existing septic is inadequate and is proposed to be upgraded beyond the 30 metre setback that will accommodate a modern washroom. Definite improvement from an environmental standpoint.

PUBLIC/OWNER COMMENTS ON APPLICATION:

Brendan O'Connor –Brendan is the applicant along with parents and brother. The cottage is a three season and upgrades to the bathroom and kitchen were required so their parents can continue to enjoy the cottage. B. O'Connor thanked Tracy for all the help and support and was also impressed with the Environmental Impact Study. The document will be kept around the cottage for others to read.

DECISION AND CONDITIONS OF THE CONSENT APPLICATION

Moved by: Councillor Rodnick

Seconded by: Councillor Collins

That Committee of Adjustment approve the recommendation outlined in the Planner's Report prepared by Anthony Hommik, Senior Planner of Jp2g Consultants;

AND that Minor Variance Application No.M.V.2024-02 be subject to the following conditions;

- 1) That the Owner enter into a development agreement with the Township of South Algonquin, which shall be registered on title, to ensure orderly development of the land, including the recommendations of the EIS prepared by Ravenwood Environmental dated April 15, 2024.
- 2) Payment of all municipal legal and planning fees associated with the processing of the application.

Discussion/Comment on Conditions: None

-CARRIED-

Councillor Pigeon did not vote.

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

ADJOURNMENT

Moved by: Councillor Florent

Seconded by: Councillor Siydock

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:	September 18, 2024
Agency:	Township of South Algonquin
Staff Contact:	Tracy Cannon, Planning & Building Administrator
Agenda Title:	C. 2024-01 –Turner, 1745 Major Lake Road, Murchison Ward
Agenda Action:	Approve with Conditions

Recommendation

That the Committee of Adjustment approve consent application No. C.2024-01 for the lands located at 1745 Major Lake Road (Part Lot 21, Concession 6, Plan 36R-11621, Parts 1 to 3, 5 and 6, subject to the conditions recommended in this report.

Background

The Township has received a consent application from the owner of the lands described as Part Lot 21, Concession 6, municipally known as 1745 Major Lake Road, in the Murchison Ward.

The proposal, as shown on Appendix 1, is to sever approximately 2 hectares of land from the subject property. The results of the lot severance are described as follows:

1. Severed Lot – approximately 2-hectare lot area and approximately 226 metres of road frontage on Major Lake Road and 250 m of water frontage on the Madawaska River; and
2. Retained Lot – approximately 12.3-hectare lot area and approximately 286 metres of road frontage on Major Lake Road and 1080 m of water frontage on the Madawaska River.

The lot to be severed is currently vacant and is proposed to be used for residential purposes. The retained lot is improved with an existing garage with an upper storey dwelling unit, a septic system and a well, that are proposed to remain. The subject property is mostly wooded, with a clearing around the existing dwelling.

This application is being processed simultaneously with application No. C.2024-02, the purpose of which is to provide an easement for water access to two nearby properties over a small portion of the severed lot.

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 or uneconomical expansion of this infrastructure.

South Algonquin Official Plan

The Township of South Algonquin Official Plan designates the subject property “Rural”. A small portion of the lands that abut the Madawaska River are designated “Waterfront”.

Section 4.1 of the Official Plan contains the policies related 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 archaeological resources, can demonstrate reasonable access to community facilities, have frontage on a public road and not be located on hazard lands.

Section 5.1 provides the policies for Waterfront Areas. The Waterfront Areas designation is typically intended to guide the development that is primarily focused around the lakes in the municipality in the form of waterfront cottages and permanent residences. Development is permitted in Waterfront Areas provided it complies with the criteria set out in Sections 5.3 and 5.4.

Section 5.8 of the Official Plan sets out policies that must be considered where waterfront development is proposed for properties which abut the Madawaska River. The policies recognize that “when making decisions regarding waterfront development, including land severances, along the Madawaska River and its tributaries from the Bark Lake Dam upriver to a point approximately 10 kilometres upriver of the hamlet of Madawaska, decisions should be based on the Madawaska River Water Management Plan, as mandated by Ontario Power Generation.” The Madawaska River Water Management Plan directs that new development be located outside of the Ontario Power Generation flood elevation limit. Given that the exact location of the floodplain associated with the Madawaska River has not been determined for the Township of South Algonquin, confirmation of the flood limit on the severed lands from an Ontario Land Surveyor is recommended as a condition of consent.

Section 11.1 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)” and “Limited Service Residential (LSR)” under South Algonquin Zoning By-law No. 2017-527. Similar to Official Plan mapping, the LSR zone is limited to a small portion of lands which abut the Madawaska River. The proposed severed lands appear to be entirely zoned RU, with the shore road allowance, that is not owned by the applicant, being zoned LSR. The RU and LSR zones permit cottages and detached dwellings. Section 8.3 sets the minimum lot size for a residential lot in the RU zone as 1 ha with a minimum lot frontage of 100 m.

Planning Analysis

As noted, the purpose of this application is to sever a 2-hectare parcel of land, together with approximately 226 metres of road frontage on Major Lake Road and 250 m of water frontage on the Madawaska River, from the lands municipally known as 1745 Major Lake Road. The proposed new lot would meet the minimum lot size and frontage required in the RU zone, while the retained would continue to exceed the minimum requirements. The application would also appear to conform to the policies set out in the PPS.

With respect to the Waterfront Development policies in the Official Plan, Section 5.8 requires that new development proposed along the Madawaska River, inclusive of new lot creation, conform to the direction and policies set out in the Madawaska River Management Plan. Given that the proposed severed lot would comprise a total area of 2 hectares with depths ranging from 57 metres to 150 metres, there would appear to be sufficient room to accommodate a dwelling and septic system outside of the required 30-metre water setback. However, given the Ontario Power Generation flooding rights, it is recommended, as a condition of consent, that the applicant retain the services of an Ontario Land Surveyor to confirm the flooding rights limit on the severed lands to ensure that future development is located outside of the flooding hazard.

Conclusion and Recommendation

The proposal to create one new lot by way of severance from the lands municipally known as 1745 Major 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 provides 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.
4. That confirmation of the Ontario Power Generation flooding rights limit on the severed lands be obtained from an Ontario Land Surveyor.
5. The applicant obtains an entrance permit from the Township for the new lot.

Respectfully,

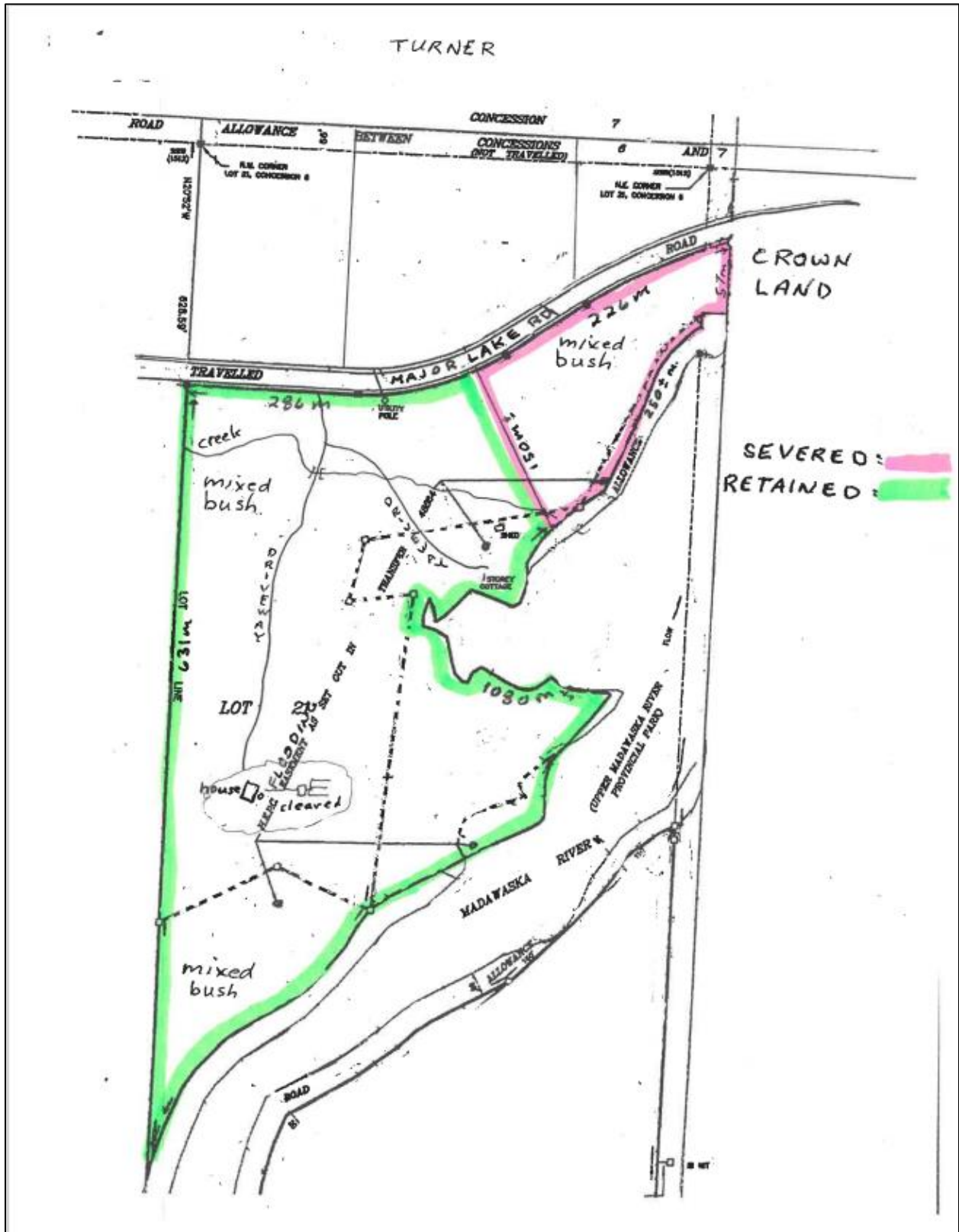
Jp2g Consultants Inc.
Engineers • Planners • Project Managers

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)



PLANNING REPORT



Meeting Date:	September 18, 2024
Agency:	Township of South Algonquin
Staff Contact:	Tracy Cannon, Planning & Building Administrator
Agenda Title:	C. 2024-02 –Turner, 1745 Major Lake Road, Murchison Ward
Agenda Action:	Approve with Conditions

Recommendation

That the Committee of Adjustment approve consent application No. C.2024-02 for the lands located at 1745 Major Lake Road, subject to the conditions recommended in this report.

Background

The Township has received a consent application from the owner of the lands located 1745 Major Lake Road, being a waterfront parcel on the west side of the Madawaska River in Murchison Ward.

The proposal, as shown on Appendix 1, is to create an easement over a portion of the subject lands, specifically being Part 4, Plan 36R-11095, for the purpose of providing water access to two parcels of land located on the opposite side of Major Lake Road. The two properties that will be provided with water access were created by consent application No. C.2023-02, and can be described as Parts 2 and 3, Plan 36R-15169 and 1724 Major Lake Road (Appendix 2). The result of the easement is described as follows:

1. Easement – approximately 1,134 square metre lot area and approximately 21.2 metres of road frontage on Major Lake Road.
2. Retained 'Subject' Lot – approximately 14.3-hectare lot area and approximately 512 metres of road frontage on Major Lake Road.
3. Benefitting Lands #1 (Parts 2 and 3, Plan 36R-15169) – approximately 1.0 hectare lot area and approximately 137 metres of road frontage on Major Lake Road.
4. Benefitting Lands #2 (1724 Major Lake Road) - approximately 3.22-hectare lot area and approximately 194 metres of road frontage on Major Lake Road.

The retained and benefitting lands #2 are currently used for residential purposes and are improved with existing cottages, septic systems, and wells. The benefitting lands #1 are currently vacant. No new development is proposed on the benefitting or retained lots as part of this application for consent. However, it is acknowledged that the applicant has indicated in the

application materials for consent application No. C.2024-01 that a new dwelling is proposed for the retained lands.

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 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”. A small portion of the lands that abut the Madawaska River are designated “Waterfront”. The easement would appear to traverse a portion of the lands designated “Rural”.

Section 4.1 of the Official Plan contains the policies related 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. Further, policies indicate that development that will have an adverse impact on the rural character of the Township will not be permitted.

As noted, the proposed consent application to establish an easement benefitting the two abutting parcels of land to the northwest of Major Lake Road is technical in nature and does not propose any new development on either the retained or benefitting lands.

South Algonquin Zoning By-law No. 2017-527

The subject property is zoned “Rural (RU)” and “Limited Service Residential (LSR)” under South Algonquin Zoning By-law No. 2017-527. Similar to Official Plan mapping, the easement would appear to traverse a portion of the lands designated “Rural”.

The RU and LSR zones permit cottages and detached dwellings. Section 8.3 sets the minimum lot size for a residential lot in the RU zone as 1 hectare with a minimum lot frontage of 100 metres.

Planning Analysis

As noted, the purpose of this application is to create an easement over a portion of the retained lands in order to provide water access to the abutting two abutting parcels of land northwest of Major Lake Road. The proposed easement would not result in the creation of a new lot and no development is proposed together with this application for consent. The retained and benefitting lands will continue to meet the minimum lot frontage and area as required in the RU zone.

Conclusion and Recommendation

The proposal to create an easement over a portion of the retained lands for the purpose of providing water access to abutting two parcels of land is consistent with the PPS, conforms to the relevant Official Plan policies and complies with Zoning By-law No. 2017-527.

To ensure no future structures are developed on the lands comprising the proposed easement, it is recommended as a condition of consent that the future development of any structures be prohibited on the easement area.

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;
 - c. A schedule describing the easement and naming the grantor and grantee attached to the transfer for approval purposes;
 - d. A draft of the easement for Township review and acceptance to ensure that the easement language specifically prohibits the construction of any buildings or structures on the easement area.
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.

That the applicant provide Respectfully,

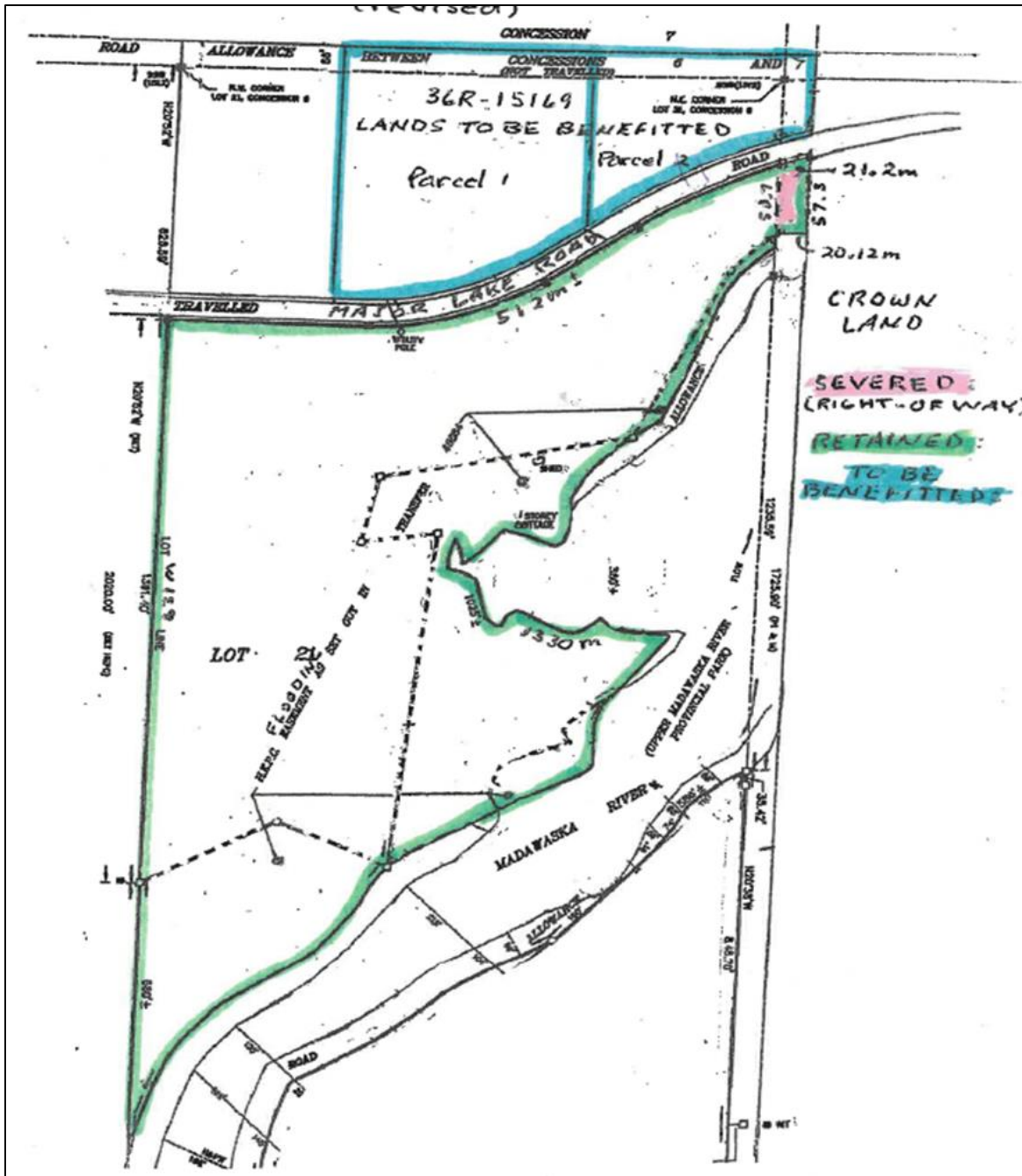
Jp2g Consultants Inc.
Engineers • Planners • Project Managers

Prepared By:



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

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



Appendix 2 – Consent Application 2023-02 Survey

