

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

PUBLIC MEETING IN-PERSON & ZOOM – September 18, 2024 –9:00 a.m.

There was an in-person and Zoom public meeting of the Committee of Adjustment to hear two Consent Application No. C.2024-01 & C.2024-02. Present were Committee Members: Committee Chair Councillor Kuiack, Councillor Collins, Councillor Florent, Councillor Sydock. Zoom: Mayor LaValley

Regret: Councillor Pigeon

Staff: Tracy Cannon, Deputy CAO/Deputy Clerk – Planner, Secretary Treasurer of the Committee of Adjustment

Owner/Applicants/Agent: File No. C.2024-01 & C.2024-02 – Robert Howe, Mrs. Turner, Mr. Haskin

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 Matouweskariini (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 Sydock

Seconded by: Councillor Rodnick

To adopt the agenda as prepared for the Committee of Adjustment meeting of Wednesday, September 18, 2024 as circulated.

-Carried-

3. **DECLARATION OF PECUNIARY INTEREST OR GENERAL NATURE THEREOF:** None

4. **ADOPTION OF MINUTES**

Moved by: Councillor Florent

Seconded by: Councillor Collins

To adopt the minutes of May 15, 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 CONSENT APPLICATION (LOT CREATION)– C. 2024-01

T. Cannon provided the background and purpose of the application for Consent under Section 53 of the Planning Act for lands locally known as 1745 Major Lake Road. Legally described as CON 6 PT LOT 21

RP;36R11621 PARTS 1 TO 3 5 AND;6 PCL 29406, in the geographic Township of Murchison. The two applications presented are owned by the same owner and are being considered at the same time.

The application proposes 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.

REQUIREMENTS FOR NOTICE

T. Cannon reported, the required notices were mailed on August 27, 2024 and the notice sign was posted on the subject property on August 27, 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/AGENT:

- Councillor Florent – There is the requirement for an entrance permit for the consent application but none for the easement application. In the end there will be two entrances on the severed lands. The map shows a road allowance, and it is owned by the owners not the township.
- Mrs. Turner – An entrance has been discussed with the benefitting landowner for the easement. Currently there is a trail to the proposed easement, but it is accessed through the existing driveway off the retained lands.
- T. Cannon-A condition can be included to the easement application for the requirement of an entrance permit.
- R. Howe-Agreed with Councillor Florent's statement regarding ownership of the road allowance and the need for an entrance for the easement.

DECISION AND CONDITIONS OF THE CONSENT APPLICATION

Moved by: Councillor Florent

Seconded by: Councillor Kuiack

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.2024-01 be 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.

Discussion/Comment on Conditions:

- Councillor Florent questioned the need for Condition #4 as the map presented already shows the Ontario Power Generation flooding rights. R. Howe followed up that the Ontario Land Surveyor will reestablish the lines and the lands will most likely be outlined as a separate part.

-CARRIED-

5.2 CONSIDER CONSENT APPLICATION (EASEMENT)– C. 2024-02

T. Cannon provided the background and purpose of the application for Consent under Section 53 of the Planning Act for the same lands referenced above.

The application proposes 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. The result of the easement is described as:

- Easement – approximately 1,134 square metre lot area and approximately 21.2 metres of road frontage on Major Lake Road.
- Retained ‘Subject’ Lot – approximately 14.3-hectare lot area and approximately 512 metres of road frontage on Major Lake Road.
- 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.
- 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.

REQUIREMENTS FOR NOTICE

T. Cannon reported, the required notices were mailed on August 27, 2024 and the notice sign was posted on the subject property on August 27, 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/AGENT:

- R. Howe - The application was correctly analyzed in the planner's report. He is in agreeance that a condition be added to include the requirement for the applicant to obtain an entrance permit. R. Howe emphasized that the severed lands previously discussed will include this easement so whoever in the future owns this land will need to respect the right-of-way for the owners across the road. There is crownland to the east of this land and perhaps there could be opportunities for access. However, this easement will ensure the owners across the road has access to the river. R. Howe further added that there is a condition that the text outlining the easement be submitted to township for review to verify that no buildings/structures would be constructed on the easement. The applicant is aware and accepts the condition.
- J. Florent- Will this easement be restricted to the two owners across the road or public easement?
- R. Howe – Only for the two property owners and it can be gated if desired by the severed lot owner and agreed upon with owners across the road. The easement is not creating potential for public access.
- Councillor Kuiack – What structures can't be built on easement?
- R. Howe – Nothing should be constructed on the easement. There is some dry land between the easement and the water that is not part of the easement. In terms of a dock, permission from the Ministry may be required.

DECISION AND CONDITIONS OF THE CONSENT APPLICATION

Moved by: Councillor Florent

Seconded by: Councillor Siydock

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.2024-02 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;
 - 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.
4. The applicant obtains an entrance permit from the township for the purpose of the easement.

Discussion/Comment on Conditions: None

-CARRIED-

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

ADJOURNMENT

Moved by: Councillor Rodnick

Seconded by: Councillor Siydock

The Committee adjourned the Committee of Adjustment meeting at 9:26 a.m.

-Carried-

Committee Chair, Councillor Kuiack

Secretary/Treasurer, Tracy Cannon