

Board Minutes
January 25, 2022 - Continued

Application File No.: B02-22 No. of Members Present: 10
Date of Decision: January 25, 2022
Location of Property: Part Lot 24 and Part Lot 25, Conc. X, Being Lots 12 to 16, Plan 62 and Part 2, Plan 31R-2901 Excepting Parts 2 and 3, Plan 31R-931 and Excepting Part 2, Plan 31R-2762, Township of Robinson, District of Manitoulin

DECISION

The purpose of this application made under Section 53(1) of the Planning Act by Lynn Tyler, Craig Johnston and Karen (Sunnucks) Marshall is to provide for the creation of a new lot, surveyed as Part 2, Plan 31R-2901, having a frontage of ± 309.9 M. on Kemp Lake Road, a maintained municipal road, and an average depth of ± 453.8 M., thereby containing an area of ± 16.9 Hec. Ms. Tyler advised that there is an old chicken coop located within this property, behind the cemetery that is ready to fall down. The applicants are proposing to offer this lot for sale for residential uses.

The land to be retained has a frontage of ± 152.8 M. on Silver Lake Road, a seasonally maintained road, and an average depth of ± 69.4 M., thereby containing an area of ± 1.1 Hec. The applicants' seasonal dwelling and accessory shed are located within this land. There have been three previous applications for Consent involving the subject land.

File No. B22-96 provided for a lot addition of Part of Lot 24 and Part of Lot 25, Conc. X, surveyed as Parts 1 and 2, Plan 31R-2762 which was added to the cemetery within Lot 25, Conc. X; and

File No's. B44-98 and B45-98 created two lots, located at the south east corner of Lot 24, Conc. X, surveyed as Parts 3 and 4, Plan 31R-2901. (An approved By-law Amendment, No. 98-09, permits non-farm residential uses for these two lots). The retained land of these applications resulted is the land subject to the current proposal.

This application was circulated on November 2nd, 2021 to the Wiikwemkoong Unceded Territory and to the United Chiefs and Councils of Mnidoo Mnising (UCCMM), as per Official Plan Policy F.5 - Consultation and Engagement.

John Manitowabi, Wiikwemkoong Unceded Territory, advised via email on November 3rd, 2021 that they have no comments or concerns in regards to the application.

Saul Bombery, UCCMM, advised via email on November 24th, 2021 that they have reviewed the information and have no comments at this time.

The subject land has been designated Shoreline Area and Rural Area and zoned Shoreline Residential (SR), Rural (R) and Agriculture (A). According to the application seasonal recreational (hunt camp) uses are proposed for the severed land, which is to be located within a Rural Area and a Rural Zone. Seasonal residential uses are proposed to continue for the retained land.

Services consist of a private individual septic system and private well. The Public Health Sudbury and District advised they have no concerns and that it appears that the proposed severed and retained lots are capable of development for installation of a septic tank and leaching bed system.

There is a hydro line traversing the subject land and Hydro One was circulated as part of the preliminary review. Angie Coombs advised via email on November 3rd, 2021 that Hydro One has an unregistered easement over the subject land; that they own the poles; that they do not need a registered easement; and that they have no objections to the application.

Access for the retained land is via an existing entrance, #366 Silver Lake Road. Access for the severed land will be via Kemp Lake Road. According to the application both roads are seasonally maintained.

There is a Class A licenced Aggregate Site, No. 616862, located within Lot 22, Conc. X. The Ministry of the Environment and Climate Change (MOECC) D-6 Series Guidelines, Under Section 1.2.4. - Other Facilities and Section 4.3 - Recommended Minimum Separation Distances: recommends that residential and institutional development within 300 metres of mineral aggregate resource areas and licenced pits will generally not be permitted. Proposed residential or institutional development within these areas will be supported by studies that demonstrate that any land use conflicts will be fully mitigated. i.e. feasibility study.

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The proposed severed land, within Lot 24, Conc. X, is ±440 metres from the Aggregate Site, which is outside the recommended 300 metre buffer.

From information available, the subject land does not appear to have any natural heritage features or species at risk (SAR) concerns.

This proposal is considered to be in conformity with the Provincial Policy Statement (PPS) 2020.

The application was circulated on January 06, 2022, to Bell Canada, the Robinson Local Roads Board and to all property owners within 60 metres and by the posting of a notice, clearly visible and legible from a public highway or other place to which the public has access, as required by Ontario Regulation 197/96.

Mary McCartney, Bell Canada, advised via email that Bell Canada has no concerns regarding the application.

The Robinson Local Roads Board (RLRB) advised that they have no concerns with the Consent Application and that the property owner will need to follow up with the Chair of the RLRB, Eric Thiessen, prior to the installation of the driveway and culvert, in order to ensure that the Board is satisfied that the culvert be the newer plastic-type culvert for increased life expectancy.

Doug Wismer, advised that the Robinson Cemetery Board foresees no issues with the proposed severance and that they are quiet neighbours except for when we are mowing the property.

There was an inquiry from an interested buyer, Mr. Van Dyk, requesting the uses that would be permitted for the proposed new lot and if a hunt camp would be a permitted use. He was advised that the proposed new lot is within a Rural Zone and Agriculture Zone and that the uses permitted in those two zones would apply as per Zoning By-law No. 96-01 and that a hunt camp/seasonal dwelling would be permitted in the Rural (R) Zone.

There have been no other inquiries or concerns received as a result of circulation to property owners within 60 metres or the posting of the notice.

Ms. Tyler, agent for the application, was in attendance during consideration of the application.

During discussion of the application the Board had concerns with the chicken coop on the proposed severed land, which is not accessory to a dwelling, not conforming to By-law No. 96-01; if it is old and falling down would it be a hardship to remove it?

Ms. Tyler explained that it is presently used for storage of her boat and lawn mower; she would like to keep it at least until the sale of the property is completed.

The Secretary-Treasurer explained that the Board may consider a condition of Consent that the chicken coop is removed or that a Zoning Conformity Permit is received by the Planning Board for a dwelling prior to the completion of the Application. This would then result in the chicken coop being in conformity with Zoning By-law No. 96-01.

T. Mackinlay, Board Member, asked if Kemp Lake Road was maintained year round road, as he was aware of permanent residential uses along the road? The Secretary-Treasurer reported that according to the application, it is a seasonally maintained road.

Ms. Tyler reported that she is also aware of year round residential uses that have access from Kemp Lake Road.

The Secretary-Treasurer informed the Board that she would confirm the status of Kemp Lake Road with the Robinson Local Roads Board.

There was no one else in attendance who wished to speak in support or opposition to the application.

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Consent is tentatively granted subject to the following conditions:

The following documents must be submitted to the Secretary-Treasurer of the Board within two years from the date of the notice of decision for certification:

- a) the Transfer of Land form(s) prepared by a solicitor/lawyer, and
- b) a Schedule to the Transfer of Land form on which is set out the entire legal description of the parcel(s) given conditional approval. This Schedule must also contain the names of the parties indicated on the Transfer of Land form.

Accompanying the transfer documents shall be:

- i) a reference plan of survey, which bears the Land Registry Office registration number as evidence of its deposit therein, illustrating the parcel(s) to which the consent to sever approval relates;
- ii) a written confirmation from the Robinson Local Roads Board (RLRB) that an entrance permit can be issued or has been issued, satisfactory to the RLRB;
- iii) confirmation satisfactory to the Planning Board that the chicken coop/storage building located within the proposed severed land has been removed;
OR
that a Zoning Conformity Permit has been received by the Planning Board for a dwelling for the proposed severed land, resulting in the chicken coop/storage building being in conformity with Zoning By-law No. 96-01;
- iv) a fee of \$125.00 for each Transfer of Land submitted for Certification; and
- v) proof satisfactory to Planning Board that there are no outstanding taxes for the severed and the retained land.

Note: Subsection 3 or 5, as the case may be, of Section 50 of the Planning Act shall not apply to any subsequent conveyances of or in relation to the parcel of land being the subject of this application.

Note: The Robinson Local Roads Board (RLRD) have confirmed that Kemp Lake Road is a year round maintained road.

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Application File No.: B03-22 No. of Members Present: 10
Date of Decision: January 25, 2022
Location of Property: Part Lot 20, Conc. V, being Lot 17, Subdivision Plan M-173, Township of Carnarvon, Municipality of Central Manitoulin, District of Manitoulin

DECISION

The purpose of this application made under Section 53(1) of the Planning Act by Edward Legge and Jacqueline Wilson is to provide for the creation of a new lot, being the northerly \pm half of Lot 17 on Subdivision Plan M-173, having a frontage of \pm 15 M. on Bay Street, a maintained municipal street, and a depth of \pm 60.9 M. thereby containing an area of \pm 922 Sq. M. The new lot, as proposed, will contain half of the existing semi-detached dwelling. According to the application, the applicants would like to sell each unit of the semi-detached dwelling separately.

The land to be retained, being the southerly \pm half of Lot 17 on Subdivision Plan M-173, has a frontage of \pm 15 M. on Bay Street, a maintained municipal street, and a depth of \pm 60.9 M. thereby containing an area of \pm 937 Sq. M. This land will contain the southerly half of the existing semi-detached dwelling.

During the preliminary review of the application, the applicants were advised that an Amendment to Zoning By-law No. 2002-07 for the Municipality of Central Manitoulin may be required to permit a 0.0 (zero) metre side yard setback for the existing dwelling and to permit the frontage on Bay Street to be reduced from the 20 metres requirement to \pm 15 metres.

The Clerk for the Municipality advised that Council did not have any concerns with supporting the severance and that a reduced minimum frontage requirement in a Hamlet Residential Zone is being considered during the process of updating of their Zoning By-law.

The application, as proposed, was presented to the Planning Board on October 26th, 2021 for their consideration prior to being put into formal circulation for reasons that approval would result in non-conformity to the current Zoning By-law No. 2002-07 for the Municipality of Central Manitoulin. The Board requested that a surveyor's sketch be prepared confirming the location of the existing structure within the subject land in order to determine the accurate reduced frontage required and the accurate side yard setbacks for the dwelling for the severed and the retained land. A sketch, as requested, was received on January 4th, 2022.

Access for the severed land is via an existing entrance, #26A Bay Street. Access for the retained land is via an existing entrance, #26B Bay Street. Bay street is a maintained municipal street.

Services consist of municipal water and sewer. There are no new services required.

The subject land has been designated as a Residential Area and zoned Hamlet Residential (RH).

From information available the subject land does not appear to have any natural heritage features or species at risk concerns. This proposal is considered to be in conformity with the Provincial Policy Statement 2020.

A municipal drain catchment, known as the Drainage System A, is located within the subject land. The Municipality advised that Section 65 of the Drainage Act may apply and a reassessment will be required.

The application was circulated on January 7th, 2022 to the Municipality of Central Manitoulin, Bell Canada, and to all property owners within 60 metres, and by the posting of a notice, clearly visible and legible from a public highway or other place to which the public has access, as required by Ontario Regulation 197/96.

The Municipality provided a copy of building permit No. 2020-52, dated October 19, 2020, for the construction of a "Duplex" residence within the subject land. Zoning By-law No. 2002-07 under Section 5 - Definitions states:

'Duplex means a building that contains two dwelling units located one above the other that are capable of being occupied as permanent residences;

Semi-detached dwelling means a building divided vertically into two dwelling units capable of being occupied as permanent residences.'

Note: The existing dwelling unit, as defined in Zoning By-law No. 2002-07, is a semi-detached dwelling not a duplex dwelling.

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The Municipality of Central Manitoulin advised they have no concerns and advised of resolution No. 248-2021:

'That Council supports in principle the severing of 26 Bay Street, a Duplex, in Mindemoya, into two separate units pending all required approvals.'

Bell Canada advised they have no comments or concerns regarding the application.

There have been no inquiries or comments received as a result of circulation to property owners within 60 metres and/or the posting of the Notice

Jackie Wilson and Edward Legge, applicants, were in attendance during the meeting and consideration of the application.

There was no one else participating in the teleconference who wished to speak in support or opposition to the application.

Consent is tentatively granted subject to the following conditions:

The following documents must be submitted to the Secretary-Treasurer of the Board within two years from the date of the notice of decision for certification:

- a) the Transfer of Land form(s) prepared by a solicitor/lawyer, and
- b) a Schedule to the Transfer of Land form on which is set out the entire legal description of the parcel(s) given conditional approval. This Schedule must also contain the names of the parties identified on the Transfer of Land form.

Accompanying the transfer documents shall be:

- i) a reference plan of survey which bears the Land Registry Office registration number as evidence of its deposit therein, illustrating the parcel(s) to which the consent approval relates;
- ii) a copy of an approved amendment to Zoning By-law No. 2002-07 which will under Special Provisions, Section 8, permit the minimum lot frontage for the severed and the retained land of 15 metres and to permit a 0.0 (zero) metre side yard setback for the existing dwelling in accordance with the Part Numbers shown on the deposited plan of survey;
- iii) a written confirmation from the municipality that any reassessment required for the subject lands as required by Section 65 of the Drainage Act has been completed by the landowner, satisfactory to the municipality;
- iv) a fee of \$125.00 for each Transfer of Land submitted for Certification; and
- v) a written confirmation from the municipality that all outstanding municipal taxes have been paid.

Note: Subsection 3 or 5, as the case may be, of Section 50 of the Planning Act shall not apply to any subsequent conveyances of or in relation to the parcel of land being the subject of this application.

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Application File No.: B04-22 No. of Members Present: 10
Date of Decision: January 25, 2022
Location of Property: Part Lot 11, North Side Hall Street, surveyed as Part 1, Plan 31R-1830, Townplot of Gore Bay, District of Manitoulin

DECISION

The purpose of this application made under Section 53(1) of the Planning Act by Brian Bainborough and Carolee Mason is to provide for the creation of a new lot having a frontage of ± 33.7 M. on Water Street, a maintained municipal street, and an irregular depth of ± 36.5 M., thereby containing an area of $\pm 1,100$ Sq. M. There are no structures on this land.

The land to be retained has a frontage of ± 25.5 M. on Agnes Street, a maintained municipal street, and an average depth of ± 49.6 M., thereby containing an area of $\pm 1,160$ Sq. M. There is a dwelling located within this land.

Access is from Water Street and Agnes Street, both maintained municipal streets. The proposed retained land has an existing entrance, #8 Agnes Street.

The subject land has been designated as Residential Area and zoned Residential (R1). Residential uses are proposed to continue.

Services consist of municipal water and sewer for the retained land. Services will consist of municipal water and municipal sewer for the severed land when required.

From information available the subject proposal does not appear to have any natural heritage features or species at risk (SAR) concerns.

This proposal is considered to be consistent with the Provincial Policy Statement 2020.

This application was circulated on January 07, 2022 to the Town of Gore Bay, Bell Canada, and to all property owners within 60 metres and by the posting of a notice, clearly visible and legible from a public highway or other place to which the public has access, as required by Ontario Regulation 197/96.

The Municipality advised they have no concerns and recommend that Consent be granted.

Mary McCartney, Bell Canada, advised via email on January 13, 2022 that they have no comments or concerns regarding the application.

There were no inquiries or concerns received as a result of circulation to property owners within 60 metres or the posting of the notice.

Brian Bainborough, agent for the application was present during consideration of the application.

There was no one else in attendance who wished to speak in support or opposition to the application.

Consent is tentatively granted, subject to the following conditions:

The following documents must be submitted to the Secretary-Treasurer of the Board within two years from the date of the notice of decision for certification:

- a) the Transfer of Land form(s) prepared by a solicitor/lawyer, and
- b) a Schedule to the Transfer of Land form on which is set out the entire legal description of the parcel(s) given conditional approval. This Schedule must also contain the names of the parties indicated on the Transfer of Land form.

Accompanying the transfer documents shall be:

- i) a reference plan of survey, which bears the Land Registry Office registration number as evidence of its deposit therein, illustrating the parcel(s) to which the consent approval relates;

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- ii) a written confirmation that all minimum yard requirements resulting from the new lot lines conform to Zoning By-law No. 80-19 i.e. written verification from the Ontario Land Surveyor;
- iii) a written confirmation from the municipality that an entrance permit from Water Street, has been issued or could be issued, for the proposed severed land satisfactory to the municipality;
- iv) a written confirmation from the municipality that water and sewer connections have be installed or could be installed for the proposed severed land, satisfactory to the municipality;
- v) a fee of \$125.00 for each Transfer of Land submitted for Certification; and
- vi) a written confirmation from the municipality that all outstanding municipal taxes have been paid.

Note: Subsection 3 or 5, as the case may be, of Section 50 of the Planning Act shall not apply to any subsequent conveyances of or in relation to the parcel of land being the subject of this application.

PRESENTATION OF APPLICATION FOR CONSENT TO SEVER

The Chair announced that the purpose of this phase of the meeting is:

- (a) to consider applications for consent under Section 52 of the Planning Act,
- (b) to make decision in regard to the applications scheduled to be heard, and, explained that this phase is open to the public and any interested parties will be given the opportunity to speak in support or oppose an application

The Chair then asked if any Board Members have or wish to declare a "Conflict of Interest", at this meeting or previous meeting. There were none.

Following is the list of Applications for Consent considered at this meeting.

		<u>Moved By</u>	<u>Seconded By</u>
1.	B28-21	T. Mackinlay	D. Osborne
		That this application be adjourned, - Carried	
2.	B01-22	K. Noland	L. Hayden
		That this application be adjourned, - Carried	
3.	B02-22	T. Mackinlay	D. Head
4.	B03-22	K. Noland	E. Russell
5.	B04-22	I. Anderson	R. Brown

It was moved and seconded that the above applications be conditionally approved, subject to all conditions being fulfilled as stated in the Decisions. - Carried.

The above motion applies to all applications excepting B28-21 and B01-22

The time now being 8:59 p.m. and all business before the Board having been dealt with, the Meeting was adjourned on a motion moved by R. Brown.

L. HAYDEN, CHAIR



T.A. CARLISLE, SECRETARY-TREASURER