



MANITOULIN PLANNING BOARD

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August 23, 2023

MINUTES OF PLANNING BOARD MEETING - August 22nd, 2023

At a Meeting of the Manitoulin Planning Board held at the Planning Board Office, Gore Bay, Ontario, on Tuesday, August 22nd, 2023, the following Members of Planning Board were present:

- | | | | |
|----|-------------|----|--------------|
| 1. | L. Hayden | 4. | R. Stephens |
| 2. | K. Noland | 5. | T. Mackinlay |
| 3. | D. McDowell | 6. | D. Osborne |

Regrets: D. Head, B. Barker, J. DeForge, R. Brown

Also in attendance for the meeting were:

Christopher Seguin for File No. B19-23 and 2022-05ZBL-23-002;
Shawn Morrison for File No. B19-23; Dustin Woods & Jennifer Woods for File No. B19-23;
Travis Haines & Justyna Haines for File No. B19-23; Nathan Hill for File No. B18-23; and
Neil Henman, interested party

There were no other interested parties or members of the general public or press in attendance.

The meeting was called to order at 7:00 p.m. by Chair L. Hayden, who welcomed all present.

The Chair asked if there were any Board Members who wished to declare a conflict of interest with any of the items listed on the agenda or having to do with the previous Board Meeting held on July 25th, 2023.

There were no conflicts declared.

1. ORDER OF BUSINESS

The Chair requested the adoption of the order of business.

MOTION

It was moved by D. McDowell and seconded by D. Osborne that the Order of Business be adopted,
- Carried.

2. MINUTES OF PREVIOUS BOARD MEETING - July 25th, 2023

The Chair announced that the Minutes of the Board Meeting held on July 25th, 2023 had been circulated to the Board Members and requested that any errors or omissions be stated.

There was none.

MOTION

It was moved by K. Noland and seconded by D. McDowell that the Minutes be adopted,
- Carried.

BUSINESS ARISING FROM MINUTES OF THE PREVIOUS BOARD MEETING - July 25th, 2023

There was none.

3. VARIABLE EXPENDITURES

There were no questions of the variable expenditures as circulated.

MOTION

It was moved by R. Stephens and seconded by D. McDowell that the variable expenditures be accepted as presented,
- Carried.

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The Public Meeting for Amendment File No. 2022-05ZBL-23-002 was called to Order by Chair L. Hayden, who welcomed all present.

4. APPLICATION FOR AMENDMENT TO ZONING BY-LAW NO. 2022-05

- I) File No.: 2022-05ZBL-23-002
Owner: Christopher Seguin
Location: Part Lot 19, Conc. VII
Surveyed as Part 1, Plan 31R-3754
(Located at #20473 Highway No. 540)
Township of Robinson, District of Manitoulin

Chair L. Hayden opened the Public Meeting at 7:05 p.m. prior to the regular meeting of Planning Board.

The required Public Meeting was held by the Manitoulin Planning Board on Tuesday, August 22nd, 2023 and Christopher Seguin, applicant, was present during the meeting.

A Zoning Amendment Application has been received from Christopher Seguin to permit by Special Provision, one (1) portable storage container to be located and used as a single detached dwelling (4 season home) in a Rural (R) Zone, within lands located at #20473 Highway No. 540, Township of Robinson.

The Secretary-Treasurer read a planning report and passed around pictures and plans of the proposed 'Portable Storage Container' home. A letter from SE Engineering was attached to the Board Meeting Agenda.

Mr. Seguin spoke to the application and answered questions from the Board Members.

There were no other members present that wished to speak in favour or in opposition of the proposed Amendment Application.

MOTION

It was moved by D. McDowell and seconded by D. Osborne that the Public Meeting be closed at 7:34 p.m.,
- Carried.

The Secretary-Treasurer presented the Application.

Christopher Seguin has submitted a Zoning Amendment request to permit one (re-constructed) portable storage container to be located on a site specific basis, and used on as a single detached dwelling (4 season home) in a Rural (R) Zone, within lands located at #20473 Highway No. 540, Township of Robinson.

Zoning By-law No. 2022-05 for the Unincorporated Townships of Robinson and Dawson was approved on September 28, 2022 during a formal process as required under the Planning Act. To date, the Planning Board has not given any approvals permitting the use of a portable storage container as a single detached dwelling. A Zoning Conformity Permit, No. LC21/22, has been issued for a (traditional) single detached dwelling.

Section 14.1 - Rural (R) Zone, permits a single detached dwelling. Section 4.1.6. allows Portable Storage Containers to be used for storage purposes in the General Industrial (M) Zone only.

Section 2.0 - Interpretation - states in part under Subsection 2.1:

' Nothing in this By-law shall be construed to exempt any person from complying with the requirements of any other By-law of the Planning Board or from any Law of the Province of Ontario or Canada.'

Section 4.1.6 - Portable Storage Containers states:

- 1. *Portable Storage Containers are only permitted in the General Industrial (M) Zone for storage purposes, only as an accessory use on a lot that has an established primary use.*
- 2. *Portable Storage Containers shall conform to the following provisions:*
 - a) *such containers shall be maintained in an orderly appearance, i.e. not rusted;*
 - b) *such containers shall be subject to the zone provisions of the primary use;*
 - c) *such containers shall not be located in any required parking space;*
 - d) *Portable Storage Containers shall be included in the lot coverage calculations.'*

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Amendment File No. 2022-05ZBL-23-002 - Continued

The use of a Portable Storage Container for residential uses in the Rural (R) Zone is prohibited. Therefore an Amendment to the Zoning By-law No. 2022-05 is required.

The Manitoulin Planning Board has no mandate to ensure that the Ontario Building Code has been followed and safety inspections are not done for structural safety, proper anchorage, etc. The applicant will be responsible to follow the rules and regulations of the Ontario Building Code, the Public Health Unit, and Hydro One, etc.

The subject ±0.2 Hec. parcel of land, surveyed as Part 1, Plan 31R-3754, is an existing lot having a frontage of ±40.23 M. on Hwy No. 540, and has been owned by the applicant since October 21, 2022. The applicant is proposing to locate a Portable Storage Container within the lot, which is to be modified/re-constructed for a year round (4 season) residential use, as per the requirements of the Building Code .

During a site visit to the property of August 14th, 2023 it was discovered that a two-storey structure has been placed within the property. The applicant was contacted and he advised that the structure is a tool shed, placed within the property to be used during the construction of the dwelling. If the structure is to be an accessory structure and remain permanently within the property, a Zoning Conformity Permit will be required.

Residential uses exist to the west, to the east, and to the north across the Highway. There is a vacant parcel of land to the south.

The subject land is located within a Rural (R) Zone and will remain in a Rural (R) Zone. The proposal is to permit by Special Provision, on a Site Specific basis, one (1) portable storage container to be located and used as a single detached dwelling, in addition to uses permitted in the Rural (R) Zone.

The Official Plan designation is Village Area. The Official Plan is silent on the use of portable storage containers.

Official Plan Policy C.2.1 -Permitted Uses - states:

' Subject to other policies of this Plan, the following policies will apply in determining uses permitted on lands within Village Areas, as shown on Schedule A.

1. *Low density residential dwellings will be permitted;*
7. *The specific uses permitted and accessory uses will be established in the Zoning By-law.'*

The subject land will remain designated as being within a Village Area and all Official Plan (OP) Policies applicable thereto will continue to apply.

According to the application servicing will consist of a private well and private individual sewage disposal system. The Public Health Unit have advised that they will not comment on servicing as part of an Amendment Application.

Fire Protection is available via the Robinson Township Volunteers.

Garbage collection is available via the Robinson Township Local Services Board.

The applicant accesses his property from an existing entrance, #20473 Highway No. 540, a provincially maintained highway. An MTO entrance permit, No. EN-2022-54S-00000052-V1, dated October 26, 2022, accompanied the application. An MTO Building and Land Use permit, No. BL-2022-54S-00000025 V1, issued on October 26, 2022, also accompanied the Application.

Hydro One was circulated as part of the preliminary review of the application for comments. Hydro One advised that they have no concerns; that they have an unregistered easement; that they do not require an easement or occupational rights; and that they own the poles.

Section 3 of the Planning Act requires that decisions affecting planning matters '*shall be consistent with*' policy statements issued under the Act. Planning decisions for the Manitoulin Planning Area must be consistent with Policies of the Provincial Policy Statement (PPS) 2020. There does not appear to be any conflict or adverse impacts to policies expressed by the (PPS) 2020.

Board Minutes
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Amendment File No. 2022-05ZBL-23-002 - Continued

The application to amend Zoning By-law No. 2022-05 was circulated on July 31st, 2023 to the Township of Robinson Local Roads Board (RLRB), Ontario Power Generation, Metis Nation of Ontario, the Rainbow and District School Board, Bell Canada, and to all property owners within 120 metres as required by Ontario Regulation 545/06.

The Robinson Local Roads Board have not advised of any concerns or requested additional time to do so.

There have been no inquiries or concerns received from the agencies or the property owners circulated, or from the posting of the signs on the property.

Consideration of the application included:

-traditional built home vs portable storage container (modified) home; container home is similar to a modular home, comes in pieces that are put together; the container is welded together into one structure; designed for residential uses; a Zoning Conformity Permit has been issued for a (traditional) type home not a container home; minimum size requirement is 55 sq. m.; tool shed may not be in compliance with the Zoning By-law, no construction started; a container home is popular in Southern Ontario but not on Manitoulin Island (yet); do not know of other municipalities on Manitoulin Island that have approved a year round home designed from portable storage containers; approval for Barrie Island for seasonal container home where the building code is enforced; how to avoid rust and becoming unsightly; the proposed design is actually four containers reconstructed into one 640 sq ft. (59.5 sq. m.) structure; the building code is not enforced; no follow-up by a building inspector for structural safety, proper anchorage, safety inspections; cannot hire a building inspector to enforce the Building Code in the Unincorporated Townships; need to trust that the applicant will build according to the Building Code; this would be the first approval for this type of home, want to have all the information to make a Decision, want to do it right the first time; incomplete report, only an opinion of design; the report is how things should/could be done not how they will be done; the design plans are not stamped by an engineer; the documentation submitted does not satisfy the Ontario Building Code; need stamped engineered design plans; need engineered truss design to meet the snow load; could the approval be conditional on conformity to the Building Code?

Mr. Seguin spoke to the application and answered questions from the Board Members. He explained that the structure is manufactured in a plant in Southern Ontario, stamped/stickered for use in Canada, and delivered to the building site; has a third party for inspections at the manufacture plant; the proposed design is four containers put together into one structure and designed as a residential dwelling; the current design will have a roof to address the snow load for a four-season home; marine paint is to be used which has a life span of 3 to 5 years; the engineered drawings are not usually ordered until the construction begins, they are costly; he is not proposing any additional container homes in the Townships of Robinson or Dawson; he wants to live on the site with a container home if allowed and if not in a traditional built home; asked if the board would consider approval conditional on the engineered drawings being submitted for review.

The Secretary-Treasurer explained that if the Planning Board was to approve a By-law that it cannot be made conditional on conformity to the Building Code Act or stamped engineered plans.

D. Osborne, Board Member (and Chief Building Official (CBO) for other municipalities in the District of Manitoulin) advised that he was not opposed to reviewing the engineered plans and give an opinion, as he is not the CBO for the Unincorporated Townships of Robinson and Dawson.

Mr. Seguin was in agreement to provide engineered drawings to the Planning Board for further consideration.

The following Motion resulted:

MOTION

It was moved by T. Mackinlay and seconded by R. Stephens that Decision for Amendment File No. 2022-05ZBL-23-002 be deferred until engineered design plans including engineered truss designs for the roof design, are submitted and reviewed by the Planning Board,

- Carried.

Board Minutes
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5. PRESENTATION OF APPLICATIONS FOR CONSENT

The Chair announced that the applications for consent to sever would now be heard.

Note: For the sake of continuity the details and decisions of the presentations will be recorded in the usual fashion toward the end of the Minutes.

6. APPLICATION FOR VALIDATION OF TITLE - FILE NO. V01-2023

Applicant:	Kevin Hutchinson (Trustee)
Owner;	J. Douglas Hutchinson
File No:	V01-2023
Property Description:	Part Lot 7, Conc. IV Surveyed as Part 1, Plan 31R-914 (#2205 Highway No. 542 Township of Sandfield, Municipality of Central Manitoulin District of Manitoulin

An Application for Validation of Title has been made by Kevin Hutchinson on behalf of the Estate of J. Douglas Hutchinson, to correct a contravention to Section 50 of the Planning Act.

File No: V01-2023 applies to the above mentioned parcel of land being a lot, surveyed as Part 1, Plan 31R-914, having a frontage of ±26.9 M. (88.3 ft.) on Highway No. 542, a provincially maintained highway and an average depth of ±39.4 M. (129.3 ft.), thereby containing an area of ±0.11 Hec. (0.28 Acres). There is a dwelling and a garage located within this lot, which were built in the early 1940's. The dwelling is currently occupied by Sara Hull.

In the year of 1925 by Transfer 653, the subject parcel of land (which was not surveyed) was conveyed from the Manitou Fish Company Ltd. to Andrew Mitchell,

In the year 1939 by Transfer No. 865, the same parcel of land was conveyed from the Estate of Andrew Mitchell to Stanley S. Brown. This was a metes and bounds property description.

In the year 1970 by Transfer T-13466, the parcel of land was conveyed from the Estate of Stanley S. Brown to Elvern S. Brown.

A Plan of survey, No. 31R-914, was deposited on November 28, 1979. The property is now described as being Part 1, Plan 31R-914 and the abutting land is described as being Parts 2 & 3, Plan 3R-914.

In the year 1980 by Transfer T-31018, the parcel was conveyed from Elvern S. Brown to herself and her son Stanley G. Brown (jointly).

In 1984 by Transfer RM38658, the land was transferred from Elvern S. Brown and Stanley G. Brown (jointly) to Stanley G. Brown and Joyce Brown (jointly).

In 1986 By Transfer 42000, the parcel was conveyed from S. Goldwin Brown and Joyce Brown to J. Douglas Hutchinson and Mary C. Hutchinson. (It would appear that during this time 1984 and 1986 that Elvern Brown and Stanley G. Brown deceased)

At this point (1986) this parcel of land, surveyed as Part 1, Plan 31R-914 merged together with abutting land surveyed as Parts 2 & 3, Plan 31R-914 also owned jointly by J. Douglas and Mary C. Hutchinson. This was more than likely not intentional as the abutting lot contained a separate dwelling and garage that were built in the early 1950's.

In 1987 by Transfer RM43604, the parcel of land, Part 1, Plan 31R-914, was transferred from J. Douglas Hutchinson and Mary C. Hutchinson (jointly) to J. Douglas Hutchinson (sole ownership).

This is where the contravention to Section 50 of the Planning Act occurred. J. Douglas Hutchinson and Mary C. Hutchinson had an interest in abutting land, surveyed as Parts 2 & 3, Plan 31R-914. Consent to Sever approval was not granted. Under the provisions of the Planning Act the land transfer/deed No. RM43604 from J. Douglas Hutchinson and Mary C. Hutchinson (jointly) to J. Douglas Hutchinson (sole ownership) is 'Void Ab Initio' and of no legal effect and such transfer is thus void and of no legal effect. The transfer RM43604 is not valid. The current resident, Sara Hull, does not have a clear title to Part 1, Plan 31R-914.

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Validation File No. V01-2023- Continued

Since 1987, there have been two additional transfers of Part 1, Plan 31R-914.

In 1987 by Transfer 59015, the land was conveyed from J. Douglas Hutchinson to Karen Ruth Shaw.

In 2006 by Transfer RM76424, the land was conveyed from Karen Ruth Shaw to Sara Hull and James Hull.

In 2012 by Transfer RM81823 James Hull deceased and Sara Hull obtained (unclear) title to Part 1, Plan 31R-914. To date, it does not appear that ownership has been changed to S. Hull (solely) for Part 1, Plan 31R-914.

Transfers, 59015 and RM76424 as registered in the Land Registry Office in Gore Bay, Ontario also violate the Subdivision Control Provisions of the Planning Act. The transfers are void and have no legal effect.

Subdivision Control came into effect in June 1970, therefore Transfer RM43604 resulted in a contravention to Section 50 of the Planning Act. J. Douglas Hutchinson is now deceased and Kevin Hutchinson, executor of his estate, has made an application for a Validation Certificate to Validate Transfer RM43604 in order to correct the contravention and give clear title to Part 1, Plan 31R-914. If approved this will also give clear title to Parts 2 & 3, Plan 31R-914 in order to settle the Estate of J.D. Hutchinson.

Access: is via an existing entrance, #2205A Highway No. 542, a provincially maintained highway.

Servicing: no new services are required at this time; the subject lot has an existing class 4 septic system

Fire Protection: Available - via Volunteer Fire Department

School Bussing: Available

Garbage Collection: Available

The subject land has been designated as being within a Village Area and is zoned Hamlet (H). There are no zoning changes proposed. The land subject to this validation application contains a dwelling and garage that were built in the early 1940's. The structures were built before the Township of Sandfield Zoning By-law No. 80-05 (1983) and before the Municipality of Central Manitoulin's current By-law No. 2002-07 (2002).

There are no building permits available. The existing residential uses are proposed to continue.

There does not appear to be any conflict or adverse impacts to policies expressed by the Provincial Policy Statement 2020.

Section 57 (8) of the Planning Act states:

' A council or the Ministry may, as a condition to issuing a certificate of validation or order, impose such conditions in respect of any land described in the certificate or order as it considers appropriate.'

Therefore, based on the aforementioned analysis it is recommended that the Planning Board may consider approval of the Validation of Title as proposed, conditional on:

- i) a copy of Survey Plan 31R-914;
- ii) a written confirmation from the Municipality that all outstanding property taxes have been paid; and
- iii) an undertaking from a Solicitor stating that a copy of the registration of the Transfer, and the new resulting Property Identification Number (PIN) will be provided to the Manitoulin Planning Board.

MOTION

It was moved by R. Stephens and seconded by T. Mackinlay that Planning Board approve the Validation of Title for File No. V01-2023 as proposed, subject to the three conditions as per the recommendation,

- Carried.

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7. GENERAL, REGULAR AND NEW BUSINESS

Official Plan Amendment (OPA) No. A-3 for the Natural Heritage System Strategy (NHSS)

The Secretary-Treasurer reported that on July 25th, 2023 Arielle Zamdvaiz, Planner for the Ontario Ministry of Municipal Affairs and Housing (MMAH) had a telephone conversation with Planning Board staff, T. Carlisle and J. Diebolt regarding Official Plan Amendment (OPA) A-3 - Natural Heritage System Strategy (NHSS).

She advised that her comments would be verbal only and would not be followed by any written summary, as directed by the Minister of MMAH. She also advised that at this time, this was the same procedure for all OPA's and OP that are currently with MMAH. She required confirmation that the telephone conversation would not be recorded.

In review of OPA A-3 - NHSS the following verbal recommendations were:

1. The Ministry of Natural Resources and Forestry (MNRF) have requested that the Manitoulin Planning Board (MPB) provide a detailed document with supporting information to accompany the OPA with an explanation of where the information came from and how the information was used to prepare the text, mapping, and linkages using the Consultants Report, the Natural Heritage Manual, the Provincial Policy Statement, and any other supporting documentation.
2. The Ministry of Natural Resources and Forestry (MNRF) have requested that the MPB re-visit/update the text for the Unevaluated Wetlands, Coastal Wetlands and Provincially Significant Wetlands to reflect the recent changes in the Ministry's role in Wetland Evaluations as implemented in the updated Ontario Wetland Evaluation System (OWES). The MNRF (effective December 2022) no longer review or approve Wetland Evaluations. Minor changes are needed to Section D.4(b).1. and Section D.4(b).2. to remove the requirement of provincial review and approval.
3. The Ontario Ministry of the Environment, Conservation and Parks (MECP) have requested that the current policies in the Official Plan under Section D. be included with the NHSS for consistency and easy reference and that good planning practices should reference the Lake Shore Capacity Handbook.

Ms. Zamdvaiz recommended that the Manitoulin Planning Board (MPB) and the member Municipalities hold Public Meetings and then the revised (as proposed) OPA - No. A-3 for the NHSS be re-submitted to MMAH as required under the Planning Act.

The Secretary-Treasurer informed the Board that in her opinion the Board had three options in considering the 'Next Steps' for the NHSS.

- a) the three recommendations could be implemented and then Notice of the 2nd Public Meeting could be made; or
- b) the NHSS could be kept as is (without the recommendations) and the Notice of the 2nd Public Meeting could be made; or
- c) the MPB could choose to wait until formal written comments are received from MMAH regarding the OPA-A3 and the NHSS, before considering the 'Next Steps'.

Discussion among the Board Members resulted in the following motion:

MOTION

It was moved by R. Stephens and seconded by T. Mackinlay that Planning Board will table the information presented and will wait until the Ministry of Municipal Affairs and Housing provide formal written comments regarding Official Plan Amendment No. A-3 for the Natural Heritage System Strategy (NHSS) before additional consideration is given to the 'Next Steps'.

- Carried.

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Application File No.: B18-23 No. of Members Present: 6
Date of Decision: August 22, 2023
Location of Property: Part Lot 1, Conc. VIII, Lying North of Part 1, Plan 31R-3595,
Township of Burpee, Municipality of Burpee-Mills, District of Manitoulin

DECISION

The purpose of this application made under Section 53(1) of the Planning Act by Christopher Seguin on behalf of 2672818 Ontario Inc. (Travis Haines) is to provide for the creation of a new lot together with a right-of-way, for residential uses.

File No. B18-23 proposes to create a new lot having a frontage of ± 46.1 M. on Elizabeth Bay of Lake Huron and an average depth of ± 100.75 M., thereby containing an area of ± 0.46 Hec. There are two seasonal dwellings, which are part of the former 'Pine Haven Cottages' Tourist Business that are to be removed and relocated within the retained land. This lot will be together with right-of-way over an existing private access traversing the retained land, surveyed as Part 4, Plan 31R-2377 and will be subject to right-of-way in favour of three lots previously created by Consent to Sever, surveyed as Parts 1 to 3 & Parts 5 to 10, Plan 31R-2377. The applicant proposes to construct a seasonal dwelling within this lot.

The retained land has frontages of ± 197.6 M. on the travelled municipal marine allowance/Lake Huron, known as Beach Road and ± 418.4 M. on the non-maintained road allowance between the Township of Burpee and the Township of Robinson and an average depth of ± 380.9 M., thereby containing an area of ± 11.9 Hec. According to the application this parcel of land contains nine (9) cabins, a main lodge, three (3) trailers, two (2) shower houses, a garage, a storage shed and a privy, which are to be demolished and rebuilt and used for Commercial Recreational (CR) uses.

Mr. Seguin, agent for the application, provided the following covering letter dated July 4th, 2023:

' Dear Board Members,

The Owner/Applicant has submitted a consent application to the MPB to sever one lot from the existing lot of record mentioned above. The purpose of this application is to allow the Owner/Operator to retain the new lot to construct a dwelling that will be used as a living quarters for the Owner/Operator that will run and maintain the existing cabin establishment.

The existing cabins were serviced using class 1 sewage system (privy), which will need to be upgraded to a communal class 4 sewage system. Public Health Sudbury District can only approve sewage systems up to a maximum daily sewage flow of 10,000 litres per day on any existing lot of record. The existing cabins on the property would require the entire proposed 10,000 litres communal system to service them alone, leaving no space that proposed communal system to support a separate dwelling that would be used by the Owner/Operator.

The Owner/Operator would like the Board Members to consider the need for a separate lot that would have a personal sewage system & personal drilled well installed, that would be able to service a dwelling/living quarters for the Owner/Operator. This proposed dwelling would require its own 1100-1600 Litre Class 4 Sewage Disposal System to be installed on approval of PHSD.

The proponent does not wish to sever anymore of the retained property via a subdivision plan in the future. The approval of this application for the consent to sever would allow the owner/Operator to maintain and operate the adjacent existing cabin establishment by living directly next door, along with also avoiding having to approach the MOE to install a larger more complicated sewage system that we feel is not required.'

This proposal was sent to the Municipality of Burpee-Mills for their consideration prior to being put into process for the reasons that approval would result in a 4th lot being created by the Consent to Sever process rather than by the Plan of Subdivision process; the proposed new lot is within a Commercial Recreational (CR) Zone; a communal class 4 septic system is proposed for the Business; and access will be via a private right-of-way surveyed ± 10.0 M. wide to the travelled non-maintained (Burpee) municipal road allowance and then to the maintained municipal road in Robinson Township. The preconsultation was done to obtain information and to guide the applicant on the approval process.

The Municipality of Burpee-Mills advised on August 3rd, 2023 of Resolution No. 2023-134 as follows:

' WHEREAS Council is in receipt of an Application for Severance for Concession 8, Part Lot 1, Burpee requesting a fourth severance. Council does not approve a fourth severance. Council has concerns; does not need lot for septic proposal.'

Mr. Seguin, agent for the application, was advised of the Municipal Resolution. He advised that they would like to proceed with the consent to sever application and instructed the Secretary-Treasurer to proceed with formal circulation of the application.

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Application File No. B18-23 - continued
August 22nd, 2023

There have been two previous applications for Consent to Sever involving the subject land. File No. B60-91 provided for the creation of three new lots together with right-of-way, and subject to right-of-way, surveyed as Parts 1 to 10 on Plan 31R-2377; and File No. B64-05 provided for Bell Canada Easements over the subject land, surveyed as Part 1, Plan 31R-3308.

The land subject to the current application is the resulting retained land of Consent to Sever File No. B60-91.

There has also been an application for Amendment and by By-law No. 91-12, rezoned the three lots, created by File No. B60-91 from Commercial Recreation (CR) Zone to Shoreline Residential (SR) Zone (Plan 31R-2377).

This application was circulated on July 7th, 2023 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.

The Wiikwemkoong Unceded Territory advised, via email, that they have no concerns or comments for the application.

Saul Bomberry, UCCMM, advised via email that the UCCMM have reviewed the material sent and have no comments.

According to the application services are proposed to be via private well and private individual septic system for the severed land and via communal well and communal class 4 septic system for the retained land. Currently there are no existing wells or septic systems.

The Public Health Unit Sudbury and District (PHSD) advised that they have no concerns and that the proposed severed and retained lots are capable of development for installation of a septic tank and leaching bed system.

For clarification, the Secretary- Treasurer contacted the Public Health Sudbury and District (SDHU) and spoke to Richard Auld and asked how many dwellings and/or bathrooms could be accommodated with a class 4 septic system with a daily flow rate of up to 10,000 litres per day. He advised that it depended on a number of things, but generally no more than thirteen (13) bedrooms and that any additional bathrooms would also factor into the calculation, i.e. main lodge. He advised that the capacity is based on all the bedrooms for all the dwellings even if there is more than one septic system on a lot and that if the flow rate was more than 10,000 litres per day, approval would be by the Ministry of the Environment, Conservation and Parks (MECP) and an engineered septic system may be required.

The subject land has been designated Shoreline Area and Rural Area and zoned Commercial Recreation (CR).

The Zoning By-law for the Township of Burpee, No. 80-9, under Section 7.7.1.1 - Commercial Recreation (CR) Zone - permits a dwelling unit or units in accordance with the provisions of Section 6.11 of the By-law.

Section 6.11 - Dwelling Unit in Non-Residential Building or Lot - states:

- a) *One single family dwelling unit for use by the owner or operator shall be permitted with a private water supply and sewage system where such has been approved by the Ministry of the Environment.*

It was explained to Mr. Seguin that an Amendment to the Municipal Zoning By-law for the proposed new lot would be required to rezone from Commercial Recreation (CR) Zone to Shoreline Residential (SR) Zone to permit a seasonal dwelling.

Official Plan Policy B.2.3 - Shoreline Areas - states:

The following policies apply to Shoreline Areas:

1. *Locations of Shoreline Areas are illustrated on Schedule A. Shoreline Areas will accommodate predominately existing residential, commercial, recreational and open space, and related uses.*
2. *Limited growth and development may be accommodated through appropriate infill, in accordance with the policies of Section E.2 ((Water and Sewage Systems), and through the development of vacant lands in accordance with the following:*
 - a) *environmental policies of Section D (Environment and Resource Policies) are complied with; and*
 - b) *an appropriate servicing system is provided in accordance with the policies of Section E.2.*

Policy E.2.3. - Private Water and Sewage Services states:

5. *Communal servicing systems to service new development will not be permitted*

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Application File No. B18-23 - continued
August 22nd, 2023

There is a hydro line traversing the subject land and Hydro One was circulated as part of the preliminary review. Josh Waytowich advised via email that Hydro One has an unregistered easement over the subject land; they do not require an easement for occupational rights; and they own the poles.

Access for the severed land will be via private right-of-way, surveyed as Part 4, Plan 31R-2377 over the retained land, to the travelled non-maintained Burpee Township marine allowance, known as Beach Road to a maintained municipal road in the Township of Robinson, known as Beach Road South. Access for the retained land is also to be via Part 4, Plan 31R-2377 and over Beach Road to Beach Road South.

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 (PPS) 2020.

The application was circulated on August 4th, 2023 to the Municipality of Burpee-Mills, to the Robinson Local Roads Board as an abutting Municipality, 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 of Burpee-Mills advised that the proposed new lot does not conform to the Municipal Zoning By-law and if Consent to Sever is granted that Council ask for an Amendment to rezone from Commercial Recreation (CR) Zone to Shoreline Residential (SR) Zone and Council would also request the location of the access may need a survey.

The Robinson Local Roads Board have not advised of any concerns or requested additional time to do so.

Bell Canada advised via email on August 8th, 2023 that they have no comments or concerns with the application.

There was a telephone inquiry on August 10th, 2023 from D. Woods, (#81 Beach Road) requesting additional information about the application and if this would be a fourth lot being created by the Consent to Sever process. By email received on August 22nd, 2023 he advised that he will be attending the Planning Board Meeting and requested to speak to the application. No written comments were received.

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.

Christopher Seguin, agent for the application, Travis & Justyna Haines, land owner(s), Dustin and Jennifer Woods, owners of #81 Beach Road, Shawn Morrison, owner of #71 Beach Road, and Neil Henman, interested party, were in attendance during consideration of the application.

Chair Hayden requested comments from the Planning Board Members.

Discussion among the Board Members included:

- municipal comments stand; do not support a 4th lot; should stay with the OP Policy - 3 lots then Plan of Subdivision; a dwelling for the owner/operator is permitted in the CR Zone; the owner/operator could live on the CR property; no need for a 4th lot; engineered septic system would address the CR Zone uses; commercial septic system is better for a CR use; appears the development proposal is already beyond the 13 bedrooms; is current access ok for a fire truck; access should be improved to 20 metres wide; is the access on the marine allowance or on private land; Township needs to know if Beach Road encroaches onto private property - may need a survey; Beach Road is not snow ploughed; demolition permits received but not issued yet; proposal to rebuild on the same footprint for the cabins; approval is being asked for a 4th lot not approval of the septic system.

Chair Hayden then requested comments from those in attendance.

Mr. Seguin answered some questions and spoke to the application which included: a Plan of Subdivision is not feasible; could only create 4 or 5 lots; approval from MOE for a commercial septic system would allow bigger development; more trailers, more cabins; a commercial type septic system is expensive; the applicant does not want to do this; Beach Road appears to be on the municipal allowance not on the subject property according to his conversation with staff member, J.Diebolt.

Mr. Morrison answered some questions and spoke to the application which included: he was ok with the demolitions proposed; he was not opposed to the 4th lot; a 4th lot would ensure good access to his lot; not in favour of widening the right-of-way; big trucks can get through now; likes his privacy; he wanted to make sure the CR operation has the appropriate servicing.

Board Minutes
August 22, 2023 - Continued

Application File No. B18-23 - continued
August 22nd, 2023

Mr. Haines answered some questions and spoke to the application which included: if a commercial septic system is being required he could put a lot more trailers and cabins on the lot if he wanted to; he wants to re-develop the lot according to requirements of a class 4 septic system; a commercial septic system is expensive and not necessary; needs a separate lot for the caretaker to have a class 4 septic system; wants to re-open the resort and bring business to the Township; may be in favour of improving or widening the right-of-way; he would not be living there; three season resort.

Mr. and Mrs. Woods answered some questions and spoke to the application which included: they were told a number of years ago that a Plan of Subdivision may be required for any additional lots; asked why a 4th lot is needed; supported a commercial septic system for the CR uses; they use the private right-of-way to access their property; would like to see the access improved; would like to see the cabins reconstructed before approval of a 4th lot.

Chair, Lee Hayden, asked the Board Members if they needed additional time to consider making a Decision. The Board were satisfied that they had enough information to make a conditional decision.

Consent is tentatively granted subject to the following conditions:

The following documents must be submitted to the Secretary-Treasurer of the Board within two (2) 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) and right-of-way(s) for access 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) and right-of-way for access to which the consent approval relates;
- ii) a reference plan of survey which bears the Land Registry Office registration number as evidence of its deposit therein, illustrating the access along the municipal marine allowance and any portion located within the retained land, satisfactory to the municipality;
- iii) a written confirmation from the municipality that the access from the proposed severed land to the maintained municipal road, known as Beach Road South, has been constructed to a standard for travel by emergency vehicles satisfactory to the municipality;
- iv) a copy of an approved amendment to Zoning By-law for the Municipality of Burpee, rezoning the proposed new lot from Commercial Recreation (CR) Zone to Shoreline Residential (SR) Zone, as identified as a part number on a registered/deposited plan of survey;
- v) a fee of \$130.00 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.

Note: Any shoreline improvements shall be done only with the approval of The Ministry of Natural Resources and Forestry (MNRF) and Department of Oceans and Fisheries (DFO) and the Municipality.

Note: Building permits for the subject lands must conform to the requirements of the Ontario Building Code, the municipal by-law, and the Public Health Sudbury and District.

Note: Further development by the Consent to Sever process will not be supported.

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August 22, 2023 - Continued

Application File No.: B19-23 No. of Members Present: 6
Date of Decision: August 22, 2023
Location of Property: Part Lot 27, Conc. XIII, Surveyed as Part 1, Plan 31R-3787, Township of Campbell, Municipality of Central Manitoulin, District of Manitoulin

DECISION

The purpose of this application made under Section 53(1) of the Planning Act by Nathan and Ruth Hill is to provide for the creation of a new lot having a frontage of 90 M. on Dominion Bay of Lake Huron and a depth of ± 102.2 M., thereby containing an area of ± 0.77 Hec. The lot will be together with a right-of-way over the retained land and over an existing right-of-way, surveyed as Part 2, Plan 31R-3787, to the maintained municipal road, known as Dominion Bay Road. There is a tennis court located within this land. According to the application a single detached dwelling is proposed for rental purposes.

The land to be retained, located at #3 Dominion Bay Road, has a frontage of ± 114.2 M. on Dominion Bay of Lake Huron and an average depth of ± 162.5 M., thereby containing an area of ± 1.9 Hec. This land is together with a right-of-way over Part 2, Plan 31R-3787 to Dominion Bay Road, a maintained municipal road, and will be subject to right-of-way in favour of the proposed new lot. According to the application there is a single detached dwelling, a wood shed, a greenhouse, three (3) small sheds, a storage building, and three (3) guest cabins located within this land. There are no land use changes proposed.

According to Mr. Hill, agent for the application, all eleven (11) structures existed prior to his purchase of the property in March 2016. The Tourist Cabin Establishment, known as 'Dominion Bay Cottages', is within this land.

There have been four (4) previous applications for Consent to Sever involving the subject land. File No. 04-51C-76-1172 proposed the creation of two new lots from Lot 27, Conc. XIII, but this file was not completed;

File No. B82-87 proposed the creation of a new lot from Lot 27, Conc. XIII, but this file was not completed;

File No. B29-10 provided for the creation of a new lot, surveyed as Part 1, Plan 31R-3787 together with a right-of-way over Part 2, Plan 31R-3787; and

File No. B03-12 provided for the creation of a new lot surveyed as Part 1, Plan 31R-3873 together with a right-of-way over Part 2, Plan 31R-3873 and over Part 2, Plan 31R-3787.

The current application involves Part 1, Plan 31R-3787, which is the lot created by Consent to Sever File No. B29-10.

According to the land transfer/deed that accompanied the application, Part 1, Plan 31R-3787 is subject to an easement as per Instrument No. T-14574. This appears to be an error as the easement as described, known as Manitou Road, does not traverse the subject land. It is north of the subject land, being the retained land resulting from Consent to Sever File No. B29-10. The land transfer also states that Part 1, Plan 31R-3787 is together with an easement as per Instrument No. T-14576. This easement is known as Manitou Road, which is now owned by the Municipality. It may be appropriate to have these two easements corrected from title.

There have also been three (3) Amendment Applications involving the subject land.

File No. 51ZO-00484-002 permits a year round dwelling within Part 1, Plan 31R-3787;

File No. 51ZO-00487-022 permits a seasonal dwelling within Part 1, 2 & 3, Plan 31R-1820; and

File No. 51ZO-00495-005 permits one guest cabin in the Shoreline Residential (SR) Zone, within Lot 27, Conc. XIII.

The application was circulated on July 11th, 2023 to the United Chiefs and Councils of Mnidoo Mnising (UCCMM), and to the Wiikwemkoong Unceded Territory as per Official Plan Policy F.5 - Consultation and Engagement.

Saul Bomberry, UCCMM, advised via email that they have no comments to submit at this time.

John Manitowabi, Wiikwemkoong Unceded Territory, advised that they have no comments or concerns for the application to sever.

Access for the retained land, located (#3 Dominion Road), is via a 10 metres (33 ft.) wide private right-of-way over Part 2, Plan 31R-3787 to the maintained municipal road, known as Dominion Bay Road. Access for the proposed severed lot will be via right-of-way over the retained land and over Part 2, Plan 31R-3787 to Dominion Bay Road.

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August 22, 2023 - Continued

Application File No. B19-23 - continued
August 22nd, 2023

The subject land has been designated Shoreline Area and zoned Shoreline Residential (SR). By approved amendment, File No: 51ZO-00484-002, a year round dwelling is permitted and by approved amendment, File No: 51ZO-00495-005, one guest cabin is permitted.

Zoning By-law No. 2002-07 for the Municipality of Central Manitoulin permits a single detached dwelling in the Shoreline Residential (SR) Zone if the lot has frontage on a public road or road allowance. The proposed new lot does not meet this criteria. Mr. Hill, agent for the application, was advised that an Amendment to the Zoning By-law is required to permit the proposed use. He advised that he may consider a seasonal residential rental use.

Section 6.33 of the Municipal Zoning By-law states:

' No person shall erect any habitable building in any zone abutting the Lake Huron shoreline below 178.3 metres Canadian Geodetic Datum (flood contour), unless the building or structure is located at least 61 metres from the high water mark and the building or structure is flood proofed to 179.6 metres Canadian Geodetic Datum.'

Section 6.3 - Accessory Structures states:

- ' b) Except as may be provided herein any accessory building shall be erected with a front line setback not less than twenty metres or to the rear of the building line of the main building, which ever is less, and shall comply with the other yard requirements of the zone in which such building is situated and such accessory uses shall not occupy more than ten percent (10%) of the lot area.;*
- c) Notwithstanding Sub-Paragraph (b) above, a boathouse, dock or wharf may be located in the front yard, side yard or rear yard where a lot abuts a navigable waterway, provided that the approval of any other government authority having jurisdiction has been obtained and provided that the boathouse, dock or wharf is located not closer than six (6) metres to the side lot line or does not encroach on adjacent frontage when the lot boundaries are extended into the water. Boathouses shall only be permitted in areas with un-opened lakeshore road allowance and where a 'Hold Harmless Agreement' has been registered on the adjacent land's title;*
- f) No accessory building shall exceed sixty-six square metres and ten (10) metres in height in a residential zone; and*
- h) Despite section (f), one guest cabin having a gross floor area not exceeding 46 square metres may be erected and used on the same lot as a seasonal dwelling.'*

As part of the preliminary review, a request was sent to the Municipality of Central Manitoulin of conformity to their Zoning By-law and for any building permits for the existing structures, including the three (3) guest cabins located within the subject land. Raymond McPherson, Chief Building Official, advised that there does not appear to be any building permits issued for the existing guest cabins.

Services consist of a private individual septic system and private well. Services will consist of a private individual septic system and private well or water supply from Lake Huron for the proposed new lot.

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 an unground hydro line identified within the subject land. As part of the preliminary review, a request for comments was sent to Hydro One and they provided the following comments, via email, on July 21st, 2023:

- Hydro One has an unregistered easement for the subject land;*
- Hydro One does not require an easement or occupational rights;*
- Services is via underground UG cabling not Hydro poles;*

A potential 'high category' Wildland Fire Hazard was identified within the entire subject land.

There is a Deer Wintering Area identified within the entire subject land.

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Application File No. B19-23 - continued
August 22nd, 2023

Official Plan Policy D.9.3. - Wildland Fire Hazards - states under:

- ' 1. *Development will generally be directed to areas outside of lands that may be susceptible to wildland fire hazards, as identified by the Province, due to the presence of hazardous forest types. However, development may be permitted where the risk is mitigated in accordance with wildland fire assessment and mitigation standards as identified by the Province; and*
4. *Wildland fire mitigation measures shall not be permitted in significant wildlife habitat, coastal wetlands, or significant areas of natural and scientific interest unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.'*

Official Plan Policy D.4.5.1 - Deer Wintering Areas - states under :

- '5. *In areas identified as Core Deer Yard or adjacent lands, shown on the land use schedules to this Official Plan, and outside of the identified urban areas and village areas, new development or site alteration may be permitted without an Environmental Impact Study (EIS) provided:*
 - a) *The proposed new lots have a minimum 90 metre frontage and 90 metres depth, and vegetation retention is maximized through the use of tools such as development agreement or a subdivision agreement, miscellaneous notification agreement (and subject to other policies of this plan). Smaller lot sizes may be considered if through means of an Environmental Impact Study it can be demonstrated that no adverse impact will occur to the habitat or herd.*
 - c) *Where development is proposed in shoreline areas, coniferous fringe habitat along the shoreline (providing deer browse and shelter) shall be conserved.'*

The Ontario Ministry of Natural Resources and Forestry (MNR) were contacted for technical advise regarding the new development and impacts to the deer wintering area habitat and the wildland fire area and possible mitigation recommendations. The policies for deer wintering areas do not support the removal of vegetation (trees) which may impact the deer habitat and the Wildland Fire Policies recommend the removal of vegetation (trees) to ensure fire safety.

MNR advised that an Environmental Impact Study (EIS) is a common means of assessing the potential impacts of development and site alteration on natural heritage features and areas such as wildlife habitat.

Mr. Hill, agent for the application, was in agreement to create a new lot that has a minimum frontage of 90 metres and a minimum depth of 90 metres to avoid having to submit an EIS. He also advised via email on July 5th, 2023, that due to insect damage a portion of the proposed new lot has already been cleared of trees. He provided pictures of the area, south of the existing Tennis Court on the proposed new lot. Any new construction and Wildland Fire mitigation would occur within the cleared area.

From information available, being the aerial imagery from 2021, the elevation data identifying the 180 metre elevation contour and the 178.3 metre flood contour, and the pictures provided by Mr. Hill showing the area of tree removal, it appears there would be a building envelope (as shown on the attached sketch) within the cleared area of the proposed new lot, south of the existing tennis court and north of the 178.3 metre contour that would conform to the Official Plan Policies and the Natural Heritage Policies of the Provincial Policy Statement (PPS) 2020.

The removal of the trees appears to address the Wildland Fire concerns and the impact on vegetation cover for the deer wintering area for the proposed severed land without the need for a scoped Environmental Impact Study (EIS).

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

This application was circulated on June 9th, 2022 to Bell Canada, the Municipality of Central Manitoulin, 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.

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

The Municipality advised that Council would recommend consent be given provided the proponent bring the retained land into conformity with the Municipal Zoning By-law.

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August 22, 2023 - Continued

Application File No. B19-23 - continued
August 22nd, 2023

There were two visits to the Planning Board Office by Mary Allen, an abutting neighbour to the east, #3B Dominion Bay Road, which resulted in the following letter received on August 16th, 2023:

' Thank you for sending over notice of Nathan and Ruth Hill's application to sever their existing property for the creation of a new lot and right-of-way over retained land. As owner of the property that is adjacent to this proposed new lot, I am directly impacted by the Hill's development plans, and wish to share with you some of my concerns.

Manitoulin Island is a magical place due to its stunning natural beauty, and I can understand a property owner's inclination to fully exploit their own land. However, Manitoulin's natural beauty and environmental resilience is due in large part to careful planning that also takes into account the impact of new building

The Hill's application proposes to create a new lot that will increase housing density in an area that abuts environmentally sensitive and ecologically rare dune structures, and is identified in Manitoulin's Official Plan and in the Natural Heritage System Strategy proposed guidance as a deer wintering transit zone. If a structure is ultimately allowed on this property, we request that permitting authorities ensure that it be set back far from the dunes and adjacent marsh, to minimize impact on the fragile and connected ecosystem and on rare and threatened species we believe we have observed living there.

When we built our home, we deliberately chose a small footprint and sited the structure on a piece of the property that had no vegetation to introduce as little impact on the local environment as possible – in building the entire structure and road to it, we removed as few trees as possible. We also built as far away as possible from the Hill's property to afford them maximum privacy. Currently, there are ten existing structures clustered along the beach edge of the Hill's property, some of which are not permitted. The severance application under review today is aimed at building yet one more along the same stretch of frontage – who knows how many more ancillary structures will be impacting the environment over the longer term.

I am also concerned about introducing a commercial structure into what is largely a residential neighbourhood. Some homeowners on Dominion Bay do indeed rent out their properties from time to time to vacationers who are visiting the island temporarily. But I believe this application would support an expansion of the Hill's existing rental business by adding a structure that is intended for ongoing year-round rental – it is certainly not meant as a long-term residence as the Hill's primary residence is the large structure identified on the site plan. I believe that intensification of commercial activity on this stretch of shoreline is out of character for the neighbourhood, and is particularly contrary to the interests of environmental stewardship, as high-volume recreational use can be damaging to dunes. Today, only the Hills leave a collection of plastic lounge furniture on the beach for renters, and dividing the property will allow an expansion of that business which will further impede other residents and the public's enjoyment of the beachfront.

As you weigh the merits of this application, I understand that you will consider multiple legal and environmental requirements. I hope you can also factor in the concerns of close neighbours and the need to preserve Manitoulin's unique ecosystem for generations to come.'

The letter was provided to Mr. Hill, agent for the application, and to the Planning Board Members.

J. Diebolt, staff member, as part of the application review and screening did not identify a dune system along the sand beach/shoreline of Lake Huron, in front of the subject land. The sand beach appears to be almost entirely within the 20.1 metres shoreline marine allowance, which is owned by the Municipality. The Municipality would have jurisdiction as to the use of the shoreline allowance. The location of the (new) dwelling within the proposed severed lot, with a setback of approximately 61 metres from the shoreline allowance would appear to address any dune disturbance. There may be building permit restrictions if a boathouse was proposed to be located in the front yard closer to the shoreline and a permit from the Ministry of the Environment, Conservation and Parks (MECP) may be required to avoid any negative impact to the potential dune system.

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.

The Secretary-Treasurer provided the Board Members with elevation data and aerial imagery for consideration of the application.

Discussion among the Board Members included:

- is the 178.3 elevation contour accurate; trees already removed; good forest management; any mandate to clean up the fallen trees & brush; forest fire safety is encouraged; the setback for the new dwelling would be outside any potential sand dunes; the required setback of 41 metres from the front lot line should address Ms. Allen's concerns; contradiction between policies for wildland fire and deer yards; are confusing; seasonal use for the severed lot addressed at building permit stage; proposed rental for the new dwelling addressed at the building permit stage; operation of a Tourist Cabin Establishment in a SR Zone; properties need to conform to the municipal by-law; amendment is needed.

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August 22, 2023 - Continued

Application File No. B18-23 - continued
August 22nd, 2023

Nathan Hill, applicant and agent for the application, was in attendance during consideration of the application. He answered some questions and spoke to his application; Raymond McPherson, building inspector advised him that the municipality is proposing to update the Municipal By-law in the near future which could bring his property into conformity with the new By-law; he does not want to wait any longer and is agreeable to submit an Amendment Application if required to do so; the Tourist Cabin Establishment is a three season rental business; three log cabins; no plans for additional cabins; his understanding is that a guest cabin is permitted on the severed land; his neighbour Ms. Allen spent quite a bit of time establishing a building site with Mr. McPherson; he removed the trees due to insect infestation; he believes placing the new seasonal dwelling on the new lot away from the shoreline addresses Ms. Allen's concerns.

Chair, Lee Hayden asked the Board Members if they needed additional time to consider making a Decision. The Board were satisfied that they had enough information to make a conditional decision.

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), and the right-of-way for access, 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) and right-of-way for access having a minimum width of 20.1 metres to which the consent approval relates;
- ii) a written confirmation from the municipality that the access from the proposed severed land to the maintained municipal road, known as Dominion Bay Road, has been constructed to a standard for travel by emergency vehicles satisfactory to the municipality;
- iii) a written confirmation from the municipality that the uses of the retained land and the proposed severed land are in conformity with the municipal zoning by-law, satisfactory to the municipality, i.e. building permits, number and type of structures, short-term or long term rental dwelling;
- iv) a copy of an approved amendment to the Municipal Zoning By-law No. 2002-07 permitting three (3) guest cabins within the proposed retained land, as identified on a sketch, approved by the municipality, satisfactory to the municipality;
- v) a fee of \$130.00 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.

Note: It would be considered appropriate should the reference to Instrument Numbers T-14574 and T-14576 be removed from title.

Note: Any shoreline improvements shall be done only with the consultation of Natural Resources and Forestry (MNR) the Department of Oceans and Fisheries of Canada, (DFO) and the Municipality.

Note: A permit under the Endangered Species Act (ESA) may be required, if impacts to the species and habitat cannot be avoided during future development.

Note: Further development by the consent procedure for the subject lands may not be considered.

PRESENTATION OF APPLICATIONS 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 53 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. B18-23	D. Osborne	K. Noland
2. B19-23	R. Stephens	D. McDowell

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 time now being 9:13 p.m. and all business before the Board having been dealt with, the Meeting was adjourned on a motion moved by T. Mackinlay.

L. HAYDEN, CHAIR



T.A. CARLISLE,
SECRETARY-TREASURER