



November 28, 2018

MINUTES OF PLANNING BOARD MEETING - November 27, 2018

At a Meeting of the Manitoulin Planning Board, held in the Board Room at the Planning Board Office, Gore Bay, Ontario, on Tuesday, November 27, 2018 the following Members of Planning Board were present:

- | | | | |
|----|-------------|----|-------------|
| 1. | L. Hayden | 5. | K. Noland |
| 2. | D. Osborne | 6. | D. Head |
| 3. | E. Russell | 7. | I. Anderson |
| 4. | R. Stephens | | |

Absent: L. Addison, A. Hunt
Regrets: P. Moffatt

Also in attendance was:

Tom Sasvari, Western Manitoulin News Editor, Manitoulin West Recorder.

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

The Regular Meeting was called to Order at 7:06 P.M. after the Public Meeting, by Chair Richard Stephens 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 of October 23rd, 2018. There were no conflicts declared.

1. ORDER OF BUSINESS

The Chair requested the adoption of the order of business.

The Secretary-Treasurer requested that a "Letter of Request for Amendment to Zoning By-law No. 96-01" be added as item 4.f).

MOTION

It was moved by I. Anderson and seconded by D. Osborne that the Order of Business be adopted, as amended - Carried.

2. MINUTES OF PREVIOUS BOARD MEETING - October 23, 2018

The Chair announced that the Minutes of the Board Meeting held October 23, 2018 had been circulated to all Board Members and requested that any errors or omissions be stated.

The Secretary-Treasurer reported to the Board that an error had been made to the October 23rd, 2018 Minutes and two of the Motions which were carried, were not recorded as such. She read the two motions {4.a) and 5. f)} and asked that the Motion to Adopt include that they be recorded as carried.

MOTION

It was moved by K. Noland and seconded by E. Russell that the October Minutes be adopted as corrected. - Carried.

BUSINESS ARISING FROM THE MINUTES OF THE PREVIOUS BOARD MEETING
- October 23rd, 2018

There was none.

3. VARIABLE EXPENDITURES

MOTION

It was moved by L. Hayden and seconded by D. Osborne that the variable expenditures be accepted as presented. - Carried.

4.a) 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 so recorded in the usual fashion toward the end of the Minutes.

4.b) i) PRESENTATION OF APPLICATION FOR AMENDMENT TO ZONING BY-LAW NO: 96-01

| | |
|--------------------|--|
| File No.: | 96ZBL-18-002 |
| Applicants/Owners: | Richard and Cindy Nicks |
| Agent/Solicitor: | Self |
| Property Location: | Part Lot 25, Conc. X, (#414 Silver Lake Road) Being Pt. Lot 2, Lot 3, Lot 4, and Pt. Lot 5, Plan 62 Township of Robinson, District of Manitoulin |

A Zoning Amendment Application was received from Richard and Cindy Nicks to permit an existing seasonal dwelling having an area of ±117.5 square metres, to be converted to a guest cabin in a Shoreline Residential (SR) Zone.

Zoning By-law No. 96-01, under Section 5.(3), permits one guest cabin having a gross floor area not exceeding 46 square metres to be located and used on the same lot as a dwelling. The applicants would like to construct a new seasonal dwelling and convert the existing seasonal dwelling to a guest cabin that is larger than permitted. Therefore, an amendment is required.

This ±0.9 Hec. lot is the retained land resulting from Consent File No. B12-07 having a frontage of ±87.2 M. on Silver Lake Road, a maintained road, and an average depth of ±110.5 M. The applicants have owned the property for three (3) years. The existing dwelling on the property, according to the application, is the original homestead, constructed in the 1890's.

By a Letter of Conformity (LC05/18), a garden shed (12 ft. X 20 ft.) is permitted to be located and used within the subject land.

The application to amend Zoning By-law No. 96-01 was circulated on October 22, 2018 to the Township of Robinson Local Roads Board, Ontario Power Generation, Metis Nation of Ontario and the Rainbow and District School Board and to all property owners within 120 metres as required by Ontario Regulation 545/06.

There have been no concerns or objections received from the property owners or agencies circulated.

Lori Mastelko, Secretary-Treasurer for the Township of Robinson Local Roads Board, advised via email on November 07, 2018 that the LRB has no concerns with the amendment application.

The subject land has an existing entrance, #414, from Silver Lake Road, a public maintained road.

Services are via private well and private individual septic system. No new services are required.

Fire Protection is available via the Robinson Township Volunteers.

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

The land subject to this proposal will remain designated as being within a Shoreline Area. All Official Plan Policies applicable thereto will continue to apply.

The subject land is within a Shoreline Residential (SR) Zone and is to remain as presently zoned.

Zoning By-law No: 96-01 defines a guest cabin as:

'a building, without cooking facilities, that is accessory to a dwelling and used only for purposes of sleeping accommodation'

This amendment proposal is considered to be in conformity with the Provincial Policy Statement (PPS) 2014 and appears to conform to policy 1.1.6.1., which states:

'In rural areas located in a territory without Municipal organization, the focus of development activity shall be related to the sustainable management or use of resources and resource-based recreational uses (including recreational dwellings).'

With approval of this proposed amendment, there does not appear to be any conflict or adverse impacts to policies expressed by the PPS 2014 due to the seasonal residential uses proposed.

The required Public Meeting was held on Tuesday, November 27th, 2018 at 7:00 p.m. in the Board Room of the Manitoulin Planning Board. There was no one in attendance at the Public Meeting to speak on behalf of or opposition to the application. There were no written submissions received.

4.b) i) PRESENTATION OF APPLICATION FOR AMENDMENT TO ZONING BY-LAW NO: 96-01
File No.: 96ZBL-18-002 - continued

Providing there are no extenuating circumstances or additional information to be considered, there would appear to be no expected adverse effects according to information available.

Therefore, based on the aforementioned analysis it is recommended the subject application be approved to permit an existing seasonal dwelling having an area of ±117.5 square metres to be converted to a guest cabin by special provision on a site specific basis, which is larger than permitted by Zoning By-law No. 96-01 of 46 square metres in size.

The following By-law was also read:

BY-LAW NO. 2018-002

Being a By-law of the Manitoulin Planning Board to amend By-law 96-01, the comprehensive Zoning By-law for the Townships of Dawson, Robinson, and Mills.

Whereas the Manitoulin Planning Board has been granted the authority by Ontario Regulation 159/96 deeming Ontario Regulation 672/81, a Minister's Zoning Order, to be and to always have been a By-law of the Manitoulin Planning Board under Section 34 of the Planning Act.

And Whereas the Manitoulin Planning Board has ensured that adequate information has been made available to the public and has held at least one (1) public meeting after due notice for the purpose of informing the public of this By-law.

And Whereas the Manitoulin Planning Board deems it desirable to amend By-law No. 96-01 as amended.

Now Therefore, the Manitoulin Planning Board enacts the following:

- (1) Despite Section 5.(3) permits one guest cabin defined as
'a building, without cooking facilities, that is accessory to a dwelling and used only for purposes of sleeping accommodation'
having a gross floor area of 117.5 sq. m. , in a Shoreline residential (SR) Zone, within land described in Subsection (2);
- (2) Subsection (1) applies to that parcel of land in the geographic Township of Robinson, in the District of Manitoulin, described as Part Lot 25, Conc. X, being Pt. Lot 2, Lots 3 and 4, and Pt. Lot 5, Plan 62, as registered in the Land Registry Office for the Registry Division of Manitoulin (31).
- (4) That it is hereby certified that this amending By-law is in conformity with the Official Plan for the Manitoulin Planning Area.
- (5) Schedule "A" hereto attached shall be considered to be part of this By-law.
- (6) This By-law shall come into force and take effect on the date of its final reading subject to the expiration of the 20 day appeal period, provided in Section 34(19) of the Planning Act and subject to the approval of the Ontario Municipal Board where objections to this by-law are filed with the Secretary-Treasurer of Planning Board.

Discussion regarding the proposed amendment resulted in the following motion:

MOTION

It was moved by D. Head and seconded by K. Noland that By-law No. 2018-002 be approved.
- Carried

4.b) ii) PRESENTATION OF APPLICATION FOR AMENDMENT TO ZONING BY-LAW NO: 96-01

File No.: 96ZBL-18-003
Owner: Richard Charles Batchelor
Agent: SELF
Property Location: Part Lots 4 and 5, Conc. I
Being Part 13, Plan R.R. 38, (Little Lake Huron Estates)
Township of Robinson, District of Manitoulin

A Zoning Amendment Application has been received from Richard Charles Batchelor to rezone land described as Part Lots 4 and 5, Conc. I, being Part 13, Plan R.R. 38 from Rural (R) Zone to Shoreline Residential (SR) Zone to permit seasonal residential uses.

4.b) ii) PRESENTATION OF APPLICATION FOR AMENDMENT TO ZONING BY-LAW NO: 96-01
File No: 96ZBL-18-003 - continued

Seasonal residential uses are not a permitted use in the Rural (R) Zone by Zoning By-law No. 96-01, Part XI. Therefore, Zoning By-law No. 96-01 must be amended to permit the proposed seasonal residential uses.

This vacant shoreline lot, which was created by checkerboarding prior to subdivision control, has been owned by the applicant since 1980.

This application to amend Zoning By-law No. 96-01 was circulated on October 22, 2018 to the Township of Robinson Local Roads Board, Ontario Power Generation, Metis Nation of Ontario and the Rainbow and District School Board and to all property owners within 120 metres as required by Ontario Regulation 545/06.

There have been no concerns or objections received from the property owners or agencies circulated.

Lori Mastelko, Secretary-Treasurer for the Township of Robinson Local Roads Board, advised via email on November 07, 2018 that the LRB has no concerns with the amendment application.

The applicant accesses his property from Highway 540 over the Little Lake Huron Road/Pebble Road, crossing Lot 2, Conc. IV; Lots 1 and 2, Conc. III; Lots 2 and 3, Conc. II; and Lots 2, 3, 4 and 5, Conc. I, surveyed as Part 1, Plan R.R. 47; and over Cedar Trail Road, surveyed as Part 30 and Parts 1A to 29A, Plan R.R. 38. This right-of-way is not maintained by the Local Roads Board. The existing right-of-way known as Little Lake Huron Road and Cedar Trail is travelable by emergency vehicles, confirmed by a site visit in November 2017.

Water supply will be obtained from Lake Huron. Sewage disposal will be by grey water pit and privy.

The Sudbury and District Health Unit have advised they have no objections as the property appears to be capable of development for the installation of a septic tank and leaching bed system.

Fire Protection is available via the Robinson Township Volunteers.

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

The lot subject to this application was created prior to Subdivision Control imposed in 1970. The subject land will remain designated as being within a Shoreline Area and all Official Plan (OP) Policies applicable thereto will continue to apply. Recreational camps/seasonal dwellings are permitted by Section B.2.3. of the OP.

The subject land is within a Rural (R) Zone. This area was zoned Rural to control development in an area where lots were created prior to subdivision control. The proposal is a continuation of the established precedents common to this area. If approved, this proposal will amend Zoning By-law No. 96-01 to rezone from Rural (R) Zone to Shoreline Residential (SR) Zone to permit SR Section 24(1) to apply, which will permit a seasonal dwelling and accessory structures thereto.

The Provincial Policy Statement (PPS) 2014 under Section 1.1.6.1 states:

'On rural lands located in territory without municipal organization, the focus of development activity shall be related to the sustainable management or use of resources and resource-based recreational activities (including recreational dwellings).'

There is a deer wintering area identified within the subject land. It is recommended that the loss of deer feeding opportunities and shelter habitat can be mitigated by minimizing the amount of conifer cover removed during the construction of the proposed seasonal dwelling and any accessory structures.

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 PPS.

With approval of this proposed amendment, there does not appear to be any conflict or adverse impacts to policies expressed by the PPS 2014 due to the seasonal residential uses proposed.

The required Public Meeting was held on Tuesday, November 27th, 2018 at 7:00 p.m. in the Board Room of the Manitoulin Planning Board. There was no one in attendance at the Public Meeting to speak on behalf of or opposition to the application. There were no written submissions received.

Providing there are no extenuating circumstances or additional information to be considered, there would appear to be no expected adverse effects according to information available.

Therefore, based on the aforementioned analysis it is recommended the subject Application for Zoning By-law Amendment be approved to rezone from Rural (R) Zone to Shoreline Residential (SR) Zone.

4.b) ii) PRESENTATION OF APPLICATION FOR AMENDMENT TO ZONING BY-LAW NO: 96-01
File No: 96ZBL-18-003 - continued

The following By-law was also read:

BY-LAW NO. 2018- 003

Being a By-law of the Manitoulin Planning Board to amend By-law 96-01, the comprehensive Zoning By-law for the Townships of Dawson, Robinson, and Mills.

Whereas the Manitoulin Planning Board has been granted the authority by Ontario Regulation 159/96 deeming Ontario Regulation 672/81, a Minister's Zoning Order, to be and to always have been a By-law of the Manitoulin Planning Board under Section 34 of the Planning Act.

And Whereas the Manitoulin Planning Board has ensured that adequate information has been made available to the public and has held at least one (1) public meeting after due notice for the purpose of informing the public of this By-law.

And Whereas the Manitoulin Planning Board deems it desirable to amend By-law No. 96-01 as amended.

Now Therefore, the Manitoulin Planning Board enacts the following:

- (1) To rezone from Rural (R) Zone to Shoreline Residential (SR) Zone the land described in Subsection (2);
- (2) Subsection (1) applies to that parcel of land in the geographic Township of Robinson, in the District of Manitoulin, described as Part of Lots 4 and 5, Conc. I, being Part 13, Plan R.R. 38, as registered in the Land Registry Office for the Registry Division of Manitoulin (31).
- (3) That it is hereby certified that this amending By-law is in conformity with the Official Plan for the Manitoulin Planning Area.
- (4) Schedule "A" hereto attached shall be considered to be part of this By-law.
- (5) This By-law shall come into force and take effect on the date of its final reading subject to the expiration of the 20 day appeal period, provided in Section 34(19) of the Planning Act and subject to the approval of the Ontario Municipal Board where objections to this by-law are filed with the Secretary-Treasurer of Planning Board.

Discussion regarding the proposed amendment resulted in the following motion:

MOTION

It was moved by D. Head and seconded by K. Noland that By-law No. 2018-003 be approved.
- Carried

4. c) ACCOUNTING SOFTWARE PROGRAM

The Secretary-Treasurer informed the Board that the 'Sage 50' Accounting Program had been purchased and has been installed on the office computer and that a training session has been confirmed in Sudbury on Monday, December 10th, 2018 between staff member J. Diebolt and the Auditor, KPMG Accountants.

4. d) BY-LAW ENFORCEMENT OFFICER APPOINTMENTS

The Secretary-Treasurer reported to the Board that J. Diebolt and herself have received their designations as Provincial Offences Officers for the purpose of enforcing the Zoning By-law for the Unincorporated Townships of Robinson and Dawson, from the Minister of Municipal Affairs and Housing, effective October 26th, 2018. She also reported that J. Diebolt had completed a site visit to the Townships of Robinson and Dawson and found a possible five (5) contraventions to Zoning By-law No. 96-01, and he will be following up on and writing letters requesting the landowners comply with the Zoning By-law.

4. e) DECEMBER OFFICE HOURS

A request was made to the Board from the Secretary-Treasurer that the Planning Board office be permitted to be closed for an additional three (3) days over the December Holidays, being December 27th, 28th and 31st, 2018 and that the two staff members would use these three (3) days as Holidays. She requested that staff be allowed to use one of their 2019 holidays in 2018. She explained that it was common practice for the office to be closed at noon on both Christmas Eve, December 24th, and New Year's Eve, December 31st.

Discussion resulted in the following motion:

MOTION

It was moved by E. Russell and seconded by K. Noland that the Planning Board office be closed at noon on December 24th, and closed on Thursday, December 27th, Friday, December 28th, and Monday, December 31st, 2018 and that the two staff members shall use these extra days as 2018 holidays and it was not necessary to use one of their 2019 holidays - Carried unanimously.

4. f) LETTER OF REQUEST FOR AMENDMENT TO ZONING BY-LAW NO. 96-01

The following letter, received from Perry and Tuija Conlon, via email on November 24th, 2018, was read by the Secretary-Treasurer:

‘ Dear Theresa Carlisle,

This letter is in regards to the Zoning Conformity for Lot 12, Concession VIII, previously applied for in the amount of \$650.

We are in an unfortunate situation with being unable to conform to the by-law. The structures have been built without prior knowledge of rules when it comes to location within our property. The reason for applying was to alleviate our children from having to worry about selling the hunt camp once time ended for us. Instead we find ourselves unable to abide according to the by-law.

We would ask than an exception be granted, rather than having to possibly destroy the work that has been put into the construction. If you look at the attached photos, the distance between the shed and the camp is between 6 and 12 feet depending on the measuring being from roof to roof or wall to wall.

Would you please consider making an exception, as the buildings once finished with siding will look quite nice, as it creates a little front court-yard. In addition, when driving through Silverwater and Meldrum Bay, there are numerous properties that have buildings in front of the main buildings even closer to the road than ours. Hence, we never considered this would ever have been an issue.

Again, this is an error on our part at the end of the day, but hopefully this can be seen as a minor infraction that can be rectified by approving the building to remain in its current spot as seen in the pictures. We would ask that given we should/could have included this in the original application, that the fee be waived. For consideration, please bring this forward to the Planning Board. We thank you in advance for your time.’

The Secretary-Treasurer gave a review to the Board from the Regular Meeting of Planning Board held on Tuesday, March 27th, 2018 and explained that Mr. and Mrs. Conlon had made application for Amendment to Zoning By-Law 96-01, File No. 96ZBL-18-001, to permit their seasonal dwelling/camp in an Agriculture Zone, which was built without permission. The Board had passed By-law No. 2018-001 permitting the existing seasonal dwelling within their property, located at #24520 Hwy 540, in an Agriculture (A) Zone. At that time there was a trailer, a privy , and a shed also located on the property which had been located without approval, which the applicants had advised would be moved or removed. She read the following motion of the Board from March 27th, 2018:

‘MOTION

It was moved by D. Head and seconded by D. Osborne that By-law No. 2018-001 be approved. And the Secretary-Treasurer is instructed to not issue a Letter of Conformity for the subject land until:

- i) the Ministry of Transportation has approved an entrance permit;*
 - ii) all structures conform to Zoning By-law No. 96-01;*
 - iii) a civic address sign, #24520 Hwy 540, has been posted on the property; and*
 - iv) a site inspection has been done, at a cost to the applicants at 0.55 cents/klm, to confirm.*
- ...Carried.’*

The Secretary-Treasurer further explained that since March, items i) and iii) had been fulfilled, that the trailer had been removed, that the privy had been moved and is now located behind the seasonal dwelling and that the shed has not been relocated.

It was the general consensus of the Board that they did not wish to support an Amendment to permit the shed to remain in the front yard. During discussion and in consideration of the information available the Board considered they had adequate information to make a decision on the request for amendment and the following motion resulted:

MOTION

It was moved by K. Noland and seconded by D. Osborne that the Secretary-Treasurer inform Mr. and Mrs. Conlon that the original Motion of March 27, 2018 stands.
- Carried.

5. BUDGET REVIEW

The Secretary-Treasurer gave a brief review of the Comparison of Revenue and Expenditures for 2018, which was attached to the Boards' Agenda. She reported that as of November 19th, 2018 there was a deficit of ±\$3,450.00. Since then the Planning Board office has processed an application for Amendment and it is anticipated that there will be at least three (3) more planning applications to be processed before year end. This would result in the Board's Budget being pretty much balanced.

6. OFFICIAL PLAN (OP)

The Secretary-Treasurer reported to the Board that the adopted Official Plan (MMA File Number 51-OP-161666) was approved on October 29, 2018 with 40 modifications, and that all Board Members and Municipalities had been advised and provided a digital copy of the OP. The 40 modifications had been addressed throughout the ±6 year process and there were no modifications that had not been already discussed.

The next steps moving forward would be to establish a Natural Heritage System and to proceed with updating the Municipal Zoning By-laws.

Hard Copies of the OP were received via Purolator on Monday, November 26th, 2018 and it was agreed that all Board Members will receive a copy at the January 2019 Board Meeting.

The Secretary-Treasurer explained to the Board that she had received confirmation from the Ministry of Municipal Affairs and Housing (MMAH) that the Planning Board staff could proceed with a technical amendment to the Official Plan to correct a mapping error and a text error to Site Specific Policy Area 6.3.2 if the Board considered this a minor change.

The following motion resulted:

MOTION

It was moved by D. Osborne and seconded by I. Anderson that the Planning Board staff proceed with a technical amendment as per Section G1, which is considered minor, to correct mapping and text to Site Specific Policy Area 6.3.2 of the Official Plan which was approved on October 29, 2018, and to notify the Ministry of Municipal Affairs and Housing (MMAH) when this has been done - Carried.

The Secretary-Treasurer requested the Board consider what an appropriate cost would be for a hard copy of the Official Plan document and that this fee should be added to the Boards' "Tariff of Fees". She explained that the OP document will be available on the Planning Board's website once the technical amendment is completed, and anyone will be able to make their own copy. However, in the past there have been inquiries for a hard copy.

It was the general consensus of the Board that it be at a cost recovery price. Getting a quote from Staples or our OP Consultant, Mr. Bender may prove helpful. The Secretary-Treasurer was requested to investigate further and this would be discussed further in 2019.

The Secretary-Treasurer reported to the Board that there was about \$8,000.00 left in the Official Plan Budget and she requested the Board consider what these funds could be used for, i.e. costs associated with a Natural Heritage System, Zoning By-law Updates, extra copies of the Official Plan documents, etc.

It was the general consensus of the Board that these funds were intended to benefit all of the Manitoulin Planning Area, including the Unincorporated Townships of Robinson and Dawson, and that this be discussed again in 2019.

The Secretary-Treasurer informed the Board that she had spoken with the Ministry of Municipal Affairs and Housing (MMAH) and they have agreed to attend a Board Meeting in January 2019, and/or additional meetings if requested, to assist with the implementation of the Official Plan and/or assistance moving forward.

The Secretary-Treasurer requested a motion from the Board that the final invoice be paid to the consultant for the completion of the Official Plan and the following motion resulted:

MOTION

It was moved by D. Osborne and seconded by K. Noland that the final invoice for \$1,000.00 be paid to WSP Canada Group Limited for the completion of the Official Plan document, approved on October 29, 2018 - Carried.

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. B15-18 | K. Noland | E. Russell |
| 2. B16-18 | I. Anderson | D. Head |
| 3. B17-18 | D. Osborne | L. Hayden |

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 9:27 p.m. and all business before the Board having been dealt with, the Meeting was adjourned on a motion moved by L. Hayden.

R. STEPHENS,
CHAIR

T. A. CARLISLE,
SECRETARY-TREASURER