



November 4, 2015

MINUTES OF PLANNING BOARD MEETING - October 27, 2015

At a Meeting of the Manitoulin Planning Board, held in the Board Room at the Planning Board Office, Gore Bay, Ontario, on October 27, 2015, the following Members of Planning Board were present:

- |    |            |    |             |
|----|------------|----|-------------|
| 1. | D. Osborne | 6. | I. Anderson |
| 2. | M. Peters  | 7. | L. Hayden   |
| 3. | P. Moffatt | 8. | E. Russell  |
| 4. | A. H. Hunt | 9. | D. Head     |
| 5. | K. Noland  |    |             |

Regrets: R. Stephens  
Absent: L. Addison

Also in attendance was:  
T. Sasvari, reporter, Manitoulin West Recorder;

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 K. Noland, who welcomed all present and extended a special welcome to new Board Member Ian Anderson, representing the Township of Cockburn Island, which was followed by introductions of all Board Members.

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 September 29, 2015. There were no conflicts declared.

1. ORDER OF BUSINESS

The Chair requested that the agenda be amended to include the following two additions:

- 4 b) Application for Validation of Title, File No.: V01-2015; and
- 5a) iii) November Board Meeting

MOTION

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

2. MINUTES OF PREVIOUS BOARD MEETING - September 29, 2015

The Chair announced that the Minutes of the Board Meeting held September 29, 2015 had been circulated to all Board Members and requested that any errors or omissions be stated.

There being no errors or omissions, a motion was moved by A. H. Hunt and seconded by P. Moffatt that the Minutes be adopted as circulated. - Carried -

BUSINESS ARISING FROM THE MINUTES OF THE PREVIOUS BOARD MEETING  
- September 29, 2015

i) Office Equipment - Photo Copier

Further to the request of the Board to obtain a third quote, as required within the Procurement By-law, the Secretary-Treasurer advised that a quote had been obtained from Laurentian Business Products for a Canon product for a total of \$8,325.00. It was also noted that a quote had been received from Staples in March, during budget preparations, for a HP product for a total of \$7,110.00.

The Xerox Workcentre has been purchased and was delivered on October 21, 2015.

There was no other business arising from the Minutes.

### 3. VARIABLE EXPENDITURES

There were no questions of the variable expenditures as circulated.

#### MOTION

It was moved by E. Russell 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.

- b) PRESENTATION OF APPLICATION FOR VALIDATION OF TITLE
- |                    |   |
|--------------------|---|
| File No.:          | V01-2015  |
| Applicants/Owners: | Madeline and Stewart Halloway   |
| Location:          | Part of Island TP 1900 - Iroquois Island<br>Parcels 497, 722, 2256 and 2258<br>PIN 47136-0100 and PIN 47136-0198<br>McGregor Bay of Lake Huron<br>Town of Northeastern Manitoulin and the Islands |

This Application for Validation has been made to correct a contravention/breach to the Planning Act. A transfer of land made by Turners' of Little Current Ltd. on August 31, 2000 by transfer no. 8744 to Madeline and Stewart Halloway is invalid as it did not include all of that parcel of land owned by Turners' of Little Current Ltd., and therefore has resulted in a breach of the Planning Act..

**Therefore** a Validation Order is required to correct a title issue and release interest in part of parcel 722 (PIN 47136-0198) which records indicate is still owned by Turners' of Little Current Ltd. According to documentation provided with the application, Turners did not intend to retain any lands. This correction/validation will result in the remainder of parcels 722 (PIN 47136-0100) and 497 (PIN 47136-0198) being identified as one parcel of land. Parcels 497 & 722 are abutting lands.

Under Transfer #1338, dated April 20, 1966, John Lindsay Ferguson transferred his interest in Parcels 497 & 722 to James Walter Ferguson.

Under Transfer #4282, dated May 01, 1980, both Parcels 497 & 722 were transferred to Turners' of Little Current Ltd.

There have been applications for consent which involved Parcel 722.

Consent File No. B57-87 created Parts 1 & 2, 31R-1717 entered as Parcel 2070. Now identified as PIN 47136-0199.

Consent File No. B102-91 created:

- Part 16, Plan 31R-2268 entered as Parcel 2256. Now identified as PIN 47136-0200;
- a lot addition of Parts 12 & 14, Plan 31R-2628 entered as Parcel 2257. Eventually merged (lot addition) to property being Parcel 743, now known as PIN 47136-0201;
- Parts 1 to 4, Plan 31R-2268 entered as Parcel 2258. Now identified as PIN 47136-0202.
- Parts 5 to 11, Plan 31R-2268 entered as Parcel 2259. Now identified as PIN 47136-0203.

Consent File No. B44-96 provided for a lot addition of Parts 13 & 15, Plan 31R-2268 transferred to owner of Parcels 660, 743 & 2257, now merged as Parcel 2367 and identified as PIN 47136-0201. This land is together with right-of-way/easement over Part 1, Plan 31R-2760.

Consent File No. B72-91 provided for right-of-way/easements for sewage line in favour of lands identified by PIN's 47136-0202, 47136-0203 and 47136-0201, which are not part of the subject lands, seeking validation.

The Planning Act contravention occurred on August 31, 2000 with the registration of Transfer #8744. This transfer description stated Parcel 497 and Parcel 722 more particularly described as Parcels 2256, 2258, and 2259. Parcels 2256, 2258 and 2259, although also owned Mr. and Mrs. Halloway, are separate parcels of land, consent granted parcels, and are not part of this request for validation.

4. b) PRESENTATION OF APPLICATION FOR VALIDATION OF TITLE  
File No.: V01-2015 - Continued

While the description contained in transfer #8744 included reference to Parcel 722, and the transfer was originally entered on Parcel 722 vesting ownership in Stewart & Madeline Halloway, on September 7, 2000, the legal description did not include all of PIN 47136-0100. In 2006 a Land Registrar's Order was registered as LT10148 again re-instating the ownership under #4282 being Turners' of Little Current Ltd. for the remainder of Parcel 722. No evidence can be found that any of the parties were notified of this Land Registrar's Order.

Mr. and Mrs. Halloway have been paying the taxes for Parcel 722 since 2001. The Planning Act Contravention was discovered by Halloways in mid-2015.

This Application for Validation Order is being made to provide clear title to the land that is the combination of Parcel 497 and the remainder of Parcel 722. Now identified as PINs 47136-0100 & 47136-0198.

The subject land has frontages of ±185 M. and ±500 M. on McGregor Bay of Lake Huron, and an irregular depth, thereby containing an area of ±8.0 Hec. According to the applicant there are three rental cottages, a rec hall (old store) building, a workshop, three accessory sheds, and a laundry building located within the subject land, known as McGregor Bay Lodge, identified by PIN 47136-0100 and PIN 47136-0198. All of the structures have existed prior to August 2000 when the Halloways purchased the property.

Access is via water from J.G. Marina and Still Water Marina at Birch Island.

Services consist of water from Lake Huron and one individual private septic system. No new services are required at this time.

Fire Protection is provided by the municipal volunteer fire department.

Garbage Disposal is available at Municipal Waste Disposal Site

The subject land has been designated as Shoreline Development and Rural Districts and zoned Shoreline Residential (SR) and Hazard (02). The existing commercial recreational/seasonal residential uses are proposed to continue.

There will be no impact to policies of the Provincial Policy Statement 2014.

A copy of the Validation Application with sketch and covering letter were sent, via email, to Pam Cress, Clerk for the Town of Northeastern Manitoulin and the Islands.

Section 57(8) of the Planning Act of Ontario states:

' A Council or the Municipality 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 was recommended that the Planning Board, as the delegated authority, approve the Validation of Title as proposed conditional on:

- i) a written confirmation that all outstanding property/education taxes have been paid.

Following presentation of this application, Planning Board found all criteria and requirements relative to Validation of Title under Section 57 of the Planning Act were in order.

MOTION

It was moved by M. Peters and seconded by I. Anderson that Planning Board approve the Validation of Title as proposed subject to the condition as per the recommendation.  
- Carried.

5. GENERAL, REGULAR AND NEW BUSINESS

- a) General Up-date by Secretary-Treasurer
  - i) Conveyance of Land or Cash-in-lieu - Condition of Development

Board Member L. Hayden gave an update on his Municipality's progress in regard to the proposed revised by-law for conveyance of land or cash-in-lieu and also advised that the review by the Municipality is ongoing.

5. GENERAL, REGULAR AND NEW BUSINESS

- a) General Up-date by Secretary-Treasurer
- ii) Land Information Ontario - Ministry of Natural Resources and Forestry (MNRF)  
- Central Ontario Orthophotography Project - 2016 (COOP2016)

The Secretary-Treasurer advised that she had attended the meeting held by the Ministry of Natural Resources and Forestry in Sudbury on October 7, 2015. The presentations, sample Letter of Intent and public participation agreements were forwarded by e-mail to all Board Members on October 19, 2015. The next steps are identified in the e-mail.

The Board were advised that there were no cost estimates available at this time. If the Board are interested in this project they are being requested to provide a Letter of Intent which is not legally binding but does provide the MNRF with an indication of who wants to participate in this venture which will assist in establishing costs.

Discussion of this project resulted in the following motion:

MOTION

It was moved by P. Moffatt and seconded by E. Russell that the Planning Board submit a Letter of Intent to participate in this project. - Carried.

- iii) November Board Meeting

The Board were requested to consider if they would like to have the regular November Board Meeting on November 24, 2015 or delay this meeting and combine it with a December Board Meeting being held on December 8, 2015.

Discussion resulted in the following motion:

MOTION

It was moved by D. Osborne and seconded by I. Anderson that the regular November Board Meeting be rescheduled to December 8, 2015. - Carried.

- b) Town of Northeastern Manitoulin and the Islands' Request to Ministry of Municipal Affairs and Housing for Planning Authority

The Board Members were provided a copy of the letter, dated October 20, 2015, and documentation sent to Matt Alexander, Planner, Ministry of Municipal Affairs and Housing, in reply their request for information by a letter dated September 18, 2015.

6. OFFICIAL PLAN REVIEW

The Secretary-Treasurer advised that she had contacted Chris Tyrell, Manager, and Gregory Bender, Senior Planner, MMM Goup Ltd., the consultants for the Official Plan Review and advised there would be a teleconference with them on October 28<sup>th</sup>, 2015 to determine the next steps.

The Board Members were provided with a list of minor revisions, prepared by the Secretary-Treasurer, to be made to the Official Plan, including the proposed right-of-way and deer yard policies and changes that are required to provide conformity to the Provincial Policy Statement 2014.

Discussion regarding if the Official Plan should address minimum lot sizes or left to be controlled by the Zoning By-laws resulted in the general consensus that the Official Plan should state these minimums in order to provide conformity throughout the Planning Area.

In regard to a preferred date for the Statutory Public Meeting, it was the general consensus that mid June would be preferred in order to accommodate the majority of the property owners.

## PRESENTATION OF APPLICATIONS FOR CONSENT TO SEVER

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

- (a) to consider a 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 no conflicts declared.

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

	<u>Moved By</u>	<u>Seconded By</u>
1. B34-15 and B35-15 Daniel Nicholson	L. Hayden	I. Anderson
2. B38-15 P & B Wilson	L. Hayden	P. Moffatt
3. B42-15, B43-15 and B44-15 1927402 Ontario Ltd.	L. Hayden	P. Moffatt
	That this application be deferred for reasons within the Decision. - Carried.	
5. B45-15 and B46-15 Julian and Smith	D. Head	A. H. Hunt

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

The above motion applies to all applications excepting B42-15, B43-15 and B44-15.

Application File No's.: B34-15 and B35-15 No. of Members Present: 9

Date of Decision: [July 28, 2015-Deferred] [September 29, 2015-Adjourned]  
October 27, 2015

Location of Property: Part Lot 27, Conc. VIII, (#157 Emery Road), Township of Allan,  
Municipality of Gordon/Barrie Island, District of Manitoulin

### DECISION

The purpose of this application made under Section 53(1) of the Planning Act by Daniel Nicholson is to provide for one lot addition and the creation of one new lot.

File No. B34-15 proposes a lot addition having a width of  $\pm 172$  M., and a depth of  $\pm 402$  M., thereby containing an area of  $\pm 6.9$  Hec., which is to be added to land owned by Jack Bould, surveyed as Part 1, Plan 31R-2137 and Parts 1 & 2, Plan 31R-418, having a frontage of  $\pm 198.7$  M. on Emery Road, a maintained municipal road, and an irregular depth, thereby containing an area of  $\pm 0.7$  Hec. This lot addition, will result in a lot, containing a dwelling, having a frontage of  $\pm 198.7$  M. on Emery Road, and an average depth of  $\pm 442$  M., thereby resulting in a total area of  $\pm 7.6$  Hec.

File No. B35-15 proposes the creation of a new lot having a frontage of  $\pm 136$  M. on Emery Road, a maintained municipal road, and a depth of  $\pm 54$  M., thereby containing an area of  $\pm 0.7$  Hec. The applicant's dwelling and accessory structure are located on this land.

The land to be retained, has a frontage of  $\pm 150$  M. on Emery Road, a maintained road, and an average depth of  $\pm 342$  M., thereby containing an area of  $\pm 13.35$  Hec. There are no structures on this bush covered land.

There have been four (4) lots created by previous applications for Consent.

File No. B58-86 provided for the technical severance of Lot 27, Conc. VIII from Lots 27 & 28, Conc. VII;

File No. B47-87 created two new lots surveyed as Parts 1 & 2, Plan 31R-1759;

File No. B77-93 created a new lot surveyed as Part 1, Plan 31R-2619, which nullified the consent for Part 1, Plan 31R-1759; and

File No. B21-07 created a new lot surveyed as Part 1, Plan 31R-3572.

Official Plan Policy No. F-15.5 states:

*'As a guide to Planning Board in determining whether a plan of subdivision under Section 53 of the Planning Act is necessary, three (3) additional residential lots shall be considered the maximum number of divisions by consent. Where the ownership would be capable and appropriate for division into more than the three (3) additional residential lots, a plan of subdivision may be required.'*

*Notwithstanding the foregoing policy, any Township Lot as originally surveyed may be severed from an entire holding without affecting the 3 lot limit on severances of land by consent of any one ownership.'*

The new lot proposed by File No. B35-15 was previewed by the Board during the regular June Board Meeting as requested by Mr. Nicholson. Mr. Nicholson has advised that the owner, his father Eric Nicholson, of Part 1, Plan 31R-1759, excepting Part 1, Plan 31R-2619, and Part 2, Plan 31R-1759 would be willing to have his property merge into one lot thereby eliminating one of the previously created lots under File No. B47-87. Consent for Part 1, Plan 31R-1759, which is vacant land, was nullified when Part 1, Plan 31R-2619 was created by File No. B77-93 and it is proposed to convey a strip of land along Emery Road to the Municipality thereby nullifying Part 2, Plan 31R-1759, which contains Mr. Nicholson's residence. It was the general consensus of the Board that the intent to nullify one of the previous consents approved by File No. B47-87 and the approval of the new lot proposed by File No. B35-15, containing the dwelling, would not result in creating a fifth lot within the subject lands.

Services consist of private well and private individual sewage disposal system. Accompanying the application is a Certificate of Approval, No. SHU-11286, issued May 17<sup>th</sup>, 1988 by the Sudbury and District Health Unit, for the septic system on the severed land proposed by File No. B35-15. There are no new services required at this time.

Access is via Emery Road a maintained municipal road.

The subject land has been designated Rural District by Official Plan Amendment No. 38 and zoned Rural, by By-law No. 88-03, Special Provision No. 8.9. The proposed use is rural residential.

Application File No's. B34-15 and B35-15 - continued  
October 27<sup>th</sup>, 2015

An unevaluated wetland is identified within the retained land. It appears there would be a building envelope on the retained land that would conform to the Natural Heritage Policies of the Provincial Policy Statement 2014.

From information available there are no natural heritage features or species at risk (SAR) identified that require further consideration.

This proposal is considered to be consistent with the Provincial Policy Statement (PPS) 2014.

The application was circulated on July 13<sup>th</sup>, 2015 to the Municipality of Gordon/Barrie Island 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 Clerk for the Municipality advised, on July 28<sup>th</sup>, 2015, they have no concerns with the application. However they request that there is a transfer of land, being Part of Part 2, Plan 31R-1759, to the Municipality for road widening, which to date has not been completed.

There have been no inquiries or concerns received as a result of circulation to property owners and/or the posting of a notice.

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

Following discussion of this application a motion was moved, duly seconded, and carried that this application be deferred until the applicant has provided the Manitoulin Planning Board with a copy of the transfer consolidating Part 1, Plan 31R-1759, excepting Part 1, Plan 31R-2619, and Part 2, Plan 31R-1759, excepting lands conveyed to the Municipality, thereby nullifying the previous consent approval.

#### **October 27<sup>th</sup>, 2015**

Brad Middleton, Solicitor acting for Mr. Nicholson, provided the Planning Board office with a copy of survey Plan 31R-4011 and a copy of the receipted transfer, No. MD11838, for Part 1, Plan 31R-4011 which was transferred to the Municipality of Gordon/Barrie Island.

A copy of the parcel register, PIN47110-0579(LT), was provided to the Manitoulin Planning Board, from Brad Middleton, on October 7<sup>th</sup>, 2015, confirming Part 1, Plan 31R-1759 excepting Part 1, Plan 31R-2619, and Part 2, Plan 31R-1759 excepting Part 1, Plan 31R-4011 are under the same ownership, thereby nullifying the previous consent approval, File No. B47-87, and resulting in the two lots being merged as one lot under the Planning act.

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

#### **Consent is tentatively granted, subject to the following conditions:**

The following documents must be submitted to the Secretary-Treasurer of the Board within one year 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). This Schedule must also:
  - i) contain the names of the parties indicated on the Transfer of Land form; and
  - ii) state this conveyance is a consolidation of the severed lands with lands identified by the property identification number (PIN) and confirmed by a copy of the Parcel Register (File No. B34-15)

Application File No's. B34-15 and B35-15 - continued  
October 27<sup>th</sup>, 2015

Accompanying the transfer documents shall be:

- i) a reference plan of survey, which bears the Land Registry Office registration number and signature as evidence of its deposit therein, illustrating the parcel(s) to which the consent approval relates;
- ii) an undertaking from a Solicitor stating that the severed parcel (B34-15) will be consolidated on title with the benefiting lands, at the time of registration of the Transfer and a copy of the resulting Transfer will be provided to the Manitoulin Planning Board;
- iii) proof satisfactory to Planning Board that the minimum yard requirements resulting from the new lot lines conform to Zoning By-law No. 492 i.e. written verification from the Ontario Land Surveyor;
- iv) confirmation that any portion of a travelled road, which is maintained by the municipality, encroaching on the subject land, has been surveyed and conveyed to the municipality, satisfactory to the municipality;
- v) a fee of \$100.00 for each Transfer of Land submitted for Certification; and
- vi) a written confirmation from the municipality and or township, that all outstanding municipal taxes have been paid.

Note: File No. B34-15: Subsection 3 or 5, as the case may be, of Section 50 of the Planning Act shall apply to any subsequent conveyances of or in relation to the parcel of land being the subject of this application.

Note: File No. B35-15: 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 consultation of The Ministry of Natural Resources and Forestry (MNRF) and the Municipality.

Note: Planning Board considers the maximum development by Consent on the subject lands has been reached.



**Application File No.:** B38-15 **No. of Members Present:** 9  
**Date of Decision:** [September 29, 2015-Deferred] October 27, 2015  
**Location of Property:** Part Lot 3, Conc. B, Surveyed as Parts 4 & 5, Plan 31R-2413 and  
Part 6, Plan 31R-840, Township of Gordon, Municipality of Gordon/Barrie  
Island, District of Manitoulin

### DECISION

The purpose of this application made under Section 53(1) of the Planning Act by Colleen Wilson is to provide for a lot addition. The subject lands have subsequently been conveyed jointly to Perry and Brady Wilson. The proposed lot addition has a frontage of  $\pm 71$  M. on Tobacco Lake, and an average depth of  $\pm 58.8$  M., thereby containing an area of  $\pm 0.43$  Hec., which is to be added to vacant land owned by Brady Wilson, surveyed as Part 3, Plan 31R-2413, having an average width of  $\pm 52.5$  M. and an average depth of  $\pm 166.6$  M., and containing an area of  $\pm 0.9$  Hec. This lot addition will result in a lot having a frontage of  $\pm 71$  M. on Tobacco Lake, and an average depth of  $\pm 80$  M., thereby resulting in a total area of  $\pm 1.3$  Hec. There is a pump house and a shelter (with no walls) located on the land proposed for lot addition. Part 5, Plan 31R-2413 is subject to easement for use of the beach area in favour of Parts 1, 2 and 3, Plan 31R-2413.

The land to be retained, being the remainder of Parts 4 & 5, Plan 31R-2413, and Part 6, Plan 31R-840, has a minimum frontage of 46 M. on Tobacco Lake and an average depth of  $\pm 53$  M., thereby containing a minimum area of 0.4 Hec. This land is subject to easement over Part 5, Plan 31R-2413 and subject to right-of-way over Part 6, Plan 31R-840 and together with right-of-way over Parts 4 and 8, Plan 31R-840. The applicant's mobile home/seasonal dwelling is located on the retained land. By-law No. 93-03 permits a mobile home to be located within Part 4, Plan 31R-2413.

There has been a previous application for Consent, File No. B34-92, which created four (4) new lots, surveyed as Parts 1, 2, 3 and 4 & 5, Plan 31R-2413 and Part 6, Plan 31R-840 and subject to easement/right-of-way over Part 6, Plan 31R-840 and Part 5, Plan 31R-2413.

Perry Wilson, agent for the application, advised that he considered it to be appropriate to convey Part 6, Plan 31R-840 known as Tobacco Lake Road North, and a 14 M. strip of land, abutting Part 6, Plan 31R-840 to the Municipality thereby providing a minimum width of 20 M. (66 ft.).

Perry Wilson, also advised that Brady Wilson, brother and owner of Part 3, Plan 31R-2413, would be willing to convey a 14 M. strip of his land abutting Part 6, Plan 31R-840, known as Tobacco Lake Road North, to the Municipality thereby nullifying the previous consent approval for Part 3, Plan 31R-2413.

Services consist of private individual sewage disposal system and water from Tobacco Lake. Accompanying the application is a Certificate of Approval, No. SHU-714-92-010-11, dated November 18<sup>th</sup>, 1992 by the Sudbury and District Health Unit, for the septic system, located west of the dwelling, on the proposed retained land. There are no new services required at this time.

Access is via private right-of-way, surveyed as Parts 4, 6 and 8, Plan 31R-840, and over Lot 3, Conc. A, known as Tobacco Lake North to Highway No. 542.

The subject land has been designated Shoreline Development and zoned Shoreline Residential (SR). The proposed use is seasonal residential.

An unevaluated wetland is identified within the subject land, along the east boundary of Parts 1 through 5, Plan 31R-2413. It appears there would be a building envelope within these lands that would conform to the Natural Heritage Policies of the Provincial Policy Statement 2014.

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

This proposal is considered to be consistent with the Provincial Policy Statement 2014.

Hydro One advised, May 28, 1992, for Consent File No. B34-92, that they have easements protecting their existing line location.

Application File No. B38-15 - continued  
September 29<sup>th</sup>, 2015

The application was circulated on August 20<sup>th</sup>, 2015 to the Municipality of Gordon/Barrie Island 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 Clerk for the Municipality advised, by email on September 28<sup>th</sup>, 2015:

*' Please note that I do not feel comfortable completing the questionnaire until Council address it at the October 6<sup>th</sup>, Council Meeting. I can complete and return it after that Council meeting.'*

There have been two telephone inquiries to the office from R. Croft and G. McDonald, abutting land owners to the west, requesting further explanation of the application, the status of Tobacco Lake Road North and why it was to be conveyed to the Municipality. They had no concerns with the application.

There was also an inquiry from S. Merrylees, abutting land owner to the east, who had concerns with a dock and other obstructions which have made the shoreline unpassable in front of Part 5, Plan 31R-2413.

During a site visit to the property, Part 5, Plan 31R-2413 was not accessible. Pictures of the accessory structures have been provided by a family member.

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

Part 6, Plan 31R-840, being part of the travelled access known as Tobacco Lake Road North, provides access to Hwy No. 542 for many property owners. It is recommended that Part 6, Plan 31R-840 be conveyed to the Municipality of Gordon/Barrie Island and that where possible, within the subject lands the width of the road be a minimum of 20 Metres (66 Ft.).

In regard to the accessory structures, Planning Board will not create a lot which results in non-conformity to the Zoning By-law. Previous applications for consent have contained conditions where the accessory structure(s) be removed or that there are plans for a dwelling unit to be constructed and a complete building permit for a dwelling unit is received which would provide conformity to the Zoning By-law.

It has been suggested to the agent that an application for amendment to the zoning by-law could be made to permit the existing structures and if approved, would then provide conformity to Zoning By-law No. 492.

Zoning By-law No. 492, Section 6.3 b) - Accessory Uses - states:

*'an accessory building shall not be erected prior to the erection of a permitted dwelling on the same lot except where it is necessary for the storage of tools and materials for use in connection with the construction of such dwelling and no accessory building shall be used prior to the erection of such dwelling for any purpose other than for storage'.*

Zoning By-law No. 492, Section 5 - Definitions - states:

*Accessory Building shall mean a detached building located on the same lot as the main building, the use of which is incidental or secondary to that of the main building and which is not used for human habitation, and may include a private garage, a boathouse, a tool shed, a storage building or a warehouse'.*

During consideration of the application, there was a discussion regarding the accessory structures on the proposed lot addition and noncompliance to Zoning By-law No. 492.

Mark Wilson, brother of Perry and Brady Wilson, was in attendance during consideration of the application. He advised that Brady would like to keep both structures if at all possible. He explained that the pump house is a 20 ft. X 8 ft. building containing a hot tub and stove and is used for some storage. The other structure is open and could be removed if necessary.

Board Member, L. Hayden advised that Council had not commented regarding the structures.

Application File No. B38-15 - continued  
October 27<sup>th</sup>, 2015

Following discussion of this application a motion was moved, duly seconded, and carried that this application be deferred in order to provide an opportunity for the Municipality of Gordon/Barrie Island to discuss the accessory structure(s) issue, prior to further consideration of this application.

**October 27<sup>th</sup>, 2015**

The following letter, dated October 05, 2015, from Mark Wilson, was sent to the Municipality of Gordon/Barrie Island and copied to the Manitoulin Planning Board:

*'Please include the following information for the Council's October 6 discussion of our severing application.*

*We are prepared to remove one of the two accessory structures on the Part 5 property, the 24' x 24' shelter ('carport'), in order to remove that issue as a possible obstacle to approving our application.*

*We understand that the other accessory structure, the 8' x 20' pump house, may be considered larger than necessary for a pump house. We believe the Council should be aware that this building serves other essential purposes in addition to pumping water year-round for our brother Mark's house (on Part 2). It also contains the stove used for the nearby hot tub, and a separate pump and pressure tank to supply water for the hot tub and for the future dwelling our brother Brady is planning on his Part 3 property (now vacant). The size of this structure is necessary for those purposes, and it is our belief that it will be justified to maintain this accessory structure on the newly configured property we are applying to create, even though that property will not yet have a dwelling on it. Thank you.'*

The Municipality of Gordon/Barrie Island passed Resolution No. 2015-151 as follows:

*'WHEREAS Council are in receipt of a request with respect to buildings on the Wilson property on Tobacco Lake Road North and associated with an application for consent for lot creation;*

*BE IT RESOLVED THAT Council authorizes the Wilson family to remove the car port structure, and to apply for an application to amend the Zoning to allow the storage shed which houses a water pump for services an existing home and planned future home.....carried'*

Following discussion of this application, Board Member L. Hayden was in favour of Part 6, Plan 31R-840, known as Tobacco Lake Road North, being conveyed to the Municipality, as a conditional of Consent Approval.

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

**Consent is tentatively granted, subject to the following conditions:**

The following documents must be submitted to the Secretary-Treasurer of the Board within one year 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 easement, and right-of-way. This Schedule must also:
  - i) contain the names of the parties indicated on the Transfer of Land form; and
  - ii) state this conveyance is a consolidation of the severed lands with lands identified by the property identification number (PIN) and confirmed by a copy of the Parcel Register.

Application File No. B38-15 - continued  
October 27<sup>th</sup>, 2015

Accompanying the transfer documents shall be:

- i) a reference plan of survey, which bears the Land Registry Office registration number and signature as evidence of its deposit therein, illustrating the parcel(s) to which the consent approval relates;
- ii) an undertaking from a Solicitor stating that the severed parcel will be consolidated on title with the benefiting lands at the time of registration of the Transfer, and a copy of the resulting Transfer will be provided to the Manitoulin Planning Board;
- iii) proof that a strip of land,  $\pm 14$  M. in width, along the west boundary of Part 3, Plan 31R-2413 and the east boundary of Part 6, Plan 31R-840, **and** along the west boundary of Part 4, Plan 31R-2413, and the east boundary of Part 6, Plan 31R-840 known as Tobacco Lake Road North, has been surveyed and conveyed to the Municipality satisfactory to the Municipality;
- iv) proof that Part 6, Plan 31R-840, known as Tobacco Lake Road North, has been surveyed and conveyed to the Municipality satisfactory to the Municipality;
- v) proof satisfactory to Planning Board that the minimum yard requirements resulting from the new lot lines conform to Zoning By-law No. 492 i.e. written verification from the Ontario Land Surveyor;
- vi) written confirmation from the Municipality of Gordon/Barrie Island that appropriate actions have been taken which will result in compliance to Zoning By-law No. 492;
- vii) written confirmation from the Municipality, that access from Part 4, Plan 31R-2413 to Highway No. 542, has been constructed to a standard for travel by emergency vehicles satisfactory to the Municipality;
- viii) a fee of \$100.00 for each Transfer of Land submitted for Certification; and
- ix) 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 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 (MNR) and the Municipality.

Note: Planning Board considers the maximum development by Consent on the subject lands has been reached.

**Application File No's.:** B42-15, B43-15 and B44-15 **No. of Members Present:** \_\_\_\_\_

**Date of Decision:** October 27, 2015 - Deferred

**Location of Property:** Lots 24 and 25, Conc's. VI and VII, (PIN 4714-60173), Township of  
Barrie Island, Municipality of Gordon/Barrie Island, District of Manitoulin

### DECISION

The purpose of this application made under Section 53(1) of the Planning Act, by 1927402 Ontario Inc. is to provide for the creation of three (3) new lots for hunting/recreational uses.

File No. B42-15 proposes a new lot, having a frontage of  $\pm 350$  M. on East Line Road, a maintained municipal road, and a depth of 1,005 M., thereby containing an area of  $\pm 34.7$  Hec. This lot will be subject to right-of-way, having a width of 20 M., along the west boundary, in favour of the two lots proposed by Simultaneous Consent File No's. B43-15 and B44-15.

File No. B43-15 proposes a new lot, having a frontage of  $\pm 503$  M. on the non-maintained 25<sup>th</sup> side road allowance, and a depth of  $\pm 806$  M., thereby containing an area of  $\pm 40$  Hec. This lot will be subject to right-of-way, along the south boundary, in favour of the lot proposed by Consent File No. B44-15, and together with right-of-way over the lot proposed by Consent File No. B42-15.

File No. B44-15 proposes a new lot, having a frontage of  $\pm 503$  M. on the non-maintained 25<sup>th</sup> side road allowance, and a depth of  $\pm 806$  M., thereby containing an area of  $\pm 40$  Hec. This lot will be together with right-of-way over the lots proposed by Consent File No's. B42-15 and B43-15. Access is also proposed via the non-maintained 25<sup>th</sup> side road allowance.

The land to be retained has a frontage of  $\pm 456$  M. on the non-maintained 6<sup>th</sup> concession road allowance, and a depth of  $\pm 1,005$  M., thereby containing an area of  $\pm 46$  Hec.

There are no structures on the subject lands.

The applicant proposes future development by Plan of Subdivision within Lots 26 and 27, Conc. VII and Lot 26, Conc. VIII. There has been a preliminary report received from Judith Jones, Biologist, regarding environmental issues for this land.

Services will consist of private wells and private individual septic systems when required. No new services are required at this time.

Access is proposed via the 25<sup>th</sup> side road allowance and right-of-way to East Line Road, a maintained municipal road.

A portion of the proposed right-of-way is along an existing trail which may cross an area that would probably be considered alvars. The existing trail appears to be approximately eleven metres in width. Continued access over this trail within Lot 24, Conc. VI is unlikely to have further impacts on what may be alvar and the remainder of the trail, north of Lot 25, Conc. VI and along the 25<sup>th</sup> side road allowance between Lots 25 and 26, Conc. VII, does not appear to cross alvars or other sensitive sites.

There is an unevaluated wetland at the north west corner of Lot 25, Conc. VII, but there is sufficient land to provide a building envelope with appropriate separation distances. The proposed access route does not cross the wetland.

There is a deer wintering habitat located within the subject land. The +30 Hec. severances are considered to have little or no impact.

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

There does not appear to be any adverse impacts to policies expressed by the Provincial Policy Statement (PPS) 2014.

The subject land has been designated Rural District and zoned Rural (R). Hunting/recreational uses are proposed.

This application was circulated on October 9<sup>th</sup>, 2015 to the Municipality of Gordon/Barrie Island, 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.

Application File No's. B42-15, B43-15 and B44-15 - continued  
October 27, 2015

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

The Municipality have not provided comments to date.

Board Member, L. Hayden advised that Council had not commented regarding the access via the un-opened road allowance(s) and asked for deferral of the application.

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

Following discussion of this application a motion was moved, duly seconded, and carried that this application be deferred in order to provide an opportunity for the Municipality of Gordon/Barrie Island to discuss the access issue, and provide their comments prior to further consideration of this application.

**Application File No's.:** B45-15 and B46-15 **No. of Members Present:** 9

**Date of Decision:** October 27, 2015

**Location of Property:** Part Lot 2, Conc. VI, being Parts 1 and 2, Plan 31R-3955,  
Township of Robinson, District of Manitoulin

### DECISION

The purpose of this application made under Section 53(1) of the Planning Act by Sydney and Diane Julian and Robert Smith, is to provide for two (2) lot additions to dissolve joint ownership.

File No. B45-15 proposes a lot addition, surveyed as Part 1, Plan 31R-3955, having a frontage of  $\pm 20.5$  M. on Beach Road, a maintained road, and a depth of  $\pm 50.9$  M., thereby containing an area of  $\pm 1,039$  Sq. M., which is to be added to an existing lot owned by Mr. and Mrs. Julian, surveyed as Part 4, Plan 31R-2854, having a frontage of  $\pm 20.5$  M. on Beach Road, and a depth of  $\pm 50$  M. thereby containing an area of  $\pm 1,039$  Sq. M. This lot addition will result in a lot, containing a seasonal dwelling and an accessory shed, having a frontage of  $\pm 41$  M. on Beach Road, a maintained road, and a depth of  $\pm 50$  M., thereby containing a total area of  $\pm 2,078$  Sq. M. ( $\pm 0.2$  Hec.) A Letter of Conformity, No. LC11/00, for the structures, was issued for Part 4, Plan 31R-2854, on August 02, 2000.

File No. B46-15 proposes a lot addition, surveyed as Part 2, Plan 31R-3955, having a frontage of  $\pm 20.5$  M. on Beach Road, a maintained road, and a depth of  $\pm 50.5$  M., thereby containing an area of  $\pm 1,039$  Sq. M., which is to be added to an existing lot owned by Mr. Smith, identified by PIN 47103-0361, having a frontage of  $\pm 20.5$  M. on Beach Road, and a depth of  $\pm 50$  M. thereby containing an area of  $\pm 1,039$  Sq. M. This lot addition will result in a lot, containing a seasonal dwelling and an accessory shed, having a frontage of  $\pm 41$  M. on Beach Road, a maintained road, and a depth of  $\pm 50$  M., thereby containing a total area of  $\pm 2,078$  Sq. M. ( $\pm 0.2$  Hec.). The structures on this land have existed prior to Mr. Smith's purchase of the land in 2007.

There are no lands to be retained.

Services consist of private well and privy for Mr. Smith's property, #37 Beach Road. Services consist of private well and private individual septic system for Mr. and Mrs. Julian's property, #47 Beach Road. There are no new services required as a result of the application for two lot additions.

Accompanying the application is a Completion Notice, Permit No. 402-01-SP030, dated November 22<sup>nd</sup>, 2002 by the Sudbury and District Health Unit, for the septic system, located within Part 4, Plan 31R-2854.

Access is via Beach Road, a maintained municipal road.

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

There are unevaluated wetlands identified to the west and to the south of the subject land. There appears to be a water course traversing the subject lot addition lands.

The subject land has been designated Shoreline Development and zoned Shoreline Residential (SR). The existing seasonal residential uses are proposed to continue.

This proposal is considered to be consistent with the Provincial Policy Statement (PPS) 2014.

This application was circulated on October 9<sup>th</sup>, 2015 to the Robinson Local Roads Board and to all property owners within 60 metres and by the posting of a notice, clearly visible and legible from a public highway or other place to which the public has access, as required by Ontario Regulation 197/96.

The Robinson Local Roads Board have advised they have no concerns.

There have been no inquiries or concerns received as a result of circulation to property owners and/or the posting of a notice.

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

Application File No's: B45-15 and B46-15 - continued  
October 27<sup>th</sup>, 2015

**Consent is tentatively granted subject to the following conditions:**

The following documents must be submitted to the Secretary-Treasurer of the Board within one year 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). This Schedule must also:
  - i) contain the names of the parties indicated on the Transfer of Land form; and
  - ii) state this conveyance is a consolidation of the severed lands with lands identified by the property identification number (PIN) and confirmed by a copy of the Parcel Register.

Accompanying the transfer documents shall be:

- i) a reference plan of survey(s), which bears the Land Registry Office registration number and signature as evidence of its deposit therein, illustrating the parcel(s) to which the consent approval relates;
- ii) an undertaking from a Solicitor stating that the severed parcels, Parts 1 and 2, Plan 31R-3955, will be consolidated on title with the benefiting lands, at the time of registration of the Transfer and a copy of the resulting Transfers will be provided to the Manitoulin Planning Board;
- iii) proof that any portion of a travelled road, which is maintained by the township, encroaching on the subject land, has been surveyed and conveyed to the Crown;
- iv) a fee of \$100.00 for each Transfer of Land submitted for Certification; and
- v) proof satisfactory to Planning Board that any outstanding Provincial land taxes have been paid.

Note: Subsection 3 or 5, as the case may be, of Section 50 of the Planning Act shall 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 consultation of The Ministry of Natural Resources and Forestry (MNRF).

Note: Any alterations to water course(s) shall be done only with the approval of The Ministry of Natural Resources and Forestry (MNRF).

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The time now being 9:28 p.m. and all business before the Board having been dealt with, the Meeting was adjourned on a motion moved by P. Moffatt.

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K. E. NOLAND, CHAIR

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E. L. CARTER, SECRETARY-TREASURER