

The Municipality of Central Manitoulin

Public Meeting

Agenda

Thursday, February 24th, 2022 at 6:45 P.M.

Via teleconference

at the

MUNICIPAL OFFICE

6020 HWY 542, MINDEMOYA, ONTARIO

1. Electronic meeting called to Order
 2. Adoption of the Agenda
 3. Opening Remarks
 - a) Chair
 4. Application to be Considered
 - i) Zoning By-Law Amendment File No's. 2-07ZBL-22-001
-Applicant/Owner – Edward Legge & Jacqueline Wilson
 5. Council Comments
 6. Public Comments
 7. Chair's Closing Remarks
 8. Adjournment
-

Municipality of Central Manitoulin
Ruth Frawley, CAO/Clerk
Township of Central Manitoulin
PO Box 187, Mindemoya, ON P0P1S0

Re: File No: 2-07ZBL-22-001

Owners: Edward Legge and Jackie Wilson

Location: Part Lot 20, Con V

Being Parcel 1467, Lot 17, Subdivision Plan M-173 (26A and 26B Bay Street)
Township of Carnarvon, Municipality of Central Manitoulin

File No: 2-07ZBL-22-001

To whom it may Concern:

In regards to the application of the proposed amendment to Zoning By-law No. 2002-07 for the Municipality of Central Manitoulin, Section 34 of the planning Act, R.S.O. 1990, Chapter C.P.13. The proposed conditions of consent to sever application File No. B03-22 imposed by the Manitoulin Planning Board despite Section 7.4.2-Zone requirements to permit by special provisions to:

- (1) A minimum lot frontage of 15metres (reduced from 20metres); and
- (2) One of the side yard setbacks for the existing dwelling to be 0.0 metre (reduced from 3.0 metre)

I am opposed to the propose amendment to a reduction from 3.0 metre to 0.0 metre setback to the zoning bylaw for the Municipality of Central Manitoulin.

If the proposed amendment to a reduction from 3.0 metre to 0.0 metre setback pertains only to the property of Part Lot 20, Conc. V, Being Lot 17 located at 26A and 26B Bay Street, I have no objection

I wish to be notified of the decision of the Municipality of Central Manitoulin on the proposed zoning by-law amendment.

Sincerely,

Brenda Maurice
21 Bay Street, Mindemoya P0P 1S0
(705) 282-7571
b_maurice2@msn.com

Theresa Carlisle

From: Cathy Hallett [challett50@hotmail.com]
Sent: February 12, 2022 11:22 AM
To: mpbcarlisle@bellnet.ca; centralm@amtelecom.net; centralinspecting@amtelecom.net; total@amtelecom.net
Subject: File # 2-07ZBL-22-001 - Severance and amendment

To whom it may concern :

I have received letters dated Jan. 7, 2022 and Feb. 3, 2022 regarding the above File.

On Feb. 9, 2022, I called Ruth Frawley to ask the point of this proposal since the building is completed. I am not opposed to what is proposed especially since the build is completed.

During the course of our conversation, I noted that there had been a water issue Dec. 11/12, 2021 when there had been rain and snow. My property generally puddles after rains, but the quantity of water on this occasion was much larger than any previous rain/snow. I spoke with both Raymond McPherson and Ed Legge regarding this water. Ed told me the measures he has taken with regard to run-off and I appreciate that conversation. I also noted that I would monitor the situation in the spring. This area is lower but water just doesn't lay there year round, unless it is an unusually wet year. After speaking with Ruth, I received a phone call from Raymond McPherson. He advised me to write this letter in order to have this concern "on record".

I feel that this duplex is attractive and helps to meet the need for housing within our community. I am not opposed to the steps necessary to complete this process for Ed, since the build is complete. I am concerned about any future problems that may occur with regard to water coming onto my property from this build. However, I trust that Mr. Legge will continue to work on any solutions to ensure that this is resolved.

Thank you

Cathy Hallett
30 Bay St.
Mindemoya, ON

MANITOULIN PLANNING BOARD

ZONING BY-LAW AMENDMENT - PLANNING REPORT February 17, 2022

Applicant/Owner: Edward Legge and Jacqueline Wilson
File No.: 2-07ZBL-22-001
Property Description: Part Lot 20, Conc. V
Being Lot 17 Subdivision Plan M-173
(Located at #26A and #26B Bay Street)
Township of Carnarvon, Municipality of Central Manitoulin
District of Manitoulin

1. PROPOSAL:

A Zoning Amendment Application has been received from Mr. Legge and Ms. Wilson to fulfill conditions of Consent to Sever, File No. B03-22, as imposed by the Manitoulin Planning Board to permit a minimum lot frontage of 15 metres for the proposed severed and the proposed retained land; and permit a reduced side yard setback of 0.0 metres for the existing semi-detached dwelling, located at #26A and #26B Bay Street within lands described as Part Lot 20, Conc. V, Being Lot 17 on Subdivision Plan M-173, Township of Carnarvon, Municipality of Central Manitoulin.

2. REASON:

Zoning By-law No. 2002-07, Hamlet Residential (RH) Zone under Section 7.4.2 requires a lot frontage of 20 metres that is serviced via municipal water and sewer and requires a minimum side yard setback for a dwelling of 3.0 metres.

Therefore an amendment is required.

3. SUBJECT LANDS:

i) History:

The subject ±1,859 Sq. M. Parcel of land is identified as Subdivision Lot 17 on Plan M-173, which was created by Subdivision File No. 51T-24645 in 1978. The applicant have owned the lot since August 2020. They were issued a building permit for a duplex dwelling, by Permit Number 2020-52 in October 2020. They now wish to sever the lot in half resulting in half of the dwelling located within the severed land and half of the dwelling located within the retained land. Consent to Sever, File No. B03-22 was conditionally approved with approval of a Zoning Amendment to permit a reduced lot frontages and reduced side yard setbacks for the existing dwelling.

- ii) Access: is via existing entrances, #26A and #26B Bay Street, a maintained municipal street
 - iii) Servicing: is via municipal water and sewers
 - iv) Fire Protection: Available (Central Manitoulin Volunteers)
 - v) School Bussing: Available
 - vi) Garbage Collection/ Disposal: Collection Available
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**ZONING BY-LAW AMENDMENT - File No. 2-07ZBL-21-003 - PLANNING REPORT
February 17, 2022 - Continued**

4. OFFICIAL PLAN POLICIES:

- i) Official Plan Designation: Rural Area
- ii) Proposed Designation: Same
- iii) Comments:

The land subject to this proposal will remain designated as being within the Rural Area and all Official Plan Policies applicable thereto will continue to apply.

5. ZONING BY-LAW (BY-LAW NO. 2002-07):

- i) Current Zoning: Hamlet Residential (RH) Zone
- ii) Proposed Zoning: Same
- iii) Comments:

The subject land is to remain as presently zoned. This proposal to amend Zoning By-law No. 2002-07, if approved will permit on a site specific basis, a minimum lot frontage of 15 metres for the proposed severed and retained land resulting from Consent to Sever, File No. B03-22; and permit a reduced side yard setback of 0.0 metres for the existing semi-detached dwelling, located at #26A and #26B Bay Street, Township of Carnarvon.

6. PROVINCIAL POLICY STATEMENT (PPS) 2020

Section 3 of the Planning Act requires that decisions affecting planning matters 'shall be consistent with' policy statements issued under the Act. There does not appear to be any conflict or adverse impacts to policies expressed by the Provincial Policy Statement.

7. RECOMMENDATIONS:

The Clerk for the Municipality has advised that Council will be considering a change to the lot frontage requirement for a lot in the Hamlet Residential (RH) Zone serviced by municipal water and sewer during the update of their current Zoning By-law which is currently in the process.

She advised of Resolution No. 248-2021 as follows:

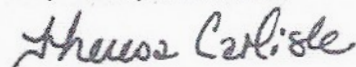
'That Council supports in principle the severing of 26 Bay Street, a Duplex, in Mindemoya, into two separate units pending all required approvals.'

There have been two emails of concern received as a result of the circulation, which have been attached to the covering letter of this report to the Municipal Clerk.

Based on the aforementioned analysis the Application for Amendment may be supported by Council if in their judgement the proposal is favourable to the well being of the Municipality and all planning criteria has been satisfied.

The Public Meeting must be held as scheduled. However, it is advised that a By-law not be approved until the required Plan of Survey, to describe the subject land, is received.

Respectfully Submitted,



Theresa Carlisle, ACST
Secretary-Treasurer
mpbcarlisle@bellnet.ca

**THE MUNICIPALITY OF CENTRAL
MANITOULIN**

BY-LAW NO. 2022-07

Being a By-law to Amend Zoning By-law No. 2002-07

Being a By-law for the purpose of amending Zoning By-law No. 2002-07, being a By-law, to regulate the Use of Land of the Municipality of Central Manitoulin, under the Authority of Section 34 of the Planning Act, R.S.O. 1990, Chapter P. 13, as amended.

Whereas, the Municipality of Central Manitoulin, 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, Council deems it appropriate to concur, whereby Restricted Area Zoning By-law No. 2002-07 is amended to fulfill conditions of Consent to Sever, File No. B03-22, as imposed by the Manitoulin Planning Board to permit a minimum lot frontage of 15 metres for the proposed severed and the proposed retained land; and permit a reduced side yard setback of 0.0 metres for the existing semi-detached dwelling, located at #26A and #268 Bay Street within lands described as Part Lot 20, Conc. V, Being Lot 17 on Subdivision Plan M-173, Township of Carnarvon, Municipality of Central Manitoulin.

And Whereas, upon considering representations in respect to the zoning proposal and the report of the Secretary-Treasurer of the Manitoulin Planning Board, the Council of the Municipality of Central Manitoulin, deems it advisable to amend Zoning By-law No. 2002-07, as amended.

Now Therefore, the Council of the Municipality of Central Manitoulin, enacts as follows:

- (1) Section 8, Special Provisions, of the Restricted Area Zoning By-law No. 2002-07 is hereby amended to add the following **Subsection 8.104**

Notwithstanding the uses permitted in a Hamlet Residential (RH) Zone as set out in Section 7.4.2 of the Restricted Area Zoning By-law No. 2002-07:

- i) permits a minimum lot frontage of 15 metres (reduced from 20 metres); for the proposed severed and the proposed retained land; and
 - ii) permits the existing semi-detached dwelling having a southerly side yard setback of 0.0 metres (reduced from 3.0 metres) within the severed land, located at #26A Bay Street and permit the existing semi-detached dwelling having a northerly side yard setback of 0.0 metres (reduced from 3.0 metres) within the retained land, located at #26B Bay Street, as identified on attached Schedule "A", within lands described in Subsection (2).
- (2) Subsection (1) applies to that parcel of land described as being Part Lot 20, Conc. V, Being Lot 17 on Subdivision Plan M-173, located at #26A and #26B Bay Street, **(TO BE SURVEYED)** Township of Carnarvon, Municipality of Central Manitoulin, District of Manitoulin, as registered in the Land Registry Office for the Registry Division of Manitoulin (31).
- (3) All other uses, performance standards and provisions of Restricted Zoning By-law 2002-07, which apply to the Hamlet Residential (RH) Zone which are not specifically varied hereby continue to apply to the land described under Subsection (2) of this By-law.
- (4) That it is hereby certified that this amending By-law is in conformity with the Official Plan for the District of Manitoulin.
- (5) Schedule "A" hereto attached shall be considered to be part of this By-law.
- (6) This by-law shall come into force in accordance with the provisions of Section 34 of the Planning Act, R.S.O. 1990 Chapter P. 13 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 Land Tribunal (OLT) where objections to this by-law are filed with the Municipal Clerk together with the prescribed fee.

Read a First and Second Time
this _____ day of _____, 2022.

R. Stephens, Mayor

Read a Third Time
this _____ day of _____, 2022.

R. Frawley, CAO/Clerk

