

The Municipality of Central Manitoulin

Public Meeting

Agenda

Thursday, November 9th, 2023 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 Bylaw Amendment **File No's. 2-07ZBL-23-003**
-Applicant/Owner – Nathan & Ruth Hill
5. Council Comments
6. Public Comments
7. Chair's Closing Remarks
8. Adjournment

MANITOULIN PLANNING BOARD

ZONING BY-LAW AMENDMENT - PLANNING REPORT

November 01, 2023

Applicants/Owners: Nathan and Ruth Hill
File No.: 2-07ZBL-23-003
Related Files: Consent to Sever File No's. B19-23 and B29-10
Amendment File No's. 51Z0-00484-002 and 51Z0-00495-005

Property Description: Part Lot 27, Conc. XIII
Being Part 1, Plan 31R-3787
(Located at #3 Dominion Bay Road)
Township of Campbell, Municipality of Central Manitoulin
District of Manitoulin

1. PROPOSAL:

A Zoning Amendment Application has been received from Nathan and Ruth Hill to fulfill conditions of Consent to Sever, File No. B19-23, as imposed by the Manitoulin Planning Board to permit by Special Provision on a Site Specific basis:

- a) *Despite Section 6.3 f) - Accessory Uses - a storage building having an increased size of 80.3 Sq. M.; and*
- b) *Despite Section 6.3 h) - Accessory Uses - 'a tourist cabin establishment', consisting of three cabins,*

accessory to a single detached dwelling, in a Shoreline Residential (SR) Zone, within land described as being Part of Lot 27, Conc. XIII, Being Part of Part 1, Plan 31R-3787, Township of Campbell, Municipality of Central Manitoulin, District of Manitoulin.

2. REASON:

The applicants have owned the subject property since 2016 and recently (August 2023) by Consent to Sever File No. B19-23, received Planning Board approval for the creation of a new ±077 Hec. lot and to retain a ±1.9 Hec. lot. During consideration of the application, comments were received from the Municipality and it was discovered that the subject property is not in conformity with the Municipal Zoning By-law No. 2002-07, which came into effect on March 04, 2002.

Therefore the Manitoulin Planning Board gave approval of File No. B19-23, subject to conditions that the property is brought into conformity with the Municipal Zoning By-law. Two of the conditions are:

** Accompanying the transfer documents shall be:*

- 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;*

Therefore the applicants have requested an amendment to fulfill conditions of the Consent to Sever File No. B19-23, and bring the subject land into conformity with the Municipal Zoning By-law.

**ZONING BY-LAW AMENDMENT - 2-07ZBL-23-003
- PLANNING REPORT - November 01, 2023 - Continued**

3. SUBJECT LANDS:

i) History:

Prior to the purchase of the property by Mr. and Mrs. Hill there were three (3) planning applications approved involving the subject land, as follows:

- Amendment Application File No. 51ZO-00484-002, approved in 1984, permits a year round dwelling within Part 1, Plan 31R-3787 and Amendment File No. 51ZO-00495-005, approved in 1995, permits one guest cabin in the Shoreline Residential (SR) Zone, within Lot 27, Conc. XIII. Consent to Sever File No. B29-10, approved in 2010, 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.

The proposed ±0.77 Hec. severed parcel of land (File B19-23) contains a Tennis Court and currently there are no other structures within this parcel. This land can be brought into conformity with the municipal zoning By-law at the building permit stage.

The proposed ±1.9 Hec. retained parcel of land (File B19-23) contains the applicants' single detached dwelling, a wood shed, a green house, three (3) sheds, a storage building, and three (3) cabins that contain cooking facilities. According to File No. B19-23 Mr. Hill advised that the structures existed on the property prior to their purchase and the Tourist Cabin Establishment known as 'Dominion Bay Cottages' is within this land, consisting of three cabins.

Zoning By-law No. 2002-07, Section 6.3 f) states:

'No accessory building shall exceed sixty-six (66) square metres and ten (10) metres in height in a residential zone.'

The existing storage building is 80.3 Sq. M. in size.

Zoning By-law No. 2002-07, Section 6.3 h) states:

'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.'

Zoning By-law No. 2002-07 defines a guest cabin as:

'shall mean a non-commercial building, without cooking facilities, that is accessory to a seasonal dwelling and used only for purposes of sleeping accommodation.'

And defines a Tourist Cabin Establishment as:

'shall mean an establishment comprising land and buildings under single ownership where individual cabins are offered for rent to tourists on a short-term basis. Such cabins may include food preparation facilities. In addition, a permanent residence for the owner or proprietor may be located on the site.'

Section 7.7 - Shoreline Residential (SR) Zone - does not permit the use of a 'Tourist Cabin Establishment'.

Section 7.12 - Commercial Recreation (CR) Zone - permits a 'Tourist Cabin Establishment' as well as other Commercial uses.

**ZONING BY-LAW AMENDMENT - 2-07ZBL-23-003
- PLANNING REPORT - November 01, 2023 - Continued**

According to the Municipality, there are no building permits for the existing structures and some of the existing uses are considered to be non-conforming/no complying uses. Therefore, an approved amendment is required.

- ii) Access: is via private right-of-way over Part 2, Plan 31R-3787 to the maintained municipal road, at #3 Dominion Bay Road
- iii) Servicing: Private well and private septic system
- iv) Fire Protection: Municipal Volunteer Fire Department
- v) School Bussing: Not Required
- vi) Garbage Collection/ Disposal: Collection available

4. OFFICIAL PLAN (OP) POLICIES:

- i) Current Designation: Shoreline Area
- ii) Proposed Designation: SAME
- iii) Comments:

Official Plan Policy - Shoreline Areas - C.3.1 PERMITTED USES states in part:

'Subject to other policies of this Plan, the following policies will apply in determining uses permitted on land designated Shoreline Areas on Schedule B:

- 4. *Small scale commercial uses, such as neighbourhood convenience and personal service uses that serve the immediate area will be permitted subject to the approval of a site specific Zoning By-law Amendment and the satisfaction of the following criteria:*
 - a. no more than one commercial structure or building will be permitted on any site or in any one location;
 - f. *the commercial use will be subject to a Zoning By-law Amendment, in accordance with Section F.4.2 (Zoning By-Laws) of this Plan;*
- 6. *The specific uses permitted and accessory uses will be established in the Zoning By-laws.'*

Official Plan Policy - Zoning By-laws - F.4.2.1 states in part:

- 5. *It is not the intent of this Plan to necessarily zone all land for uses designated in this Plan and as such, the Zoning By-laws may recognize existing uses and forms of development that are inconsistent with the policies of this Plan.*
- 6. *The Planning Board and municipalities will consider all applications to amend the local applicable Zoning By-law and will provide notice of such application in accordance with the provisions of the Planning Act.'*

There does not appear to be any adverse effects to the policies of the Official Plan if approval is given, to legalization the existing uses and legalize what has been an existing situation.

**ZONING BY-LAW AMENDMENT - 2-07ZBL-23-003
- PLANNING REPORT - November 01, 2023 - Continued**

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

- i) Current Zoning: Shoreline Residential (SR)
- ii) Proposed Zoning: Shoreline Residential with a special provision to permit additional uses
- iii) Comments:

The proposed amendment to Comprehensive Zoning By-law No. 2002-07, if approved, will permit uses by Special Provision, on a Site Specific Basis, to bring the parcel of land into conformity with the Municipal Zoning By-law.

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. Land use planning decisions made by municipalities must be consistent with the PPS.

No new uses are being proposed for the subject land. Therefore, there does not appear to be any conflict or adverse impacts to policies expressed by the PPS. This proposal is considered to be in conformity with the PPS 2020.

7. RECOMMENDATIONS:

There have been three letters of concern received; two from J. and C. Seabrook and one from J. and J. Labranche. There has also been a letter of response received from the applicants. All four letters have been sent to the Municipality and are attached to this Planning Report.

There has also been an email received from M. Allen regarding potential sand dunes within the subject land and concerns with the 'commercial type' development. A copy of the email chain, with attachments, was forwarded to the Municipality and is also attached to this report.

Zoning By-law No. 2002-07, Section 6.2 - Application of By-law - states in part:

' No building or structure shall hereafter be erected or altered, and the use of any building, structure or lot shall hereafter not be changed in whole or in part except in conformity with the provisions of this By-law.'

Section 5- Definitions - states:

' NON-CONFIRMING OR NON-COMPLYING shall mean that which does not conform or comply with the provisions of this By-law as of the date of final passing thereof.'

It is recommended that Council, while reviewing this proposal, consider:

- if the existing large accessory building is compatible in this area;
- if the existing commercial type use is compatible in this area;
- if approving the existing uses is in good planning;
- if the scale and commercial type use uses is in conformity with the Official Plan or if an Amendment to the Official Plan is required;
- if further consideration is needed to address the written concerns;
- if building permit applications are required;


**ZONING BY-LAW AMENDMENT - 2-07ZBL-23-003
- PLANNING REPORT - November 01, 2023 - Continued**

Based on the aforementioned analysis the Application for Amendment to permit the existing storage building having an increased size of 80.3 Sq. M. and to permit the three (3) existing cabins to be used as a 'Tourist Cabin Establishment' consisting of three cabins, 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 or can be satisfied.

The Public Meeting must be held as scheduled. However, Council may defer Decision should they wish to further consider the correspondence received, or any comments, concerns, or objections resulting from the Public Meeting.

It is recommended however, that the By-law not be passed until the Plan of Survey has been completed for the severed and the retained land to accurately describe the land subject to Amendment.

Respectfully Submitted,



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

THE MUNICIPALITY OF CENTRAL MANITOULIN

BY-LAW NO. 2023-19

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, as amended, fulfils conditions of Consent to Sever, File No. B19-23, as imposed by the Manitoulin Planning Board, to permit on a site specific basis an existing storage building having an increased size of 80.3 Sq. M. and to permit the three (3) existing cabins to operate as a 'Tourist Cabin Establishment' within land described as Part of Lot 27, Conc. XIII, (Located at #3 Dominion Bay Road), Township of Campbell, Municipality of Central Manitoulin, District of 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, is hereby amended to add the following Subsection **8.111**
 - a) Permits, despite Section 6.3 f) - Accessory Uses - one existing storage building having an increased size of 80.3 Sq. M.; and
 - b) Permits, despite Section 6.3 h) - Accessory Uses - three (3) existing cabins converted from guest cabins to operate as 'a tourist cabin establishment', defined as:

'shall mean an establishment comprising land and buildings under single ownership where individual cabins are offered for rent to tourists on a short-term basis. Such cabins may include food preparation facilities. In addition, a permanent residence for the owner or proprietor may be located on the site.'

within the Shoreline Residential (SR) Zone within land described in Subsection (2)

(2) Subsections (1) applies to that parcel of land described as Part Lot 27, Conc. XIII, **(TO BE SURVEYED), Surveyed as Part _____, Plan 31R-_____**, (Located at #3 Dominion Bay Road), Township of Campbell, 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 Shoreline Residential (SR) Zone hereby 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, SECOND TIME THIS _____ DAY OF _____, 2023.

READ A THIRD TIME AND FINALLY PASSED THIS _____ DAY OF _____, 2023.

Richard Stephens, Mayor

Denise Deforge, CAO/Clerk

I, _____, Clerk of the Municipality of Central Manitoulin, hereby certify that the foregoing is a true copy of By-law 2023-19 passed by the Council of the Municipality of Central Manitoulin on the ____ day of _____, 2023.

Clerk

