

The Municipality of Central Manitoulin

Public Meeting

Agenda

Thursday, October 27th, 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-22-006
-Applicant/Owner – MARC & SAMANTHA BOUDREAU
 5. Council Comments
 6. Public Comments
 7. Chair's Closing Remarks
 8. Adjournment
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MANITOULIN PLANNING BOARD

ZONING BY-LAW AMENDMENT - PLANNING REPORT October 20, 2022

Owners:	Marc and Samantha Boudreau
Agent:	Marc Boudreau
File No.:	2-07ZBL-22-006
Property Description:	Part Lot 7, Conc. X Surveyed as Part 1, Plan 31R-1105 (Located at #115 Maple Lane) Township of Sandfield, Municipality of Central Manitoulin District of Manitoulin

1. PROPOSAL:

A Zoning Amendment Application has been received from Mr. and Mrs. Boudreau to permit a ± 9.0 M. X 14.0 M. (± 126.0 Sq. M.) garage, accessory to a dwelling, within lands described as Part of Lot 7, Conc. X, surveyed as Part 1 on Plan 31R-1105, located at #115 Maple Lane, Township of Sandfield, Municipality of Central Manitoulin, District of Manitoulin.

2. REASON:

Zoning By-law No. 2002-07, Section 6.3 - Accessory Structures states:

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

Therefore an amendment is required to permit an oversized accessory structure having an area of ± 126 Sq. M. in a Shoreline Residential (SR) Zone.

3. SUBJECT LANDS:

i) History:

By Consent to Sever, File No. B81-80 a new lot was approved, surveyed as Part 2 on Plan 31R-1105. The retained land of that application resulted in the land subject to the current Amendment Application, being Part 1, on Plan 31R-1105.

The applicants have owned the ± 0.5 Hec. (± 1.2 Acres) lot since October 2009, which has frontages of ± 69.2 M. on Lake Manitou and ± 69.6 M. on Maple Lane, a maintained municipal road, and an average depth of ± 71.5 M. There is an existing dwelling, garage, and three sheds located within the subject land. The applicants have advised that the three sheds are to be removed after the construction of the oversized garage. A copy of a building permit, No. 030-003-092, (for the previous land owner), dated April 28, 2009, accompanied the application for the addition of a car port to be added to the existing garage.

Residential uses exist to the North and to the South, and Lake Manitou is located to the East. There is a large ± 74 Hec. parcel of land located to the west that is zoned Agriculture and contains a pole barn.

This application was circulated on July 28th, 2022 to the Wiikwemkoong Unceded Territory and to the United Chiefs and Councils of Mnidoo Mnising (UCCMM), as per Official Plan Policy F.5 - Consultation and Engagement. They did not advise of any concerns with the application.

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- ii) Access: existing residential entrance, #115 Maple Lane, a maintained municipal road
- iii) Servicing: is via private individual sewage disposal system and water is obtained from Lake Manitou

Accompanying the application was a completion notice, No. 401-20-SPO30, from the Public Health Unit, dated December 3rd, 2020, for the existing class 4 sewage disposal system.

- iv) Fire Protection: Available (Central Manitoulin Volunteers)
- v) School Bussing: Available
- vi) Garbage Collection/ Disposal: Collection Available

4. OFFICIAL PLAN POLICIES:

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

The land subject to this proposal will remain designated as being within the Shoreline Area and all Official Plan Policies applicable thereto will continue to apply. Lake Manitou has been designated as an at-capacity lake by the Ministry of Northern Development, Mines, Natural Resources and Forestry (MNDMNR) and the Ministry of the Environment, Conservation and Parks (MECP). Policies of the Official Plan under D.1.1 4. states:

' On lakes determined to be at-capacity, unique or special circumstances, such as the physical features of the property, may allow some limited development to be considered. In these circumstances, detailed studies are required to demonstrate that the physical features and the siting and design of the development shall result in no impact on the lake. The province shall be consulted in these situations.'

MNDMNR was contacted for technical advice and they recommended a review of the Natural Heritage Reference Manual for steps to be taken to mitigate drainage issues that can cause excess erosion and sedimentation.

Mr. Boudreau, agent for the application, was advised that there may be negative impacts with the construction of the garage in the vicinity of the lake and the fish habitat, i.e. a potential increase in sedimentation entering the water that could damage the spawning habitat and a potential increase in runoff from new impermeable surfaces i.e. the roof and footprint of the garage. Mitigation measures would be recommended to the Municipality for consideration at the building permit stage.

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

- i) Current Zoning: Shoreline Residential (SR) Zone
- ii) Proposed Zoning: Same

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5. iii) Comments:

The subject land is to remain as presently zoned and residential uses are proposed to continue.

This proposal to amend Zoning By-law No. 2002-07, Section 6.3 f), if approved, will permit on a Site Specific basis, an accessory garage exceeding the maximum allowable area of 66 Sq. M., in a Shoreline Residential (SR) Zone, at #115 Maple Lane.

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. Planning decisions for the Manitoulin Planning Area must be consistent with Policies of the PPS.

There is a Fish Habitat identified to the east in front of the property along Lake Manitou. Section 2.1.6 of the PPS 2020 states:

'Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.'

Section 2.1.8 of the PPS 2020 states:

'Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.'

The location of the proposed garage is to be further from Lake Manitou than the existing structures. It appears that there may mitigation measures that could address the potential negative impacts that the structure may have that would not conflict or cause adverse impacts to policies expressed by the Provincial Policy Statement.

7. RECOMMENDATIONS:

It is recommended that Council, while reviewing this proposal, consider the impact that the construction of the new structure may have on the identified fish habitat along the shore of Lake Manitou, a designated at-capacity lake.

It is recommended that the Chief Building Official have regard to the following during the building permit stage:

- Drainage could be mitigated to slow water flow to the lake via trenches around the building during construction and installation of eaves troughs; landscaping to avoid excess dirt and gravel sedimentation running towards the lake; locate a temporary buffer during construction; pile extra dirt behind the proposed structure, closer to the road side; ensure that the building has adequate perimeter drainage to mitigate excess surface runoff to the lake and maximize stormwater infiltration into the soil; ensure that the building site is graded as per best practices to maximize stormwater infiltration and minimize sedimentation in the lake; and maintain or restore a vegetation buffer along the shoreline/municipal marine allowance to slow or absorb any increased runoff.

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Based on the aforementioned analysis the Application for Amendment to permit by Special Provision the over sized accessory structure in a Shoreline Residential (SR) Zone 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, Council may defer Decision should they wish to consider any comments, concerns, or objections that may result from the Public Meeting.

Respectfully Submitted,

A handwritten signature in blue ink that reads "Theresa Carlisle". The signature is written in a cursive, flowing style.

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

Enclosures

THE MUNICIPALITY OF CENTRAL MANITOULIN

BY-LAW NO. 2022-20

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 permit by Special Provision, despite Section 6.3 f), a ± 9.0 M. X 14.0 M. (± 126.0 Sq. M.) garage, accessory to a dwelling, within lands described as Part of Lot 7, Conc. X, surveyed as Part 1 on Plan 31R-1105, Located at #115 Maple Lane, Township of Sandfield, 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 to:

- (1) Amend Section 8, Special Provisions, to add the following Subsection **8.108**
to permit, despite Subsection 6.3 f) of Restricted Area Zoning By-law No. 2002-07, one garage, accessory to a dwelling, having a maximum area of 126.0 Sq. M. (± 9.0 M. X 14.0 M.) to be used and located having a minimum front yard setback of 33.0 M. in a Shoreline Residential (SR) Zone.
- (2) Subsection (1) applies to that parcel of land described as Part of Lot 7, Conc. X, surveyed as Part 1 on Plan 31R-1105, Located at #115 Maple Lane, Township of Sandfield, 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 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 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 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 AND THIRD TIME AND FINALLY PASSED
THIS ____ DAY OF _____ 2022.

Richard Stephens, Mayor

Ruth Frawley, CAO/Clerk

I, _____, Clerk of the Municipality of Central Manitoulin, hereby certify that the foregoing is a true copy of By-law 2022-20 passed by the Council of the Municipality of Central Manitoulin on the ____ day of _____, 2022.

Clerk

Part Lot 7 Concession X
Surveyed as Part 1 Plan 31R-1105
(#115 Maple Lane)
Township of Sandfield
Municipality of Central Manitoulin
District of Manitoulin

Mayor - Richard Stephens

CAO/Clerk - Ruth Frawley

