

The Municipality of Central Manitoulin

Public Meeting

Agenda

Thursday, May 14th, 2020 at 1:15 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-20-002
-Applicant/Owner – KELLNER, Garrett and Patricia
5. Council Comments
6. Public Comments
7. Chair's Closing Remarks
8. Adjournment

8MANITOULIN PLANNING BOARD

ZONING BY-LAW AMENDMENT - PLANNING REPORT May 05, 2020

Applicants/Owners: Garrett and Patricia Kellner
Agent/Solicitor: Garrett Kellner
File No.: 2-07ZBL-20-002
Property Description: Part Lot 13, Conc. XV, Being Lot 17, Plan 31M-196
(#467 Lake Huron Drive)
Township of Campbell
Municipality of Central Manitoulin
District of Manitoulin

1. PROPOSAL:

A Zoning Amendment Application has been received from Garrett and Patricia Kellner to permit an existing boathouse/storage shed to be converted to a guest cabin and to permit a larger than allowed accessory garage/car port in a Shoreline Residential (SR) Zone, within lands described as Part Lot 13, Conc. XV, Being Lot 17, Plan 31M-196, (#467 Lake Huron Drive), Township of Campbell, Municipality of Central Manitoulin, District of Manitoulin.

2. REASON:

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

- b) *Except as may be provided herein any accessory building shall be erected with a front line setback not less than twenty (20) metres or to the rear of the building line of the main building, which ever is less, and shall comply with the other yard requirements of the zone in which such building is situated and such accessory uses shall not occupy more than ten per cent (10%) of the lot area;*
- c) *Notwithstanding Sub-paragraph (b) above, a boathouse, dock or wharf may be located in the front yard, side yard or rear yard where a lot abuts a navigable waterway, provided that the approval of any other government authority having jurisdiction has been obtained and provided that the boathouse, dock or wharf is located not closer than six (6) metres to the side lot line or does not encroach on adjacent frontage when the lot boundaries are extended into the water. Boathouses shall only be permitted in areas with un-opened lakeshore road allowance and where a Hold Harmless Agreement has been registered on the adjacent land's title.;*
- 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

- i) *permit a guest cabin, (converted from a boathouse/storage shed), to be located in the front yard (in front of the existing dwelling) having a front yard setback of 1.8 metres and a westerly side yard setback of 5.5 metres; and*
- ii) *permit an accessory garage/car port having an area of ± 127.5 Sq. M.,*

in a Shoreline Residential (SR) Zone, within the subject land.

ZONING BY-LAW AMENDMENT - File No. 2-07ZBL-20-002 - PLANNING REPORT
May 05, 2020 - Continued

3. SUBJECT LANDS:

i) History:

The subject land is within a Plan of Subdivision, Plan 31M-196, created by the Ministry of Housing in 1986, and has been in the owners' possession since June 2019.

A letter of conformity was issued, LC27/97, in 1997 to the previous land owner which allowed the conversion/renovation of an existing seasonal residential dwelling to a boathouse and the construction of a new seasonal residential dwelling.

This ±0.4 Hec. (±1 Acre) lot, which contains the applicants' dwelling and accessory boathouse/shed, has a frontage of ±46 M. on Lonely Bay of Lake Huron and ±41 M. on Lake Huron Drive, a maintained municipal road, and an average depth of ±154 M.

A ±39 Hec. parcel of land containing a dwelling is located to the North; Lake Huron is located to the South; and abutting subdivision Lot 16 to the West and Lot 18 to the East, are both vacant.

This application was circulated on November 12th, 2019 to the United Chiefs and Councils of Mnidoo Mnising (UCCMM), and to the Wiikwemkoong Unceded Territory and as per Official Plan Policy F.5 - Consultation and Engagement. UCCMM advised via email that the UCCMM has no issues with the application. The Wiikwemkoong Unceded Territory have not provided any comments or concerns regarding the application, or requested additional time to do so.

There is a fish habitat and a dune system identified along the shoreline of Lake Huron in front of the subject land. It is considered that the habitat, which is not identified within the subject land, would have no impact on the amendment proposal.

There is a deer wintering habitat identified within the subject land. There are no land use changes proposed; residential uses are proposed to continue. It is considered that the proposed garage/carport and the existing structures within the ±0.4 Hec. lot of record, would have little or no additional impact on the wildlife habitat.

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|------|----------------------------------|---|
| ii) | Access: | existing residential entrance from Lake Huron Drive,
a maintained municipal road |
| iii) | Servicing: | private individual sewage disposal system and
private well |
| 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. The proposed amendment is considered to be in conformity with Official Plan Policies.

ZONING BY-LAW AMENDMENT - File No. 2-07ZBL-20-002 - PLANNING REPORT
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5. ZONING BY-LAW (BY-LAW NO. 2002-07):

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

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

This proposal to amend Zoning By-law No. 2002-07, if approved, will permit on a Site Specific basis, an accessory garage/car port exceeding the maximum allowable area of 66 Sq. M., and a guest cabin to be located in the front yard, having reduced yard setbacks, in a Shoreline Residential (SR) Zone, at #467 Lake Huron Drive.

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 does not appear to be any conflict or adverse impacts to policies expressed by the Provincial Policy Statement. The proposed amendment is considered to be in conformity with the PPS 2020.

7. RECOMMENDATIONS:

It is recommended that Council, while reviewing this proposal, consider what impact an oversized garage/car port and what impact a guest cabin located in the front yard would have and if this would create a compatible planning effect in the surrounding area within a Plan of subdivision, in a Shoreline Residential Zone.

From satellite imagery (attached) it would appear that the location of the proposed accessory garage/car port, has a few bushes/trees which may protect the visual impact this large structure could have.

It is noted that the subject ± 0.4 Hec. lot would appear to be large enough to accommodate two accessory structures, each being 66 Sq. M., that would conform to Zoning By-law No. 2002-07, without an approved amendment.

Providing there are no extenuating circumstances or additional information to be considered, and if Council in their judgement considers the proposal as favourable to the well being of the Municipality, Council may support the amendment, despite Sections 6.3 b) and c) and f) of Zoning By-law No. 2002-07, as proposed.

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,



Theresa Carlisle, ACST
Secretary-Treasurer

Enclosures

THE MUNICIPALITY OF CENTRAL MANITOULIN

BY-LAW NO. 2020-15

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 on a site specific basis, as shown on the attached schedule "A", a guest cabin to be located in the front yard having a minimum front yard setback of 1.8 metres and a minimum westerly side yard of 5.5 metres and a garage/car port accessory to a dwelling, having a maximum area of ± 127.5 square metres in a Shoreline Residential (SR) Zone, within lands described as Part Lot 13, Conc. XV, Being Lot 17, Plan 31M-196, located at #467 Lake Huron Drive, 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 to:

1. Section 8, Special Provisions of the Restricted Area Zoning By-Law No. 2002-07 is hereby amended to add the following Subsection **8.97**
 - a. *Despite Sections 6.3 b) and 6.3 c) permits a guest cabin being 24 square metres in size accessory to a dwelling, to be located in the front yard (in front of the existing dwelling) having a minimum front yard setback of 1.8 metres and a minimum westerly side yard setback of 5.5 metres; and*
 - b. *Despite Section 6.3 f) permits a garage/car port accessory to a dwelling, having a maximum area of ± 127.5 square metres,*
 - c. as shown on attached Schedule "A", in a Shoreline Residential (SR) Zone within lands described under subsection (2).
2. Subsection (1) applies to that parcel of land described as Part Lot 13, Conc. XV, Being Lot 17, Plan 31M-196, located at #467 Lake Huron Drive, 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 Local Planning Appeal Tribunal (LPAT) 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 _____ 2020.

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 2020-15 passed by the Council of the Municipality of Central Manitoulin on the ____ day of _____, 2020.

Clerk

