

The Municipality of Central Manitoulin

Public Meeting

Agenda

Thursday, August 8th, 2024 at 6:45 P.M.

Via teleconference

and at the

MUNICIPAL OFFICE

6020 HWY 542, MINDEMOYA, ONTARIO

1. 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. 2002-07ZBL-24-001
-Applicant/Owner – Guy and Catherine Charles
5. Council Comments
6. Public Comments
7. Chair's Closing Remarks
8. Adjournment

MANITOULIN PLANNING BOARD

ZONING BY-LAW AMENDMENT - PLANNING REPORT July 26, 2024

Applicants/Owners: Guy and Catherine Charles
Agent: Guy Charles
File No.: 2-07ZBL-24-001
Related Files: Consent to Sever File No. B34-14
Property Description: Part Lot 5, Conc. 2
Surveyed as Part 3, Plan 31R-3989
(Located at #1468 Monument Road)
Township of Carnarvon, Municipality of Central Manitoulin
District of Manitoulin

1. PROPOSAL:

A Zoning Amendment Application has been received from Guy and Catherine Charles to permit an existing deck (14.0 m. X 3.63 m.) attached to the seasonal dwelling having a minimum front yard setback reduced from 9.0 metres to 8.0 metres, in an Agriculture (A) Zone, within land described as being Part of Lot 5, Conc. 2, surveyed as Part 3, Plan 31R-3989, Township of Carnarvon, Municipality of Central Manitoulin, District of Manitoulin.

2. REASON:

The applicants have owned the subject ± 0.5 Hec. parcel of land since September 9th, 2022. They have already constructed a deck onto the existing dwelling which encroaches into to the front yard by 1.0 metre. Therefore an amendment to the Municipal Zoning By-law is required.

3. SUBJECT LANDS:

i) History:

By Consent to Sever, File No. B34-14 the Manitoulin Planning Board approved the creation of a new lot, surveyed as Part 3, Plan 31R-3989, which is the land subject to the Amendment Application. The subject land was within an Agriculture (A) Zone in 2014. There have been no zoning changes.

Zoning By-law No. 2002-07 for the Municipality of Central Manitoulin, Under Section 7.1 - Agriculture Zone - does not permit a seasonal dwelling in the Agriculture Zone. It does permit a single family detached dwelling if the lot has frontage on a maintained (year round), which this lot does.

A building Permit, No. 2023-25, was issued in 2023 for the seasonal dwelling. There does not appear to be a building permit issued for the existing guest cabin or the existing sauna.

According to the amendment application, the current use of the property is seasonal residential.

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.'

**ZONING BY-LAW AMENDMENT - 2002-07ZBL-24-001
- PLANNING REPORT - July 26th, 2024 - Continued**

The Municipality of Central Manitoulin is in the process of updating their Municipal Zoning By-law No. 2002-07, and are proposing to keep the lot in an Agriculture Zone.

The applicants may also need an amendment to permit the use of the seasonal dwelling in the Agriculture (A) Zone.

The applicants have constructed an unattached (floating) deck on the Municipal Marine Allowance along Lake Mindemoya.

- ii) Access: is via an existing entrance, #1468 Monument Road, a maintained municipal road
- iii) Servicing: According to the application services consist of a private well and a private individual 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: Rural Area
- ii) Proposed Designation: SAME
- iii) Comments:

There does not appear to be any adverse effects to the policies of the Official Plan if approval is given, to legalization the existing deck that encroaches into the front yard by 1.0 metre.

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

- i) Current Zoning: Agriculture (A) Zone
- ii) Proposed Zoning: SAME
- iii) Comments:

The proposed amendment to Comprehensive Zoning By-law No. 2002-07, if approved as requested, will permit the existing desk attached to the seasonal dwelling, having a reduced front yard setback of 8.0 metres.

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.

**ZONING BY-LAW AMENDMENT - 2002-07ZBL-24-001
- PLANNING REPORT - July 26th, 2024 - Continued**

7. RECOMMENDATIONS:

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:

- putting the subject land in a Shoreline Residential (SR) Zone during the update of the current Zoning By-law; or a site specific amendment to permit the seasonal dwelling in the Agriculture Zone;
- if additional building permit applications are required for other structures, i.e. sauna, guest cabin;
- if the floating deck located on the Municipal Marine Allowance is to be removed;

Based on the aforementioned analysis the Application for Amendment to permit the existing deck (14.0 m. X 3.63 m.) attached to the existing seasonal dwelling (13.4 m. X 7.27 m.), 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.

Council may also support/approve additional amendments to bring the subject land into conformity with their municipal zoning By-law.

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

Respectfully Submitted,



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

THE MUNICIPALITY OF CENTRAL MANITOULIN

BY-LAW NO. 2024-21

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, permits an existing deck (14.0 m. X 3.63 m.) attached to a seasonal dwelling having a minimum front yard setback reduced from 9.0 metres to 8.0 metres, in an Agriculture (A) Zone, within land described as being Part of Lot 5, Conc. 2, surveyed as Part 3, Plan 31R-3989, Township of Carnarvon, 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 **8.112**
 - i) permits an existing seasonal dwelling (± 13.4 m. X ± 7.27 m.) to be located and used in the Agriculture (A) Zone; and
 - ii) *permits an existing deck (14.0 m. X 3.63 m.) attached to the seasonal dwelling having a minimum front yard setback reduced from 9.0 metres to 8.0 metres, in an Agriculture (A) Zone,*within land described in Subsection (2);
- (2) Subsection (1) applies to that parcel of land described as being Part of Lot 5, Conc. 2, surveyed as Part 3, Plan 31R-3989, 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 Agriculture (A) 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 AND THIRD TIME AND FINALLY PASSED

THIS ___ DAY OF _____ 2024.

Richard Stephens, Mayor

Denise Deforge, CAO/Clerk

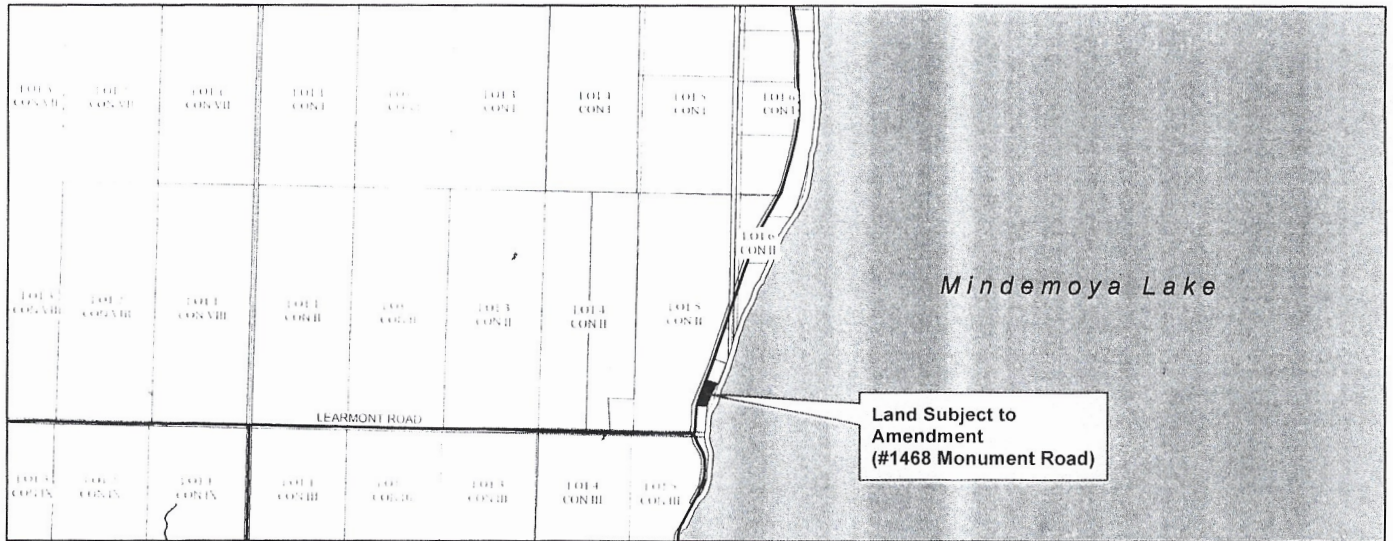
I, _____, Clerk of the Municipality of Central Manitoulin, hereby certify that the foregoing is a true copy of By-law 2024-21 passed by the Council of the Municipality of Central Manitoulin on the ___ day of _____, 2024.

Clerk

Mayor - R. Stephens

CAO/Clerk - D. DeForge

Part Lot 5 Concession II
Surveyed as Part 3 Plan 31R-3989
(#1468 Monument Road)
Township of Campbell
Municipality of Central Manitoulin
District of Manitoulin



- Structures**
- A - Existing Dwelling (+/-13.4 m X +/-7.27 m)
 - B - Existing Sauna (+/-3.63 m X +/-4.84 m)
 - C - Existing Guest Cabin (+/-3.63 m X +/-4.84 m)
 - D - Existing Deck (+/-14 m X +/-3.63 m)
 - E - Existing Floating Deck (+/-2.43 m X +/-3.65 m)
- Located On Municipal Marine Allowance

NOTE South side yard setbacks for Existing Dwelling (A) and Existing Deck (D) differ due to the angle of the south lot line

