
To:	Erica Kellogg Acting Deputy Clerk – Planning & Development
From:	Jonathan Pauk, Senior Planner, MHBC Planning Jamie Robinson, Partner, MHBC Planning
Date:	April 21, 2023
File:	12153DV
Subject:	Pre-consultation Memorandum – 75 & 85 Audrey Smith Road, Municipality of Magnetawan

The purpose of this memorandum is to provide information and advice related to the review of a potential consent (boundary adjustment) application for the properties located at 75 and 85 Audrey Smith Road.

We have had an opportunity to review the proposal at 75 and 85 Audrey Smith Road for a lot boundary adjustment to sever and convey a portion from the subject property at 75 Audrey Smith Road and add it to property located to the north, known as 85 Audrey Smith Road (the “beneficiary property”). The purpose of the proposed lot boundary adjustment is to increase the lot area of the beneficiary property. It is our understanding that the Owner is seeking to increase the frontage of the property located at 85 Audrey Smith Road in order to permit a larger developable area for a boathouse outside of the area zoned Environmental Protection along the shoreline. No site plan detailing this proposal has been provided.

The lands to be severed located at **75 Audrey Smith Road:**

- Designated “Shoreline” and is partially within the Aggregate and Mineral Resources overlay in accordance with Schedule A of the Municipality of Magnetawan Official Plan;
- Zoned Shoreline Residential (RS) in the Municipality of Magnetawan Zoning By-law;
- Lot area of approximately 2,857 square metres and a lot frontage of 61 metres onto Lake Cecebe;
- Accessed via Audrey Smith Road (Municipal Road – Year Round) in accordance with Schedule C of the Official Plan;
- Has an existing single detached dwelling and docking facilities;
- Serviced by existing septic and water facilities; and,

- Adjacent to an area of Fish Habitat to the north.

The subject property located at **85 Audrey Smith Road**:

- Designated “Shoreline” and is partially within the Aggregate and Mineral Resources overlay in accordance with Schedule A of the Municipality of Magnetawan Official Plan;
- Zoned Shoreline Residential (RS) and Environmental Protection (EP) in the Municipality of Magnetawan Zoning By-law;
- Has a lot area of approximately 42,630 square metres and a lot frontage of approximately 143 metres onto Lake Cecebe;
- Accessed via Audrey Smith Road (Municipal Road – Year Round) in accordance with Schedule C of the Official Plan;
- Has an existing single detached dwelling and associated accessory buildings/structures, docking facilities;
- Is serviced by existing septic and water facilities; and,
- Contains an area of Fish Habitat along the entire water frontage in accordance with Schedule B of the Official Plan.

The location of the proposed lot boundary adjustment would appear to contain lands zoned Shoreline Residential (RS) and Environmental Protection (EP).

Lot boundary adjustments are subject to conform to all applicable policies under the Municipality's Official Plan.

- Section 4.6 states *in shoreline areas, development shall be situated in locations that will not result in the removal of significant amounts of shoreline vegetation or affect shoreline habitat*. As submitted, the application does not propose any removal of vegetation as the existing residential uses are to remain on each of the proposed lots.
- Section 5.4 of the Official Plan contains policies for the Shoreline designation. Section 5.4.2 requires new lots to be at least 1.0 ha (2.5 acres) in lot area with 90 metres (300 feet) of water frontage.
- The new lot configuration proposes 160 metres of water frontage and a lot area of 4.1 hectares for 85 Audrey Smith Road and 45 metres of water frontage and a lot area of 0.4 hectares for 75 Audrey Smith Road.
- While the retained lands would be reduced in size, there is no new lot being created in this instance. The existing lots are developed and serviced with septic systems. The lot addition would not change the character of the area, only the location of the lot line. It would appear the intent of Section 5.4 of the Official Plan is to apply minimum lot frontages and minimum lot areas for new lots, whereas the proposed application is for a lot addition.

- In order to ensure the character of the area is not changed in the future, a condition of provisional consent would be the rezoning of the retained lands to recognize the lot frontage and lot area as the minimum. This would restrict future lot creation applications for the retained lands.
- The proposed lot at 75 Audrey Smith Road would not comply with the minimum lot frontage or lot area requirements for new lots in the Shoreline Residential Zone of the Zoning By-law. A Zoning By-law Amendment application would be required as a condition of provisional consent to rezone the property to an appropriate Shoreline Residential Exception Zone.
- Section 7.1.1 of the Official Plan contains criteria that are applicable to consent applications that create new lots. The proposed lots will continue to be accessed by a municipal road and are located within the shoreline designation and, the lots are of a sufficient size to recognize the location of existing development on each lot, including the existing dwelling and septic systems. As noted, the proposed lot at 75 Audrey Smith Road does not comply with the minimum requirements of the Zoning By-law.

Based on our review of the Municipality's Official Plan, the proposed consent application for a boundary adjustment could conform to the Official Plan. An implementing Zoning By-law Amendment would be required to recognize the lot frontage and lot area for both the benefiting lot and the retained lot.

Application Submission Requirements

The following are required as part of a complete application submission.

- Completed Consent application form.
- The required application fees for a Consent Application.
- Site plan drawing showing proposed lot addition and also the distance of structures to the proposed lot line.

We trust that this provides you with the background planning information associated with the proposal. Please do not hesitate to contact Municipal Staff if you have any questions or require any additional information.