



COMMITTEE OF ADJUSTMENT
Wednesday, May 11th, 2022

The regular Meeting of the Municipality of East Ferris Committee of Adjustment was held on Wednesday, May 11th, 2022 at 7:00 p.m. via Zoom.

PRESENT: John Symons, Frank Corbeil, Al Herauf, Terry Kelly, Director of Community Services, Greg Kirton, and Recording Clerk, Kari Hanselman

EXCUSED ABSENT: John O'Rourke, Bill Boake, Erika Lougheed

ALSO IN ATTENDANCE: Michel Champagne, Rick Miller, Luke and Valerie Foy, Tyler Ellis, Dan Rooyakkers

Resolution No. 2022-13
Al Herauf – Terry Kelly

THAT Frank Corbeil be appointed Acting Chair as per section 3.7 of the Municipality's Procedural By-law No. 2020-17 for the purpose of the Committee of Adjustment meeting of May 11th, 2022.

CARRIED

1. ADOPTION OF AGENDA:

Resolution No. 2022-14
Al Herauf – John Symons

THAT the draft agenda presented to the Committee and dated the 11th day of May, 2022 be hereby adopted as circulated.

CARRIED

2. ACCEPTING THE MINUTES OF THE PREVIOUS MEETING(S):

Resolution No. 2022-15
Terry Kelly – John Symons

THAT the Minutes of the Committee of Adjustment Meeting of April 20th, 2022 be adopted as circulated.

CARRIED

3. DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF: None for this session

4. RATEPATER'S DELEGATIONS: None for this session



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5. **BUSINESS ARISING FROM THE LAST MEETING:** None for this session

6. **PUBLIC HEARING:**

a) **B-2021-47 to B-2021-48**
Michel Champagne – 10 Derland Road

A public meeting was held on an application submitted by Michel Champagne. This application was deferred from the January meeting in order for a site visit to be conducted by the North Bay Mattawa Conservation Authority. A Minimum Distance Separation calculation determined that there is a small restriction for a dwelling at the back corner of the property, but the NBMCA has no objections to the application as there is a suitable septic location.

Correspondence was also received from the owner of the adjacent property at 58 Derland Road. Mr. Kirton read the email to the Committee as it was received after the agenda package was circulated. Concerns included the impact on vegetation, noise and setbacks.

Councillor Kelly confirmed the lots are both two acres in size. Committee members were in support of the applications, and they were approved.

DECISION OF CONSENT (File B-2021-47 to B-2021-48):

Frank Corbeil – Al Herauf – John Symons - Terry Kelly

We, the undersigned, in making the decision upon this application have considered whether or not the requested consent is in conformity with the policies laid out in the East Ferris Official Plan and consistent with the requirements of section 51(24) of the *Planning Act*.

CONCUR in the following decision and reasons for decision on the 11th day of May, 2022.

DECISION: That the requested consent to create two new lots be approved, conditional upon the following for each application:

- 1) That confirmation is provided that all taxes are paid up to date;
- 2) That a plan of survey is prepared and filed with the Municipality;
- 3) That a plan of survey be sent electronically to the Municipality of East Ferris's Community Planner;
- 4) That the applicant pays \$250.00 in finalization fee prior to the transfer of the parcel of land;



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- 5) That the applicant is required to pay \$1,000.00 per consent application to the Municipality of East Ferris for the Parkland Dedication Fee prior to the transfer of the severed land;
- 6) That the transfer(s)/Deed(s) of Land is submitted to the Secretary-Treasurer for the Issuance of the Certificate of Consent under subsection 53 (42) of the Planning Act, R.S.O. 1990, c.P.13, as amended;
- 7) That subsection 50(3) of the Planning Act, R.S.O. 1990, c.P. 13 as amended applies to any subsequent conveyance or transaction of or in relation to the parcel of land being the subject of this consent; and
- 8) That all conditions must be filled within two years from the date the notice of decision has been given otherwise this provisional consent will lapse and the application for consent shall be deemed to be refused as per Section 53 (41) of the Planning Act, R.S.O. 1990, c.P.13, as amended.

REASONS FOR DECISION:

The Committee has considered the application and based it's decision upon:

- 1) Conformity with the *Planning Act*
- 2) Public comments submitted
- 3) Conformity with Provincial Policy
- 4) Conformity with East Ferris Official Plan

No public input was received at the public meeting.

b) B-2022-08
Miller & Urso Surveying Inc. on behalf of Decking and Siding Ltd. – Centennial Cres. & Highway 17

A public meeting was held on an application submitted by Miller and Urso Surveying on behalf of Decking and Siding Ltd. requesting permission from the Committee to create one new lot. Mr. Miller advised the owners would like to sever off the piece of land with the Bell cell tower and guy-wires on it. The retained piece is vacant with no immediate plans to change the use of the property.

The MTO had no objection to the application. The application was approved by the Committee.

No public input was received at the public hearing.



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DECISION OF CONSENT (File B-2022-08):

Frank Corbeil – Al Herauf – Terry Kelly – John Symons

We, the undersigned, in making the decision upon this application have considered whether or not the requested consent is in conformity with the policies laid out in the East Ferris Official Plan and consistent with the requirements of section 51(24) of the *Planning Act*.

CONCUR in the following decision and reasons for decision on the 11th day of May, 2022.

DECISION: That the requested consent to create one new lot be approved, conditional upon the following:

- 1) That confirmation is provided that all taxes are paid up to date;
- 2) That a plan of survey is prepared and filed with the Municipality;
- 3) That a plan of survey be sent electronically to the Municipality of East Ferris's Community Planner;
- 4) That the applicant pays \$250.00 in finalization fee prior to the transfer of the parcel of land;
- 5) That the applicant is required to pay \$1000.00 per consent application to the Municipality of East Ferris for the Parkland Dedication Fee prior to the transfer of the severed land;
- 6) That the transfer(s)/Deed(s) of Land is submitted to the Secretary-Treasurer for the Issuance of the Certificate of Consent under subsection 53 (42) of the Planning Act, R.S.O. 1990, c.P.13, as amended;
- 7) That subsection 50(3) of the Planning Act, R.S.O. 1990, c.P. 13 as amended applies to any subsequent conveyance or transaction of or in relation to the parcel of land being the subject of this consent; and
- 8) That all conditions must be filled within two years from the date the notice of decision has been given otherwise this provisional consent will lapse and the application for consent shall be deemed to be refused as per Section 53 (41) of the Planning Act, R.S.O. 1990, c.P.13, as amended.

REASONS FOR DECISION:

The Committee has considered the application and based it's decision upon:

- 1) Conformity with the *Planning Act*



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- 2) Public comments submitted
- 3) Conformity with Provincial Policy
- 4) Conformity with East Ferris Official Plan

No public input was received at the public meeting.

c) B-2022-09
Luke and Valerie Foy – 1305 Centennial Crescent

A public hearing was held on an application submitted by Luke and Valerie Foy requesting permission from the Committee to permit the establishment of an easement to formalize access over an existing lot. While finalizing the previous consent it was realized that a small part of the existing lot is needed for the driveway. This will allow for deeded access.

No public input was received at the public hearing and the application was approved.

DECISION OF CONSENT (File B-2022-09):

Frank Corbeil – Al Herauf – Terry Kelly – John Symons

We, the undersigned, in making the decision upon this application have considered whether or not the requested consent is in conformity with the policies laid out in the East Ferris Official Plan and consistent with the requirements of section 51(24) of the *Planning Act*.

CONCUR in the following decision and reasons for decision on the 11th day of May, 2022.

DECISION: That the requested consent to create an easement be approved, conditional upon the following:

- 1) That confirmation is provided that all taxes are paid up to date;
- 2) That a plan of survey is prepared and filed with the Municipality;
- 3) That a plan of survey be sent electronically to the Municipality of East Ferris's Community Planner;
- 4) That the applicant pays \$250.00 in finalization fee prior to the transfer of the parcel of land;
- 5) That the transfer(s)/Deed(s) of Land is submitted to the Secretary-Treasurer for the Issuance of the Certificate of Consent under subsection 53 (42) of the Planning Act, R.S.O. 1990, c.P.13, as amended;



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- 6) That subsection 50(3) of the Planning Act, R.S.O. 1990, c.P. 13 as amended applies to any subsequent conveyance or transaction of or in relation to the parcel of land being the subject of this consent; and
- 7) That all conditions must be filled within two years from the date the notice of decision has been given otherwise this provisional consent will lapse and the application for consent shall be deemed to be refused as per Section 53 (41) of the Planning Act, R.S.O. 1990, c.P.13, as amended.

REASONS FOR DECISION:

The Committee has considered the application and based its decision upon:

- 1) Conformity with the *Planning Act*
- 2) Public comments submitted
- 3) Conformity with Provincial Policy
- 4) Conformity with East Ferris Official Plan

No public input was received at the public meeting.

**d) A-2022-01
Tyler Ellis on behalf of Dan and Lauren Rooyakkers – 56 Kyle Road**

A public hearing was held on an application submitted by Tyler Ellis on behalf of Dan and Lauren Rooyakkers requesting an increase to the maximum permitted accessory structure height. The municipality's zoning by-law permits 6.0 metres, and the applicants are requesting an increase to 6.71 metres.

Mr. Kirton asked for clarification from the applicant as the original request was for 6.25 metres. Mr. Ellis advised they are requesting an increase to 21' 5 7/8" at the midway point or 22' to make it easier. The Committee approved of this request.

No public information was received at the public hearing at the applications were approved.

DECISION OF MINOR VARIANCE (File A-2022-01):

Frank Corbeil – Al Herauf – Terry Kelly – John Symons

We, the undersigned, in making the decision upon this application have considered whether or not the variance requested was minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and Official Plan will be maintained.



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CONCUR in the following decision and reasons for decision on the 11th day of May, 2022.

DECISION: That the requested variance to permit the increase in accessory structure height to 6.71 metres be approved.

REASONS FOR DECISION:

- 1) The general purpose and intent of the Official Plan is being maintained;
- 2) The general purpose and intent of the Zoning By-law is being maintained;
- 3) The development is desirable and appropriate for the land and consistent with the neighbourhood; and
- 4) The variance is minor in nature.

No public input was received at the public meeting.

7. **IN-CAMERA:** None for this session
8. **CORRESPONDENCE:** None for this session
9. **ADJOURNMENT:**

Resolution No. 2022-16
John Symons – Al Herauf

That the Committee of Adjustment meeting adjourn at 7:31 p.m.

CARRIED

Chair, John O'Rourke

Greg Kirton, Director of Community Services