



COMMITTEE OF ADJUSTMENT
Wednesday, April 21st, 2021

The regular Meeting of the Municipality of East Ferris Committee of Adjustment was held on Wednesday, April 21st, 2021 at 7:00 p.m. via Zoom.

PRESENT: John O'Rourke, Al Herauf, Frank Corbeil, Erika Lougheed, Bill Boake, Terry Kelly, Manager of Planning and Economic Development, Greg Kirton, Recording Clerk, Kari Hanselman

EXCUSED ABSENT: John Symons

ALSO IN ATTENDANCE: Connie Lortie, Rick Miller from Miller & Urso Surveying, Thomas O'Donoughue, Traven Reed, Noah Perron from Goodridge Goulet Planning & Surveying, Hector Laperriere, and Brian Irwin

1. ADOPTION OF AGENDA:

Resolution No. 2021-05
Al Herauf – Erika Lougheed

THAT the draft agenda presented to the Committee and dated the 21st day of April, 2021 be hereby adopted as circulated.

CARRIED

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

Resolution No. 2021-06
Frank Corbeil – Al Herauf

THAT the Minutes of the Committee of Adjustment Meeting of March 17th, 2021 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

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



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6. PUBLIC HEARING:

**a) A-2021-02
Jean-Noel Lortie – 114 Meadow Drive**

A public meeting was held on an application submitted by Jean-Noel Lortie requesting to permit the existing accessory structure to remain on the property with a greater than permitted floor area. Connie Lortie advised the structure in question is a 12' x 32' lean-to. Mr. Kirton advised the structure was built within the last two years without a building permit and the municipality became aware of it late last year. The Zoning By-law permits 768 square feet, and the existing structure is 1,152 square feet.

Chair O'Rourke confirmed no public was waiting to comment on the application.

No correspondence or objections to the applications were received at the public meeting and the application was approved as requested.

DECISION OF MINOR VARIANCE (File A-2021-02):

Erika Lougheed – Frank Corbeil – Al Herauf – John O'Rourke – Bill Boake – Terry Kelly

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.

CONCUR in the following decision and reasons for decision on the 21st day of April, 2021.

DECISION: That the requested variance to permit the existing accessory structure to remain on the property with a greater than permitted floor area for the subject lands 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.



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No public input was received at the public meeting and COA is of the opinion that the proposal is consistent with Provincial Policy, the general intent and purpose of the Official Plan and Zoning By-law, the development is desirable and appropriate for the land and the variance in minor in nature.

b) A-2021-03
Miller & Urso Surveying on behalf of Robert & Joanne Guillemette – Lot 7
Registered Plan 39M-707

A public meeting was held on an application submitted by Miller & Urso Surveying on behalf of Robert & Joanne Guillemette. The applicant is requesting permission from the Committee to construct a detached garage with a greater than permitted floor area. Mr. Miller advised that the owners intend to build a single-family dwelling and a detached garage. The Zoning By-law allows 89.19m² of floor area while the applicants are seeking permission to build a 115.3 m² garage. All other requirements are met.

The Committee was in favour of the application. Chair O'Rourke advised garages help keep yards clean. Mr. Miller stated that the total lot coverage would be 4.4%, where 10% is the maximum.

The North Bay Mattawa Conservation Authority had no objection but noted the sketch shows a vegetative buffer of 15m, while a 30m buffer is required. Mr. Kirton advised this would be addresses through Site Plan Control.

Chair O'Rourke confirmed no public was waiting to comment on the application.

No correspondence or objections to the applications were received at the public meeting and the application was approved as requested.

DECISION OF MINOR VARIANCE (File A-2021-03):

Erika Lougheed – Frank Corbeil – Al Herauf – John O'Rourke – Bill Boake – Terry Kelly

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.

CONCUR in the following decision and reasons for decision on the 21st day of April, 2021.



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DECISION: That the requested variance to permit the construction of a detached garage with a greater than permitted floor area 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 and COA is of the opinion that the proposal is consistent with Provincial Policy, the general intent and purpose of the Official Plan and Zoning By-law, the development is desirable and appropriate for the land and the variance in minor in nature.

**c) A-2021-04 & B-2021-12
Thomas O'Donoghue & Jordan Vital on behalf of Dieter von Doeler – 631
Highway 94**

A public meeting was held on an application submitted by Thomas O'Donoghue & Jordan Vital on behalf of Dieter von Doeler to allow for a lot addition to 545 highway 94 from 631 Highway 94. No new lots are proposed to be created through this application. Mr. O'Donoghue said they purchased the property about a year ago and they are hoping to add on their property at 545 Highway 94 from 631 Highway 94. The 31 meter frontage is not proposed to change.

Chair O'Rourke confirmed no public was waiting to comment on the application.

No correspondence or objections to the applications were received at the public meeting and the application was approved as requested

DECISION OF MINOR VARIANCE (File A-2021-04):

Erika Loughheed – Frank Corbeil – Al Herauf – John O'Rourke – Bill Boake – Terry Kelly

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 21st day of April, 2021.

DECISION: That the requested minor variance to recognize the existing deficiency in lot frontage of 31m, whereas Zoning By-law 1284 requires 45m of lot frontage, 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 and COA is of the opinion that the proposal is consistent with Provincial Policy, the general intent and purpose of the Official Plan and Zoning By-law, the development is desirable and appropriate for the land and the variance in minor in nature

DECISION OF CONSENT (File B-2021-12):

Erika Lougheed – Frank Corbeil – Al Herauf – John O’Rourke – Bill Boake – 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 21st day of April, 2021.

DECISION: That the requested consent for a lot addition from 631 Highway 94 to 545 Highway 94 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;



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- 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;
- 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 one year 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.
- 8) That the severed lands be merged with 545 Highway 94.

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
- d) **B-2021-03 & B-2021-04**
Gisele & Traven Reed – 604 Quae Quae Road

A public meeting was held on an application submitted by Gisele & Traven Reed requesting permission from the Committee to create two new lots for residential purposes. Mr. Reed advised they are severing off the house that is already on the property. The North Bay Mattawa Conservation Authority advised the property is found within the Kaibuskong River subwatershed. A small tributary of Lake Nosbonsing is found on severed lot #2, but will not hinder development of the lands.



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Chair O'Rourke confirmed no public was waiting to comment on the application.

No correspondence or objections to the applications were received at the public meeting and the application was approved as requested

DECISION OF CONSENT (File B-2021-03 & B-2021-04):

Erika Lougheed – Frank Corbeil – Al Herauf – John O'Rourke – Bill Boake – 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 21st day of April, 2021.

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;
- 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



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- 8) That all conditions must be filled within one year 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

- e) **B-2021-05, B-2021-06, & B-2021-07
Goodridge Goulet Planning and Surveying on behalf of Carmen Weiskopf,
Lydia Weiskopf-Tran, Cody Tran - Quae Quae Road (Vacant Land – Part of
Lots 5 & 6, Concession 7)**

A public meeting was held on an application submitted by Goodridge Goulet Planning and Surveying on behalf of Carmen Weiskopf, Lydia Weiskopf-Tran, and Cody Tran requesting permission from the Committee to create three new lots for residential purposes. Noah Perron from Goodridge Goulet spoke the application. The Committee discussed the small piece of land on the other side of the railroad tracks which will remain part of severed lot 3.

Mr. Kirton advised there is a 45m setback applied to the wetlands.

Chair O'Rourke confirmed no public was waiting to comment on the application.

No correspondence or objections to the applications were received at the public meeting and the application was approved as requested

DECISION OF CONSENT (File B-2021-05, B-2021-06, & B-2021-07):

Erika Lougheed – Frank Corbeil – Al Herauf – John O'Rourke – Bill Boake – 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*.



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CONCUR in the following decision and reasons for decision on the 21st day of April, 2021.

DECISION: That the requested consent to create three new additional 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;
- 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 one year 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



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f) B-2021-08 & B-2021-09
Goodridge Goulet Planning and Surveying on behalf of Jesse Males and Joseph-Pierre Chaput – 210 Quae Quae Road

A public meeting was held on an application submitted by Goodridge Goulet Planning and Surveying on behalf of Jesse Males and Joseph-Pierre Chaput requesting permission from the Committee to create two new lots for residential purposes with the remainder of the lot merging with the adjacent property to the east for a lot addition. Mr. Perron spoke to the application. The retained portion will have no frontage but will be added to the property to the neighbouring property to the East.

The North Bay Mattawa Conservation Authority had no objection to the application

Chair O'Rourke confirmed no public was waiting to comment on the application.

No correspondence or objections to the applications were received at the public meeting and the application was approved as requested

DECISION OF CONSENT (File B-2021-08 & B-2021-09):

Erika Lougheed – Frank Corbeil – Al Herauf – John O'Rourke – Bill Boake – 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 21st day of April, 2021.

DECISION: That the requested consent to create two new lots with the remainder merging with the adjacent property for a lot addition 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;



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- 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 one year 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.
- 9) That the retained lands be merged with the adjacent property described as CON 6 PT LOT 11 PCL 615 NIP.

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

g) B-2021-10
Hector Laperriere – 389 Hillcrest Road

A public meeting was held on an application submitted by Hector Laperriere requesting permission from the Committee to create one new lot for residential purposes. Mr. Laperriere was having technical difficulties, so Mr. Kirton spoke to the application.

The North Bay Mattawa Conservation Authority noted there is a horse shelter on the neighbouring property and a small barn. A Minimum Distance Separation



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(MDS) calculation should be completed. These calculations are undertaken for livestock facilities and manure storage to avoid complaints about smell. Mr. Kirton advised it is unlikely there will be a conflict, but has added a condition of MDS calculation completion to the approval.

Chair O'Rourke confirmed no public was waiting to comment on the application.

No correspondence or objections to the applications were received at the public meeting and the application was approved as requested

DECISION OF CONSENT (File B-2021-10):

Erika Loughheed – Frank Corbeil – Al Herauf – John O'Rourke – Bill Boake – 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 21st day of April, 2021.

DECISION: That the requested consent to create one new additional 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;



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- 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 one year 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.
- 9) That an MDS II Calculation be done to the satisfaction of the provincial standards with respect to the proposed lot creation.

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
- h) B-2021-11
Miller & Urso Surveying on behalf of Mark and Jocelyne King – 283
Highway 94**

Resolution No. 2021-07

Erika Lougheed – Frank Corbeil

THAT Consent Application No. B-2021-11 submitted by Miller & Urso Surveying on behalf of Mark and Jocelyne King be deferred to a future meeting

CARRIED

No public hearing was held on this application as it was deferred to a future meeting.



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- i) **B-2021-13 & B- 2021-14**
Brian Irwin – 456 Johnson Road

Resolution No. 2021-08
Frank Corbeil – Bill Boake

THAT Consent Application No. B-2021-14 submitted by Brian Irwin be deferred to a future meeting

CARRIED

No public hearing was held on application B-2021-14 as it was deferred to a future meeting.

A public meeting was held on application B-2021-13 submitted by Brian Irwin requesting permission from the Committee to create one new lot for residential purposes. Mr. Irwin spoke to the application. The new lot will be approximately 2.93 acres. Mr. Boake wondered if there were any road access issues. Mr. Kirton advised none were identified.

The North Bay Mattawa Conservation Authority had no objections to the application.

Chair O'Rourke confirmed no public was waiting to comment on the application.

No correspondence or objections to the applications were received at the public meeting and the application was approved as requested

DECISION OF CONSENT (File B-2021-13):

Erika Loughheed – Frank Corbeil – Al Herauf – John O'Rourke – Bill Boake – 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 21st day of April, 2021.

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



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- 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 one year 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

7. CORRESPONDENCE: None for this session

8. IN-CAMERA: None for this session



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9. ADJOURNMENT:

Resolution No. 2021-09
Al Herauf – Bill Boake

That the Committee of Adjustment meeting adjourn at 8:20 p.m.

CARRIED

Chair, John O'Rourke

Greg Kirton, Manager of Planning