



**COMMITTEE OF ADJUSTMENT
Wednesday, August 18th, 2021**

The regular Meeting of the Municipality of East Ferris Committee of Adjustment was held on Wednesday, August 18th, 2021 at 7:00 p.m. via Zoom.

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

EXCUSED ABSENT: Al Herauf

ALSO IN ATTENDANCE: Robert Cloutier, Donna Carriere, Noah Perron from Miller & Urso Surveying, and Sonya Lavigne

1. ADOPTION OF AGENDA:

Resolution No. 2021-20
Bill Boake – Terry Kelly

THAT the draft agenda presented to the Committee and dated the 18th day of August, 2021 be hereby adopted as circulated.

CARRIED

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

Resolution No. 2021-21
John Symons – Erika Lougheed

THAT the Minutes of the Committee of Adjustment Meeting of July 21st, 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) B-2021-28
Marc and Donna Carriere – 120 Eglington Road North**

A public meeting was held on an application submitted by Marc and Donna Carriere requesting permission from the Committee to create one new lot for residential purposes.

Robert Cloutier spoke to the application. Just over two acres will be severed from the subject property. The retained portion wraps around the severed piece.

The MTO and Hydro One had no objections to the application. The North Bay Mattawa Conservation Authority noted mandatory septic inspections will be necessary, but had no concerns with a new septic system being installed. Mr. Kirton's report had no objections, and the application was approved by the Committee.

No public comments were received at the hearing.

DECISION OF CONSENT (File B-2021-28):

Bill Boake – Frank Corbeil – Terry Kelly – Erika Lougheed – John O'Rourke – 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 18th day of August, 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;



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- 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

No public input was received at the public meeting.

**b) B-2021-29
Andre Devost on behalf of Victor Devost – 155 Highway 94**

Mr. Kirton advised there is a request from the MTO to defer this application for one month. The MTO may have concerns with the entrance on the highway. The applicant agreed to defer.

Resolution No. 2021-22
Frank Corbeil – Bill Boake

THAT the Public Hearing for File No. B-2021-29 (Andre Devost on behalf of Victor Devost – 155 Highway 94) be deferred to a future meeting in order for concerns about access to be addressed.

CARRIED



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**c) B-2021-30 & B-2021-33
Miller and Urso Surveying on behalf of Raymond and Karen Sabourin – 59 Guillemette Road**

A public meeting was held on applications submitted by Miller and Urso Surveying on behalf of Raymond and Karen Sabourin requesting permission from the Committee to create four new lots for residential purposes.

Mr. Perron spoke to the applications. These applications are a continuation of the zoning by-law amendment at the previous meetings. The four lots will range in size from 1.14 to 1.78 hectares. The retained portion will be approximately 6.0 hectares. Three of the lots have 70 meters of site line, while one lot has 30 meters. All minimum requirements of the zoning by-law are being met.

Councillor Kelly mention the concerns from residents about watershed and asked if the NBMCA had addressed this. Mr. Kirton advised they had recommended an Environmental Impact Assessment be completed. The planning report did not recommend this based on the policies found in the Official Plan.

The MTO and Hydro One had no objection to the applications. Other correspondence received included an objection petition submitted by Sonya Lavigne and a presentation from Mike and Sarah Whittle outlining environmental and safety concerns.

Mr. Kirton advised he has no issue with the size and layout of the proposed lots, but he is not comfortable recommending the applications be approved until the Municipal Engineer can review the proposed driveway locations.

Public Comments

Sonya Lavigne addressed the Committee. Concerns were raised about the amount of development already happening in the area, loss of enjoyment, lack of shoulders on Guillemette Road, traffic increases, watertable, and worsening services, including internet.

Councillor Kelly advised the request for a shoulder on Guillemette Road will be brought to the next Public Works Committee meeting and that he will be requesting a full engineering report. There are other environmental concerns as well, not just the lake.

Mr. Kirton advised that a hydrogeological study from nearby from a few years ago came back stating there is sufficient water on a nearby property; however, no site specific review has been done for this property. Further, the application doesn't meet the threshold for requiring such a study and did not recommend one be completed based on provincial guidelines. The



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Committee directed the applicant to do a hydrogeological study anyways, although not specifically required for this many lots under provincial or municipal guidelines.

Resolution No. 2021-23

Erika Lougheed – Frank Corbeil

THAT the Public Hearing for File No. B-2021-30 through B-2021-33 (Miller and Urso Surveying on behalf of Raymond and Karen Sabourin – 59 Guillemette Road) be deferred to a future meeting in order for the following to be completed:

- Environmental Impact Assessment
- Hydrogeological Study
- Municipal Engineers review of driveway locations

CARRIED

**d) B-2021-34 & A-2021-08
Miller and Urso Surveying on behalf of 1614265 Ontario Limited – 55 Dyment Road**

A public meeting was held on an application submitted by Miller and Urso Surveying on behalf of 1614265 Ontario Limited. Mr. Perron spoke to the application. There are currently two portions which are the larger, mostly forested, rear portion and the front portion which holds a single-family dwelling. The lots were inadvertently merged when the owner purchased the front portion. The owners are seeking to re-establish the lot as it existed before the properties were merged. An additional 11 meters of depth would be added to the front portion to ensure the well and shed are on the property. No other lots are being proposed and no new buildable lot would be created. The Minor Variance is required to address the deficiency in lot area. The lot would be 0.37 hectares while 0.60 hectares of lot area is required.

The MTO and Hydro One had no objections to the applications. The NBMCA had no concerns regarding septic.

Mr. Kirton advised that a new lot of this size would be too small but given the historical context and the fact that there will be no physical change to the property, he recommends the applications be approved.

Chair O'Rourke noted that the larger piece will be landlocked if the applications are approved and was concerned about setting a precedence. Mr. Kirton advised this would not be precedence setting as the conditions are unique in this case.

No public comments were received at the public meeting and the applications were approved.



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DECISION OF CONSENT (File B-2021-34) :

Bill Boake – Frank Corbeil – Terry Kelly – Erika Lougheed – John O'Rourke – 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 18th day of August, 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;
- 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 Minor Variance Application A-2021-08 be approved.



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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

DECISION OF MINOR VARIANCE (File A-2021-08) :

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

CONCUR in the following decision and reasons for decision on the 18th day of August, 2021.

DECISION: That the requested variance to recognize the previously existing deficiency 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.

PUBLIC INFORMATION:

That 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 is minor in nature. No public input was received at the public meeting.

7. IN-CAMERA: None for this session



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8. CORRESPONDENCE

Mr. Kirton advised the Committee that an appeal has been received and submitted to the Ontario Land Tribunal for the Committee's refusal of Minor Variance Application A-2021-05. Mr. Kirton will share the time and location of the hearing when available, but advised it would not be appropriate for Committee members to speak. Mr. Kirton will not be involved in the administrative aspects of the appeal as his recommendation was to approve the application.

9. ADJOURNMENT:

Resolution No. 2021-24
Frank Corbeil – Terry Kelly

That the Committee of Adjustment meeting adjourn at 8:03 p.m.

CARRIED

Chair, John O'Rourke

Greg Kirton, Manager of Planning